NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

January 9, 2024
6:30 PM

VIRTUAL ZOOM WEBINAR MEETING &**
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

REVISED AGENDA II

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°24-001: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 13 (“STORMWATER MAINTENANCE DISTRICTS”) REGARDING STORMWATER MAINTENANCE AND VILLAGE OF FOX MEADOW Introduced by: Mr. Tackett

°24-002: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS FOR THE CLASS SPECIFICATION OF DEPUTY SHERIFF FOR THE SHERIFF’S OFFICE Introduced by: Ms. Hartley-Nagle

°24-003: AMEND THE GRANTS BUDGET: REALIGN $230,376.17 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2023, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Mr. Street

°24-004: AMEND THE GRANTS BUDGET: APPROPRIATE $73,500.00 FROM THE DELAWARE COMMUNITY FOUNDATION TO THE SPECIAL EVENTS FUND GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

°24-005: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $450,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PASSED THROUGH FROM THE CITY OF WILMINGTON FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT TO THE LEAD BASED PAINT HAZARD

REDUCTION - CITY OF WILMINGTON GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

°24-006: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE $200,000 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL YEAR 2024 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC SAFETY, PUBLIC SAFETY EQUIPMENT CAPITAL PROJECT Introduced by: Mr. Bell, Ms. Hartley-Nagle

E. Reports from Select and Special Committees

F. Consent Calendar

R24-001: CONGRATULATING AND COMMENDING MAJOR JOHN TREADWELL ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-002: CONGRATULATING AND COMMENDING MASTER CORPORAL ERIC BIEHL ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-003: CONGRATULATING AND COMMENDING MASTER CORPORAL KAREN CAMP ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-004: CONGRATULATING AND COMMENDING MASTER CORPORAL KEITH GAUTIER ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-005: CONGRATULATING AND COMMENDING MASTER CORPORAL MICHAEL SANTOS ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-006: CONGRATULATING AND COMMENDING MASTER CORPORAL WAYNE BLOMQUIST ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by:

R24-007: CONGRATULATING AND COMMENDING SENIOR CORPORAL ROOSEVELT LOCKETT ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-008: CONGRATULATING AND COMMENDING SENIOR SERGEANT JENNIFER BUNORA ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

R24-009: CONGRATULATING AND COMMENDING SENIOR SERGEANT JOHN PIERSON ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

G. Presentations

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R24-010: CONSENTING TO THE APPOINTMENT OF HELEN FOSTER FOR THE POSITION OF SMALL BUSINESS ENTERPRISE (SBE) PROGRAM COORDINATOR FOR NEW CASTLE COUNTY Introduced by: Mr. Toole, Ms. George

R24-011: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH THE COMMUNITY EDUCATION BUILDING CORPORATION TO MITIGATE FINANCIAL HARDSHIP DURING THE COVID-19 PANDEMIC FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE IN THE AMOUNT OF $200,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R24-012: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH EASTER SEALS OF DELAWARE AND MARYLAND'S EASTERN SHORE, INC. TO ASSIST WITH FACILITY IMPROVEMENTS TO PREVENT THE RISK OF VIRUSES SPREADING IN PUBLIC SPACES FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE IN THE AMOUNT OF $100,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R24-013: AUTHORIZING THE EXECUTION OF ONE CONTRACT AGREEMENT WITH GOOD NEIGHBORS, INC. TO ASSIST IN THE STABILIZATION OF AGING HOMES FOR LOW-INCOME HOUSEHOLDS IN NEW CASTLE COUNTY FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF $150,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R24-014: APPROVING THE REFUND OF A DUPLICATE TAX PAYMENT ON TAX PARCEL NUMBER 06-052.000-75 Introduced by: Mr. Smiley, Mr. Cartier

R24-015: CONGRATULATING THE OFFICE OF FINANCE FOR EARNING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR NEW CASTLE COUNTY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FORTY-TWO CONSECUTIVE YEARS Introduced by: Mr. Smiley, Mr. Cartier

R24-016: TO AMEND THE MAINTENANCE DECLARATION FOR WHISPERING WOODS BY AN AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS OF WHISPERING WOODS; APPLICATION NO. 2023-0413; COUNCIL DISTRICT 6 Introduced by: Mr. Carter

R23-220: (STATUS: TABLED) PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6 Introduced by: Mr. Carter

I. Consideration of Ordinances

°23-165: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS WITH 100 WATT LIGHT EMITTING DIODE (LED) BULBS IN THE BRIGHTON HAMLET SUBDIVISION LOCATED IN THE ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Carter

°23-166: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE REGISTER OF WILLS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF $250,000 TO THE DEPARTMENT OF ADMINISTRATION, REGISTER OF WILLS SYSTEM CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°23-167: AMEND THE GRANTS BUDGET: APPROPRIATE $50,268.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF – LESS LETHAL LAUNCHER PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-084: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 25 (“DESIGN”) REGARDING HAMLET AND VILLAGE DESIGN AND LOCATION Introduced by: Mr. Tackett, Ms. Kilpatrick

SUBSTITUTE NO. 1 TO °23-095: AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 (THE “UNIFIED DEVELOPMENT CODE”) TO ESTABLISH A PROTECTED OPEN SPACE ZONING DISTRICT Introduced by: Mr. Carter, Ms. Durham, Mr. Toole, Mr. Cartier

SUBSTITUTE NO. 1 TO °23-104: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 26 (“MODIFICATION OF STANDARDS”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”), AND APPENDIX 7 (“GUIDING PRINCIPLES FOR DEVELOPMENT”), REGARDING DEVELOPMENT, REDEVELOPMENT, LARGE INDUSTRIAL STRUCTURES AND HEAVY RETAIL AND SERVICE USES, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN Introduced by: Mr. Tackett, Ms. Kilpatrick

°23-161: (STATUS: TABLED) TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS AND THE OPTIONAL WADSWORTH 12’ POLE IN THE DELAWARE NATIONAL SUBDIVISION LOCATED IN THE CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Ms. Durham

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-017: RECOGNIZING JANUARY AS NATIONAL BLOOD DONOR MONTH Introduced by: Ms. Hartley-Nagle

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

REVISED AGENDA II POSTED: January 5, 2024
REVISED AGENDA POSTED: January 3, 2024
AGENDA POSTED: January 2, 2024

*The revised agenda II was posted less than seven (7) days in advance of the meeting to include R24-005, which was incorrectly titled when entered into the agenda management system. The correct resolution was attached, but the title was a repeat of R24-004.

The revised agenda was posted less than seven (7) days in advance of the meeting to include two items, R23-220 and O23-161, which were inadvertently left off the original posting, but were legally noticed and, due to Code requirements with respect to R23-220, must be added to this meeting.

The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing ZOOM Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor: Mr. Tackett
Requested by: Public Works Department
Date of introduction: January 9, 2024

ORDINANCE NO. 24-001

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 13 ("STORMWATER MAINTENANCE DISTRICTS") REGARDING STORMWATER MAINTENANCE AND VILLAGE OF FOX MEADOW

WHEREAS, stormwater is an important water resource which supports, among other things, groundwater recharge for drinking water supplies and base-flow of streams; and

WHEREAS, the requirements of the United States Environmental Protection Agency and the Delaware Department of Natural Resources and Environmental Control demand a comprehensive approach to stormwater management by New Castle County; and

WHEREAS, the federal regulations and Delaware state regulations require the County to implement and fund a program of stormwater controls that address discharges from the County's regulated stormwater flows to local water bodies; and

WHEREAS, inadequate management of stormwater runoff throughout a watershed can increase flood depths and velocities, contribute to erosion and sediment, overtax the carrying capacity of existing streams and storm sewers, greatly increase the cost of public facilities to convey and manage stormwater, undermine floodplain management and flood reduction efforts in upstream and downstream communities, reduce groundwater recharge, and impact other related water resource needs and threaten public health and safety; and

WHEREAS, in order to establish, operate, enhance, and maintain an effective and efficient stormwater management, ensure the continued effective operation of the system through installation and best management practices, and to provide other services such as appropriate inspections, asset management, and regulatory oversight associated with stormwater and watershed management, sufficient and stable funding is required to fund these public services; and

WHEREAS, given the above, New Castle County Council determined it to be in the best interests of the County and its residents to create stormwater maintenance districts to accomplish the above and, thereby, promote more attractive, safer, and healthier neighborhoods; and

WHEREAS, County Council recently enacted *New Castle County Code* Chapter 13, Sections 13.01.001 – 13.01.007 (by means of Ordinance No. 21-144), creating stormwater maintenance districts to provide an alternative to and assist property owners who are responsible for performing maintenance of stormwater management facilities within residential and mixed-use subdivisions, and to relieve property owners of the burden of the actual maintenance; and

WHEREAS, Chapter 13 provides that a maintenance organization responsible for a stormwater management facility within a subdivision established prior to enactment thereof may petition to establish a stormwater maintenance district ("SWD"), using forms established by the Public Works Department (the "Department"); moreover, the Department is authorized to determine whether a SWD should be established based on a maintenance organization's compliance with *New Castle County Code* Chapter 12, Article 6 ("Stormwater Management Facility, Watercourse, and Drainage System Maintenance"); and

WHEREAS, the stormwater management facility in Village of Fox Meadow falls under the County's jurisdiction, and is, in the opinion of County government, necessary for efficient and economical stormwater management; and

WHEREAS, by way of background, the Village of Fox Meadow maintenance organization timely petitioned the Department in 2023 for creation of a SWD; the petition (attached hereto) reflects the affirmative vote for inclusion in the SWD program by the Village of Fox Meadow community; and

WHEREAS, the petition includes, among other things, the requisite description of the area incorporated in the proposed SWD, a list of the community members and mailing addresses, applicable parcel numbers, signatures of the community members by parcel, and the individual votes, either yes or no, by community members; and

WHEREAS, the Department supports the petition, which awaits the approval of County Council; and

WHEREAS, if County Council enacts this ordinance, the SWD program will be approved for the Village of Fox Meadow community; subsequent to any approval by County Council, all relevant information evidencing the establishment of the SWD will be recorded with the Office of the Recorder of Deeds; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including, but not limited to, promoting the public health, safety, welfare, and quality of life of the present and future inhabitants of New Castle County, generally, and the Village of Fox Meadow community, in particular.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 13 ("Stormwater Maintenance Districts") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

…

Sec. 13.01.008. Stormwater maintenance districts - approved.

A. Following are the Stormwater Maintenance Districts approved by County Council:

1. Whispering Woods…

5. Village of Fox Meadow.

Section 2. This Ordinance shall become effective upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: By way of this Ordinance, New Castle County Council approves a Stormwater Maintenance District in the Village of Fox Meadow community.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Stephanie Johnson		373 Pierce Run Newark, DE 19702	(610) 283-0890	Yes	Stephanie S. Johnson

APPLICATION NO. 2003-0264(S)

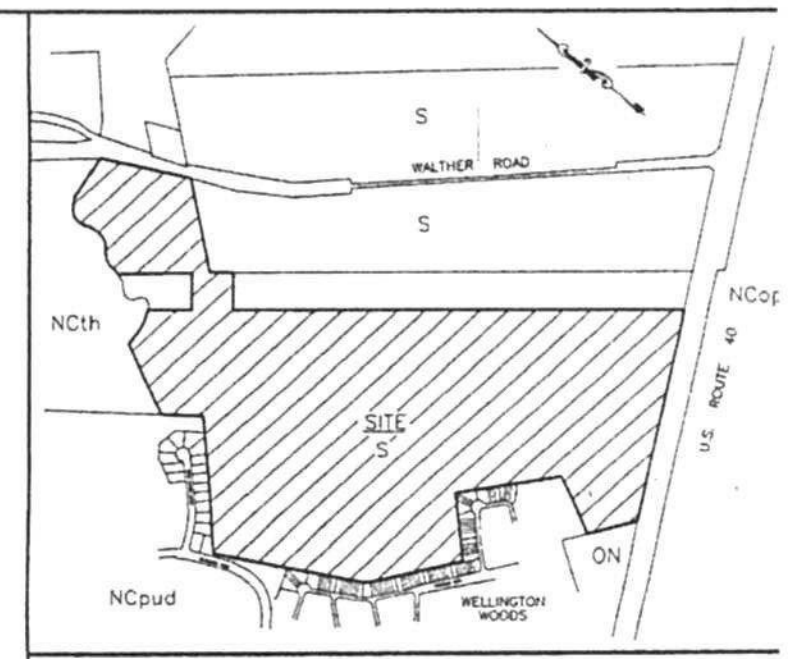
RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

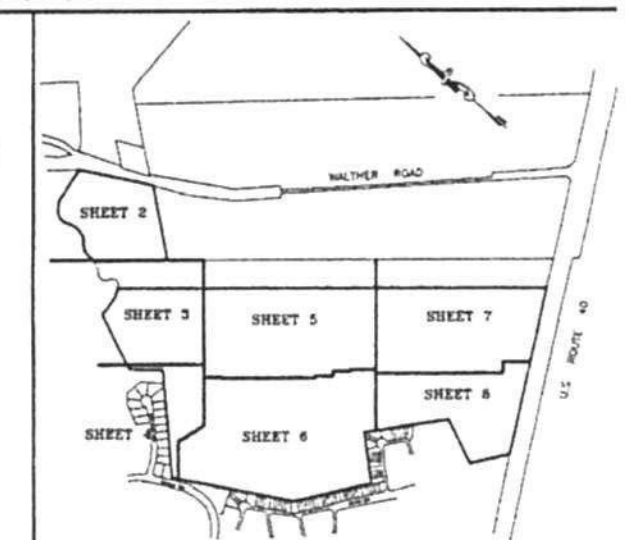
NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702



LOCATION MAP ZONING MAP NO. 58 1"=800'



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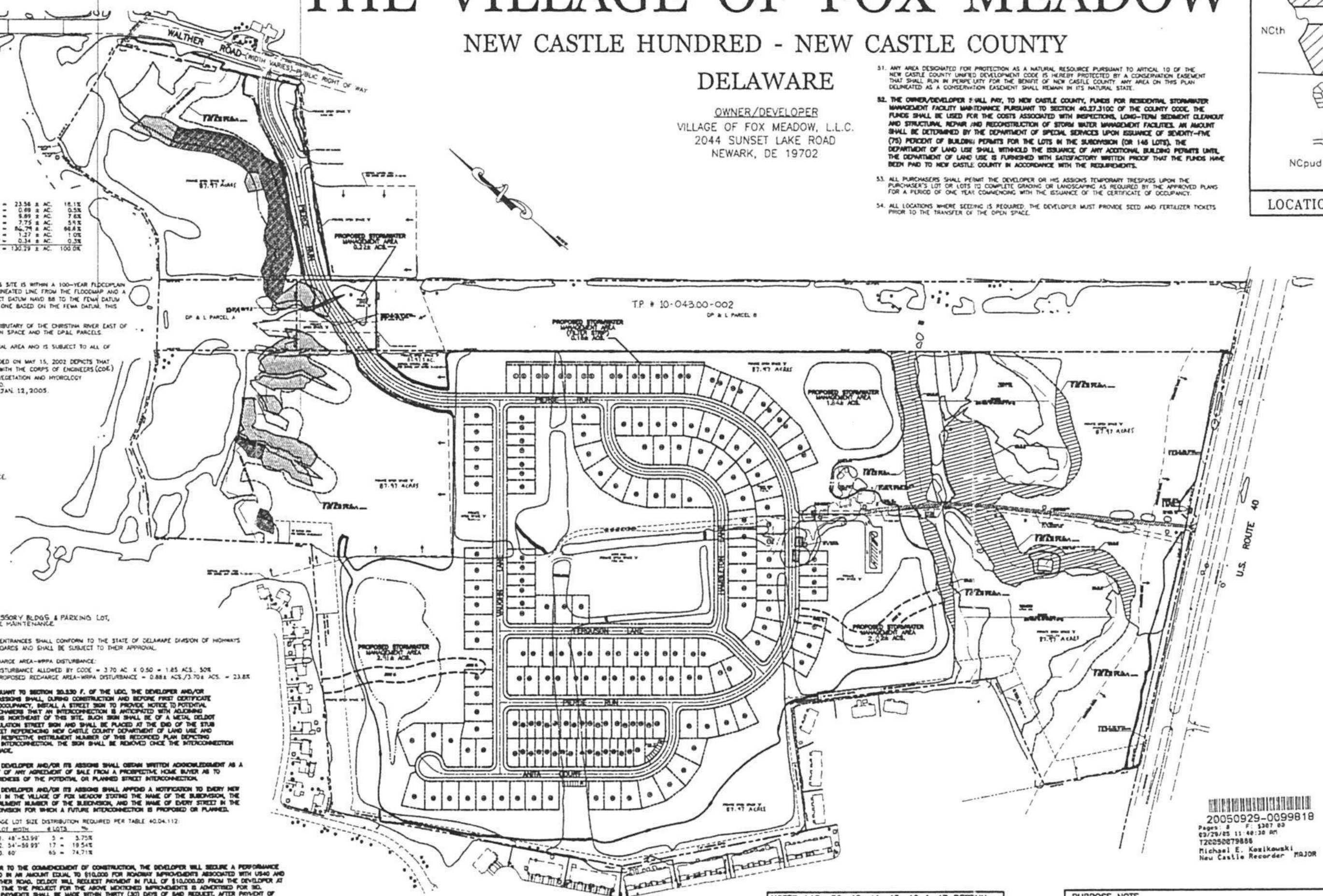

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:

27. OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 6,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CM4) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CM4) = 2.25± ACS./22.96±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

33. BULK AREA RESTRICTIONS
OPEN SPACE PLANNED

	MIN. REQUIREMENTS	
	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	38'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC/ 1.33± AC = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 20.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	3 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — 3/8/05 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, ________, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE BY GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED 9/27/05 DATE BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski MAJOR
New Castle Recorder

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2 / FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
John & Deborah Pierson	1003840128	327 Pierce Run Newark, DE 19702	302-312-5366	YES	John K. Pierson Deborah Pierson

JKP
DAP

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & G79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: P.K. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	87	44.8%
B. WEAK-LINK TOWNHOUSES	41	21.1%
C. TOWNHOUSES	34	17.6%
D. TWINS	32	16.5%
TOTAL	194	100%

11. SUBDIVISION LAND USE:

LOT AREA	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	0.34 ± AC.	0.3%
TOTAL	130.29 ± AC.	100.0%

   REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
   PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-11-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050311-0022174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 6,288± LF
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± LF
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CMA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CMA) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS
    OPEN SPACE PLANNED

MIN. REQUIREMENTS	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG	12'
SIDE YARD	0',18' @ END UNIT	6'
REAR YARD	20	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	30	15'/20' TO PKG
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	38 (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC X 0.50 = 1.85 ACS, 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS/3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5	5.75%
2. 54'-59.99'	17	19.54%
3. 60'	65	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.511 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $506.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF NO MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($506.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

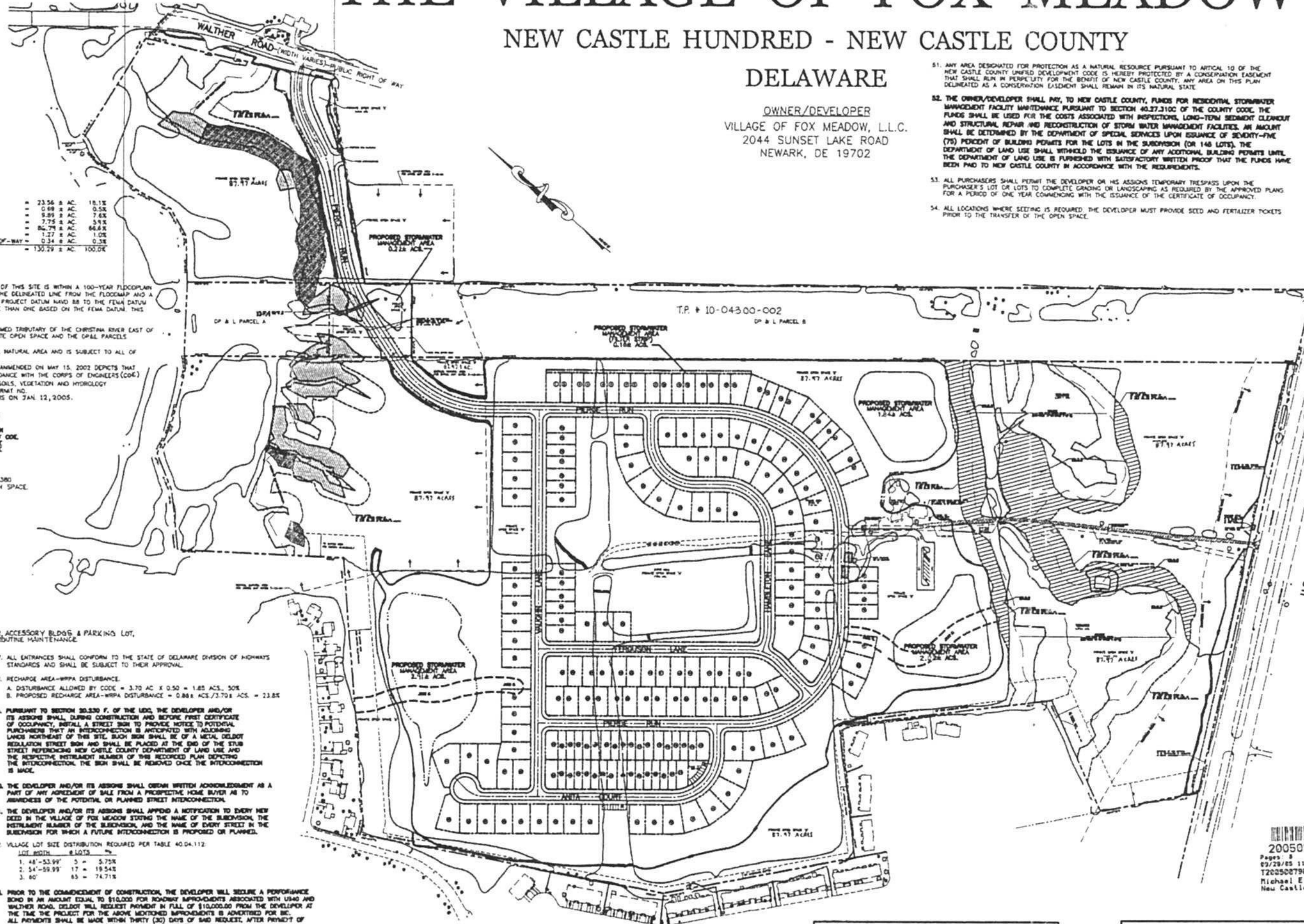
THE VILLAGE OF FOX MEADOW

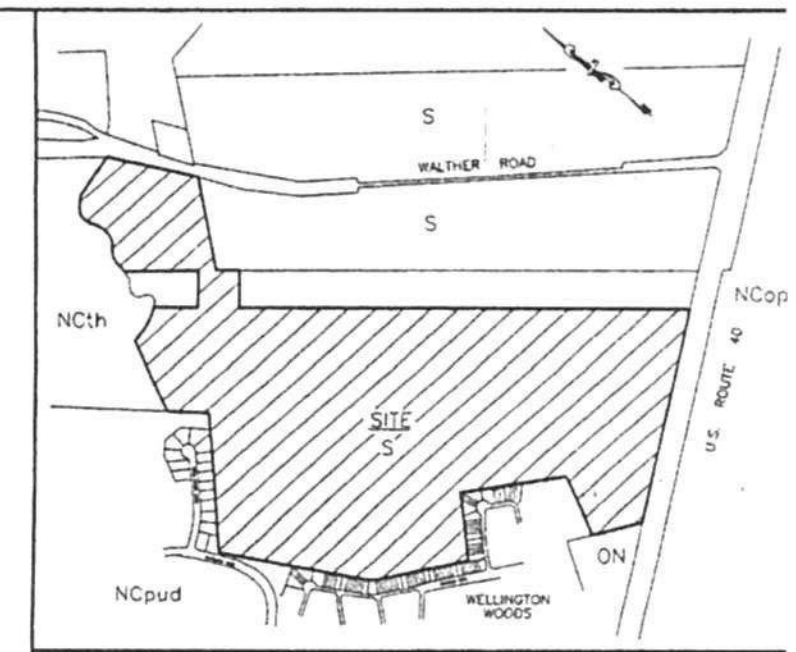
NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

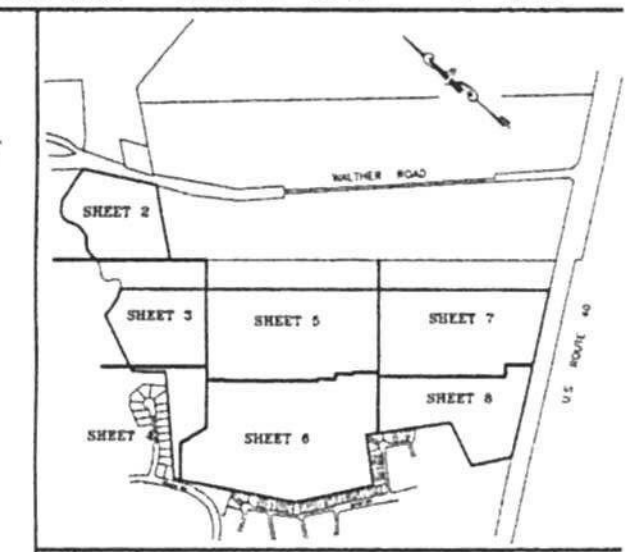
OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- ○ 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- ◇ 2,800 S.F. LOT (TOWNHOUSE) [34]
- □ 5,000 S.F. LOT (TWIN) [32]
- ○ 6,000 S.F. LOT (VILLAGE) [87]
- — LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David E. McTic, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
FRANK ALLEN + CLAUDIA ALLEN	836?	40 Vaughn Lane Newark, De. 19702	302-365-6355	YES	Claudia Allen

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & 0179-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 39W AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODWAY AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.4 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MINOR DELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLAND FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN THAT WAS APPROVED BY THE COE. THE WETLANDS MITIGATION PLAN SHALL BE IMPLEMENTED AS APPROVED BY THE COE. THE WETLAND MITIGATION SHALL BE COMPLETED PRIOR TO OR CONCURRENT WITH THE FILLING TO BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE.
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0031179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' ONLY IF INSTALLED ALONE OR 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, WHICHEVER IS GREATER, SHALL BE CENTERED ON EACH SANITARY SEWER AND STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THE EASEMENT SHALL BE 20' WIDE, 10' FROM EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE AND SURETY THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, EITHERMAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,388 L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 5584 L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE SUBDIVISION AND SHOWN ON THE PLAN FOR PUBLIC USE ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (CNA) = 2.25± ACS./22.98 ACS. = 9.8%
2. 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	20'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS.
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.5%

35. USABLE OPEN SPACE.
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL ALONG CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, ERECT A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT, IN ACCORDANCE WITH SECTION 30.330 B, 3 APPROVED SITE SQUARING LANDS NORTHWEST OF THIS SITE, SUCH SIGN SHALL BE OF A METAL, DESIGN REGULATORY SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE EXISTING INTERCONNECTION OF THE STREETS. REQUIRED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTIONS.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 ±	5.7%
2. 54'-59.99'	17 ±	10.5%
3. 60'	60 ±	74.1%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&O AND BUILDING PERMIT. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. THE DEVELOPER SHALL NOT BE ENTITLED TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL). THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.18 (BASED ON 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC's.	79.49±AC's.	0.06±AC's.	0.14±AC's.	0.32±AC's.	87.50±AC's.
STORMWATER MANAGEMENT AREA	-	7.78±AC's.	-	-	-	7.78±AC's.
PAVED AREA:	-	0.43±AC's.	0.03±AC's.	-	-	0.46±AC's.
BUILDING AREA:	-	0.08±AC's.	-	-	-	0.08±AC's.
TOTAL:	7.29±AC's.	87.97±AC's.	0.09±AC's.	0.14±AC's.	0.32±AC's.	95.81±AC's.

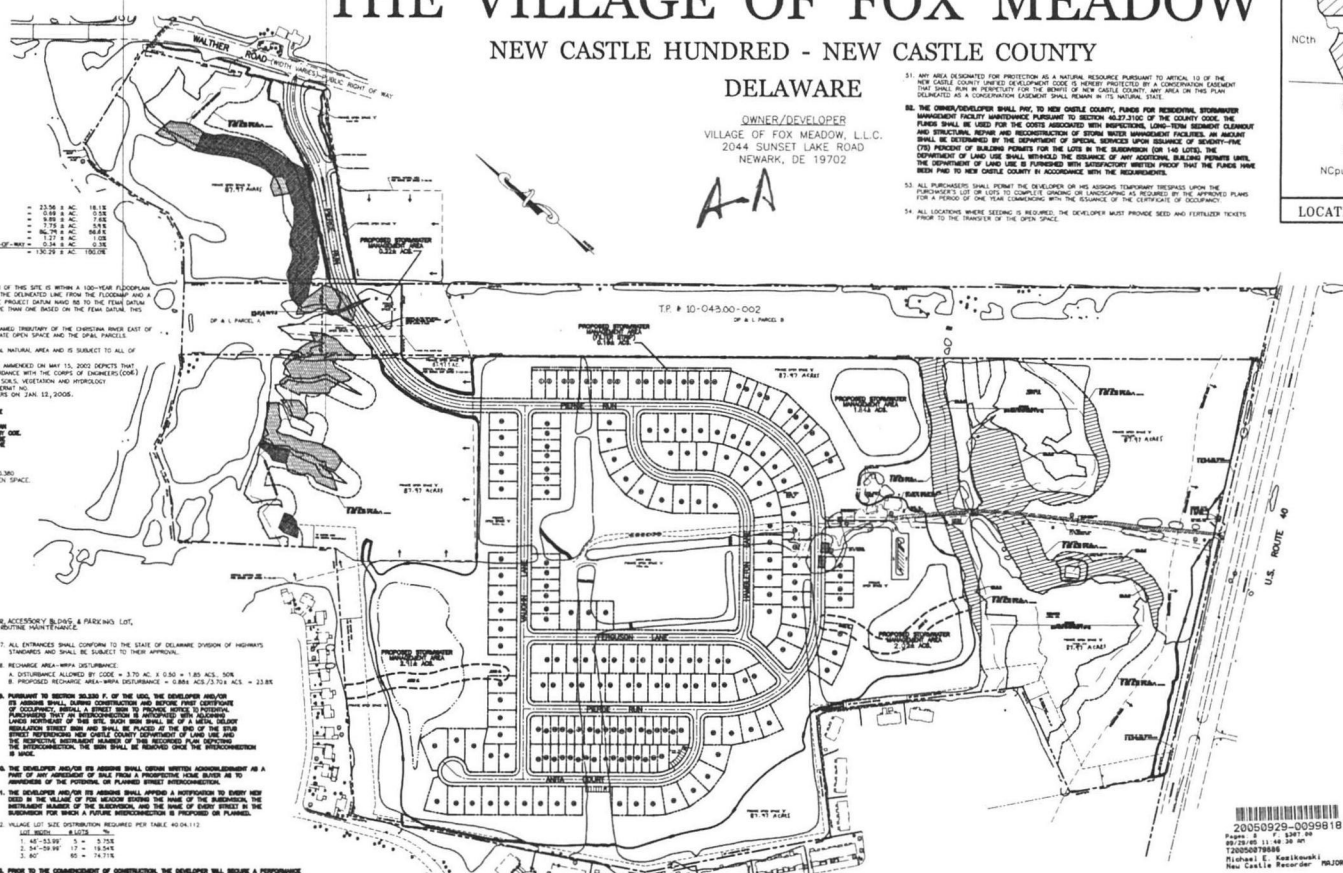
TOTAL OPEN SPACE AREA OF 95.81±AC's. = 73.5% OF TOTAL SITE AREA OF 130.29±AC's.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS, TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD (WIDTH VARIES) PUBLIC RIGHT OF WAY
U.S. ROUTE 40
T.P. # 10-043.00-002
PIERCE RUN
FERGUSON LANE
TANGLEVINE LANE
BRADDOCK LANE
ARETA COURT
PROPOSED RETENTION POND #1 3.16± AC.
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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Julius + Joan Allen		23 Vaughn La	(302) 740-3539	Yes	Julius Allen

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040808-0050393 & D.B.79-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK, PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS CONTRACTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THE DEVELOPMENT KNOWN AS PART OF THIS PROPERTY. THE DEVELOPER IS RESPONSIBLE FOR FINAL DESIGN AND CONSTRUCTION OF EXTENDING SEWER SERVICES TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS + 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. = 0.10 GAL/S.F. = 53,597 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	= 7.39 ± AC.	5.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 82.79 ± AC.	64.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED FLOOD BOUNDARY AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 83 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE ELEVATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DAWSON 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    A. 9.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    B. UNDER THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION AS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS SHOWN ON SHEET 2 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DAWSON 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURNED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EXISTING HISTORIC BARN, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE STORM SEWER OR SANITARY SEWER PIPE, SHALL BE GRANTED WHEREVER SUCH PIPE IS LOCATED OUTSIDE OF THE STREET RIGHT-OF-WAY. WHERE THE STORM SEWER IS DESIGNATED FOR PUBLIC MAINTENANCE AND IS OUTSIDE OF STREETS, BUT WITHIN AREAS OF COMMON OPEN SPACE THAT ARE INSTALLED IN INTENSELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 7.6 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN PUBLIC STREET PROPERTY LINES FOR TOWNHOUSES IS HEREBY ESTABLISHED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED DURING CONSTRUCTION, AN EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 5558 L.F.
    VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY: 5558 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CNA) = 15%
    2. YOUNG = 80%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CNA) = 2.25± ACS./23.95±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	REAR-LINK TOWNHOUSES TWIN	VILLAGE
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' @ 8'	0' @ 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	15'	10'

34. DRAINAGEWAYS
    A. DISTURBANCE ALLOWED BY CODE 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE 0.28± AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BASEMENT AND FULL BASEMENT ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, PLACE A PERMANENT MARKER ON SHEET 2 OF 8 AND MUST BE FURTHERMORE THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCED ON NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERLEAVED NUMBER OF THIS RECORDED PLAN DEPICTING THIS INTERCONNECTION. THE SIGN SHALL NOT BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIX A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTALLATION & NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

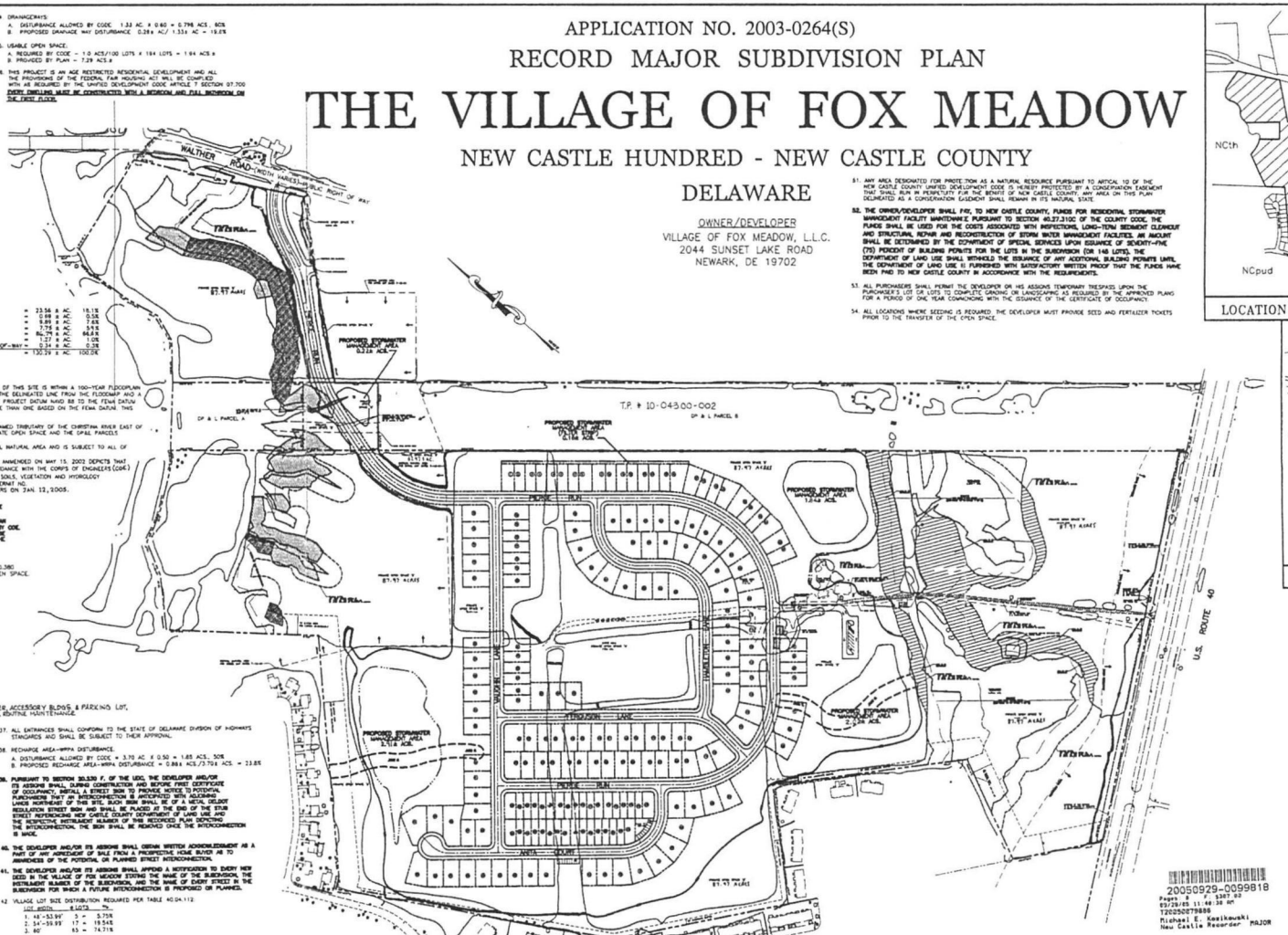
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

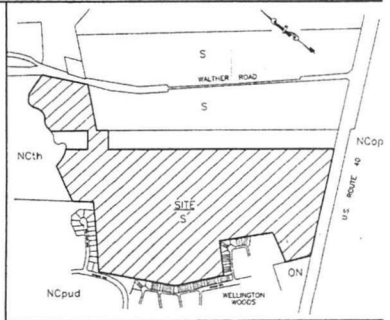
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF THE 146 LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.1 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.39±ACS.	75.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA:	–	7.39±ACS.	–	–	–	7.39±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.39±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

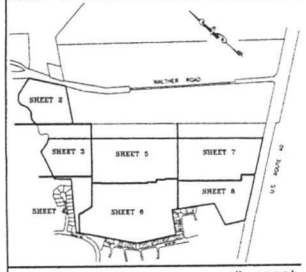
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING ON LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SOD AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8 of 8 2007.02
09/29/05 11:46:38 AM
120250079888
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/19/05 BY [signature] DATE — PLANNING MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/19/05 BY [signature] DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9660

0 100 200 400 GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	DOWN NO: C 853-2	FILE NO: 039	SHEET NO: 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JOSEPH/KATHERINE ANTONELLI	1004310894	420 PIERCE RUN	302-738-1540	YES	Joseph A Antonelli Kat Ca

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0479-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	87	44.8%
B. WEAK-LINK TOWNHOUSES	41	21.1%
C. TOWNHOUSES	34	17.5%
D. TWINS	32	16.5%
TOTAL	194	100%

11. SUBDIVISION LAND USE:

LOT AREA	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	0.34 ± AC.	0.3%
TOTAL	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-11-92 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE. WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 555± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CN4) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CN4) - 2.25± ACS./22.96±ACS. - 9.8%
    2. YOUNG - 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS OPEN SPACE PLANNED

MIN. REQUIREMENTS	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',18' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 20.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

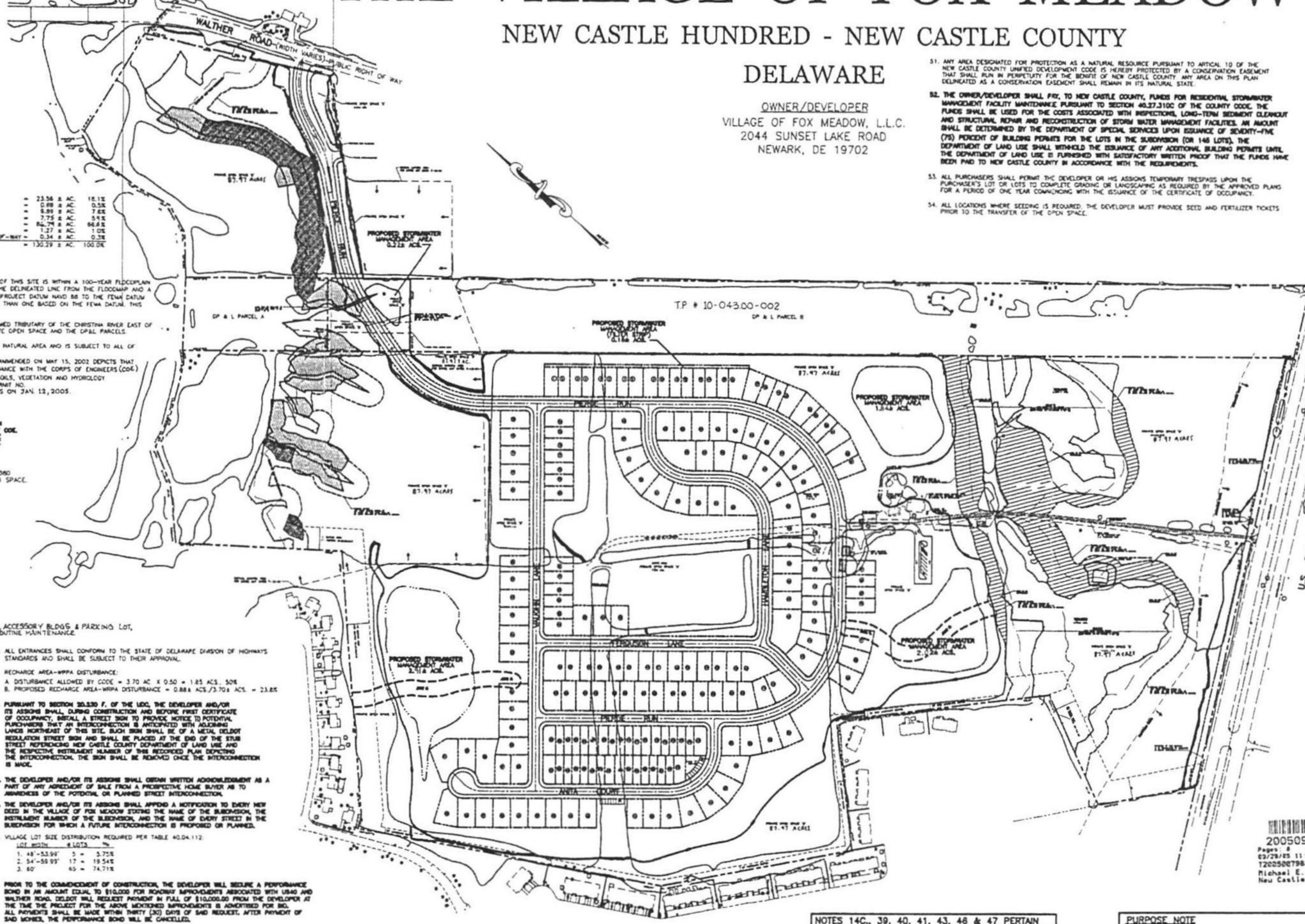
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5	5.75%
2. 54'-59.99'	17	19.54%
3. 60'	65	74.71%

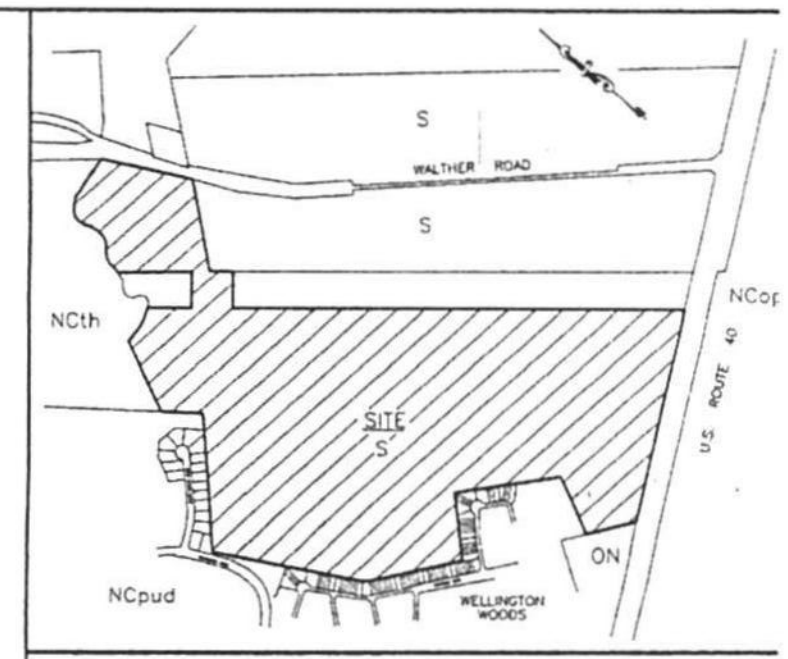
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

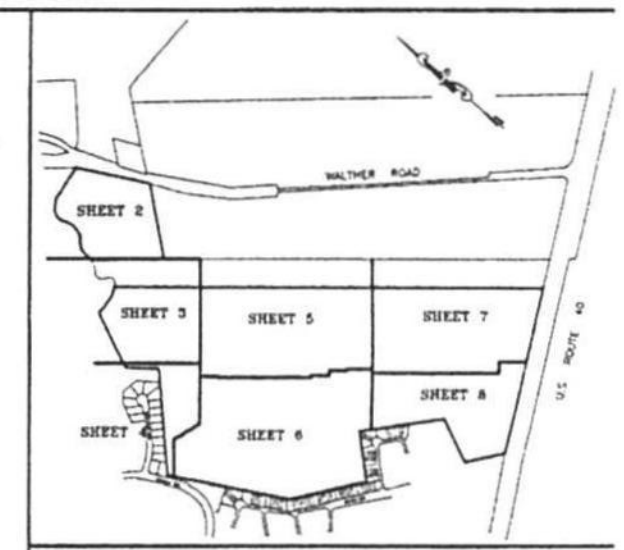
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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09/29/05 11:40:30 AM
T20050079888
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David R. McFie, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #588 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 ○ FAX: (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

JKM
KBA

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joyce & Apgar	7	42 Vaughn Lane	732.5[illegible]3193	YES	Joyce Apgar

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER 10-043.00-002, 10-043.00-003

SOURCE OF TITLE INSTRUMENT NO. 20040506-0050363 & D.79-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 66.24

WATER: ARTESIAN WATER COMPANY

WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY

SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AND THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
TO SERVE THIS ADDITIONAL DEVELOPMENT, NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 89 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 447G S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.8%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

L. SUBDIVISION LAND USE

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A FLOODPLAIN LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MONDELIMEAT/D FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED ANALYZING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401331-1 (NAP12, NAP14) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

C. ABIDING THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, DATED SEPTEMBER 2004 AND APPROVED BY COE. THE MITIGATION IS LOCATED ADJACENT TO THE CHRISTINA RIVER EAST OF THE SITE AND WILL BE COMPLETED TO SATISFACTION ACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.8

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0029119 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHEN A SANITARY SEWER OR STORM DRAIN IS LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR OUTSIDE THE DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE TO THE CENTERLINE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTY REQUIRED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0131878.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION, AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED, THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 8,288± L.F.
VARIABLE WIDTH (51' TO 137') RIGHT-OF-WAY= 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE DEVELOPMENT AND DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. 0% (NONE ON SITE)

BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
	MIN. REQUIREMENTS	
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0',18' @ END UNIT	8'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.) MAX. (MAX.)	4,800, 5,400, & 6,000 SF 36' (MAX.)
BUILDING HEIGHT	18' (MIN.)	48', 54', & 60'
LOT WIDTH	18'	
BUILDING SPACING	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 6'	0',6' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF MIN. (MAX.)	3,600 SF AC (MAX.)
BUILDING HEIGHT	36' (MAX.)	36' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.80 = 0.798 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE – 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.80 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL FOLLOWING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERSECTION IS ANTICIPATED TO BECOME SIGNALIZED LANES NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOOR REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE POSITIVE INTERCONNECTION CLAUSE OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO ANTICIPATED, BUT POTENTIAL, ON FUTURE INTERCONNECTIONS.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW EXISTING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'–53.99'	5 =	5.75%
2. 54'–59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&AD AND WILDHED ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $54,775.38 (DOUBLE X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

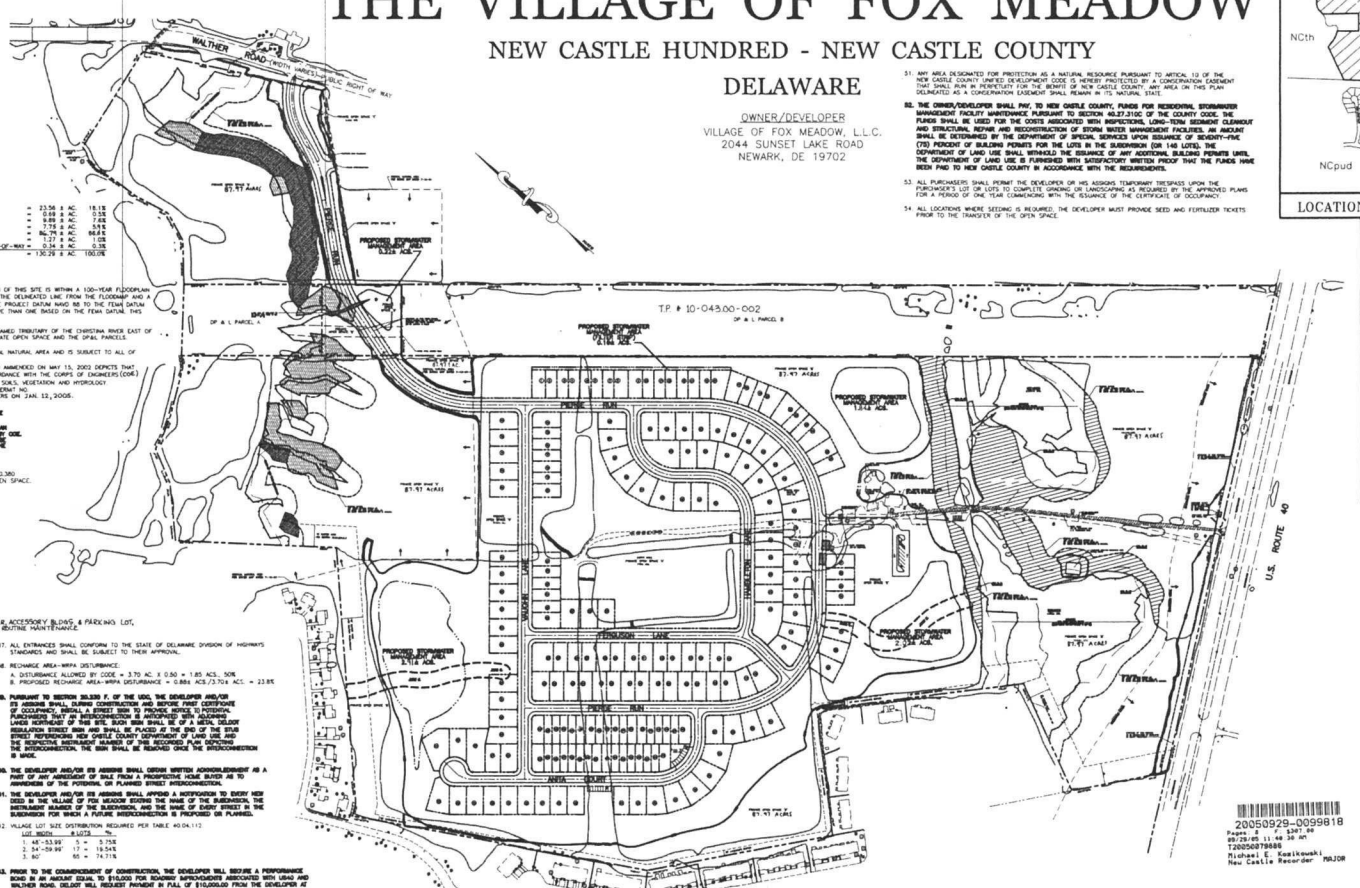
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SMITH LANDING ROAD (PUBLIC RIGHT-OF-WAY)
T.P. # 10-043.00-002
DP & L PARCEL 'A'
DP & L PARCEL 'B'
PROPOSED RETENTION WATER AREA #1 2.16± ACS.
PROPOSED RETENTION WATER AREA #2 1.21± ACS.
PROPOSED RETENTION WATER AREA #3 2.33± ACS.
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PROPOSED RETENTION WATER AREA #137 3.22± ACS.
PROPOSED RETENTION WATER AREA #138 2.93± ACS.
PROPOSED RETENTION WATER AREA #139 3.22± ACS.
PROPOSED RETENTION WATER AREA #140 2.93± ACS.
PROPOSED RETENTION WATER AREA #141 3.22± ACS.
PROPOSED RETENTION WATER AREA #142 2.93± ACS.
PROPOSED RETENTION WATER AREA #143 3.22± ACS.
PROPOSED RETENTION WATER AREA #144 2.93± ACS.
PROPOSED RETENTION WATER AREA #145 3.22± ACS.
PROPOSED RETENTION WATER AREA #146 2.93± ACS.
PROPOSED RETENTION WATER AREA #147 3.22± ACS.
PROPOSED RETENTION WATER AREA #148 2.93± ACS.
PROPOSED RETENTION WATER AREA #149 3.22± ACS.
PROPOSED RETENTION WATER AREA #150 2.93± ACS.
PROPOSED RETENTION WATER AREA #151 3.22± ACS.
PROPOSED RETENTION WATER AREA #152 2.93± ACS.
PROPOSED RETENTION WATER AREA #153 3.

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Pamela Avery		230 Anita Ct. Newark, DE 19702	(302) 354-9408	Yes	Pamela Avery

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.5%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS
    OPEN SPACE PLANNED

	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	38' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	38'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

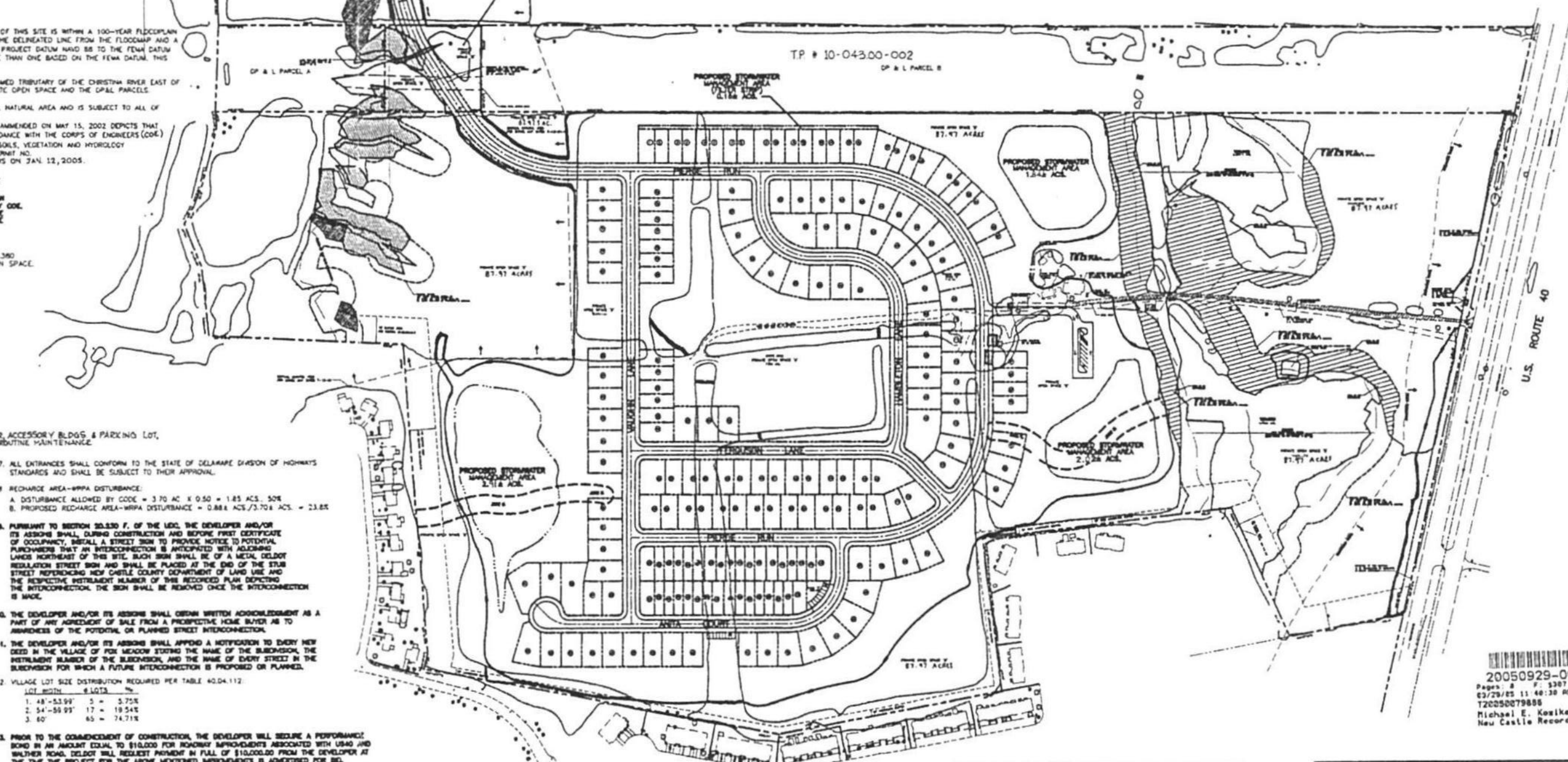
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

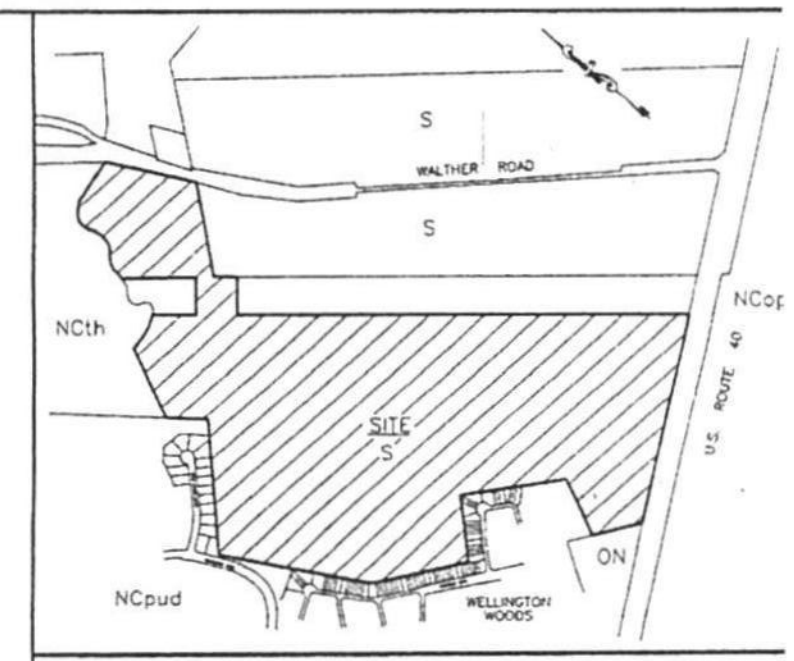
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $506.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,776.38 ($506.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

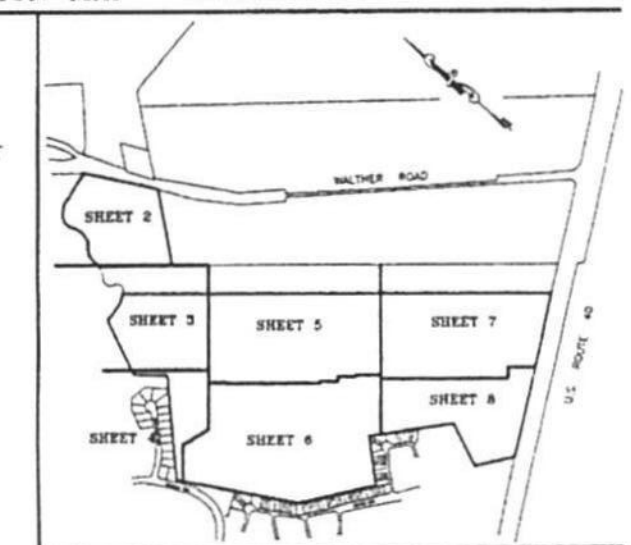
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:38 AM
T20050079888
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [signature], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE — GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature]
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

BANDOS

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
WALTER+CATHERINE BANDOS	1003384 0136	500 HAMBLETON LANE NEWARK, DE	302-379-6379 856-371-1251 mobile #'s	YES	Walter Bandos Catherine Bandos

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G.79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.1.30 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.73 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.31 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.24 ± AC.	0.2%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 3.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.330 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.02± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP-12, NWP-14) GRANTED BY U.S. CORPS OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED ALONG THE FRONTAGE SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, MANUAL BIOFILTRATION, CITCH SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050329-0099817 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 20' SANITARY SEWER EASEMENT OR A 25' STORM DRAINAGE EASEMENT OR 30' UTILITY EASEMENT, IN EACH SIDE OF THE CENTERLINE OF THE PIPE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT, INCLUDING THE PERFORMANCE GUARANTEES INCORPORATED THEREIN. THE LOAD IS RECORDED IN THE RECORDER OF DEEDS OFFICE AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0128378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FROM PUBLIC USE.
    50' RIGHT-OF-WAY - 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DBH) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DBH) = 2.2± ACS./22.35± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S. FEET & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG	
SIDE YARD:	0' & 8'	0'& 8' END UNIT	
REAR YARD:	20'	20'	
LOT AREA:	3,500 SF	3,600 SF	
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)	
LOT WIDTH:	48'	26'	
BUILDING SPACING:	12'	10'	

24. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.300 **AT LEAST ONE MUST BE OCCUPIED BY AT LEAST A WOMAN AND FULL OCCUPANCY ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY OF THIS SITE. SUCH SIGN SHALL BE OF A 6 METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET, REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO ABUTTANCES OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

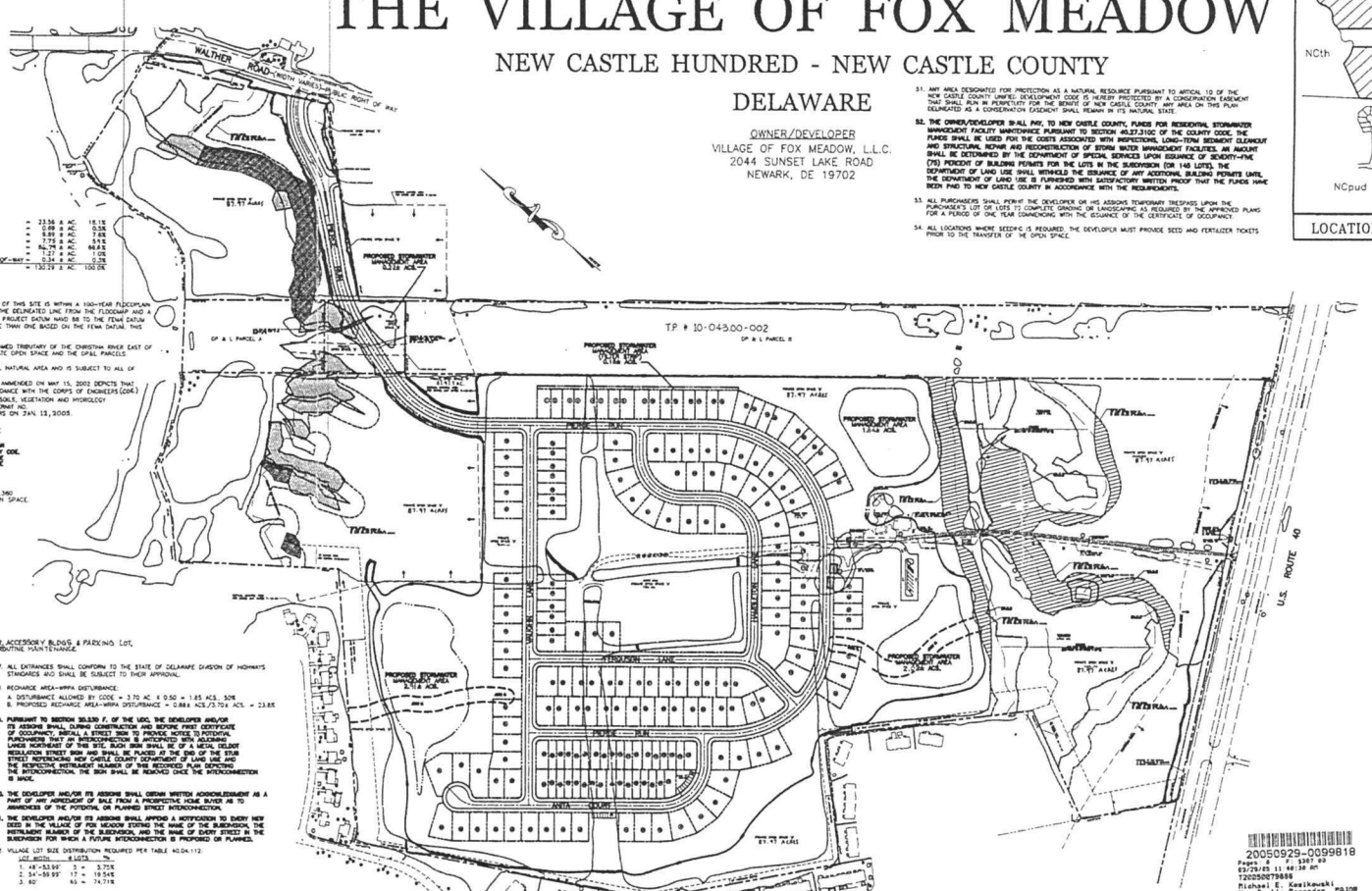
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAG AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **EACH OWNER/S MUST BE AVAILABLE FOR THE ENTIRE DRIVEWAY LENGTH AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2100. OF THE UDC TO ESTABLISH AN INSTALL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.50 ($500.02 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONVENTIONAL" AND "CONSERVATION" AND NATURAL AREA OPEN SPACE. IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REDUCT OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.92±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF ME OPEN SPACE.


WALTHER ROAD
SOUTH HARES CORNER PUBLIC RIGHT OF WAY
PIERCE RUN BOULEVARD
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 2.718 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.242 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.558 ACS.
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED COMMUNITY CENTER
PROPOSED ACCESSORY BLDG.
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Stephanie L. Billon		245 Anita Ct Newark, DE 19702	302-482-5515	Yes	Stephanie L. Billon

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN – OPEN SPACE PLANNED – AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & 079668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK. NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY – GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	= 23.58 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 1000300145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS
OPEN SPACE PLANNED — MIN. REQUIREMENTS

	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	6'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 6'	0',6' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE – 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN – 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 20.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,279.36 ($505.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

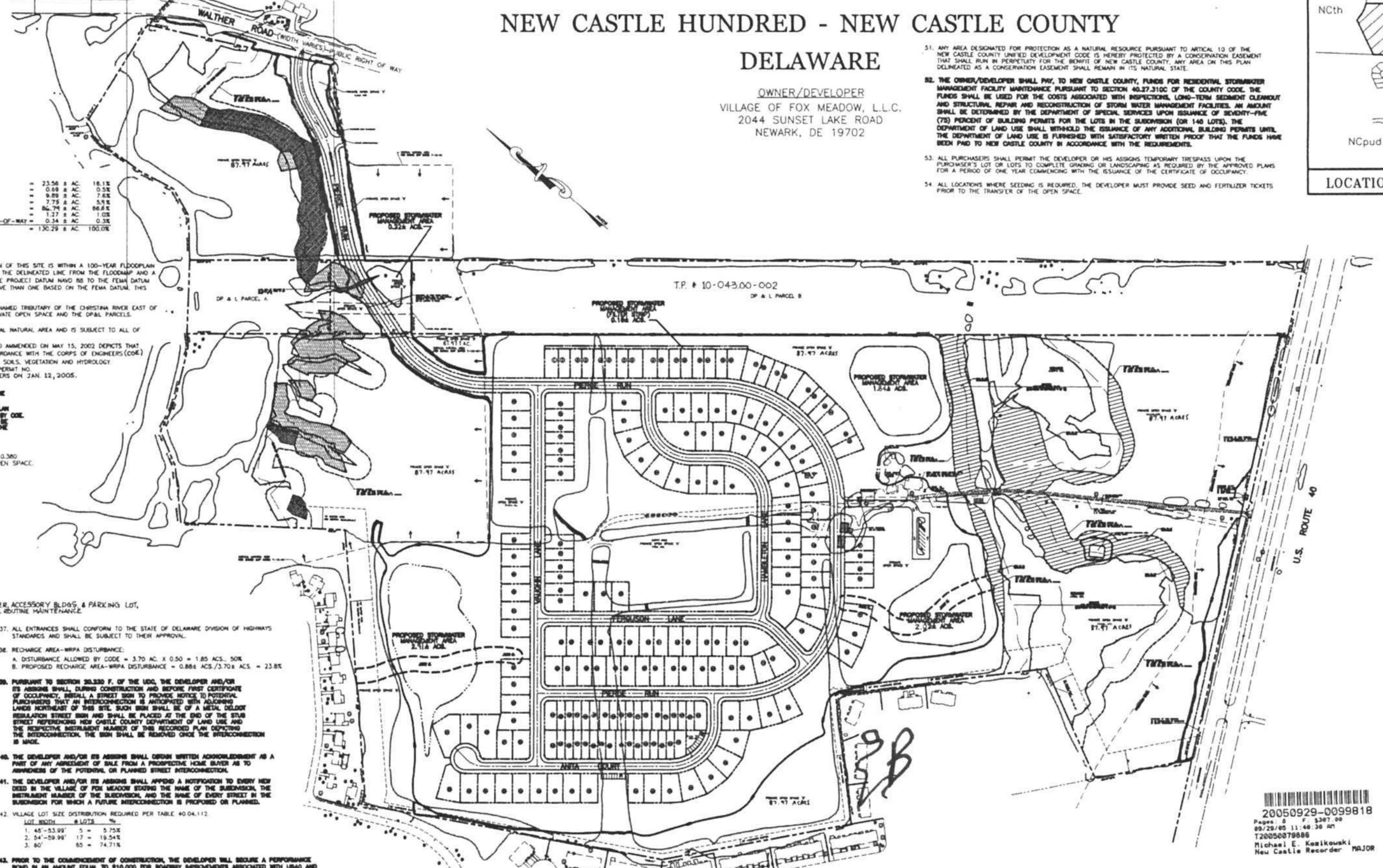
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 140 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:30 AM
T200500079886
Michael E. Kozikowski
New Castle Recorder MAJOR

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [handwritten name], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

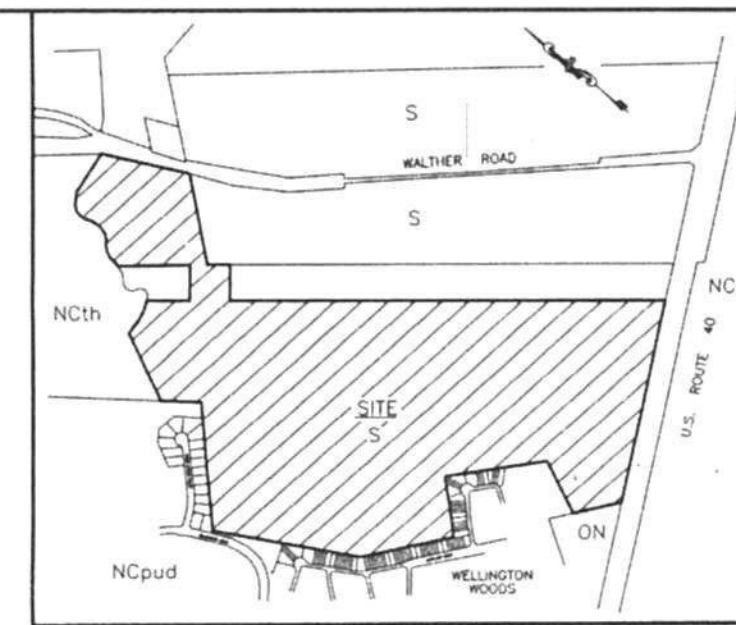
CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

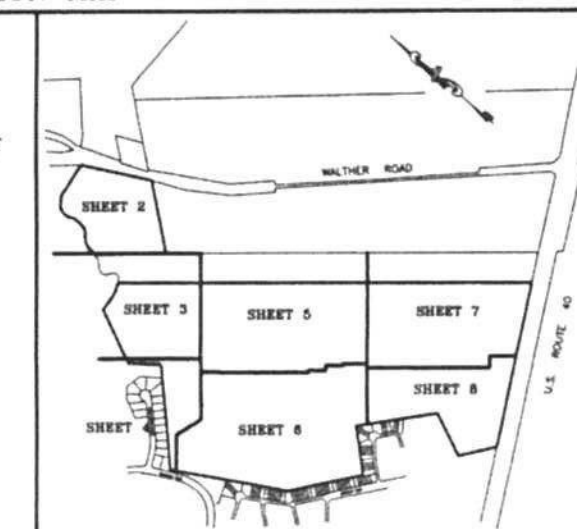
[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY



LOCATION MAP — ZONING MAP NO. 58 — 1"=800'



KEY MAP — ZONING MAP NO. 58 — 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 o FAX - (302) 323-9461

GRAPHIC SCALE: 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBH
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2 / FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
SAVITHRI BONALA	1004310839	244 Anita Court NEWARK DE 19702	302 836 1949	YES	B. Savithri

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER

VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: P.K. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-11-92 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050311-0023174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,280± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS
    OPEN SPACE PLANNED

	MIN. REQUIREMENTS: TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	38'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 20.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

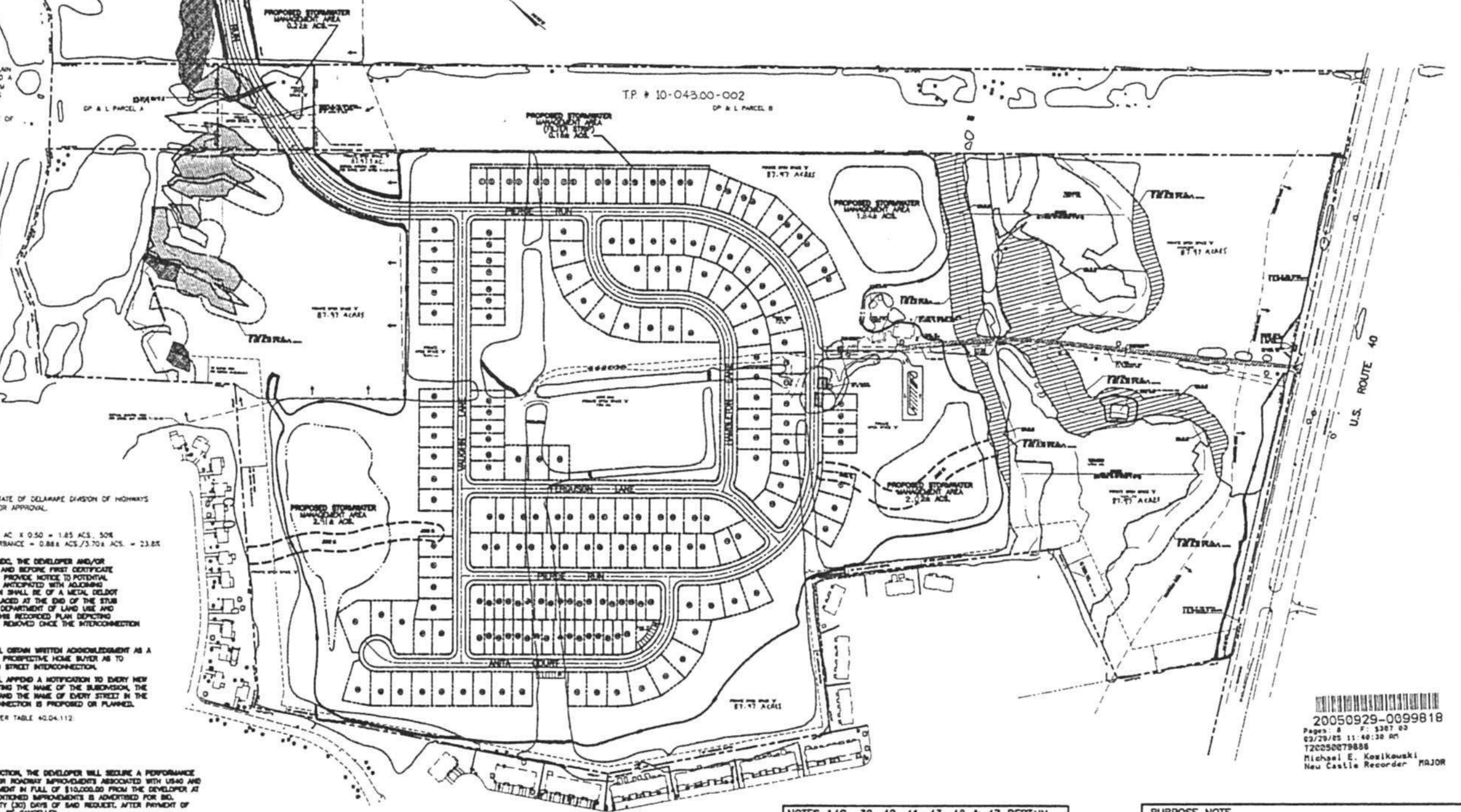
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

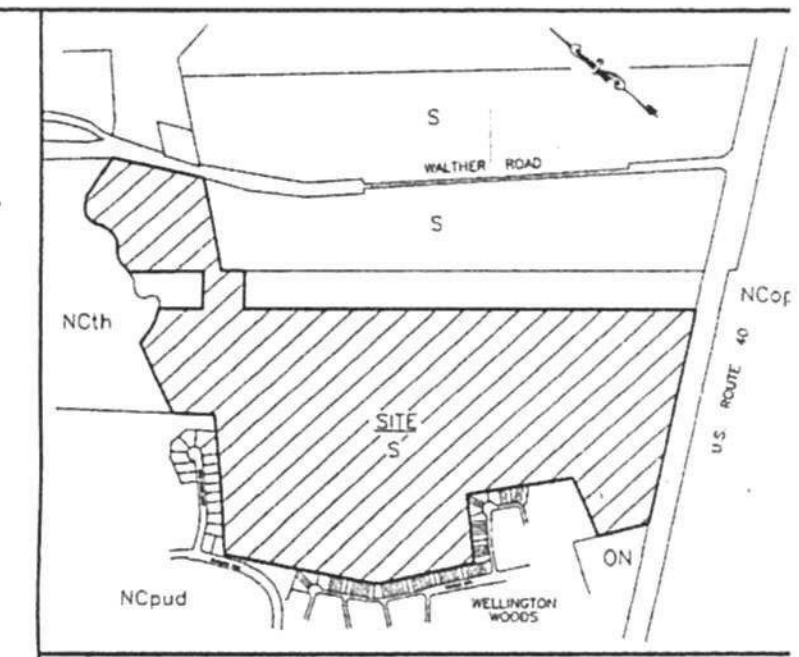
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 ±TO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($505.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 T.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

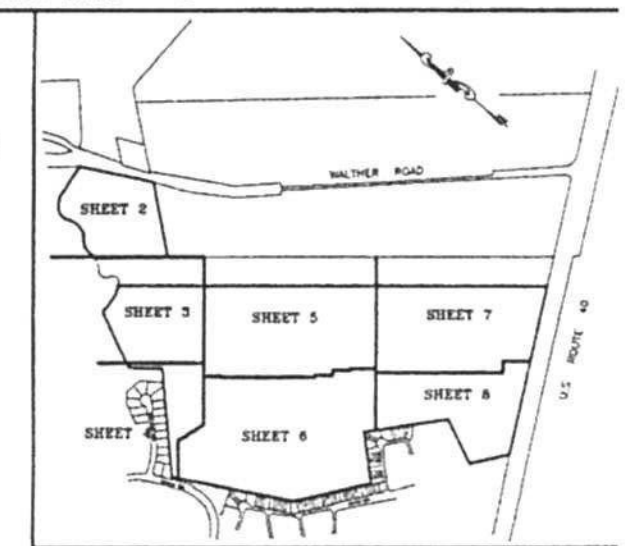
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- — LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — 3/8/05, DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David E. Motte, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005, DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE BY [signature] GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED 9/27/05 DATE BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

BJ 10/13/23

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
238 Anita ct		238 Anita ct.	(302) 354 6892	YES	Vilma Boone

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES

EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & G79-668

TOPOGRAPHIC SURVEY:

A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001

B. DATUM: NAVD 88

BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.

ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY

WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY

SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 1000300145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:

1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.

2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:

A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%

B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',18' @ END UNIT	6'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',6' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN - 7.29 ACS ±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

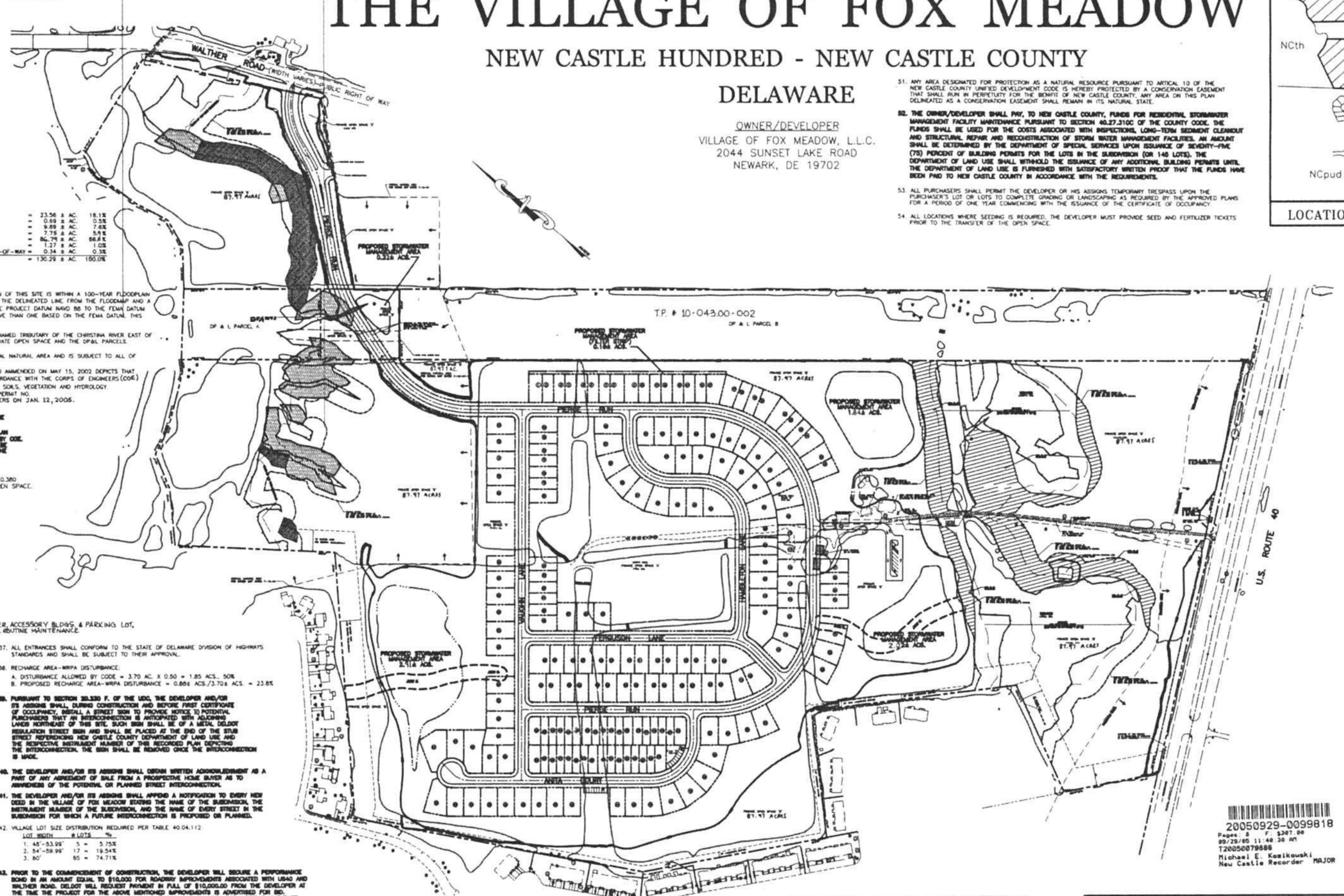
OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

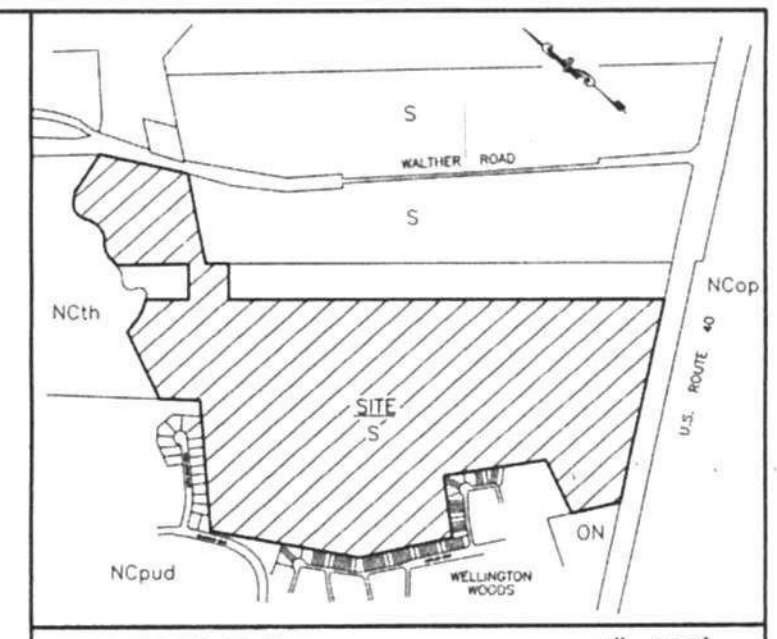
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

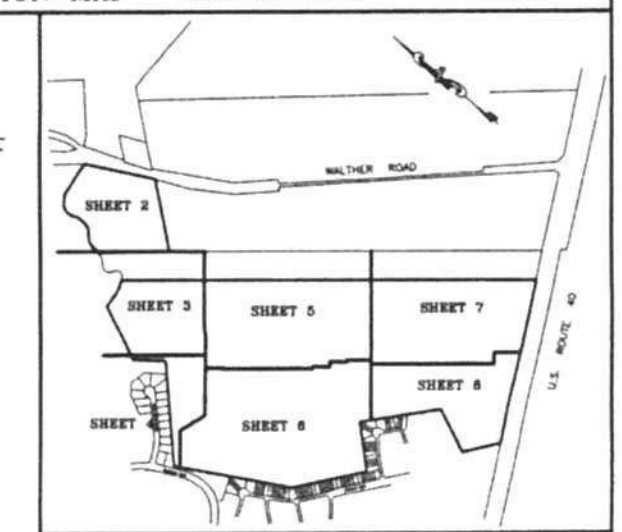
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

PROPOSED SIDEWALK
FH PROPOSED FIRE HYDRANT
PROPOSED HANDICAP RAMP
29 LOT NUMBER
220 POSTAL ADDRESS
C49 CURVE NUMBER
EXISTING CONCRETE MONUMENT
PROPOSED CONCRETE MONUMENT
IRON PIPE FOUND
PROPOSED CURB
WETLANDS
WETLANDS AREA TO BE FILLED
BP 2 BORING POINT
PRECAUTIONARY SLOPES
PROHIBITED SLOPES
4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
2,800 S.F. LOT (TOWNHOUSE) [34]
5,000 S.F. LOT (TWIN) [32]
6,000 S.F. LOT (VILLAGE) [87]
LOD LIMITS OF DISTURBANCE (LOD)
REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:48:30 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER DATE

OWNER'S CERTIFICATION

(T.P. # 10-043.00-002)

I, [handwritten name], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature]
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KJB	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Richard & Maria Bortz		521 Hambleton Ln Newark	610.858.5160	Yes	Maria Bortz

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES

EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & G79-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAVD 88
BENCHMARK: PK. NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 5-11-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050511-0048174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMET (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS
OPEN SPACE PLANNED

MIN. REQUIREMENTS	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0'/18' @ END UNIT	8'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	38' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	1 @ 8'	0'/8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	38' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC/ 1.33± AC = 19.6%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS ±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.36 ($505.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

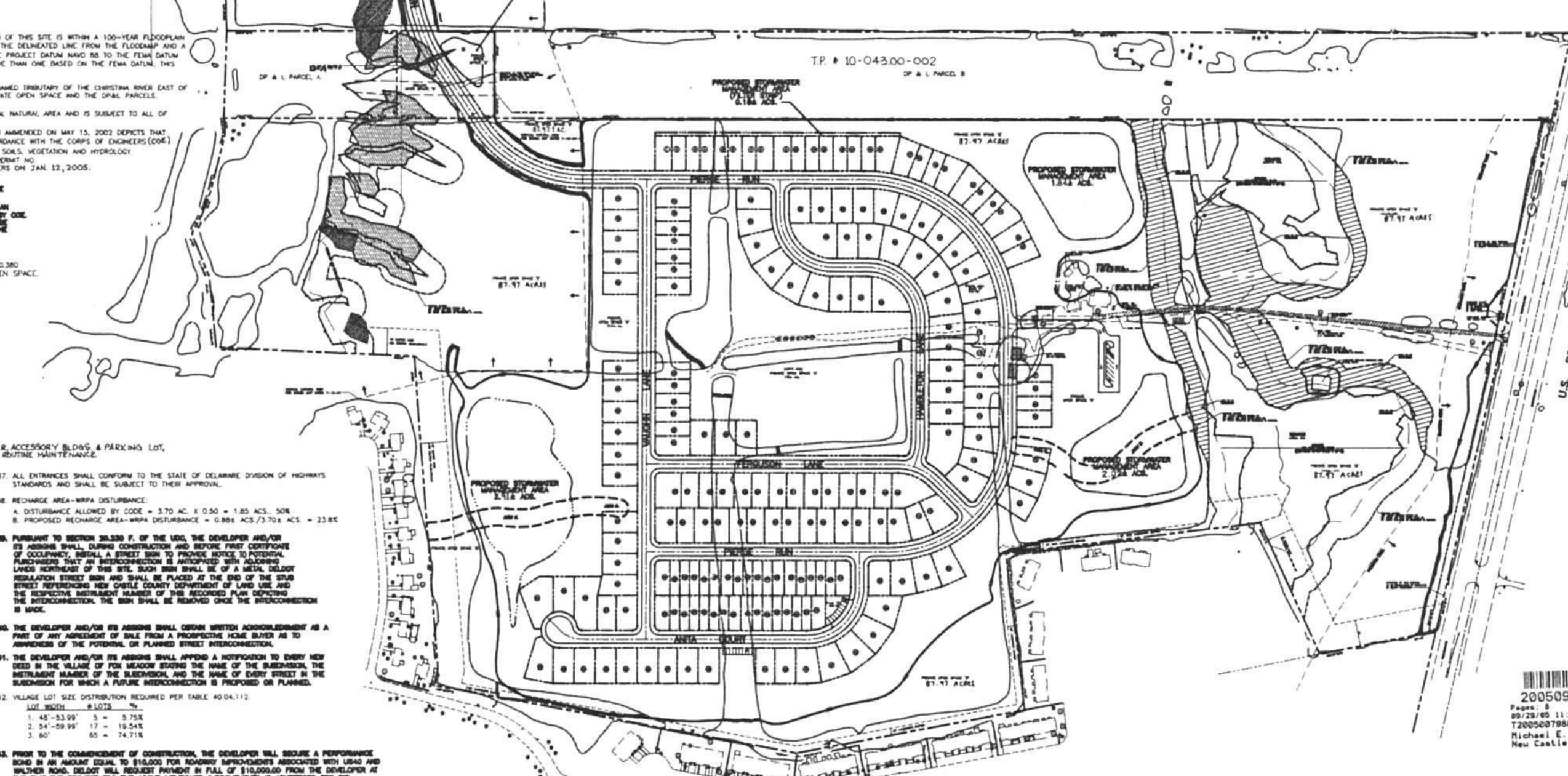
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:48:30 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

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[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [handwritten name], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

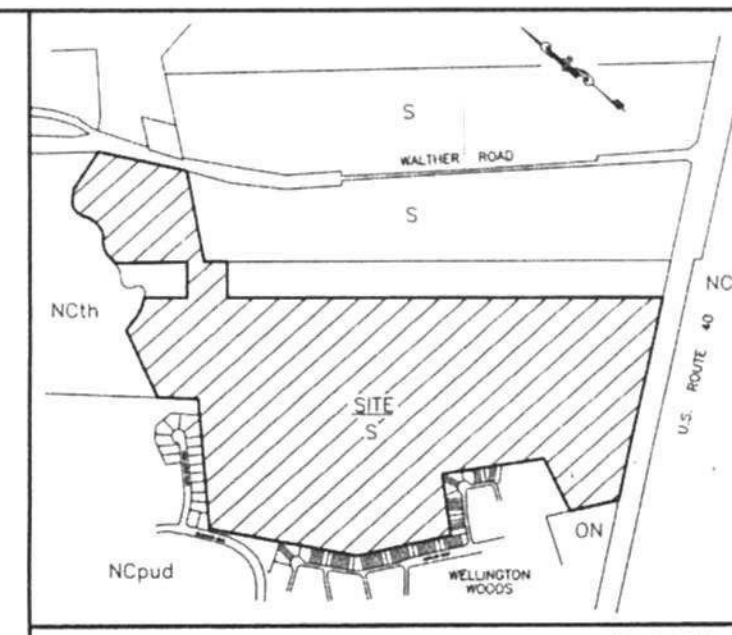
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

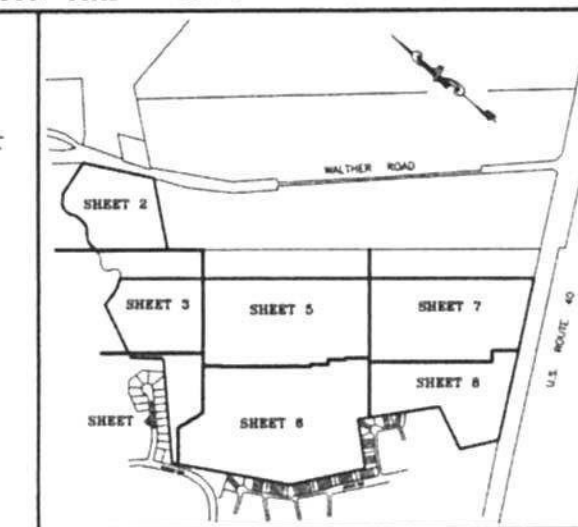
CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 (DATE) BY [signature] GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 (DATE) BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY



LOCATION MAP — ZONING MAP NO. 58 — 1"=800'



KEY MAP — ZONING MAP NO. 58 — 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE: 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBR	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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RD

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance i the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325

Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 an

38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapte 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwate management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County ta bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordanc with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the Count based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petitio has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost o the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typicall lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Karen H. Bostick		527 Hambleton Lane	302-547-3530	Yes	Karen H Bostick

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 079668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

I. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0',16' @ END UNIT	6'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	38' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	38' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN - 7.29 ACS ±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($505.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

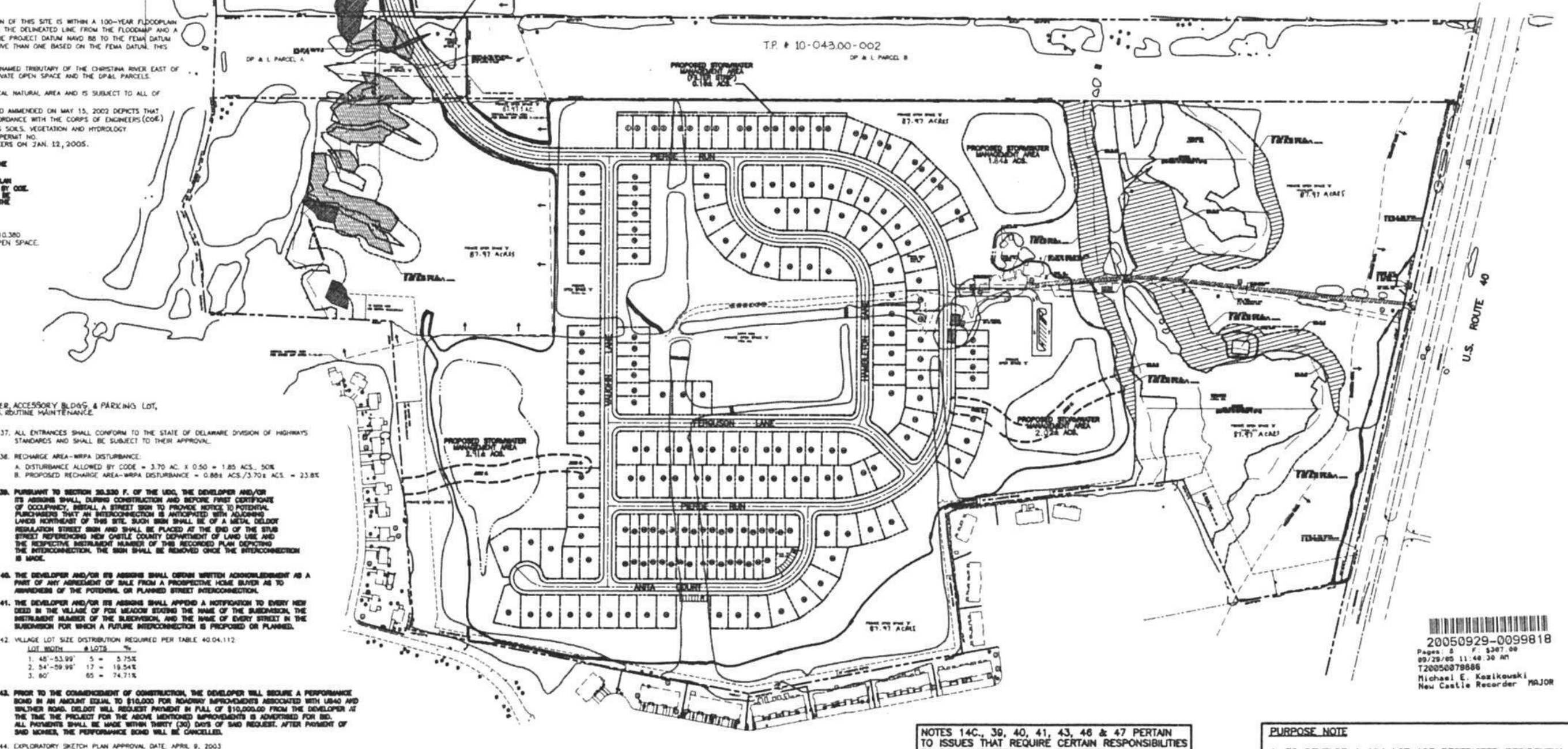
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

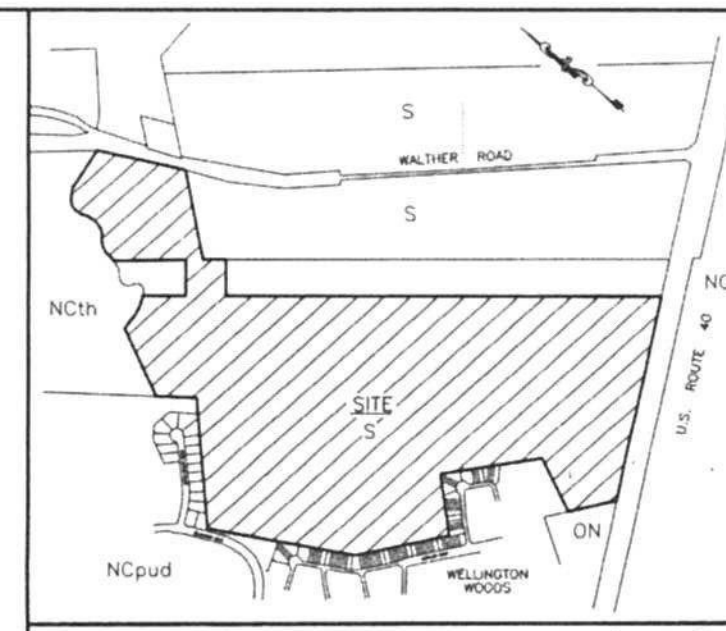
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

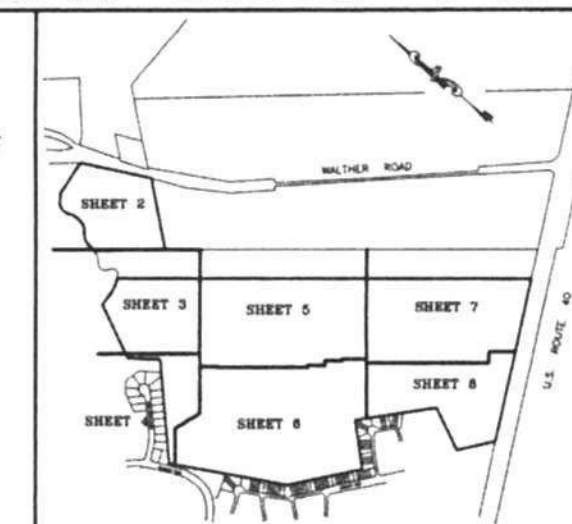
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- — LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:48:30 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [handwritten name], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE — GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature]
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 o FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DIANE W. BOYKIN	LOT 105	350 PIERCE RUN	302.832.1278	YES	Diane W. Boykin

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & Q79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 3/1/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050311-0021174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 6,288± L.F.
    VARIABLE WIDTH (31' TO 33') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
       1. MATURE (CNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS OPEN SPACE PLANNED — MIN. REQUIREMENTS

	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	6'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700. **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

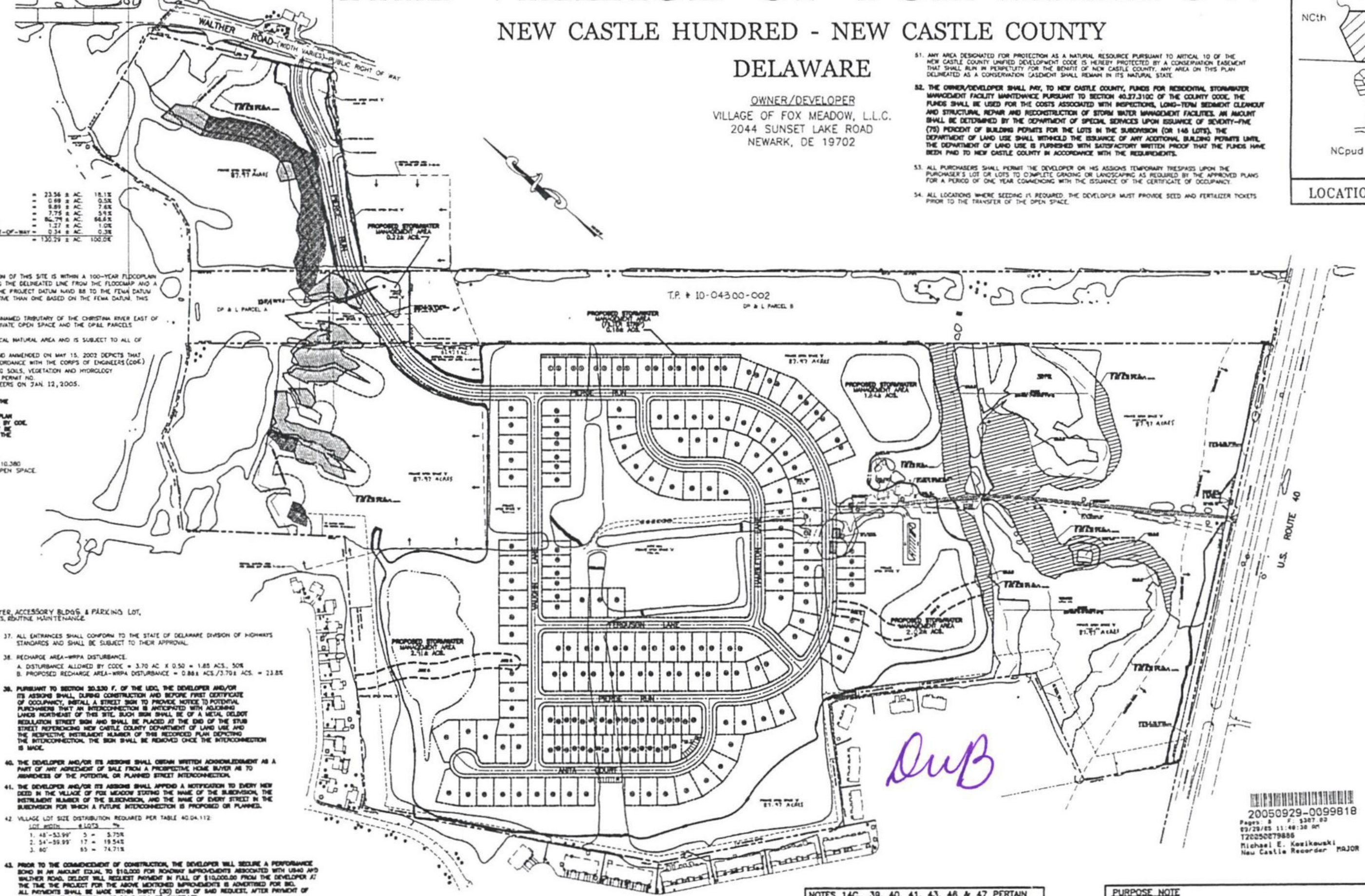
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

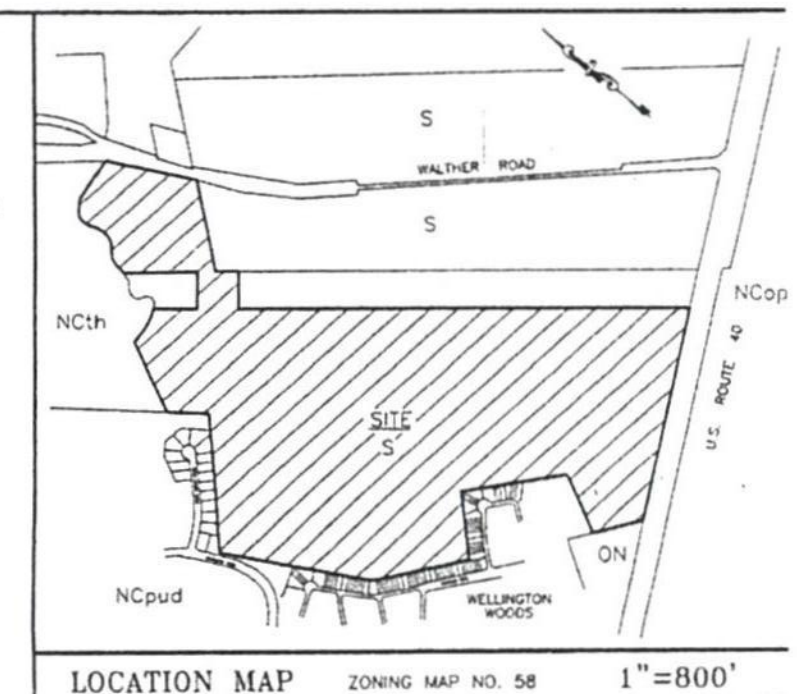
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

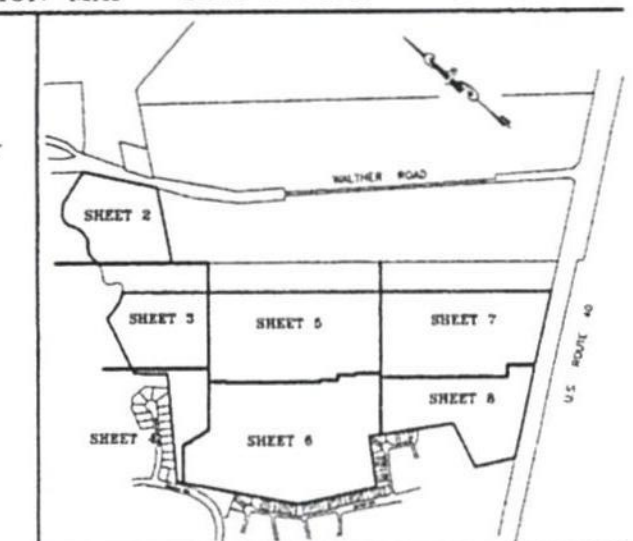
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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09/29/05 11:48:38 AM
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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David G. McTee, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

DwB

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JAMES M BRADENBURG Patricia Bradenburg	10-043. 10-879	121 FERGUSON LN. NEWARK DE 19702	484 432-3356	YES	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY HANES MAPPING, INC. (DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: HANG 86
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 8 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 400 GPD/UNIT x 87 TOWNHOUSES = 34,800 GPD/UNIT + 107 LOTS + COMMUNITY CENTER 250 GPD/UNIT x 1 UNIT = 35,257 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATION FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    A. 9.0234 ACRES OF WETLAND DISTURBANCE IS PROPOSED. COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 13, 2005
    B. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
       1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
       2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA (WATER RESOURCE PROTECTION AREA) AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE 1.5' THICK, 4' MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOR FAMILY FARM, LLC. DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORDS MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' SIGMA DRAINAGE EASEMENT (20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE) SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS LOCATED OUTSIDE THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED MEWS, ALLEYS, PARKING LOTS, STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 10' WIDE, 5' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0128378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUFFICIENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THE PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,284± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CMA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CMA) = 2.25± ACS./23.86±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' & END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	WEAK-LINK TOWNHOUSES	
	TWIN	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	10' 8"	0' & 20' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL CONSTRUCT A TEMPORARY TURNAROUND AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERSECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOOT REGULATION STREET SIGN DESIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE DEPARTMENT'S ENFORCEMENT NUMBER OF THIS RECORD PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL FOR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOSE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE PLAN RECORD, AND THE FACT THAT THERE MAY BE THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

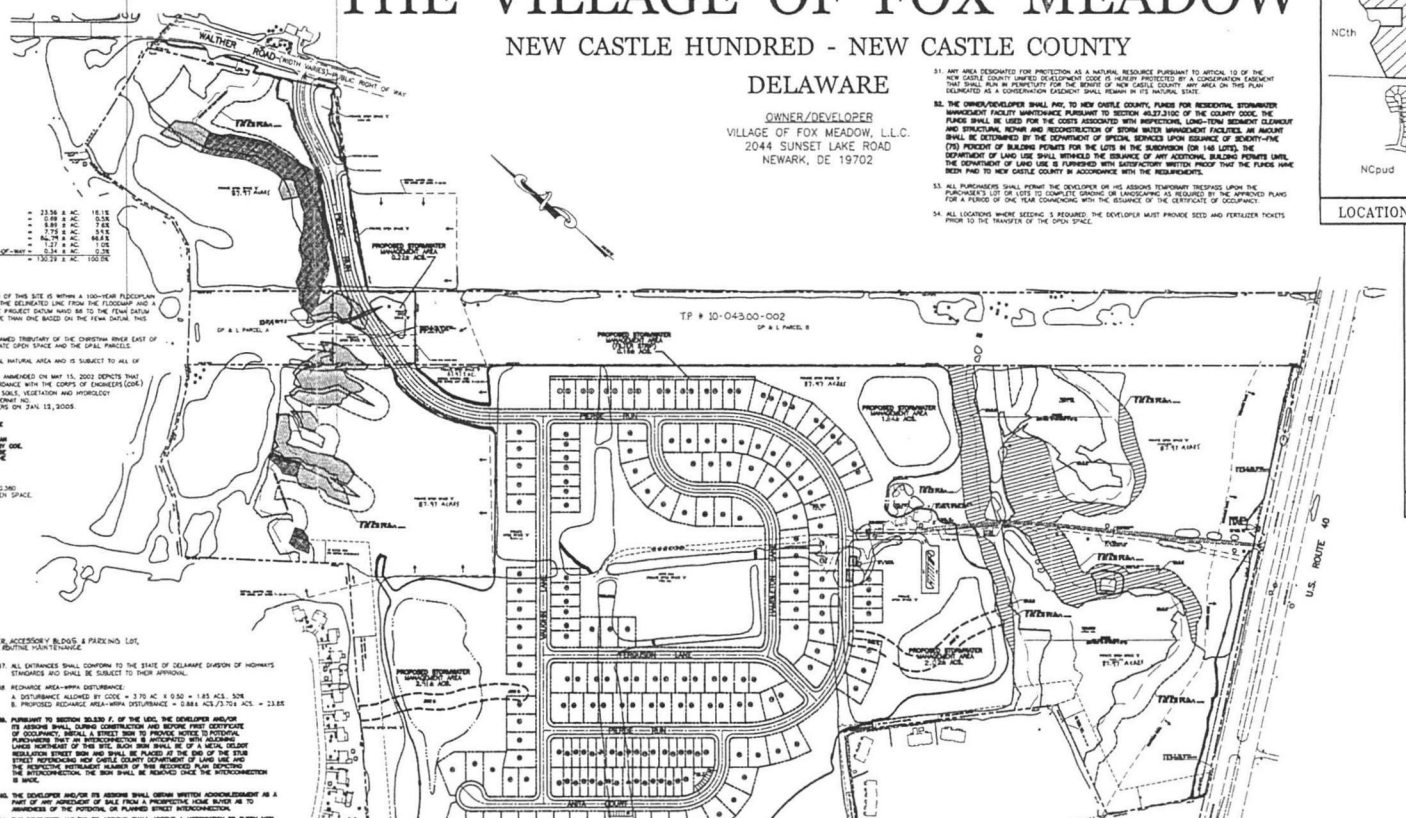
LOT WIDTH	% LOTS
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	65 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $160,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.00 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELIMIATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
U.S. ROUTE 40
PIERCE RUN
UNDINE LANE
THALIA DRIVE
ERIDANUS LANE
ANTA COURT
PROPOSED STORMWATER MANAGEMENT AREA #1 2.116 ACS.
PROPOSED STORMWATER MANAGEMENT AREA #2 1.243 ACS.
PROPOSED STORMWATER MANAGEMENT AREA #3 2.228 ACS.
T.P. # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED COMMUNITY CENTER & ACCESSORY BLDG.
PROPOSED PARKING LOT
PROPOSED PARKING LOT
PROPOSED PARKING LOT

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Donald Breakiron	1003830190	10 Vaughn Ln	302-838-7025	Yes	Donald Breakiron

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0090393 & 079-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-11-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050311-0099174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
    1. MATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CNA) - 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG - 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS OPEN SPACE PLANNED

MIN. REQUIREMENTS	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0',18' @ END UNIT	6'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $506.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($506.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
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PAVED AREA	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

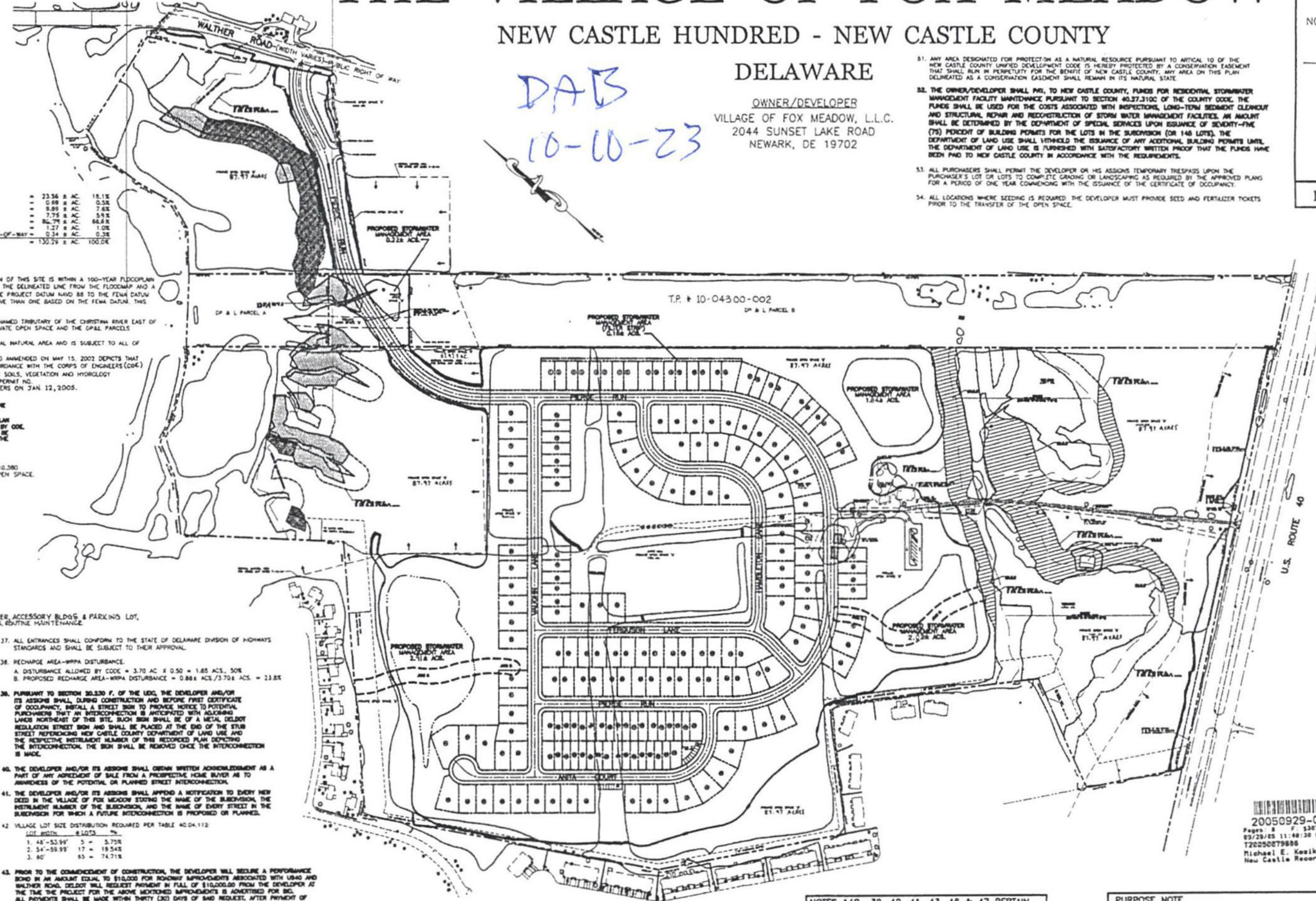
NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

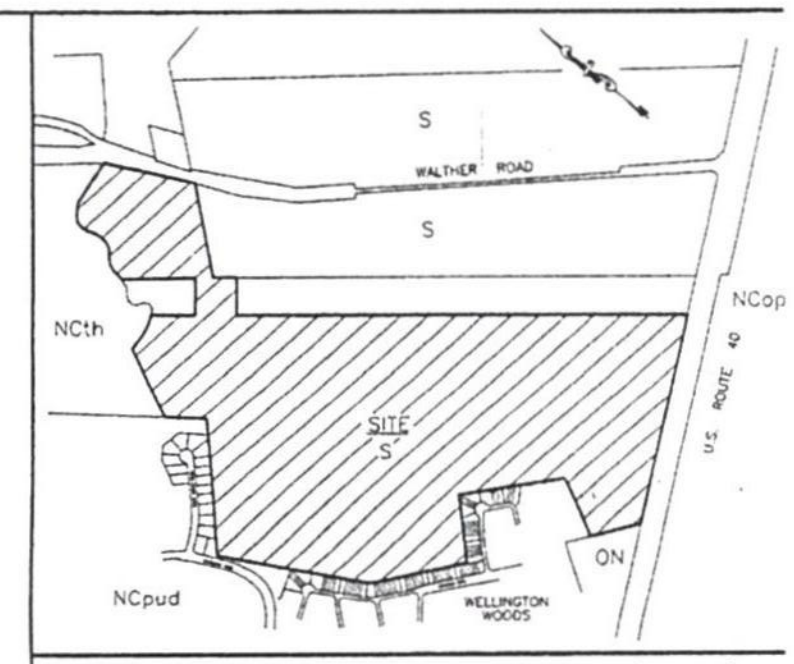
OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DAB 10-10-23

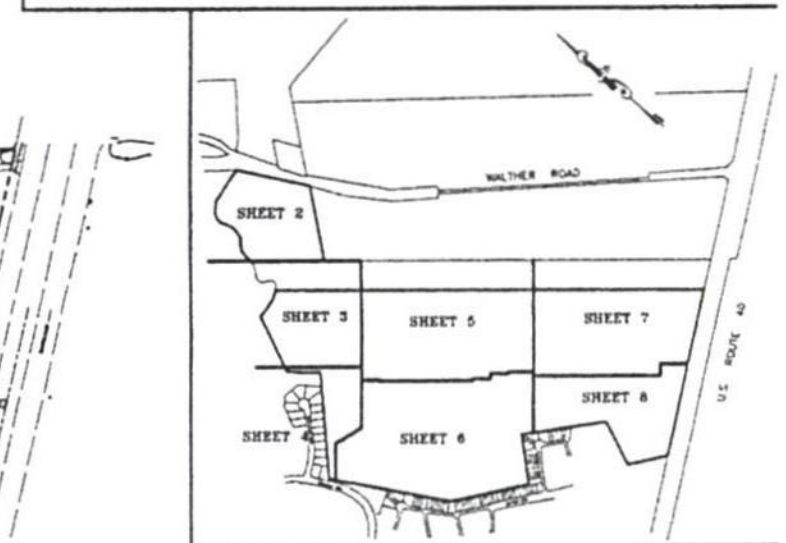
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'



LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO DATE
MANAGING MEMBER

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David R. McTeil, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature]
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 301 O NEW CASTLE, DELAWARE
PHONE-(302) 323-9377 O FAX-(302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/~~No~~	Signature
DAVID C. BRICK		407 PIERCE RUN	443-504-7903	YES	David C. Brick

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B. 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SF = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.85%
B. WEAK-LINK TOWNHOUSES	= 33	=	17.01%
C. TOWNHOUSES	= 34	=	17.53%
D. TWINS	= 22	=	10.59%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.36 ± AC.	=	18.1%
PUBLIC RIGHT-OF-WAY DEDICATED ALONG ROUTE 40	= 0.88 ± AC.	=	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 8.89 ± AC.	=	7.0%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	=	6.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.76 ± AC.	=	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	=	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	=	0.3%
TOTAL	= 130.29 ± AC.	=	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.426 AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. DUE TO THE CONVERT FROM THE PREVIOUS DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SAVSION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 7 AND MUST BE COMPLETED BY THE TIME SPECIFIED BY THE COE PERMIT AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS ASSOCIATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SAVSION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN FRENCH DRAIN BOULEVARD, SIDEWALKS, ROUTINE UPON SPACES, ROUTINE MAINTENANCE, AND LANDSCAPING IN PERIMETER OF THE PROJECT ON THIS PLAN, THE MAINTENANCE AGREEMENT #1, PERFECT BUS FAMILY TRUST, DATED [illegible] AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158778.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERWISE COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 1,988 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DHA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DHA) = 2.25± ACS./22.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PHS.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.F. & 5,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PHS
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	26'
BUILDING SPACING:	12'	10'

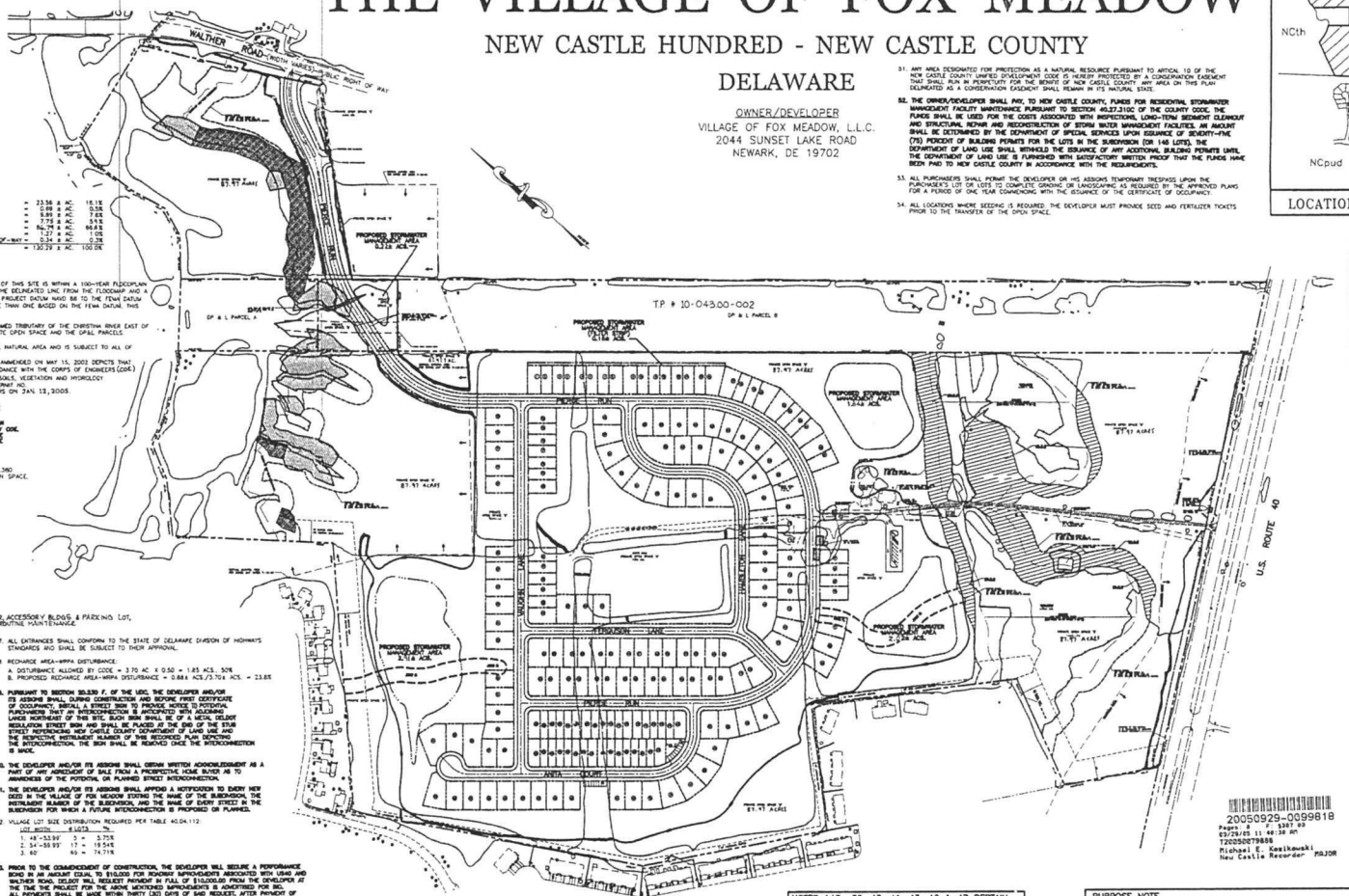
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 50.030 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN CERTIFICATION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERSECTION OF [illegible] WITH ACCESS TO LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A GENERAL DESIGN REGULATION PROVIDED BY THE DEPARTMENT OF LAND USE AT THE TIME THE SITE IS DEVELOPED AND SHALL CONTAIN THE WORDING AS PLACED BY THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT SIZE	# LOTS	%
1. 48'-53.99'	11 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELBOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.833 INTO AN INTEREST BEARING ESCROW ACCOUNT AS REQUIRED BY ARTICLE 4, SECTION 4.116 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE COMMUNITY FACILITIES. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONSERVED" AND OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
LENGTH VARIES PUBLIC RIGHT OF WAY
TP # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 6.13± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.29± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.68± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.13± ACS.
PROPOSED COMMUNITY CENTER 4,470± SQ. FT.
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED PARKING
PROPOSED TOT LOT
PROPOSED GAZEBO
PROPOSED PICNIC AREA
PROPOSED BOCCE COURT
PROPOSED SHUFFLEBOARD COURT
PROPOSED PUTTING GREEN
PROPOSED BOARDWALK
PROPOSED BOARDWALK & BRIDGE
PROPOSED BRIDGE
PROPOSED GAZEBO & BRIDGE
PROPOSED PICNIC AREA & BRIDGE
PROPOSED BOCCE COURT & BRIDGE
PROPOSED SHUFFLEBOARD COURT & BRIDGE
PROPOSED PUTTING GREEN & BRIDGE
PROPOSED BOARDWALK & BRIDGE
PROPOSED BRIDGE & BOARDWALK

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
BARBARA BRIGGS		319 Pierce Run	302-595-4540	Yes	Barbara Briggs

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES.
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = ** HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF OPAL PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0314 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM USED TO THE FEMA DATUM. MSHD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTIAN RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY.
   B. 2.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAME: L. MARTINO; MAP#12 OF 12) U.S. CORP OF ENGINEERS ON JAN. 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 (AM) APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE - 15%
      2. PRECAUTIONARY - 30%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE - 0%
      2. PRECAUTIONARY - 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO FENCE RUN ROADWAYS, STREET SIGNS ADJOINING OPEN SPACES, EROSTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A PERIOD FOR FAMILY FARM LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT (20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE (10' TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0116378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 85.104± ACRES, 30%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED ON THE AREA SHOWN ON THIS PLAN AS DWELLING OWNERSHIP COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   50' RIGHT-OF-WAY: 8,388± L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (DWA) = 15%
      2. YOUNG = 80%
   B. DISTURBANCE PROPOSED:
      1. MATURE (DWA) = 2.25± ACS./23.98± ACS. = 9.4%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,800 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	28'
BUILDING SPACING:	12'	10'

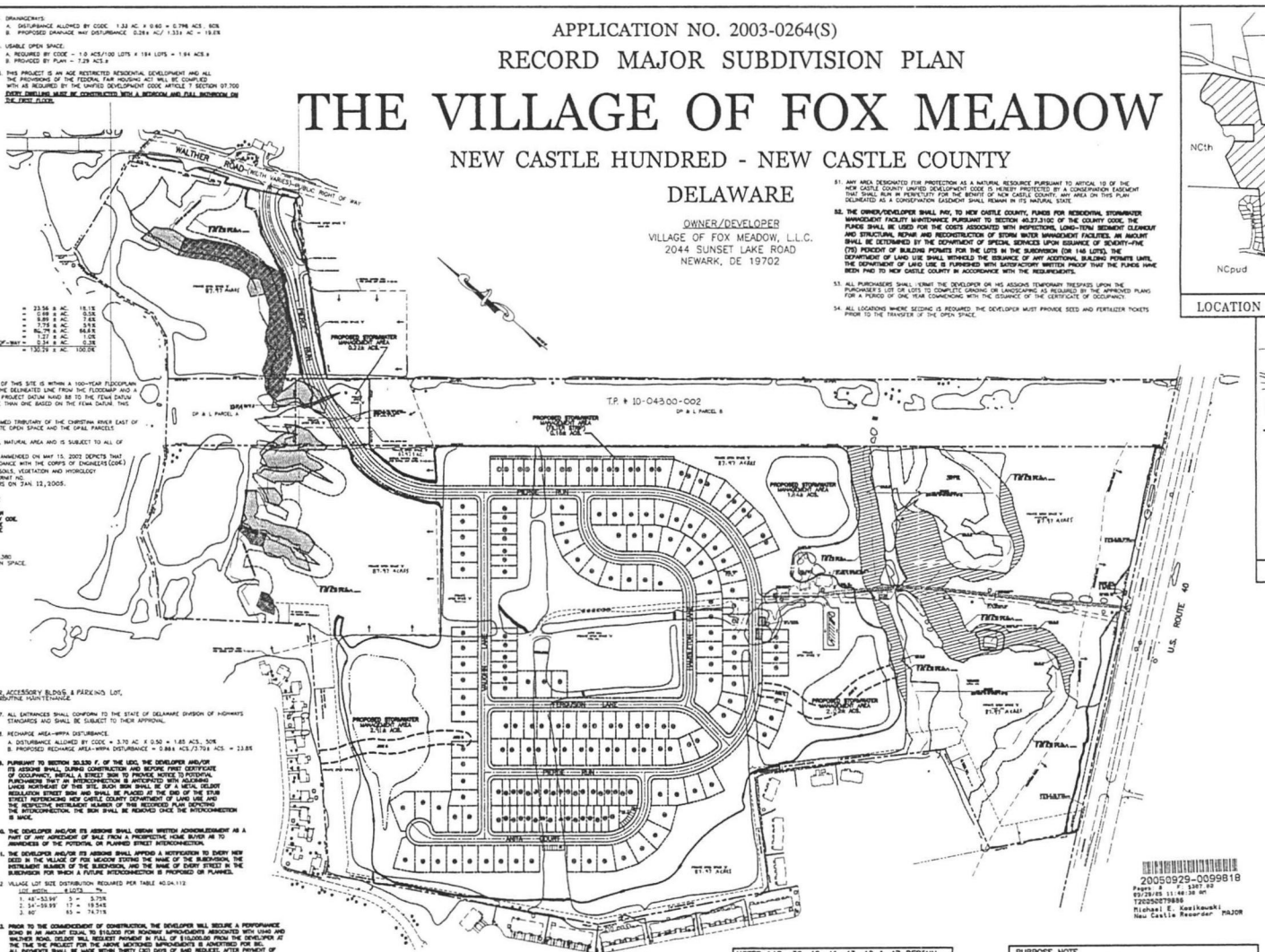
34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.79± ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
   B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 40.03.320 OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL CONNECTIONS TO THE ADJACENT PARCEL OF LAND. THE LOCATION OF THE STUB STREET WHERE THE SIGN SHALL BE OF A METAL, DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE ENTERED INTO WITH A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED TO THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 45'-53.99'	9 =	5.70%
2. 54'-59.99'	17 =	19.54%
3. 60'	83 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U340 AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS INVENTORIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE EXONERATED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.7. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE SUITABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE DOLLARS INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.33.B.5. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IF DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110.E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD-WIDTH VARIES-PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA 1 7.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2 1.01± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3 2.10± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 4 2.26± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 5 1.16± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 6 0.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 7 0.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 8 0.78± ACS.
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PROPOSED STORMWATER MAN

Brophy

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Maureen Brophy	134	133 Ferguson	3028343733	Yes	Maureen Brophy

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D 79 668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THIS FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVEY FROM THE PROJECT DATUM USED TO THE FEMA DATUM. NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.330 OF THE UNIFIED DEVELOPMENT CODE
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200040231-1 (NAR12, NAR13) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 25%
    2. PRECAUTIONARY = 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PERPETUITY, MAINTAINING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE METALLIC AND PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 8,886± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 553± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN SHALL NOT BE ACCEPTED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DM) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DM) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' @ END UNIT	5'
REAR YARD	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	MEAK-LINK TOWNHOUSES	
	TWIN	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	10' @ 5'	0'/5' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.79± ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 7.7 OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROPERLY DESIGNATE ALL INTERSECTIONS WITH PUBLIC STREETS WITHIN THE SUBDIVISION, INCLUDING WHERE NORTHERLY END OF WALKER LANE ENDS. SIGNS SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET NEAREST THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

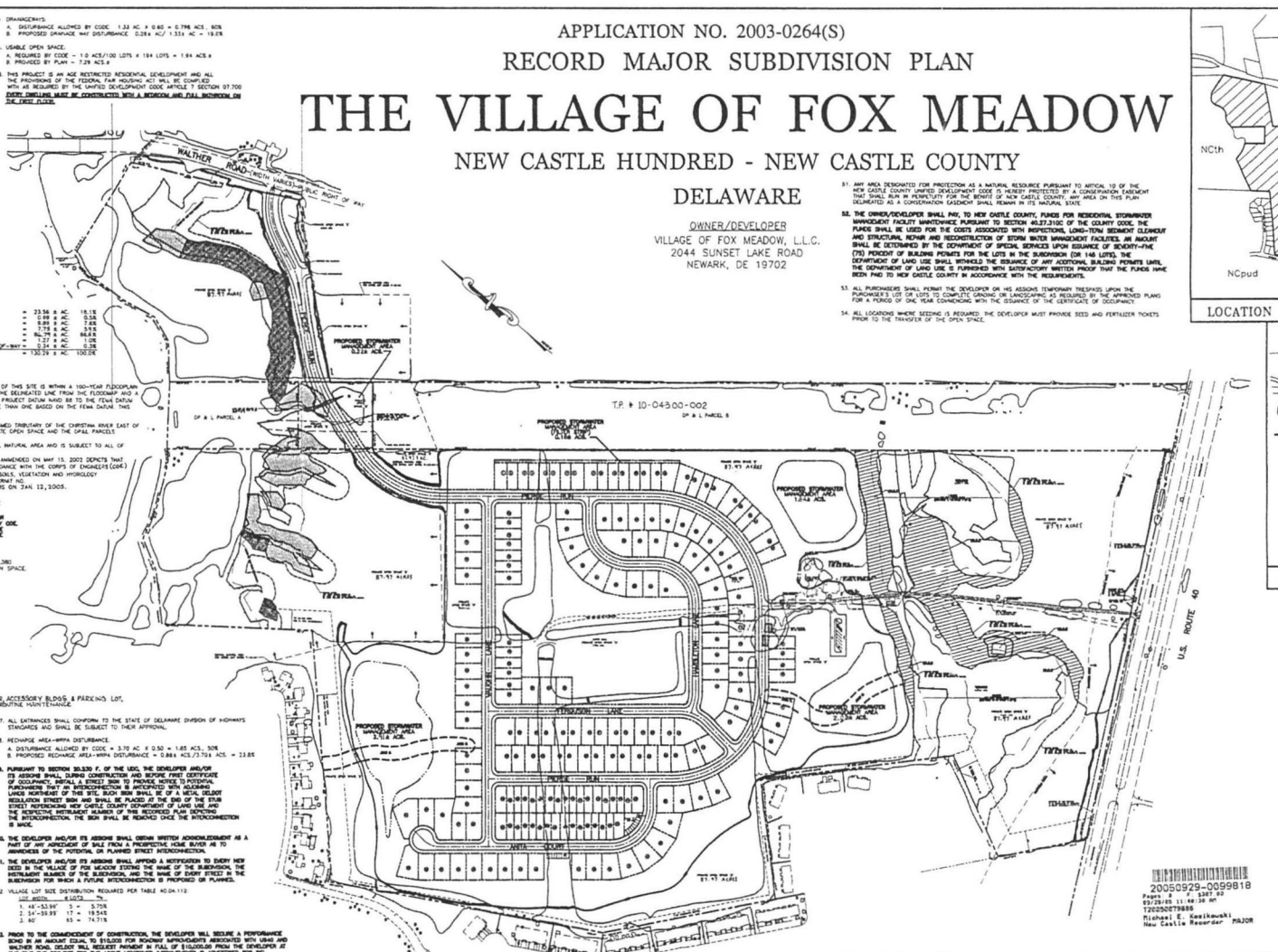
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $153,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LS40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $152,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST, AFTER PAYMENT OF WHICH, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 7.7 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW FUNDS, INCLUDING INTEREST PLUS $24,775.50 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AMENITY OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PROPOSED STORMWATER MANAGEMENT AREA 2.18± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.01± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.56± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.16± ACS.
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED PICNIC AREA
PROPOSED BOCCE COURT
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JOHN + ERNESTINE BURKS		529 HAMBLETON LN	302 379-5109	yes	Jacqueline Burks John Burks

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0079668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	87	44.8%
B. WEAK-LINK TOWNHOUSES	41	21.1%
C. TOWNHOUSES	34	17.5%
D. TWINS	32	16.5%
TOTAL	194	100%

11. SUBDIVISION LAND USE:

LOT AREA	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	0.34 ± AC.	0.3%
TOTAL	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CNA) = 2.25± ACS./22.96±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS OPEN SPACE PLANNED

MIN. REQUIREMENTS	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700. EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5	5.75%
2. 54'-59.99'	17	19.54%
3. 60'	65	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
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    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
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46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $508.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($508.62 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
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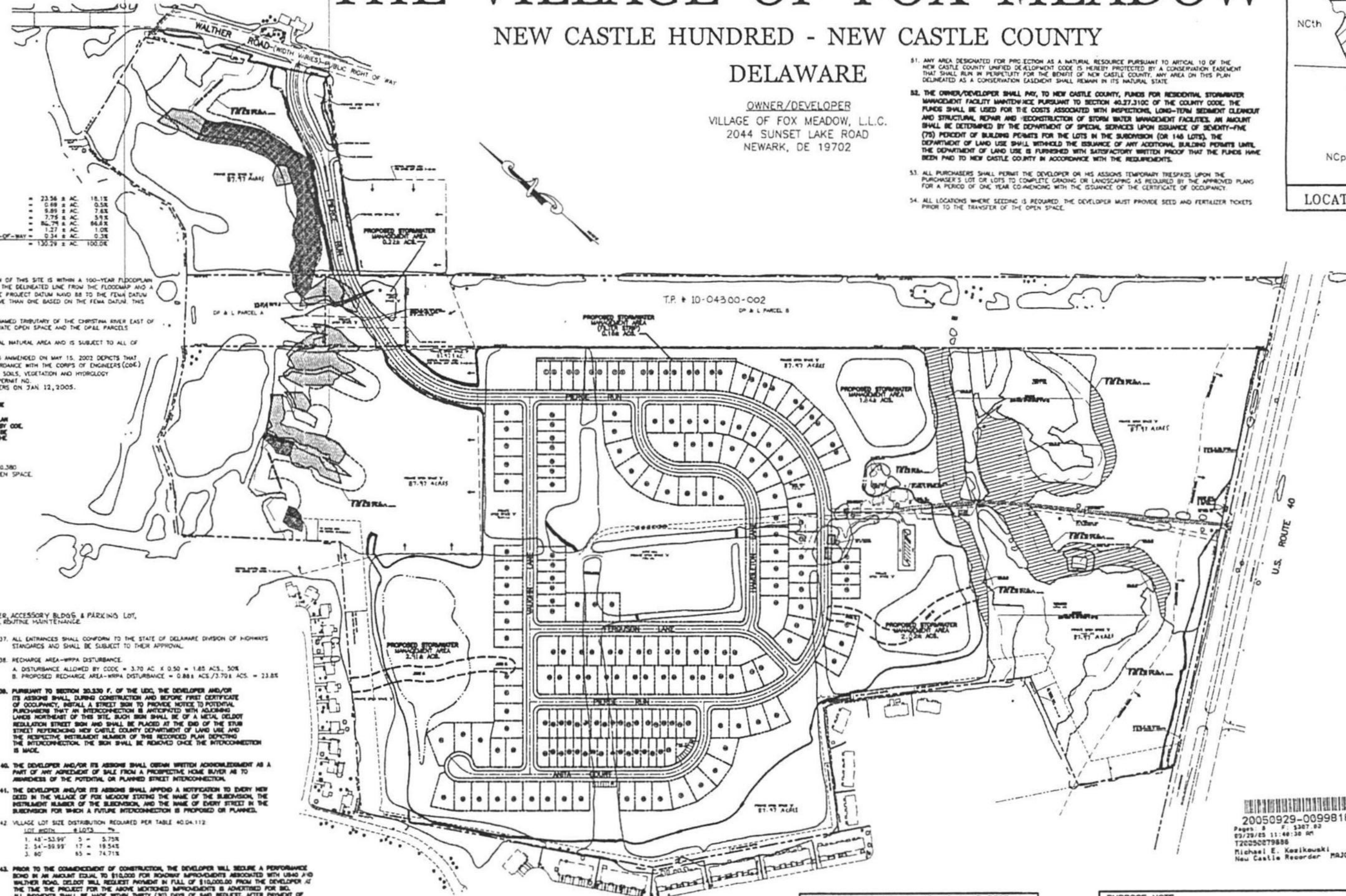
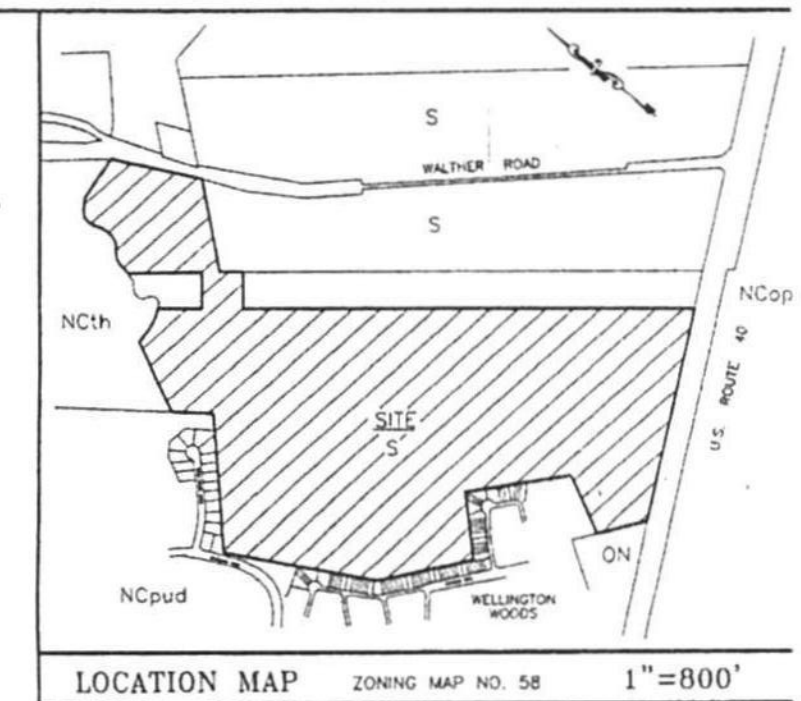
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

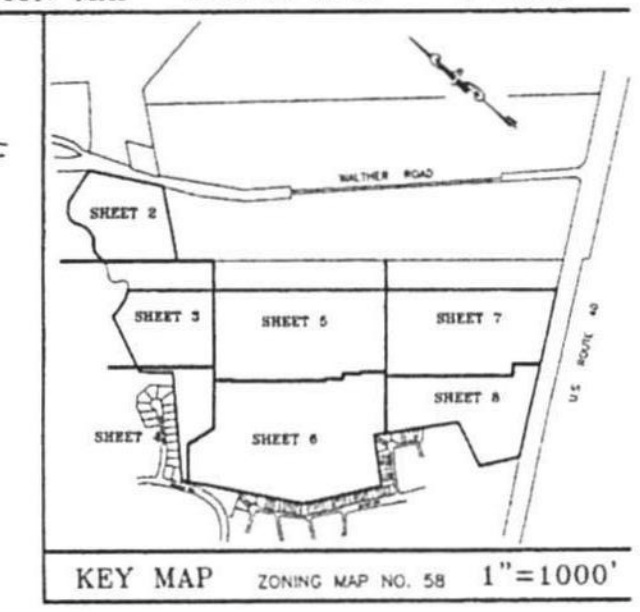
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:30 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David E. Martin, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Richard & Kristine Cassas	131	438 Pierce Run	203-733-1981	yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

- TOTAL SITE AREA : 130.28 +/- ACRES
- EXISTING ZONING : S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
- TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
- SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & D.B. 79-468
- TOPOGRAPHIC SURVEY:
  - A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
  - B. DATUM: NAVD 88
    - BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF A BRIDGE 1,000 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
    - ELEVATION: 99.34
- WATER: ARTESIAN WATER COMPANY

WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

- SEWER: NEW CASTLE COUNTY - GRAVITY

SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY: SHALL BE RESPONSIBLE FOR CONSTRUCTING AND EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
- ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS + 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
- NUMBER OF PROPOSED LOTS: 194
  - A. REQUIRED PER TABLE 04.3.32 = 4 HOUSING TYPES
  - B. MAXIMUM % OF ANY TYPE = 45
  - C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.27 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.71 ± AC.	0.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

5. A. ITEM MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MONDELOMETRIC FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY

B. 0.0286± ACRES OF WETLAND DISTURBANCE IS PROPOSED PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2006.

6. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN SHOWN ON SHEET 5 OF 7 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2301, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:

- A. DISTURBANCE ALLOWED BY CODE
  - 1. PROHIBITIVE - 0%
  - 2. PRECAUTIONARY - 50%
- B. PROPOSED STEEP SLOPE DISTURBANCE
  - 1. PROHIBITIVE - 0%
  - 2. PRECAUTIONARY - 8%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ENTIRE STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DE. THE MAINTENANCE RESPONSIBILITY OF THE RECREATION AREAS, THE RECREATION VALUE LANDSCAPING & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
- A. REQUIRED BY CODE = 130.28± ACRES x 0.50 = 65.15± ACRES, 50%
- B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, SHERATHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT IN ANY CASE WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 8,388± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
- A. DISTURBANCE ALLOWED BY CODE:
  - 1. MATURE (CNA) = 15%
  - 2. YOUNG = 50%
- B. DISTURBANCE PROPOSED:
  - 1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
  - 2. YOUNG = DIE (NONE ON SITE)

BULK AREA RESTRICTIONS: OPEN SPACE PLANNED	TOWNHOUSES	MIN. REQUIREMENTS: WEAK-LINK	CLUSTER
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0',18' @ END UNIT		8'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	N/A	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
- A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
- B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266± AC./1.33± AC. = 19.8%

35. USABLE OPEN SPACE.
- A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
- B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE.
- A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
- B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.884 ACS./3.70± AC.S = 23.8%

39. PURSUANT TO SECTION 30.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A MONUMENT SIGN, 3 FEET MAXIMUM IN HEIGHT AND 32 SQUARE FEET MAXIMUM IN SIGN AREA, AT THE INTERSECTION OF EACH LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELIOR REGULATION SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RECORDATION OF THE SUBDIVISION PLAN AS DEPICTED ON THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO DIMENSIONS OF THE POSITIONING OF PLANNED STREET INTERCONNECTIONS.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AND PAGE OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR SIGNING IMPROVEMENTS ASSOCIATED WITH LEMAS AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF THIS BONDED, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 E/ OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310L OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW AMOUNT, INCLUDING INTEREST PLUS $24,776.36 ($800.02 X 46 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

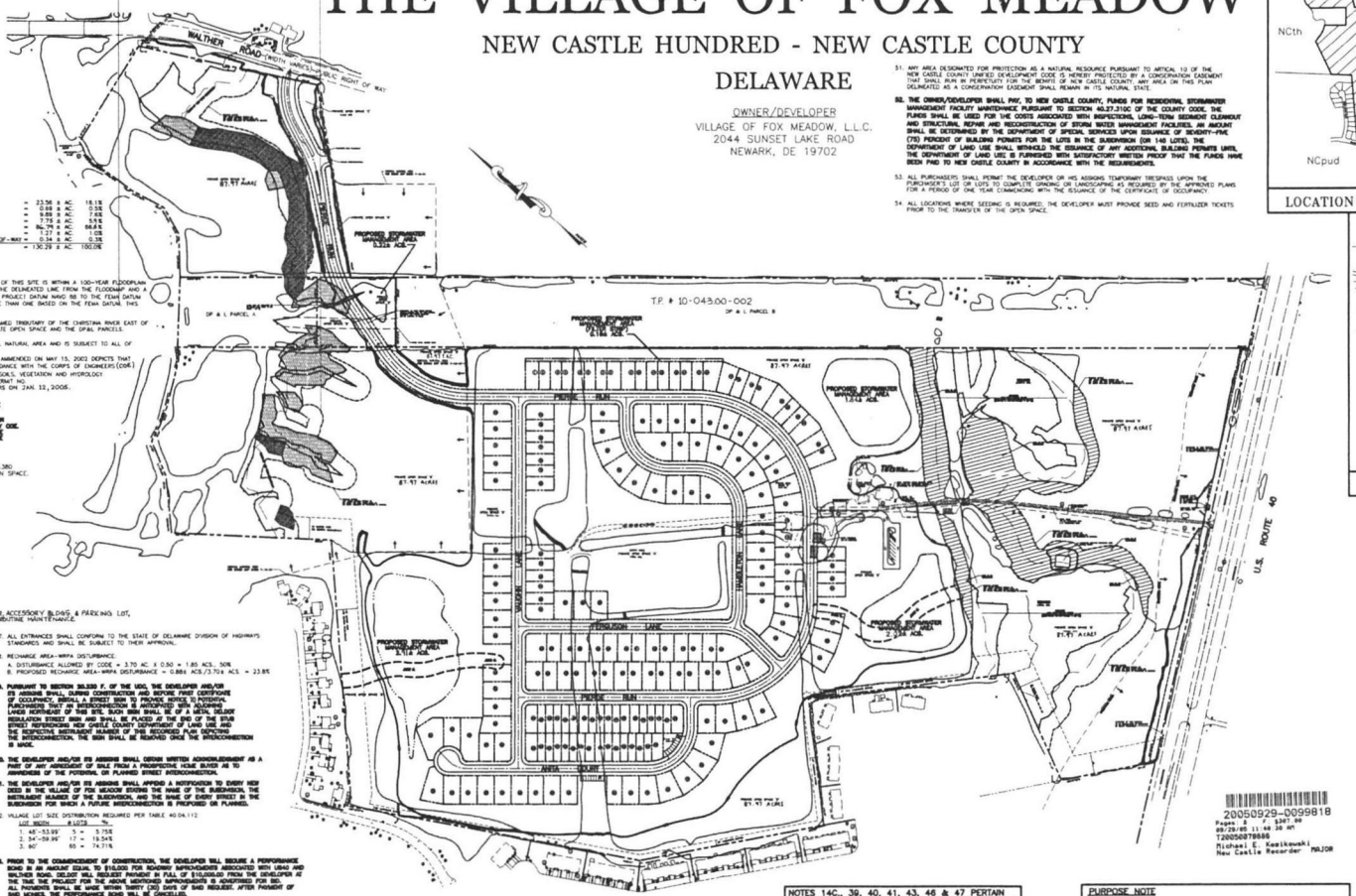
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.28±ACS.

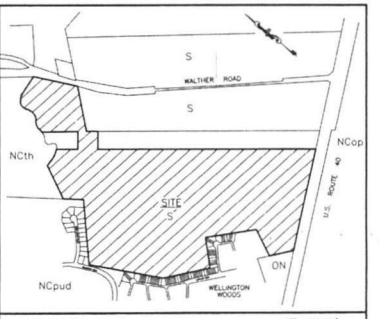
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

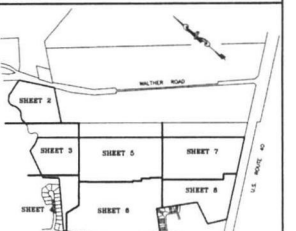
53. ALL PURCHASERS SHALL FORMAT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED: 3/8/05 DATE BY: [illegible] COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED: 4/27/05 DATE

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

COUNCIL PRESIDENT

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

24-001

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FTJ/JAV	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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RC

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joseph F. Certesio, Sr. + Shirley T. Certesio	10043 10877	125 Ferguson Ln.	302-834-4748	Yes	

APPLICATION NO. 2003-0264(S)

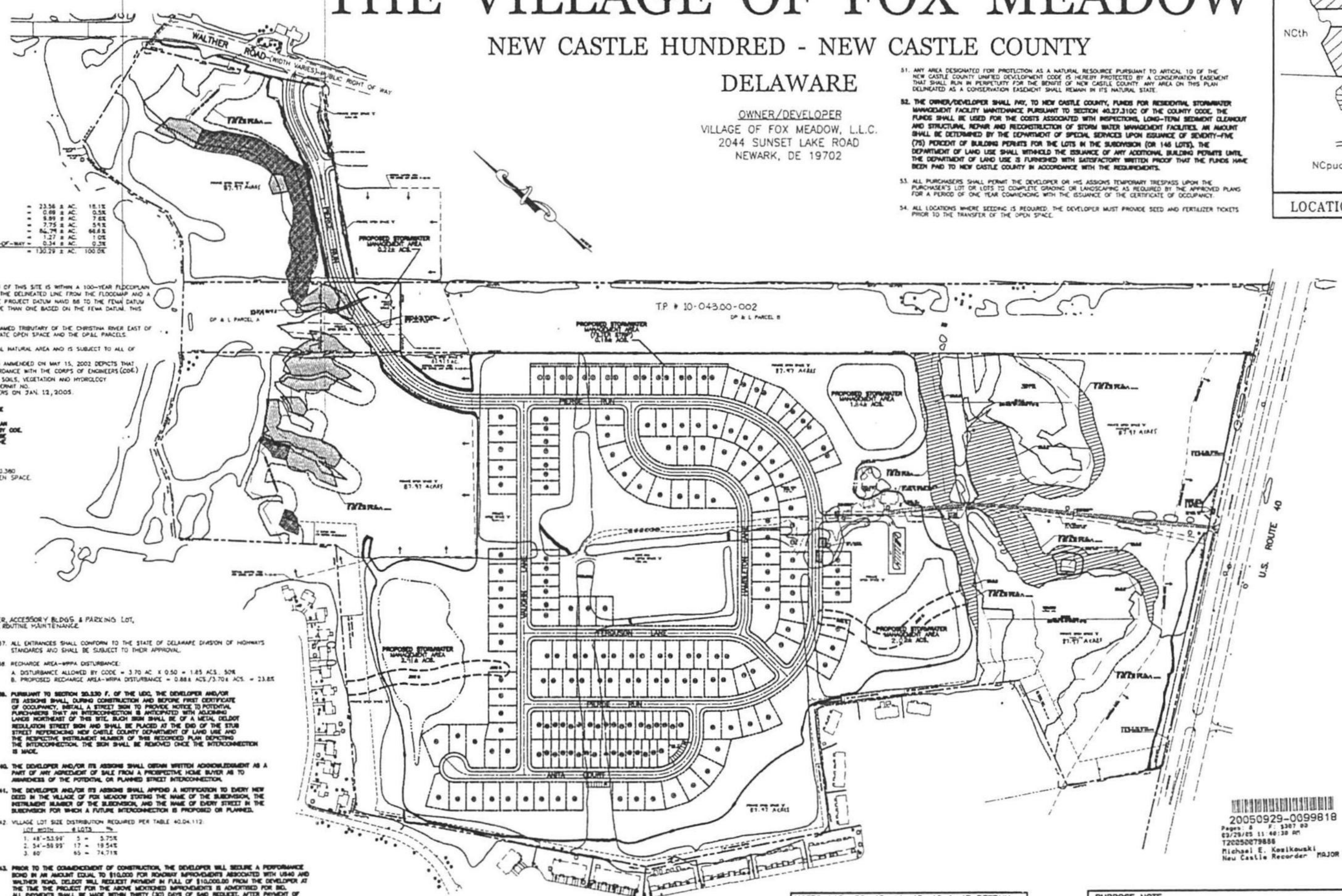
RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702



DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	87	=	44.8%
B. WEAK-LINK TOWNHOUSES	41	=	21.1%
C. TOWNHOUSES	34	=	17.6%
D. TWINS	32	=	16.5%
TOTAL	194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	0.34 ± AC.	0.3%
TOTAL	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR (SHOWN ON SHEET 7 OF 8) AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS
    OPEN SPACE PLANNED

	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700. <u>EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.</u>
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

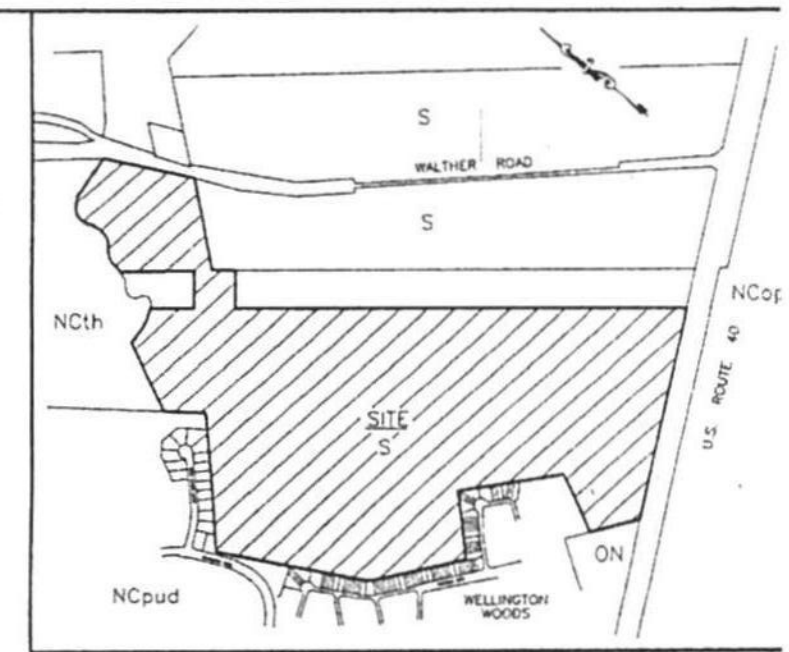
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. <u>SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.</u>
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $506.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($506.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

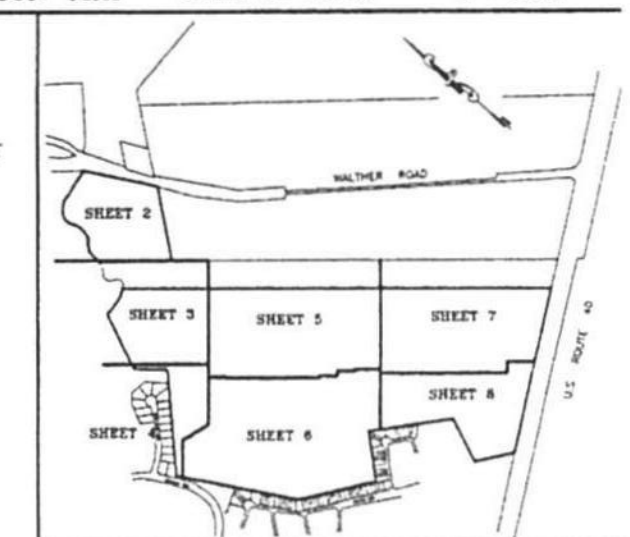
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8 F: $307.00
09/29/05 11:40:38 AM
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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [signature], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED 9/27/05 BY [signature]
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

24-001

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Judith A. Cinnamond Thomas W. Cinnamond	77	7. Vaughn Lane	609-870-5527	Yes	Judith A. Cinnamond

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040206-0050393 & 9179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION 69.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 52,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE DA.1.30 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.69 ± AC.	6.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	80.76 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF ORIG. PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THIS FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DRAL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.320 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 2.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. MONTOUR COE PERMIT NO. CENAP-OP-R-200401251-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 (AM) APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 15%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 2.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIONEER RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A PERPETUAL FAMILY FARM LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0031079 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN AS TOWNHOUSE COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION AND ACCEPTANCE BY THE STATE OF THE IMPROVEMENTS. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CWA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CWA) = 2.25± ACS./23.98±ACS. = 9.8%
    2. 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0', 16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	MEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8', 0' @ END UNIT	0', 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500± SF	3,600± SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL POST CONSTRUCTION SIGNS BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONSTRUCTION OF A STUB STREET IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL CONSIST OF A METAL OBJECT REGULATORY SIGN AT LEAST 30 INCHES BY 30 INCHES ADJACENT TO EACH STUB STREET REFERENCED HEREIN AND CASTLE COUNTY DEPARTMENT OF LAND USE STAFF SHALL INSPECT AND APPROVE SUCH SIGNS PRIOR TO THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE (TBD) A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A STUB INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

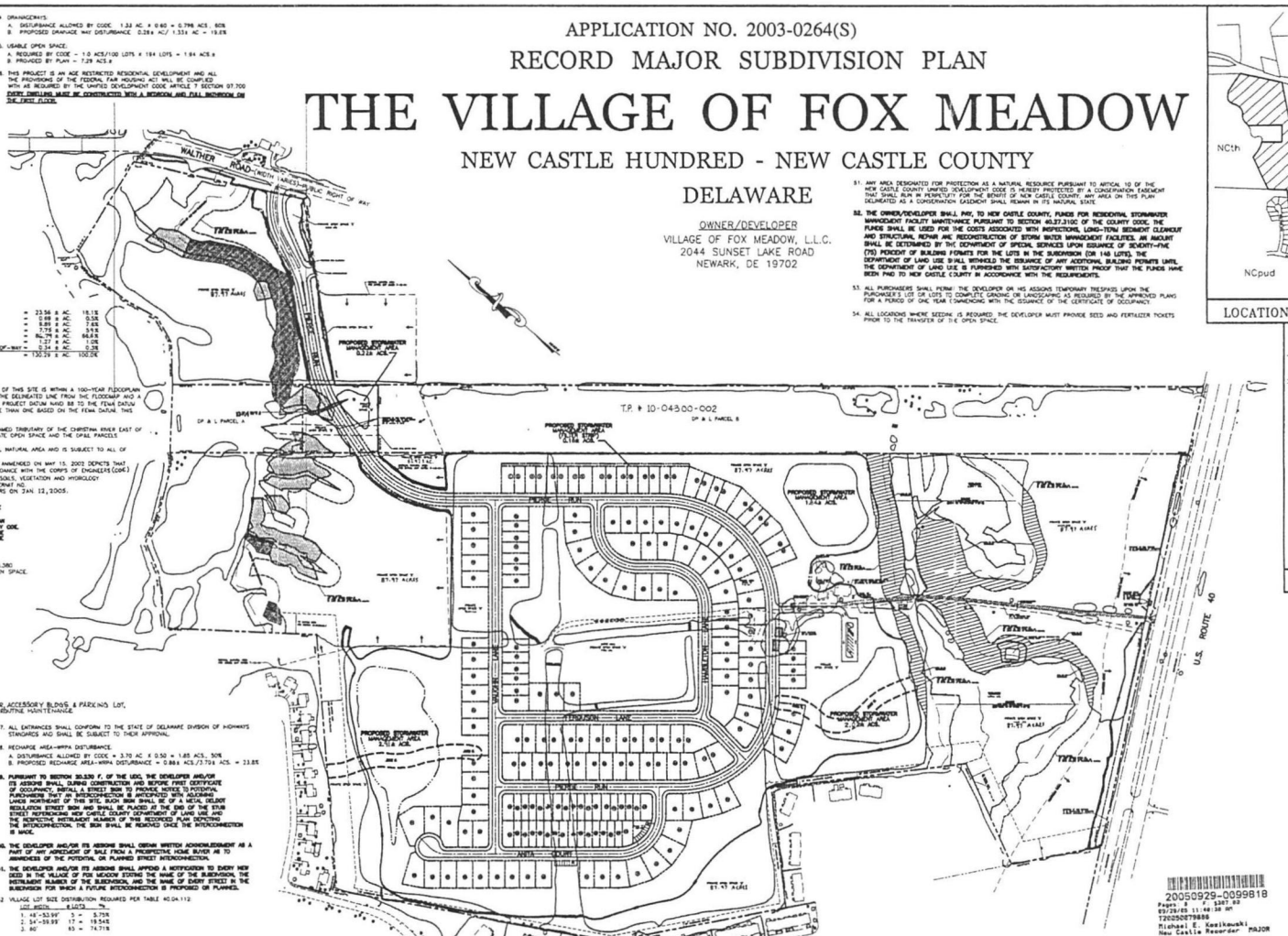
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9	5.75%
2. 54'-59.99'	17	10.54%
3. 60'	93	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40 AND WALTHER ROAD. DELCOT WILL REQUEST PAYMENT IN FULL OF $15,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE RELEASED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 21.110 C. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DRAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.46±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±AC'S.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
U.S. ROUTE 40
PIONEER RUN
WALKER LANE
THURLOW LANE
ANITA COURT
TAYLOR LANE
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA #1 7.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #2 1.27± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #3 2.11± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #4 2.21± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #5 2.29± ACS.
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED PICNIC AREA
PROPOSED BOCCE COURT
PROPOSED SHUFFLEBOARD COURT
PROPOSED HORSESHOE COURT
PROPOSED BASKETBALL COURT
PROPOSED VOLLEYBALL COURT

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Yvonne Clark		333 Pierce Run	302-766-5626	Yes	Yclark

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 3179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 8 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS + 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. MEAR-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.65 ± AC.	66.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF SPAL PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. TO CONVERT FROM THE PROJECT DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPAL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDES WETLANDS SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. MONMOUNT COE PERMIT NO. CENAP-OP-R-200401231-1 (SHEET 2, SHEET 4) DATED JANUARY 13, 2005 BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 (AM) APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 25
    2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 2.1%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY LTD., L.L.C., DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0033179 AND THE RECORD MAJOR LANDSCAPE & SIMON SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE MODIFIED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041014-0106378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14, OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.154 ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PARTICULARLY THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG THAT LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY 2,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION AND ACCEPTANCE OF THE STREETS BY THE STATE. PRIOR TO THAT TIME, THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITH THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (CMA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CMA) = 2.25± ACS./23.86± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	MEAR-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	68'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
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    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
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    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, PRIOR TO CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONSTRUCTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DEBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED TO THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A PUBLIC INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

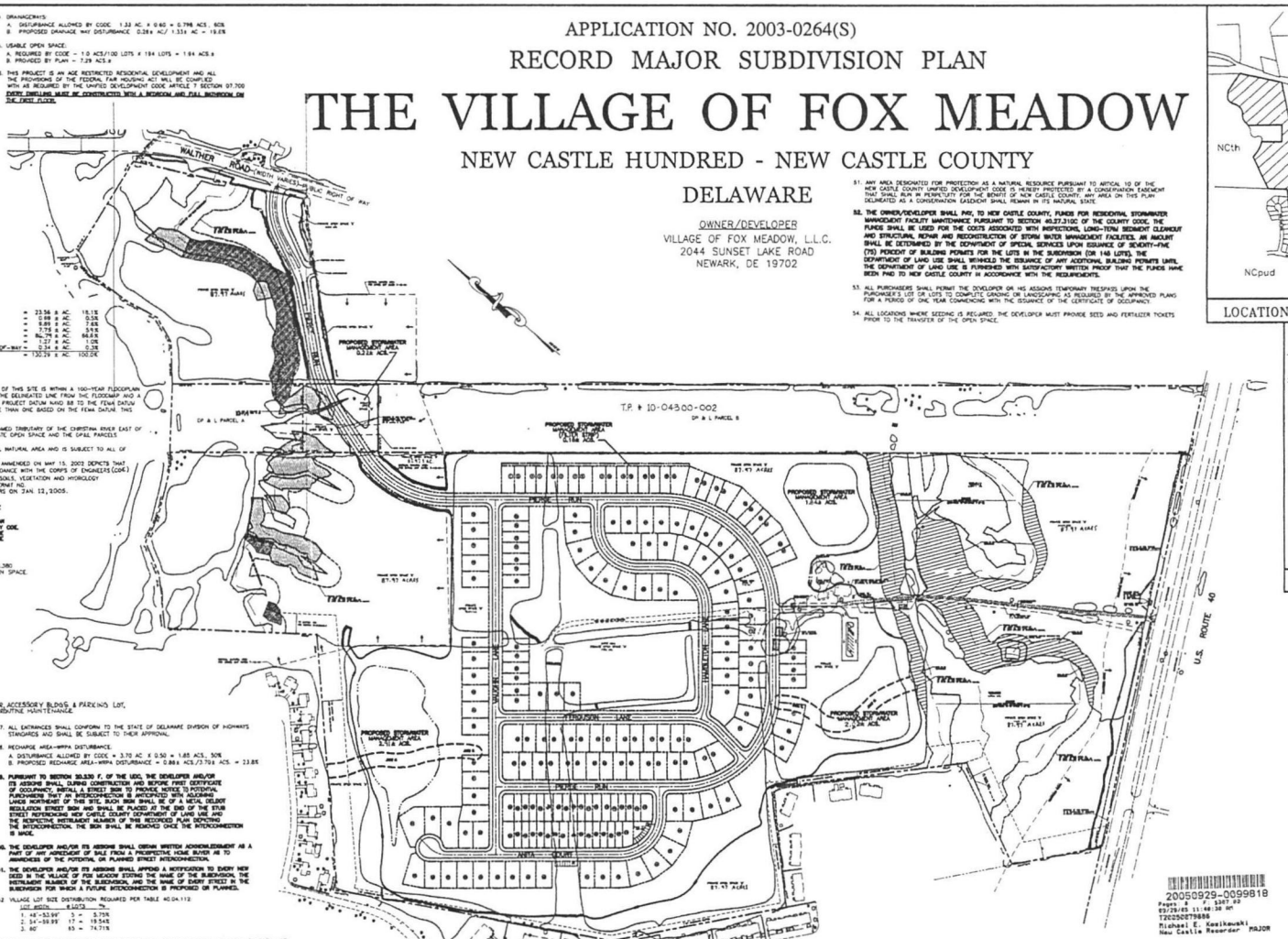
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 ±	5.75%
2. 54'-59.99'	17 ±	19.54%
3. 60'	65 ±	74.71%

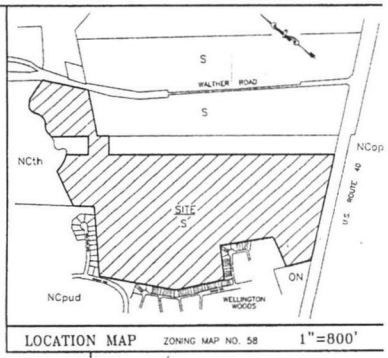
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $15,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE RELEASED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800/LOT INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 87.3 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRESATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	83.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.46±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

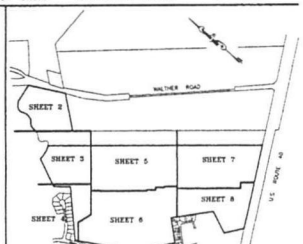
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (MEAR-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO - MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID A. METZ, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #548 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Baker
DATE — COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
CINE CORPORATE COMMONS @ SUITE 301 @ DREY CAMP, DELAWARE
PHONE - (302) 323-9377 @ FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	DOWN NO: C 853-2	FILE NO: 039	SHEET NO: 1 of 8

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04-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
LOLITA M CLYBURN		423 Pierce Run	732309-0371	YES	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040508-0050393 & D.B. 66-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88;
      BENCHMARK - PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF THE INTERSECTION 75 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04-130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	64	= 33.0%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	9	= 4.6%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.76 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

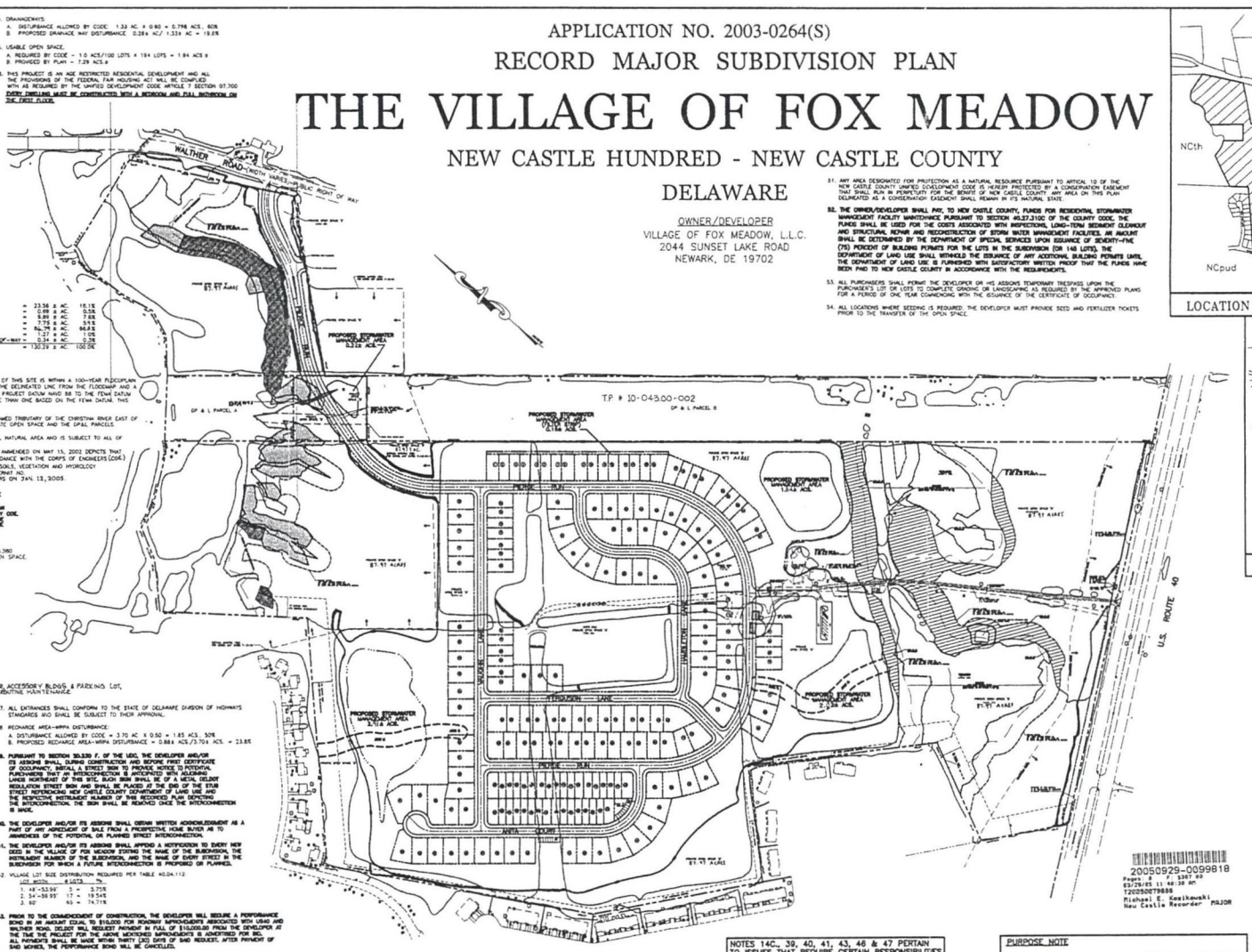
REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NGVD 29) TO THE FEMA DATUM (NAVD 88), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS DELINEATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.3370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED AN EXISTING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0294 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAMP12, NAMP14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED APRIL 2004 AND APPROVED BY COE. THE MITIGATION PLAN CONSISTS OF CREATING 0.71 ACRES OF WETLANDS ON SITE AND 0.07 ACRES OF WETLANDS TO BE PURCHASED FROM THE NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.8%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE AGREEMENT BY & PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible], AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' SIGMA DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED. WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED RIGHT-OF-WAY OF A PUBLIC STREET, SUCH SEWER SHALL BE IN DEDICATED EASEMENTS SUCH AS PARKING LOTS, PRIVATE STREETS, OR OPEN SPACE. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE II OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    TOTAL LENGTH OF STREETS = 2,288± L.F.
    AVERAGE WIDTH (51' TO 73') RIGHT-OF-WAY: 55.8± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESCRIBED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DBH) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DBH) = 2.25± ACS./23.96±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.F. & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	MEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.300
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
38. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.210C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
WIDTH VARIES - PUBLIC RIGHT OF WAY
PROPOSED STORMWATER MANAGEMENT AREA 5.12± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.34± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.61± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.33± ACS.
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PIERCE RUN
PIERCE RUN BOULEVARD
HARVEST MOON LANE
HARVEST MOON COURT
HARVEST MOON WAY

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
MARK J. CONNOR	LOT # 4 1003840123	317 PIERCE RUN	302-584-2173	YES	

MSC

APPLICATION NO. 2003-0264(S)

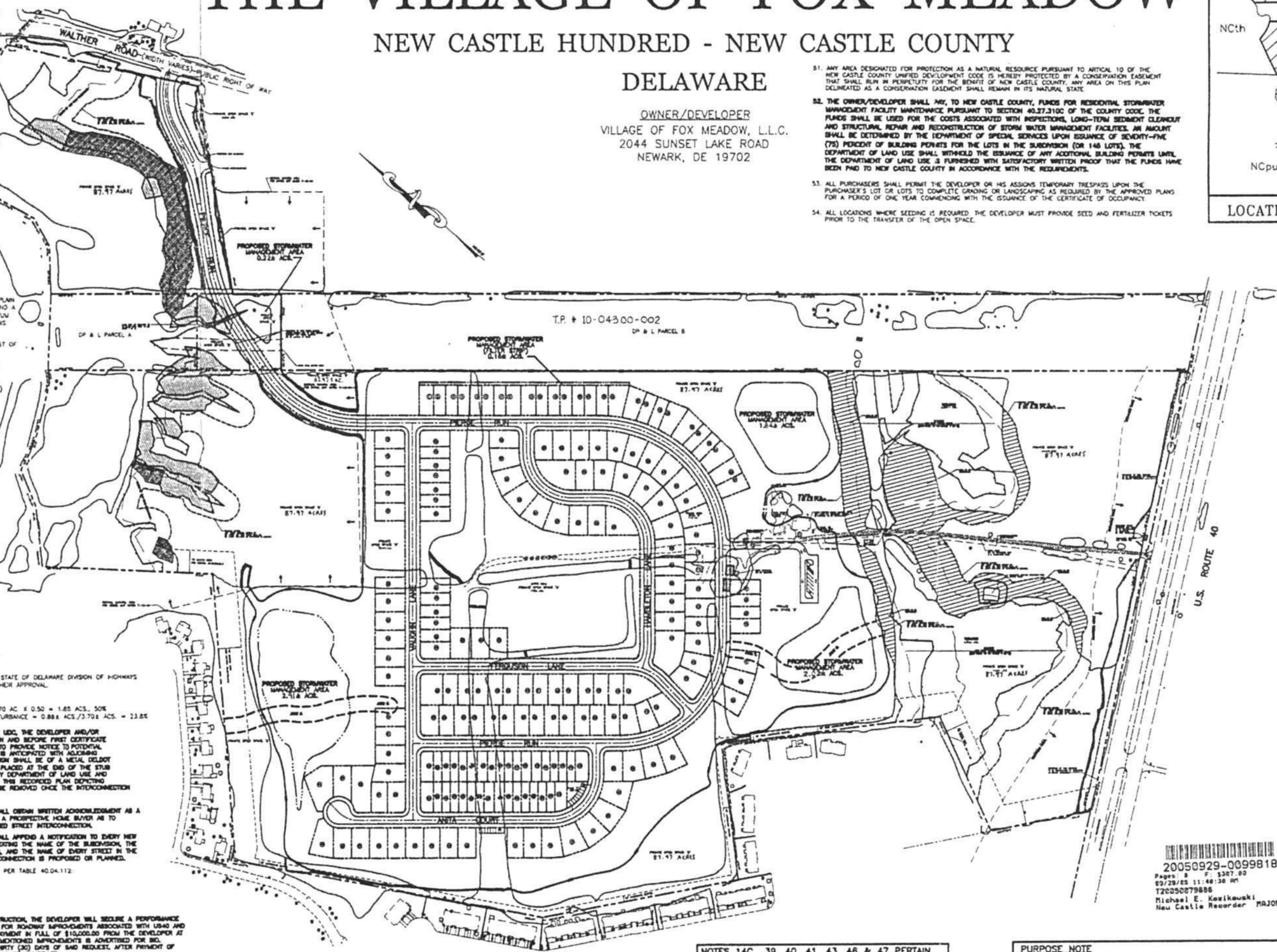
RECORD MAJOR SUBDIVISION PLAN

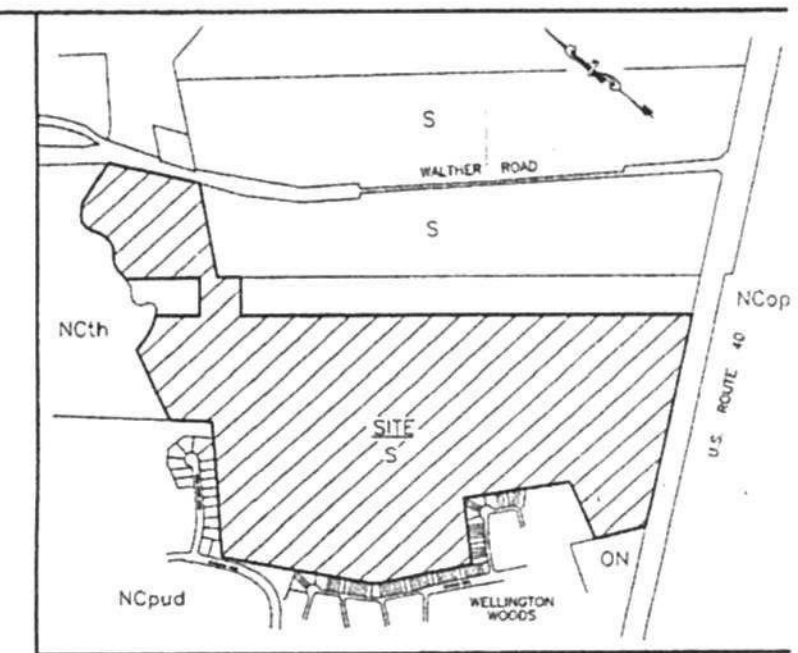
THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

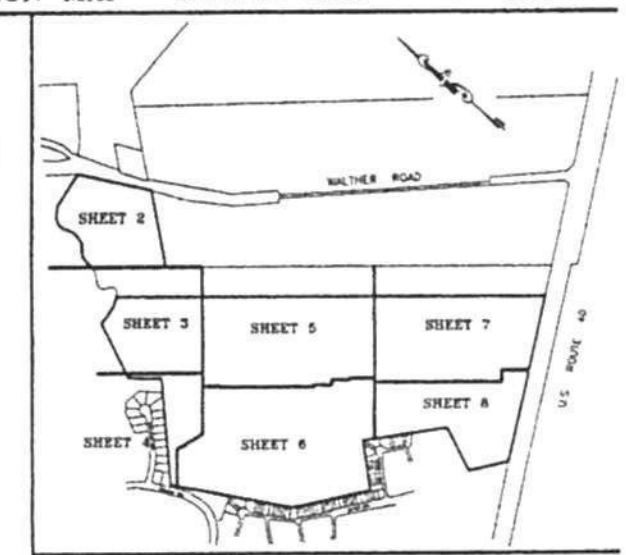
DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	=	44.8%
B. WEAK-LINK TOWNHOUSES	=	41	=	21.1%
C. TOWNHOUSES	=	34	=	17.6%
D. TWINS	=	32	=	16.5%
TOTAL	=	194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 6,288± L.F.
    VARIABLE WIDTH (31' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CNA) = 2.25± AC./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS OPEN SPACE PLANNED

	MIN. REQUIREMENTS TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20	15'/20' TO PKG
SIDE YARD	1 @ 8'	0'/8' @ END UNIT
REAR YARD	25	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[signature] 3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

______ DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

[signature] March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 (DATE) BY [signature] GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 (DATE) BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

20050929-0099818
Pages: 8 F: $307.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- — LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ○ FAX - (302) 323-9461

0 100 200 400 GRAPHIC SCALE

24-001

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039 · SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Melchor Correa	1004320173	515 Hawbleton LN Newark, DE 19702	302-353-7569	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 079-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.5%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-11-92 [?] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050811-0099179 [?] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CM4) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CM4) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 20.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

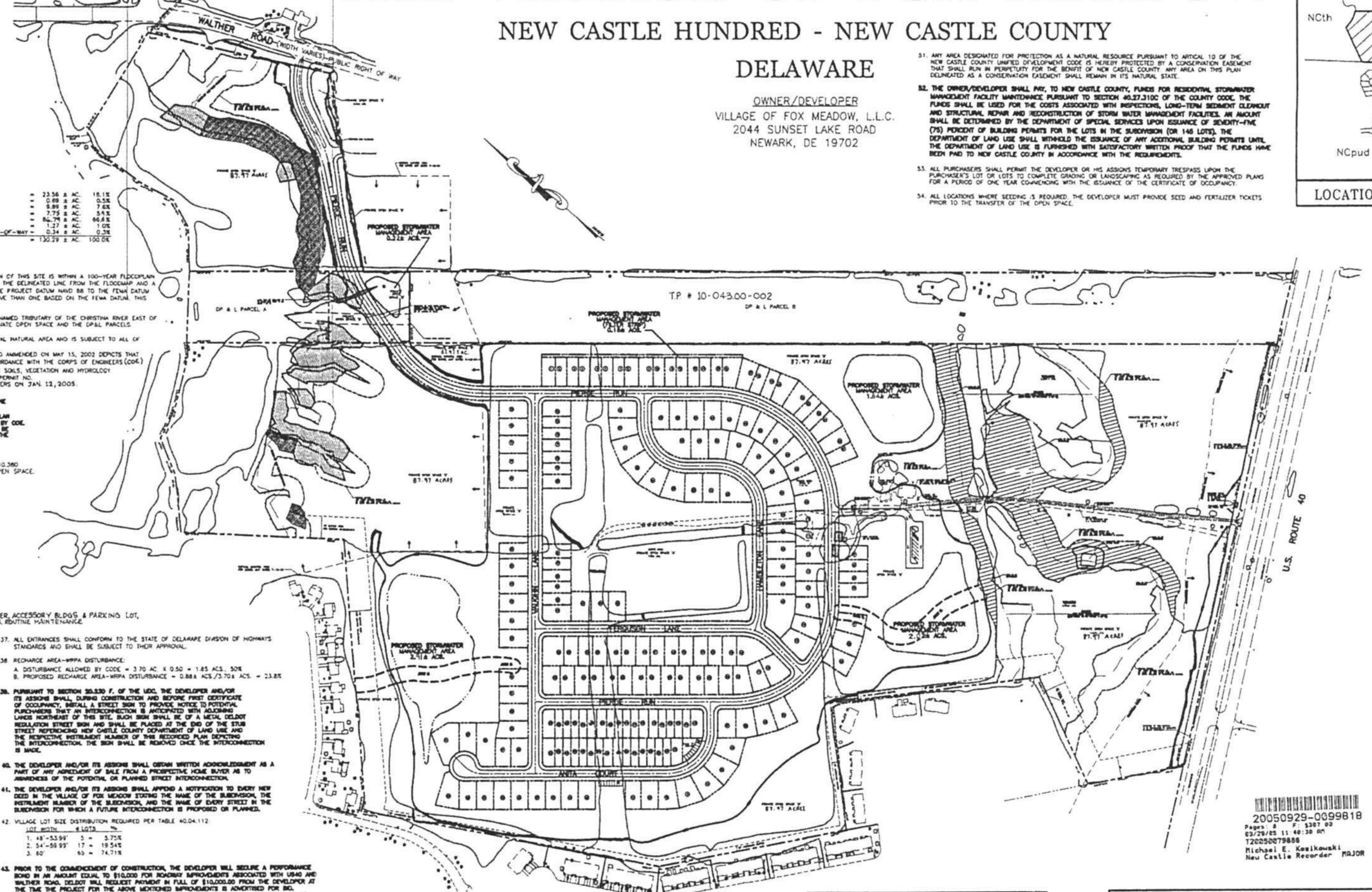
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

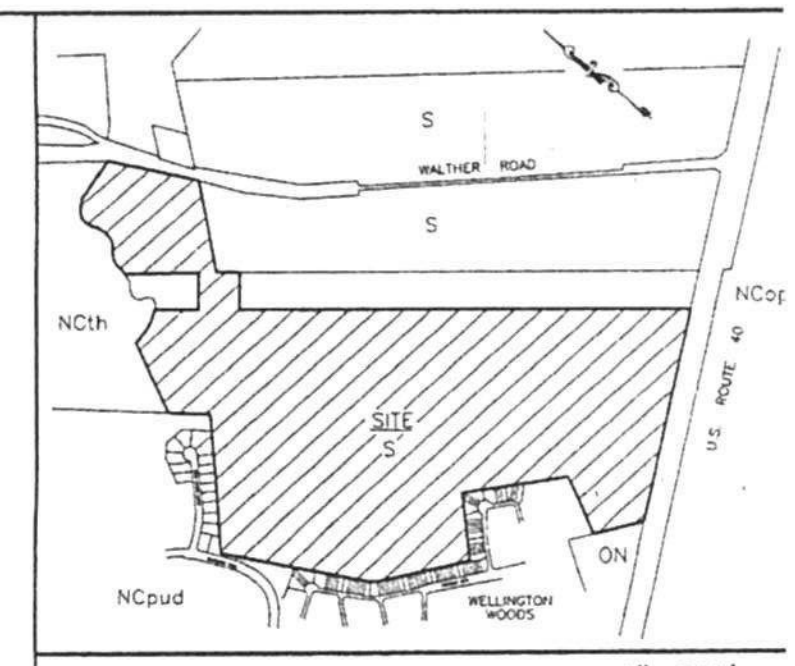
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $505.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($505.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DPAL PARCEL A PURSUANT TO SECTION 4.110 C.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

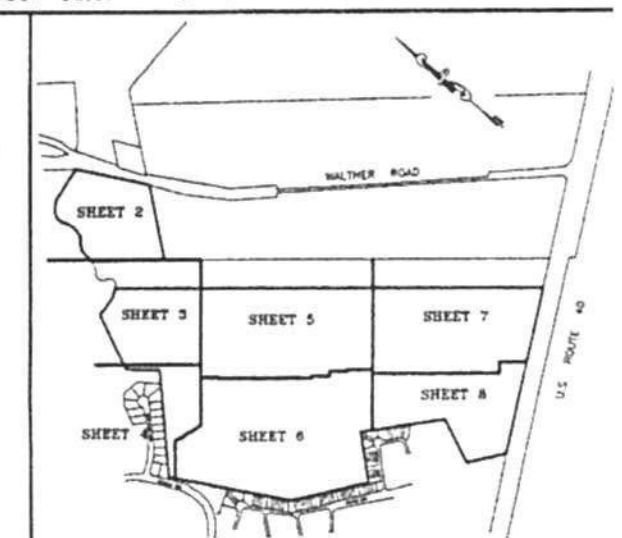
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, MANAGING MEMBER DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David R. Mattie, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY GENERAL MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED 9/27/05 BY COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 o FAX - (302) 323-9461

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Brenda Crowley		224 Anita Ct	201-317-8311	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0056393 & 0179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST WEST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. THERE CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS = 250 GPD/UNIT x 137 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GA./S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MINIMUM % OF ANY TYPE = 45
   C. MAXIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.49 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	11.74 ± AC.	9.1%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	84.79 ± AC.	64.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.20 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.39 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED 100-YEAR FLOODPLAIN AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODPLAIN DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.929± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
15. WHERE THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0050179 AND THE RECORD MINOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, OR 10' PERPETUAL ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHERE POSSIBLE, BY THE ESTABLISHMENT OF THE PUBLIC RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS. THIS EASEMENT SHALL BE 22' WIDE TO INCLUDE 2' OUTSIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO A LAND DEVELOPMENT IMPROVEMENT AGREEMENT, PERFORMANCE GUARANTEE AND MAINTENANCE AGREEMENT THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0160878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 16 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 85.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,286± L.F.
    VARIABLE WIDTH (51' TO 133') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE, SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE UPON THE COMPLETION OF THE STREETS BY THE DEVELOPER AND TO THE SATISFACTION OF THE STATE. THE DEVELOPER SHALL HAVE THE RESPONSIBILITIES WITHIN THE DEDICATED PUBLIC RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CHA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CHA) = 2.25± ACS./22.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	15'/20' TO PKG.
SIDE YARD	0'/18' @ END UNIT	5'
REAR YARD	30'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	15'/20' TO PKG
SIDE YARD	0' & 8' @ END UNIT
REAR YARD	25'
LOT AREA	3,600 SF
BUILDING HEIGHT	40' (MAX.)
LOT WIDTH	36'
BUILDING SPACING	10'

34. DRAINAGE/ATS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BITHROOM AND FULL BACHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN TYPE AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE SUBDIVISION STATING THAT THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION THAT WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	7 =	19.54%
3. 60'	85 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND SHALL BE CANCELED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 32.611.7. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $5000.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA (NON-SPACE)" AND "NATURAL AREA (OPEN SPACE)". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.3 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY, AND AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
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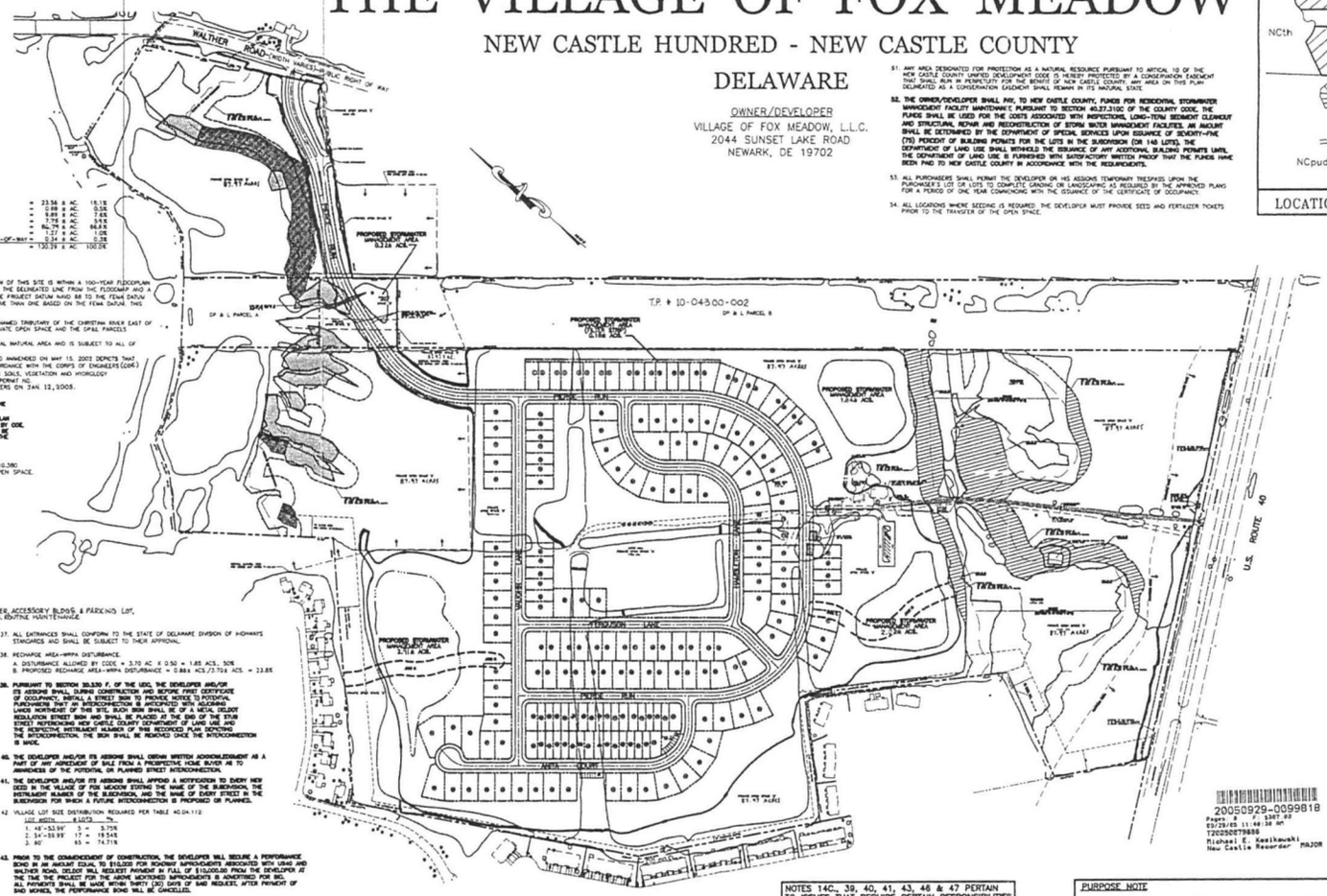
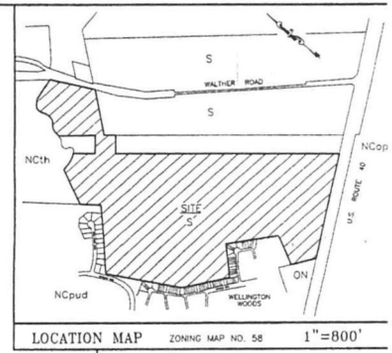
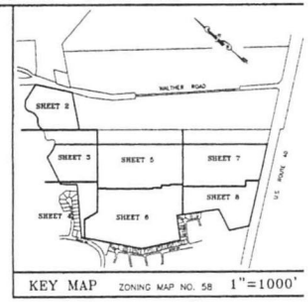




LOCATION MAP ZONING MAP NO. 58 1"=800'


WALTHER ROAD
SHEET 2
SHEET

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/~~No~~	Signature
Joanna Cupples		38 Vaughn Lane	484433 2932	(Y) YES	Joanna Cupples

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: P.K. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.6%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
   B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
   B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
   1. PROHIBITIVE - 0%
   2. PRECAUTIONARY - 50%
   B. PROPOSED STEEP SLOPE DISTURBANCE
   1. PROHIBITIVE - 0%
   2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE 1.33 AC. x 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
   B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.05±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

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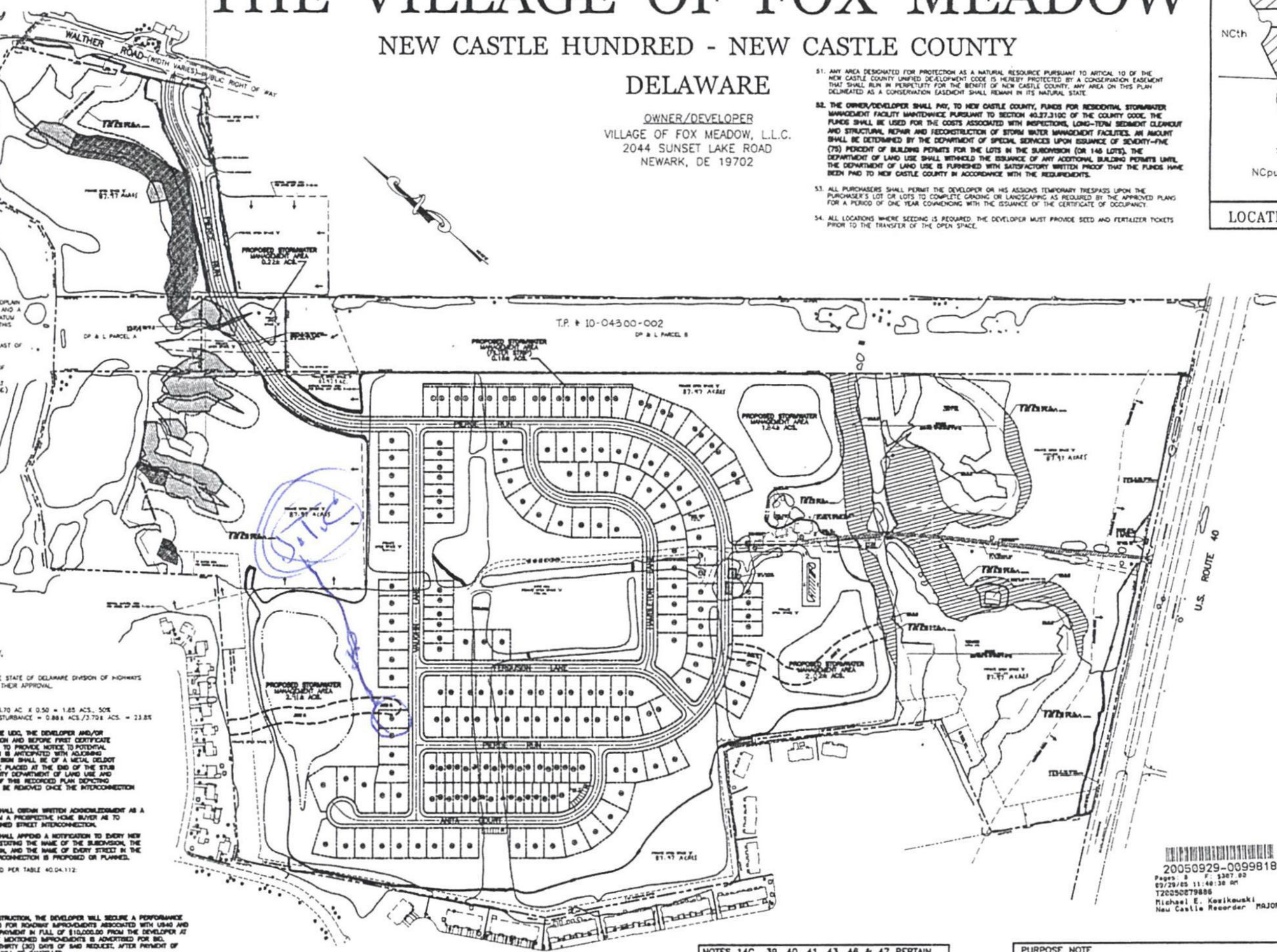
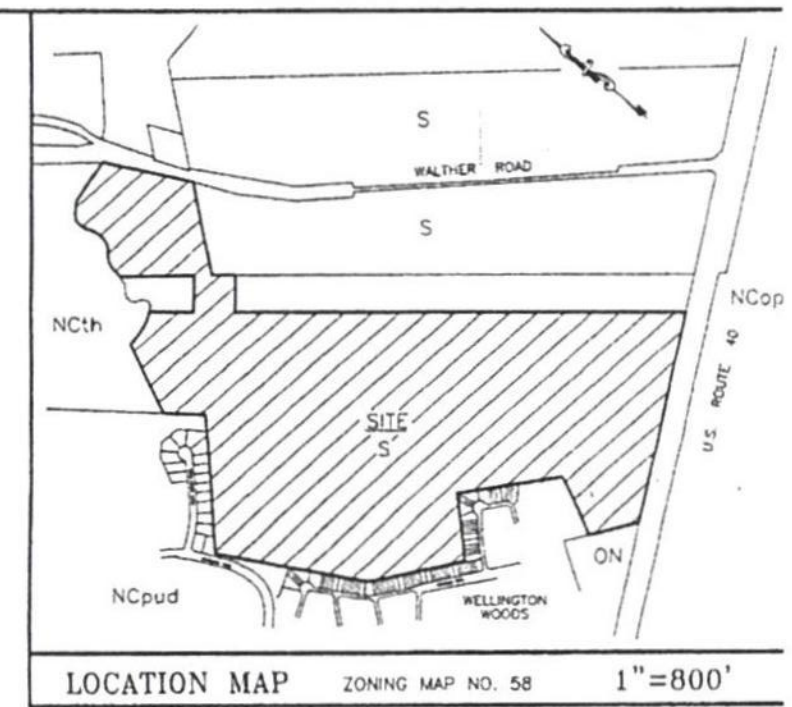
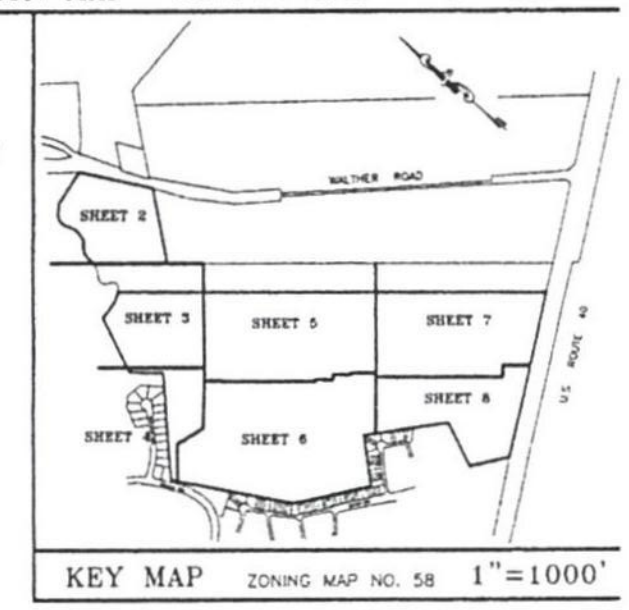




LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — 3/8/05 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, ______, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE BY ______ GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE BY ______ COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 301 ○ NEW CASTLE, DELAWARE
PHONE-(302) 323-9377 ○ FAX-(302) 323-9461

GRAPHIC SCALE 0 100 200 400

24-001

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
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Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Valerie Cutajar		380 Pierce Run Newark, DE 19702	302-832-2520	Yes	Valerie Cutajar

APPLICATION NO. 2003-0264(S)

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NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
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OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
DP&L PARCEL 'B' = 17.42± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN, ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0263 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231- (MAP) 2, MAP#41 GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
       1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANCE FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
       2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 3, 2004 AND APPROVED BY COE. THE WETLANDED MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, SEC. SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEPRE WILL BE BURIED ON SITE
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 25
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0
       2. PRECAUTIONARY - 5.9
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSECRED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING LOTS, STREETS, AND THE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], RECORDED [illegible] IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, OR 10' O.D. RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10 OF WHICH SHALL BE ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108375.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES, FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 3889 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 3558 ± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DIA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DIA) = 2.25± ACS./23.86±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PAC	12'
SIDE YARD:	0', 18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4 800, 5,400, 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PAC
SIDE YARD:	0' & 8'	0', 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.40 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH. AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.130 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL INSTALL A TEMPORARY TURNAROUND AT THE END OF THE STUB STREET REFERENCED IN NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. [illegible] AND THE RECORDED PLAN SECTION(S) THAT INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF THE AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

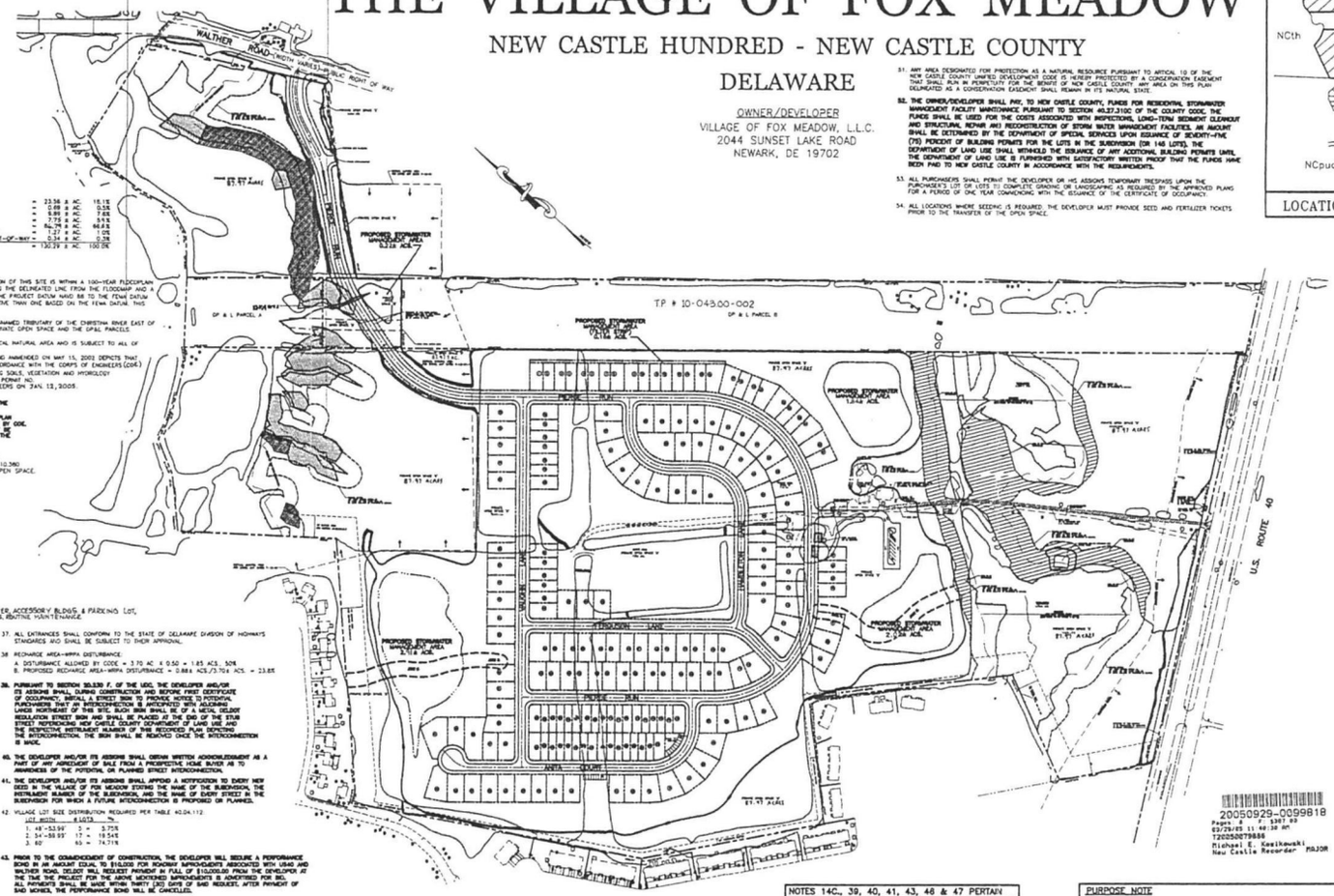
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

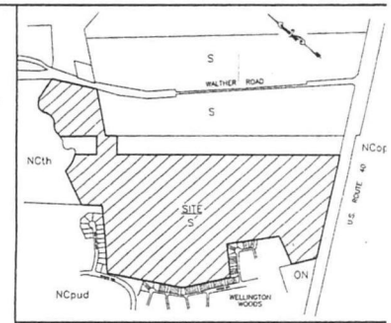
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELAGT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 4, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREAS:	7.29±ACS.	79.49±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.79±ACS.	-	-	-	7.79±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

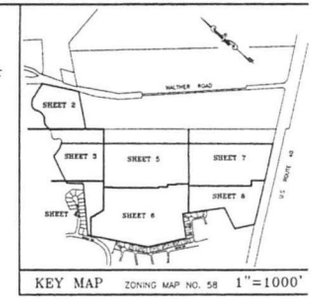
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #549 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Cahall
DATE — DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

20050929-0099818
Pages: 8
F: 1287.00
09/29/05 11:40:30 AM
120050079886
Michael E. Cavikowski
New Castle Recorder MAJOR

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA STANDARDS, WHICH ARE PART OF THE LAWS AND RULES AND REGULATIONS THEREOTO APPLICABLE

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE XXI © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 328-8461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FTJS/		
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

24-001

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DWAYNE DANTZLER	10043 10862	405 Pierce Run	3024381800	Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050363 & D.B. 668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 56,097 GPD.
NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.1.50 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.85 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	6.0%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE FEMA FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE PROJECT DATUM (NAVD 88) TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY.

B. 0.02± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) SUBMITTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:

1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLAND FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.

2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN THAT WAS APPROVED BY THE COE. THE MITIGATION AREA MUST BE IN PLACE BEFORE OR CONCURRENT WITH THE FILLING AND SHALL BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES (BUT NOT ADJACENT TO INDIVIDUAL LOTS), STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, ETC. THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0058174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' WIDE, IS HEREBY ESTABLISHED ALONG ALL LOT LINES ACROSS WHICH SEWERS SHALL BE CREATED, WHENEVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR GRAVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004-004-0109378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED (EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT).

STREETS TO BE DEDICATED FOR PUBLIC USE
50' RIGHT-OF-WAY: 8,588± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE DEVELOPMENT ARE NOT DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. NATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. NATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	15'
SIDE YARD:	0',16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	28' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

MIN. REQUIREMENTS

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	30' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.5%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

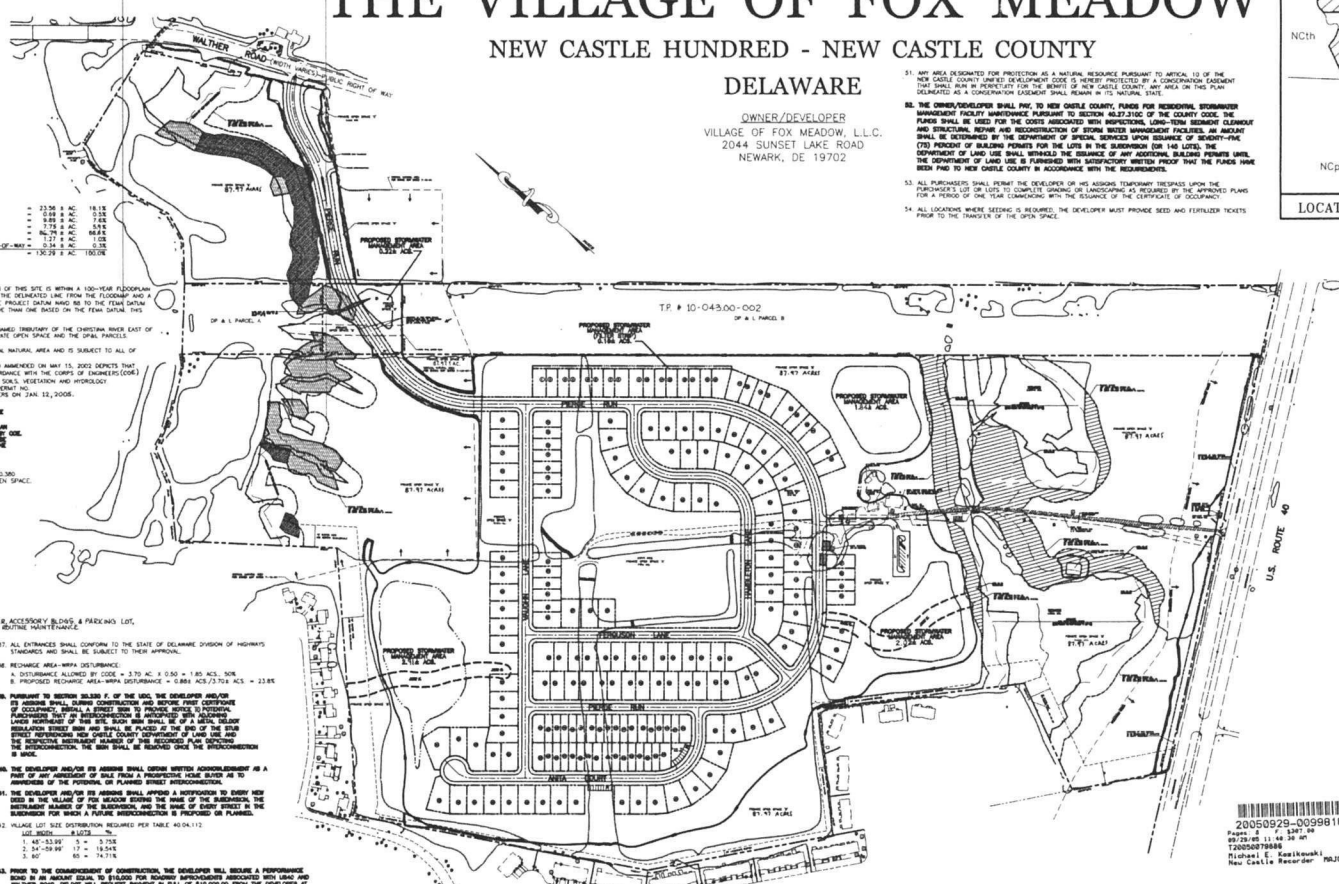
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

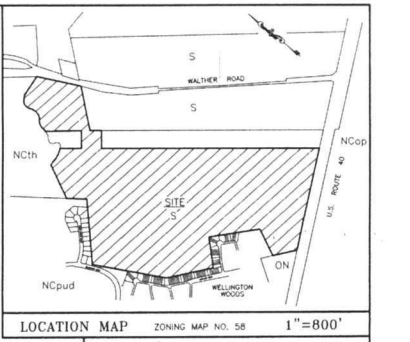
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

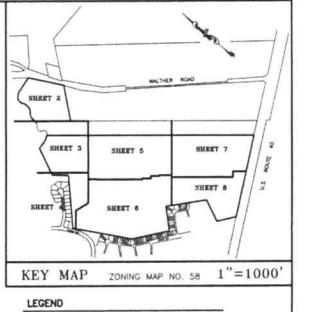
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 40.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE STREET TERMINUS SHOWN ON THE PLAN IS INTENDED TO BE CONNECTED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION TYPE AND SIZE, AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE PROPOSED INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW ESTATE THAT THE SAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5	= 5.75%
2. 54'-59.99'	17	= 19.54%
3. 60'	65	= 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB&D AND WALTHER ROAD. DELCOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE OF COMMON AREAS. PRIOR TO AND TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,775.50 ($500.00 X 69 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 41.10. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 41.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.78±ACS.	-	-	-	7.78±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #546 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID A. CATLIN, REPRESENTATIVE OF DELAMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Baker
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

20050929-0099818
Pages: 1 of 1
09/29/05 11:48:30 AM
1200500798886
Michael E. Kozikowski
New Castle Recorder MAJOR

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 301 @ NEW CASTLE, DELAWARE
PHONE - (302) 323-8777 @ FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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DAVIS

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Belinda McGuire Davis		409 Pierce Run	973-445-1164	Yes	Belinda McGuire Davis

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = x HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.29 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM TO THE FEMA DATUM, NGVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401231-1 (mwp12, mwp14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 3.31.04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040331-0038819 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED. WHEREVER POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY, SUCH SEWER SHALL BE LOCATED WITHIN AN APPROVED PERPETUALLY MAINTAINED AREA SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEES INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY CREATED AND SHALL BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 5,988 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 5556 ± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DIA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DIA) = 2.2± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS WEAK-LINK TOWNHOUSES	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/8' & 30'		5'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	n/a	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, DEPICT, STRICTLY SUBJECT TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THE SAME. SUCH IRON SHALL BE OF A METAL OR PLASTIC REGULATION STREET IRON AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE IRON SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL ERECT AND APPROVE A NOTIFICATION TO EVERY NEW DEED IN THE SUBDIVISION, AND ON MEADOW STATION, THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED ON PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

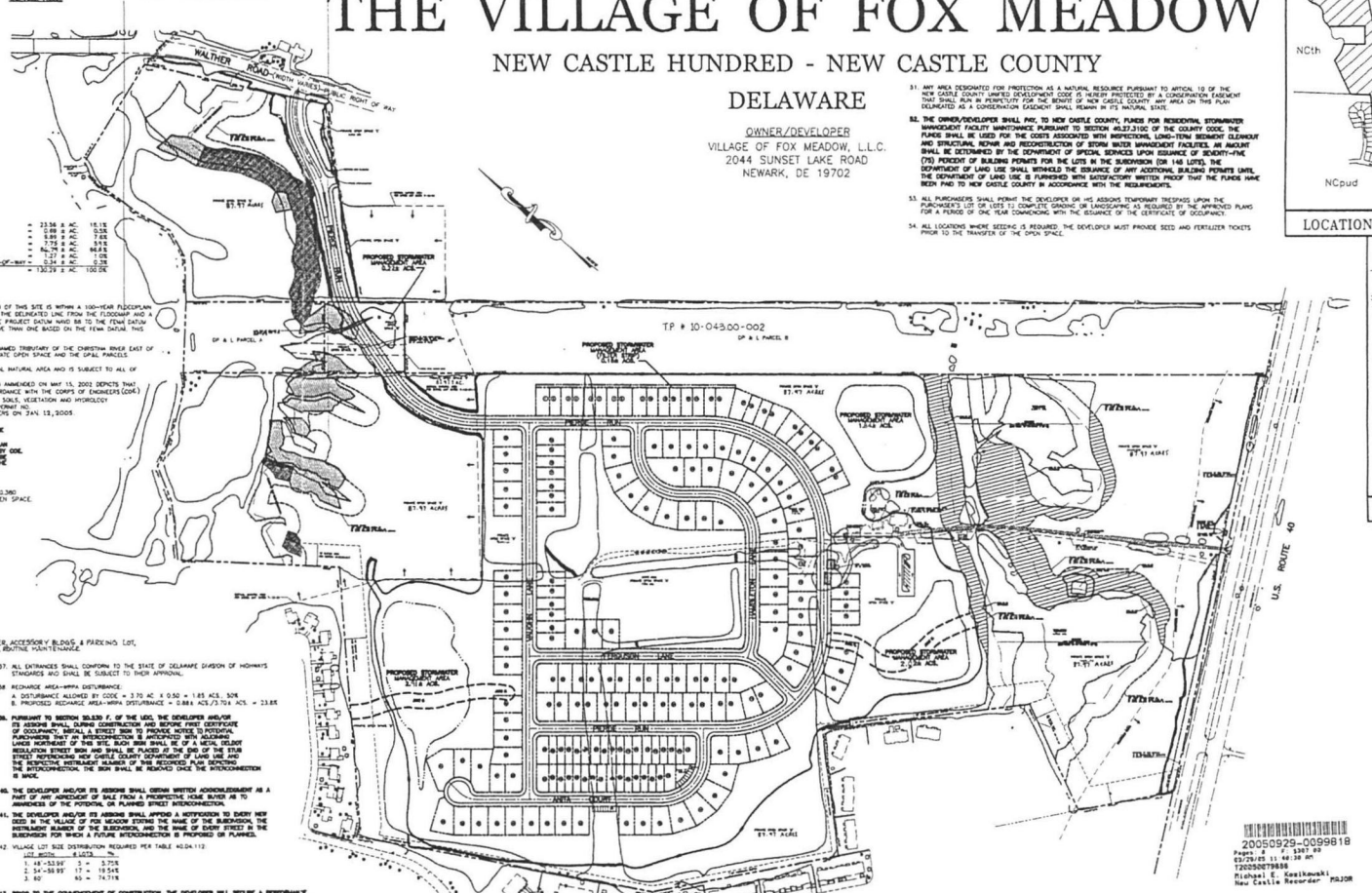
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 ≠	5.75%
2. 54'-59.99'	17 ≠	19.54%
3. 60'	65 ≠	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMABLE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&AS AND WALTHER ROAD. DELJAT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER. AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE MAINTAINED FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3130L OF THE UDC TO ESTABLISH A INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 45.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 7.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.28± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.28± ACS.
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED COMMUNITY CENTER
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
RICHARD & TANYA DAY		13 VAUGHN LANE	610-348-2006	YES	Tanya A Day

APPLICATION NO. 2003-0264(S)

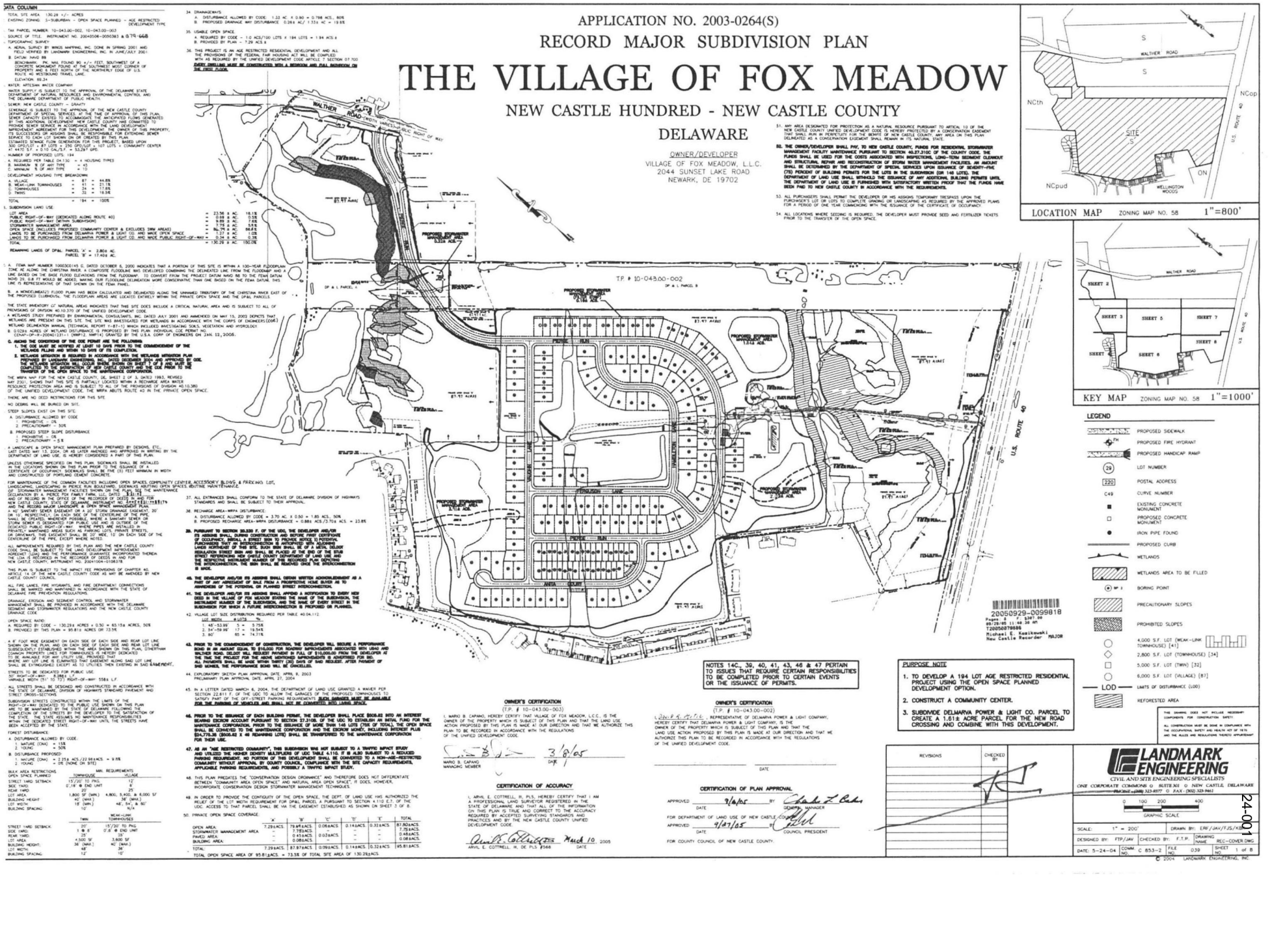
RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702


WALTHER ROAD
T.P. # 10-043.00-002
U.S. ROUTE 40
PRINCE RUN
PRINCE RUN LANE
PRINCE RUN COURT
PRINCE RUN DRIVE
PRINCE RUN PLACE
PRINCE RUN WAY
PRINCE RUN CIRCLE
PRINCE RUN TERRACE
PRINCE RUN LANE
PROPOSED RETENTION WATER AREA 2.116 AC±
PROPOSED RETENTION WATER AREA 2.256 AC±
PROPOSED RETENTION WATER AREA 1.218 AC±
PROPOSED RETENTION WATER AREA 2.256 AC±
PROPOSED RETENTION WATER AREA 2.256 AC±
PROPOSED RETENTION WATER AREA 2.116

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My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DiAne Delavia	1003840154	5 Vaughn Lane	302-563-0447	Yes	Dm Delavia

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D.79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88.
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COVENANTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT AND ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = = HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.58 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.6%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.04 ± AC.	7.0%
STORMWATER MANAGEMENT AREA	=	7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.74 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' ± 2.86± AC.
PARCEL 'B' ± 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE (AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN LIMITS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCEL.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SWISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED HYDROLOGY, SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAP13-SMITH) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 7 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SWISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 2.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040401-0048179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, OR COMBINED EASEMENTS OF 40' OR MORE, SHALL BE PROVIDED ON THIS PLAN AS NECESSARY. INCREASED WIDTHS POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO THE CENTER OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY LAND DEVELOPMENT CODE SHALL BE IN THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126178.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERWISE COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 1,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DM) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
       1. MATURE (DM) = 2.25± ACS./22.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG. 0'/6' @ END UNIT	12' 5'
SIDE YARD:	0'	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.) 4,800 (MAX.)	6,800, 9,400, & 12,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	12'	N/A

	WEAK-LINK TOWNHOUSES	
	TWIN	TOWNHOUSE
STREET YARD SETBACK:	20'	15'/20' TO PKG. 0'/6' @ END UNIT
SIDE YARD:	1 @ 6'	25'
REAR YARD:	25'	4,500 SF
LOT AREA:	4,500 SF	40' (MAX.)
BUILDING HEIGHT:	36' (MAX.)	18'
LOT WIDTH:	45'	12'
BUILDING SPACING:	12'	

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC/ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.884 ACS./3.704 ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL ERECT A CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT A CONNECTION OF PIERCE RUN IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE PERPETUAL DISTURBANCE AGREEMENT OF THIS SITE. THE SIGN SHALL STATE THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION HAS BEEN MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

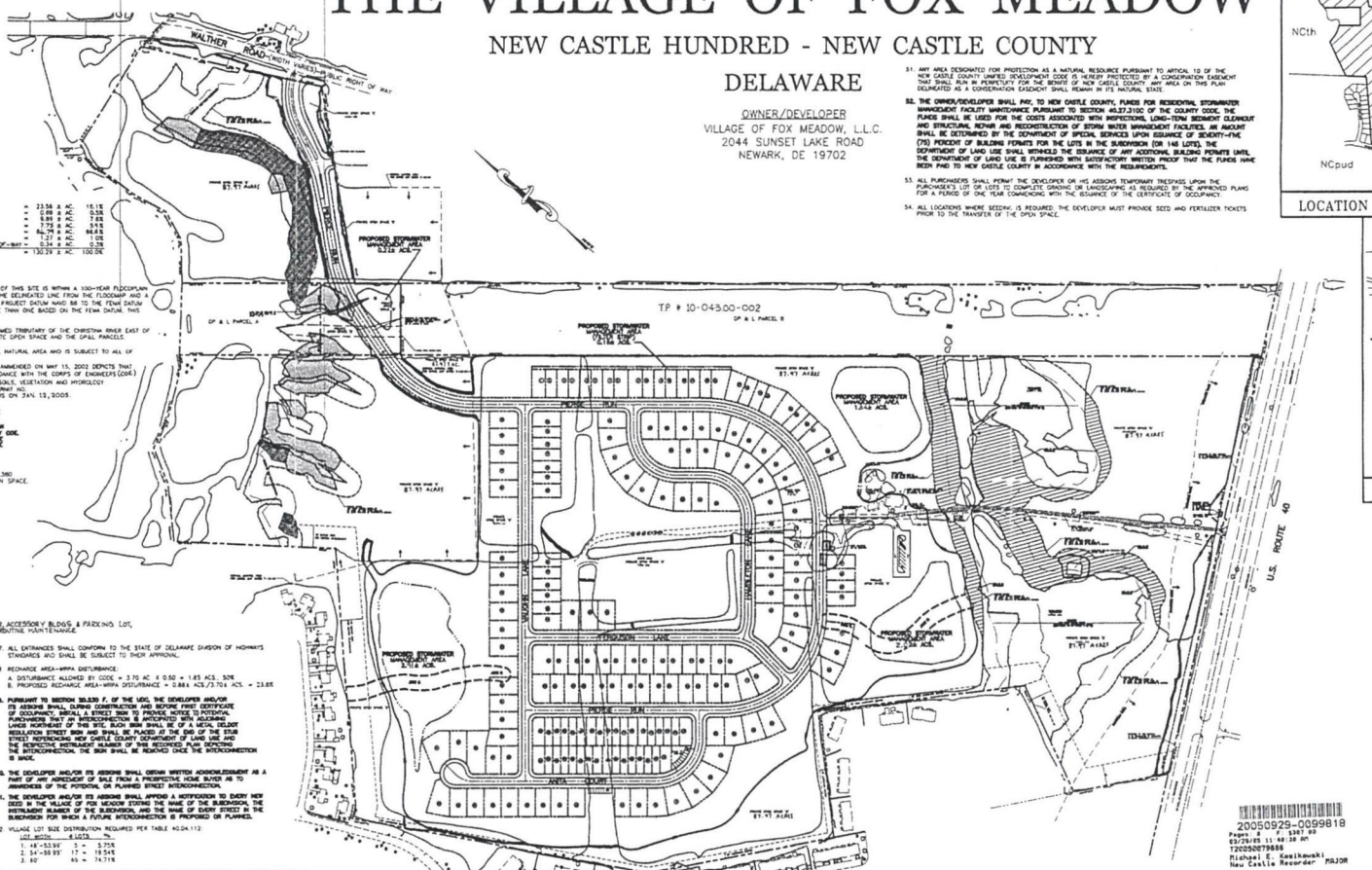
LOT WIDTH	# LOTS	%
1. 48'-53.99'	= 87	= 44.8%
2. 54'-59.99'	= 17	= 19.54%
3. 60'	= 65	= 74.71%

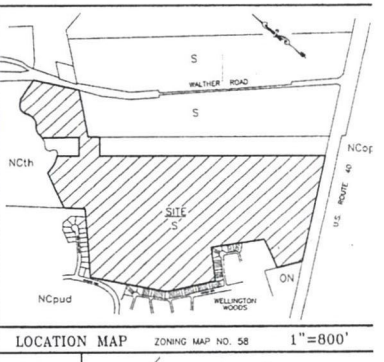
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&AC AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PRECURSOR FOR THE ABOVE MENTIONED IMPROVEMENTS IS ACKNOWLEDGED BY DELDOT. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $608.65 INTO AN INTEREST BEARING ESCROW ACCOUNT FOR EACH LOT PER SECTION 40.27.310.C OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST, PLUS $24,775.38 ($608.62 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.3. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.79±ACS.	-	-	-	7.79±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

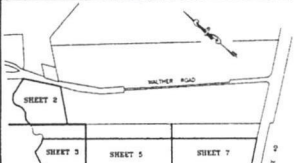
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- LOT NUMBER
- POSTAL ADDRESS
- CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8
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120250079888
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER
DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND, BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568
March 10, 2005
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 3/8/05 DATE BY Charles L. Baker DELPOWER MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY. COUNCIL PRESIDENT

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE HEALTH/SAFETY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 201 ◇ NEW CASTLE, DELAWARE
PHONE: (302) 323-9077 ◇ FAX: (302) 323-9411

0 100 200 400
GRAPHIC SCALE

24-001

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
COMM. NO.	C 853-2	FILE NO.	039
SHEET NO.	1 of 8		

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Suzanne Denver	1003830189	8 Vaughn Ln	302-463-1445	Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D.B. 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. SEWER CAPACITY WILL BE COMMITTED TO PROPERTY AND IS FEES PAID IN ACCORDANCE WITH CAPITAL DEVELOPMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.60%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.76 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED CONFIRMING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS. FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MARKING OUR FLOODLINE DELINEATION WAS CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THUS THE FLOODLINE SHOWN IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED VEGETATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0294 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401231-1 (NAAP12, NAAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 7 AND MUST BE COMPLETED TO THE SATISFACTION OF THE CORPS OF ENGINEERS AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MAPPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MAPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE AND REPAIRS, STORMWATER FACILITIES, AND SNOW REMOVAL SEE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS & PERPETUAL ACCESS EASEMENT AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHEREVER POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0128378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 65.10± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT ON LOTS WHERE ANY LOT LINE IS ELIMINATED THE EASEMENT ONLY SHALL EXIST ALONG THE REMAINING LOT LINE.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 1,289± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS TO THE DEVELOPER'S SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CHA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CHA) = 2.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	TWINS
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.) x 800, 5,400 SF	4,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	MEWS-LINK TOWNHOUSES	VILLAGE
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

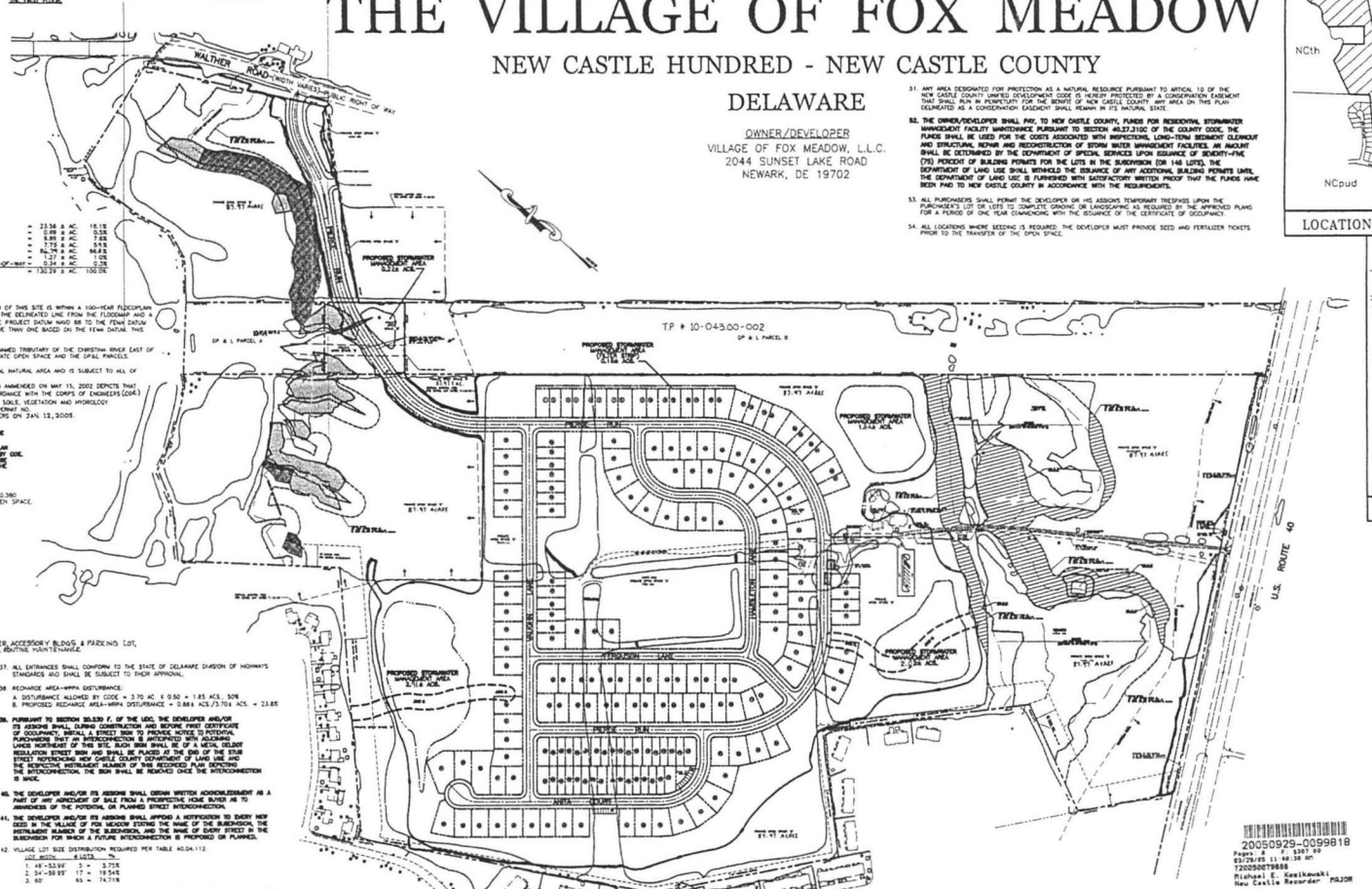
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 35.520 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE THE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT A STUB STREET CONNECTION IS ANTICIPATED WITH LEGAL DELOIT LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE IN ACCORDANCE WITH LEGAL DELOIT REGULATIONS REGARDING STUB STREETS AND SHALL BE LOCATED AT THE END OF THE STUB STREET REFERENCED IN NEW CASTLE COUNTY OR HIS/HER DESIGNEE OF LAND USE AND SHALL CONFORM TO THE SPECIFICATIONS AND DETAILS OF THE REFERENCED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO PROVISIONS OF THE APPROVED PLANNING STREET TREE HOME BUYER AS TO
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

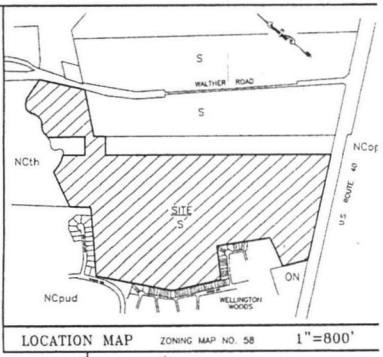
LOT WIDTH	# LOTS	%
1. 48'-53.99'	7 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	63 =	74.51%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FUNDS ARE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BILLING AND REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE ESCROWS INTO AN INTEREST BEARING ESCROW ACCOUNT, PURSUANT TO SECTION $7,210.00 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 6.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREPARED THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

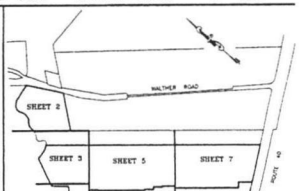
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PH — PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 — BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE HOUSE/UNIT COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE: 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David A. Mathis, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE: March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED — DATE: 3/9/05 — BY: Charles L. Baker, DEPARTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED — DATE: 4/27/05 — BY: COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE AVENUE, SUITE 301 • NEW CASTLE, DELAWARE
PHONE • (302) 323-9377 • FAX • (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBH	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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20050929-0099818
Pages: 2
Fee: $307.00
09/29/05 11:40:30 AM
T20050079858
Michael E. Kozikowski
New Castle Recorder MAJOR

2004-001

DURAN

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
TARA Duran	10-043.20-177	336 PIERCE RUN	518-461-4886 518-461-4886	YES	T Duran

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN = OPEN SPACE PLANNED = AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040508-0050393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAKES MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS PROJECT. THE DEVELOPER OF THIS PROJECT HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH A CONSTRUCTION AND IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS x 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	7.95 ± AC.	6.1%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.68 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A HQ10 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SM10.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.9288 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF COE PRIOR TO THE CONVEYANCE OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SM10.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 15%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, AS INSTRUMENT NO. 20041118-0179
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0152878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE; PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,584± L.F.
    VARIABLE WIDTH (51' TO 133') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MAXIMUM (DM) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MAXIMUM (DM) = 2.25± ACS./23.88±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	WEAK-LINK TOWNHOUSES	TWIN
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' @ 8'	0' & 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	44'	36'
BUILDING SPACING:	14'	10'

34. DRAINAGE AREAS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.264 AC/ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330.7, OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS/OWNERS THAT AT SUCH TIME AS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE, SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERMUNICIPAL ORDINANCE OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER, AND THE NAME OF THE STUB STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

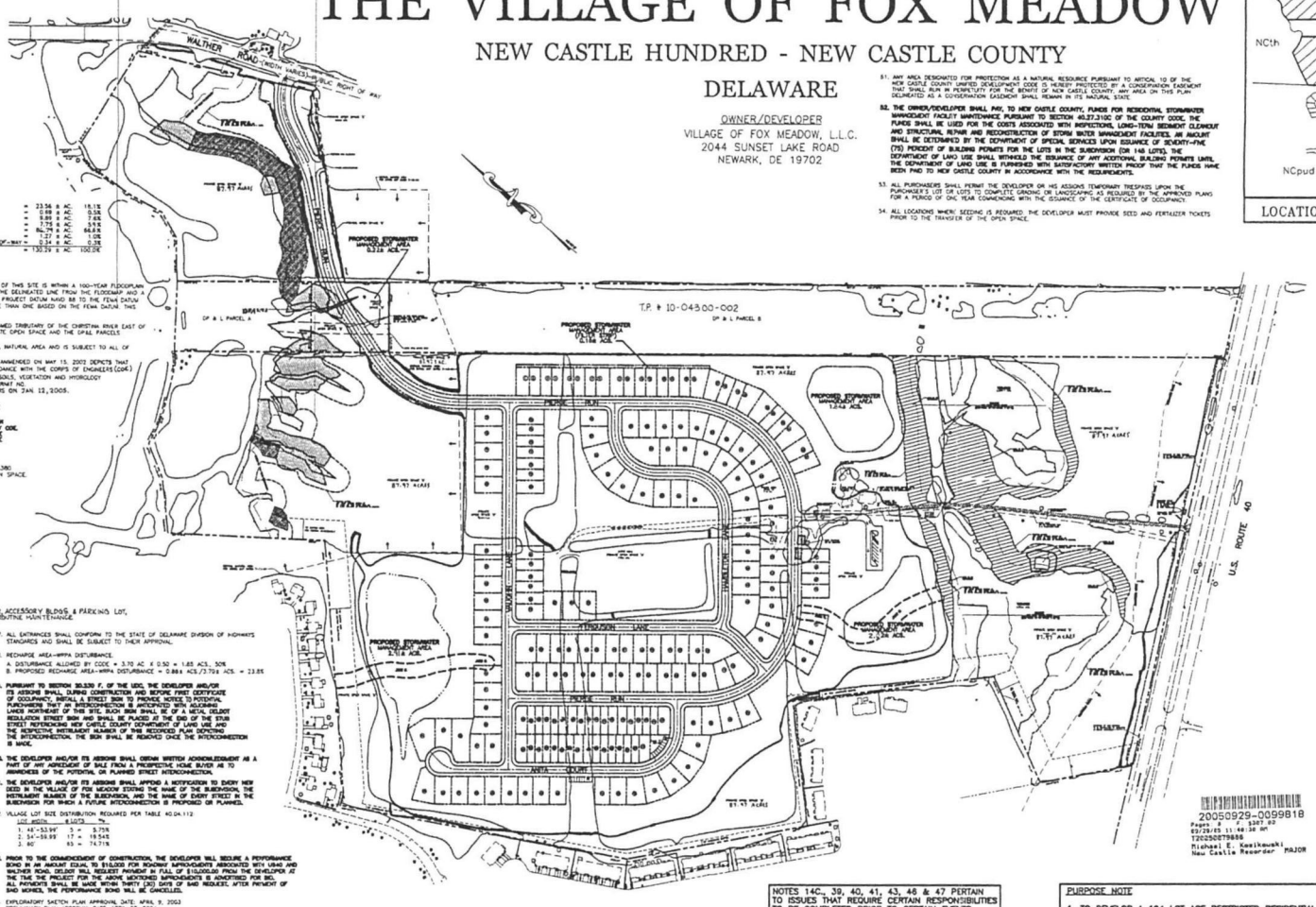
LOT WIDTH	% LOTS	TYP.
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	83 =	74.71%

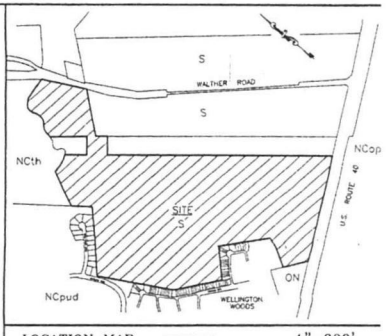
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIHAU AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.1 OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 41.310A OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

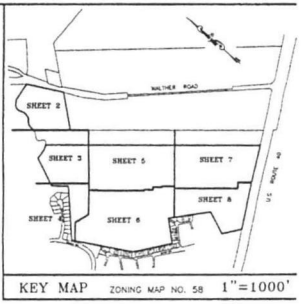
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTALIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 39 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages 8 F. $387.00
09/29/05 11:48:30 AM
T20050079688
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.81± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID R. METZ, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY COUNTY MANAGER — DATE

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY COUNCIL PRESIDENT — DATE

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 301 ◇ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ◇ FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

24-001

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/TJS/
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.
DATE: 5-24-04	DRAWING NAME: REC-COVERSHEET
COMM. NO. C 853-2	FILE NO. 039
	SHEET NO. 1 of 8

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

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10/11/23

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Thomas and Anna Dieffenbach	1004320182	354 Pierce Run Newark, DE 19702	(609)202-2266	Yes	Anna Dieffenbach

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0719-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
   A. REQUIRED PER TABLE 04.1.30 = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.75 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.92± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY TO CONVEY FROM THE FIRM DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.3370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.9284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200061231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 7 AND MUST BE COMPLETED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1983, REVISED MAY 2301, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION NO.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING 'N' PIERCE PARK BOULEVARD, SIDEWALKS, ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM LLC DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0033179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT (OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO INCLUDE 10' ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THE PLAN AS MAINTAIN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR PRIVATE UTILITY PURPOSES. WITHIN SUCH EASEMENTS, NEITHER ANY BUILDING THAT EXISTS OR IS BUILT ALONG END LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 3884 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 358± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAH) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAH) = 2.25± ACS./23.88 ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PHO.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.) 4 @ 2,000 SF & 2,000 SF	
BUILDING HEIGHT:	40' (MAX.) 36' (MAX.)	
LOT WIDTH:	15' (MIN.) 48', 54', & 60'	
BUILDING SPACING:	10' n/a	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PHO
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.0%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.300
    EVERY DWELLING UNIT BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 03.030 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL POST A CONSTRUCTION SIGN AT THE ENTRANCE PRIOR TO THE ISSUANCE OF OCCUPANCY. INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL LOT BUYERS THAT THE CONNECTION OF THE STUB STREET WITH THE ADJACENT LAND HOWEVER IS NOT PLANNED IN THE FORESEEABLE FUTURE. A SIGN AT LEAST EIGHT SQUARE FEET IN AREA SHALL BE PLACED AT THE END OF THE STUB REGULATION STREET SIGN AND SHALL CONTAIN THE FOLLOWING: DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE LOCATION OF ANY STUB STREET OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW EXISTING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U841 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2003, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.02 INTO AN INTEREST BEARING ESCROW ACCOUNT THAT IS CONSISTENT WITH SECTION 07.310.A OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.02 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONVENTIONAL" OPEN SPACE AND NATURAL AND OPEN SPACE. IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.2. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN OF SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.08 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

TP # 10-043.00-002
DP & L PARCEL B

DP & L PARCEL A

PROPOSED STORMWATER MANAGEMENT AREA 0.75± ACS.

PROPOSED STORMWATER MANAGEMENT AREA 1.26± ACS.

PROPOSED STORMWATER MANAGEMENT AREA 2.28± ACS.

PROPOSED STORMWATER MANAGEMENT AREA 0.78± ACS.

PROPOSED COMMUNITY CENTER 4,470 S.F.

PROPOSED PARKING

PROPOSED ENTRANCE

PROPOSED ENTRANCE

PROPOSED ENTRANCE

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

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My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Cheerlene Dill		531 Hambleton Lane	302-607-9815	Yes	Cheerlene Dill

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.29 +/- ACRES

EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050363 & D79-468

TOPOGRAPHIC SURVEY:

A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.

B. DATUM: NAVD 88

BENCHMARK - PK NAIL FOUND 5V +/- FEET SOUTHWEST OF A TELEPHONE POLE FOUND AT THE SOUTHEAST MOST CORNER OF PROPERTY AND 4 FEET FROM THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.

ELEVATION: 89.34

WATER: ARTESIAN WATER COMPANY

WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - SANITY

SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO THE SITE AT THEIR OWN COST AND EXPENSE.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON: 300 GPD/LOT = 87 LOTS + 270 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE 04.30 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	14.98 ± AC.	11.5%
STORMWATER MANAGEMENT/RECREATIONAL AREAS	=	9.79 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.426 AC.

3. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2006 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE FEMA FLOODLINE AND A LINE EXTED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE PARK PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2006.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 (AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ONSITE, SHOWN ON SHEET 1 OF 2 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:

A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%

B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 0.8%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE CLUSTER OF DWELLINGS PRIOR TO THE ISSUANCE OF 50% OF THE CERTIFICATES OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE ROAD BOULEVARD, SIDEWALKS ADJOINING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE AGREEMENT BETWEEN THE OWNER AND THE COUNTY DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, DA EACH SIDE OF THE CENTERLINE THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF A DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PARKING AREAS, OPEN SPACE AREAS, OR ALONG REAR LOT LINES, STREETS, OR DRIVEWAYS, THE EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN BETWEEN THE OWNER AND NEW CASTLE COUNTY AND OF RECORD IN NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0054378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29 ACRES × 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED FOR TOWNHOUSES OR TWINS, IS HEREBY DEDICATED CONNECTION AND DRAINAGE FOR TOWNHOUSES. IT IS HEREBY DEDICATED AND SHALL BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
TOTAL LENGTH (C/L) = 5,151 L.F.
AVERAGE WIDTH (C/L TO C/L) RIGHT-OF-WAY: 55.86± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS TO THE SATISFACTION OF THE DEPARTMENT OF HIGHWAYS. NO MAINTENANCE RESPONSIBILITY WITHIN THE DEDICATED STREET RIGHT-OF-WAY LINES, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. NATURE (CNA) = 15%
2. YOUNG = 50%

B. DISTURBANCE PROPOSED:
1. NATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.	12'	10'
SIDE YARD:	0'/18' @ END UNIT	8'	5'
REAR YARD:	25'	25'	20'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	N/A	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF.
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. × 0.50 = 0.798 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266 AC./1.331 AC. = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS × 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.26 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700

EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. × 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.886 ACS./3.70 ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL CONSTRUCT AND ERECT, AND SHALL BE PLACED AT THE END OF THE STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE SUBDIVISION INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO WHETHER OR NOT THE HOME IS PLANNED FOR STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE CHAIN OF TITLE OF EVERY LOT IN THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION WHICH IS A FUTURE INTERCONNECTION OR IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIMA AND SUTTON ROAD. DELDOT WILL RELEASE PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **BLOCK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.66 ($500.62 × 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.1110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

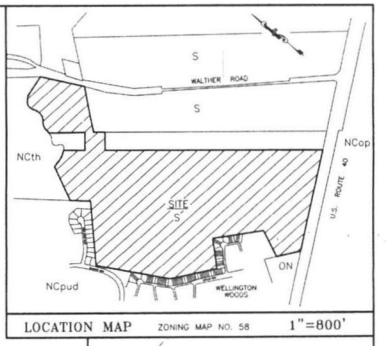
CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 3/8/05 BY [illegible] GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

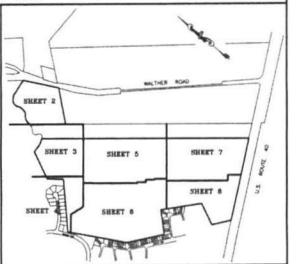
APPROVED _____ DATE 9/27/05 BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8
Fee: $387.00
09/29/05 11:40:26 AM
T20050799586
Michael E. Kozikowski
New Castle Recorder MAJOR

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 323-8077 © FAX - (302) 323-9411

GRAPHIC SCALE 0 100 200 400

24-001

SCALE: 1" = 200' DRAWN BY: ERF/JAV/FTP/JS
DESIGNED BY: FTP/JAV CHECKED BY: F.T.P. DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04 COMM. NO. C 853-2 FILE NO. 039 SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
OLIVIA D. DUMZALSKI	115	378 PIERCE RUN	302-838-2078	YES	Olivia D. Dumzalski

OTP

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050263 & 979-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A POWER POLE ALMOST DIRECTLY ACROSS FROM THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS DEVELOPMENT. CONSTRUCTION OF THE SEWER SYSTEM SHALL BE TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE COUNTY AND DEVELOPMENT AGREEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + .87 LOTS + 250 GPD/LOT + .107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 5
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.89 ± AC.	5.65%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.2%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0315 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. TO CONVERT FROM THE FLOODMAP DATUM, NGVD 29, 9.8 FT. WOULD BE ADDED; MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 2.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP#12, NWP#14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ON SITE AS SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED AND APPROVED BY THE COE AND DNREC PRIOR TO THE COE PRIOR TO THE TRANSFER OF THE 80TH SINGLE FAMILY DWELLING CONSTRUCTION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE – 15
       2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE – 0%
       2. PRECAUTIONARY – 5.9
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING AT PIERCE RUN BOULEVARD, SIDEWALKS, VISITING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT AREAS, AND ALL OTHER AREAS OF THE SITE, THE MAINTENANCE DECLARATIONS & AGREEMENTS FOR FOX MEADOW UNITS 1, 2, 3, 4, 5, 6, 7, 8 & 9 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT TO OR I.O., RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14, OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.29± ACRES x 0.30 = 65.154 ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED, HOWEVER, THAT WHERE ANY LOT LINE IS ELIMINATED, THE EASEMENT ON THE ELIMINATED LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DBH) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DBH) = 2.25± ACS./23.35± ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	MEAN-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 6'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	2,600 SF
BUILDING HEIGHT:	38' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	26'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA–WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 10.5.33 C OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF LOTS THAT THE STREET IS PLANNED TO BE EXTENDED. THE SIGN SHALL BE OF A METAL DELINEATOR REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE SUBDIVISION FOR HOUSE STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

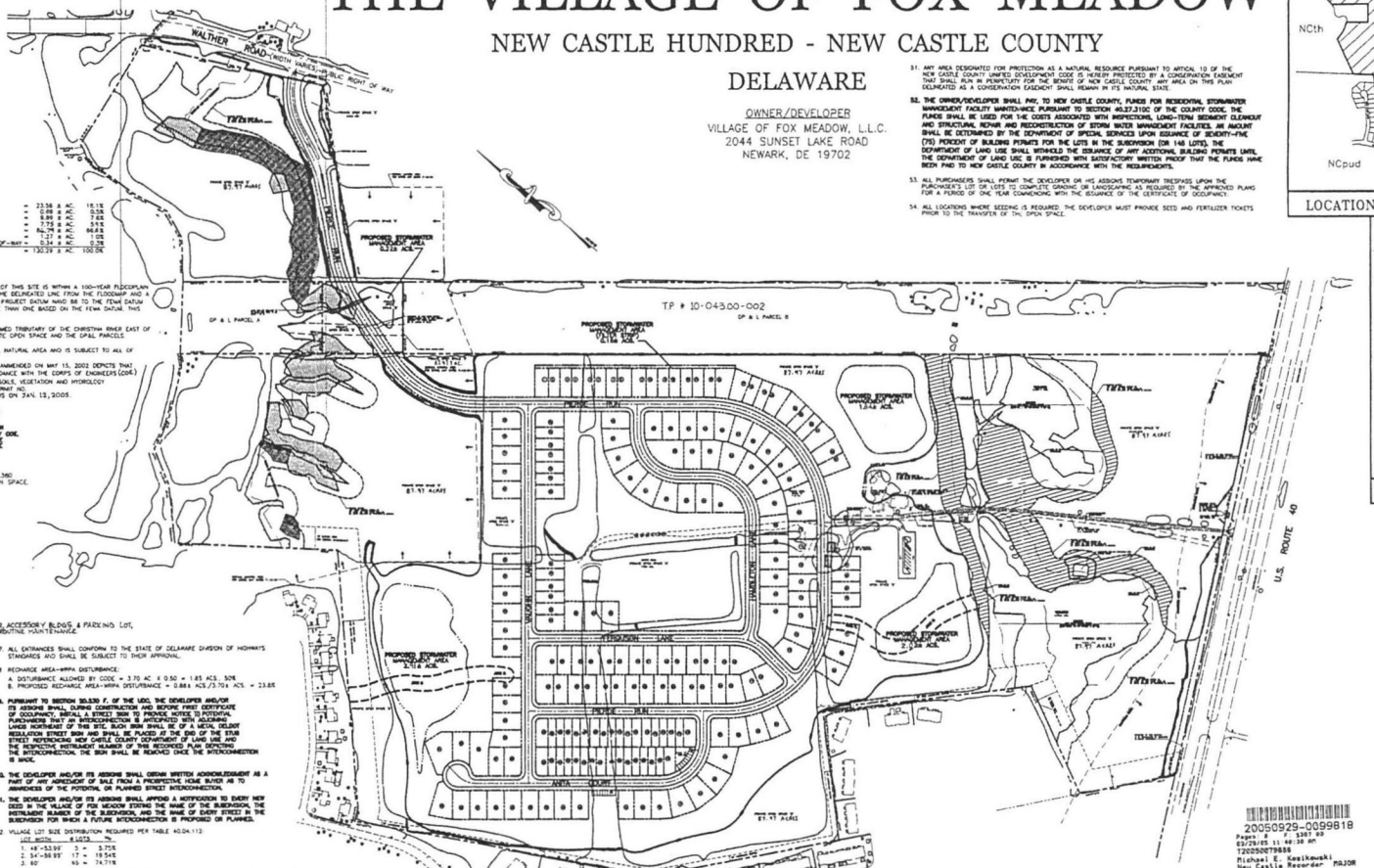
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'+	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELCOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.7, OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 07.310.B.2. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IF DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.69 ACS.	0.08 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.11 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81 ACS. = 73.5% OF TOTAL SITE AREA OF 130.29 ACS.

31. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.37.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF TAX OPEN SPACE.


WALTHER ROAD
VARIABLE WIDTH PUBLIC RIGHT OF WAY
TP # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA #1 7.75 ACRE
PROPOSED STORMWATER MANAGEMENT AREA #2 0.28 ACRE
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PRO

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Patricia Drake	64	4 Vaughn Lane	302-832-2214	Yes	Patricia A. Drake

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D79-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,597 GPD
8. NUMBER OF PROPOSED LOTS: 194
   A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.76 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF D&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THIS FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVEY FROM THE PROJECT DATUM NGVD TO THE DATUM USED ON THE FEMA MAP, NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.3370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0293 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200040231-1 (SHAFFER, MARTIN) GRANTED BY U.S. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION SHALL BE COMPLETED IN ACCORDANCE WITH THIS PLAN AND MUST BE COMPLETED AND ACCEPTED BY NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 25
    2. PRECAUTIONARY – 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. ALL SEWERS SHALL BE INSTALLED UNDER UNPAVED AREAS WHENEVER POSSIBLE, EXCEPT FOR PRIVATE STREETS OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0116878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 11 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED FROM THE AREA DESIGNATED ON THIS PLAN, STORMWATER DRAINAGE PROPERTY LINES FOR STORMWATER DRAINAGE IS HEREBY DEDICATED TO BE AND SHALL BE FOR UTILITIES AS SHOWN ON THIS PLAN.
    THE REAR LOT LINE OF EACH IMPACTED LOT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 6,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS IN ACCORDANCE WITH THE SPECIFICATIONS OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DW) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DW) = 2.25 ± ACS /23.98 ± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.F. MIN. & 5,000 SF (MAX.)
BUILDING HEIGHT:	40' (MAX.)	28' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	n/a

	MEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	65'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC/ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE AEA-WRPA DISTURBANCE = 0.84 ± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, CAUSE THE DEVELOPER TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD ALONG PIERCE RUN. SUCH SHALL BE OF A METAL OBJECT REBULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE SUBDIVISION OR LOCATION STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

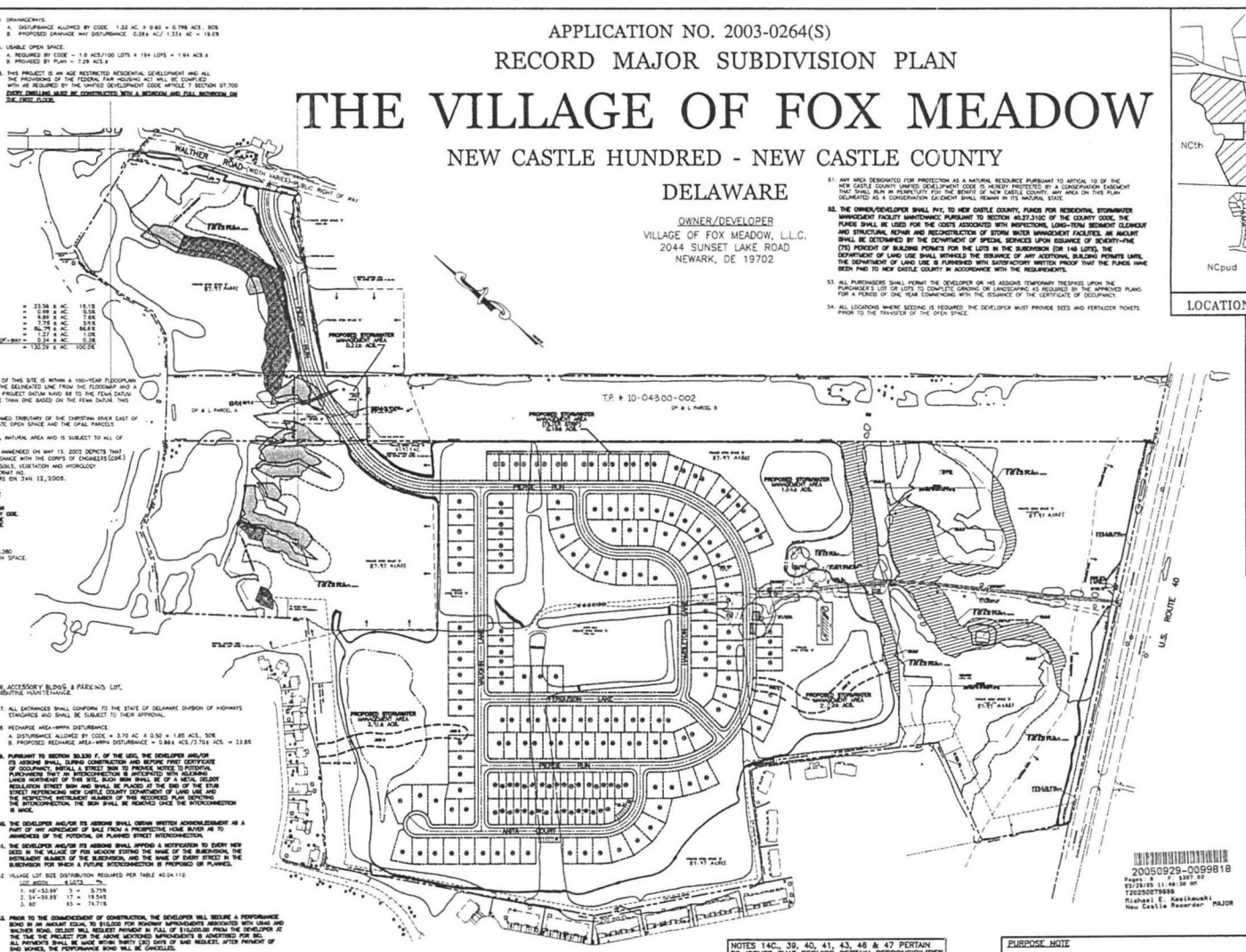
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.70%
2. 54'-59.99'	17 =	19.54%
3. 60'	61 =	74.71%

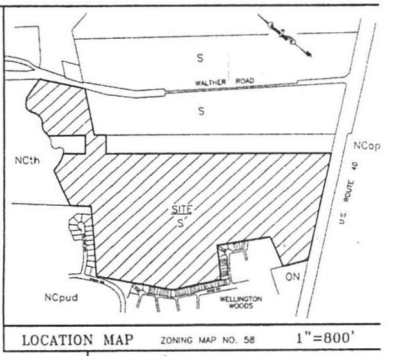
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL RELEASE PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN TWENTY (20) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE ESCROW INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 6.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

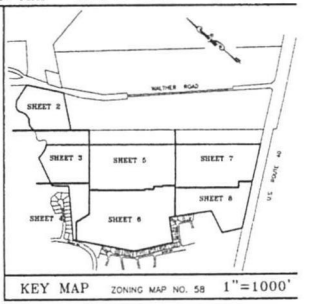
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.2120 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8
F: 1287.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #560 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David R. Hirtle, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Cohen, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [signature], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 201 ◇ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ◇ FAX - (302) 323-9469

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	CONTR. NO: C 853-2	FILE NO: 039	SHEET NO: 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
CAROL M. FENN	182	216 ANITA COURT	570-242-6773	YES	Carol M. Fenn

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: HAVG 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER 67 EATS 5.7 + 0.10 GAL/SF. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. a. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TWINS	=	32	= 16.5%
D. THING	=	34	= 17.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.74 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.404 AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2005 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMPRISING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NGVD 29 TO THE FEMA DATUM NGVD 29. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA MAP. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA MAP.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON PARTS OF THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAP13) (FORMERLY NAP-1997-6131-PHI) ISSUED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AN OPEN SPACE PARCEL ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, SE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A. LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN ROADWAYS, MAILBOX KIOSKS, ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 3.31.05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHENEVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR LOTS, THE EASEMENT SHALL BE CENTERED ON THE PIPE WITH 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126178.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 11 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 3589 L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 3584 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DHA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DHA) - 2.25± ACS./23.88± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF LOTS WHERE THROUGH STREETS ARE ANTICIPATED WITH ABUTTING DEVELOPMENT. THE SIGN SHALL BE OF A METAL DELINEATOR RESOLUTION STREET SIGN WITH A SIGN LEGEND STATING "THIS STREET MAY BE EXTENDED TO ADJOINING PROPERTY IN THE FUTURE FOR THE CONVENIENCE OF FUTURE RESIDENTS" OR OTHER LANGUAGE APPROVED BY THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENTS PLANNED AT THE TIME PROPOSED. THE SPECIFIC INTERCONNECTION THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTIONS.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW ENTITLED THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

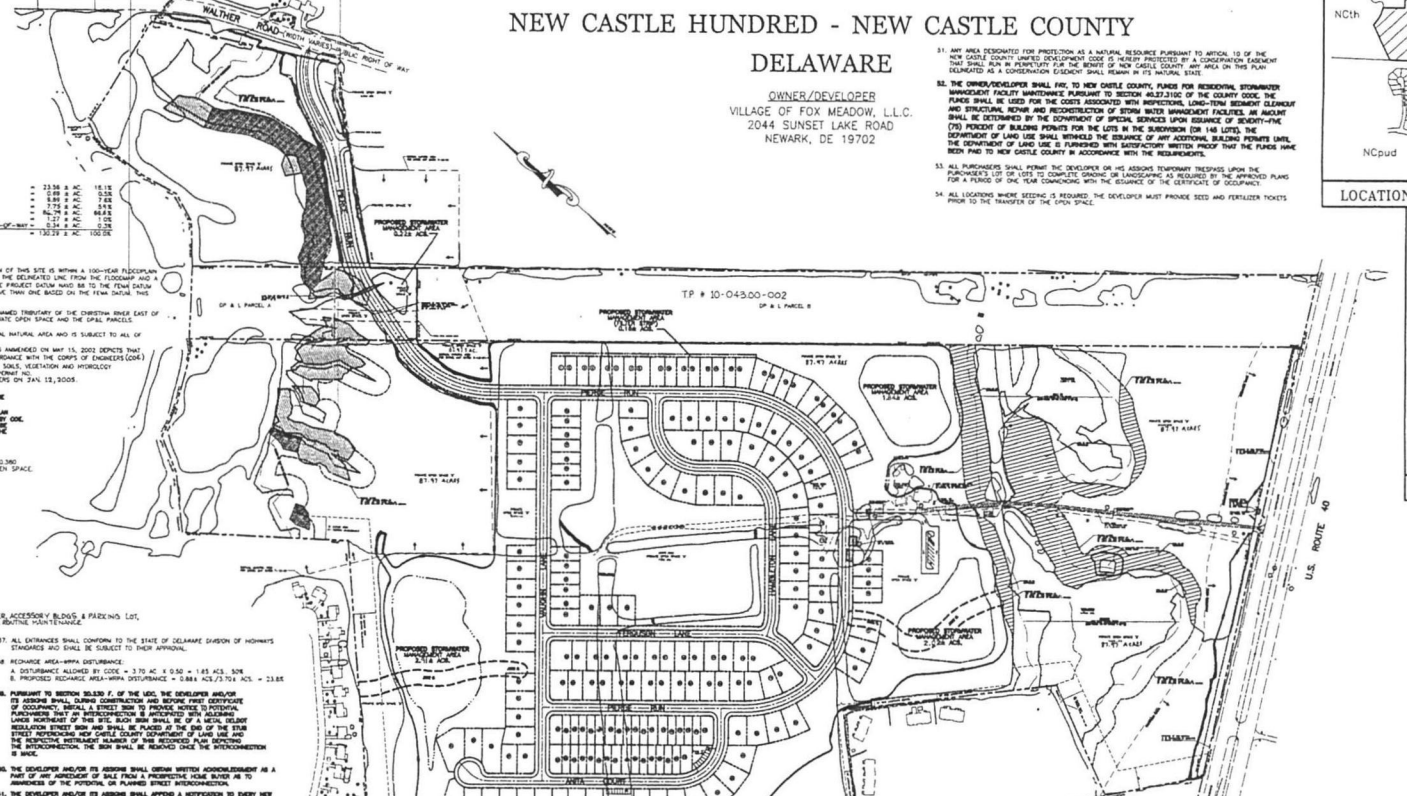
LOT WIDTH	# LOTS	%
1. 48'-53.99'	11 =	5.75%
2. 54'-58.99'	17 =	19.54%
3. 60'	93 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USR40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.83 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.31.C. ONE OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.36 ($500.83 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IN ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONSERVATION AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.79±ACS.	–	–	–	7.79±ACS.
PARKED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FUR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PUBLIC RIGHT OF WAY
TP # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 7.79± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.08± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.78

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

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Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
David Fincke Jeryl Bischoff		9 Vaughn Ln.	302-753-5218 302-559-7048	Yes	David Fincke Jeryl Bischoff

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER 10-043.00-002, 10-043.00-003

SOURCE OF TITLE INSTRUMENT NO. 20040506-0050383 & GTR-668

TOPOGRAPHIC SURVEY

A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001

B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/EDU FOR RESIDENTIAL, 250 GPD/SQ.FT. x .107 LOTS + COMMUNITY CENTER = 4470 GPD + 810 GPD = 5,279 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.6%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

1. SUBDIVISION LAND USE

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.7%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.19 ± AC.	5.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.27 ± AC.	1.0%
TOTAL	= 0.34 ± AC.	0.3%
	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MONDELIMEAD/2 FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESAC/VIL. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.529± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401331-1 (NWP12, NWP14) COE LETTER DATED IN THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN THAT WAS APPROVED BY THE COE. THE WETLANDS MITIGATION PLAN MUST BE APPROVED BY THE COE. THE WETLANDS MITIGATION SHALL COULD BEGIN AFTER CONSTRUCTION ON SHEET 2 OF 3 AND IS TO BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2301, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5 %

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET WIDE AND IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLANS SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 8-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050929-0099819 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 40' WIDE, AS SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH REAR LOT LINE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, TO BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESTRICTIVE INSTRUMENT BOOK AND PAGE OF THE RECORDED PLAN SECTION THAT INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE ASSOCIATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108318.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 2,268 L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DNA) = 2.25± ACS./22.98 ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK	15'/20' TO PKG.	12'	
SIDE YARD:	0'/8' @ END UNIT	8'	
REAR YARD	20'	25'	
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	N/A	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.786 ACS., 50%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 17 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOOK REGULATION TYPE, SHALL BE INSTALLED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESTRICTIVE INSTRUMENT BOOK AND PAGE OF THE RECORDED PLAN SECTION THAT INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED INTERCONNECTION(S).

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW EXISTING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.15%
2. 54'-59.99'	17 =	19.54%
3. 60' +	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&O AND WALTHER ROAD. DELOOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,778.00 (SHOULD X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA (OPEN SPACE)" AND "NATURAL AREA (OPEN SPACE)", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 6.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

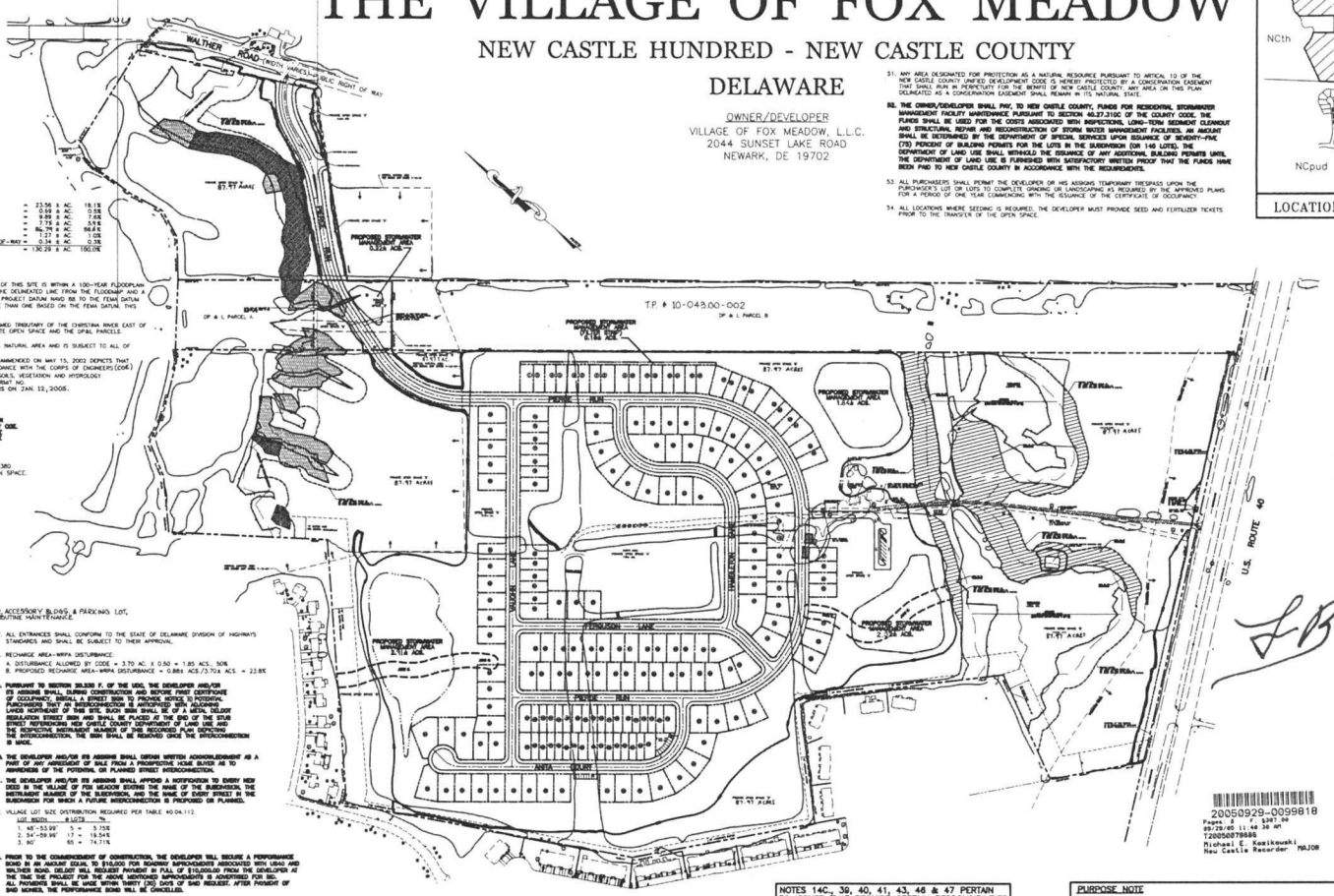
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

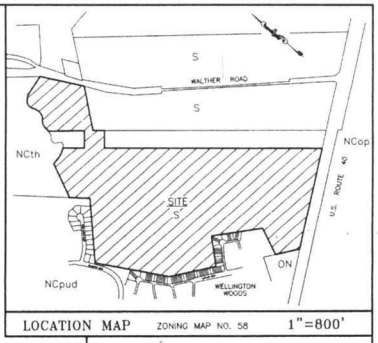
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 13 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.210C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

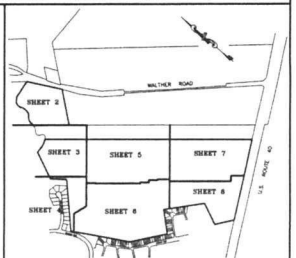
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

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Pages: 2
$267.00
09/29/05 11:40 AM PT
T20050078886
Michael E. Kozikowski
New Castle Recorder
MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
DATE

MARIO B. CAPANO
MANAGING MEMBER

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature]
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY [signature]
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY:

COUNCIL PRESIDENT

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 301 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 O FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200' DRAWN BY: ERF/JAV/FJS/KDK
DESIGNED BY: FTP/JAV CHECKED BY: F.T.P. DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04 COMM. NO. C 853-2 FILE NO. 039 SHEET NO. 1 of 8

24-001

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
ALFERD J. FORESTELL		408 PIERCE RUN	302-545-6131	YES	Alfred Forestell

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED = AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050293 & D.B.Y.-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT NEW CASTLE COUNTY WAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 194 UNITS = 58,200 GPD/OF A 137 LOTS + COMMUNITY CENTER 250 GPD/1ST + 210 GPD/ADD. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	11.78 ± AC.	9.1%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	84.79 ± AC.	64.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.04 ± AC.	0.0%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPAH, PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE FEMA FLOODLINE AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM MSVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE ELEVATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    A. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED PER PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 13, 2005.
    B. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MAPPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MAPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A PIERCE FOX FAMILY FARM, LLC. DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENTS AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108776.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THOSE LOTS CERTIFIED FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 8,988± L.F.
    VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CHA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CHA) = 2.25± ACS./22.96±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PAD		15'
SIDE YARD:	0'/18' @ END UNIT		15'
REAR YARD:	20'		30'
LOT AREA:	1,800 SF (MIN.)	6,800, 9,400, & 15,000 SF	
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 80'	
BUILDING SPACING:	10'	n/a	

TWIN	WEAK-LINK TOWNHOUSES
20	15'/20' TO PAD
1' @ 8'	0'/8' @ END UNIT
25'	25'
4,500 SF	3,600 SF
35' (MAX.)	40' (MAX.)
40'	36'
12'	10'

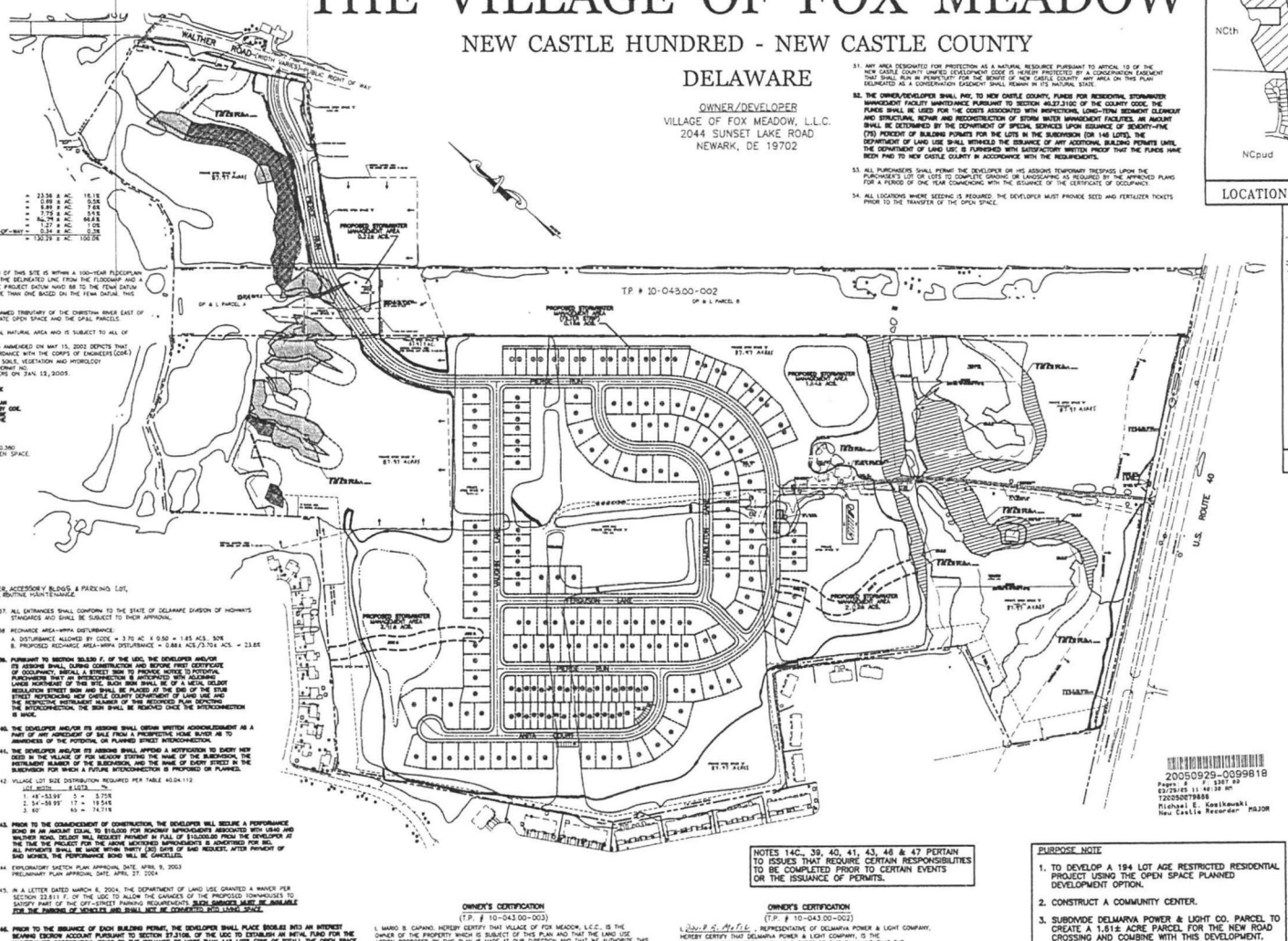
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WPPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WPPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.130 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL INSTALL A PERMANENT STUB AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE POSSIBILITY EXISTS THAT IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERCONNECT NUMBER OF THE PROPOSED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO ANTICIPATED FUTURE INTERNAL OR PLANNED STREET INTERCONNECTIONS.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AS RECORDED, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

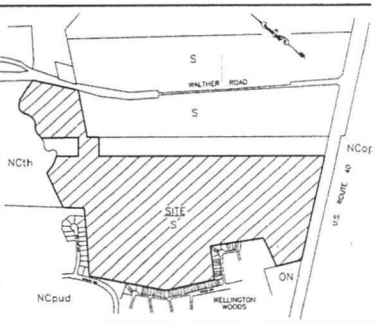
LOT WIDTH	# LOTS	
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAG AND WALTHER ROAD. DELBOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE SETTLEMENT OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $14,775.36 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION SHALL NOT BE SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF USH TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

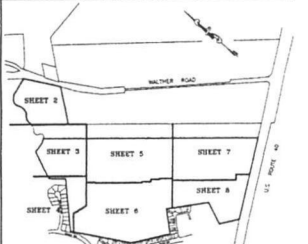
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.93±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE.

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09/29/05 11:48:38 AM
T20050079886
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III. DE PLS #568 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [signature] DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS — CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9019 © FAX - (302) 323-9261

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

24-001

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JERRY & PERNESE FOSTER		369 PIERCE RUN	516 398 0754	yes	Jerry & Foster

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040206-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: HAND BE
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO SUCH CAPACITY BY VIRTUE OF THE EXECUTION OF A DEVELOPMENT AGREEMENT AND IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = ** HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.37 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODPLAIN DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 25%
    2. PRECAUTIONARY - 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EDUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 8-31-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NUMBER 20040907-0144179 AND THE MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES.
22. A 10' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR A 20' COMBINATION, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO THE EDGE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY SUBDIVISION CODE, THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE RECORDED THEREIN, THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0152877
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 85.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE ELIMINATED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,084 L.F.
    VARIABLE WIDTH (51' TO 133') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. NATURE (CNA) = 2.25± ACS./23.98±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	20'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	10' & 8'	0' & 8' END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN TYPE AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO ANTICIPATED CONNECTION ON PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED TO THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE STREET, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

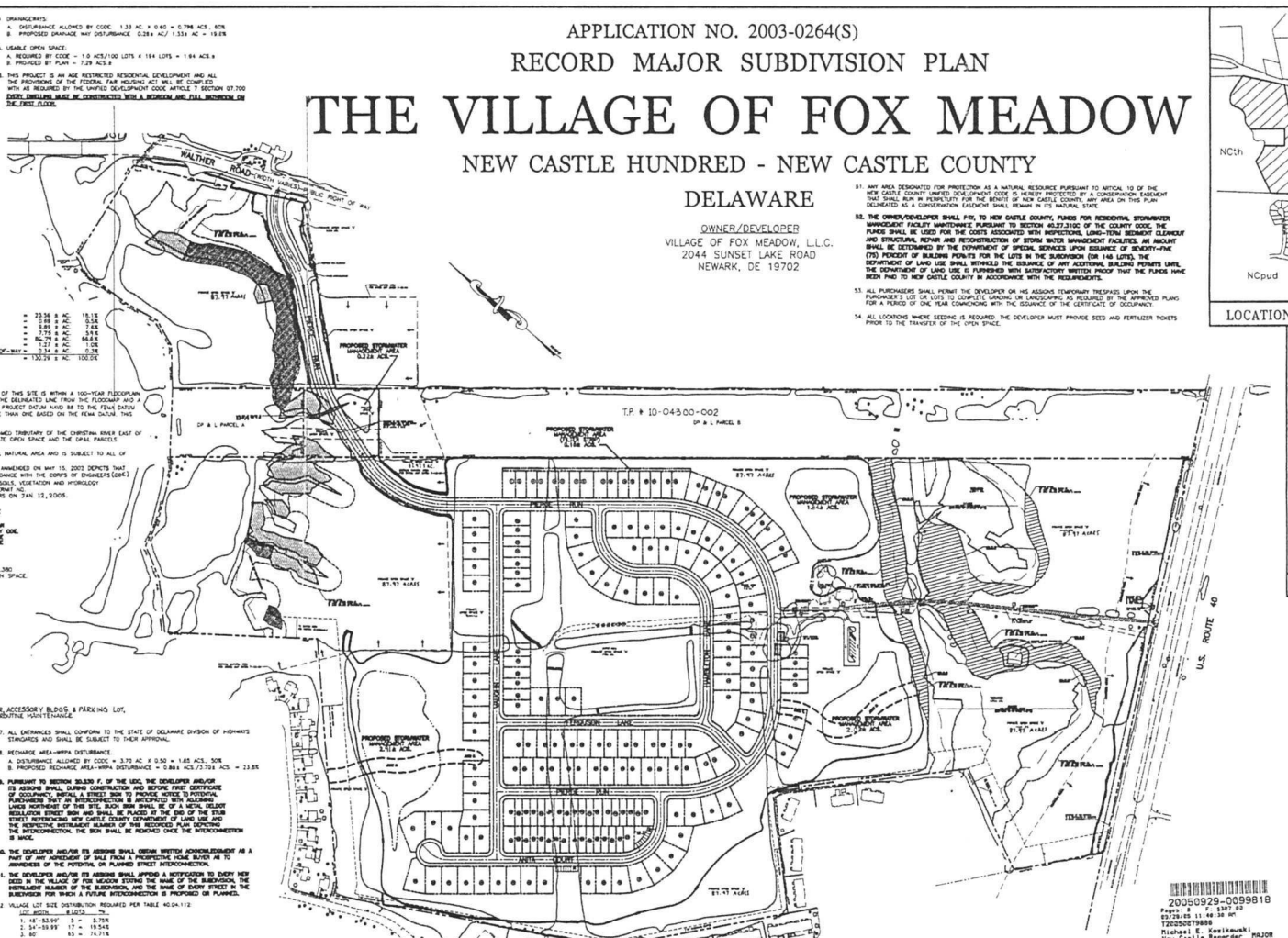
LOT WIDTH	# LOTS	%
1. 48'-53.99'	3 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	85 =	74.71%

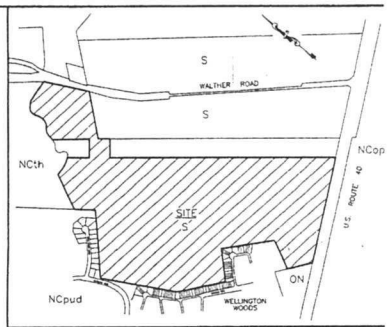
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS SUBMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811.7. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 BY AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 07.210.C OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.52 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

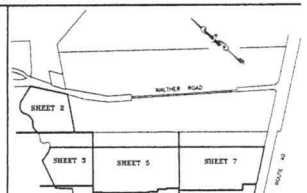
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. AN AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.210C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA REGULATIONS AS WELL AS ALL OF STATE AND THE RULES AND REGULATIONS THERETO APPURTENANT

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David A. Mettle, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker, GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/19/05 DATE — BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE: (302) 325-8077 © FAX: (302) 323-9412

0 100 200 400 GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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2004-0001

20050929-0099818
Pages: 8 Fee: $307.00
09/29/05 11:48:38 AM
T20050078986
Michael E. Kwiakowski
New Castle Recorder MAJOR

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
GREG FRAWLEY	LOT # 52	249 ANITA COURT, NEWARK 19702	631-875-8073	YES	Greg Frawley

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF T.T.L.E.: INSTRUMENT NO. 20040508-0050393 & G79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
      ELEVATION 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AS OF THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THE SUBDIVISION OF THE PROPERTY. IT IS THE DUTY OF THE OWNERS, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE ON 4.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.58 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (FROM SUBDIVISION)	= 9.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.76 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.86 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A HEC-2 MODEL. THE COMPOSITE LINE WAS DEVELOPED BY ADDING THE HEC-2 MODEL'S 29.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0294 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. **AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:**
       1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.**
       2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.5
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE PUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED ~~12-31-02~~ AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE ~~IN DEED BOOK [illegible] PAGE [illegible]~~ AS INSTRUMENT NO. 20050929-0099818 AND THE LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INSTRUMENT DESCRIBED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0128378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 8,889± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE ACCEPTANCE OF THE STREETS BY THE STATE AND UPON COMPLETION OF THE STATE'S PUNCH LIST TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DBA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DBA) = 3.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	MIN. REQUIREMENTS: VILLAGE	
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	20'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	3,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 50.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE SUBDIVISION IS ASSOCIATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE CHAIN OF TITLE FOR EACH PROPERTY IN THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

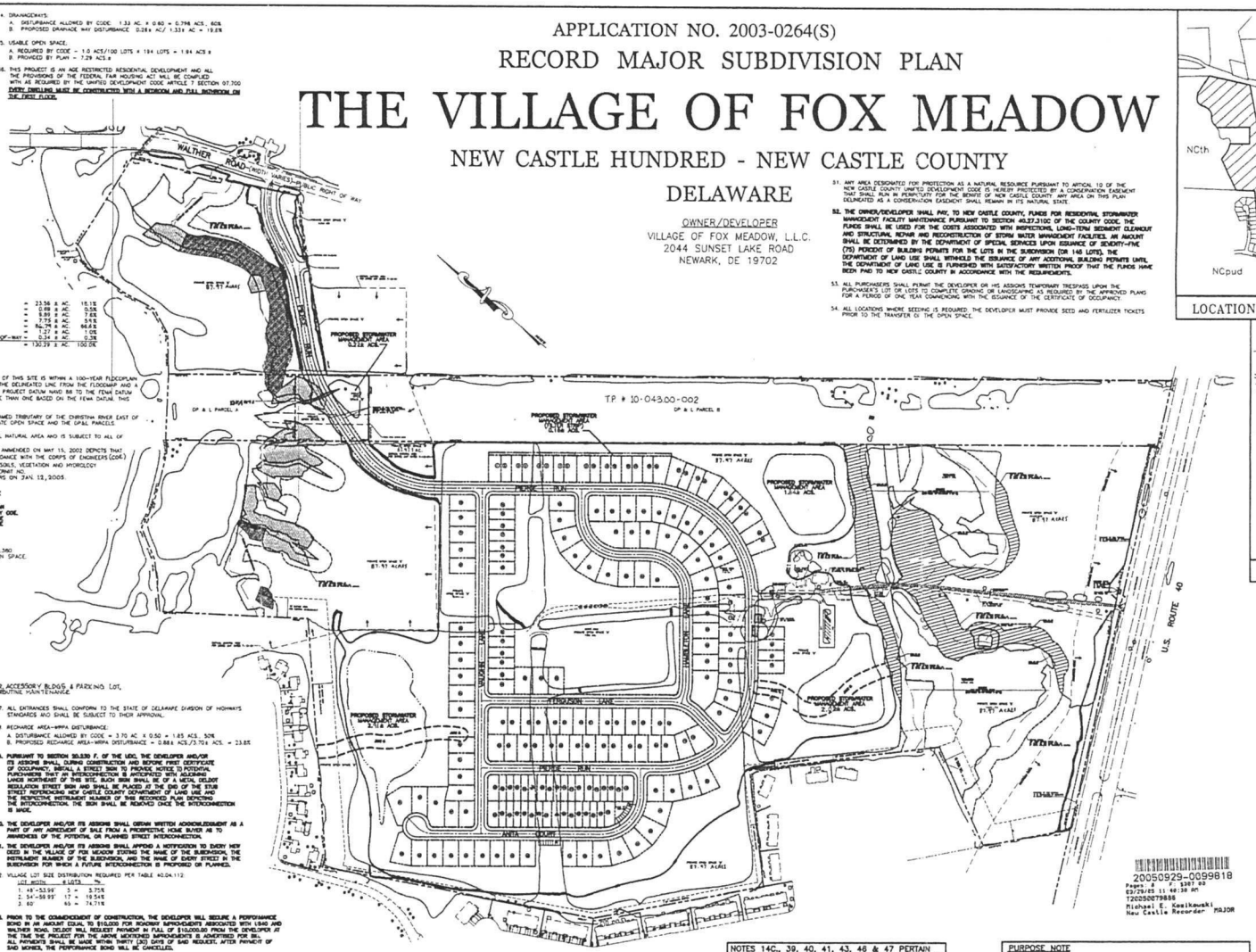
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

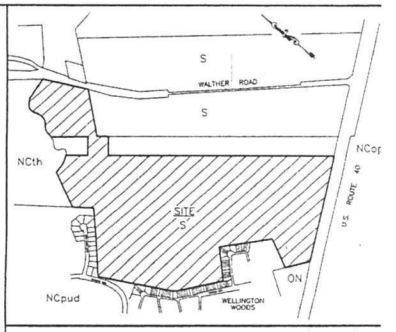
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $1,650.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.21.D.6. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA, OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

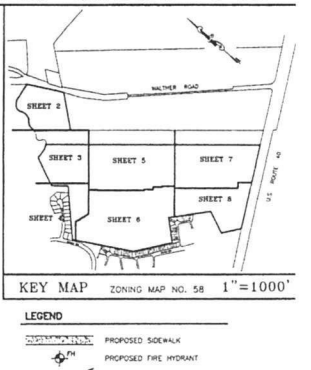
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 2 of 2 1387.00
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Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID R. MOTLEY, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Baker
DATE COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9079 © FAX: (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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FRIES

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Ronald E Fries	10-043.10-875	129 Ferguson Lane	302-530-5813	Yes	Ronald E Fries

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040608-0050393 & D.B. 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY KINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY; AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + .250 GPD/LOT + .107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.76 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY TO CONVERT FROM THE PROJECT DATUM NGVD TO THE FEMA DATUM NAVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION NO.10.370 OF THE UNIFIED DEVELOPMENT CODE
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.9298 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 8 AND MUST BE COMPLETED PRIOR TO THE RECORDATION OF THE 100TH LOT AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 25
    2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 2.5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY OR WHERE UTILITIES ARE INSTALLED IN PRIVATELY HELD RIGHT-OF-WAY OR EASEMENTS. ALL PRIVATELY HELD EASEMENTS SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0152878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.29± ACRES × 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THE PLAN AS MAINTAIN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR USE BY UTILITIES AS SHOWN ON THE PLAN. WHERE ANY SUCH EASEMENT IS NOT ADJACENT TO PUBLIC RIGHT-OF-WAY, SUCH EASEMENT SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,588± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DAI) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DAI) = 2.25± ACS./23.98±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	30'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	MEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1' @ 6'	0',6' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE – 1.0 ACS/100 LOTS × 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING UNIT BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.84± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE INTERSECTION TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD ON PIERCE RUN. SUCH SIGN SHALL BE OF A METAL OBLOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

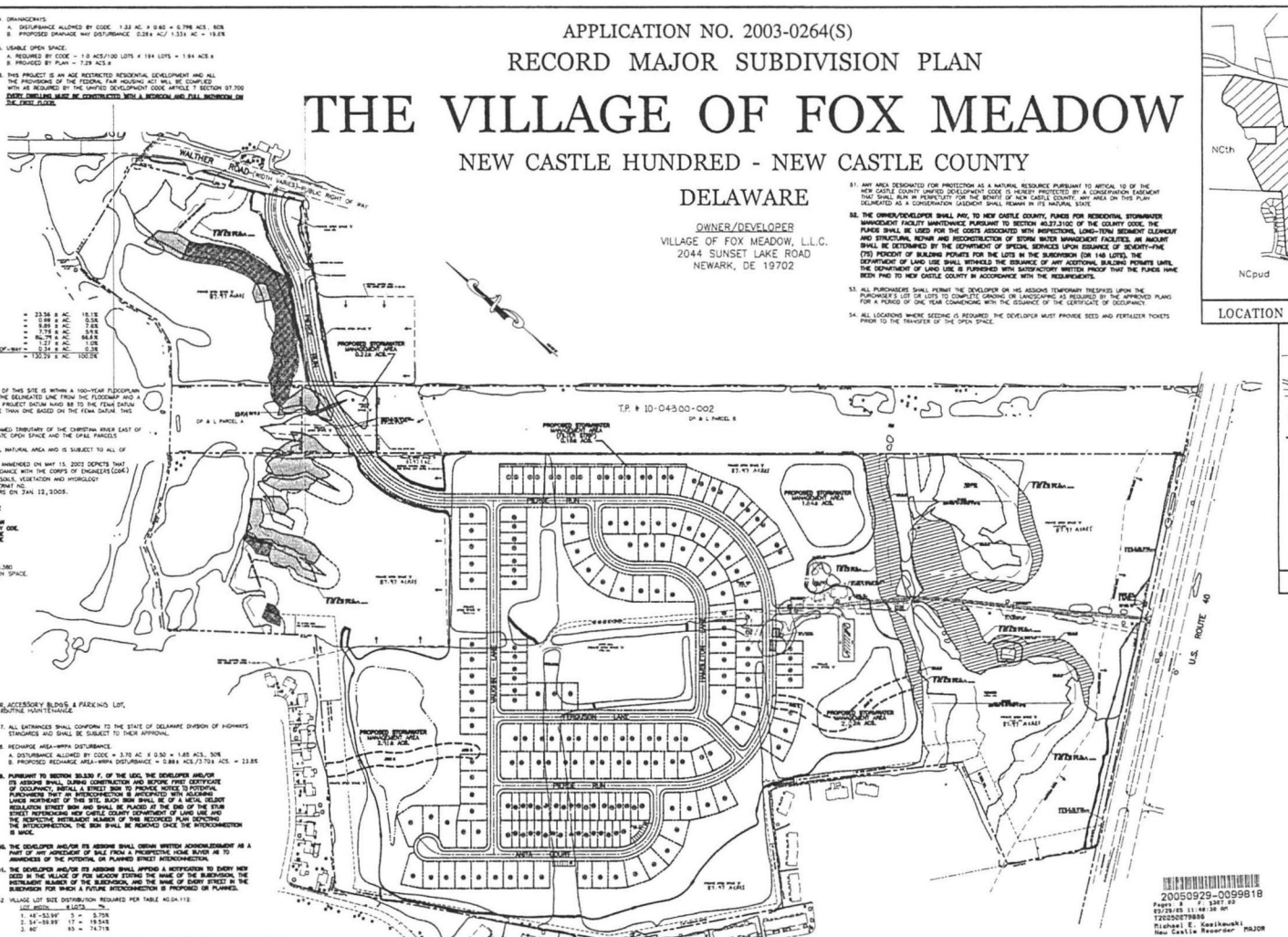
LOT WIDTH	# LOTS	%
1. 48'–53.99'	11 =	5.70%
2. 54'–59.99'	17 =	19.54%
3. 60'	93 =	74.76%

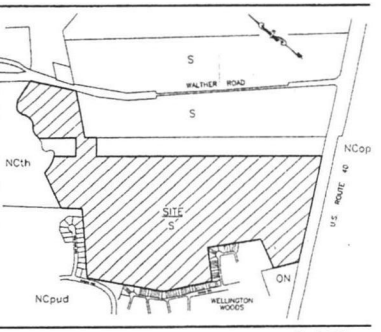
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL RELEASE PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA (OPEN SPACE AND NATURAL AREA OPEN SPACE)", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELIMEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 45.27.3120 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHELD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTALIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO – MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[illegible] — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #368 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED [illegible] DATE 3/8/05 BY [illegible], COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED [illegible] DATE 4/27/05 BY [illegible], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 201 ○ NEW CASTLE, DELAWARE
PHONE# (302) 323-9077 ○ FAX (302) 323-9467

GRAPHIC SCALE 0 100 200 400

SCALE:	1" = 200'	DRAWN BY:	ERF/JAY/FJS/KBK
DESIGNED BY:	FTP/JAY	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
CONN. NO.	C 853-2	FILE NO.	039
SHEET NO.	1 of 8		

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09/29/05 11:48:38 AM
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Michael E. Kwiakowski
New Castle Recorder MAJOR

REF

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Perry Garnett		440 Pierce Ln	302 420 9006	(Yes)	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & GT9-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER 47 EA/52.7 + 0.10 EA/24.7 = 32,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.45 ± AC.	66.4%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE FEMA DATUM NGVD TO THE PROJECT DATUM NAVD 88. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA MAP.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED #8 EXISTING SOIL, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. ARMY CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE INDICATED ON THE PLAN AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 25
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING AT PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040331-0038379 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE STREET RIGHT-OF-WAY. WHERE SUCH SEWERS ARE LOCATED WITHIN A PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0128378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 1X OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. 5798273 TO BE DEDICATED FOR PUBLIC USE.
    VARIABLE WIDTH (11' TO 15') RIGHT-OF-WAY 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DW) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DW) = 2.25± ACS./23.96±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PHG.	12'
SIDE YARD	0'/8' @ END UNIT	5'
REAR YARD	20'	25'
LOT AREA:	1,800 SF (MIN.)	+ 800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	+8', 54', & 80'
BUILDING SPACING	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PHG
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. # 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. # 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 40.10.530 F. OF THE UDC, THE DEVELOPER'S AGENTS OR ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED FOR A DWELLING UNIT, NOTIFY ALL POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED TO ADJOINING LANDS NORTHWARD. THIS NOTICE SHALL TAKE THE FORM OF A METAL DELORT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCED ABOVE. SAID SIGN SHALL STATE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A PLANNED INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

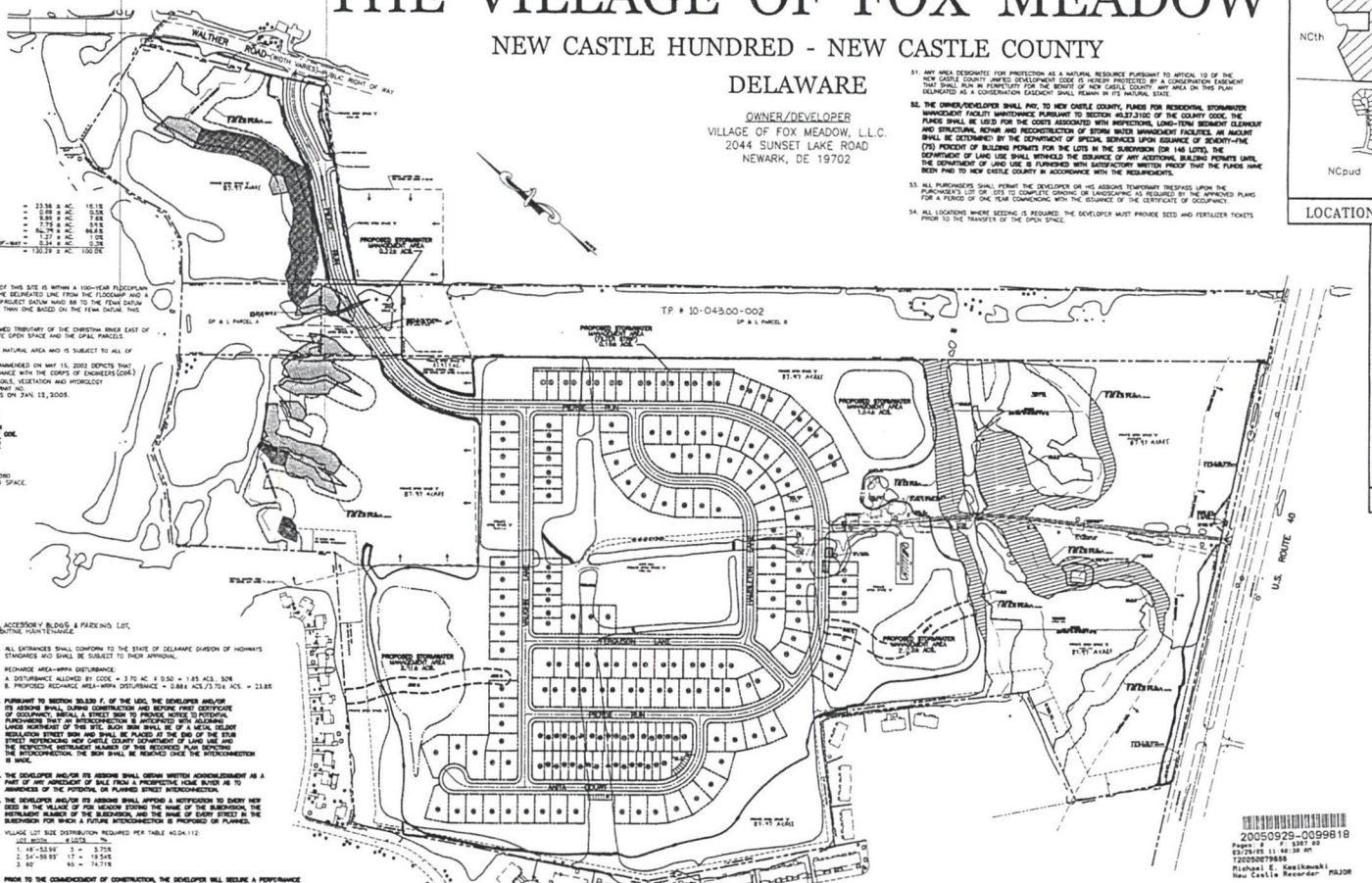
LOT WIDTH	# LOTS	%
1. 48'-53.99'	7 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	63 =	74.71%

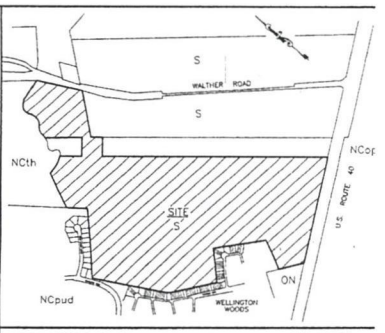
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT ENTERS THE ABOVE MENTIONED IMPROVEMENTS AS IDENTIFIED FOR BIS. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE EXONERATED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $100.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.08±ACS.	0.14±ACS.	1.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.79±ACS.	–	–	–	7.79±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	1.32±ACS.	95.81±ACS.

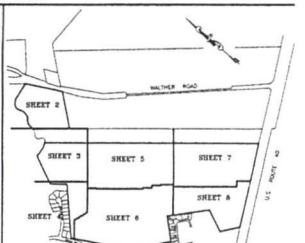
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.58 OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/26/05 BY [signature] COUNTY MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9079 © FAX - (302) 323-9469

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/TJS/KBK		
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Marie Gilbert		124 Ferguson LN Newark, De 19702	302-584-7791	Yes	Marie A Gilbert

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040508-0050393 & 0176-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
   A. REQUIRED PER TABLE 04.130 = 9 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.99 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.60%
STORMWATER MANAGEMENT AREA	=	7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.73 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN, ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM TO THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS SURVEY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED AREREDITING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0293 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE STATE, COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 2.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ADJOINING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON SHEETS 3 & 7 OF 8, SEE DECLARATION IN PERPETUITY FOR THE VILLAGE OF FOX MEADOW RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0152875.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, WHERE MORE THAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 5,284± L.F.
    VARIABLE WIDTH (51' TO 53') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAY'S STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF CONSTRUCTION AND ACCEPTANCE BY THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CHA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (CHA) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN REQUIREMENTS TWIN	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG. 0',18' @ END UNIT		12'
SIDE YARD			5'
REAR YARD			25'
LOT AREA	1,800 SF (MIN.)	4,800 SF (MIN.)	8,000 SF
BUILDING HEIGHT	40' (MAX.)		35' (MAX.)
LOT WIDTH	18' (MIN.)		48', 54', & 60'
BUILDING SPACING	10'		N/A

	MEAK-LINK TOWNHOUSES	TWIN	VILLAGE
STREET YARD SETBACK	20'	15'/20' TO PKG. 0',8' @ END UNIT	
SIDE YARD	1 @ 6'		
REAR YARD	25'		
LOT AREA	4,500 SF	3,600 SF	
BUILDING HEIGHT	36' (MAX.)	42' (MAX.)	
LOT WIDTH	48'	36'	
BUILDING SPACING	12'	10'	

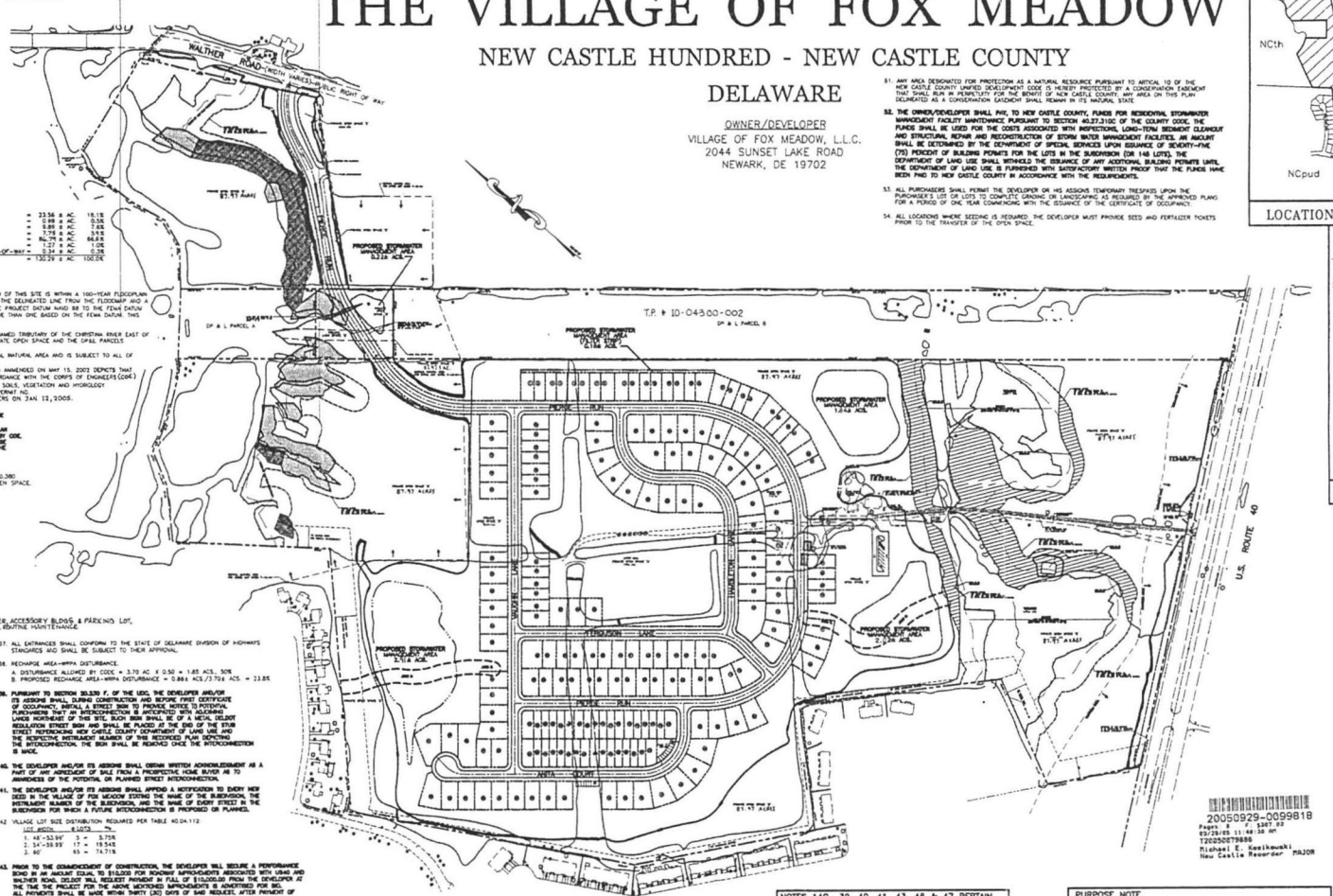
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING UNIT BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 3.03.1, OF THE USE OF THE DEVELOPER AND/OR ITS CERTIFIED ENGINEER, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO BE APPROVED BY THE DEPARTMENT OF LAND USE AND THE DEPARTMENT OF PUBLIC WORKS AT THE INTERSECTION OF [illegible] LANDS NORTHWEST OF THE SIGN WILL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCED IN NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

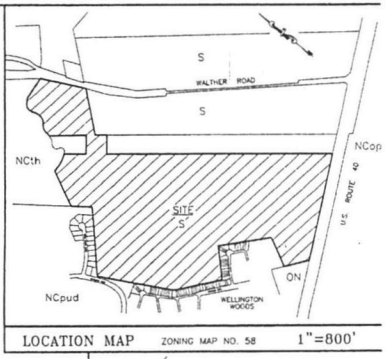
LOT WIDTH	# LOTS	%
1. 48'-53.99'	17 =	9.79%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LS40 AND WALTHER ROAD. DELOOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.7, OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT. PURSUANT TO SECTION 40.31.310 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (70% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONIES, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

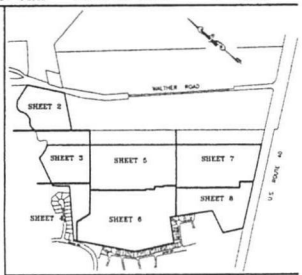
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	-	7.79±ACS.	-	-	-	7.79±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

This drawing does not include necessary components for construction safety.
All construction work shall be done in accordance with all applicable safety and health act of 1970 and the rules and regulations thereto appurtenant.

20050929-0099818
Pages = 1207.00
09/29/05 11:40:30 AM
T20250079886
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE BY Charles L. Cohen DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.
DATE: 5-24-04	CONN. NO. C 853-2
	DRAWING NAME REC-COVER.DWG
	FILE NO. 039
	SHEET NO. 1 of 8

2004-001

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Polly P Gillis	1004310880	119 Ferguson Lane	302-383-0225	Yes	Polly P Gillis

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND #9 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY + GRINNTY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN. ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	33	= 17.0%
D. TWINS	=	33	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.37 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPAL PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.404 AC.

12. A. FEMA MAP NUMBER 10003C0215 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. STARTING AT THE DOWNSTREAM CROSS SECTION 'A' (ELEVATION 60.00 FEET), AND MOVING UPSTREAM TO CROSS SECTION 'M' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'N' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'O' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'P' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. 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AT CROSS SECTION 'AE' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AF' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AG' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AH' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AI' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AJ' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. AT CROSS SECTION 'AK' (ELEVATION 90.58 FEET), THE FLOODLINE WAS DELINEATED AT THE 100-YEAR FLOOD ELEVATION FROM THE FLOOD STUDY. 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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Howard Gorman Arlene Gorman	55	250 Anita Ct Newark DE	973-714-4144	Yes	Howard C. Gorman arlene Gorman

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
   B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
   B. 0.026± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OPR-R-200401231-1 (SHEET 1, NORTH) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 13, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA. WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FROM THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
   1. PROHIBITIVE = 25%
   2. PRECAUTIONARY = 20%
   B. PROPOSED STEEP SLOPE DISTURBANCE
   1. PROHIBITIVE = 0%
   2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 5-11-05 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050511-0055179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHENEVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. THE EASEMENT SHALL BE CENTERED ON THE PIPE AND SHALL BE OF SUCH AN ADEQUATE WIDTH AS PERMITTED BY THE CODE OR ORDINANCES. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 15' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN FINANCIAL PROPERTY LINES FOR TOWNHOUSES IS HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   PIERCE RUN BOULEVARD = 1,088± L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 358± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
   1. MATURE (DMA) = 15%
   2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
   1. MATURE (DMA) = 2.2± ACS./23.2± ACS. = 9.6%
   2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/6' @ END UNIT	25'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	15' @ 0'	0'/6' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
   B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA DISTURBANCE: 0.88± ACS./3.704 ACS. = 23.8%
39. PURSUANT TO SECTION 30.320.F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A SIGN AT THE STUB STREET TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THE SITE. EACH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET INDICATING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE PROSPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE CHAIN OF TITLE OF HOUSE EXISTING THE DATE OF SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

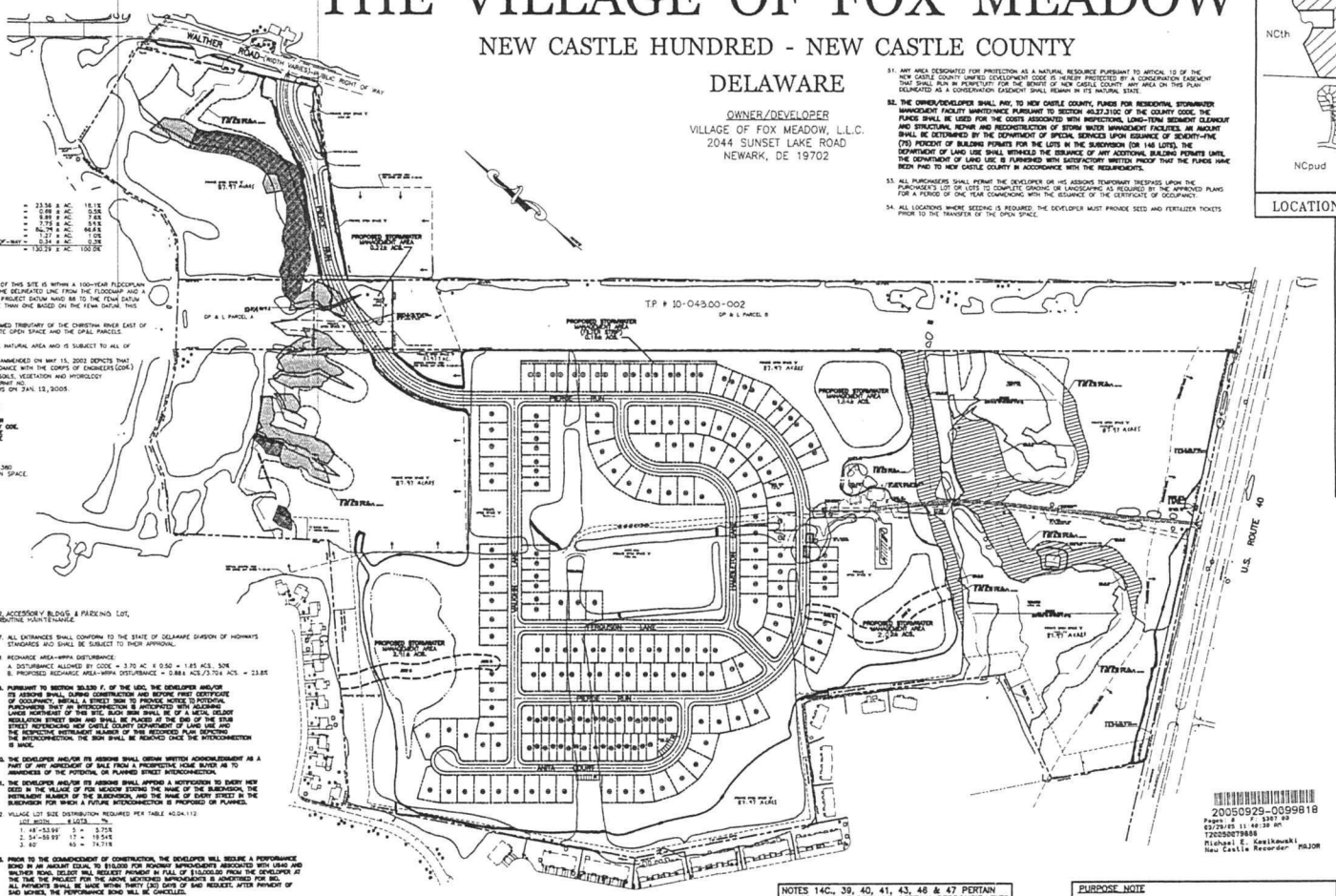
LOT WIDTH & DATA	%
1. 48'-53.99'	5% = 5.75%
2. 54'-59.99'	17% = 19.54%
3. 60'	65% = 74.71%

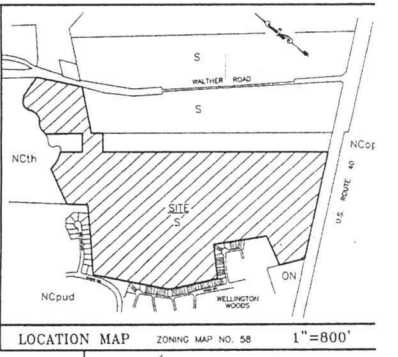
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BOTH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.00 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	73.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	81.50 ACS.
STORMWATER MANAGEMENT AREA	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	81.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	89.81 ACS.

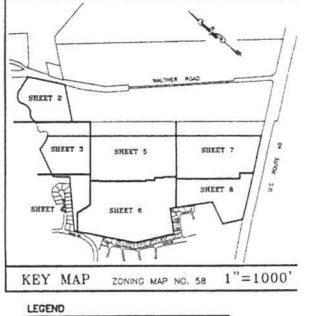
TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.2100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP-1 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,500 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.81± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO — MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #548 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [illegible] DEPUTY MANAGER
DATE — FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY [illegible] COUNCIL PRESIDENT
DATE — FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 105 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9579 © FAX - (302) 323-9412

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/TJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.
DATE: 5-24-04	DRAWING NAME: REC-COVER.DWG
COMM. NO. C 853-2	FILE NO. 039
	SHEET NO. 1 of 8

04-001

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.
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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
John & Pauline Grosemeyer		446 Pierce Run Newark DE 19702	302-395-0761	Yes	John Grosemeyer Pauline Grosemeyer

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON THE FORMERLY RECORDED PLAN.
   ESTIMATED DEMAND FOR SEWERAGE FOR THIS PROJECT, BASED UPON COMMUNITY CENTER + 87 LOTS @ 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 440 S.F. + .010 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.3%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.85 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 54% AREAS)	=	80.73 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPAL PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THIS FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA FIRM).
   B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPAL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY
   B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NWP/IOUM, COE PERMIT NO. CENAP-OP-R-200401231-1 (SHAFFER, MARTIN) GRANTED BY THE U.S. ARMY CORP OF ENGINEERS ON JAN 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN ENTITLED LANDSCAPING PLAN DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLAND MITIGATION PROJECT/PLAN SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE – 25
      2. PRECAUTIONARY – 20%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE – 0%
      2. PRECAUTIONARY – 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTE 40 PATHWAY MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS SEE THE MAINTENANCE DECLARATION BY A PERPETUITY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. THE SEWER OR STORM SEWER SHALL BE CENTERED IN THESE AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR UNDERWAYS. THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED FOR ALL LOTS AREAS SHOWN ON THIS PLAN, OTHERWISE CONSIDERED AVAILABLE FOR UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   50' RIGHT-OF-WAY = 3,385 L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS IN THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (DIA) = 15%
      2. YOUNG = 30%
   B. DISTURBANCE PROPOSED:
      1. MATURE (DIA) = 2.25± ACS./22.98±ACS. = 9.8%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	28'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE = 1.33 AC. @ 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE – 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.#
   B. PROVIDED BY PLAN – 7.29 ACS.#
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.320.F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A PERMANENT SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELINEATOR REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET INTERSECTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY PURCHASE OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

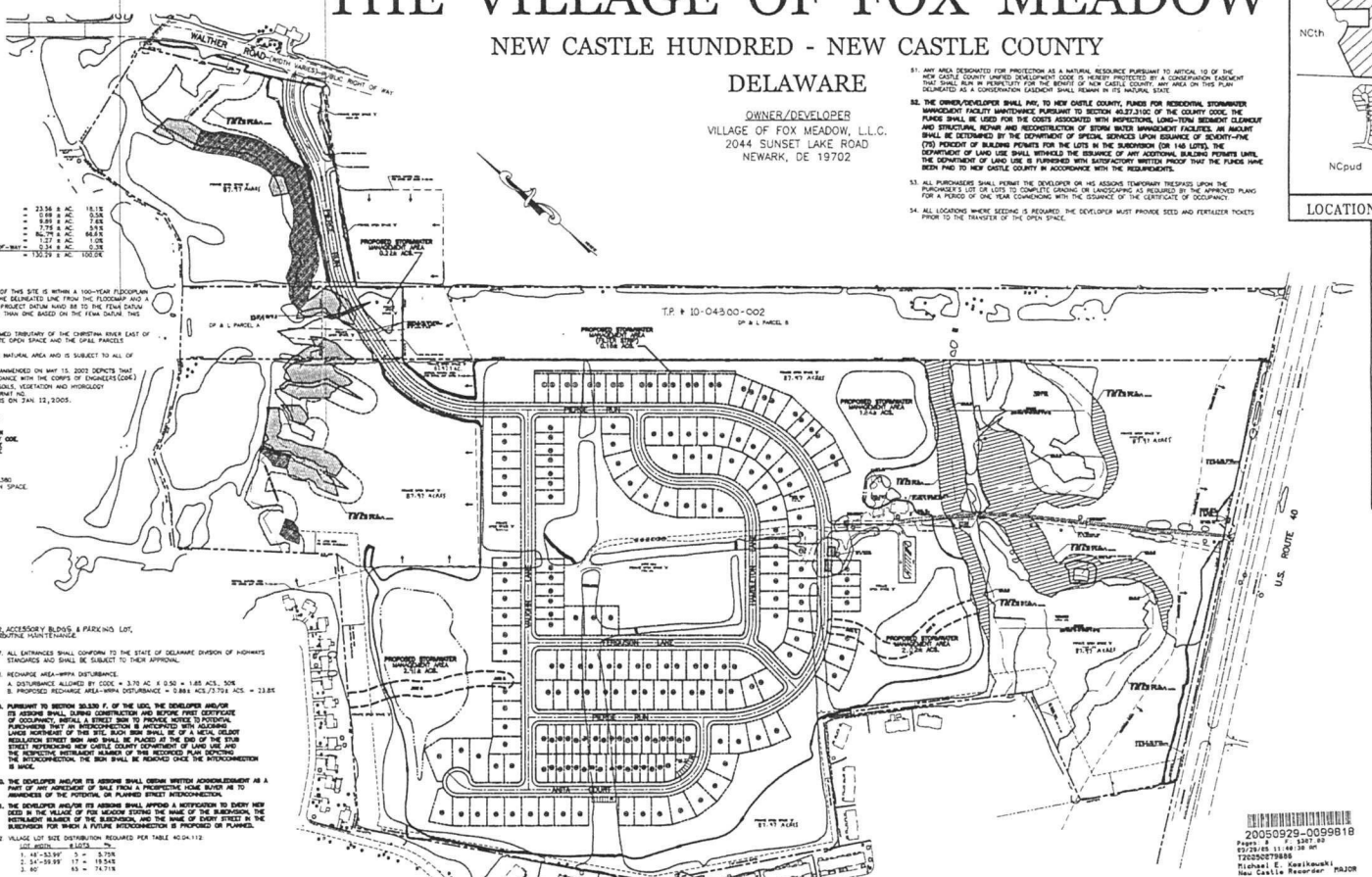
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.79%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. UPON WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 PER IN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 46 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A "REDUCED PARKING REQUIREMENTS" AS PART OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.69 ACS.	0.05 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.78 ACS.	–	–	–	7.78 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100. OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM REGIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SOUTH VARIABLE WIDTH PUBLIC RIGHT OF WAY
PROPOSED STORMWATER MANAGEMENT AREA #1 5.13± AC.
T.P. # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA #2 1.27± AC.
PROPOSED STORMWATER MANAGEMENT AREA #3 2.16± AC.
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PROPOSED STORMWATER MANAGEMENT AREA #131 1.21± AC.

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Cindy Hall		413 Pierce Run	302-388-8551	YES	Cindy Hall

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY MAGGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: HARD BE
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST WEST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, OR HIS ASSIGNS OR PERSONS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH OF THE LOTS CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER
   47.4470 S.F. x 0.10 GAL/SF. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.83 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.79 ± AC.	5.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 79.57 ± AC.	60.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.39 ± AC.	100.0%

REMAINING LANDS OF SP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FLOODMAP DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA MAP.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, BERMS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 5.13.03 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 2004[illegible]3179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHENEVER POSSIBLE WHEN A SANITARY SEWER OR STORM DRAIN IS LOCATED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR DEDICATED PUBLIC RIGHT-OF-WAY. WHERE SUCH FACILITIES ARE INSTALLED IN PRIVATELY MAINTAINED MEWS SUCH AS PARKING LOTS, PASSAGEWAYS, COURTYARDS OR DRIVEWAYS, THIS EASEMENT SHALL BE 30' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    TOTAL LENGTH OF PUBLICLY DEDICATED RIGHT-OF-WAY: 5586± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DA) = 2.25± ACS./22.55± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/18' @ END UNIT		5'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	12'	N/A	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	20'	25'
LOT AREA:	4,300 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS #
    B. PROVIDED BY PLAN = 7.29 ACS.#
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.884 ACS./3.704 ACS. = 23.8%
39. PURSUANT TO SECTION 40.03.320.1. OF THE UNIFIED DEVELOPMENT CODE, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT A STREET STUB IS PRESENT FOR FUTURE USE AND THAT LANDS NORTHWESTERLY OF THE STUB SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING THE APPLICABLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THIS SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

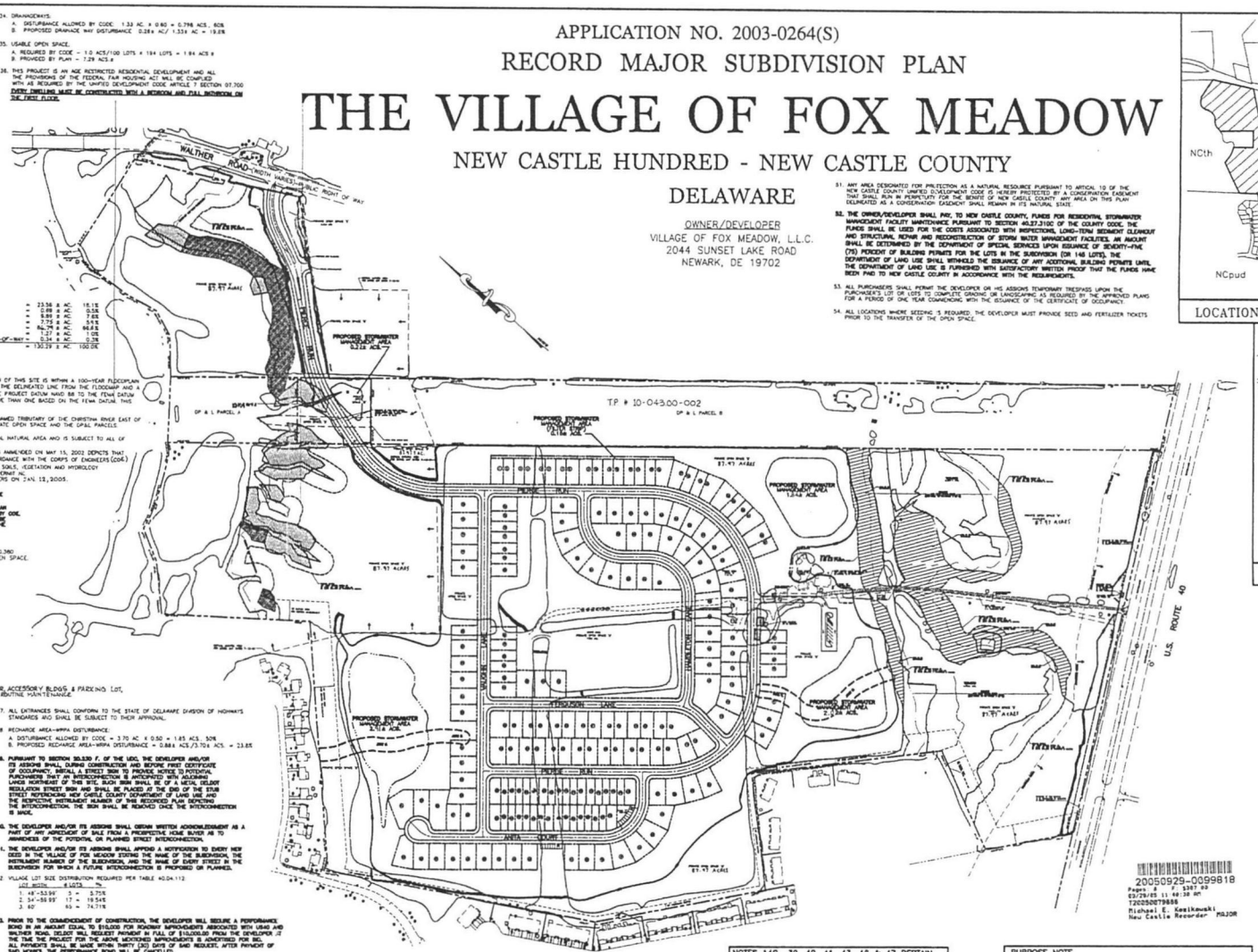
LOT WIDTH	# LOTS	%
1. 48'-53.99'	= 9	= 5.70%
2. 54'-59.99'	= 17	= 19.54%
3. 60'	= 93	= 74.71%

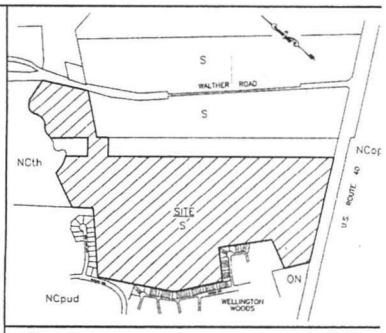
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&AO AND SOUTHERN ROAD. TO STUB WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE UPON THE EXECUTION OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND SHALL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611.F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT TO BE HELD BY THE STATE OF DELAWARE FOR THE USE TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,375.38 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONSERVATION AREA (OPEN SPACE) AND NATURAL AREA (OPEN SPACE)", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE WAIVER OF THE LOT WIDTH REQUIREMENT FOR SP&L PARCEL A PURSUANT TO SECTION 4.110 E.3. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

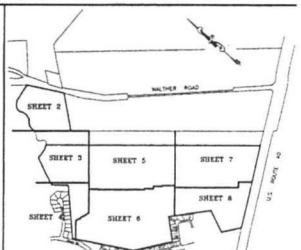
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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09/29/05 11:40:38 PM
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/9/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[illegible]

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [illegible]
DATE SIGNATURE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY [illegible]
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 301 ◇ NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 ◇ FAX - (302) 323-9460

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. G39	SHEET NO. 1 of 8

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204-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Wayne Hanna	1004320176	332 Pierce Run	302-535-7359	YES	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.28 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & 079-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,247 GPD.
NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 - W. 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 338± AREAS)	= 86.74 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

A. ITEM MAP NUMBER 10003301-H-G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A MORE DETAILED LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401231-1 (NWP12, NWP14) WAS GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:

1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS AFTER ITS COMPLETION.**
2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, DATED JULY 2003 AND APPROVED BY COE. THE MITIGATION PLAN, INCLUDING SOIL AMENDMENTS, PLANTINGS AND MAINTENANCE, SHALL BE COMPLETED TO SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:

A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EROSION & SEDIMENT CONTROL OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0099179 AND THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE WITHIN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE AGREEMENT THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT:
A. ALL UTILITIES SHALL BE UNDERGROUND, INCLUDING SAID LOT LINE SHALL BE KEPT UNPAVED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 8,388± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',18' @ END UNIT	8
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	Twins	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 6'	0',6' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	34'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS./100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700. **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA AREA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.886 ACS./3.70± ACS. = 23.8%

39. **PURSUANT TO SECTION 39.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT ADDITIONAL CONSTRUCTION SHALL BE ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION SIGN TYPE AS SHOWN ON THE PLANS, BE PLACED AT THE END OF STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE EXISTING MAINTENANCE CORPORATION AS THE ENTITY OPERATING THE DEVELOPMENT. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**

40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY CONVEYANCE OF A SALE FROM A PROSPECTIVE HOME BUYER AS TO MANNERISMS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**

41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFORD A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

LOT WIDTH	# LOTS	%
1. 48'-53.99'	9	5.75%
2. 54'-59.99'	17	19.54%
3. 60'	80	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&A3 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID RELEASE. AFTER PAYMENT OF BID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $600.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE OF OPEN SPACE. UPON THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $54,775.38 ($600.00 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**

47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE DU/A CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**

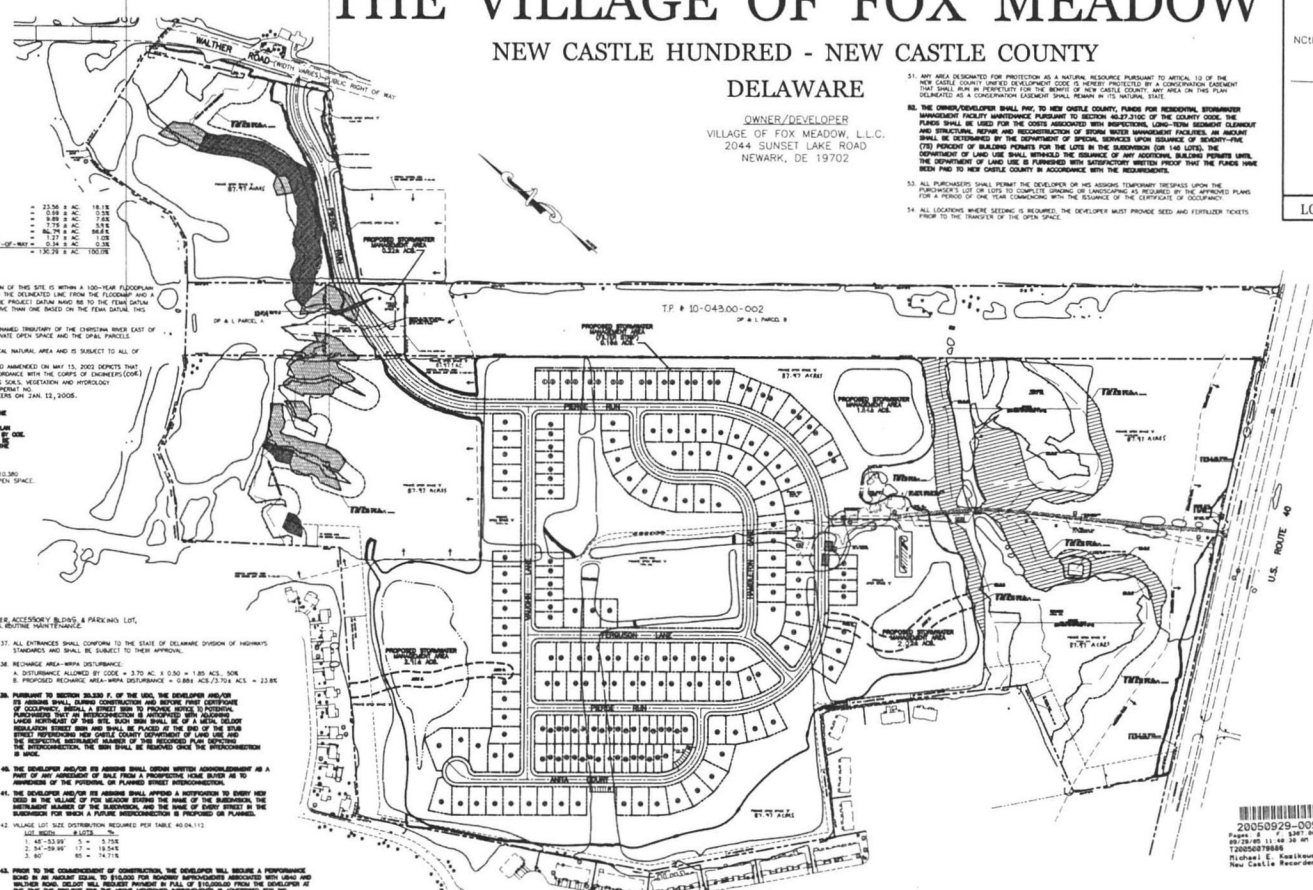
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

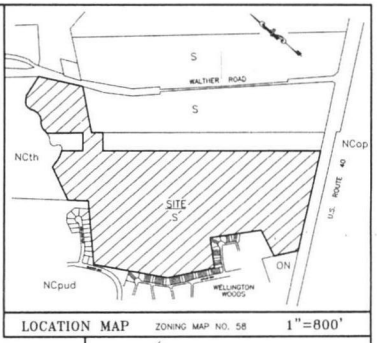
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

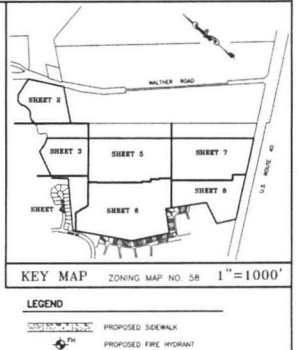
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 # $307.00
09/29/05 11:48 26 MP
T20050078886
Michael E. Kasikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — 3/8/05 DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 9/26/05 BY _____ DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED _____ DATE 9/27/05 BY _____ COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.01± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 O FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200' | DRAWN BY: ERF/JAV/FJS/MB | 24-001
DESIGNED BY: FTP/JAV | CHECKED BY: F.T.P. | DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04 | COMM. NO. C 853-2 | FILE NO. 039 | SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Lora Lee Harget		337 Pierce Run	302-530-9438	Yes	Lora Lee Harget

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0090383 & 0179-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY:
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
AVERAGE DAILY FLOW (ADF) GENERATED FOR THIS PROJECT BASED UPON 500 GPD/EDU = 67 LOTS @ 4,750 GPD, 127 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,247 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

L. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES DESIGNATED COMMUNITY CENTER & EXCLUDES 39th AREAS)	= 71.73 ± AC.	55.1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.426 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000, INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE EXISTED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MARKING OUR FLOODLINE DELINEATE THAT ONE BASED ON APPROXIMATE LINE THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CUL-DE-SAC'S. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200061231-1 (NWP12, NWP14) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE.
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 15%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.8

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED: MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE, SNOW REMOVAL, ETC., THE DEVELOPER SHALL ESTABLISH THE MAINTENANCE CORPORATION BY A PERPETUITY FAMILY TRUST DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. WHERE SUCH SEWERS ARE INSTALLED IN PRIVATELY MAINTAINED HOUSE BLOCK AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT AND ANY AMENDMENTS EXECUTED THEREIN. SECTION 1 RECORDED IN THE RECORDER OF DEEDS OFFICE FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 16 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 8,088 ± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558 ± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE UPON THE FINAL INSPECTION AND WRITTEN ACCEPTANCE OF SUCH STREETS BY THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0± (NONE ON SITE)

BULK AREA RESTRICTIONS OPEN SPACE PLANNED	TOWNHOUSES	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0,18' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 0'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA=MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA=MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 24.4.209 F. OF THE UNIFIED DEVELOPMENT CODE, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, POST A PERFORMANCE BOND TO GUARANTEE THAT THE INTERCONNECTION IS ACCOMPLISHED TO OUTERMOST LANDS HEREIN DESCRIBED. SAID BOND SHALL BE IN THE AMOUNT OF 1.5 TIMES THE REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET DESIGNATED BY NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE PRIOR TO CLOSING FROM HOME BUILDERS AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORD PLAN AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **EACH OWNER MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS ($24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND MANDATORY AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE.

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE: 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #566 — DATE: March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

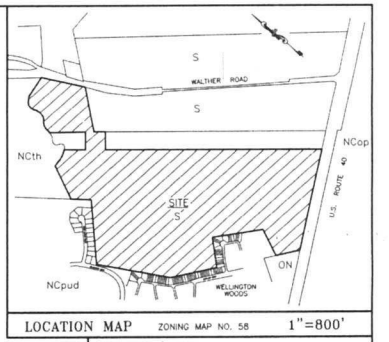
CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 9/6/05 BY Charles L. Baker, SENIOR MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

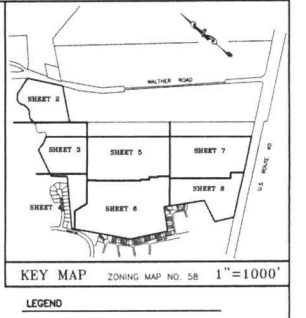
APPROVED _____ DATE 9/27/05 BY [illegible], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $367.00
09/29/05 11:48:38 AM
T20050079886
Michael E. Kanikowski
New Castle Recorder MAJOR

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

REVISIONS	CHECKED BY:

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 o FAX - (302) 323-9462

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK		
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Al & Cheryl Hicks		383 Pierce Run Newark DE 19702	302-595-2791	Yes Yes	Al Hicks Cheryl Hicks

A H 10/10/2023
C/D 10/10/23

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 19-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
6. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.24
7. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
8. SEWER: NEW CASTLE COUNTY - TUNNELL - MARTY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER 47 44.70 S.F. x 0.10 GAL/S.F. = 53,297 GPD
9. NUMBER OF PROPOSED LOTS: 194
10. A. REQUIRED PER TABLE 04.1.30 = 4 HOUSING TYPES
    B. MAXIMUM % OF ANY TYPE = 45
    C. MINIMUM % OF ANY TYPE = 10
11. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

12. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.80 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.75 ± AC.	5.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.27 ± AC.	1.0%
TOTAL	= 0.34 ± AC.	0.3%
	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FEMA FLOODPLAIN AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLANDS DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.350 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 25
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5.%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0038179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' EACH, RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAIN IS LOCATED OUTSIDE OF THE BOUNDARIES OF THE RIGHT-OF-WAY OF DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE UNIFIED DEVELOPMENT CODE SHALL BE SUBJECT TO THE TERMS OF THE NEW CASTLE COUNTY IMPROVEMENT AGREEMENT (LDIA), AND THE PERFORMANCE GUARANTEES ASSOCIATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041104-0172815.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14, OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 98.81± ACRES OR 75.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE ADJACENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,259 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 555± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DHI) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DHI) = 2.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	15'
LOT AREA:	1,800 SF (MIN.)	4,800, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1' @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.40 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26 ± AC/ 1.33± AC = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88 ± ACS./3.70 ± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, UPON COMPLETION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROMOTE NOTICE TO POTENTIAL PURCHASERS THAT THE CONSTRUCTION OF A CONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OR PLANNED INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED PLAN, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

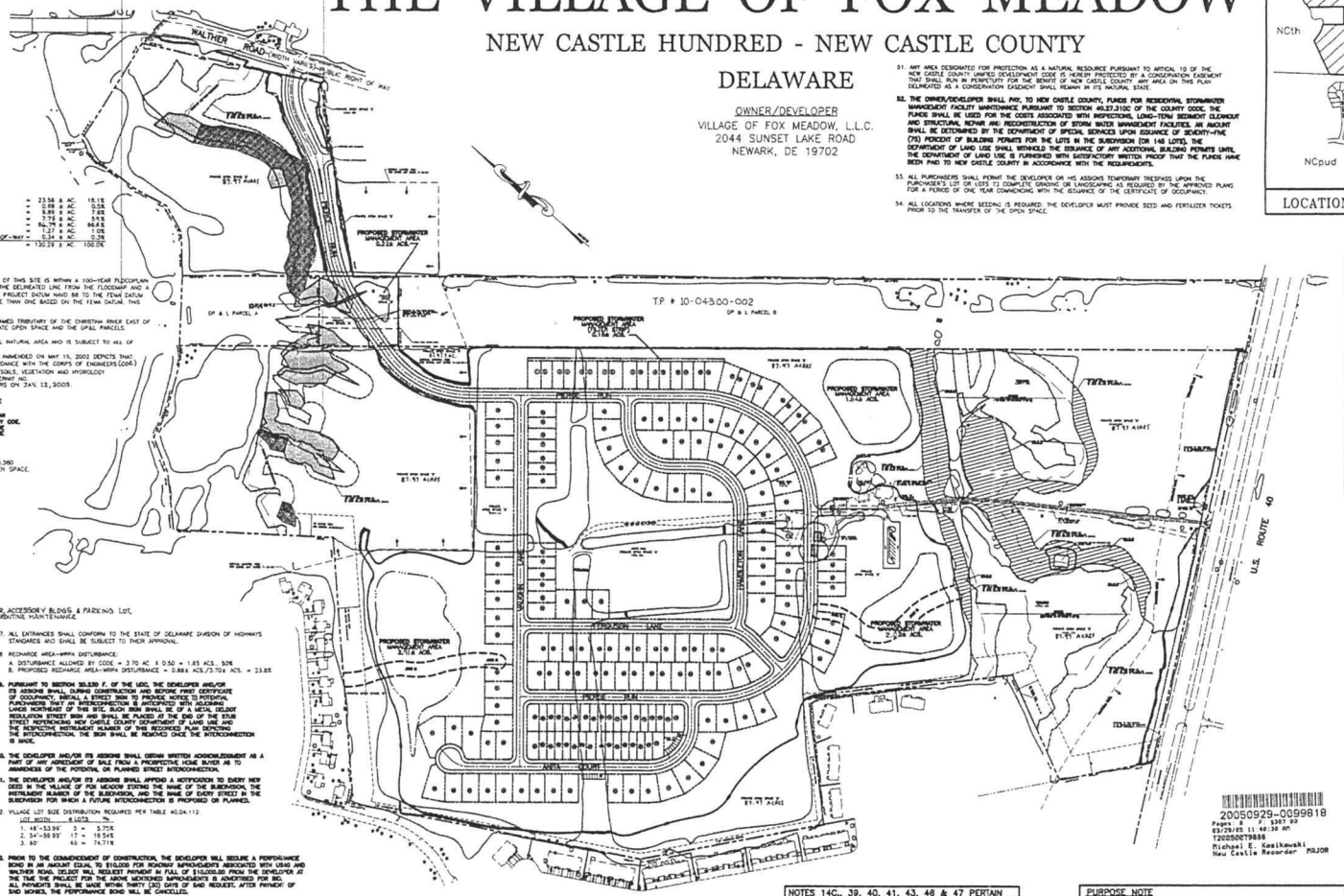
LOT WIDTH	# LOTS	
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

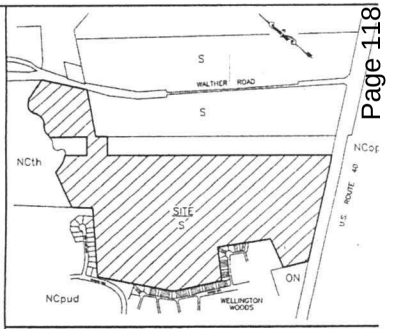
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LS360 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 4, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $9,165 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE, CONSERVATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $14,775.38 ($90.25 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA.	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

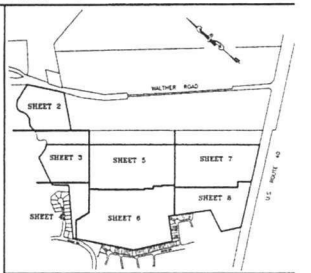
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8 F: $387.00
09/29/05 11:40:38 AM
120050079888
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.81± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

This drawing does not include necessary components for construction safety.

All construction must be done in compliance with the Occupational Safety and Health Act of 1970 and the rules and regulations thereto appurtenant.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, John B. G. Mattis, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE
BY Charles L. Baker, DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE
BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 201 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 O FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	F.T.P.	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Gregory Hills	?	115 Ferguson Ln. Newark DE 19702	302-453-9538	Yes	Gregory N Hills

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & GTR-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT. A DEVELOPER'S AGREEMENT OR IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,276 GPD.

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

2. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

3. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

4. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED OCTOBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 2005 PAGE 18817.

A 10' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS LOCATED OUTSIDE OF DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT AGREEMENT (LDA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004104-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBDIVISION POINTS ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 0.088± AC.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY = 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (DNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0'/16' @ END UNIT	6'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE = 1.0 AC3/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND ARE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA–WRPA DISTURBANCE = 0.88± /3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS IMMEDIATELY BEYOND THE SITE. SUCH SIGN SHALL BE OF A METAL, DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET WHERE THE INTERCONNECTION IS ANTICIPATED. THE SIGN SHALL STATE THAT THE RESPECTIVE ADJOINING PARCEL OF VACANT LAND SHALL BE DEVELOPED SO THAT THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AND PAGE FOR THE SUBDIVISION, AND THE NAME OF EXISTING STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&HO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL MONIES SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,776.36 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 C.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA	7.29±AC.	79.41±AC.	0.06±AC.	0.14±AC.	0.32±AC.	87.50±AC.
STORMWATER MANAGEMENT AREA	–	7.75±AC.	–	–	–	7.75±AC.
PAVED AREA	–	0.45±AC.	0.03±AC.	–	–	0.48±AC.
BUILDING AREA	–	0.08±AC.	–	–	–	0.08±AC.
TOTAL	7.29±AC.	87.87±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

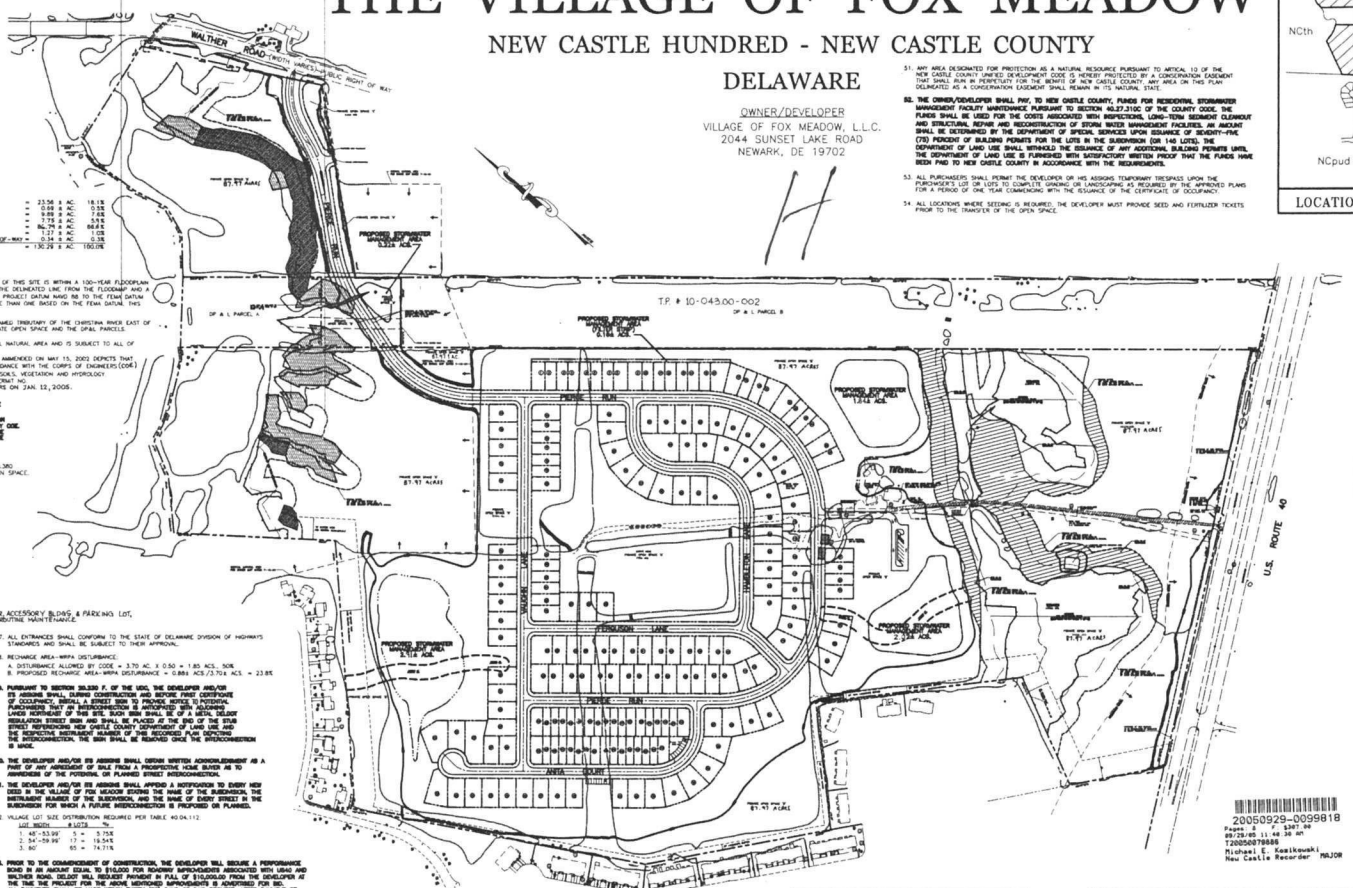
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

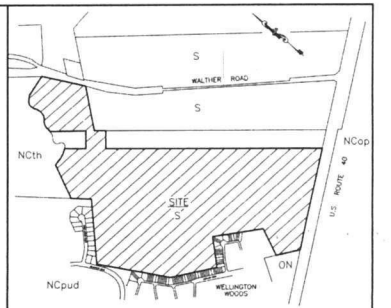
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 140 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

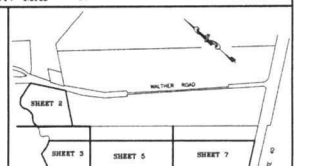
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 28 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 2 F: $287.00
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T20050078886
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #566

March 10, 2005
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID R. HUTTE, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/28/05 BY Charles L. Baker
DATE DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Robert D. Houtchens	93	510 Hambleton Lane	302-836-1073	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.29 +/- ACRES
EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050363 & GTR-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF THE INTERSECTION OF THE WEST MARGIN OF THE NORTHERLY LOOP OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS AND ASSIGNS SHALL CONSTRUCT THE NECESSARY SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS + 250 GPD/UNIT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,267 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	44.8%
B. WEAK-LINK TOWNHOUSES	=	41	21.1%
C. TOWNHOUSES	=	33	17.0%
D. TWINS	=	33	17.0%
TOTAL	=	194	100%

L. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.99 ± AC.	7.7%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.424 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE FEMA DATUM (NGVD 29) TO NAVD 88, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. ANCHOR THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ON LANDS TO BE DP & L PARCEL A AND PART OF PARCEL B WHICH WILL BE CONVEYED TO NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS ASSOCIATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0 S.F.
2. PRECAUTIONARY = 5 S.F.

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, AND ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 9-22-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050929-0099818 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM SEWERAGE EASEMENT 20' ON LOT, RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, IS HEREBY GRANTED TO NEW CASTLE COUNTY FOR EACH SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS NOT LOCATED WITHIN A DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE VII OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15 ± ACRES, 50%
B. PROVIDED BY THIS PLAN = 90.81 ± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE ELIMINATED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 8,088 ± L.F.
VARIABLE WIDTH (51' TO 133' RIGHT-OF-WAY): 558 ± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25 ± ACS./22.96 ± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK	15'/20' TO PVG.	12'
SIDE YARD	0'/8' @ END UNIT	8
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PVG.
SIDE YARD	1 @ 0	0'/8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26 ± AC./ 1.33 ± AC. = 19.6%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN - 7.29 ACS ±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND IS SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA - MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA - MRPA DISTURBANCE = 0.866 AC./3.70 AC. ACS. = 23.8%

39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. SUCH SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORD SUBDIVISION, AND THE FACT OF EVENT STREET IS IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	% LOTS	No.
1. 48'-53.99'	5 ±	8.75%
2. 54'-59.99'	17 ±	19.54%
3. 60'	65 ±	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $195,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIMO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,770.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREAS:	7.29±AC.	79.49±AC.	0.06±AC.	0.14±AC.	0.32±AC.	87.50±AC.
STORMWATER MANAGEMENT AREA	-	7.75±AC.	-	-	-	7.75±AC.
PAVED AREAS:	-	0.45±AC.	0.03±AC.	-	-	0.48±AC.
BUILDING AREAS:	-	0.08±AC.	-	-	-	0.08±AC.
TOTAL	7.29±AC.	87.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

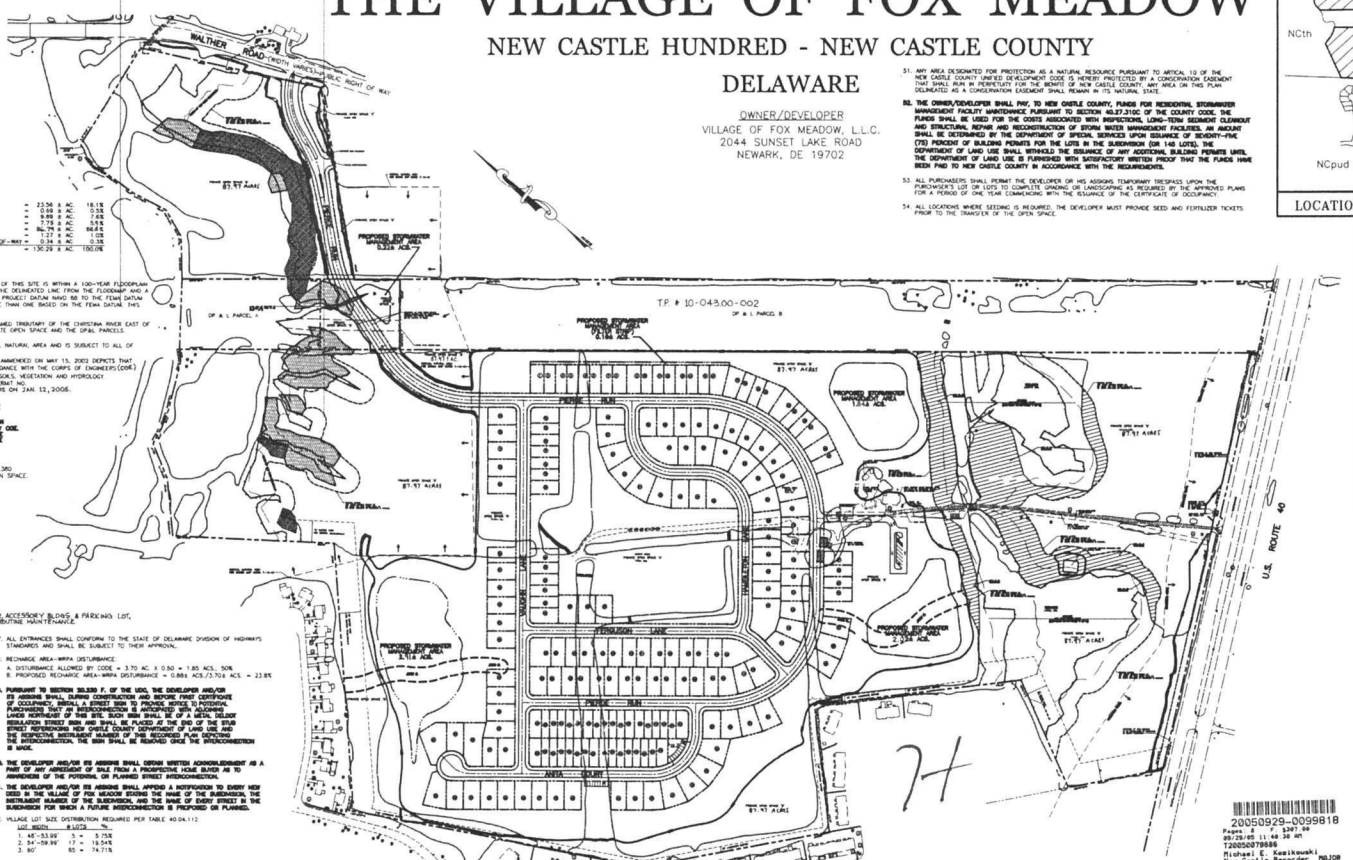
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

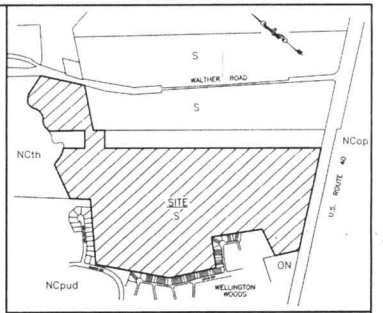
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

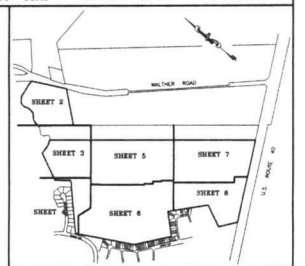
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 — BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kawikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker SENIOR MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY _____ COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.618± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTABILITY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 323-9462

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Patrick Houton Patricia Ristine		128 Ferguson Lane	(302) 547 3057 (610) 999-3331	Yes Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040805-0056393 & D.B. 79-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN. ESTIMATED SEWER FLOW GENERATION FOR THIS PROJECT, BASED UPON ESTIMATED SEWER FLOW OF 400 GPD/EDU FOR 197 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	32	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY DEDICATED ALONG ROUTE 40	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	5.89 ± AC.	4.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	2.75 ± AC.	2.1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE PROJECT DATUM NGVD 29. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SIZE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN, INDIVIDUAL COE PERMIT CENAP-OP-R-200401231-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DEL. SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PRINCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROADWAY MEDIANS, STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATIONS OF THE VILLAGE OF FOX MEADOW, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' PERSPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 4,268± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE ONE-YEAR GUARANTEE PERIOD AND THE FORMAL ACCEPTANCE BY THE SECRETARY OF THE STATE DEPARTMENT OF TRANSPORTATION. IMPROVEMENTS WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DIA) = ± 25± ACS./22.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' OR END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0' & 8' END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	26' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.40 = 0.796 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC / 1.33± AC = 19.0%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700. EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A CONCRETE BOX CULVERT TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SUBDIVISION. SUCH BOX CULVERT SHALL BE OF A METAL OUTLET REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING SUCH CONTEMPLATED INTERCONNECTION. THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY CONVEYANCE OF LOT FROM A PROSPECTIVE HOME BUYER OF THE AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRISE BY NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.511 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $8,068.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $14,775.38 ($608.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.S.	79.49±AC.S.	0.08±AC.S.	0.14±AC.S.	0.32±AC.S.	87.50±AC.S.
STORMWATER MANAGEMENT AREA:	–	7.75±AC.S.	–	–	–	7.75±AC.S.
PAVED AREA:	–	0.45±AC.S.	0.03±AC.S.	–	–	0.48±AC.S.
BUILDING AREA:	–	0.08±AC.S.	–	–	–	0.08±AC.S.
TOTAL:	7.29±AC.S.	87.97±AC.S.	0.09±AC.S.	0.14±AC.S.	0.32±AC.S.	95.81±AC.S.

TOTAL OPEN SPACE AREA OF 95.81±AC.S. = 73.5% OF TOTAL SITE AREA OF 130.29±AC.S.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #368 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

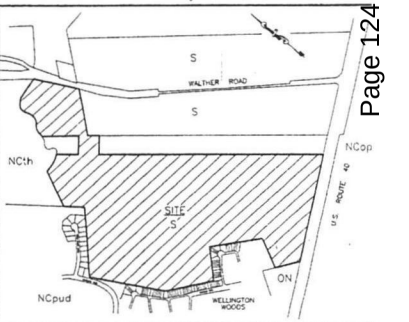
CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [signature] DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

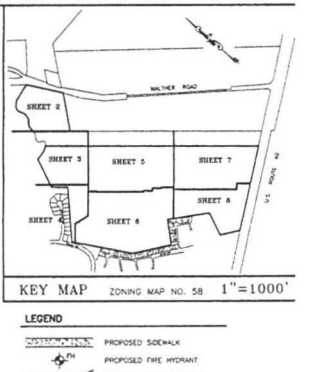
APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT.

20050929-0099818
Pages: 1 of 89
09/29/05 11:40:30 AM
T20050079888
Michael E. Kwiatkowski
New Castle Recorder MAJOR

REVISIONS | CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 101 @ NEW CASTLE, DELAWARE
PHONE: (302) 325-9577 @ FAX: (302) 322-9643

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	CONM. NO:	C 853-2
FILE NO:	039	SHEET NO:	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
GARY HOWARD		26 VAUGHN. LANE	302-229-5578	~~No~~ Yes	Gary Howard

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & 0179-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 86.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY – GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, ITS CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.59 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.76 ± AC.	6.0%
OPEN SPACE (INCLUDES 3,900 SF COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.61 ± AC.	66.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.424 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FEMA FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NAD 88) TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN BASED ON THE FEMA DATA. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDES INVESTIGATING SOILS, VEGETATION, AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200047231-1 (NWP12, NWP14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 12, 2006.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ONSITE, WHERE ON RIGHT 11 OF 2 MIS, MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED: MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, &BUTTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES, SEE SHEET [illegible] OF THIS PLAN.
ANY LOT RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 2004[illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 10' SANITARY SEWER EASEMENT ON A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY IN WHICH THEY ARE INSTALLED. THE OWNER SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, ALL LOTS, PRIVATE STREETS, OR OTHER AREAS OF LAND WHICH SHALL BE 20' WIDE, 10' ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INDICATED THEREIN WHEN LDIA IS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE KEPT CLEAR AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED BY THE RECORDATION OF A SUBDIVISION PLAT FOR THIS PLAN, OTHERTHAN THOSE LOT LINES SEPARATING LOTS FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY – 8,088± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARDS FOR PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE AND THE EXPIRATION OF THE MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0/16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	8' & 0'	0' & 0' @ END UNIT
REAR YARD:	25'	15'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	16'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE – 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN – 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700. **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO CHAPTER 40.03.130 F. OF THE UDC, DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, INSTALL A STUB STREET TO THE PROPERTY LINE, SO THAT PURCHASERS THAT OR SUBDECONSTRUCTION IS ANTICIPATED WILL FOLLOWING LANDS NORTHEAST OF THE SITE. SUCH STUB SHALL BE OF A WIDTH AND QUALITY REGULATION STREET WIDTH AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUILDER AS TO ACKNOWLEDGE OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A REPRESENTATIVE TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED PLAN, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 45'–53.99'	5 =	5.15%
2. 54'–59.99'	82 =	42.27%
3. 60'	85 =	74.31%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEA42 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE REQUEST FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF BOND MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **EACH GARAGE MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED WITH LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $600.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST, PLUS $24,775.36 ($600.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "RESIDUAL OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	-	7.76±ACS.	-	-	-	7.76±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

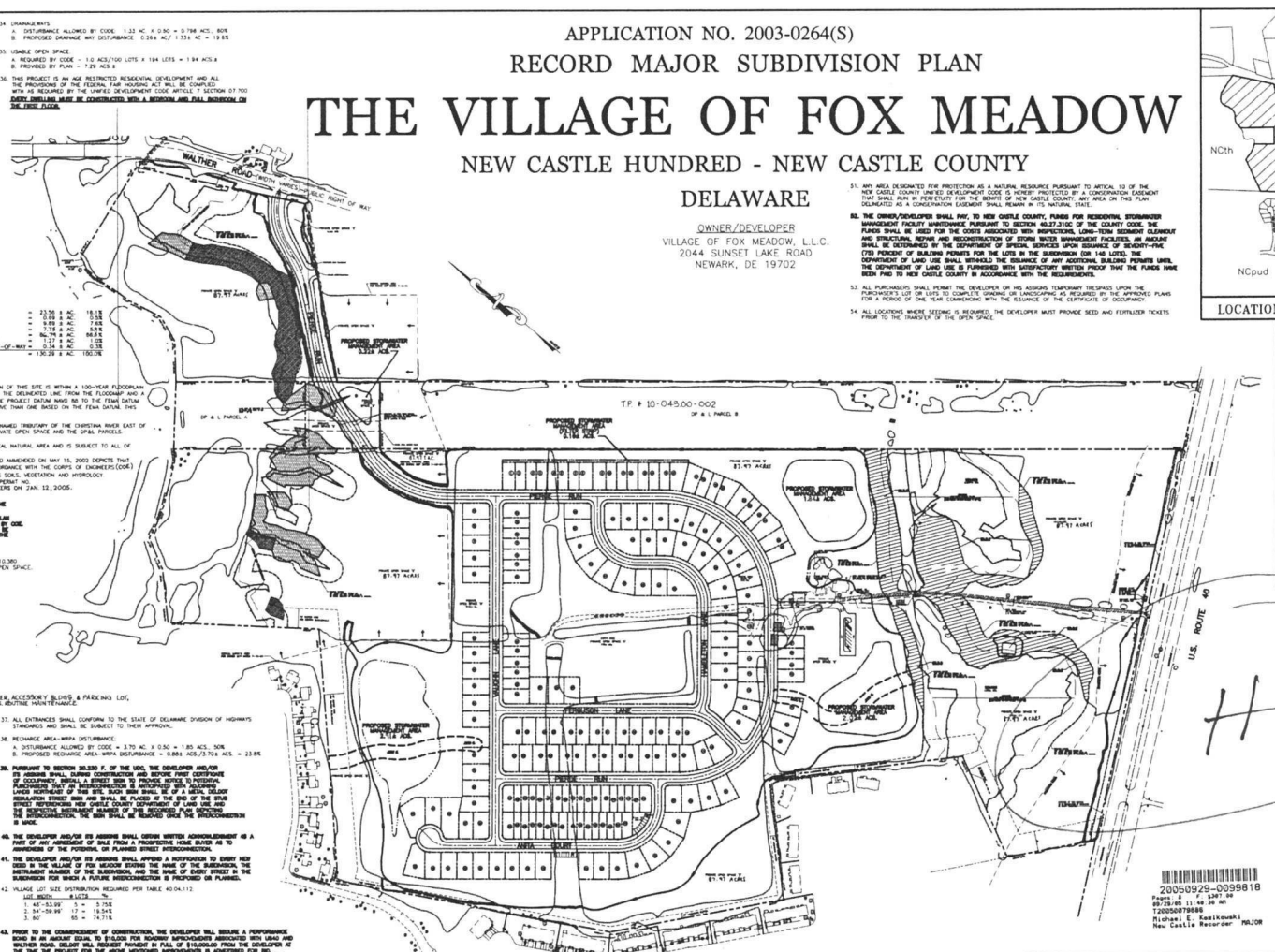
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5± OF TOTAL SITE AREA OF 130.29±ACS.

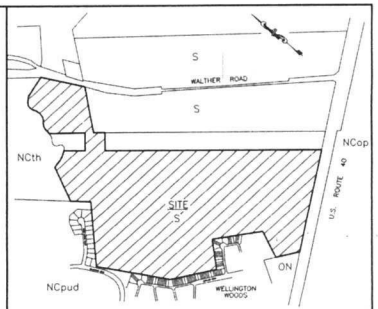
51. ANY AREA DESIGNATED FFW PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

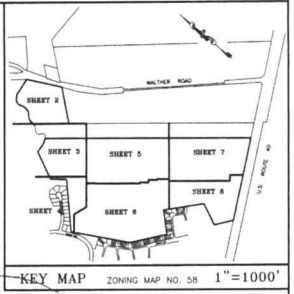
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- [220] POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 3 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8
09/29/05 11:48:36 AM
T20050078885
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [signature] DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/TJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	DRAWING NAME	REC-COVER.DWG
SHEET NO.	1 of 8		

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Rick + Beverly Hughes	25	359 Pierce Run	302-838-7447	YES	Beverly Hughes

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040308-0050393 & 3479-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS DEVELOPMENT. CONSTRUCTION OF ON-SITE SEWERS IS REQUIRED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 6470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 + 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.31 ± AC.	0.2%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF SPALL: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD PROFILE DATABASE. TO CONVERT FROM THE PROJECT DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
   B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPALL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SECTION 40.10.320 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
   A. 0.0283 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NONVIGNAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. ARMY COE OF ENGINEERS ON JAN. 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. CONSTRUCTION OF MITIGATION WILL OCCUR AFTER PHASE 1, 2, 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SECTION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE = 25
      2. PRECAUTIONARY = 30%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE = 0%
      2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED ACROSS PRIVATELY OWNED LOTS THAT ARE SHOWN ON THE PLAN AS NOT DEDICATED TO PUBLIC USE. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, FOR THE COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
   A. 50' RIGHT-OF-WAY WIDTH
   VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY: 5558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE, SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS AND THEIR ACCEPTANCE BY THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (DNA) = 15%
      2. YOUNG = 30%
   B. DISTURBANCE PROPOSED:
      1. MATURE (DNA) = 3.25± ACR./23.98± ACR. = 9.6%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' @ END UNIT	25'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	2,600 SF
BUILDING HEIGHT	26' (MAX.)	40' (MAX.)
LOT WIDTH	45'	26'
BUILDING SPACING	12'	10'

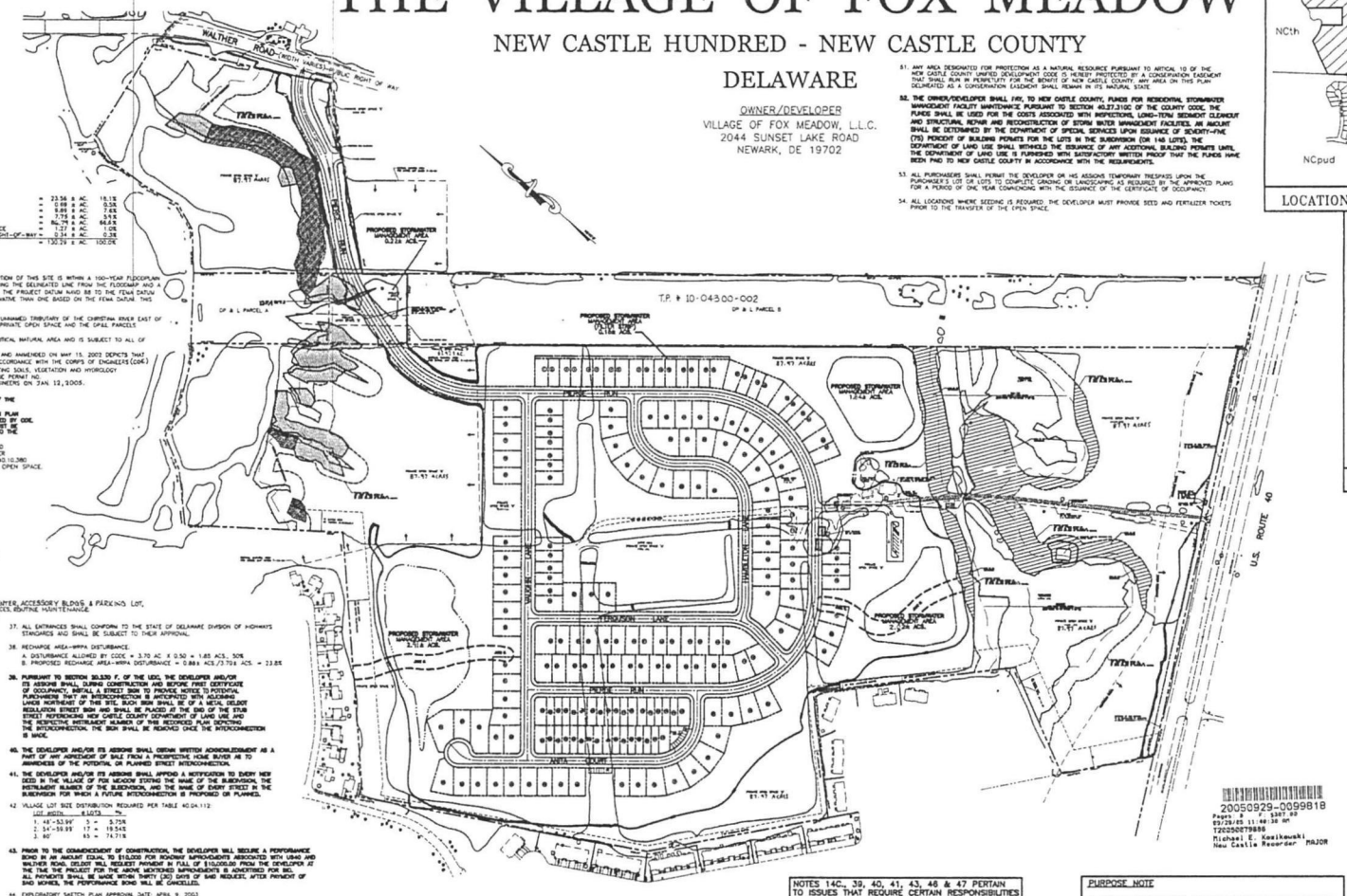
34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
   B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
   EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.684 ACS./3.759 ACS. = 23.8%
39. PURSUANT TO SECTION 20.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY INSTALL A STEEL IRON TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE LAST CUL-DE-SAC. SUCH IRON SHALL BE OF A METAL DETROIT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE IRON SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL RELEASE PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WHEN REQUIRED AND IF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE CHANGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 3.226 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 7.748 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.224 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.116 ACS.
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED PICNIC AREA
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PROPOSED PICNIC AREA

24-001

New Castle County
Stormwater Maintenance District Petition

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Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
ELENA INGAL		374 PIERCE RUN NEWARK DE, 19702	302-521-4827	Yes	Elena Ingal

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

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   B. DATUM: NAD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GUNNING BEDFORD
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 194 LOTS @ 2.5 P.E. / LOT = 485 P.E. + 1 LOT LOTS + COMMUNITY CENTER AT 440 S.F. + 0.10 GPA/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = ∞ + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	73.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREAS	=	6.78 ± AC.	5.2%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 39m AREAS)	=	82.77 ± AC.	64.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DF&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATION FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DETENTION AREA.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 2.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAR12, NAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. **AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:**
    1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.**
    2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0 %
       2. PRECAUTIONARY - 3 %
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNAL ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK [illegible] AT PAGE [illegible]
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO BE CENTERED ON THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE INCLUDED IN A LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0105878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 85.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SLC AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SLC AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED ON THE AREA SHOWN ON THIS PLAN, DIVERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE ELIMINATED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED FOR MAINTENANCE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CNA) = 2.25± ACS /23.98 ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS: TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	15'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	45' (MAX.)	45' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54' & 60'
BUILDING SPACING	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	0' & 8'	0' & 8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.40 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 15.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. **THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700**
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 20.330 F, OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATORY STREET SIGN AND SHALL BE PLACED AT THE END OF EVERY STREET NOT REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERSTREET NUMBER OF THIS RECORDED PLAN DENOTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AND PAGE NUMBER, AND THE FACT THAT EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED ON PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

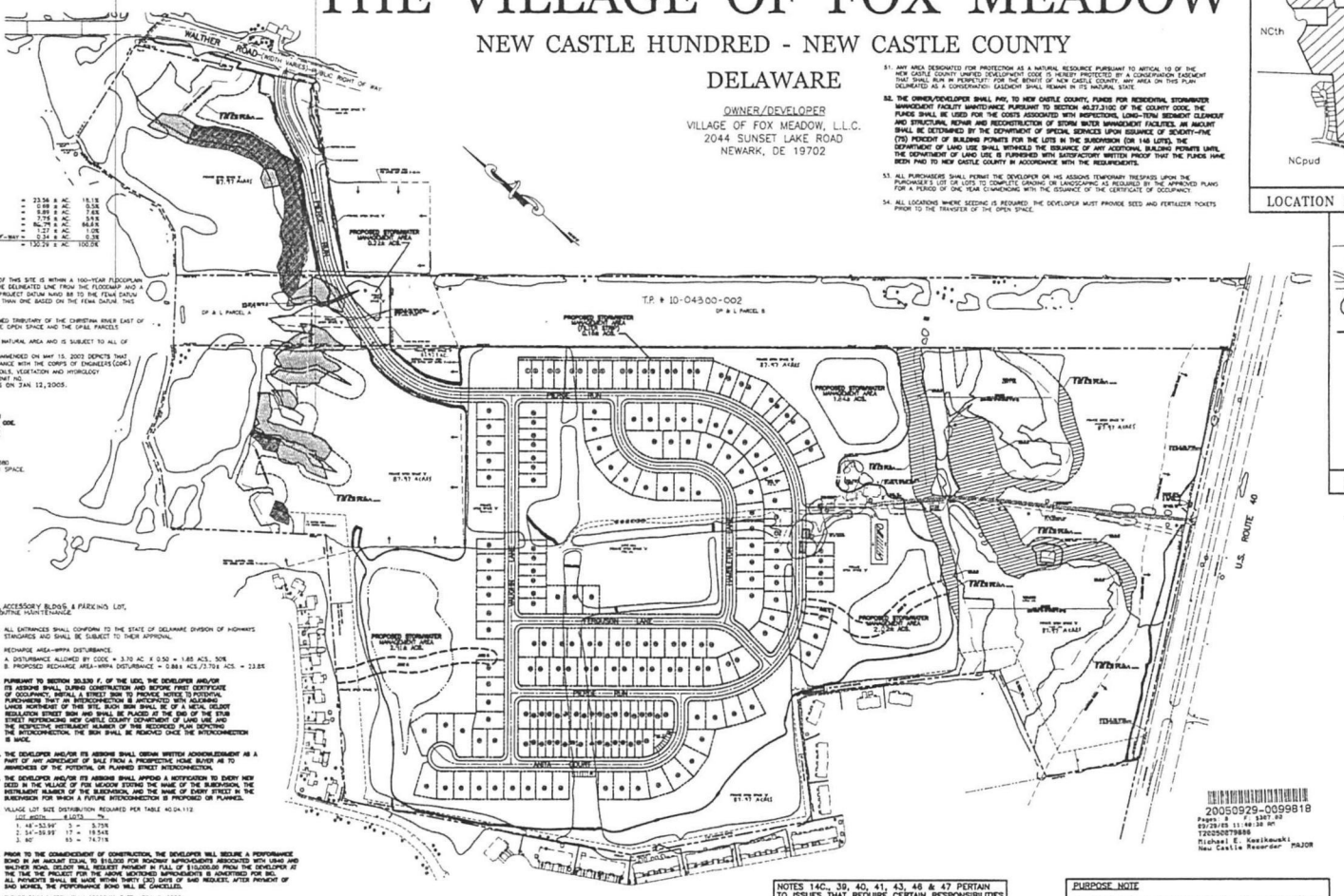
LOT AREA	%
1. 48'-53.99'	3 = 5.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	65 = 74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIMO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.1 OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310(B) OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE OF STORMWATER MANAGEMENT. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DF&L PARCEL A PURSUANT TO SECTION 4.110 E.3 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREAS	7.29±ACS.	75.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER ON HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
(NOW MARKED PUBLIC RIGHT OF WAY)
T.P. # 10-043.00-002
DF & L PARCEL A
DF & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA #1 6.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #2 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #3 2.76± ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED BOCCE COURT
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED PICNIC AREA
PROPOSED PARKING
PROPOSED 39m AREA
PROPOSED 5' SIDEWALK
PROPOSED 4' SIDEWALK
PROPOSED 3' SIDEWALK
PROPOSED 6' SIDEWALK
PROPOSED 8' SIDEWALK
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PROPOSED 840' SIDEWALK
PROPOSED 845' SIDEWALK
PROPOSED 850' SIDEWALK
PROPOSED 855' SIDEWALK
PROPOSED 860' SIDEWALK
PROPOSED 865' SIDEWALK
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PROPOSED 875' SIDEWALK
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PROPOSED 1145' SIDEWALK
PROPOSED 1150' SIDEWALK
PROPOSED 1155' SIDEWALK
PROPOSED 1160' SIDEWALK
PROPOSED 1165' SIDEWALK
PROPO

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Lana Jeremia Revocable Living Trust dtd 11-1-08	149	533 Hambleton Lane Newark De	302-836-1997	(Yes)	Lana Jeremia

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0056393 & 879-68
5. TOPOGRAPHIC SURVEY:
AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SCHEDULE B SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY ANALYSIS INDICATES THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT UNDER NEW CASTLE COUNTY HAS CAPABILITY TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + CONSTANTS PER CENTER AT 440 S.F. + 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.66 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804± AC.
PARCEL 'B' = 17.406± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED CONSIDERING THE DELINEATION FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. PROVIDING COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 7-31-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040811-0081179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IV OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE: - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THE PUBLIC RIGHT-OF-WAY, IS HEREBY CREATED FOR THE PURPOSE OF CONSTRUCTING UTILITY LINES, DRAINAGE AND SIMILAR USES. WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DIA.) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (DIA.) = 3.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8
REAR YARD:	20	25
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10	n/a

MIN. REQUIREMENTS

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20	15'/20' TO PKG.
SIDE YARD:	1 @ 8	0'/8' @ END UNIT
REAR YARD:	25	25
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	24'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL AT THE TERMINUS OF PIERCE RUN, NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY OF THE SUBDIVISION. SAID SIGN SHALL BE OF A METAL OR WOOD REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PENDING FINAL GRADING OF THE ADJOINING PROPERTY. AT THE TIME OF RECORDATION OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED AND THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION TO EVERY HOME DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

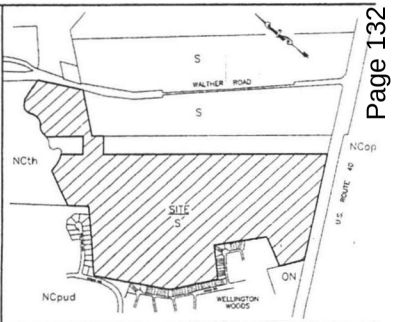
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND U4240 ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $600.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF THE 194TH LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,779.58 ($600.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TIA/TTC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.64 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	83.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



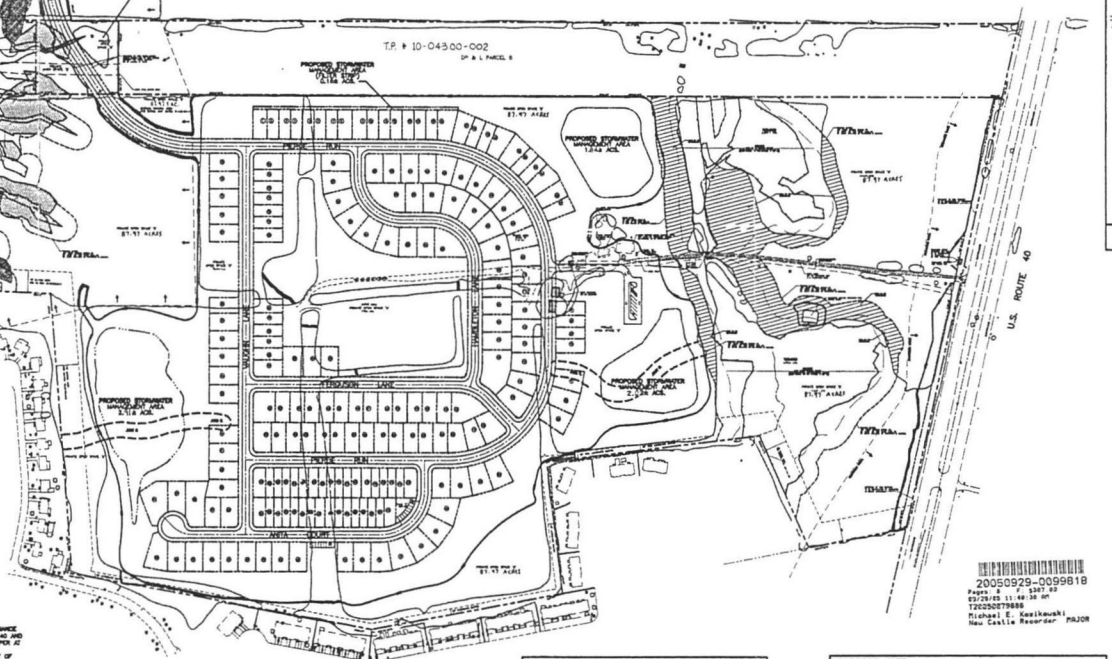
LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA


T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 2.116 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.246 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.538 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.856 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.239 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.356 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.328 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.338

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Michael Johnson + Elizabeth Kelly-Johnson	(not required)	375 Pierce Run, Newark, DE	302-456-5868	Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER 67 EAU'S 2.7 x 0.10 GAL/SF = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.3-2 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 5.94% AREAS)	=	86.73 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.37 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NAD 83) TO THE FEMA DATUM (NGVD 29), 9.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SECTION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401231-1 (NAP12) GRANTED BY U.S.A.C.O.E. (CORPS OF ENGINEERS) ON JAN. 13, 2005.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, UC SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SECTION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 0.5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ADJOINING OPEN SPACES, BIORETENTION AREAS, PLANTINGS & OTHER STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED SEPTEMBER 2004 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK [illegible] AT PAGE [illegible]. THE MAINTENANCE DECLARATION ALSO INCLUDES A STORMWATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 15' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS LOCATED OUTSIDE OF DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THIS EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY - 2,388± LF
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY - 559± LF
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. ALL STATE REQUIREMENTS, RESPONSIBILITIES AND LIABILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DIA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DIA) = 2.2± AC./22.98± AC. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' / 8' END UNIT	0'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400 & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28 x AC/ 1.33 AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE: PERVIOUS DISTURBANCE = 0.884 ACS./3.704 ACS. = 23.8%
39. PURSUANT TO SECTION 20.030 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STUB STREET TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET NOTWITHSTANDING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	13.54%
3. 60'	63 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELBOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. PRELIMINARY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,779.38 ($800.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REQUEST OF THE LOT WIDTH REQUIREMENT FOR OP&L PARCEL A PURSUANT TO SECTION 4.110 E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.73±ACS.	–	–	–	7.73±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.73±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

T.P. # 10-043.00-002
DP & L PARCEL B

DP & L PARCEL A

PROPOSED STORMWATER MANAGEMENT AREA 3.116 ACS.

PROPOSED STORMWATER MANAGEMENT AREA 1.348 ACS.

PROPOSED STORMWATER MANAGEMENT AREA 2.106 ACS.

PROPOSED STORMWATER MANAGEMENT AREA 1.216 ACS.

PROPOSED STORMWATER MANAGEMENT AREA 0.732 ACS.

WALTHER ROAD

PIERCE RUN

PIERCE RUN BOULEVARD

HAMILTON LANE

ATHOLSTON LANE

ANITA COURT

U.S. ROUTE 40

LOCATION MAP ZONING MAP NO. 58 1"=800'

KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # 2 — BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 3
03/29/05 11:48:38 AM
120050979888
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO — MANAGING MEMBER — 3/8/05 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III DE PLS #368 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker SECRETARY

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED 9/27/05 DATE — BY COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 301 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9329 O FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
ORIN JORGENSEN		472 PIERCE RUN, NEWARK, DE 19702	443-406-5077	YES	

ORJ

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

24-001

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 979-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   SEWER DESIGN FLOWS GENERATED FOR THIS PROJECT, BASED UPON 320 GPD/LOT x 87 LOTS = 27,840 GPD
   320 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.6%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDING PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.27 ± AC.	66.2%
LANDS TO BE CONVEYED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF OPAL: PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0115 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE PREVIOUS FLOODMAP. TO CONVERT FROM THE PREVIOUS DATUM TO THE FEMA DATUM, NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE GP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0291 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. 1-(NAP-OP-M-2004(01)31-1 (NAP13, NAP14) GRANTED BY U.S.A. CORPS ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN, PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED ON LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PLEDGE PARK BOULEVARD, BERMS ADJOINING OPEN SPACES, EDUCATIONAL SIGNS, ENTRANCE MONUMENTS & SIGNS, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED JULY 31, 2003 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE ON AUGUST 7, 2003 IN MICROFILM [illegible] AND RE-RECORDED ON [illegible] AS INSTRUMENT NO. 20040806-0050394. A HOMEOWNERS ASSOCIATION WILL BE FORMED TO MAINTAIN THE OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED. WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 2,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DIA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DIA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.400 & 5,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	0' @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	1,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	18'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.79± ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED IMPERVIOUS DISTURBANCE = 0.84 ACS./3.759 ACS. = 22.8%
39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SUBDIVISION. SAID SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRISE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

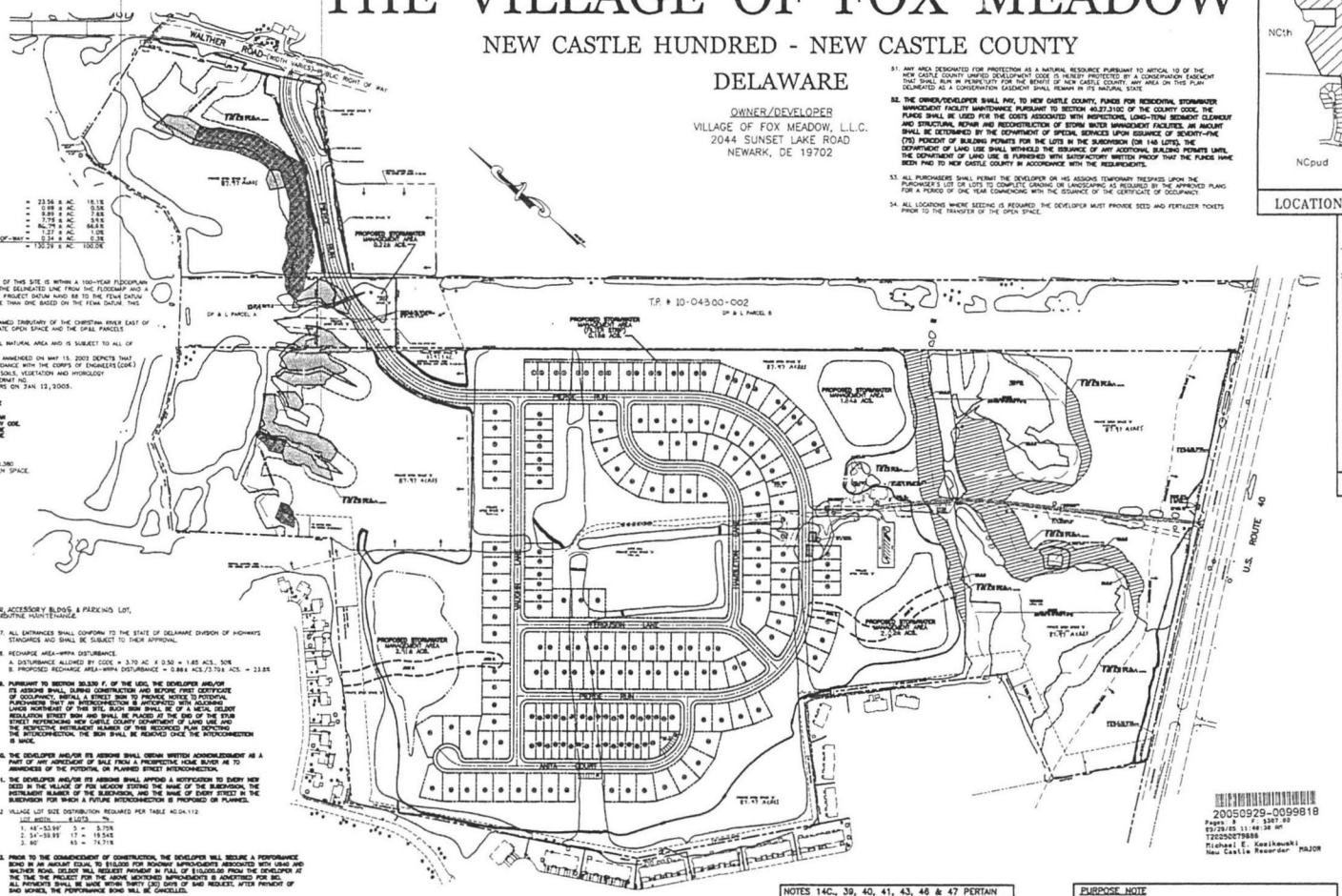
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID RECEIVED. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 (470) AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REJECT OF THE LOT AREA REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	73.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.43 ACS.	0.03 ACS.	–	–	0.46 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	81.93 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PROPOSED ENTRANCE
PROPOSED STORMWATER MANAGEMENT AREA 7.75± ACS.
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 0.28± ACS.
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PROPOSED STORMWATER MANAGEMENT AREA 2.20± ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

Kates

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

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My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Beverly A. Kates	1007320175	507 Nambleton Lane	302-312-4148	yes	Beverly A Kates

B-1K

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
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   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.74 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SWSSM 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, UE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SWSSM 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25%
       2. PRECAUTIONARY = 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 5-11-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE OR AS SHOWN ON THE RECORD PLAN, IS HEREBY GRANTED TO THE USE OF THE TOTAL WIDTH IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 7 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED, THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 2,288± L.F.
    VARIABLE WIDTH (31' TO 73') RIGHT-OF-WAY: 3586± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DHI) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DHI) = 2.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS townhouse/SF	CHANGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	12'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	1,800, 5,400, & 5,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	WEAK-LINK TOWNHOUSES Twin	Townhouse
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	26'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC / 1.33± AC = 19.5%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS +
    B. PROVIDED BY PLAN = 7.29 ACS.+
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE: MREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL STREET SIGNS AT THE STUB STREETS TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS. SUCH SIGNS SHALL BE OF A METAL DESIGN APPROVED BY THE DELCOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND AS AN ADDENDUM TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A TEMPORARY INTERCONNECTION IS PROPOSED ON PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

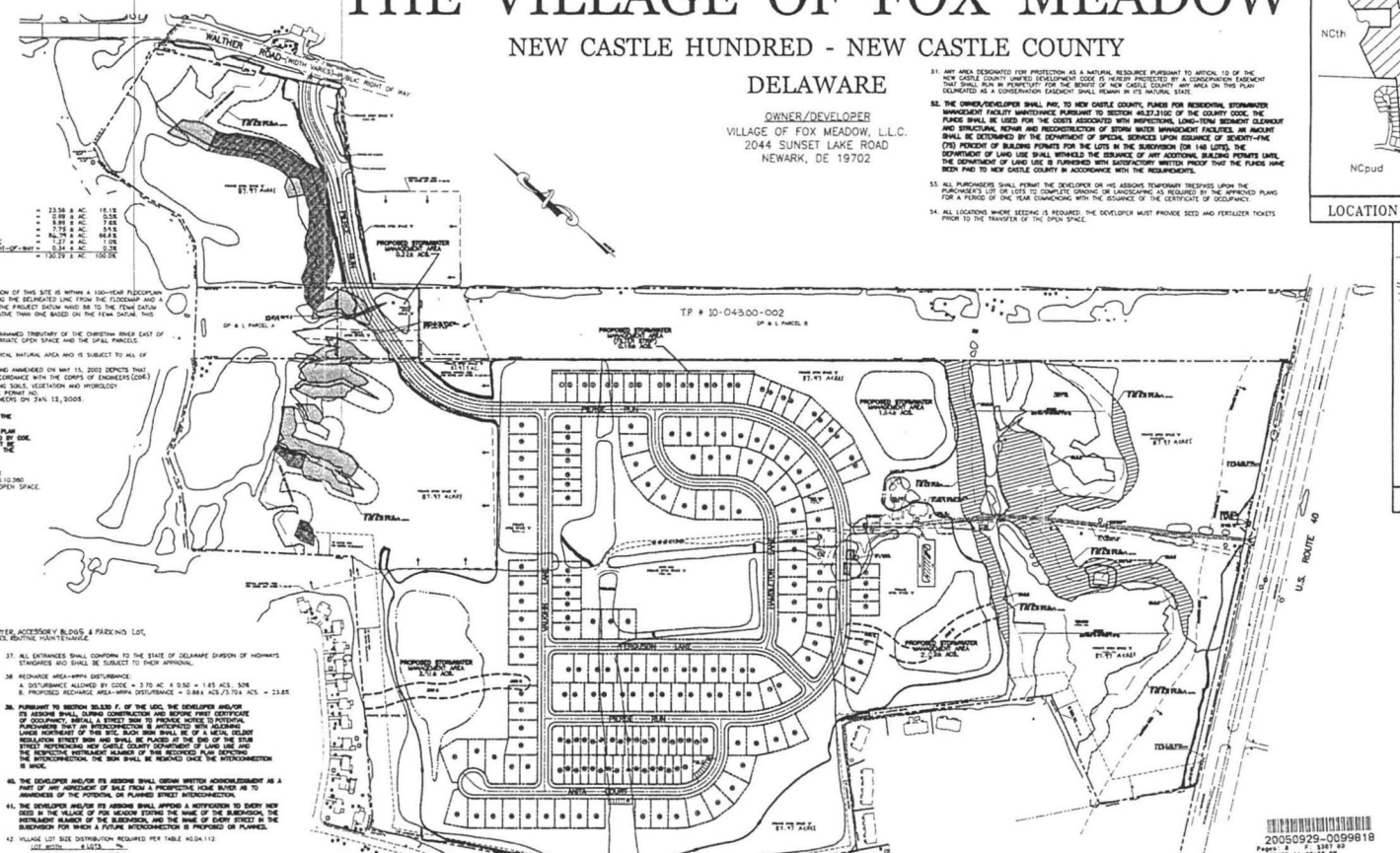
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 +	5.75%
2. 54'-59.99'	17 +	19.54%
3. 60'	65 +	74.71%

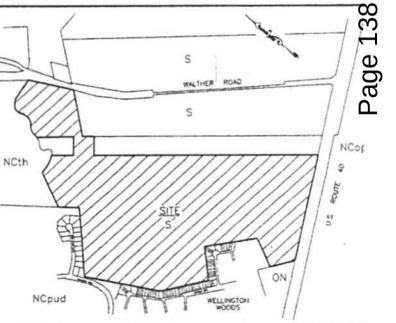
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U5/40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MONTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST, PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL 'A' PURSUANT TO SECTION 4.110 C.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.	73.69±AC.	0.08±AC.	0.14±AC.	0.32±AC.	81.50±AC.
STORMWATER MANAGEMENT AREA:	–	7.75±AC.	–	–	–	7.75±AC.
PAVED AREA:	–	0.45±AC.	0.03±AC.	–	–	0.48±AC.
BUILDING AREA:	–	0.08±AC.	–	–	–	0.08±AC.
TOTAL:	7.29±AC.	81.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

31. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENIFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
32. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

20050929-0099818
Pages: 1 of 8
09/29/05 11:40:30 AM
T20250079888
Michael E. Kwiakowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.51± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE: 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [signature] DESIGNEE, MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE (302) 323-9377 © FAX (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Elizabeth Kennedy		1 Vaughn Lane	302-836-5627	Yes	E Kennedy

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040808-0050393 & 879-668
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT AS EVIDENCED BY AN IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC	7.6%
STORMWATER MANAGEMENT AREA	=	7.79 ± AC	6.0%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.14 ± AC	0.1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC	0.3%
TOTAL	=	130.09 ± AC	100.0%
REMAINING LANDS OF SPAU: PARCEL 'A' = 2.80± AC. PARCEL 'B' = 17.40± AC.			

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A HEC2 FS, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED WINESTAKING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.026 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. PROVIDE COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = OR
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, STORMWATER MANAGEMENT FACILITIES, SIDEWALKS ABUTTING OPEN SPACES, ABUTTING HOUSE LOTS, ETC., SEE STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN. THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20 WIDE 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING ACCEPTANCE OF THE STREETS BY THE STATE OF DELAWARE TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LINES. THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (DNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
       1. NATURE (DNA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/18' @ END UNIT		12'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	n/a	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' @ 0'	0'/4' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A PERMANENT TRAFFIC SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THE SITE. SUCH SIGN SHALL BE OF A METAL OBJECT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PERPENDICULAR TO THE PROPERTY LINE. THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DIRECTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

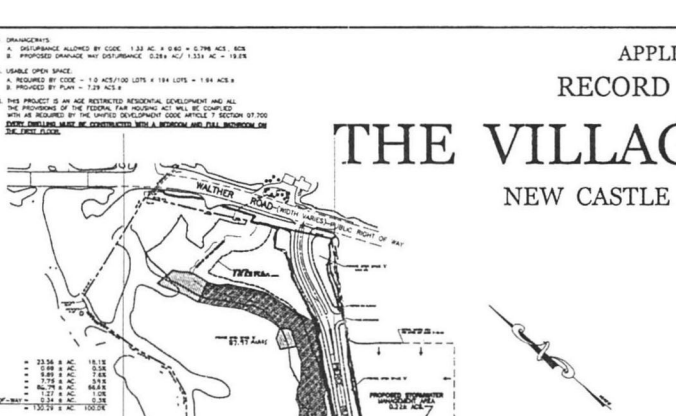
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

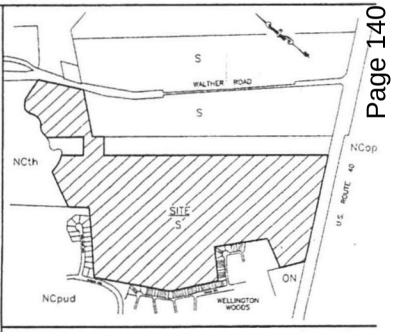
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **BLOCK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.58 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TIA/TIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

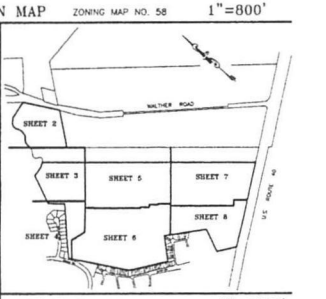
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 - 1207.00
09/29/05 11:46:38 AM
T20050079886
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN, AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [signature] DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA MANUAL, AND ALL PARTS OF THE STATE AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 323-9962

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Jo Ann Koon Benjamin F. Koon III	# 1004310923	212 Anita Court	302 345-9176	(Yes)	Jo Ann Koon Benjamin F. Koon III

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B.T.M. 668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A DRIVEWAY, MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 9 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS = 26,100 GPD/UNIT x .107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	34	= 17.5%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	39	= 20.1%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.34 ± AC	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.16 ± AC	0.1%
TOTAL	=	130.29 ± AC	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE FEMA FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM ADD 29. 2.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE ELEVATION SOME CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0294 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. **AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:**
       1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.**
       2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 9 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.300 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 2-24-05, TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050225-0039117
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHENEVER POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108375.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 1,284± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. UNTIL SUCH TIME AS MAINTENANCE RESPONSIBILITY IS ASSUMED FOR DEDICATED STREET RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DBH) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DBH) = 2.25± ACS./22.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PNC	12'
SIDE YARD:	0'/16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PNC
SIDE YARD:	0' @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN EXTENSION OF THIS STREET IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOST REGULATION DESIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESTRICTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

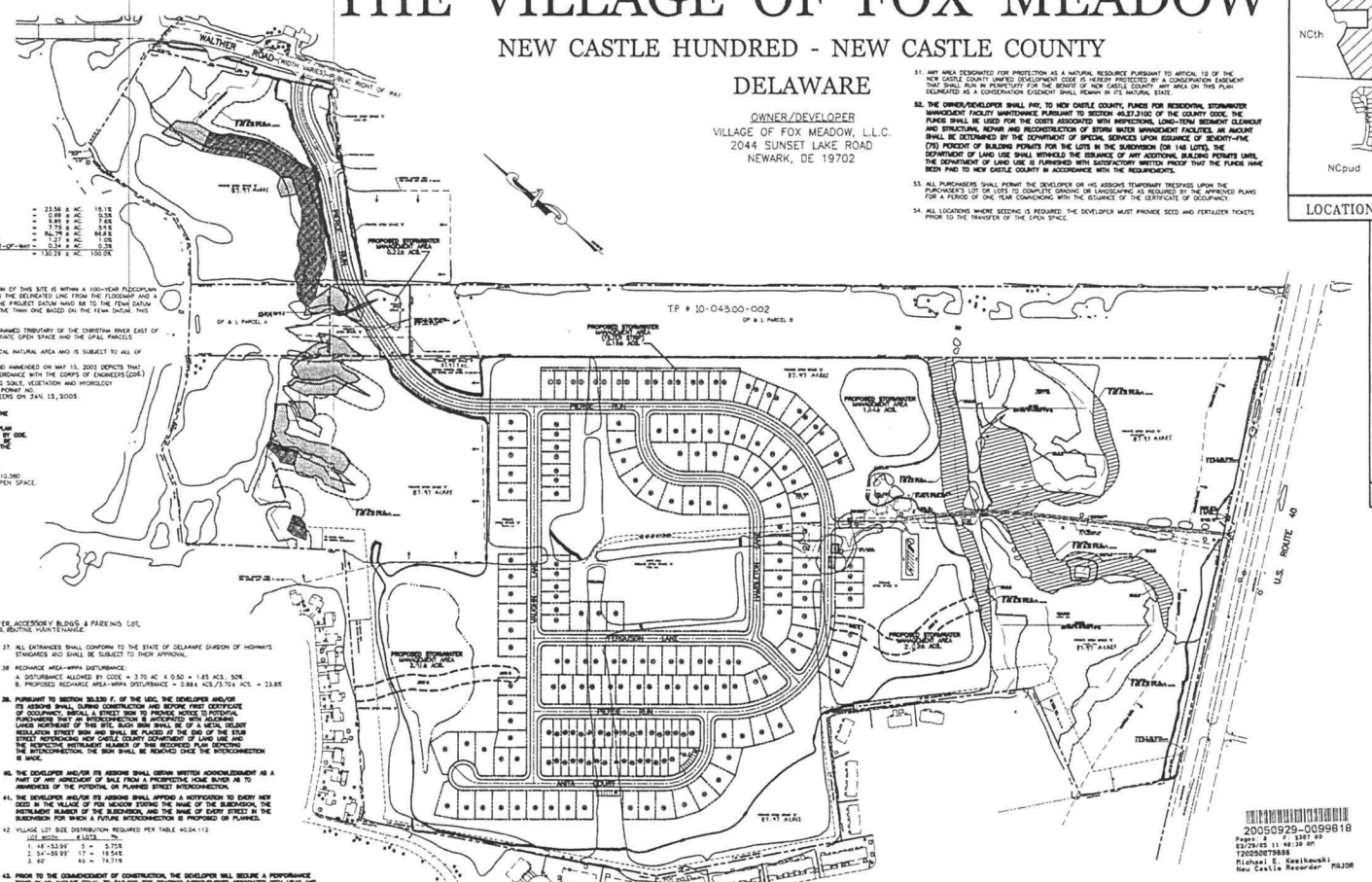
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LENAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE CLUBHOUSE OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 140 LOTS (72% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.): OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. **ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.**
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
WIDTH VARIES
PROPOSED 50' RIGHT OF WAY
TP # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 1 7.75 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3 2.38± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 4 0.33± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 5 0.11± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 6 0.33± ACS.
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PROPOSED STORMWATER MANAGEM

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Kotowski, Peter III & Judy	10043108?8	123 Ferguson Lane Village of Fox Meadow Newark, DE 19702	302-367-9914	Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA 130.29 +/- ACRES
2. EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER, 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE INSTRUMENT NO. 20040506-0050393 & @ TY-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT BY THE TERMS OF AN IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 137 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13D = 4 HOUSING TYPES
   B. MINIMUM 5 OF ANY TYPE = 43
   C. MINIMUM 8 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODPLAIN AND LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED VEGETATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAR12, NAR14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLAND FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION PLAN IS SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MAPPA MAP FOR THE NEW CASTLE COUNTY, UD, SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN AN RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050329-0029170 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PERPENDICULAR OR RADIAL DIRECTIONS TO CURVED STREETS, PRIVATE LOTS, OR DRIVEWAYS, THE EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81 ± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 3,283 ± L.F.
    VARIABLE WIDTH (51' TO 33') RIGHT-OF-WAY: 555± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS IDENTIFIED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DM) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DM) = 2.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MPPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MPPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL ESTABLISH A MONUMENT SIGN AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DEBOT REGULATION TYPE AND SUCH SIGN SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED PLAN, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

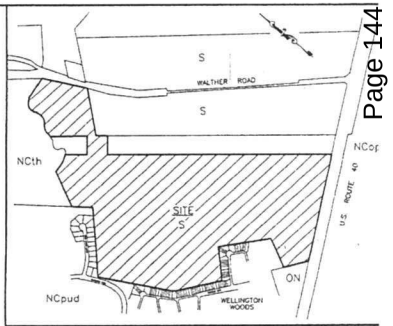
LOT WIDTH	%
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	65 = 74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $15,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $10,000 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($10,000 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

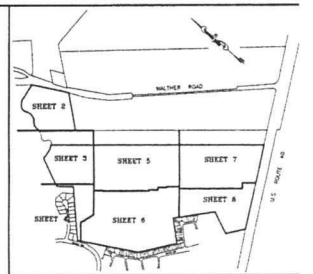
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.44±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.90±ACS.
STORMWATER MANAGEMENT AREA.	–	7.73±ACS.	–	–	–	7.73±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

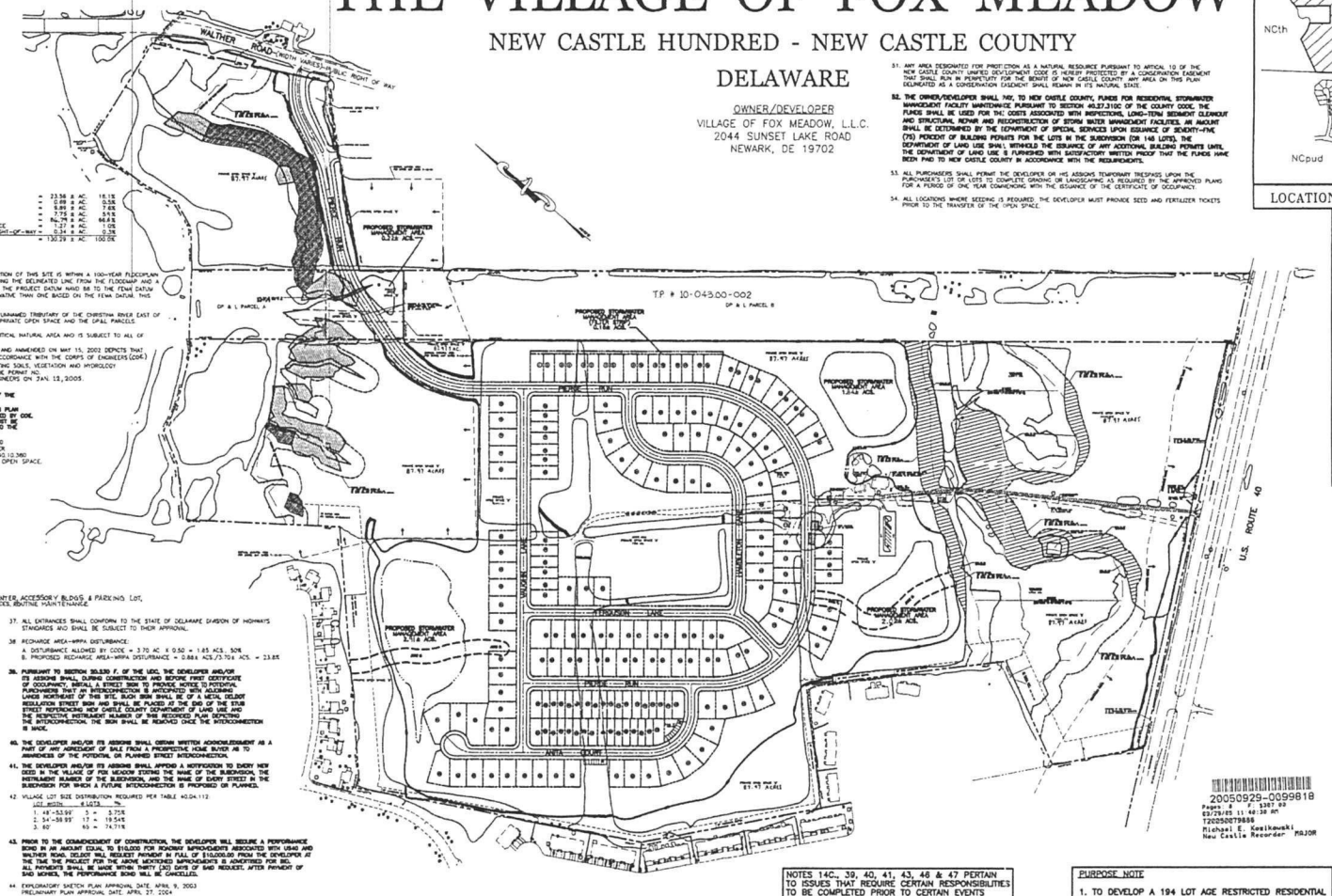
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'


WALTHER ROAD
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 1.27± AC.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± AC.
PROPOSED STORMWATER MANAGEMENT AREA 5.76± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.72± AC.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED TOT LOT
PROPOSED PLAYGROUND
PROPOSED BASKETBALL COURT
PROPOSED GAZEBO
PROPOSED PICNIC AREA
PROPOSED PICNIC AREA
PROPOSED PICNIC AREA

DVORAK
LARUSSA

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Nicholas LaRussa Roxanne Dvorak	1003840129	329 Pierce Run Newark, DE	302-838-2452	Yes	Nicholas LaRussa Roxanne Dvorak

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 9Y9-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT BEING AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED AVERAGE DAILY GENERATION FOR THIS PROJECT, BASED UPON 194 LOTS @ 4 BEDS/LOT + 194 LOTS @ 2.5 BEDS/LOT + 1 LOT @ 0.107 LOTS = COMMUNITY CENTER AT 440.37 x 0.10 GAL/S = 53.297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.1.30 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.5%
STORMWATER MANAGEMENT AREA	= 9.75 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO INTERSECT FROM THE PROJECT DATUM (NAD 83 TO FEMA DATUM NGVD 29). 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODPLAIN DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.9284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAP-12, NAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 12, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIONEER RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY & PENCE FOX FAMILY LIMITED PARTNERSHIP DATED [illegible] RECORDED JUNE 29, 2004 IN THE RECORDER OF DEEDS OFFICE IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF ANY DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE PROVIDED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DESIGNATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,988± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR ANY STREETS WITHIN THE RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAI) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAI) = 2.25± ACS / 22.86± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0', 18' AND UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	WEAK-LINK TOWNHOUSES	
	TWIN	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0', 8' IN END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,800 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	28'
BUILDING SPACING:	12'	10'

34. DRAINAGE/MS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS. 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE WITHIN WRPA = 0.884 ACS./3.756 ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STUB CONNECTION TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SITE. SAID STUB SHALL BE OF A METAL DELIST REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET. REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THIS INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THAT THE USE OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FINAL APPROVAL DATE APRIL 27, 2004 OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USRO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PROPERTIES SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENT. **SUCH GARAGES MAY BE NORMALLY FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.00 IN AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310.B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CONTINGENCY. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONIES, INCLUDING INTEREST PLUS $24,779.38 ($800.82 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.11±ACS.	0.32±ACS.	87.90±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.43±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.11±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

61. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
62. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.2102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
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54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF TITLE OPEN SPACE.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

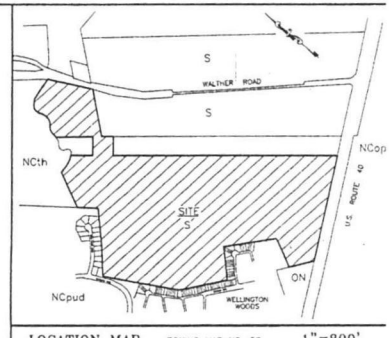
APPROVED 9/6/05 DATE — BY [signature] DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

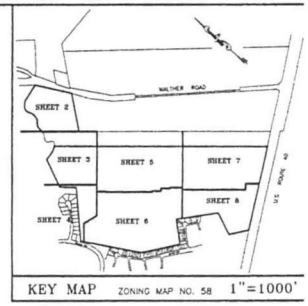
NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 — BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $267.00
09/29/05 11:48:30 MT
120250079886
Michael E. Kwalkuski
New Castle Recorder MAJOR

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK		
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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May Rd

Leighton

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Dean Leighton		381 Pierce Run	(C) 4133300685	Yes	Dean Leighton

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN = OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 0179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY HAS SUCCESSFULLY OBTAINED A 450GPM SPECIAL EXCEPTION FOR EXTENSIONS SEWER SERVICE AREA. (SEE #450GPM SHALL BE FOR ENTIRE PLAN)
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 350 GPD/UNIT x 87 UNITS = 350 GPD/UNIT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SF. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 8.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELAWARE POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	0.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF OPAL: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER & A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL)
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.339 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. PROVISION COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. ANCHE THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.350 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, STREET TREES, STREET LIGHTS, ENTRANCE SIGNS, SIDEWALKS ABUTTING OPEN SPACES, ABUTTING POINTS PARK, STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE DECLARATION BY A PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10, RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF A DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0168378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THOSE LOT LINES FOR WHICH A GREATER WIDTH IS SHOWN HEREON, IS DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 0.388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 555± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAI) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED
       1. MATURE (DAI) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. AREA RESTRICTIONS:

	OPEN SPACE PLANNED	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MAX.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & 0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,500 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	25'
BUILDING SPACING:	12'	10'

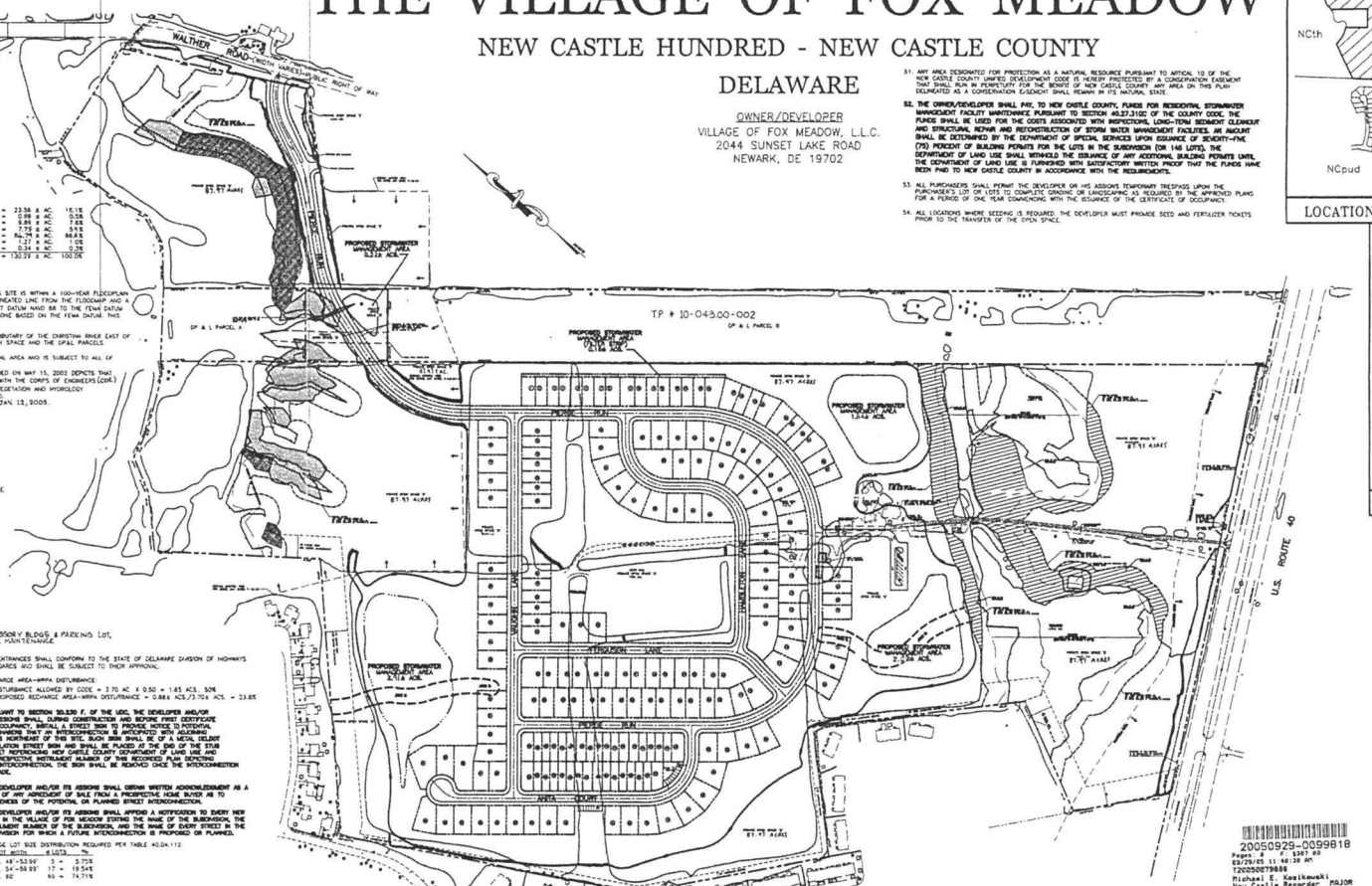
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS #
    B. PROVIDED BY PLAN = 7.29 ACS #
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.60 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 50.5.30 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A SIGN AT THE STUB TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTH OF THE SITE. SUCH SIGN SHALL BE OF A STYLE, COLOR AND REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PERPENDICULAR TO THE CASTLE COUNTY OR DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE DEED RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY HOY DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. PRELIMINARY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE ($6,000 EACH) INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($6,000 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZES THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, ACCOMPLISH CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
SOUTH VANDYKE PUBLIC RIGHT OF WAY
TP # 10-043.00-002
OP & L PARCEL B
OP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA 7.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.34± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.18± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.30± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.23± ACS.
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED GAZEBO
PROPOSED GAZEBO

LONSINGER

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Jeff/Cleidy Lonsinger		234 Anita Ct.	336-~~348~~ 345-3597	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0060393 & 0719-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY SYSTEMS SHOULD ACCEPT THE ANTICIPATED FLOW GENERATED BY THE ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY IS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.76 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM TO THE FEMA DATUM, THE HOYD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA MAP.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12,2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN THAT WAS SUBMITTED BY LANDMARK ENGINEERING, INC. DATED JUNE 2004 (APPROVED BY COE. THE MITIGATION WILL OCCUR WITHIN THE PROPOSED OPEN SPACE AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DEL SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 25
    2. PRECAUTIONARY – 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 5 %
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING TO FRONT RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHEREVER POSSIBLE WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. WHERE SUCH PIPES ARE LOCATED WITHIN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041001-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE V OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY ESTABLISHED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,268± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LINES, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DIA) = 2.25± ACS./23.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK	15'/20 TO PKG.	12'
SIDE YARD	0'/8 BETWEEN END UNIT	25'
REAR YARD	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	12'	16'

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	30'	15'/20 TO PKG.
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,500 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH	45'	35'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE – 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN – 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 [illegible] AT LEAST ONE LIVING AREA IS REQUIRED TO BE LOCATED ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.72± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE INTERSECTION TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

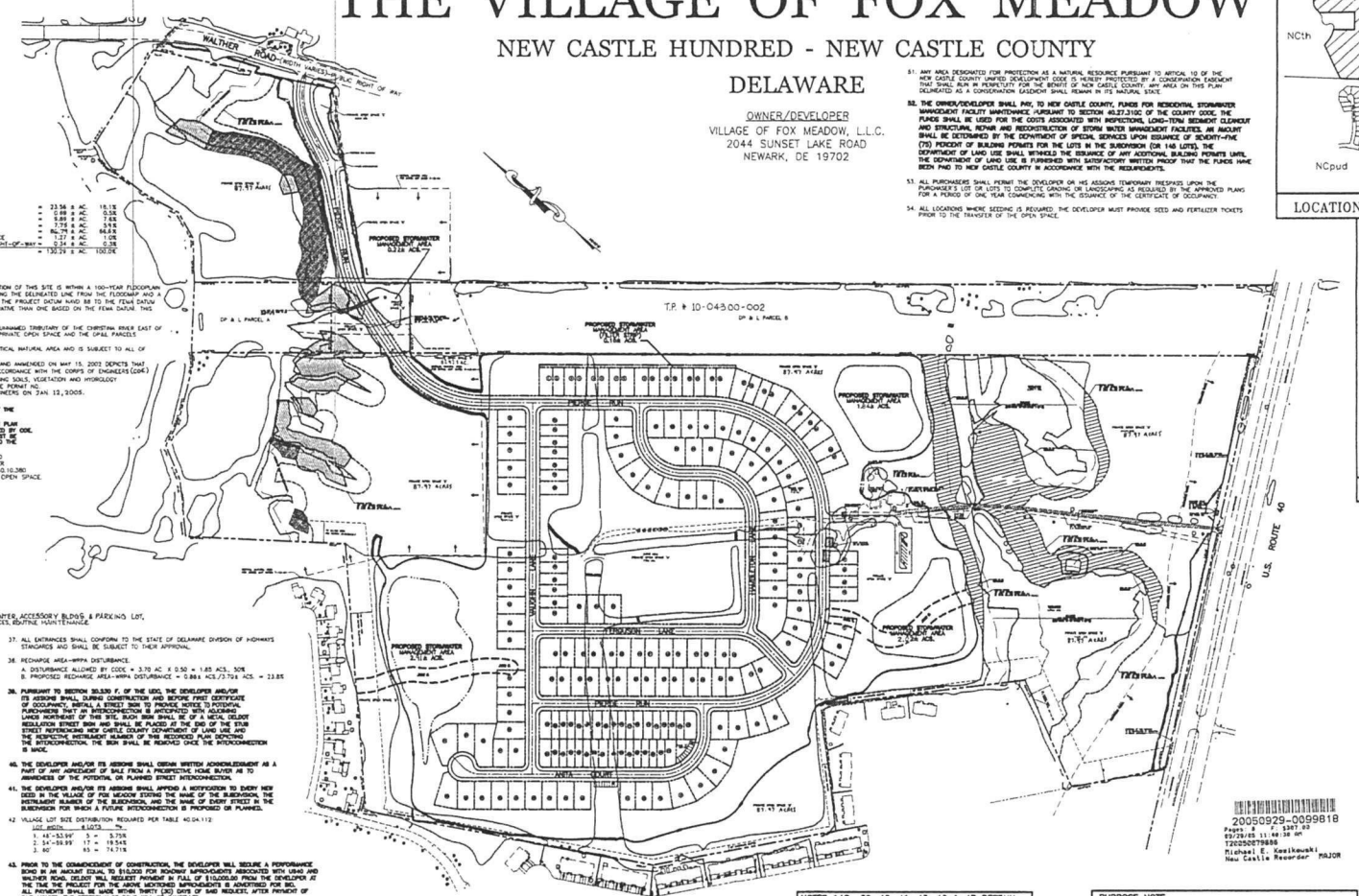
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	63 =	74.71%

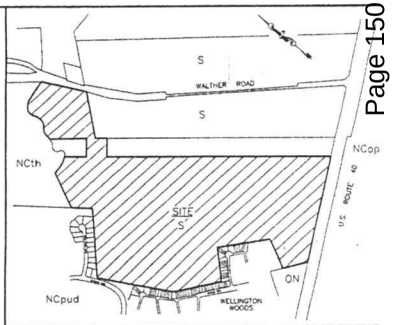
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,200 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $15,200.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 29, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED 10HMHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. [illegible]
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 6.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY WIDE OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

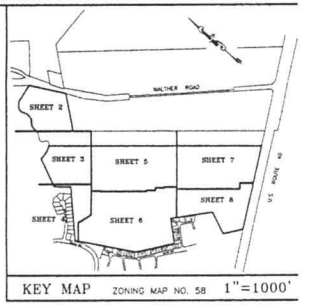
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE, THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DOWNTOWN OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

20050929-0099818
Pages: 8 F: 3387.00
09/29/05 11:49:38 AM
T20050079886
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/9/05
DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568

March 10, 2005
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [illegible] DEPUTY MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY [illegible] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joyce Y. Hoper		417 Pierce Run Newark, DE 19702	302-229-0666	Yes	Joyce Y. Hoper

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA : 130.29 +/- ACRES
2. EXISTING ZONING : S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, THERE IS CAPACITY EXISTING TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS = 250 GPD/UNIT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 52,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.69 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.75 ± AC.	5.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.27 ± AC.	1.0%
TOTAL	= 0.34 ± AC.	0.3%
	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED #/EXISTING SOILS, VEGETATION AND HYDROLOGY
    A. 9.026± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    B. NOTE THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MAPPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983 REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF UNIFIED DEVELOPMENT CODE. THE MAPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5.1%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05, TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0038119 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR I.D., RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS AND ALONG ALL PUBLIC STREETS, IT SHALL BE CONSTRUCTED THAT EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREAS SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,289 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 559± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DBA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DBA) = 2.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	15'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S. 9,600 S.F.
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. # 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS #
    B. PROVIDED BY PLAN = 7.29 ACS #
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WPPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. # 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WPPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.5330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL INSTALL A SIGN AT THE INTERSECTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERCONNECTION IS ANTICIPATED WITH ADJACENT LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE NOTICE SHALL BE DISTRIBUTED AS PART OF THE DISCLOSURES PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDING, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

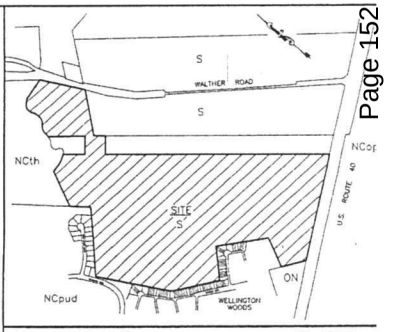
LOT WIDTH	# LOTS	%
1. 48'-53.99'	15 =	8.75%
2. 54'-59.99'	117 =	19.54%
3. 60'	60 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAG AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER , IF THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.85 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NO-I-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

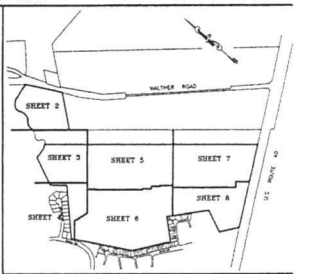
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.30±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA.	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.73±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

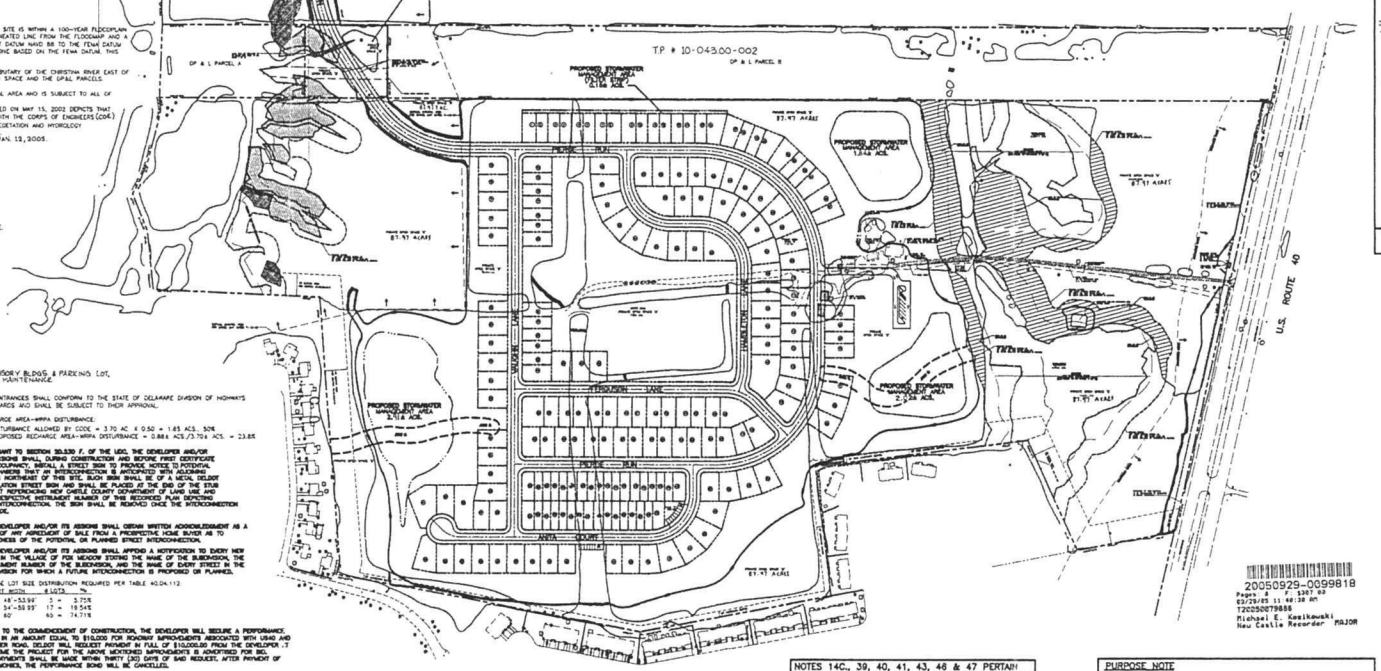
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'


T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
WALTHER ROAD
PROPOSED STORMWATER MANAGEMENT AREA 2.16± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.38± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.96± ACS.
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED RECREATIONAL AREA
PROPOSED RECREATIONAL AREA
PROPOSED RECREATIONAL AREA

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Anthony Lucas Karen Lucas	10-043.10-886	105 Ferguson LN Newark, DE 19702	8456560824	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040504-0050383 & DTR 668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINOS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.24
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 84 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 440 GPD = 0.10 GAL/SF = 53,297 GPD.
NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.8%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.68 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.15 ± AC.	5.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.24 ± AC.	0.9%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.426 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE SAGE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN THE LINE BASED ON THE FEMA PANEL.

B. A NONDELIMITED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12 NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 13, 2005.

6. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
NO DEBRIS WILL BE BURIED ON SITE.
STEEP SLOPES EXIST ON THIS SITE.
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 25%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.9%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, &BUTTING MAINTENANCE RESPONSIBILITIES SHALL BE ESTABLISHED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE MAINTENANCE AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE RIGHT-OF-WAY OF A PUBLIC STREET. WHERE SUCH LINES ARE LOCATED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN FOR THIS LAND, RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE, SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15 ± ACRES, 50%
B. PROVIDED BY THIS PLAN = 89.81 ± ACRES OR 73.5%
A 8' FOUR WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES, FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 3,098 ± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558 ± L.F.
ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN SHALL BE MAINTAINED BY THE STATE OF DELAWARE UPON THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25 ± ACS./22.98 ± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0,15' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	46', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	68'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26 ± AC./1.33 ± AC. = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA - MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA - MRPA DISTURBANCE = 0.864 ACS./3.704 ACS. = 23.8%

39. PURSUANT TO SECTION 40.03.510 F. OF THE UNIFIED DEVELOPMENT CODE AND UPON ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, NOTIFY ALL PROSPECTIVE HOME BUYERS AND PURCHASERS THAT NO SUBDIVISION IS ANTICIPATED ON ADJOINING LANDS NOTWITHSTANDING THE FACT THAT THE STUB STREET RIGHT-OF-WAY SHALL BE OF A METAL DELUXE REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET DESIGNATING THAT NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF BID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811. F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS ($24,775.38 ($500.85 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN COMMUNITY AREA OPEN SPACE AND NATURAL AREA OPEN SPACE, IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC'S.	79.69±AC'S.	0.06±AC'S.	0.14±AC'S.	0.32±AC'S.	87.50±AC'S.
STORMWATER MANAGEMENT AREA:	-	7.79±AC'S.	-	-	-	7.79±AC'S.
PAVED AREA:	-	0.45±AC'S.	0.03±AC'S.	-	-	0.48±AC'S.
BUILDING AREA:	-	0.06±AC'S.	-	-	-	0.06±AC'S.
TOTAL:	7.29±AC'S.	87.87±AC'S.	0.09±AC'S.	0.14±AC'S.	0.32±AC'S.	95.81±AC'S.

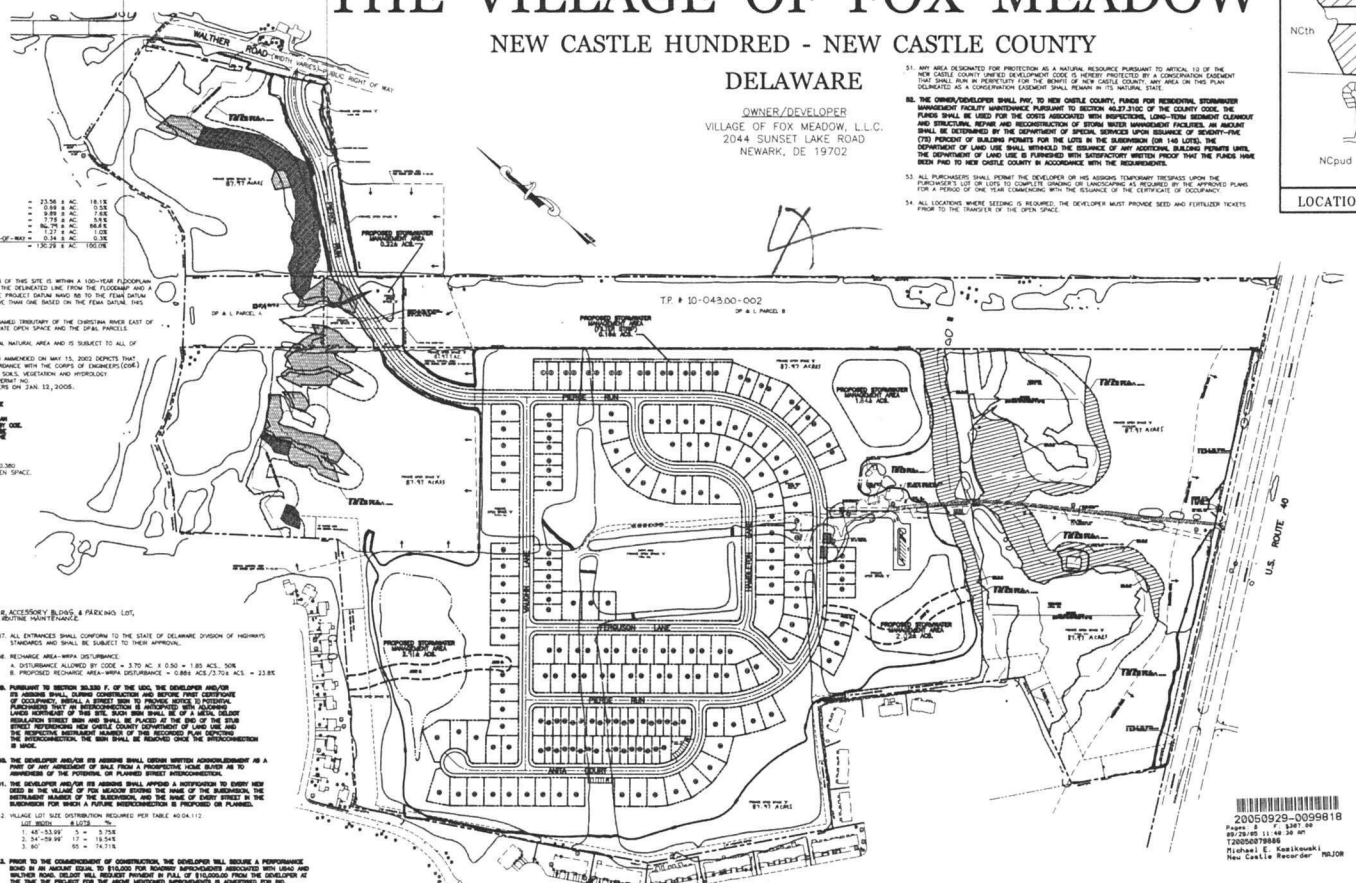
TOTAL OPEN SPACE AREA OF 95.81±AC'S. = 73.5% OF TOTAL SITE AREA OF 130.29±AC'S.

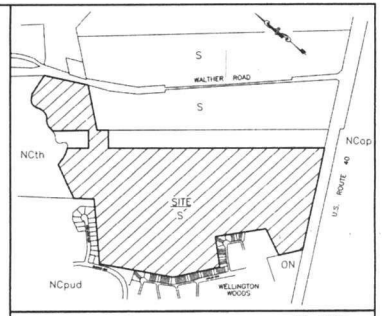
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

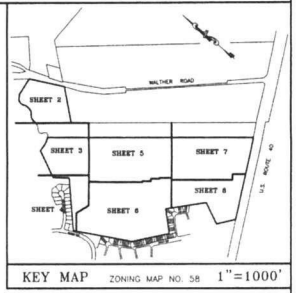
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8 / Fee: $287.00
09/29/05 11:46:36 AM
T20050078888
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER
3/8/05
DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546
March 10, 2005
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/26/05 BY Charles L. Baker
DATE SENIOR MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY:

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND THE RULES AND REGULATIONS THERETO APPURTENANT

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FTJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
RODOLFO M. MACALISANG FREDIS E. MACALISANG		514 Hambleton Ln Newark DE 19702	(302) 595-4651	YES	Rodolfo Macalisang

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79 468
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRANT
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS = 350 GPD/UNIT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DF&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0269± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. HOWEVER, COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANCE FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANCE MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANCE MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED: MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE, AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 9-21-04 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20041231-0193179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 10', RESPECTIVELY, OR EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THE EASEMENT SHALL BE 20' WIDE, 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY: ± 2989 L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CMA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CMA) = 3.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	25'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	65'	76'
BUILDING SPACING:	12'	10'

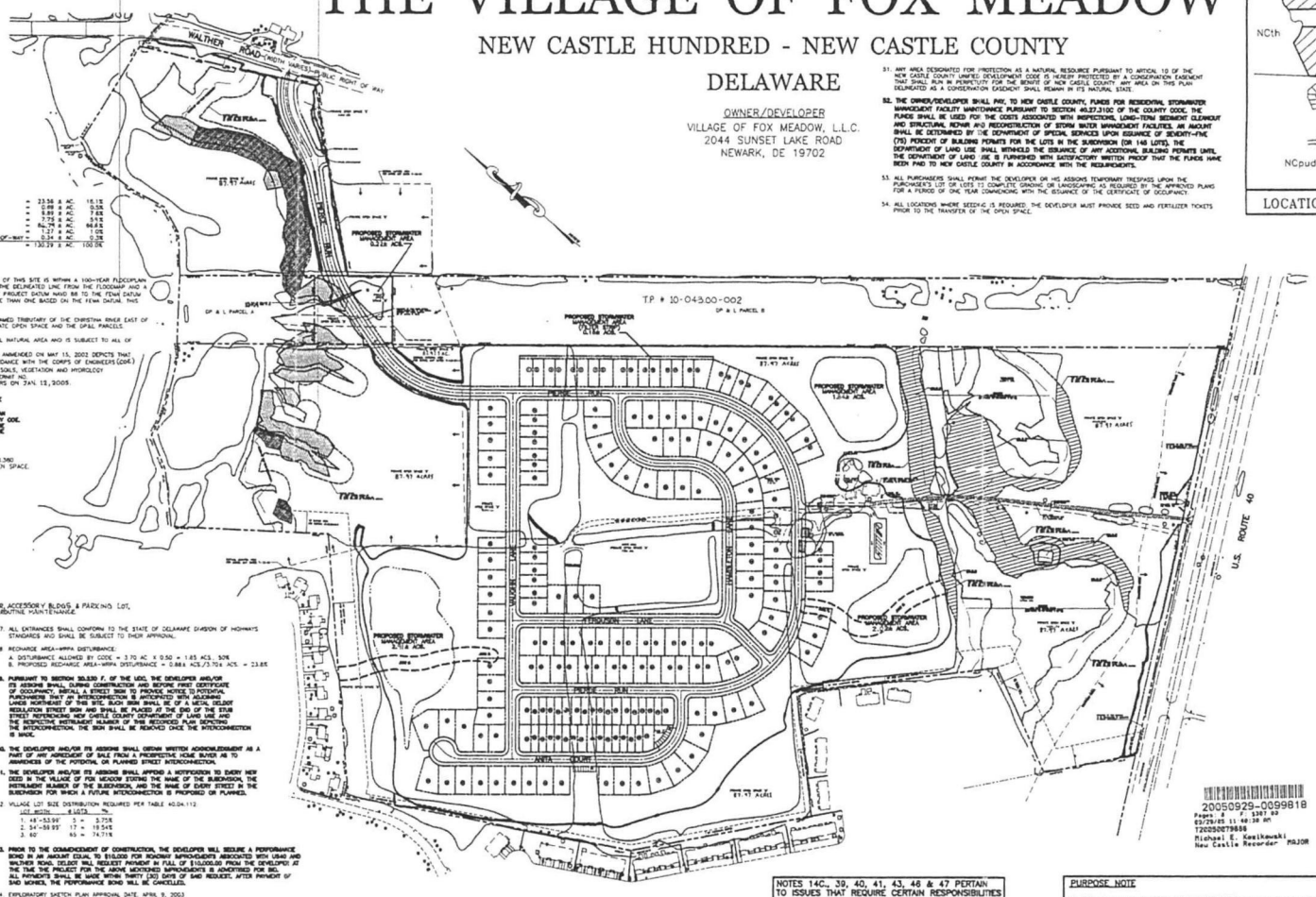
34. DRAINAGE/MS4
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MS4 DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL POST A PERFORMANCE SECURITY PRIOR TO RECORDATION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONSTRUCTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE STREET NAME AS SHOWN ON THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AND THE DESIGNATION, IF ANY, OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

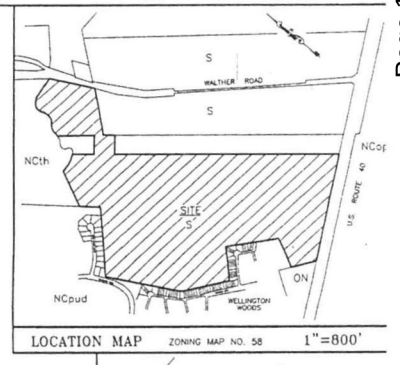
LOT AREA	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LSAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ENTIRE INTERSECTION IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF AND REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 15, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $606.12 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH IN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.56 ($606.12 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.115. IF IS ALSO BELIEVED TO BE A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A "ON-AGE-RESTRICTED COMMUNITY" WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY, REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D/F&L PARCEL A PURSUANT TO SECTION 4.10 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

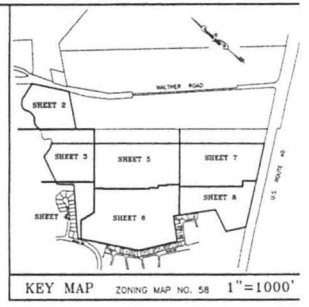
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.31±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.31±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 3 F: $287.00
09/29/05 11:40:30 AM
120250279858
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, JOHN P. S. MAY, JR. REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/16/05 DATE BY Charles L. Baker, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH ALL SAFETY RULES AND REGULATIONS OF THE STATE OF DE. AND THE RULES AND REGULATIONS THEREIN APPLICABLE.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9077 © FAX: (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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MANCUSO

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
MANCUSO		508 HAMBLETON	302-467-9059	Y	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND ON THE SOUTHWEST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT PURSUANT TO A SEWER IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THAT PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 81 LOTS + 250 GPD/LOT/1 + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MINIMUM % OF ANY TYPE = 10
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA			
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	=	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	=	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	=	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	=	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	=	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	=	0.3%
TOTAL	= 130.29 ± AC.	=	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE RIPPA MAP FOR THE NEW CASTLE COUNTY, SE, SHEET 2 OF 3, DATED 1993 REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF UNIFIED DEVELOPMENT CODE. THE WPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 25
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5.5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR SUBDIVISION & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 15' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAIN IS LOCATED OUTSIDE OF THE RIGHT-OF-WAY OF A PUBLIC OR DEDICATED PUBLIC RIGHT-OF-WAY STREET. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT AGREEMENT FOR THIS DEVELOPMENT, WHICH AGREEMENT IS INCORPORATED THEREIN. THE LDA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108776.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,588 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DM) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DM) = 2.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' @ END UNIT	5'
REAR YARD:	20'	20'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGE AREAS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WPPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 AC.3..50%
    B. PROPOSED RECHARGE AREA-WPPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.539 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL SUBMIT CONSTRUCTION AS BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE POSSIBILITY OF INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERSTREET SIGNAGE SHALL BE SHOWN ON THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

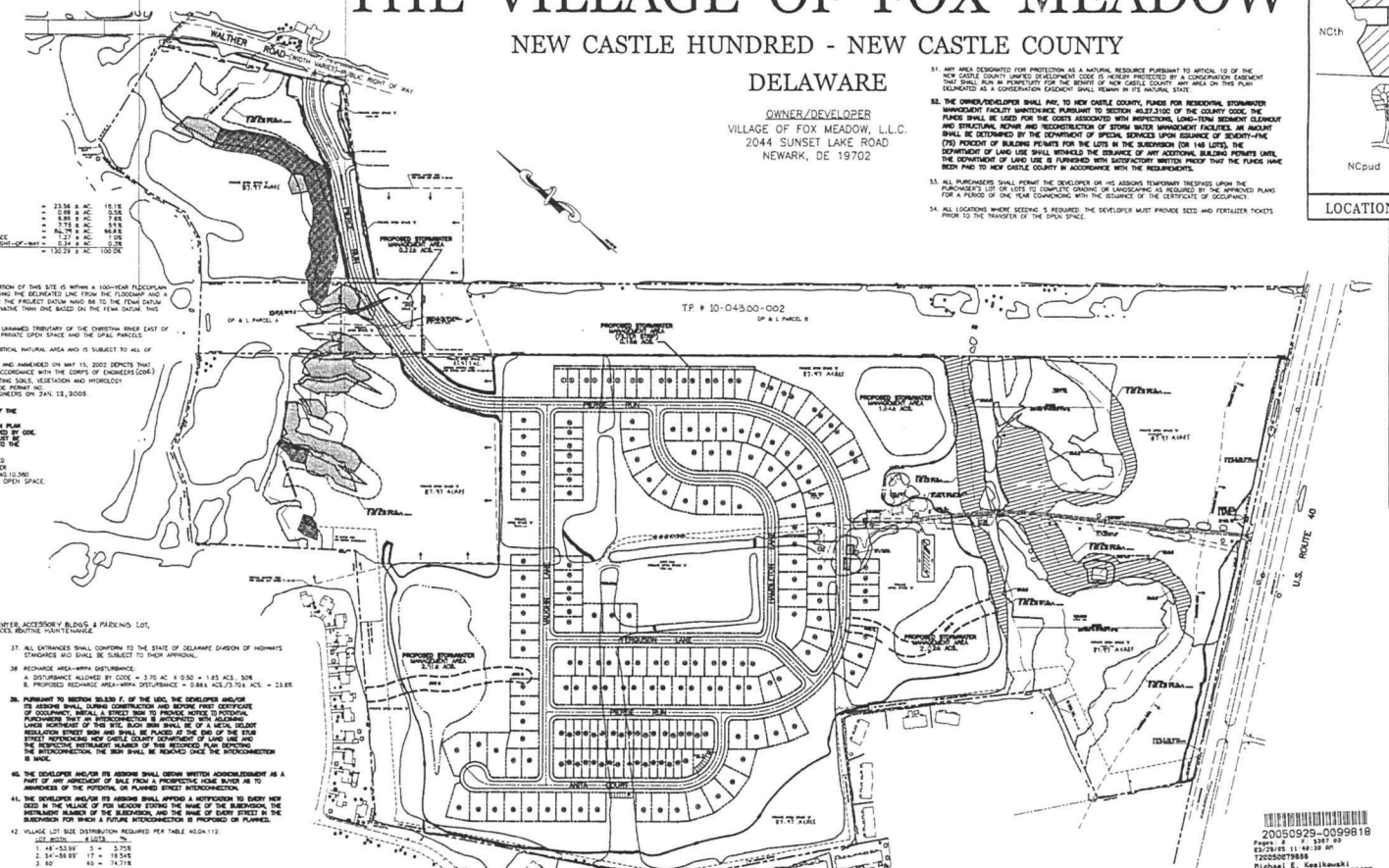
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

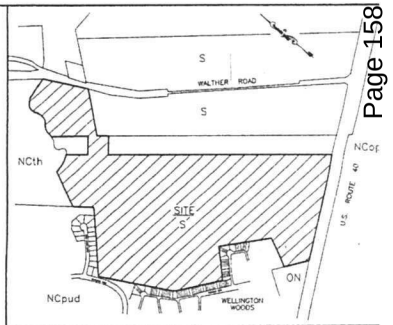
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 25, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF THE 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $74,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REDUCT OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREAS:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.57±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

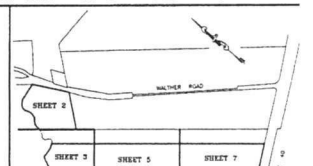
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ESSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ESSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $367.00
09/29/05 11:40:38 AM
120050079888
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL III, DE PLS #568

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 BY
DATE DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 201 @ NEW CASTLE, DELAWARE
PHONE # - (302) 323-9077 @ FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	COMM. NO.	C 853-2
DRAWING NAME	REC-COVER.DWG		
FILE NO.	039	SHEET NO.	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DUAYNE + STACEE MALONE		347 PIERCE Run	302-388-6787	YES	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND @0 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - UNIFIED
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. PER CAPACITY LETTER, TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT, NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS = COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = * HOUSING TYPES
   B. MINIMUM % OF ANY TYPE = 45
   C. MAXIMUM % OF ANY TYPE = 70
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%
C. TOWNHOUSES	= 34	= 17.5%
D. TWINS	= 32	= 16.5%
TOTAL	= 194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.74 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DF&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED CONFIRMING THE DELINEATED LINE FROM THE FLOODPLAIN AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29, 0.8 FT NGVD 88 ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DF&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MAPPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MAPPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5.8%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0033179 AND THE RECORDS MAJOR LANDSCAPING & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT (OR A 20' SIDEN DRAINAGE EASEMENT, 20' SANITARY SEWER EASEMENT) SHALL BE CENTERED ON ALL SANITARY SEWER LINES. IT SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE WITHIN A PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20 WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT AND PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108376.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 98.01± ACRES OR 75.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUFFICIENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY - 2,289± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY - 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES ALL MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CNA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED
    1. MATURE (CNA) = 2.25± ACS./23.98± ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	30'	30'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE - 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE - 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL NOTIFY THE CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT OF INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERVENING PARCEL OWNER OF THIS RECEIVED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF THE STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

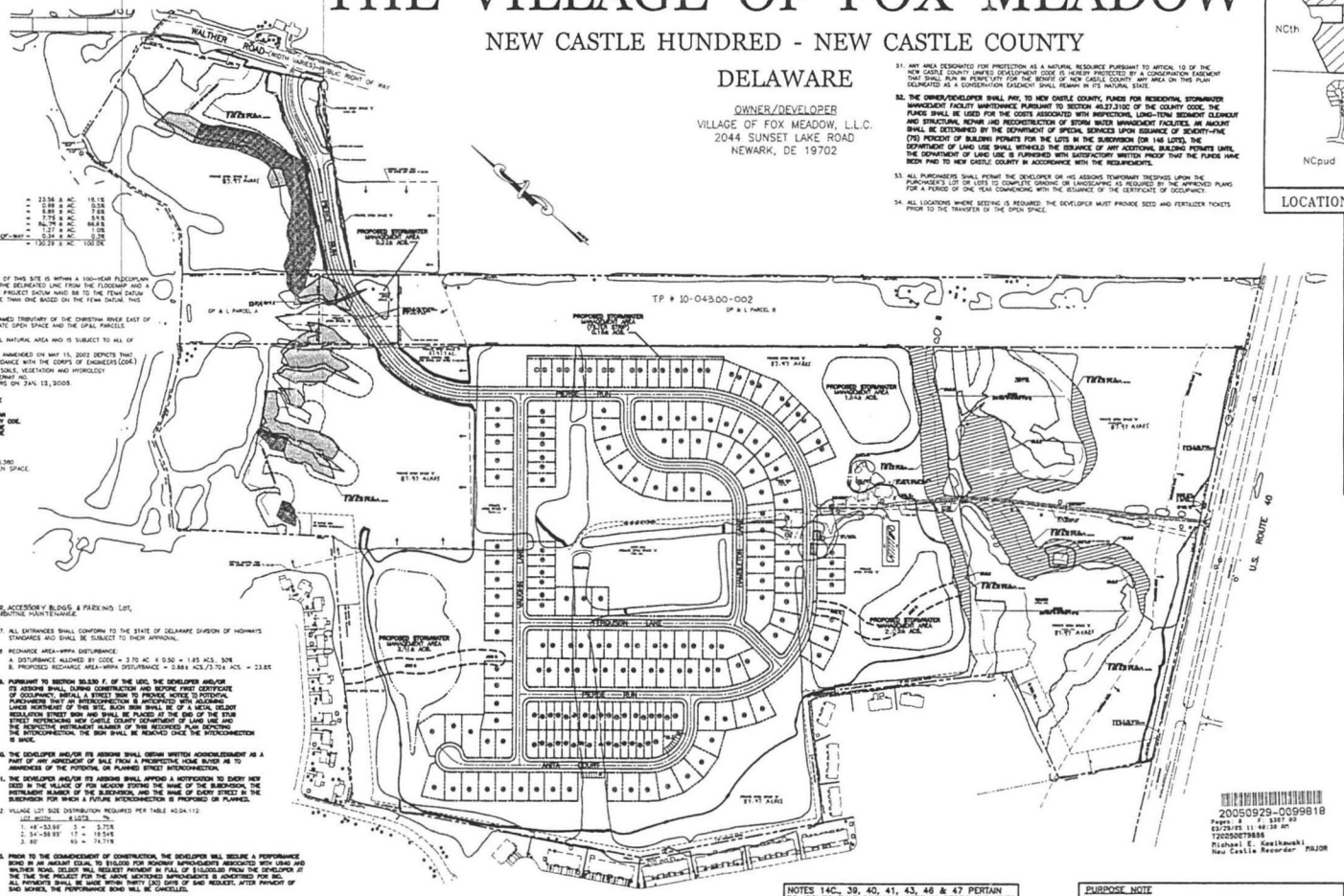
LOT WIDTH	% LOTS	No.
1. 48'-53.99'	5 =	8.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	63 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAG AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF THE 194 LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $500.00 ($500.00 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION SHALL NOT BE SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZES THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DF&L PARCEL A, PURSUANT TO SECTION 4.110 C.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.48±ACS.	0.06±ACS.	0.11±ACS.	0.32±ACS.	87.90±ACS.
STORMWATER MANAGEMENT AREA:	–	7.73±AC.	–	–	–	7.73±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.11±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.37.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
U.S. ROUTE 40
TP # 10-043.00-002
DF & L PARCEL A
DF & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 2.38± AC.
PROPOSED STORMWATER MANAGEMENT AREA 5.35± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.00± AC.
PROPOSED STORMWATER MANAGEMENT AREA 1.34± AC.
PIERCE RUN
PIERCE RUN BOULEVARD
VALDEZ LANE
MADELINE LANE
ANITA COURT
PROPOSED COMMUNITY CENTER
PROPOSED ACCESSORY BLDG.
PROPOSED PARKING LOT
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED PAVILION
PROPOSED PAVILION

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
TERRY MAPP	ID 0432.0206	351 PIERCE RUN	856-625-8774	Yes	Terry Mapp

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

TM

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 0797-068
5. TOPOGRAPHIC SURVEY
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY WILL BE RESPONSIBLE FOR CONSTRUCTING THE SEWER EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.61 ± AC.	1.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.39 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DAMSON 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. ARMY COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN (SEE SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DAMSON 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2005, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, & UTILITY MAINTENANCE, STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 7-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050929-0099818 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0102878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN CONNECTION/PARTY LINES FOR TOWNHOUSES IS HEREBY INCREASED TO 10' TO BE AVAILABLE FOR ANY UTILITY USE. IT IS ALSO NOTED THAT SHOULD ANY UTILITY EASEMENT BE REQUIRED ALONG SAID LOT LINE, SHALL BE ESTABLISHED EXCEPT AS TO LOTS/SITES THEN EXISTING IN SAID RANGE/MEDIAT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS, STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONTEMPLATED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CON.) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CON.) = 2.25± ACS./23.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA REQUIREMENTS

	OPEN SPACE PLANNED		MIN. REQUIREMENTS	
	TOWNHOUSE	VILLAGE	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.		12'	
SIDE YARD:	0'/6' @ END UNIT		5'	
REAR YARD:	20'		25'	
LOT AREA:	1,800 SF (MIN.)		4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)		35' (MAX.)	
LOT WIDTH:	18' (MIN.)		48', 54' & 60'	
BUILDING SPACING:	10'		n/a	

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	26' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE 1.32 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC./1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STUB STREET TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJACENT LANDS. NOTICE OF THE STUB STREET SHALL BE GIVEN TO ALL LOTS ON THE CUL-DE-SAC BULB OF THE STREET. THE DEVELOPER SHALL ALSO PLACE NOTICE ON ALL PLANS RECORDED REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE APPROPRIATE STATE AGENCY OF THE POSSIBILITY OF THE ROAD EXTENDING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND ITS ASSIGNS SHALL APPROVE A NOTIFICATION TO EVERY HOME DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTALLMENT PLANNED OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

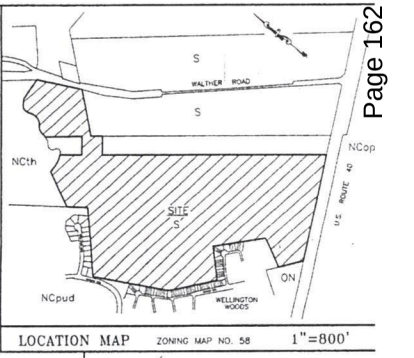
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE A.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TIA/TIS IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA, OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

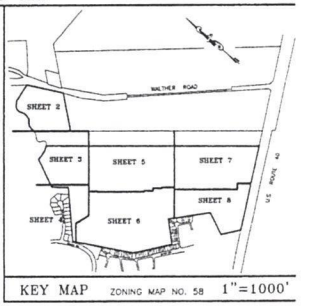
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.06 ACS.	–	–	–	0.06 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

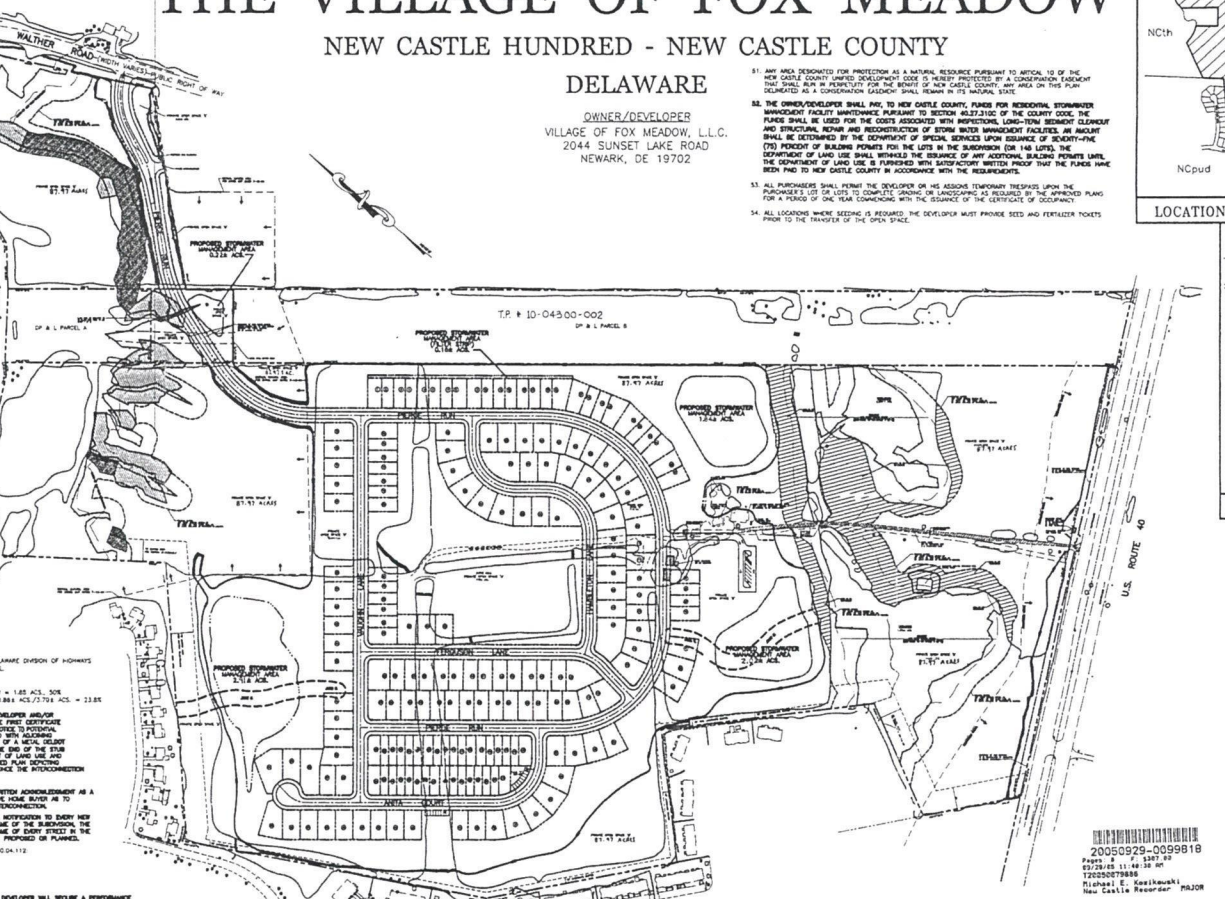
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'



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Michael E. Kozikowski
New Castle Recorder MAJOR

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID S. MOYLE, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, P.L.S., HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE
BY Charles L. Baker, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE
BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 201 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 O FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.
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MARCHMAN

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
SYLVESTER MARCHMAN	1004310866	126 FERGUSON LANE	302-463-0581	YES	Sylvester Marchman

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA - 130.29 +/- ACRES
2. EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND @0 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, BY VIRTUE OF THE RECORDING OF THIS PLAN, SHALL HAVE A PERMANENT SEWER SERVICE TO EACH LOT SHOWN ON OR SERVED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT + 87 UNITS + 250 GPD/UNIT + 107 UNITS = COMMUNITY CENTER 47,447.0 S.F. + 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.73 ± AC.	5.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF D'PAL: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0115 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
   B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D'PAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
   A. 0.024± ACRES OF WETLAND COE DISTURBANCE IS PROPOSED BY THIS PLAN. WETLAND COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON THIS SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE FOR THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, QC. SHEET 2 OF 3, DATED 1963 REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A WELLHEAD AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE - 0%
      2. PRECAUTIONARY - 30%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE - 0%
      2. PRECAUTIONARY - 5.1%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0038179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR I.D., RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS (SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS), THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 74 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29 ± ACRES x 0.30 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 69.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO, AND AVAILABLE FOR ANY UTILITY WHICH MAY REQUIRE SUCH EASEMENT, WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
   50' RIGHT-OF-WAY = 3,988 L.F.
   VARIABLE WIDTH (51' TO 113') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS, STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. NATURE (CNA) = 15%
      2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
      1. NATURE (CNA) = 2.25± ACS./23.96±ACS. = 9.6%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	OPEN SPACE PLANNED (TOWNHOUSE)	MIN. REQUIREMENTS (VILLAGE)
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	11'
REAR YARD:	20'	30'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	12'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

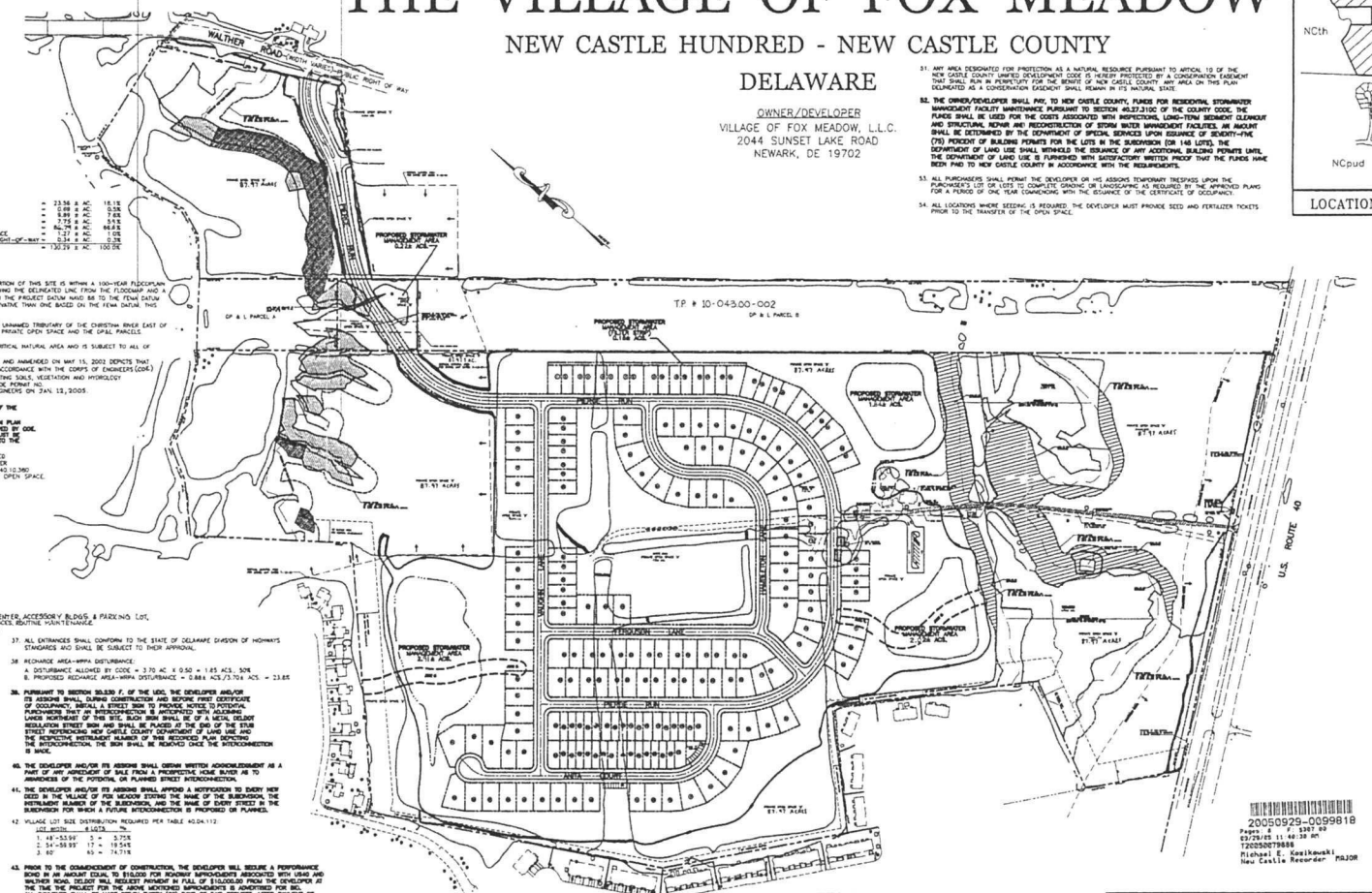
34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.80 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
   B. PROVIDED BY PLAN - 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
   EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A PERMANENT BENCH MARK TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF THE LOCATION OF THE NEAREST PERMANENT BENCH MARK. SUCH LANDS NORTHEAST OF THIS SITE, SUCH IRON SHALL BE OF A METAL DEBOT REGULATION SIZE AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE IRON SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO DIMENSIONS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPROVE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE FACT IN EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

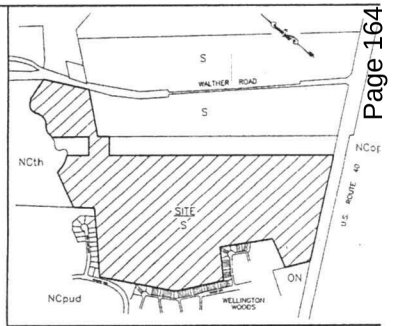
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	2.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE RELEASE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 140 LOTS (72% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,738.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND USES THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D'PAL PARCEL A, PURSUANT TO SECTION 4.110 C.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8
50. PRIVATE OPEN SPACE COVERAGE:

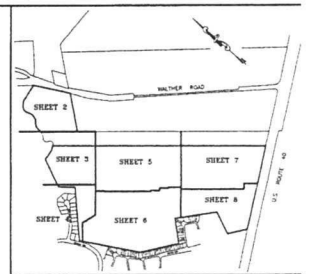
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.4±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA.	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA.	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA.	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION SHALL BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN IMPLEMENTED

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, JOHN B. A. HEATH, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #868 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Baker
DATE — DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

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Michael E. Kozikowski
New Castle Recorder MAJOR

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 201 ◇ NEW CASTLE, DELAWARE
PHONE • (302) 323-9372 ◇ FAX • (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.
DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2
FILE NO.: 039	SHEET NO.: 1 of 8

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SM

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Shbelle R Martin	119	404 Pierce Run	302-834-8637	Yes	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & Q 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. IT IS THE DUTY OF APPLICANT OF THIS PLAN, SEWER CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 UNITS = 250 GPD/UNIT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	54	= 27.8%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED FLOW FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE FLOODPLAIN EASEMENTS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0294± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT: CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE., SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.300 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 25
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0
       2. PRECAUTIONARY - 5.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG.'s & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0033179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS PROPOSED OR EXISTS ON PRIVATE LANDS OUTSIDE OF ANY DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE WITHIN OPEN OR PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT AGREEMENT AND IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, INCORPORATED HEREIN, AS SAID AGREEMENT IS TO BE RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 89.8± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 3,288± L.F.
    VARIABLE WIDTH (51' TO 133') RIGHT-OF-WAY: 5584± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES THE MAINTENANCE RESPONSIBILITIES FOR WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DHA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DHA) = 2.25± ACS./23.98±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PHS	12'
SIDE YARD:	0'/15' @ END UNIT	5'
REAR YARD:	20'	30'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PHS
SIDE YARD:	1 @ 8'	0' & 8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

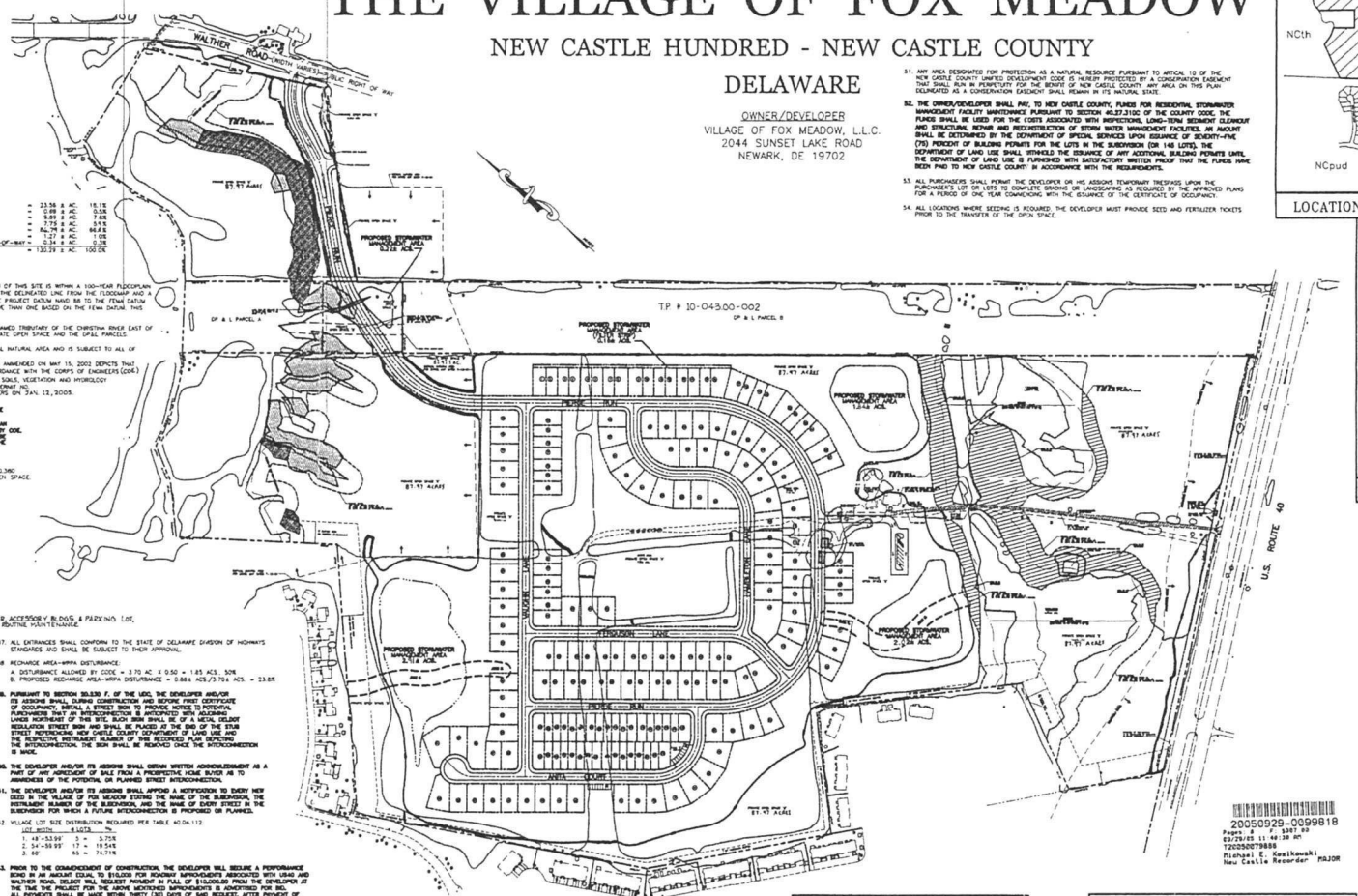
34. DRAINCRAWS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.26± AC./1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 184 LOTS = 1.84 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE, ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.5230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, PRIOR TO INSTALLATION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE FUTURE INTERCONNECTION OF THE INTERNAL STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INTENDED FLOW OF TRAFFIC IN THE AREA, AND THE NAME OF THE STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

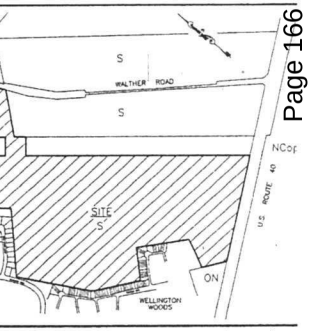
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 13.811 F. OF THE UDC TO ALLOW THE CANCEL OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $10,000.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL). THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,000.00 ($200.00 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZING THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110, IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

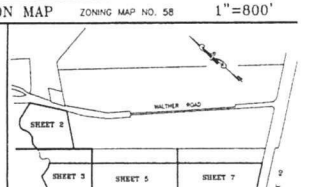
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder - MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE HEDLESHIP COMPONENTS FOR THE ADA.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
MARIO B. CAPANO
MANAGING MEMBER
DATE 3/2/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
DATE 10/10/05

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
ARVIL E. COTTRELL, III, DE PLS #568
March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED 9/6/05 BY Charles L. Baker
DATE DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY:

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE (302) 323-9077 © FAX (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Robert McAllister	1004310872	25 Vaughn Lane	302-737-6215	YES	Robert McAllister

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED = AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 979-668
5. TOPOGRAPHIC SURVEY:
AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
DATUM: NAVD 88
BENCHMARK: THE NAIL FOUND 80 +/- FEET SOUTHWEST OF A POWER/TELEPHONE POLE MARKED #1 LOCATED AT THE SOUTHWEST MOST CORNER OF PROPERTY #1 AND 15 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. = 0.10 GAL/SF. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM 3 OF ANY TYPE = 43
C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

a. VILLAGE	=	87	= 44.8%
b. PAIR-LINK TOWNHOUSES	=	41	= 21.1%
c. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.81 ± AC.	7.5%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	6.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.15 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.21 ± AC.	0.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE SMALL FLOW STUDY DONE BY LANDMARK ENGINEERING. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.320 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.026± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200041251-1 (SHEET 2, PART 14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.
G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM LLC, DATED JULY 22, 2002 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE ON AUGUST 7, 2002 AT INSTRUMENT NO. 20020807-0062393. THE MAINTENANCE DECLARATION SHALL BE AMENDED TO INCLUDE THE OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE IMPROVED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES) IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 4,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS AND THE ACCEPTANCE TO THE SATISFACTION OF THE STATE. THE STATE WILL HAVE NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DIA) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (DIA) = 2.25± ACS./22.98±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20 TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	25'
REAR YARD:	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	15	n/a

	TWIN	PAIR-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	9' & 9'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	26' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

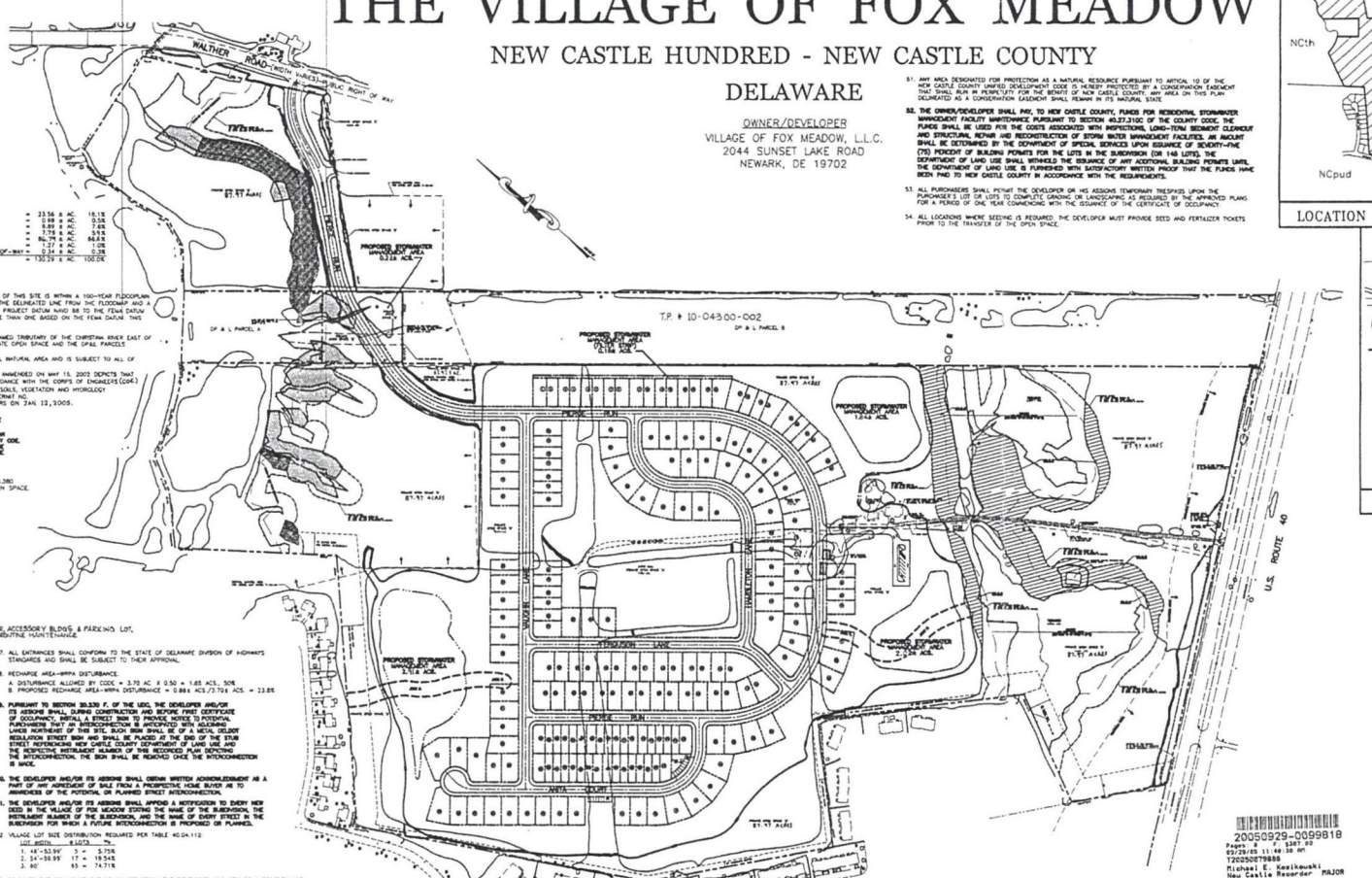
34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC/ 1.334 AC. = 19.8%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED WRPA AREA DISTURBANCE = 0.884 ACS./3.734 ACS. = 23.8%
39. PURSUANT TO SECTION 30.330.F, OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS IN DIRECTION OF THE MEADOW STUB. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET. REFERENCE DURING NEW CASTLE COUNTY ENFORCEMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE SUBDIVISION, BY MEANS OF STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

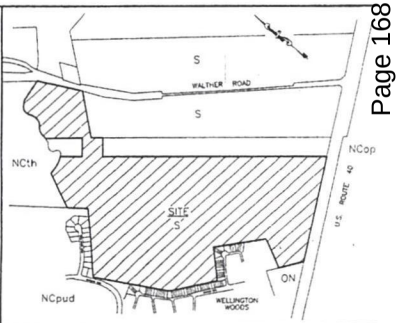
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THAT THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF DELDOT REQUEST. AFTER PAYMENT OF 2ND MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.7. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK GARAGES MUST BE 20.00 WIDE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.52 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE RELEASE OF SURETY FOR THE 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($808.52 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

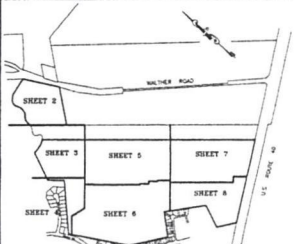
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ACS.	–	–	–	7.75 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.210C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED THE DEVELOPER MUST PROVIDE SEED AND FERTALIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA MANUAL AND WITH ANY OF STATE AND THE RULES AND REGULATIONS THERETO APPURTENANT.

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Pages: 3 :: # 1287.00
09/29/05 11:40:38 PM
T20050079886
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
_____ — DATE

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
ARVIL E. COTTRELL, III, DE PLS #540 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED _____ DATE 9/26/05 BY Charles L. Baker, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED _____ DATE 9/27/05 COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9661
0 100 200 400 GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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GM

McCann

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JOSEPH R. McCANN Carol V. McCann		523 HAMBLETON LANE	3025841103	YES	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL S/E AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF T/I.E.: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT x 87 LOTS = 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 1,500 G.P.D. = 39,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	79.13 ± AC.	60.7%
LANDS TO BE DEDICATED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.00 ± AC.	0.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 ± AC.
PARCEL 'B' = 17.404 ± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS S/E IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM NAD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT (APPLICATION CENAP-OP-R-200401231-1 (NAP-L2, NAP-W1) GRANTED BY COE ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE. SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.350 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATIONS BY A PERSON TO BE FORMED BY THE OWNER OF THIS SITE.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20 OR 10, RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 7.4 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN LOTS CONTAINING PARTY WALL UNITS, IS HEREBY DEDICATED FOR THE PURPOSE OF PROVIDING FACILITY LINE PROCESSING SO THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,288± L.F.
    VARIABLE WIDTH (31' TO 73') RIGHT-OF-WAY: 5516± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS DESIGNATED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DAH) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DAH) = 2.25± ACS./22.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE.
    A DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 AC.S., 50%
    B. PROPOSED DISTURBANCE IN MRPA DISTURBANCE = 0.88 ± ACS./3.70 ± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL STREET SIGNS TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET. REPRESENTATIVE FROM CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER SHALL HAVE THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE APPROVE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

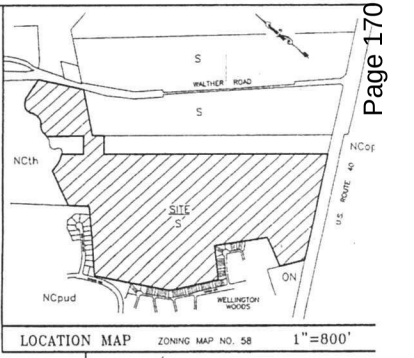
LOT SIZES	— 6 LOTS —
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	13 = 19.54%
3. 60'	60 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELOOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF HOME TWIN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $14,778.00 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

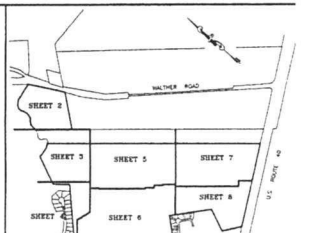
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.S.	79.64±AC.S.	0.08±AC.S.	0.14±AC.S.	0.32±AC.S.	87.50±AC.S.
STORMWATER MANAGEMENT AREA:	–	7.78±AC.S.	–	–	–	7.78±AC.S.
PAVED AREA:	–	0.45±AC.S.	0.03±AC.S.	–	–	0.48±AC.S.
BUILDING AREA:	–	0.08±AC.S.	–	–	–	0.08±AC.S.
TOTAL:	7.29±AC.S.	87.97±AC.S.	0.09±AC.S.	0.14±AC.S.	0.32±AC.S.	95.81±AC.S.

TOTAL OPEN SPACE AREA OF 95.81±AC.S. = 73.5% OF TOTAL SITE AREA OF 130.29±AC.S.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



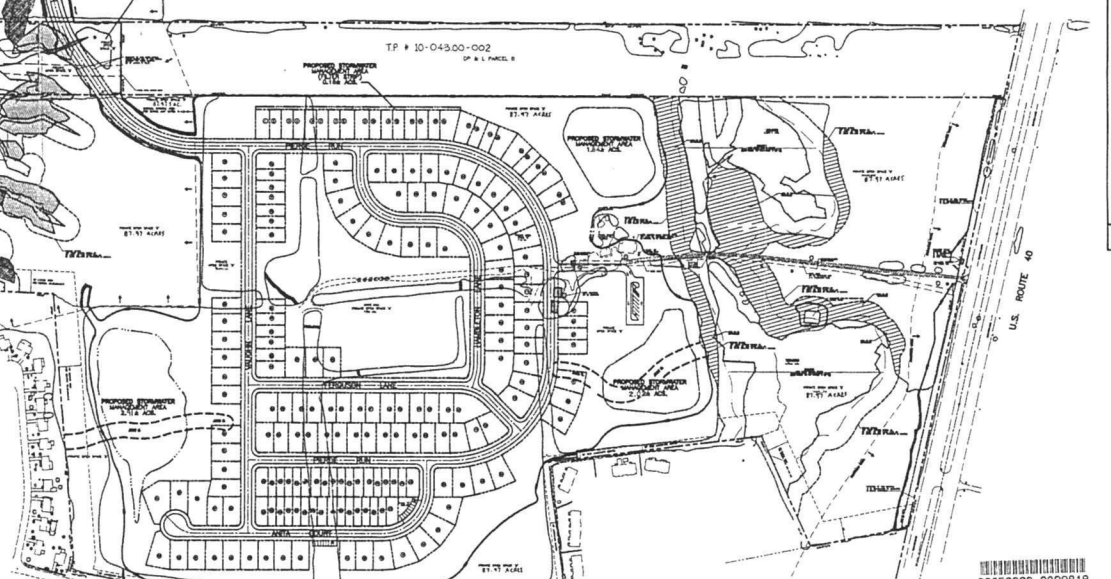
LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA



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Michael E. Kwiakowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, P.L.S., HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #565 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 3/8/05 DATE — BY Charles L. Baker, DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 4/27/05 DATE — BY [signature], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 328-8461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/TJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	853-2
FILE NO.	039	SHEET NO.	1 of 8

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JRM 10-11-23
CRM 10-11-23

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Patrick & Marie McDonough	51	247 Anita CT	302 595 2669	yes	Patrick McDonough

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY SHALL CONSTRUCT SEWER LINES AS REQUIRED BY THE EXISTING SEWER SERVICE AGREEMENT FOR THIS DEVELOPMENT. THE ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (NGVD 29). 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. HYDROLOGIC CODE PERMIT #: CENAP-OP-R-200401231-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 14, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT, LANDSCAPING, STORMWATER MANAGEMENT FACILITIES, STREET LIGHTS, SIDEWALKS ADJOINING OPEN SPACES, ROUTINE MAINTENANCE, STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0031879 AND THE RECORDED MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE II OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO, TO BE AVAILABLE FOR ANY UTILITY WHICH MAY NEED TO BE INSTALLED. THE 5' EASEMENT ON EACH SIDE OF THE REAR LOT LINE ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 2,268± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 5558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS: CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (CNA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. NATURE (CNA) = 2.25± ACS./23.98± ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0' IF B END UNIT	8'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800 S.M.U. & 5,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54' & 60'
BUILDING SPACING	10'	N/A

	WEAK-LINK TWIN	TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0' IF B END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	48'	36'
BUILDING SPACING	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS. 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.0%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS X 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A TRIPOD SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SUBJECT SITE. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION IN EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED PLAN, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

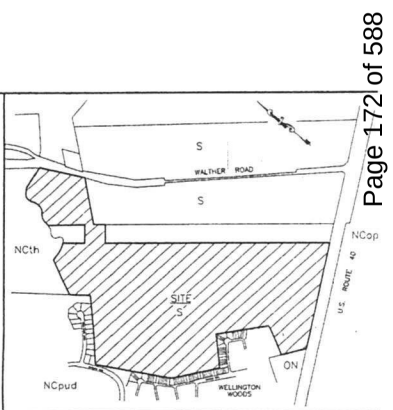
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'+	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAC AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF DOT REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($800.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF USE TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

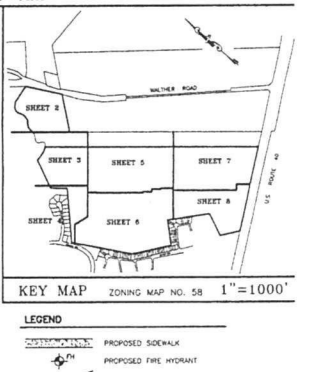
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.	79.49±AC.	0.06±AC.	0.14±AC.	0.32±AC.	87.30±AC.
STORMWATER MANAGEMENT AREA:	–	7.78±AC.	–	–	–	7.78±AC.
PAVED AREA:	–	0.45±AC.	0.03±AC.	–	–	0.48±AC.
BUILDING AREA:	–	0.08±AC.	–	–	–	0.08±AC.
TOTAL:	7.29±AC.	87.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

TOTAL OPEN SPACE AREA OF 95.81±AC. = 73.5% OF TOTAL SITE AREA OF 130.29±AC.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY AND AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



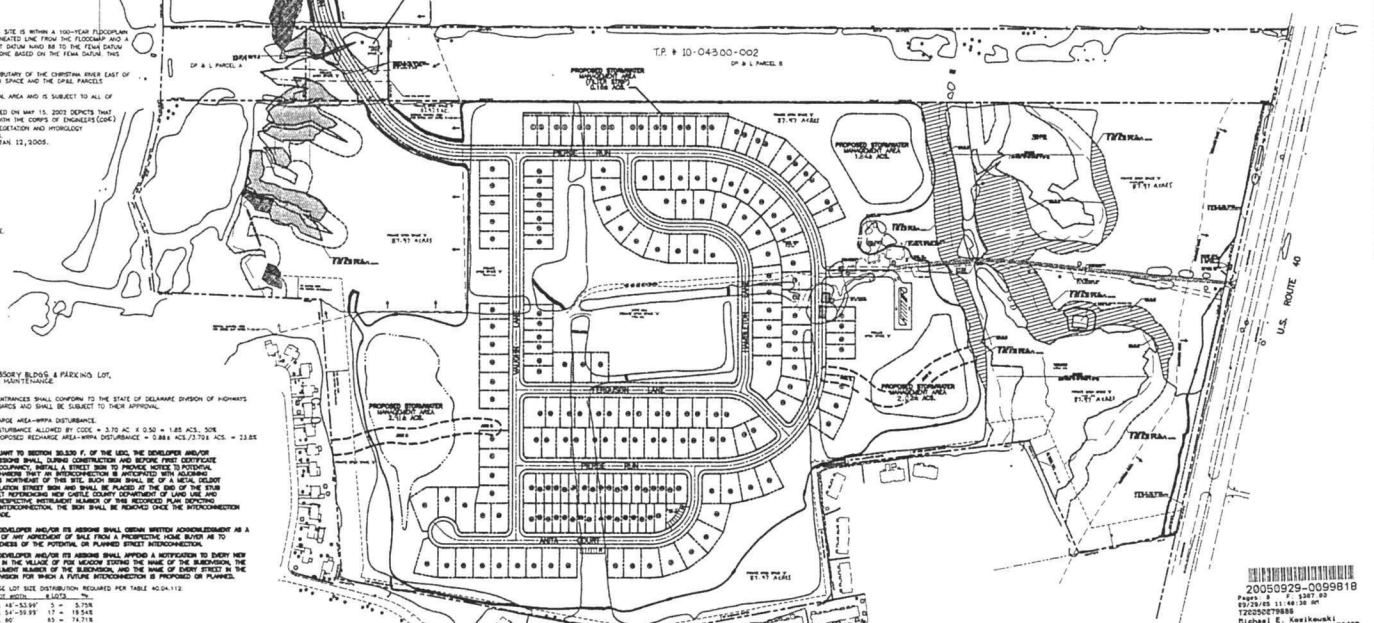
LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA


WALTHER ROAD
PROPOSED STORMWATER MANAGEMENT AREA
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA
PROPOSED STORMWATER MANAGEMENT AREA
PROPOSED STORMWATER MANAGEMENT AREA

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

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My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
SANDRA R McKinley		213 Anita Court	302-836-9519	Yes	Sandra R McKinley

SRM

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
AERIAL SURVEY BY: WAGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO CONSTRUCT THE NECESSARY SEWER SYSTEM IMPROVEMENTS. THE SEWER IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SF = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = * HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA			
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	=	8.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	9.78 ± AC.	7.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC OPEN SPACE	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	1.27 ± AC.	1.0%
TOTAL	=	0.34 ± AC.	0.3%
	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0314 G, DATED OCTOBER 8, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP WITH A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.6 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN WAS BECH CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
B. 9.0281 ACRES OF WETLANDS DISTURBANCE IS PROPOSED BY THIS PLAN. PROVIDUS COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
C. UNDER THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR BEFORE BUILDING ON SHEET 1 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE ORGANIZATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = DR
2. PRECAUTIONARY = SCDE
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = DR
2. PRECAUTIONARY = 5 ft
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/11/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050310-0031879 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' (RESPECTIVELY), ON EACH SIDE OF THE CENTERLINE OF PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC STREET RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN REAR YARDS, SIDE YARDS, BACK-TO-BACK YARDS, ON LOTS, PRIVATE STREETS, OR UNDERAIL. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0168378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT:
1. ANY LOT LINE EASEMENT ABUTTING PUBLIC ROADWAY ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 5558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. NATURE (CNA) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED
1. NATURE (CNA) = 2.25 ± AC./23.98 ± AC. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	SINGLE FAMILY	TOWNHOUSE	MFR	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG			12'
SIDE YARD	0'/8'	0' END UNIT		5'
REAR YARD	20'			25'
LOT AREA	7,500 SF (MIN.)		4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT	40' (MAX.)		36' (MAX.)	
LOT WIDTH	75' (MIN.)		48', 54', & 60'	
BUILDING SPACING	12'		N/A	

	TWIN	MEWS-LOFT TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	0' & 8'	0' & 8' END UNIT
REAR YARD	25'	20'
LOT AREA	6,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	65'	36'
BUILDING SPACING	12'	10'

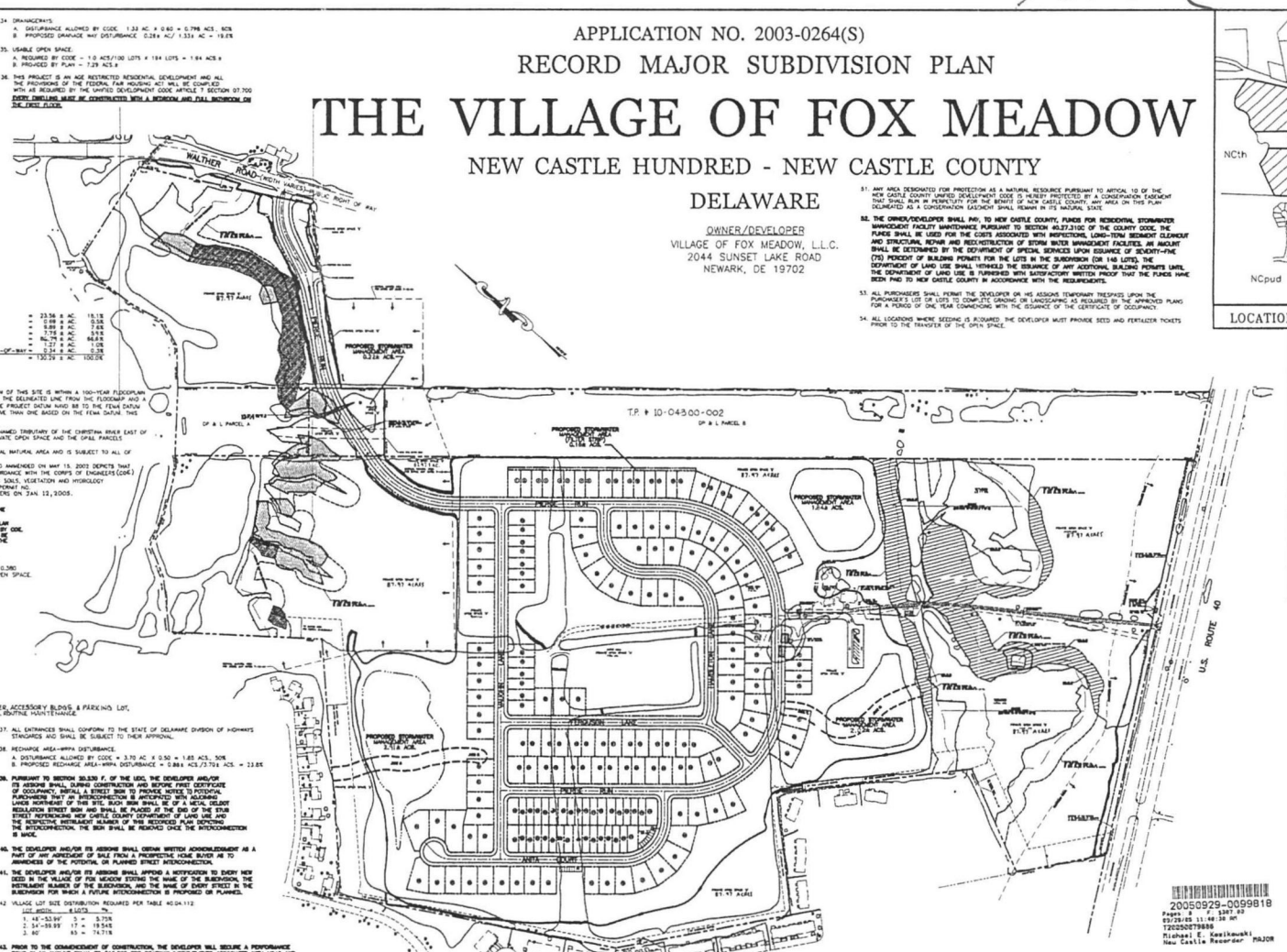
34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.79± ACS., 60%
B. PROVIDED DRAINAGE WAY DISTURBANCE: 0.26± AC./1.32± AC. = 19.6%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS = 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86 ± ACS./3.701 ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO BE PROVIDED, NOTED TO ADDITIONAL LANDS NORTHWEST OF THIS SITE, SUCH SIGN SHALL BE OF A METAL DESIGN APPROVED BY THE DEPARTMENT OF LAND USE AND PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RECORDED INSTRUMENT NUMBER OF THE APPROVED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPLY A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $15,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE HOMEOWNERS CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 168 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEYS, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY VALUATIONS OF UDC TABLE 4.110. IF IT ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.64 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	(7.50 ACS.)
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	15.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.


WALTHER ROAD
U.S. ROUTE 40
T.P. # 10-043.00-002
OF & L PARCEL A
OF & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 2.318 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.234 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.036 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.518 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.336 ACS.
PROPOSED COMMUNITY CENTER
PIERCE RUN
PIERCE RUN BOULEVARD
HAMILTON LANE
WALKER LANE
ANITA COURT
87.97 ACRES
87.97 ACRES
87.97 ACRES

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

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My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Steven A. Meadows		360 Pierce Run Newark, De	302 463 1715	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & D.B. 668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINDS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PARCEL 'A' AND 60 ± FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.34
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, OR HIS ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 26G GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.
NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 6 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	34	= 17.5%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	39	= 20.1%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	=	23.50 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.09 ± AC.	7.0%
STORMWATER MANAGEMENT AREA	=	7.19 ± AC.	5.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	80.79 ± AC.	62.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.92± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM TO THE PROJECT DATUM, NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS ON SHEET 3 OF 7 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER & ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, DETAILED ABUTTING OPEN SPACES, BOTTLINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0058176 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE SEWER OR STORM SEWER, WHERE POSSIBLE, WHERE THE SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS LOCATED OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 74 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION, AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND, ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 5,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CHA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. MATURE (CHA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS: OPEN SPACE PLANNED	MIN. REQUIREMENTS: TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE = 1.0 ACS./100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SPECIFICATIONS AND SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.864 ACS./3.70 ACS. = 23.8%

39. PURSUANT TO SECTION 35.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY SHALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. SAID SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A COPYNOTICE TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 PER ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.61.1 .F OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.65 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.210B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($900.65 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC'S.	79.69±AC'S.	0.06±AC'S.	0.14±AC'S.	0.32±AC'S.	87.50±AC'S.
STORMWATER MANAGEMENT AREA:	-	7.19±AC'S.	-	-	-	7.75±AC'S.
PAVED AREA:	-	0.45±AC'S.	0.03±AC'S.	-	-	0.48±AC'S.
BUILDING AREA:	-	0.06±AC'S.	-	-	-	0.08±AC'S.
TOTAL:	7.29±AC'S.	87.97±AC'S.	0.09±AC'S.	0.14±AC'S.	0.32±AC'S.	95.81±AC'S.

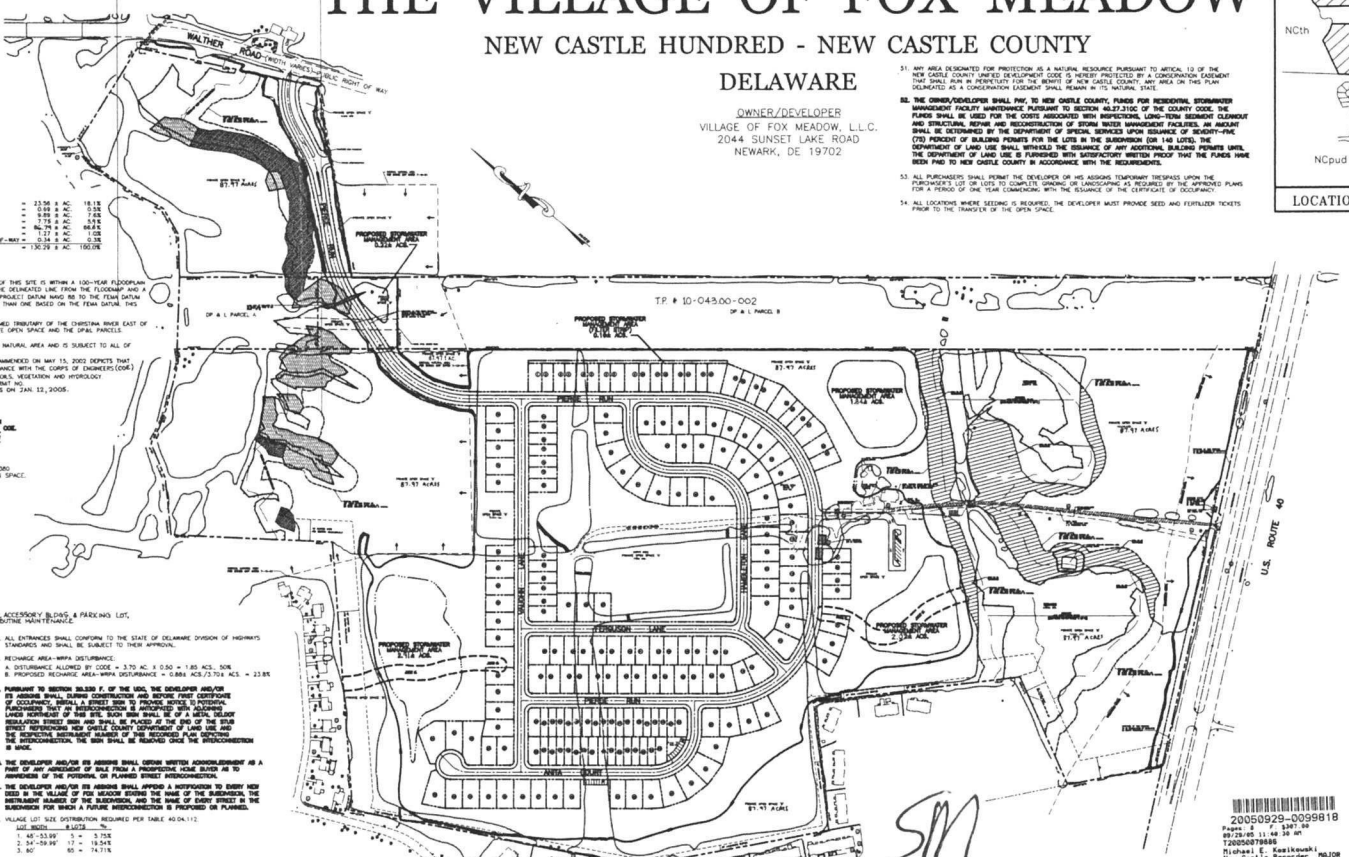
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 12 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PIERCE RUN
FERGUSON LANE
THRASHER WAY
VALERIE LANE
ANITA COURT
PROPOSED RECREATION AREA 2.516 AC±
PROPOSED RECREATION AREA 1.914 AC±
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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Richard Mitchell	10043108368	44 Vaughn Ln	(302)740-0752	YES	Richard Mitchell

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

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   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
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   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
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   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT. THE OWNER/DEVELOPER AND ALL SUBSEQUENT OWNERS OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 1470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.
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B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.84 ± AC.	7.5%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.424 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A HQUS 29, 0.8 FT WAVE HEIGHT TO ACCOUNT FOR WAVE ACTION. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MARKED OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF §ARTICLE 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0283 ACRE'S OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12,2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF THE CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2221, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY = 5.9%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE IN FOX BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT FACILITIES, SEE ARTICLE 40.31.320 MAINTENANCE DECLARATION BY A FENCE FOR FAMILY FARM VILLAGE DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20 WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0112&179.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, NORTHMAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,088± L.F.
    VARIABLE WIDTH (51' TO 137') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN SHALL NOT BE ACCEPTED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DNA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DNA) = 2.25± ACS./22.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	
SIDE YARD:	0',18' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	28' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	PMN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING	12'	10'

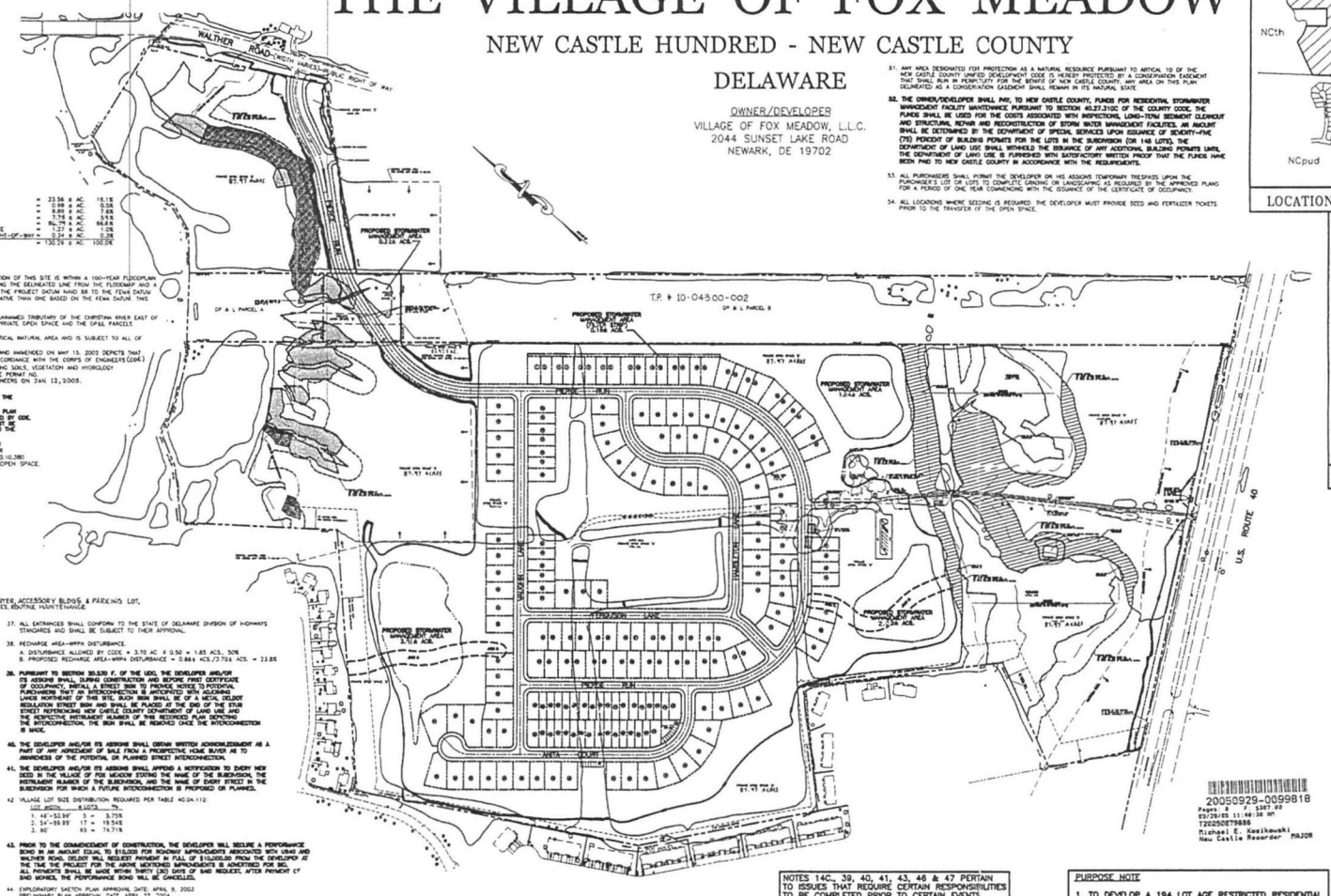
34. DRAINAGE/MTS.
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE – 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN – 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA–WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL CONSTRUCT A STUB STREET AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE STREET MAY BE EXTENDED IN THE FUTURE TO ADJOINING LANDS. PORTIONS OF THE STUB STREET SHALL BE PLACED IN THE RIGHT-OF-WAY AND THE STUB STREET TO ADJOINING PROPERTY SHALL BE PLACED AT THE END OF THE STUB STREET. THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE LOCATIONS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTIONS.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	14	7.75%
2. 54'-59.99'	17	19.54%
3. 60'	65	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROUNDOUT IMPROVEMENTS ASSOCIATED WITH LOAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.011 .7. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.31.06. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'T'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
T.P. # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA 1 7.78 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2 1.84 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3 2.24 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 4 0.328 ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED TOT LOT
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED BOCCE COURT
PROPOSED SHUFFLEBOARD COURT
PROPOSED PUTTING GREEN
PROPOSED BASKETBALL COURT
PROPOSED VOLLEYBALL COURT
PROPOSED HORSESHOE COURT
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PROPOSED SWM AREA 184 87.97 ACRES
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PROPOSED SWM AREA 193 87.97 ACRES
PROPOSED SWM AREA 194 87.97 ACRES
PROPOSED SWM AREA 195 87.97 ACRES
PROPOSED SWM AREA 196 87.97 ACRES
PROPOSED SWM AREA 197

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
K R MORRISON		358 Pierce Run	573-248-5257	Yes	K R Morrison

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO IMPROVEMENTS TO THE SYSTEM AS SET FORTH IN THE SEWER SERVICE IMPROVEMENT AGREEMENT FOR THIS PROJECT. SHOULD THE OWNER(S) OR PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 81 LOTS + 350 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 50
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA			
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	0.98 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	=	9.85 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	7.79 ± AC.	5.5%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	1.27 ± AC.	1.0%
TOTAL	=	0.34 ± AC.	0.3%
	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEING CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SAVSION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (20€) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 2.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SAVSION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.9
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 12, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED JULY 30, 2004 AND FOR ANY OTHER COMMON FACILITIES NOT SPECIFICALLY DEEDED TO NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20041115-0151179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20 WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0150378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.134 ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE THROUGHOUTTHE DEVELOPMENT, EXCEPT AS SHOWN OTHERWISE ON THIS PLAN, STORMTHAN PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    A. RIGHT-OF-WAY = 1,355 L.F.
    AVERAGE WIDTH (51' TO 73') RIGHT-OF-WAY: 55'± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAV) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAV) = 2.25± ACS./23.88±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1' @ 5'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	26' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

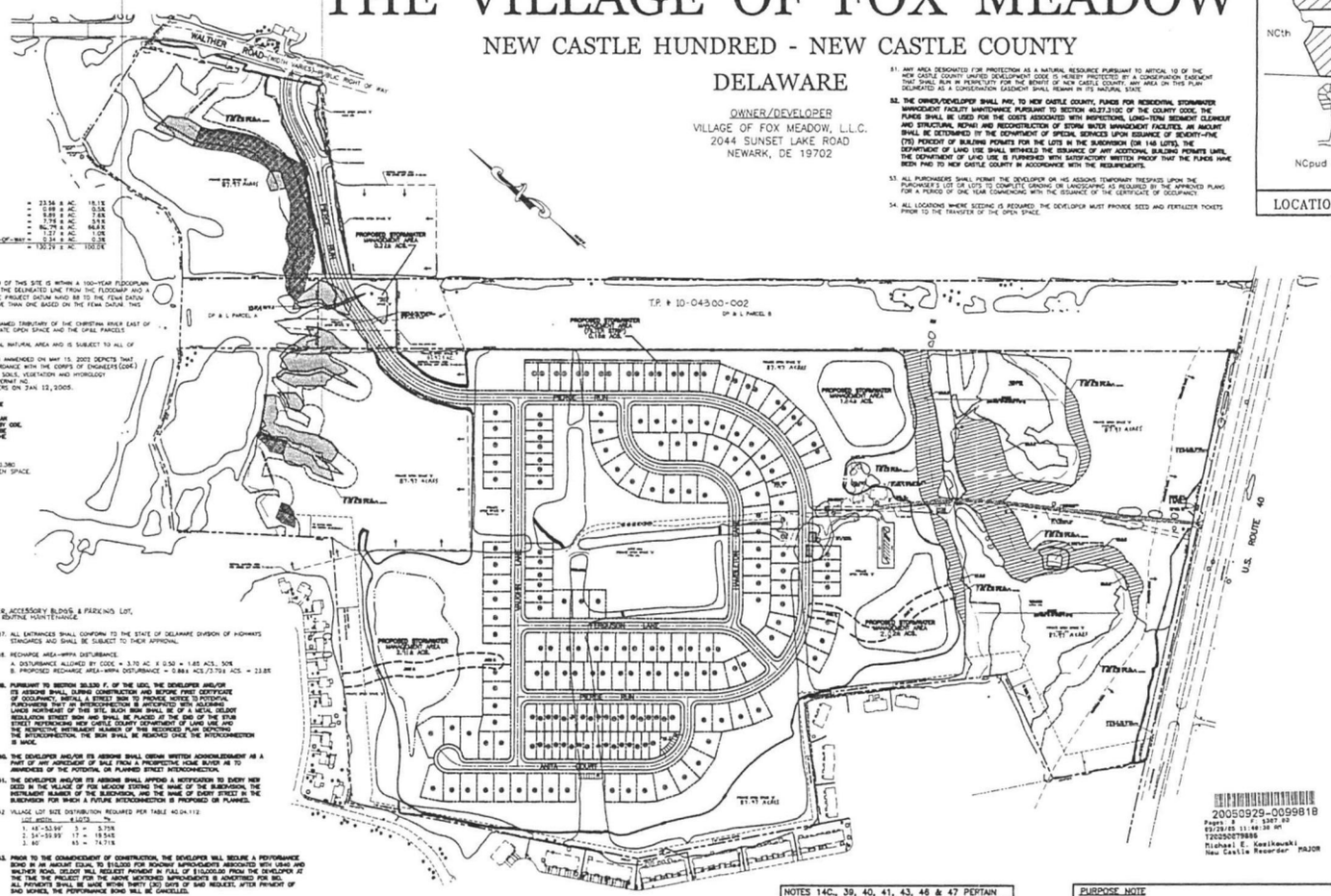
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY UNIT WILL HAVE AT CONSTRUCTION, WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, BY CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL CELOSIT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE FUTURE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE LOT OR BLOCK OF SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

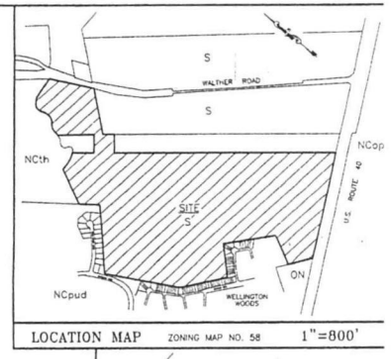
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U040 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $606.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($606.82 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PRECEDES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COUNTRY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE V1A THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.87 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

20050929-0099818
Pages: 3 of 3 $387.00
09/29/05 11:46:36.00
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #560 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE BY _____ DESIGNEE, MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

COUNCIL PRESIDENT

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 325-4577 © FAX - (302) 325-4661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Shelley A Neeb	10043 10851	235 Anita Ct	203-470-3706	YES	Shelley A Neeb

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040608-0056393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHEAST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. VILLAGE TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.89 ± AC	0.5%
STORMWATER MANAGEMENT AREA	= 9.88 ± AC	5.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 77.78 ± AC	59.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 17.49 ± AC	13.4%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM TO THE FEMA DATUM (NGVD 29), 3.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.15.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP 12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1982, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SWSSION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 20%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ABUTTING PARKING LOTS, ETC., OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A PIERCE RUN FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN MISCELLANEOUS FILE [illegible] AND SEE RECORDED PLOT LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 15' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE V OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE: 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERWISE DESIGNATED AS OPEN SPACE, IS HEREBY CREATED AND DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY: 6,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 3584± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND NOT MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE, SHALL BE MAINTAINED BY THE HOMEOWNERS' RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAH) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAH) = 0.25± ACS./22.95±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNING	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD	0'/8' & END UNIT		5'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,860, 5,400, & 8,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 80'	
BUILDING SPACING:	10'	n/a	

	TWIN	MEWS-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD	0' & 8'	0',8' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

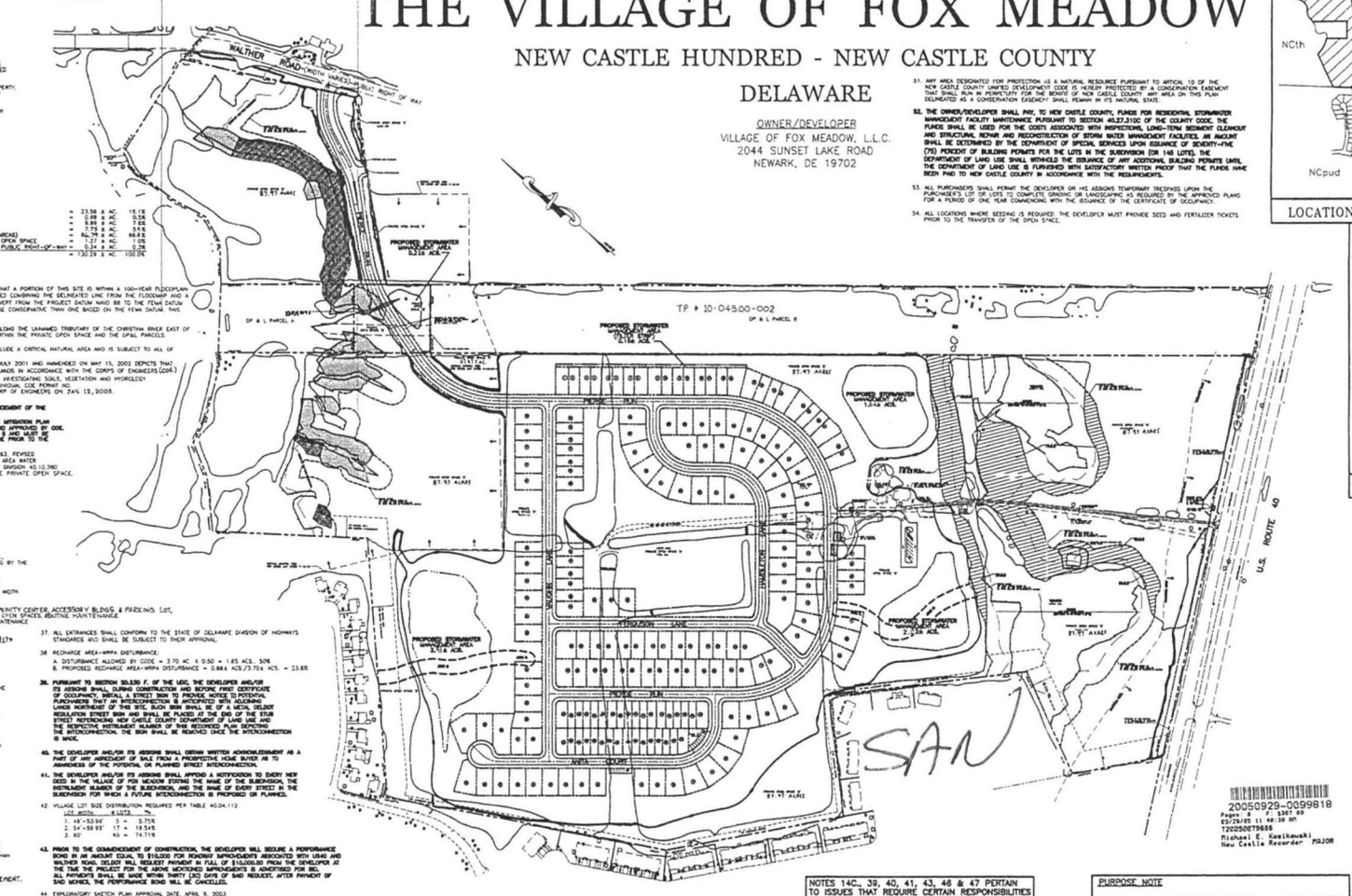
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. x 0.60 = 0.79± ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.030 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION TO EVERY HOME BUYER IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

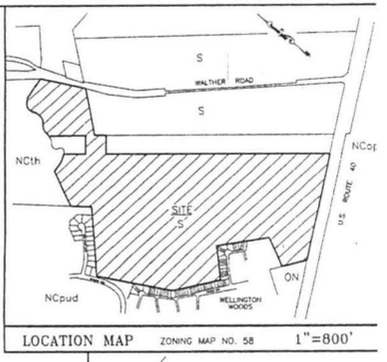
LOT AREA	%
1. 48'-53.99'	5 = 3.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	46 = 74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. PRELIMINARY SKETCH PLAN APPROVAL DATE APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,570.00 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

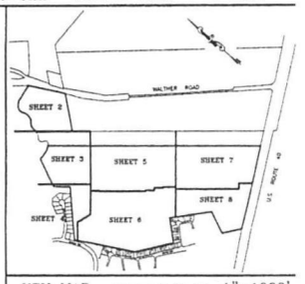
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.31±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8 F: $367.00
09/29/05 11:40:38 AM
T20050079868
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO — MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, P.L.S. HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [illegible] DEVELOPMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA STANDARDS AND HEALTH NOT TO VIOLATE AND THE RULES AND REGULATIONS THEREIN APPLICABLE

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9070 © FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

2005

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Henry Neufeld	1004310857	209 Anita Ct.	(559)871-7287	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER 10-043.00-002, 10-043.00-003
SOURCE OF TITLE INSTRUMENT NO. 20040508-0050383 & DB 668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINDS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 88
BENCHMARK PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION 69.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE FIRE PREVENTION REGULATIONS AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH

SEWER: NEW CASTLE COUNTY – GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS DEVELOPMENT. THE DEVELOPER WILL BE RESPONSIBLE FOR EXTENDING TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 6470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.13C = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.8%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

L. SUBDIVISION LAND USE

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 8.72 ± AC.	6.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.21 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA PANEL. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A HYDRAULIC/HYDROLOGIC FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAP12, NAP14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR DURING DIVISION 001 SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.9%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EDITINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05, AS OF RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0071679 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 20' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE ACCOMPANIED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 1A OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.61± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THIS PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBDIVISION LOT ADJOINING THE PERIMETER OF THE SHOWN ON THIS PLAN, OTHERTHAN LOTS PLATTED FOR TOWNHOUSES OR TWINS, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 2,284± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25 ± ACS./22.98 ± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

	TWIN	WEAK-LINK TOWNHOUSES	VILLAGE
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	
STREET LINE SETBACK	15'/20' TO PKG.	15'	
SIDE YARD:	0',18' @ END UNIT	8	
REAR YARD:	20'	25'	
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	N/A	

	WEAK-LINK TOWNHOUSES	VILLAGE
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	20'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE = 1.33 AC. X 0.50 = 0.788 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE = 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 20.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATION OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF THE POSSIBILITY THAT THE STREET MAY BE EXTENDED. SUCH SIGN SHALL BE INSTALLED AT THE INTERSECTION OF EACH TERMINUS STREET WITH ANY SUBDIVISION BOUNDARY. SUCH SIGN SHALL BE PLACED AT THE END OF THE STUB STREET SO THAT IT CAN BE CLEARLY SEEN BY ANY PERSON USING THE STREET. THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE STREET, THE RESPECTIVE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR A FUTURE INTERCONNECTION IS PROPOSED ON PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	% OF LOTS
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	80 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND TOLLGATE TOWN HOUSES. THE BOND SHALL BE RELEASED IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME OF THE RELEASE OF THE LAST BOND POSTED ON BEHALF OF A DWELLING FOR SALE. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID RELEASE. AFTER PAYMENT OF SAID BONDING, THE PERFORMANCE BOND WILL BE EXONERATED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS **(EACH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.210B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,775.38 ($500.00 X 69 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELOCATION OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.78±ACS.	-	-	-	7.78±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

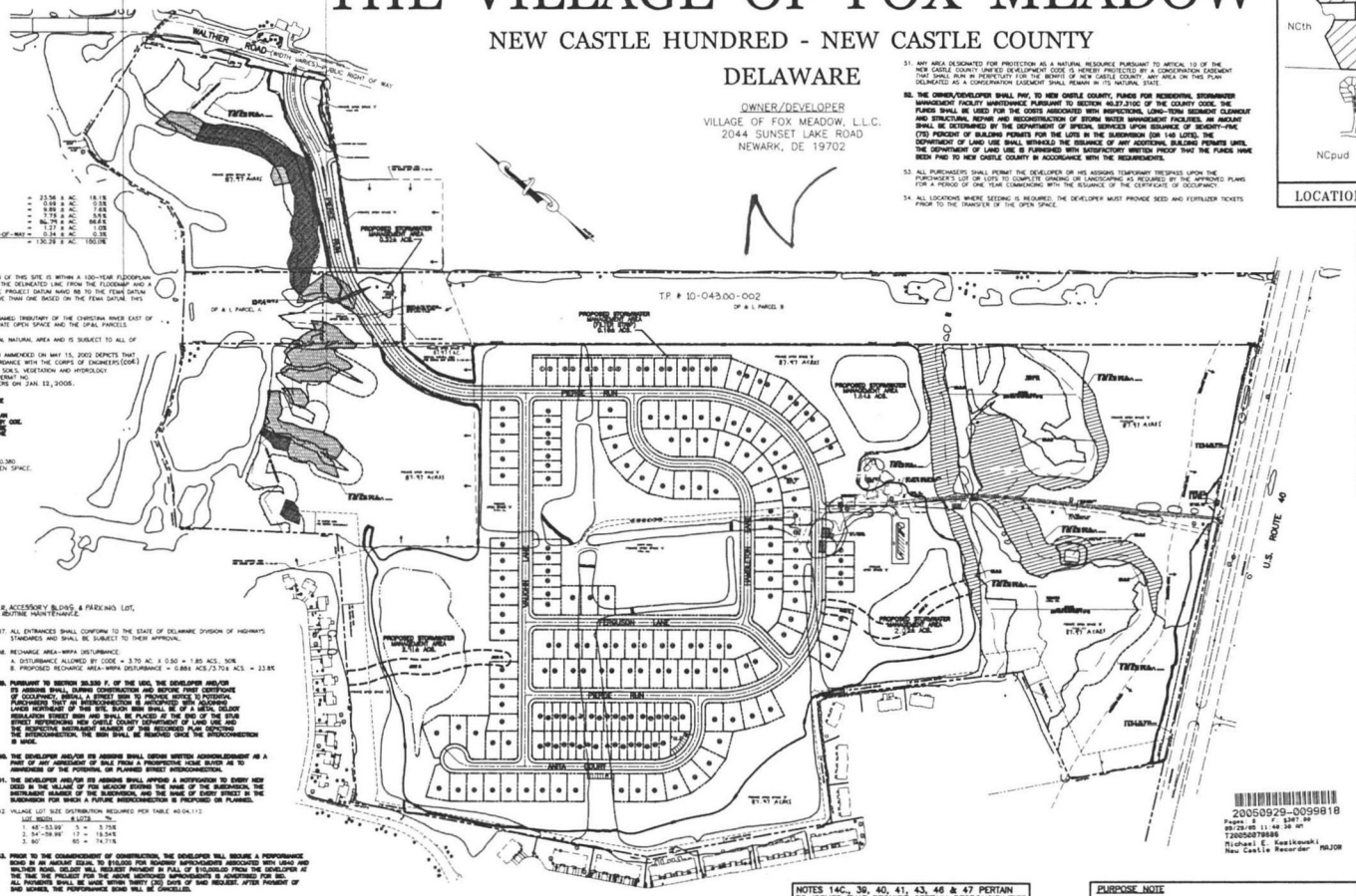
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.210C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PIERCE RUN
PIERCE RUN BOULEVARD
WALKER LANE
ATTINGHAM LANE
ARIA COURT
U.S. ROUTE 40
T.P. # 10-043.00-002
OF A & L PARCEL A
OF A & L PARCEL B
PROPOSED RECHARGE AREA 0.316 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.336 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.234 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.334 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.118 ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.336 ACS.
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Neutz

24-001

New Castle County
Stormwater Maintenance District Petition

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The Maintenance Organization is responsible for the following stormwater management facilities:

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Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Paul & Sandra Neutz		127 Ferguson Ln Newark DE 19702	302-595-2637	Yes	Sandra Neutz

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
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NEWARK, DE 19702

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   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY SHALL CONSTRUCT AND INSTALL AT HIS EXPENSE THE EXTENDING SEWER SERVICES TO EACH LOT SHOWN ON THE PLAN AS REQUIRED BY THE CODE. ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.806± AC.
PARCEL 'B' = 17.406± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE 100-YEAR LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NAD 88 TO THE FEMA DATUM (NGVD 29, 3.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDESIGNATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED VEGETATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0284± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401237-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ALONG POINTS ON SHEET 2 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE – 0%
       2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE – 0%
       2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, STREET TREES, ENTRANCE FEATURES, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050329-0099818 AND THE RECORDED MAJOR LAND/SCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 19 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.29± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THOSE LOT LINES WHICH ARE ALONG PUBLIC RIGHT-OF-WAY, IS HEREBY CREATED TO BE AVAILABLE FOR USE BY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS COMPLEMENTARY WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DIA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DIA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	16' @ END UNIT	9'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.F. MIN. & 8,000 S.F. MAX.
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 80'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC./ 1.333 AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE – 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN – 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 97.700. **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–MRPA DISTURBANCE:
    A DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.86 ACS./3.70 ACS. = 23.8%
39. **PURSUANT TO SECTION 30.5.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STREET END TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY. SUCH SIGN SHALL BE OF A METAL DESIGN APPROVED BY THE REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

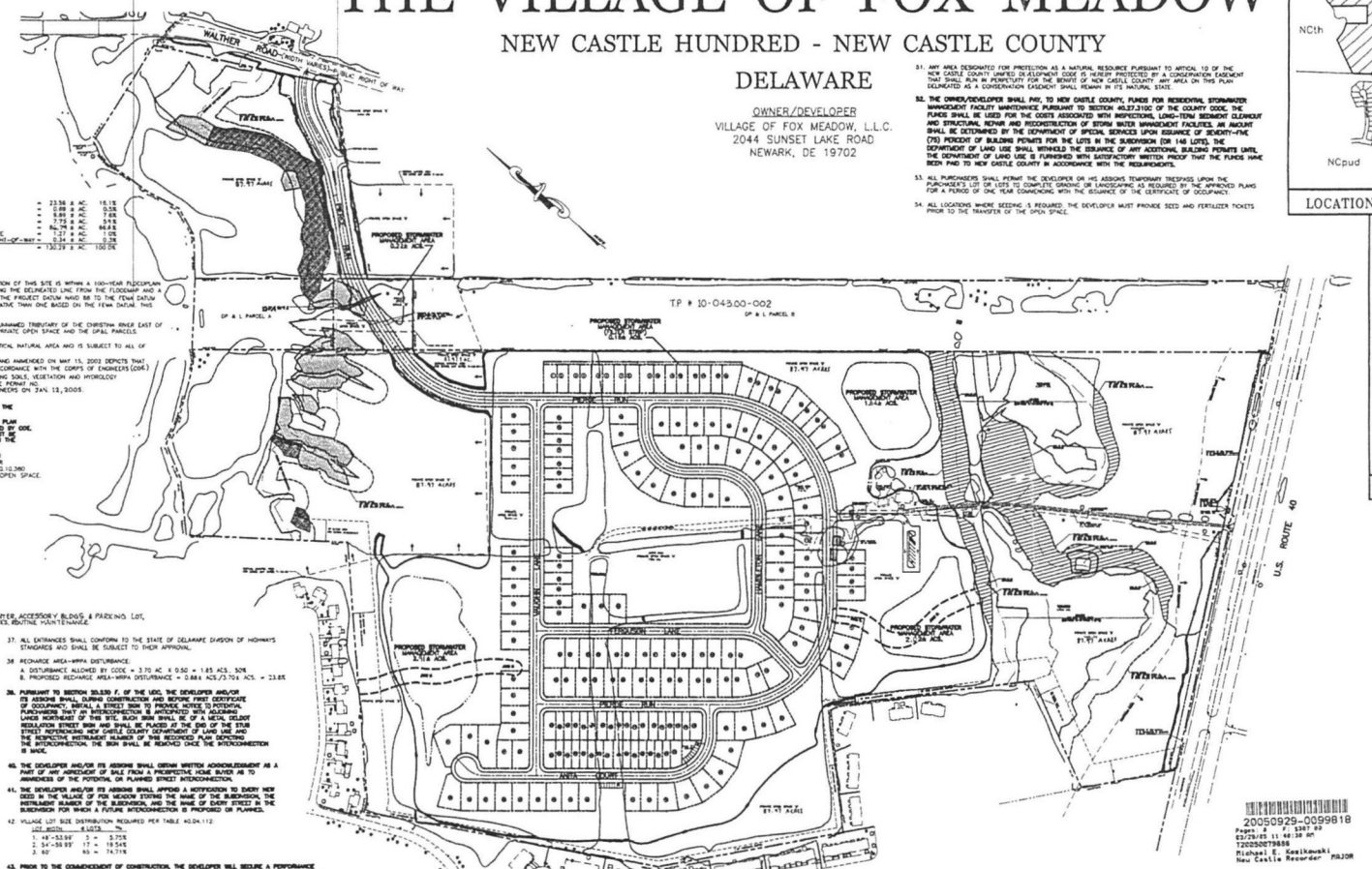
LOT WIDTH	# LOTS	%
1. 48'-52.99'	5 =	5.75%
2. 50'-59.99'	17 =	19.54%
3. 60' +	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LOAD AND WALTHER ROAD. DELAWARE WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BIDS. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BILLING AND RECEIPT. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $1608.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF SIXTY (60) OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($608.82 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.94±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	82.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
S 87°41'31" E 1,321.62'
N 87°41'31" W 1,321.62'
TP # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 3.116 ACS.±
PROPOSED STORMWATER MANAGEMENT AREA 1.216 ACS.±
PROPOSED STORMWATER MANAGEMENT AREA 2.156 ACS.±
PROPOSED STORMWATER MANAGEMENT AREA 1.216 ACS.±
PROPOSED COMMUNITY CENTER & CLUBHOUSE
PROPOSED PARKING LOT
PROPOSED ENTRANCE FEATURE
PROPOSED ENTRANCE FEATURE
PROPOSED ENTRANCE FEATURE

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
ANITA NORONHA		222 ANITA CT NEWARK 19702	248-390-0533	Yes	Anita Noronha

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.28 +/- ACRES
EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER - 10-043.00-002, 10-043.00-003
SOURCE OF TITLE - INSTRUMENT NO. 20040506-0050383 & GTR-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 88
BENCHMARK - RAIL NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF A BRIDGE AND 17 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40, WESTBOUND TRAVEL LANE.
ELEVATION: 69.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, OR THE DEVELOPER, SHALL BE RESPONSIBLE FOR CONSTRUCTING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 270 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,247 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.13C = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	34	= 17.5%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	39	= 19.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE:

LOT AREA	= 23.56 x AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 x AC.	0.7%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.59 x AC.	7.4%
STORMWATER MANAGEMENT AREA	= 7.75 x AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.76 x AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

2. A. ITEM MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM TO NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MEMORIALIZED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

3. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.02± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ENTIRELY WITHIN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0 S.F.
2. PRECAUTIONARY - 0 S.F.

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20041231-0078179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 20' WIDE DRAINAGE EASEMENT SHALL BE SHOWN ON A 20' STORM DRAINAGE EASEMENT, OR 10' + PERPENDICULAR ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS LOCATED OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.28± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR = 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 8.28± L.F.
VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS: OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	6'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	38' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA--MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.864 ACS./3.716 ACS. = 23.8%

39. PURSUANT TO SECTION 36.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS. SUCH STREET SIGN SHALL BE AT THE END OF A METAL SIGNAGE REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. SAID SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AMENDMENT OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOSE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $16,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEAKE AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BILL REQUEST. AFTER PAYMENT OF BID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **EACH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.210.B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,770.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "CONSERVATION AREA (OPEN SPACE)" AND "NON-AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE WAIVER OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

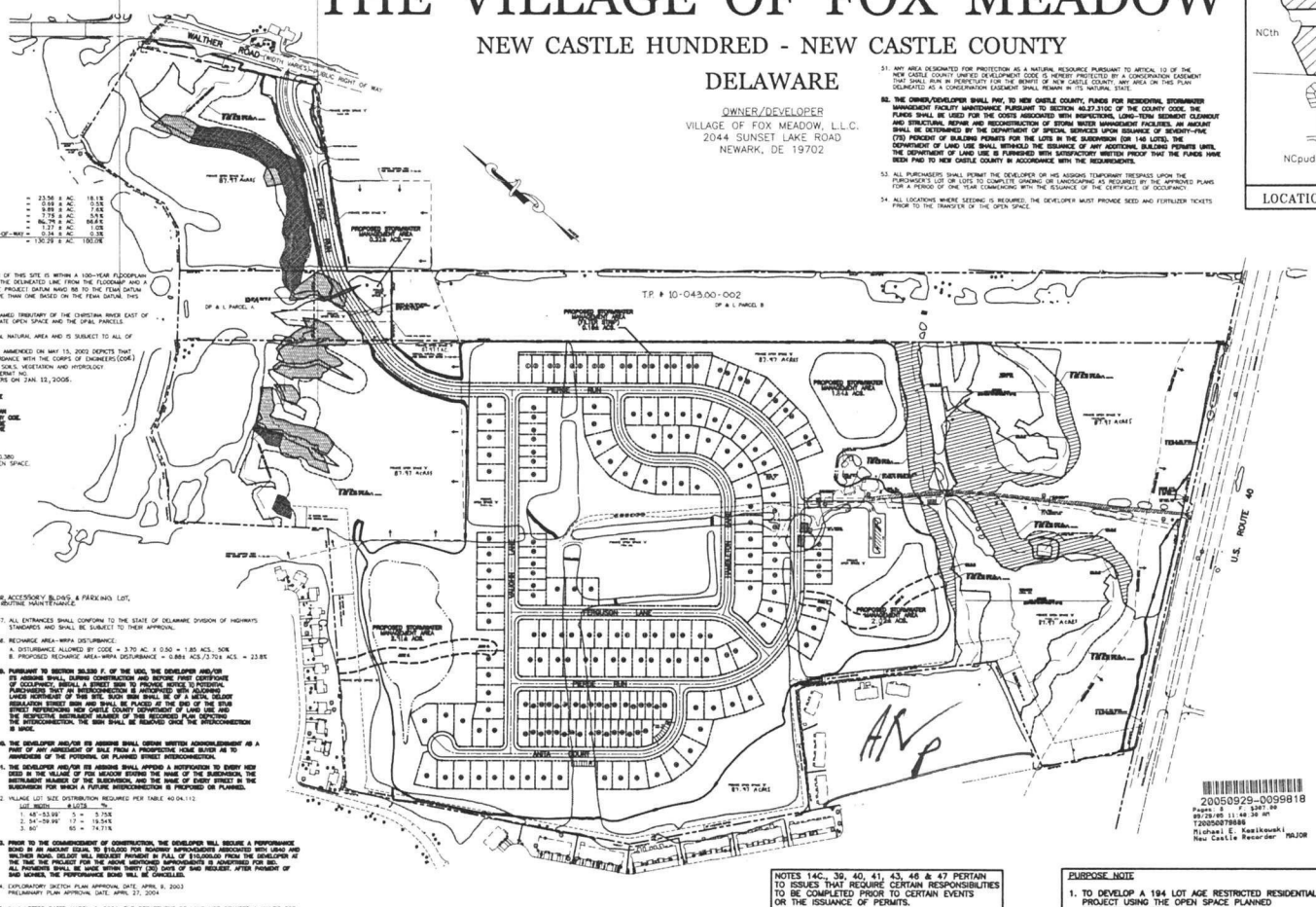
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.28±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT WHICH SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
LEAKE ROAD
PIERCE RUN
FERGUSON LANE
HAMILTON
WALKER LANE
ANITA DRIVE
U.S. ROUTE 40
T.P. # 10-043.00-002
DP & L PARCEL 'A'
DP & L PARCEL 'B'
PROPOSED STORMWATER MANAGEMENT AREA 7.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.27± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.33± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.11± ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/~~No~~	Signature
ELIZABETH WITT O'CONNELL	16	341 Pierce Run Newark, DE 19702	3023576705	Yes	Elizabeth Witt O'Connell

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D.79-668
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 3 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOW GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SF = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 43
   C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	43	= 22.1%
C. TOWNHOUSES	=	32	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.99 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.75 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. FOR USE AS OPEN SPACE	=	0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPALL PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE PREVIOUS FLOOD PLAIN MAP. TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPALL PARCELS
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    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
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16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 25
       2. PRECAUTIONARY = 20
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ENTIRE PARKING LOT, STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE AS INSTRUMENT NO. [illegible]
22. A NO SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED. WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE V OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    A. 22' WIDE – CURB & GUTTER
    VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY: 5536± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE CONSTRUCTION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
       1. MATURE (DAL) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAL) = 3.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE: WRPA DISTURBANCE = 0.84± ACS./3.79± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STUB TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING SAID STREET SHALL BE THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

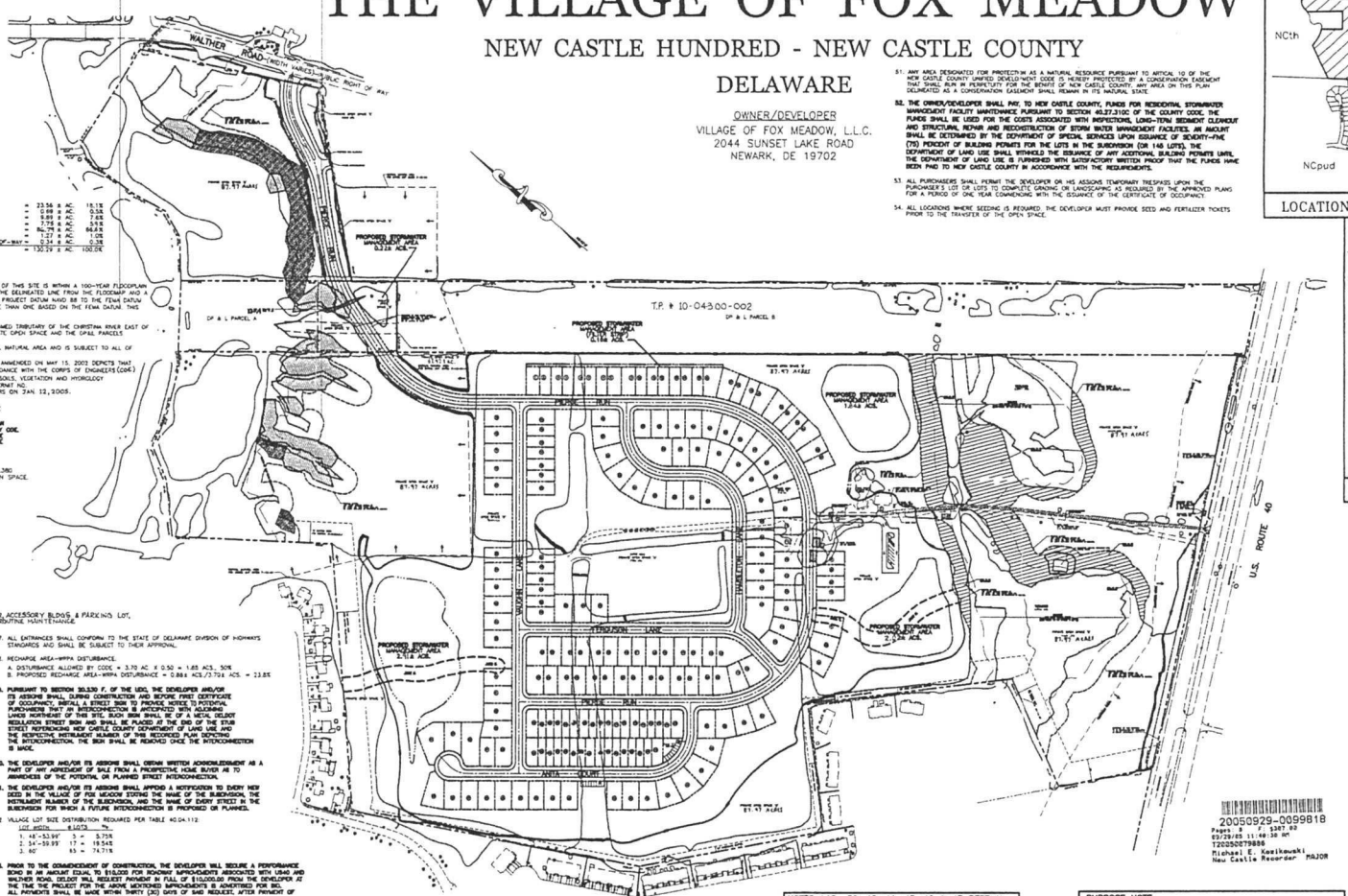
LOT WIDTH	# LOTS	%
1. 48'–53.99'	5 =	5.75%
2. 54'–59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $16,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $16,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND SHALL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.00 PER UNIT INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,375.00 ($900.83 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE COMPONENTS" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPALL PARCEL A PURSUANT TO SECTION 4.110 E.(1) OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS), THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PROPOSED ENTRANCE
PROPOSED STORMWATER MANAGEMENT AREA 7.78± ACS.
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 0.28± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.21± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.26± ACS.
PIERCE RUN
PIERCE RUN BOULEVARD
THUNDERBOLT DRIVE
MAJOR LANE
THUNDERBOLT LANE
ANITA COURT
U.S. ROUTE 40
PROPOSED COMMUNITY CENTER & CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED TOT LOT
PROPOSED PICNIC AREA
PROPOSED BOCCE COURT
PROPOSED SHUFFLEBOARD COURT
PROPOSED BASKETBALL COURT
PROPOSED VOLLEYBALL COURT
PROPOSED HORSESHOE COURT
PROPOSED PUTTING GREEN
PROPOSED SWM AREA
PROPOSED SWM AREA 2.16± ACS.
PROPOSED SWM AREA 1.21± ACS.
PROPOSED SWM AREA 0.28± ACS.
PROPOSED SWM AREA 7.78± ACS.
PROPOSED SWM AREA 0.28± ACS.
PROPOSED SWM AREA 1.21± ACS.
PROPOSED SWM AREA 2.26± ACS.
PROPOSED SWM AREA 2.16

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
George J Ouellette Jr	106 ?	443 Pierce Run	302-836-6169	Yes	George J Ouellette Jr

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050363 & GTY 668
TOPOGRAPHIC SURVEY:

A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001

B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A POWER POLE LOCATED AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
ELEVATION: 89.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT (LDA) AND THE FEMA/DRAINAGE AGREEMENT (DRA) FOR THIS PROPERTY. ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 440 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE CH 130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 42	=	21.6%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

I. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.66 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.85 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.19 ± AC.	5.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DPL&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

J. A FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOOD STUDY AND THE FEMA LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND DO NOT AFFECT ANY PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:

1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.**
2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, DATED OCTOBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION AREA SHALL BE PROTECTED IN PERPETUITY BY A DEED AND MUST BE CONVEYED TO THE CONSERVATION FUND OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA. WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:

A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – OR
2. PRECAUTIONARY – 50%

B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.9%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC., DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 200505310076 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' WIDE, CENTERED ON THE LOT LINE SHALL BE PROVIDED FOR EACH LOT LINE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, TO BE EQUALLY SPACED ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE FEMA/DRAINAGE GUARANTEE AGREEMENT (DRA) ENTERED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY: INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 1A OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%

A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY = 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE PROPERTY AND DESIGNATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CHA) = 15%
2. YOUNG = 50%

B. DISTURBANCE PROPOSED
1. MATURE (CHA) = 2.25± ACS./22.98 ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0',18' @ END UNIT	8'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800±, 3,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 34', & 50'
BUILDING SPACING	10'	N/A

	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS./100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE PLAN: 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%

39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL INCLUDE, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATION OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT A FUTURE INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATORY STREET SIGN DESIGN, SHALL BE PLACED AT THE END OF EVERY STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE FUTURE INTERCONNECTION. THE SIGN SHALL BE DESIGNED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**

40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE POSSIBLE OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**

41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

LOT WIDTH	# LOTS	%
1. 45'–53.99'	5 =	5.75%
2. 54'–59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WILDNER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAVEMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID RELEASE. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, FUNDS TO THE END OF THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL). THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $54,775.38 (DOUBLE X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**

47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC's.	79.69±AC's.	0.06±AC's.	0.16±AC's.	0.32±AC's.	87.80±AC's.
STORMWATER MANAGEMENT AREA:	-	7.75±AC's.	-	-	-	7.75±AC's.
PAVED AREA:	-	0.43±AC's.	0.03±AC's.	-	-	0.46±AC's.
BUILDING AREA:	-	0.08±AC's.	-	-	-	0.08±AC's.
TOTAL:	7.29±AC's.	87.97±AC's.	0.09±AC's.	0.16±AC's.	0.32±AC's.	95.81±AC's.

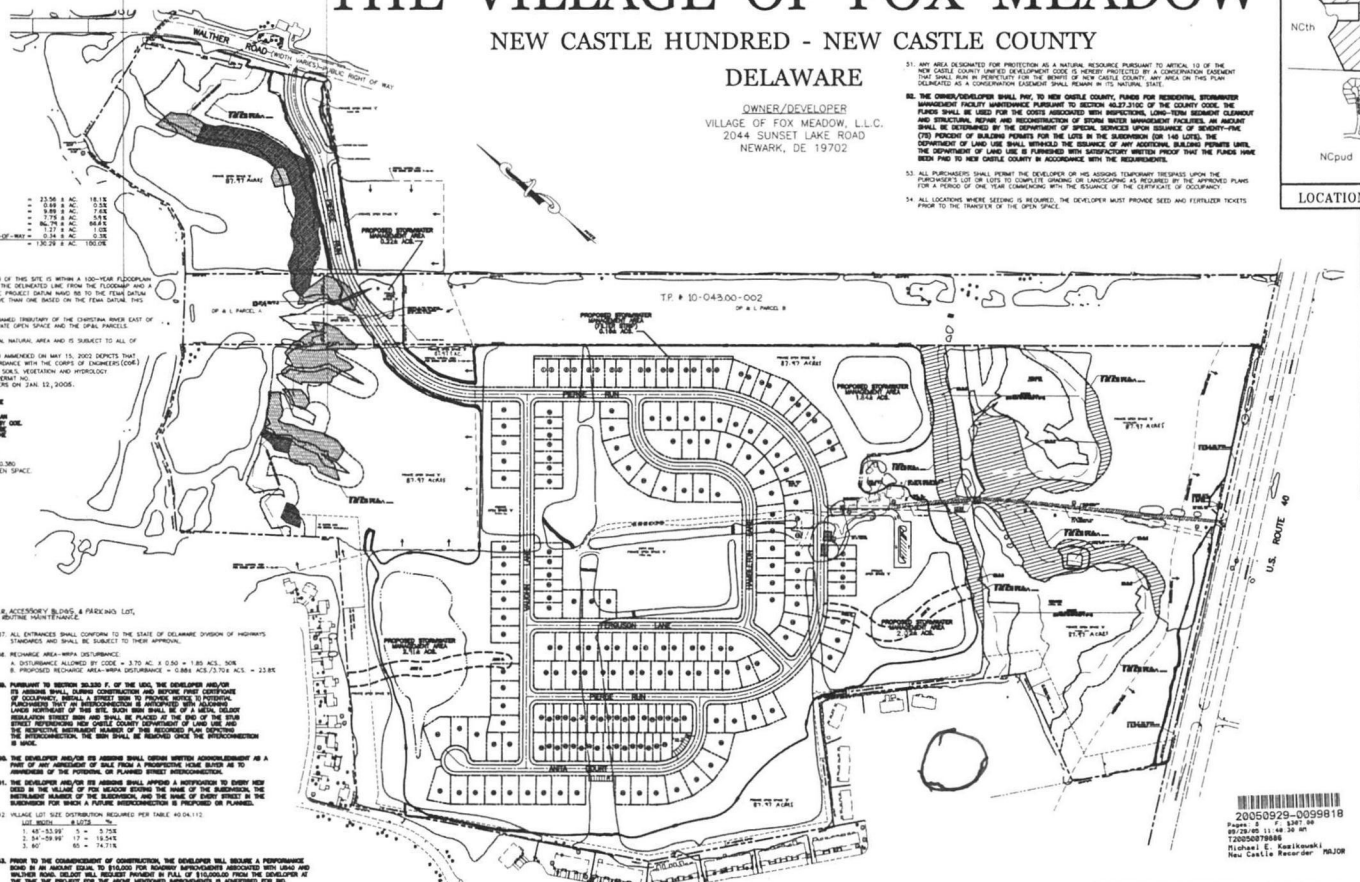
TOTAL OPEN SPACE AREA OF 95.81±AC's. = 73.5% OF TOTAL SITE AREA OF 130.29±AC's.

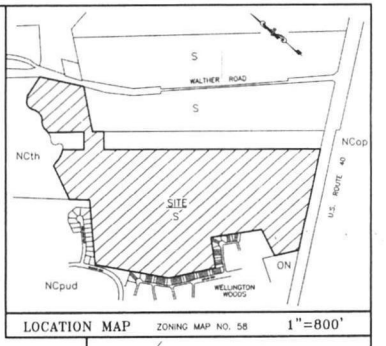
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**

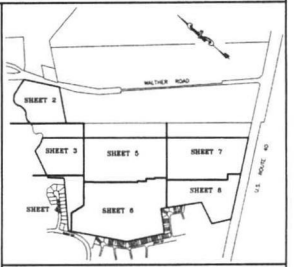
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED 9/6/05 BY Charles L. Baker, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY _____, COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE
1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/TJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
COMM. NO.	C 653-2	FILE NO.	039
SHEET NO.	1 of 8		

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
ERIC J PALMER SR		335 PIERCE RUN NEWARK DE 19702	302 763-6470	Yes	Eric J Palmer Sr

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 20040729-0068
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY SHALL BE RESPONSIBLE FOR THE COST OF CONSTRUCTING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13D = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	= 44.8%	
B. WEAK-LINK TOWNHOUSES	= 41	= 21.1%	
C. TOWNHOUSES	= 34	= 17.5%	
D. TWINS	= 32	= 16.5%	
TOTAL	= 194	= 100%	

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 8.89 ± AC.	6.8%
STORMWATER MANAGEMENT AREA	= 9.73 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC OPEN SPACE	= 0.94 ± AC.	0.7%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF OPAL PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0114 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM TO THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM, NGVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS.

13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
   B. 0.02± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. PROVISION, COE PERMIT NO. CENAP-OP-R-200401231-1 (MAP12, MAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 5 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE ORGANIZATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1982, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE = 0%
      2. PRECAUTIONARY = 50%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE = 0%
      2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ABUTTING WARNER LANE, OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE AGREEMENT WITH A PERIOD FOR THE MAINTENANCE OF 30 YEARS AND AS RECORDED IN THE RECORDS OF NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050929-0099818 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEES INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0168378.
24. THIS PLAN IS SUBJECT TO THE SUPPLEMENTARY REGULATIONS PROVISIONS OF CHAPTER 40, ARTICLE 1X OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' POST AND RAIL EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT NO UTILITY SHALL BE INSTALLED UNDERGROUND WITHIN THE EASEMENT ALONG EACH LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
   50' RIGHT-OF-WAY - 8,288± L.F.
   VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY - 559± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE STATE OF DELAWARE RIGHT-OF-WAY TO THE PUBLIC USE SHOWN ON THIS PLAN SHALL BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (DIA) = 15%
      2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
      1. MATURE (DIA) = 2.2± ACS./23.98± ACS. = 9.6%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' / END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

TWIN	WEAK-LINK TOWNHOUSE
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	2,500 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	65'	25'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.40 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
   B. PROVIDED BY PLAN - 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.300 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A PERMANENT SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING PROPERTIES TO THE SOUTH AND WEST. THE SIGN SHALL BE LOCATED AT THE ENTRANCE ROAD FROM ROUTE 40 AND SHALL BE PLACED IN THE RIGHT OF WAY OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE AGREEMENT BETWEEN THE OWNER AND MUNICIPALITY. UPON APPROVAL OF THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPROVE A DEED RESTRICTION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENTALITY OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

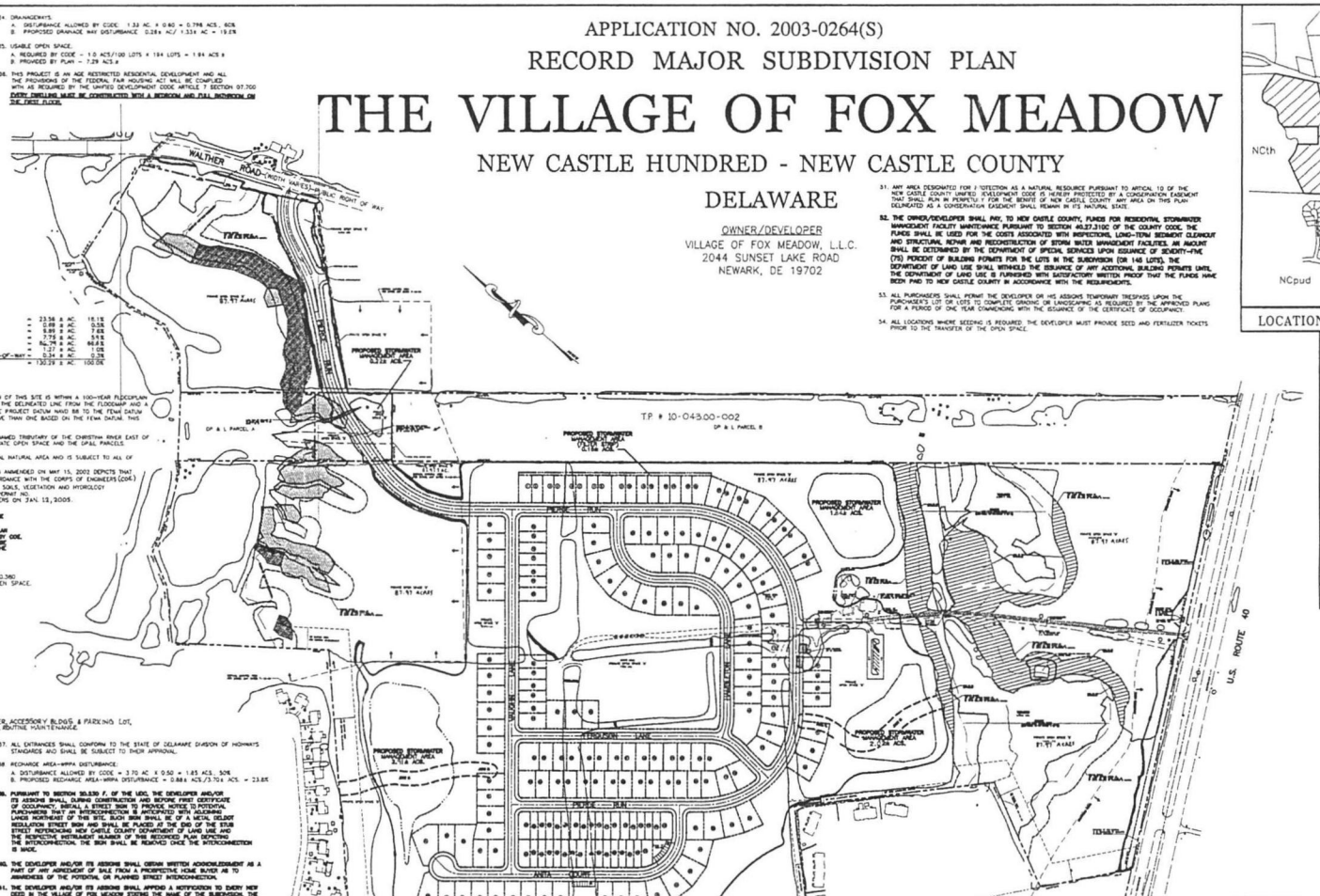
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

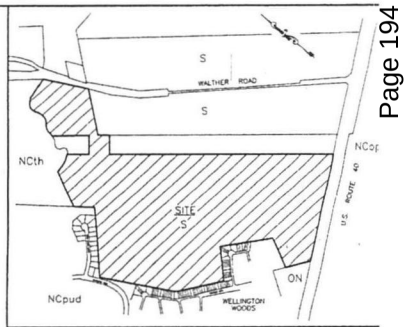
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELIGHT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $600.00 INTO AN INTEREST BEARING ESCROW ACCOUNT FOR EACH BUILDING PERMIT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE RELEASE OF MORE THAN 140 LOTS (72% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($600.00 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PHASING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PHASING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

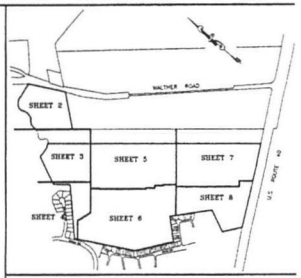
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 — BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,500 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN, AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 9/6/05 BY _____ COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED _____ DATE 9/27/05 _____ COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9329 © FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
RICHARD PARUCH AND LINDA PARUCH	10-043.10-874	131 FERGUSON LANE	302-838-2067	YES YES	Richard Paruch Linda Paruch

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & g79-468
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGES MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.24
6. WATER: artesian WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AND SUBDIVISION AGREEMENT FOR THIS DEVELOPMENT. THE DEVELOPER AND HIS SUCCESSORS AGREE THAT THEY ARE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.76 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NAD 83) TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (CoE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0284 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTING, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, AND THE MAINTENANCE OF ALL OPEN SPACE AREAS SHOWN ON THIS PLAN, A DECLARATION OF COVENANTS AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT AND SUBDIVISION AGREEMENT (LDSA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDSA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE VII OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE: - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN CHANGES PROPERTY LINES FOR CONVEYANCE IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE. THE EASEMENT SHALL BE CENTERED ON THE COMMON LOT LINE ESTABLISHED. THE EASEMENT WIDTH ALONG SAID LOT LINE SHALL BE ESTABLISHED EXACTLY AS TO LOCATION THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 0.288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 5584 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE SUBDIVISION RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS THE STREETS ARE ACCEPTED BY THE STATE OF DELAWARE TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DIA) = 2.25± ACS./23.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNING	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

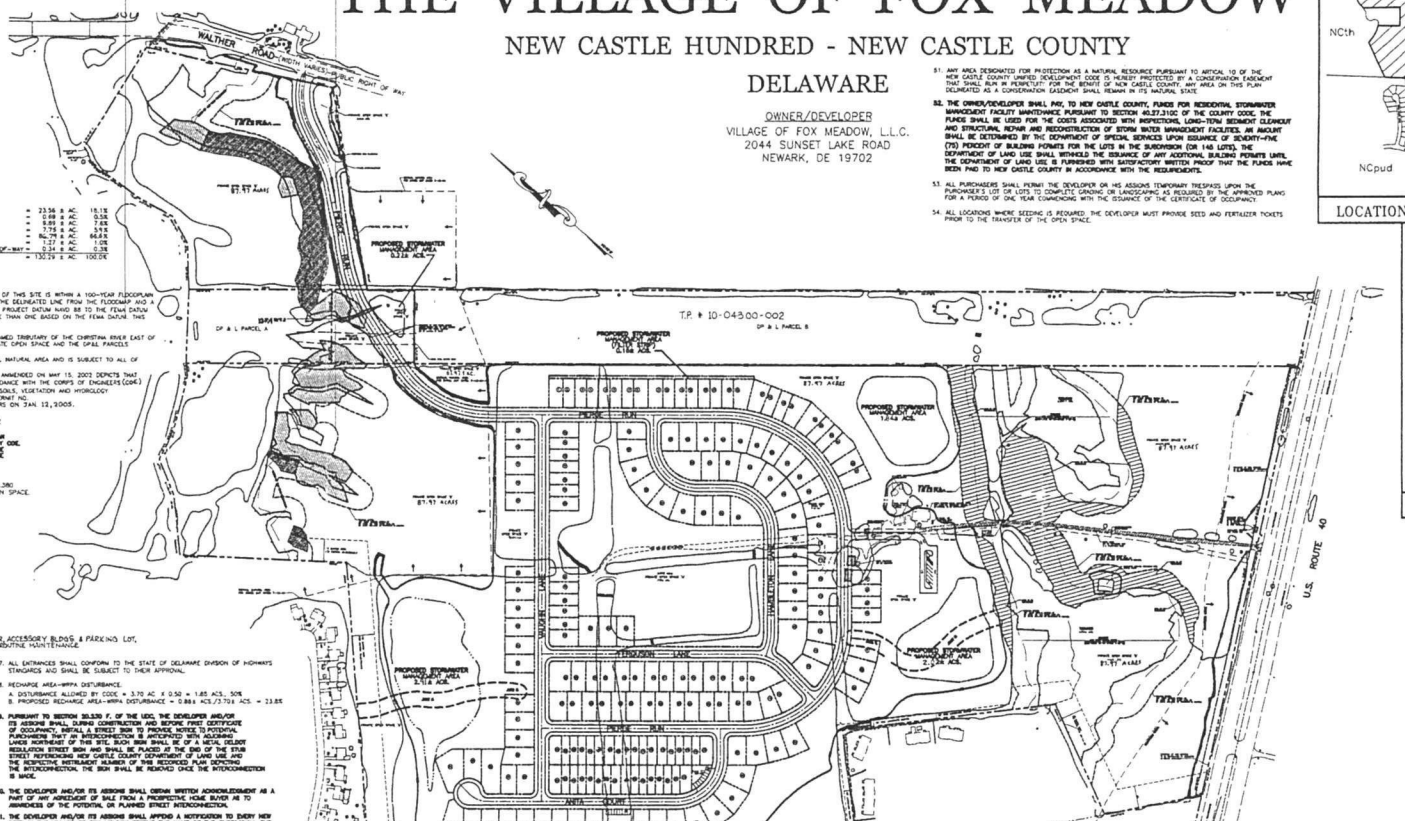
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE – 1.0 ACS./100 LOTS x 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE (WRPA) DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE POINT TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTH OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET WHERE IT ABUTS THE ADJOINING LANDS AS SHOWN ON THE PLAN. IF THE ADJACENT PROPERTY HAS BEEN DEVELOPED AND RECORDED PLAN DEPICTING THE INTERCONNECTION, THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A CERTIFICATION IN EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	%
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	9 = 10.34%
3. 60'	83 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELBOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $8068.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($8068.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IT IS ALSO SUBJECT TO - REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.3 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
PROPOSED STORMWATER MANAGEMENT AREA 5.116 ACRE
PROPOSED STORMWATER MANAGEMENT AREA 1.246 ACRE
PROPOSED STORMWATER MANAGEMENT AREA 2.316 ACRE
PROPOSED STORMWATER MANAGEMENT AREA 0.338 ACRE
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PIERCE RUN
PIERCE RUN BOULEVARD
TIMBERLINE LANE
ANITA COURT
U.S. ROUTE 40
87.93 AGMS
87.93 AGMS
87.93 AGMS

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Armando Perdigon		30 Vaughn Ln	484 832 8866		

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER

VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THE FINAL PLAN. SEWER CAPACITY LIMITED TO AVAILABLE AND ANTICIPATED FLOW GENERATED BY DEVELOPMENTS WITHIN THE ACT - NEW CASTLE COUNTY. AGREEMENT TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SQ. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 84.130 = # + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 4.75 ± AC.	3.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0116 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A. WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0284 ACRES OF WETLANDS DISTURBANCE IS PROPOSED BY THIS PLAN, INDIVIDUAL USE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE USE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE MITIGATION MEASURES SHALL COMPLY WITH THE COE PERMIT PART 'D' 2 AND MUST BE COMPLETED WITHIN ONE YEAR OF THE NEW CASTLE COUNTY PLAT BY THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1983, REVISED MAY 2001, SHOWS THAT THE SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE FINAL PLAT, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3.31.05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050331-0031879 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, COURTYARDS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0190378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 89.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SAG AND REAR LOT LINE SHOWN ON THIS PLAN, AND ON THE SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED, SHALL BE CREATED BY THIS PLAN, OTHERTHAN THOSE PROPERTY LINES FOR TOWNHOUSES IS HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 0.388± AC.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CMA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
       1. NATURE (CMA) = 2.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0'/18' END UNIT	8'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	0' & 8'	0' & 8' END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRIVEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRIVWAY MAY DISTURBANCE: 0.26± AC / 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS = 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS TO THE WEST OF THE SITE. SUCH SIGN SHALL BE OF A METAL STOP SIGN VEHICULAR CONFIGURATION AND SHALL BE LOCATED AT THE END OF EVERY STREET STUB REASONABLY NEAR NEW CASTLE COUNTY DEPARTMENT OF LAND USE, TO THE SATISFACTION OF THE DEPARTMENT. WORDING OF THE SIGN SHALL BE APPROVED PRIOR TO INSTALLATION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTIONS.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDATION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

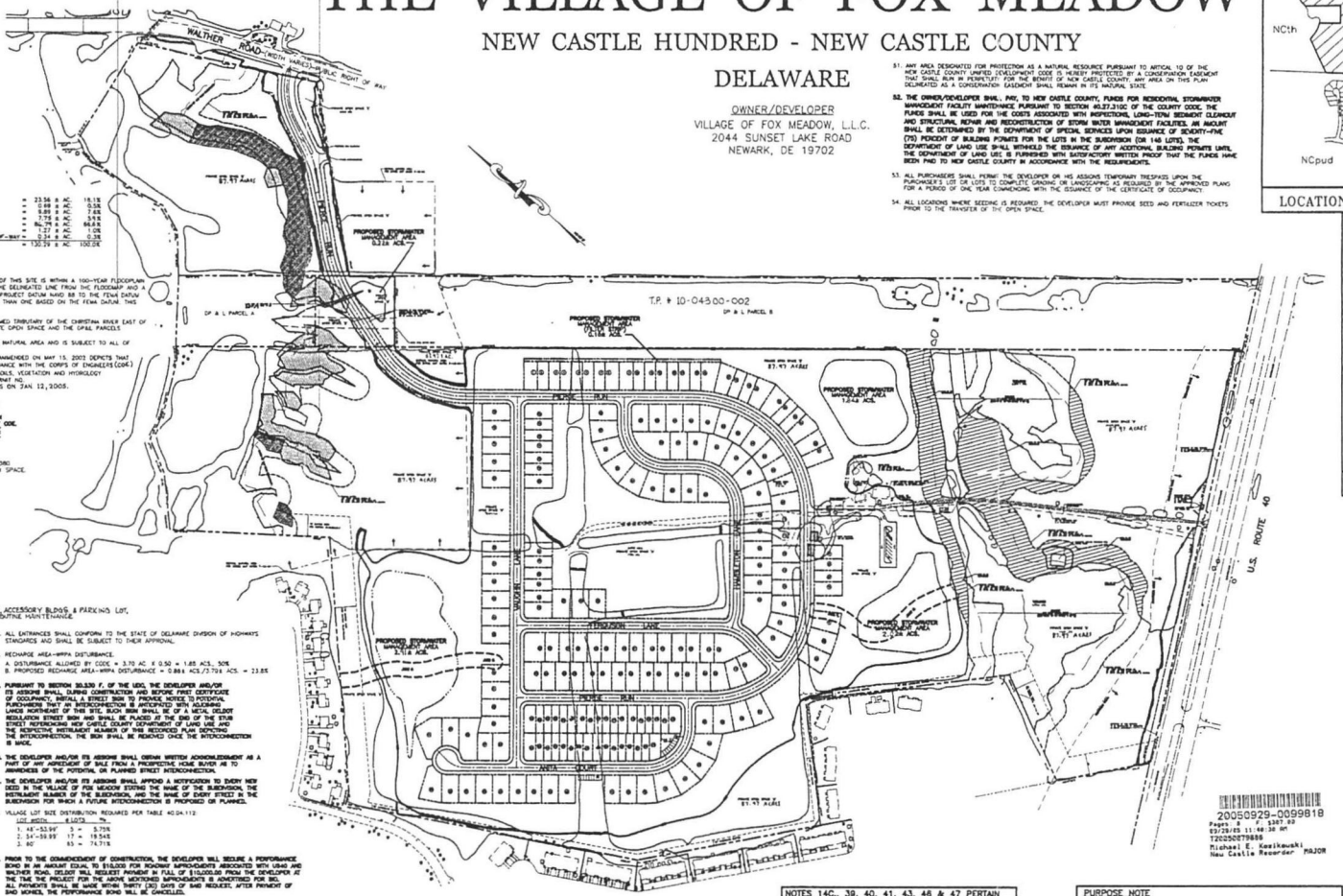
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

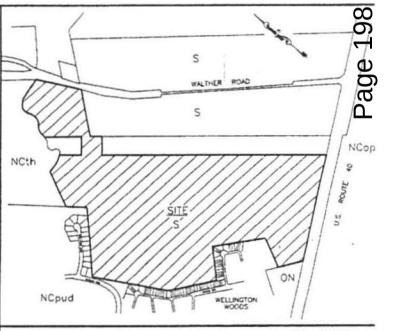
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U040 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF THE BID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2002
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 32.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLIND GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.31.108, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,777.36 ($500.52 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

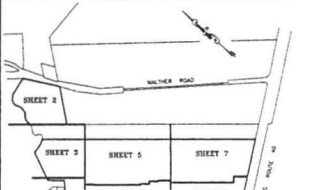
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL, PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE, PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION, AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker, COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [illegible], COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 324-0229 © FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME	REC-COVER.DWG
DATE: 5-24-04	CONN. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
PETRUZZELLI DENNIS & JACQUELINE	1004310858	207 ANITA CT.	973-222-4312	Yes	Dennis Petruzzelli Jackie Petruzzelli

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA : 130.29 +/- ACRES
2. EXISTING ZONING : S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE GENERATION FOR THIS PROJECT, BASED UPON ESTIMATED 3.4 PERSONS/UNIT AND 150 GPD/PERSON = 107 LOTS + COMMUNITY CENTER 45 x 450 GPD + 1,610 GAL/D = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 : 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PRIVATE RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	= 2.64 ± AC.	2.0%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	0.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE PROJECT DATUM AND 88 TO THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM AND 88 TO THE FEMA DATUM, MOVE 29. 98 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SWISION 40.10.330 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200402231-1 (NAP12 NAP14) GRANTED BY THE U.S.A.C.O.E. (CORPS) ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 2 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SWISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING AT PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ENTIRE MAIN STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A PEDACE FOR FAMILY FARM, LLC, DATED 11-12-04 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT 20041201-0183179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20' OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES IN TOWNHOUSES (7) HEREBY DEDICATED TO THE PUBLIC TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT NO UTILITY COMPANY OCCUPYING SAID EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2.288± AC.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 355± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS TO THE SATISFACTION OF THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO RESPONSIBILITY WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 50%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DIA) = 2.21± ACS./23.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS / MIN. REQUIREMENTS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' & END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	1' @ 8'	0'.8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,300 SF	3,600 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS. 50%
    PROPOSED WRPA IMPERVIOUS DISTURBANCE = 0.84 ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL ON STREET SIGNS, SUBJECT TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE PROPERTY. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE ABNORMALITIES OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPROVE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

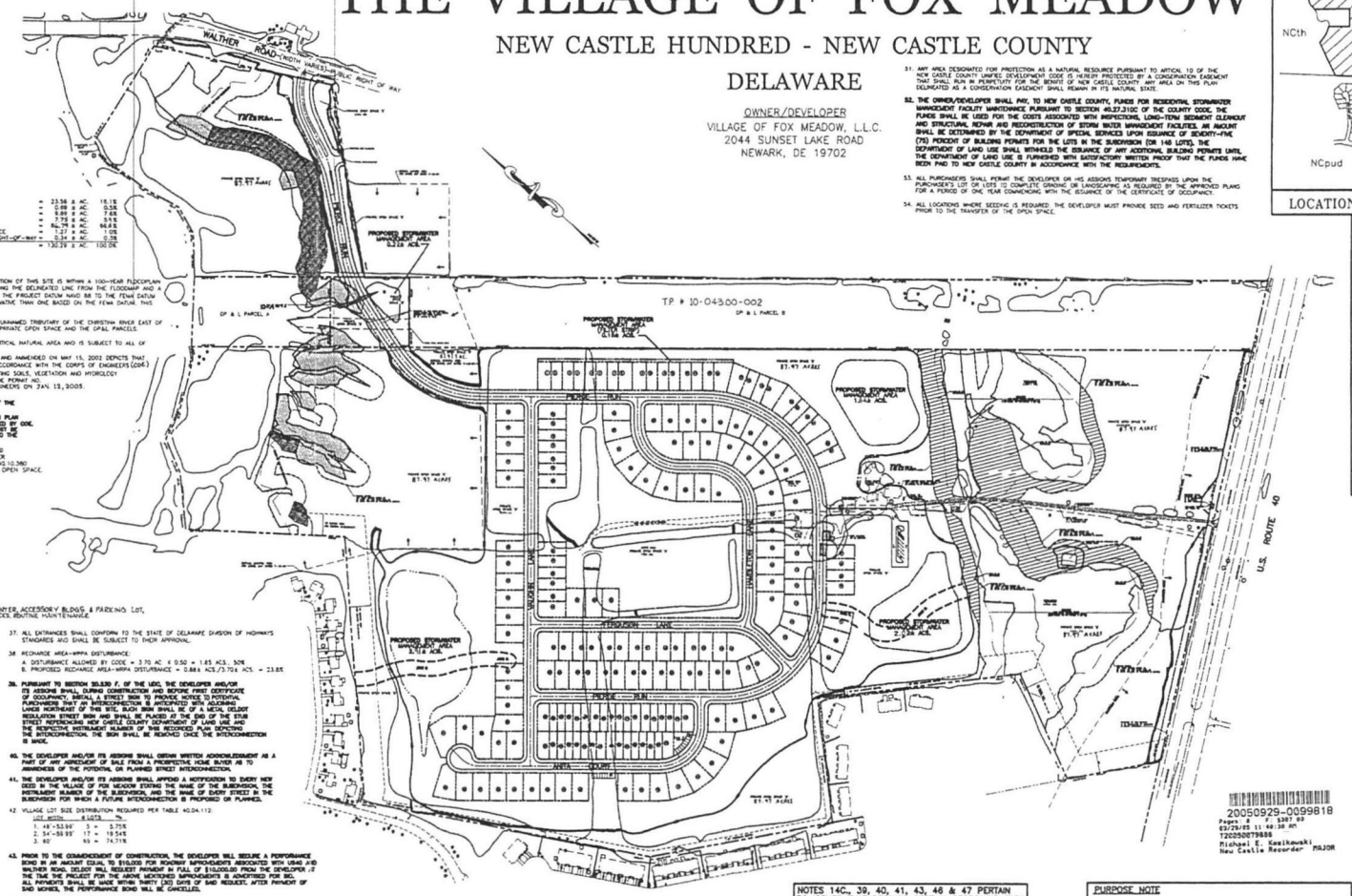
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

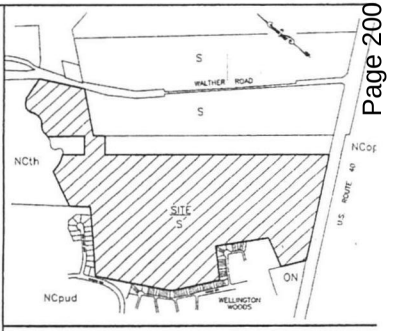
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELAY WILL RESULT PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER. IT IS THAT THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2100, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($808.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THESE USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.57±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

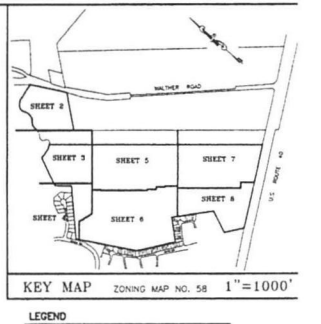
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE REGULATORY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN IMPLEMENT.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ DATE

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #569 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY Charles L. Baker, DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY _____, COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE (302) 323-9577 © FAX (302) 323-9412

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200' — DRAWN BY: ERF/JAV/TJS/KBK
DESIGNED BY: FTP/JAV — CHECKED BY: F.T.P. — DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04 — COMM. NO.: C 853-2 — FILE NO.: 039 — SHEET NO.: 1 of 8

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09/29/05 11:40:30 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

D.P. 10/11/23
JP 10/11/23

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Herman Carolyn Pettinaro III	1004310887	400 Pierce Run Village of Fox Meadow	302-218-3573	Yes	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.29 +/- ACRES
EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & D.B. 668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINDS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAD 83
BENCHMARK: PK. NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 80.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO THE HOUSING UNITS CONSTRUCTED ON THIS SITE.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 UNITS + 250 GPD/UNIT + 107 UNITS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED UNITS: 194
A. REQUIRED PER TABLE 04.130 = 4 = HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 35	=	17.9%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

1. SUBDIVISION LAND USE

LOT AREA	= 23.56 ± AC.		18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.		0.7%
PRIVATE RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.09 ± AC.		7.0%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.		5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 38W AREAS)	= 92.79 ± AC.		66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.37 ± AC.		1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.		0.3%
TOTAL	= 130.29 ± AC.		100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.424 AC.

2. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY

B. 0.023± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 13, 2005.

6. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN (SHOWN ON SHEET 7 OF 8) AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 15%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5.5 %

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., INC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PERIMETER BUFFERS, GREENWAYS, VISITING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0031179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE RIGHT-OF-WAY OF A PUBLIC STREET. WHERE SUCH SEWERS ARE LOCATED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT AND THE PERFORMANCE GUARANTEES INCORPORATED THEREIN THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 1X OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION, AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 93.81± ACRES OR 72.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, STRAIGHTAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 5,288± L.F.
VARIABLE WIDTH (51' TO 133' RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO BE DEDICATED AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./23.98± ACS. = 9.4%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800± S.F. & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES	TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.	
SIDE YARD:	1 @ 5'	0'/8' @ END UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,500 SF	3,600 SF	
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)	
LOT WIDTH:	48'	36'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE: 0.86± AC./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS WHERE A FUTURE STREET EXTENSION IS SHOWN. SUCH SIGN SHALL BE OF A METAL, ROLLOUT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DESCRIBING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUILDER OF THE AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO ENSURE HOW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	% LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&HO AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF BOND MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.83 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($500.83 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBMITTED TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREAS:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

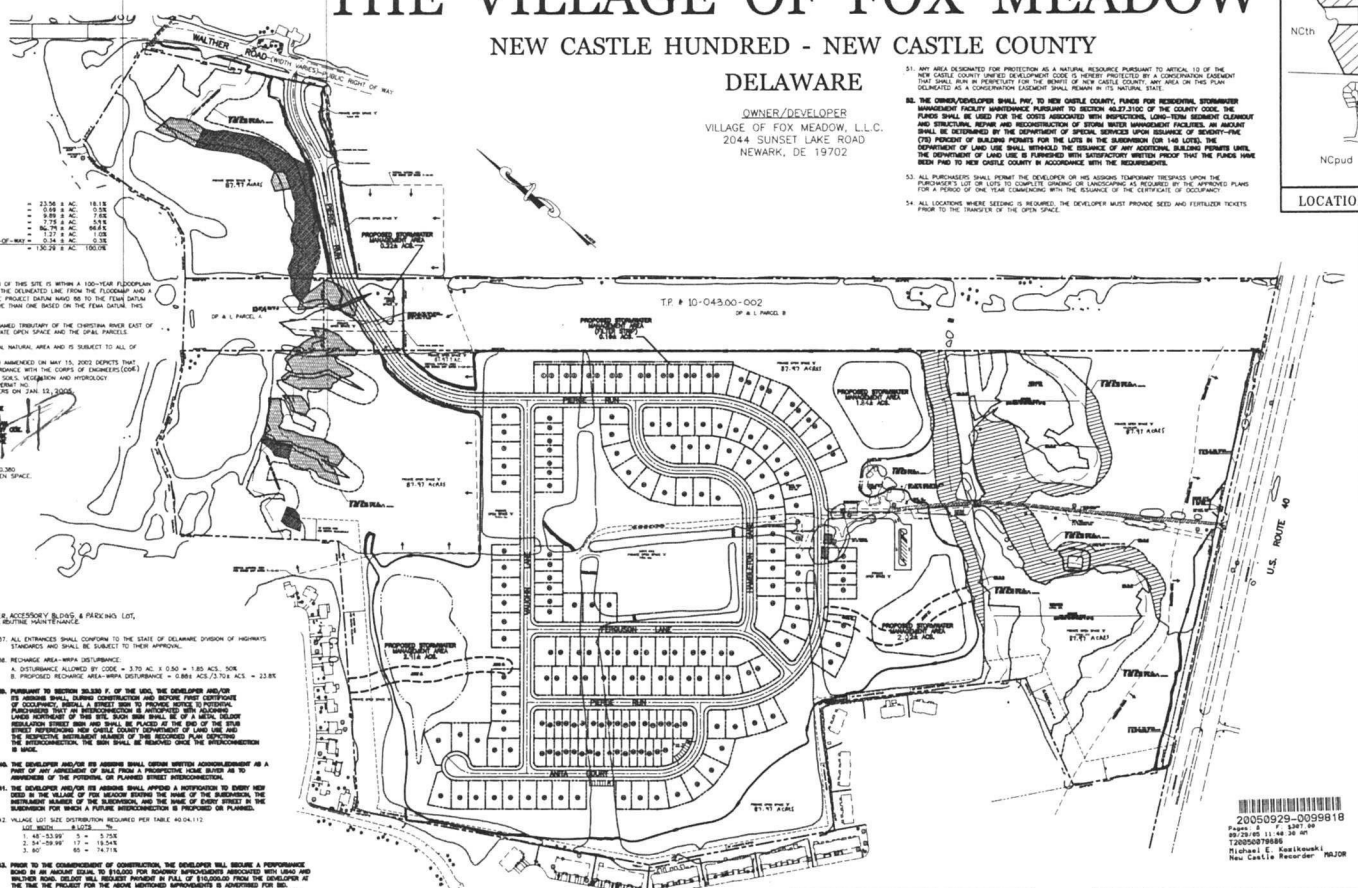
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

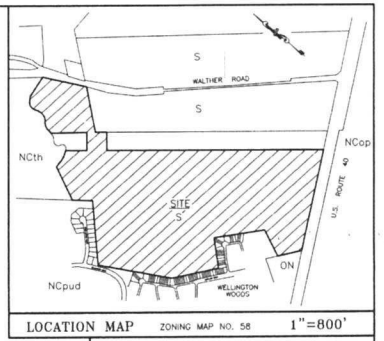
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

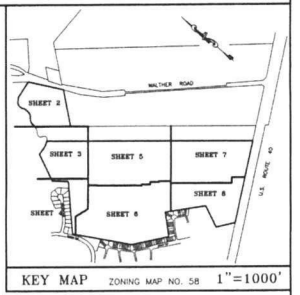
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE RESIDENT COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO IMPLEMENTED

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Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/28/05 BY Charles L. Baker
DATE SENIOR MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS Q SUITE 301 Q NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 Q FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Cornelius & Mary Phillips	429	Pierce Run Newark DE 19702	302-834-8386	Yes	Mary E. Phillips

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040809-0050393 & 0179-068
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
6. DATUM: NAD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
7. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
8. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS PROPOSED DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE ADEQUATE SEWER CAPACITY. A CAPITAL DEVELOPMENT AGREEMENT OR IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 26,100 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
9. NUMBER OF PROPOSED LOTS: 194
10. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
    B. MAXIMUM % OF ANY TYPE = 45
    C. MINIMUM % OF ANY TYPE = 10
    10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.76 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DB&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM TO THE FEMA DATUM, NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY
    B. 0.9284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ON SHEET 2 OF 3 AND SHEET 3 OF 8 AND MUST BE COMPLETED AND APPROVED BY THE COE PRIOR TO THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, WHICHEVER IS GREATER, SHALL BE GRANTED TO NEW CASTLE COUNTY FOR ALL STORM SEWER AND SANITARY SEWER PIPES LOCATED OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0156379.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY ESTABLISHED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,988± L.F.
    VARIABLE WIDTH (51' TO 157') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR AREAS DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
    1. MATURE (DNA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DNA) = 2.25± AC./23.98±AC. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE	MEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	15'/20' TO PKG. 0'/8' @ END UNIT	12'	
SIDE YARD:	0	25	
REAR YARD:	20	25	
LOT AREA:	1,800 SF (MIN.)	4,800, & 6,000 SF	
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	N/A	

	FEE SIMPLE TOWNHOUSES	VILLAGE	MEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.	
SIDE YARD:	0 @ 8'	0',8' @ END UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,500 SF	3,600 SF	
BUILDING HEIGHT	38' (MAX.)	40' (MAX.)	
LOT WIDTH:	45'	36'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 [illegible] MUST BE CHRONOLOGICAL WITH A NOTARIZED AND FULL SIGNATURE ON THE FIRST PAGE.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.84± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, DIRECTLY SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL OBJECT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

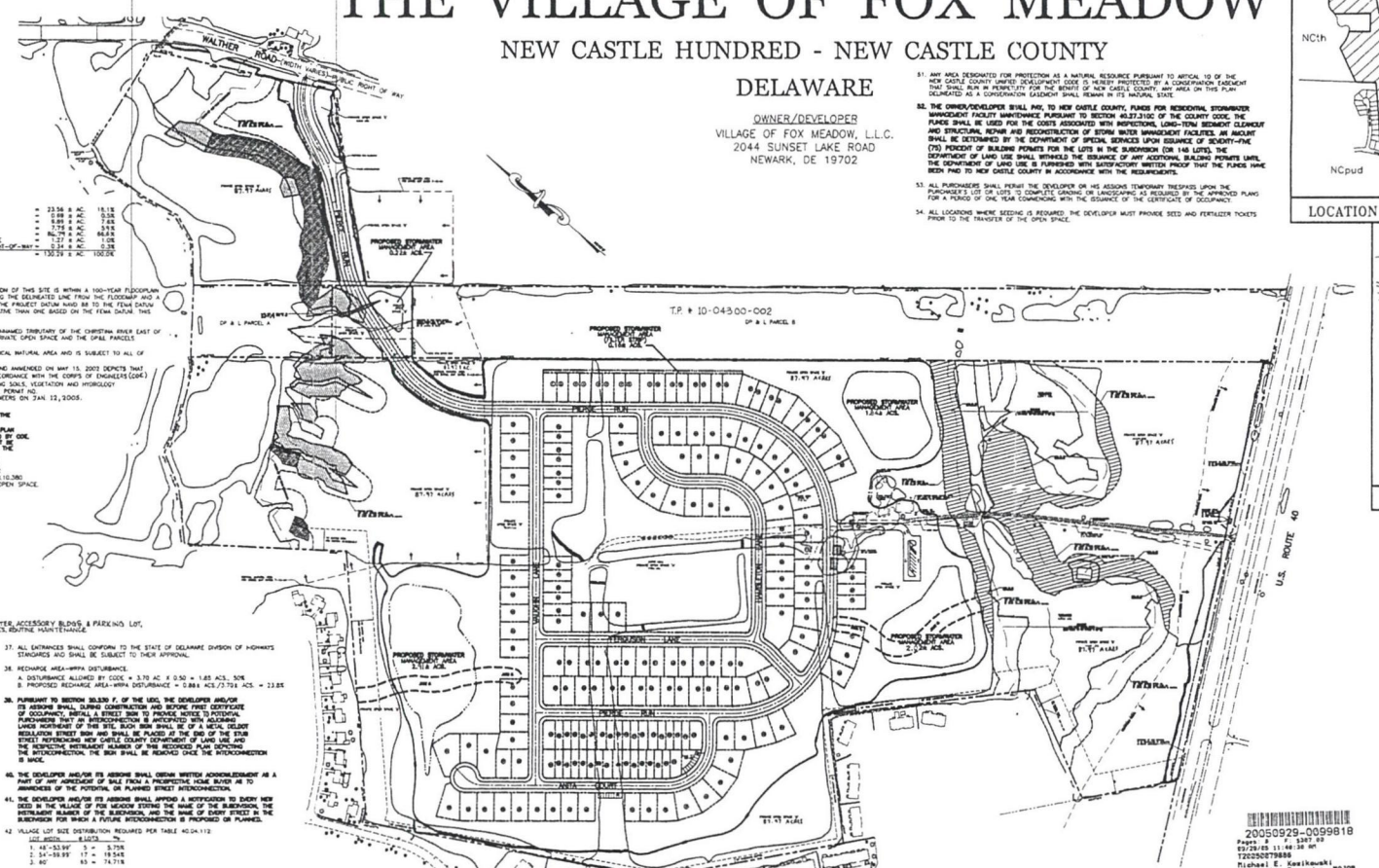
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.70%
2. 54'-59.99'	17 =	19.54%
3. 60'	93 =	74.71%

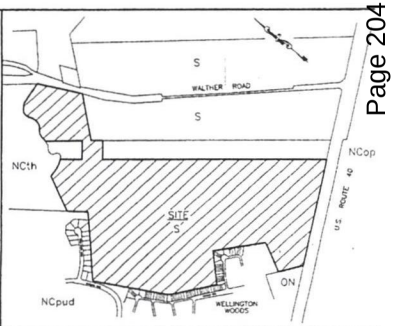
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND SHALL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. [illegible] MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW AMOUNT PLUS $24,375.38 ($500.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-USE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA (OPEN SPACE AND COMMON AREA) AND OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REDUCT OF THE LOT WIDTH REQUIREMENT FOR D'BAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ± ACS.	0.06 ± ACS.	0.14 ± ACS.	0.32 ± ACS.	87.50 ± ACS.
STORMWATER MANAGEMENT AREA:	–	7.75 ± ACS.	–	–	–	7.75 ± ACS.
PAVED AREA:	–	0.45 ± ACS.	0.03 ± ACS.	–	–	0.48 ± ACS.
BUILDING AREA:	–	0.08 ± ACS.	–	–	–	0.08 ± ACS.
TOTAL:	7.29 ± ACS.	87.97 ± ACS.	0.09 ± ACS.	0.14 ± ACS.	0.32 ± ACS.	95.81 ± ACS.

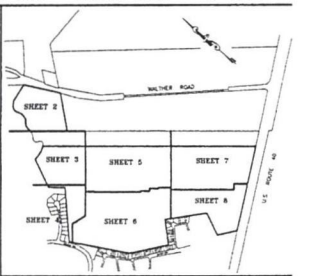
TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS), THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 20 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Pages: 8 # 5387.02
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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #348 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker, GENERAL MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature], COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

This drawing does not include necessary components for construction safety.
All construction must be done in compliance with the occupational safety and health act of 1970 and the rules and regulations thereto applicable.

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 325-8577 © FAX - (302) 323-9462

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME	REC-COVER.DWG
DATE: 5-24-04	CONN. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Bruce Plapinger Karen Achterman	161? Unable read map	447 Pierce Run	302-838-2166	YES	Bruce Plapinger Karen Achterman

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER

VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 19-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 6470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

a. VILLAGE	=	87	= 44.8%
b. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
c. TWINS	=	34	= 17.5%
d. SINGLES	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.85 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	6.78 ± AC.	5.2%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	80.73 ± AC.	56.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.24 ± AC.	0.2%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM AND TO CONVERT FROM THE FLOODMAP DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CURRENT (CODE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED AN ESTIMATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. "STEEP" SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PERPETUITY, BUFFERING, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE OBLIGATION BY ALL PARTIES FOR THE VILLAGE OF FOX MEADOW, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040506-0050394 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF ANY DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY: 8,588± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE CONSTRUCTION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. (THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR STREETS WITHIN THE RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CNA) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15/20 to PKG.	12'
SIDE YARD:	10' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15/20 to PKG.
SIDE YARD:	1 @ 8'	0' & 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	1,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	18'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.75± ACS. = 23.5%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, DELIVER TO THE PLANNING DIRECTOR A DEVICE TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY AND EASTERLY. SUCH DEVICE SHALL CONSIST OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

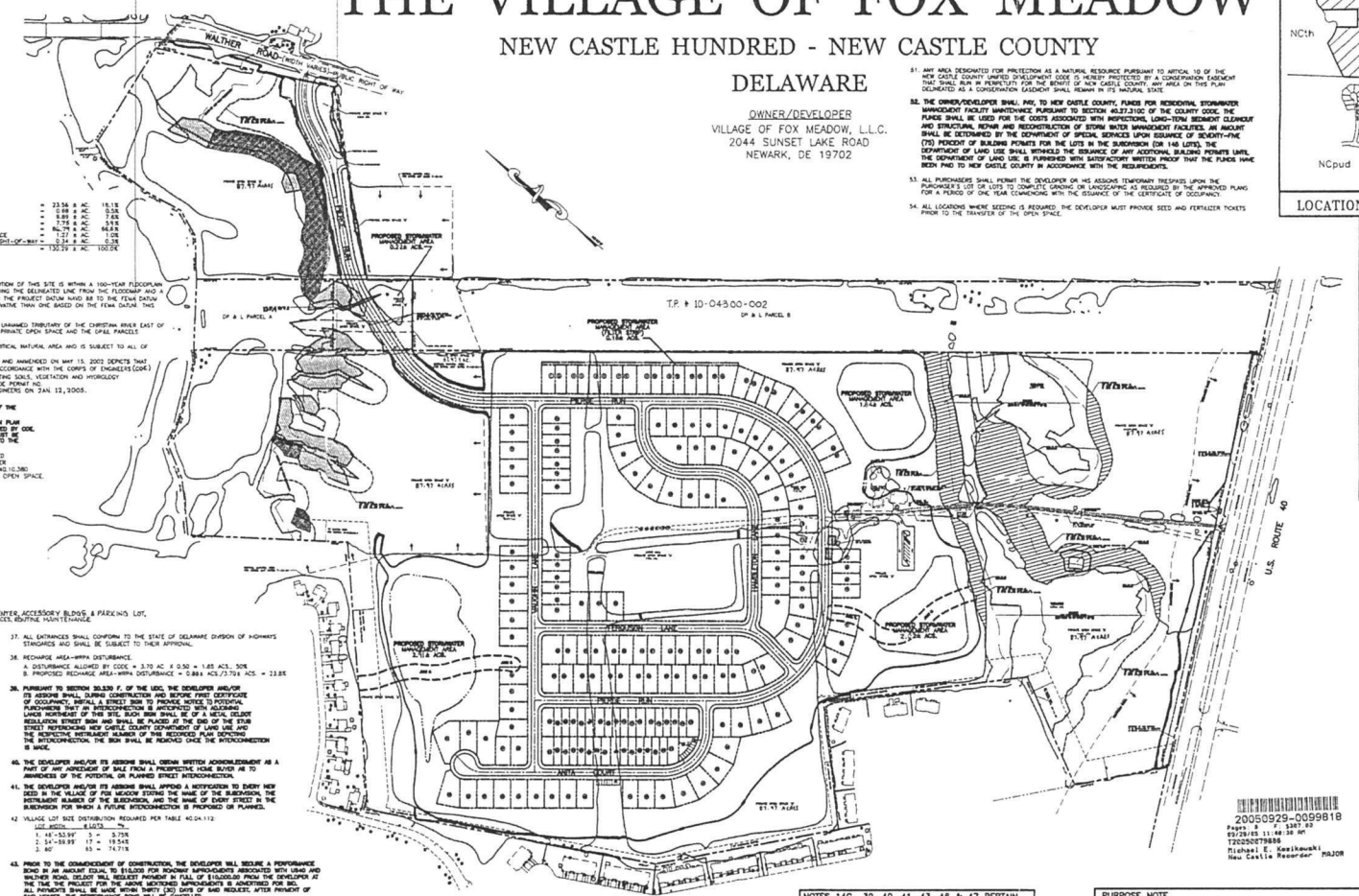
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

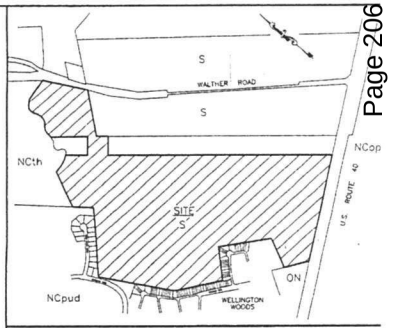
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USRO AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,779.38 ($808.62 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REUSE OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.11±ACS.	0.32±ACS.	81.27±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.11±ACS.	0.32±ACS.	95.81±ACS.

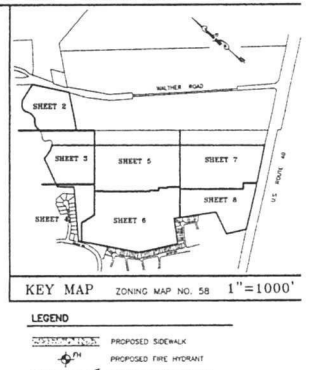
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

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Pages: 8
Fee: $287.00
09/29/05 11:40:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____ — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #560 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY _____ DEPUTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY _____ COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 301 @ NEW CASTLE DELAWARE
PHONE - (302) 323-9077 @ FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DARRELL W. PRICE		252 ANITA CT	302-595-4789	YES	Darrell W. Price

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.29 +/- ACRES
EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

A. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0090363 & 0179-668
C. TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINDS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAD 88
BENCHMARK: PK NAIL FOUND 80 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.24
D. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
E. SEWER: NEW CASTLE COUNTY - GRANITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
AVERAGE DAILY FLOW GENERATED BY THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS × 300 GPD/LOT = 26,100 GPD
107 LOTS + COMMUNITY CENTER AT 4470 S.F. × 0.10 GAL/S.F. = 53,287 GPD.
F. NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

G. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 9.79 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 85.79 ± AC.	65.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.424 AC.

I. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE NGVD TO NAVD DATUM, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.0229± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12 NWP14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 12, 2005.

G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR ON PARCEL 'B' (SHOWN ON SHEET 1 OF 2) AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5 %

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING, & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0058179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE PROVIDED FOR ALL SEWER AND STORM SEWER PIPES NOT LOCATED IN DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES × 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 85.81± ACRES OR 13.5%

A 7' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE, SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE, SUBSEQUENTLY ESTABLISHED WITHIN THE AREA DESIGNATED ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY: 5,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ESTABLISHED TO PUBLIC USE SHOWN ON THIS PLAN SHALL TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 5'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.796 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS × 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE: 0.86± AC./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINST CERTIFICATE OF OCCUPANCY BEING ISSUED FOR A STREET SIDE TO PROVIDE NOTICE TO PURCHASERS THAT INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS WHERE THE STREET SIDE ENDS. SUCH SIGN SHALL BE OF A METAL SLLOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET. RECORDATION NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER OF HIS/HER AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIX A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED SUBDIVISION, AND THE NAME OF EITHER STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIMO AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR SIB. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **BUSH DWELLERS MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,776.35 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN COMMUNITY AMENITY AREA (OPEN SPACE) AND NATURAL AREA (OPEN SPACE). IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.79±ACS.	-	-	-	7.79±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

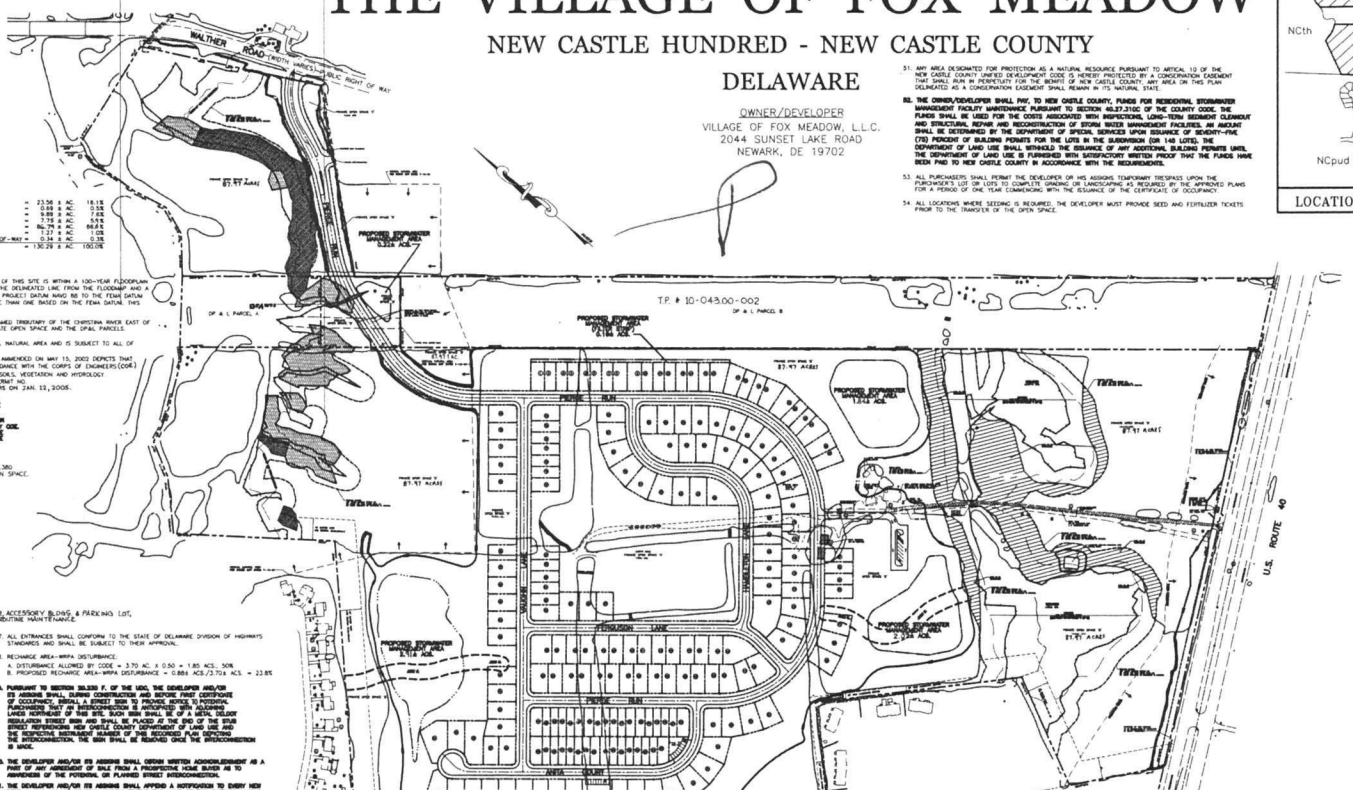
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SMITH'S BRIDGE ROAD
PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL 'A'
DP & L PARCEL 'B'
PROPOSED SUBDIVISION 6.316 AC±
PROPOSED SUBDIVISION 2.233 AC±
PROPOSED SUBDIVISION 2.818 AC±
PROPOSED SUBDIVISION 2.818 AC±
PROPOSED SUBDIVISION 2.233 AC±
PROPOSED SUBDIVISION 6.316 AC±
87.97 ACRES±
PIERCE RUN
PIERCE RUN BOULEVARD
FERGUSON LANE
WALKER LANE
ARIEL COURT
U.S. ROUTE 40
TW&TW
TW&TW
TW&TW

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Donna L. Price		430 Pierce Run	(610) 368-2606	(Yes)	Donna L. Price

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA - 130.29 +/- ACRES
EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE - INSTRUMENT NO. 20040508-0050383 & D.B. 668
TOPOGRAPHIC SURVEY

A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.

B. DATUM: NAD 88
BENCHMARK - PK NAIL FOUND 80 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION - 69.24

WATER: ARTESIAN WATER COMPANY

WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRANTY

SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 194 LOTS X 3.5 PERSONS/LOT = 679 PERSONS + 107 LOTS + COMMUNITY CENTER 400 GPD = 1,079 PERSONS X 100 GPD/P = 107,900 GPD

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	44.8%
B. WEAK-LINK TOWNHOUSES	=	41	21.1%
C. TOWNHOUSES	=	34	17.6%
D. TWINS	=	32	16.5%
TOTAL	=	194	100%

L. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.34 ± AC.	0.3%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.16 ± AC.	0.9%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED DECEMBER 8, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NOVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN THE ONE PLACED ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401131-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2006.

6. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS SHOWN ON SHEET 2 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 23/01, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE FRONT OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5.8%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible], AND RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 20' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE PERIMETER RIGHT-OF-WAY LINES OF STREETS. THESE ARE DEFINED AS THE PRIVATE STREETS OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE, 10 FEET ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, WHICH IS SUMMARIZED AND RECORDED THEREIN AS [illegible] AND RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE PROVIDED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THIS PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THOSE LOT LINES ALONG PUBLIC RIGHT-OF-WAY, IS HEREBY DECLARED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY - 3.98± AC.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY - 5.58± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. UNTIL SUCH TIME AS NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED PUBLIC RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DNA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0,18' @ END UNIT	4'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400 & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.	
SIDE YARD:	1 @ 5'	0' & 8' END UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,500 SF	3,600 SF	
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)	
LOT WIDTH:	48'	36'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.766 ACS., 50%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND ARE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA - MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA - MRPA DISTURBANCE = 0.886 ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 03.303 E. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, ESTABLISH AN ESCROW ACCOUNT TO PROVIDE EITHER 1.5% OF PURCHASEPRICE THAT IT DEMONSTRATION IS ANTICIPATED WITH ADJOINING LANDS OR $5,000 PER LOT, WHICH SHALL BE OF A METAL DELOOF REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET. UPON REMOVAL BY NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND ITS ASSIGNS SHALL PROVIDE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDED PLAN AND THE STREET STUB IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	% LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	9 =	10.34%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U&A AND WILDNER ROAD. DELOOF WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL BONDS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **BOTH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TIA/FTC IMPACT STUDY.

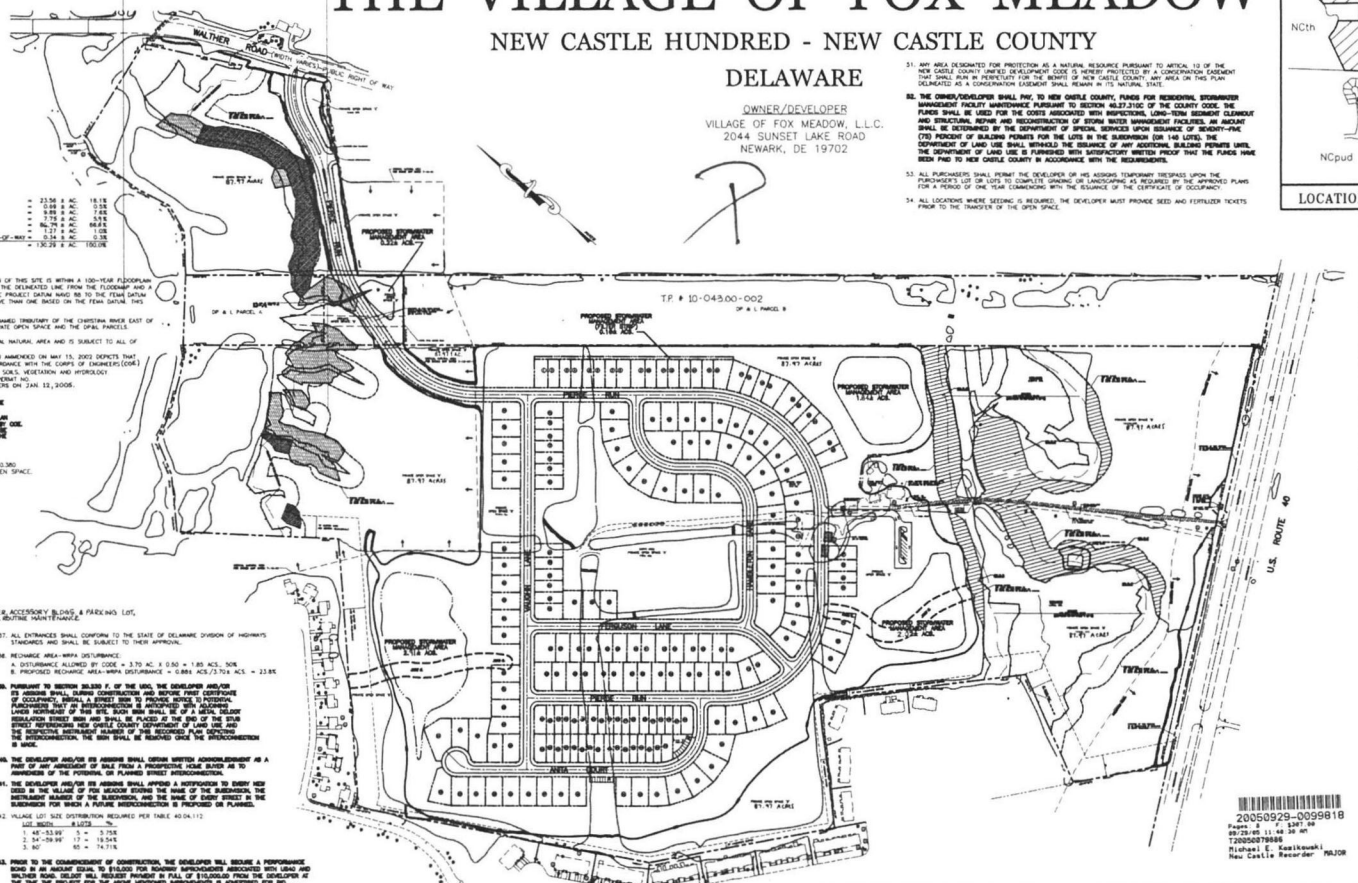
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

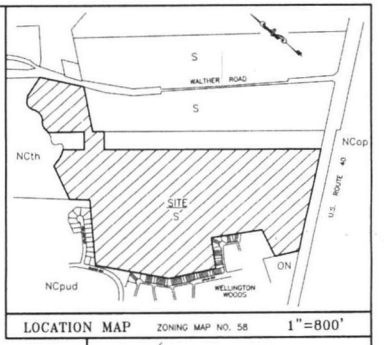
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

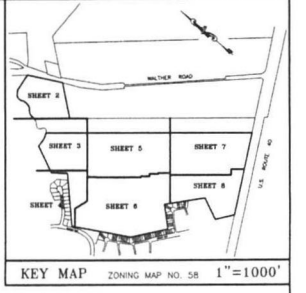
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

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Pages: 2 T. $287.00
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Michael E. Kanikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #566 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY [signature] DEPUTY MANAGER
DATE
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED 9/27/05 BY [signature] COUNCIL PRESIDENT
DATE
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
John Pulci Graceann Pulci	83	27 VAUGHN LN. NEWARK 19702	302-893-1129	YES	John Pulci Graceann Pulci

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: R-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0056393 & 979-068
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY MAGIS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 88
BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - UNITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT = 87 LOTS + 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 440 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = +3
C. MINIMUM % OF ANY TYPE = -10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 72.36 ± AC.	55.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 8.77 ± AC.	6.7%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 39th AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.34 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.24 ± AC.	0.2%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE (AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED FLOODPLAIN AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPEN SPACE PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SAVSION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP13, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 11, 2005.
C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SAVSION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO FORCE MAIN BOULEVARD, SIDEWALKS, MULTIPLE OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, ETC. THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 20' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS BUILDING LOTS, PRIVATE STREETS, ETC. EASEMENTS SHALL BE CREATED AS NOTED TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENTS AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0105879.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
A. EXISTING WIDTH (S): 33± FT. RIGHT-OF-WAY 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DIA) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (DIA) = 2.25± ACS./22.98± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/16' & END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	13'	N/A

	WEAK-LINK TOWNHOUSES	TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1' @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.284 AC./ 1.334 AC. = 19.8%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.284 ACS./3.704 ACS. = 23.8%
39. PRIOR TO RECORDING BLOCK 7 OF THE DEVELOPMENT AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE INTERSECTION OF WALTHER ROAD AND ATTINGTON LANE UNDER NORMAL TRAFFIC CONDITIONS EXISTING TRAFFIC VOLUMES WILL BE OF A METAL DELAY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PROVIDING FOR NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF EVIDENCE OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VICINITY OF FOX MEADOW EXISTING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

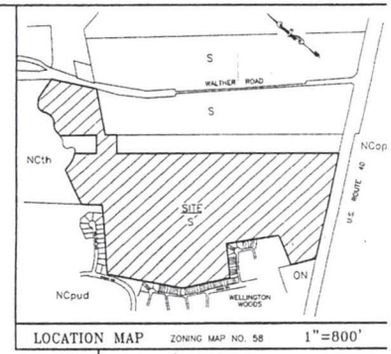
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LOAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A, PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

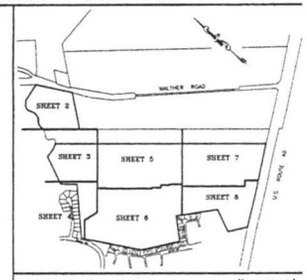
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.79±ACS.	–	–	–	7.79±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

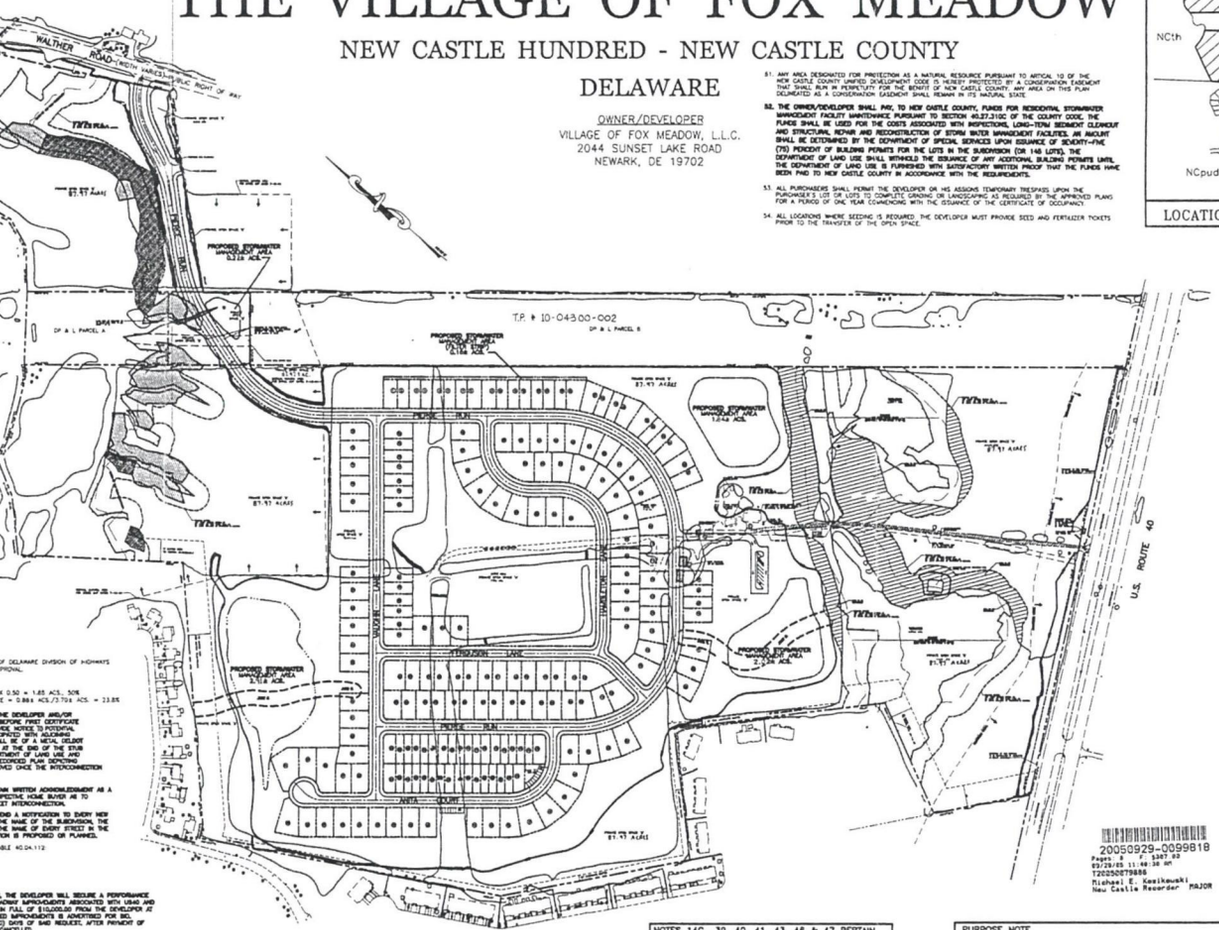
81. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
82. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75%) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
83. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
84. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'


WALTHER ROAD
U.S. ROUTE 40
T.P. # 10-043.00-002
DP & L PARCEL B
DP & L PARCEL A
PROPOSED STORMWATER MANAGEMENT AREA 2.18± AC.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± AC.
PROPOSED STORMWATER MANAGEMENT AREA 2.35± AC.
PROPOSED STORMWATER MANAGEMENT AREA 3.18± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.78± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.24± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.28± AC.
PROPOSED STORMWATER MANAGEMENT AREA 0.24

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Leonanda Angeline Quarles	1004310041	248 Anita Court Newark, DE 19702		yes	Angeline P Quarles

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.79-G68
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 48.34
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWER FLOW GENERATION FOR THIS PROJECT, BASED UPON
A. 194 LOTS @ 4 LOTS / 1 DWELLING UNIT = 777 LOTS + COMMUNITY CENTER AT 4470 S.F. = 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
A. # REQUIRED PER TABLE 04.130 = + HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.78 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON PARTS OF THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS (1989) AND THE ARMY CORPS OF ENGINEERS (2041) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
A. 0.0284± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 (AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
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18. STEEP SLOPES EXIST ON THIS SITE.
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2. PRECAUTIONARY = 30%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND RECORDED [illegible] AS INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' EACH SIDE OF THE CENTERLINE OF THE PIPE, WHICHEVER IS GREATER, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO 10' EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED, THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY = 2,088± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 358± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE CONSTRUCTION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES BEYOND THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. TREE DISTURBANCE
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (DM) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (DM) = 2.25± ACS./22.5%ACS. = 9.6%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	MEAN-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'-8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA - MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.75 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88 ± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONSTRUCTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND SHALL REMAIN IN PLACE UNTIL SUCH TIME AS THE STREET IS CONNECTED. THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

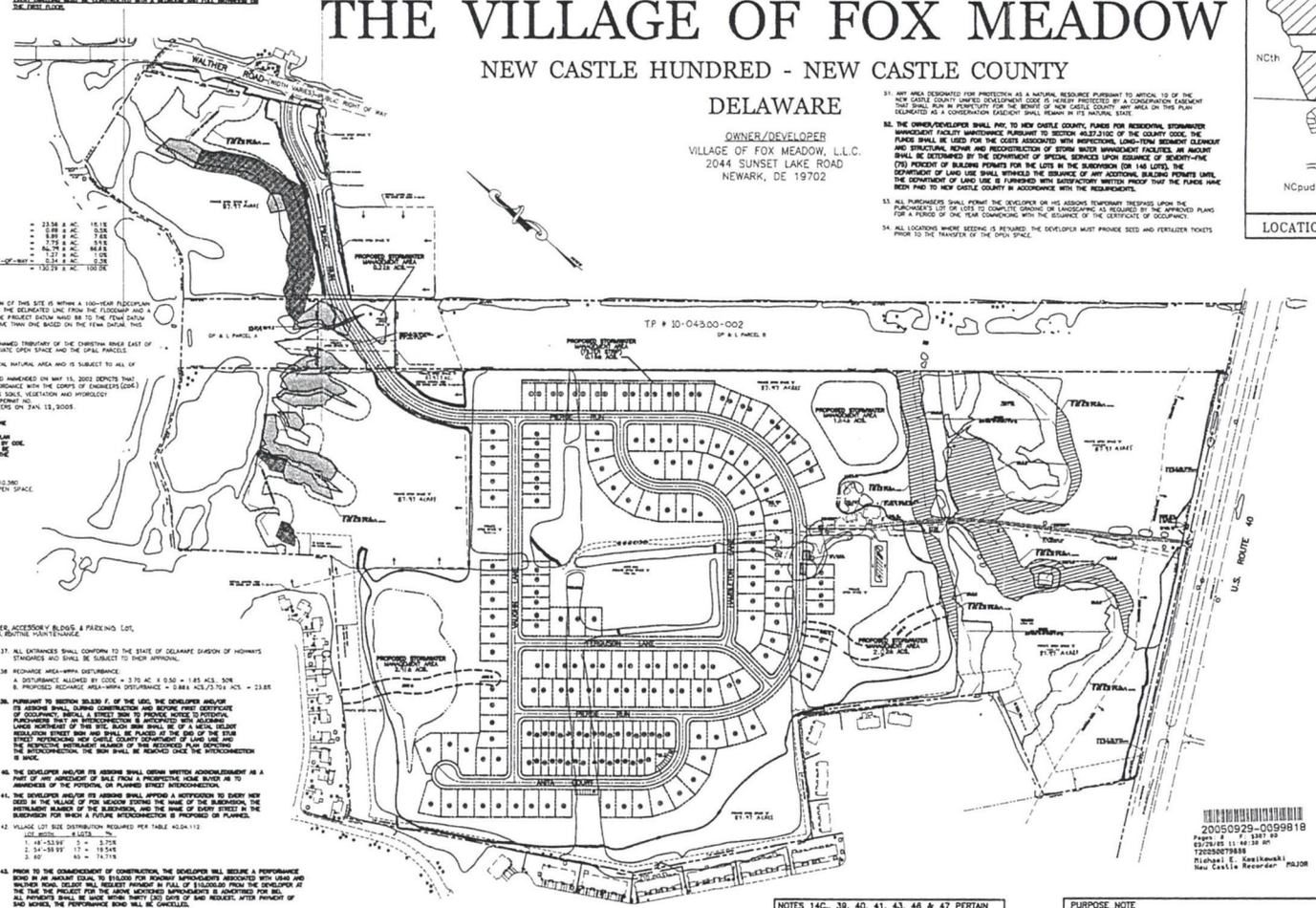
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	76.71%

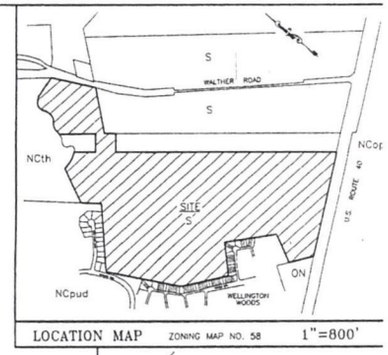
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAB AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **PLAN SHOWS 1.4/DU/BF AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310.B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRECEDES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.30±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.77±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEDIENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3102 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE HOUSEKEEP COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA MANUAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE

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Michael E. Kosikowski MAJOR
New Castle Recorder

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
MARIO B. CAPANO, MANAGING MEMBER — DATE 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
[illegible] — DATE

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
ARVIL E. COTTRELL, III, DE PLS #368 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED _____ DATE 9/29/05 BY [illegible] DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED _____ DATE 9/27/05 BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBH	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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APR

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Donald Ratledge	1003830197	11 Vaughn Lane Newark DE 19702	302-545-0547	Yes	

YES

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 0179-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY MINGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. IT IS THE DEVELOPER'S RESPONSIBILITY TO ACCOMMODATE ENVISIONED FLOWS GENERATED BY THIS PROJECT. THE DEVELOPER IS RESPONSIBLE FOR CONSTRUCTING THE NECESSARY IMPROVEMENTS TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 305 GPD/UNIT + 871 LOTS + 250 GPD/LOT + 137 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 5 OF ANY TYPE = 45
   C. MINIMUM 2 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	61	= 31.4%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE 'AE' ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED CONNECTING THE DELINEATED LINES FROM THE FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 3.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. WETLAND COE PERMIT NO. COENP-OP-R-20040123-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. UNDER THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2003 AND APPROVED BY COE. THE WETLANDS MITIGATION PLAN AREA SHALL BE PLANTED AS PER THE PLAN AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE NRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983 REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE NRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 12, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE FINAL SITE PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3.31.05 AND RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0033179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PAVED AREAS OF PUBLIC STREETS, PRIVATE STREETS, PRIVATE DRIVES OR SIDEWALKS, THIS EASEMENT SHALL BE 20' OR 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 97.13± ACRES OR 73.5%
28. A 5' (FIVE) WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND, ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE. IT IS RECOGNIZED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,268± L.F.
    VARIABLE WIDTH (31' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (CHA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED
    1. MATURE (CHA) = 2.25± ACS./23.98±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.M.U. & 5,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG.
SIDE YARD	1 @ 8'	0',8' @ END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINAGE AREAS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. # 0.60 = 0.798 ACS. 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.284 AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. # 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.520 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A TEMPORARY TURN-AROUND TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF THE POSSIBILITY OF THE EXTENSION OF THE ROAD TO THE NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL OR SIMILAR DURABLE MATERIAL AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERLARDIT SUBDIVISION NAME AND RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

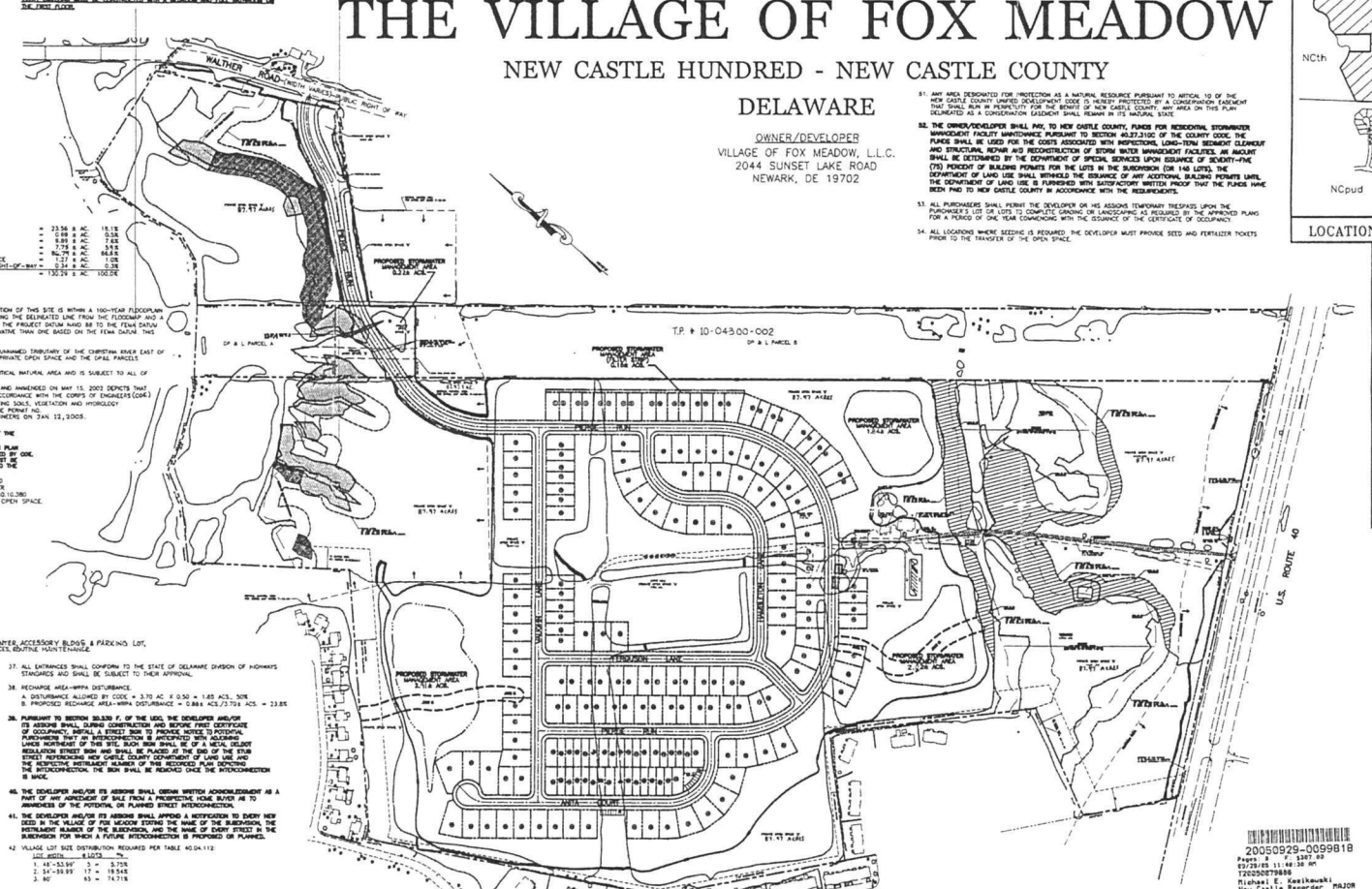
LOT SIZES	%
1. 4.5-5.9 SF	5 - 5.75%
2. 5.9-7.9 SF	17 - 19.54%
3. 8+ SF	65 - 74.71%

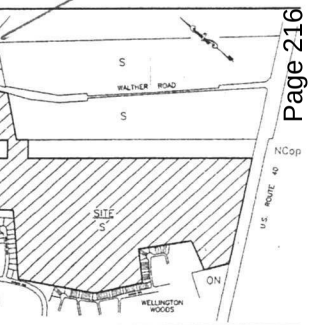
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BILLING AND RECEIPT. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF LOD TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSIDERABLE DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.73±ACS.	–	–	–	7.73±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

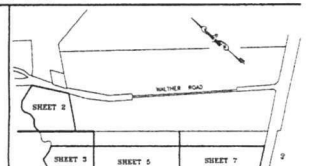
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS), THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TOKENS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY Charles L. Baker, GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [illegible], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 201 @ NEW CASTLE, DELAWARE
PHONE (302) 323-9377 @ FAX (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
COMM. NO.	C 853-2	FILE NO.	039
SHEET NO.	1 of 8		

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11 Vaughn Lane votes → Yes Donald S. Ratledge

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Barbara A. Rieke		4 Vaughn Ln	302-834-7231	Yes	Barbara A. Rieke

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0006383 & D79-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 30' +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.24
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER CAPACITY FOR THIS DEVELOPMENT. AS PART OF THE LAND IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 27 LOTS = 750 GPD/ACRE x 107 LOTS = COMMUNITY CENTER AT 4470 G.P. x 0.10 GAL/S.F. = 53,267 GPD.
NUMBER OF PROPOSED LOTS: 184
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.8%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

L. SUBDIVISION LAND USE:

LOT AREA	=	73.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	85.41 ± AC.	65.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WIDE PUBLIC RIGHT-OF-WAY	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WIDE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF (PAR.) PARCEL 'A' = 3.804 AC.
PARCEL 'B' = 17.404 AC.

A. ITEM MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE EFFECTIVE LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NAVD 29, 0.6 FT WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED IN ACCORDANCE WITH INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 11, 2005.

C. ENSURE THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED SEPTEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 7 AND MUST BE COMPLETED BY THE DEVELOPMENT OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 4, DATED 1983, REVISED MAY 2301, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 5-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050601-0041179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 30' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CENTERED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAINAGE PIPE IS LOCATED OUTSIDE OF THE RIGHT-OF-WAY LINES OF DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PLAN-DRAWING AGREEMENT (PDA) ENTERED INTO THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2001004-0006383.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 16 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS EXAMINED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 2,258± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DNA) = 2.25± AC's./23.84± AC's. = 9.4%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	15'
SIDE YARD:	0',16' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	40' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	20'
LOT AREA:	4,500 SF	2,600 SF
BUILDING HEIGHT:	30' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	26'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 184 LOTS = 1.84 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 DURING SHELLING, MUST BE COMMUNICATED WITH A NOTATION AND SHALL BE INCLUDED ON THE FINAL PLANS.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.886 ACS./3.704 ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DISARM CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE IS POTENTIAL PURCHASERS THAT ANY CONSTRUCTION IS AUTHORIZED UPON OLDMANS LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION SIGN AND SHALL BE PLACED AT THE END OF THE MAIN STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE DEVELOPER/BUILDER. THE SIGN SHALL BE REMOVED ONLY AFTER THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE ADJACENT AGRICULTURAL OPERATIONS.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRAISE A NOTIFICATION TO EVERY NEW BUYER IN THE VILLAGE OF FOX MEADOW STATING THAT THE PROPERTY IS WITHIN THE METROPOLITAN BOUNDARY OF THE SUBDIVISION, AND THE SIGN OF EVERY STREET IN THE SUBDIVISION WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	2.75%
2. 54'-59.99'	17 =	19.34%
3. 60'	85 =	79.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $160,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LANA AND WALTHER ROAD. COLLEGE WILL REQUEST PAYMENT IN FULL OF $160,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BIDS RECEIVED, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CONSTRUCTION OF OPEN SPACE AMENITIES. WHEN THE TOTAL IN THE ESCROW ACCOUNT REACHES $50,000.00, THE ESCROW MONEY SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $54,776.00 ($500.00 X 0.48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 41.16. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

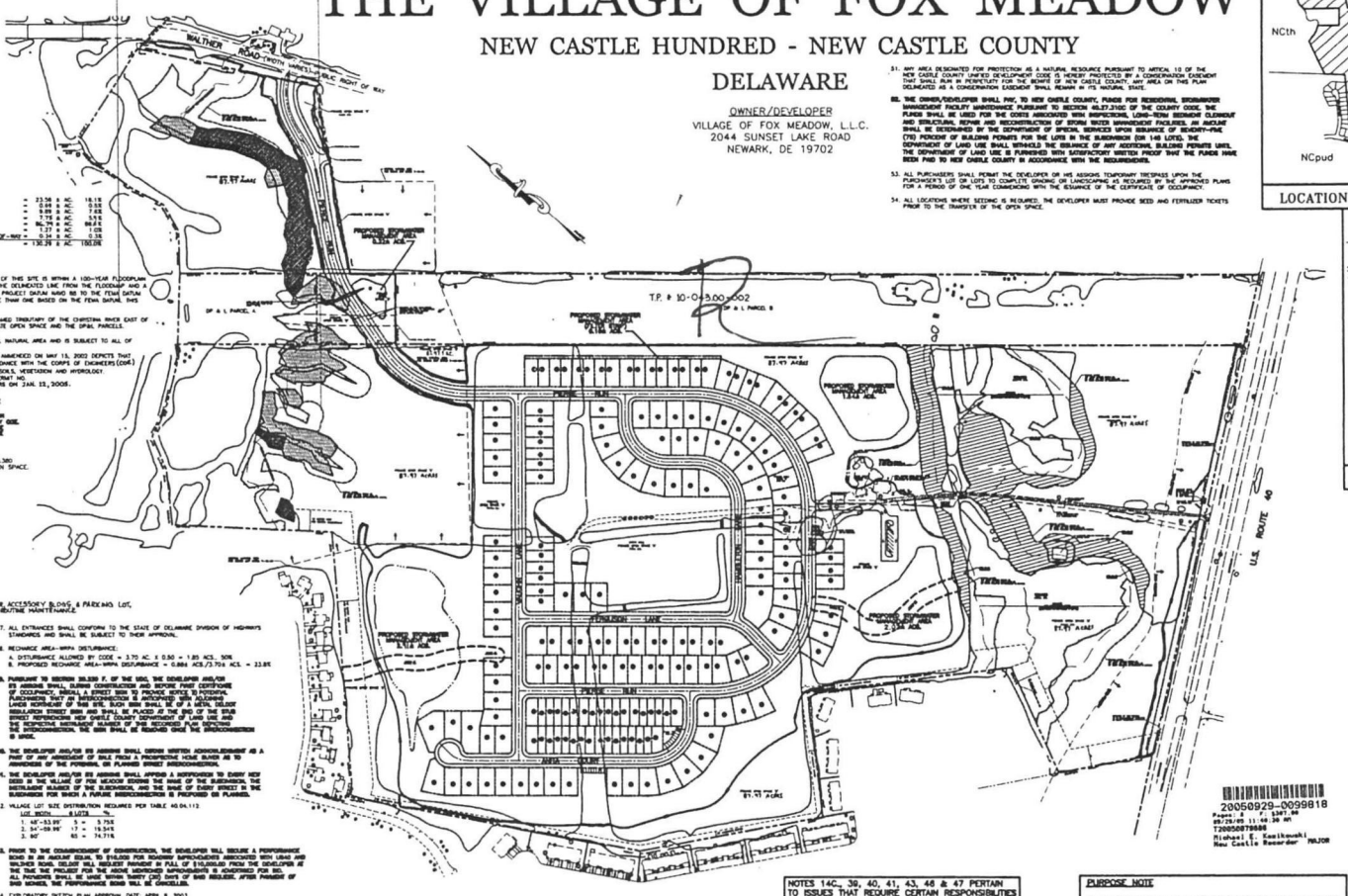
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SMALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.11±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.11±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
LANA DRIVE
PIERCE RUN
PIERCE RUN BOULEVARD
EXPLOSION LANE
T.P. # 10-043.00-002
T.P. # 10-043.00-003
U.S. ROUTE 40
TYP.
PROPOSED ENTRANCE WIDTH 72' R/W
PROPOSED ENTRANCE WIDTH 51' R/W
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND AREA
PROPOSED BOCCE COURT
PROPOSED GAZEBO
PROPOSED PICNIC AREA
PROPOSED BASKETBALL COURT
PROPOSED SHUFFLEBOARD COURT
PROPOSED HORSESHOE COURT

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Janet Russell	10-043 10-859	205 Anita Ct.	302-584-0386	Yes	Janet Russell

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 979-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY IMAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS SITE. THERE IS A LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT THAT STATES THAT THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 1470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 + + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 5
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.81 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF OPAL PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PREVIOUS DATUM (NGVD 29, 0.8 FT WOULD BE ADDED). MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM THIS LINE IS REPRESENTATIVE OF THE SHOWN ON THE FEMA PANEL.
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13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
   B. 0.0293 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401311-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
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15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DEL. SHEET 2 OF 3, DATED 1983, REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS THEREFORE SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
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      2. PRECAUTIONARY - 50%
   B. PROPOSED STEEP SLOPE DISTURBANCE
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19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
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21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIGNS SITTING OPEN SPACES, ENTIRE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE AGREEMENT BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106778.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON VILLAGE AT CHRISTIAN CROSSING PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED FOR THE PURPOSE OF PUBLIC UTILITIES AND DRAINAGE.
   WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   50' RIGHT-OF-WAY = 2,781 L.F.
   VARIABLE WIDTH (51' TO 78') RIGHT-OF-WAY: 5554 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (CNA) = 15%
      2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
      1. MATURE (CNA) = 2.25± AC/22.98± AC. = 9.8%
      2. 0% (NONE) ON SITE.
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0', 18' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0', 8'	0', 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
   B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
   EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL INSTALL CONSTRUCTION SIGNS BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF THE POTENTIAL FOR PLANNED STREET INTERCONNECTION. THE DEVELOPER AND/OR ITS ASSIGNS SHALL ALSO INSTALL A PERMANENT WITH REFLECTIVE LEGEND REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET FOR FUTURE ROADWAY CONNECTION. THE SIGN SHALL BE INSCRIBED WITH THE FOLLOWING LEGEND: "ROADWAY TO BE EXTENDED IN THE FUTURE" AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE LOCATION OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

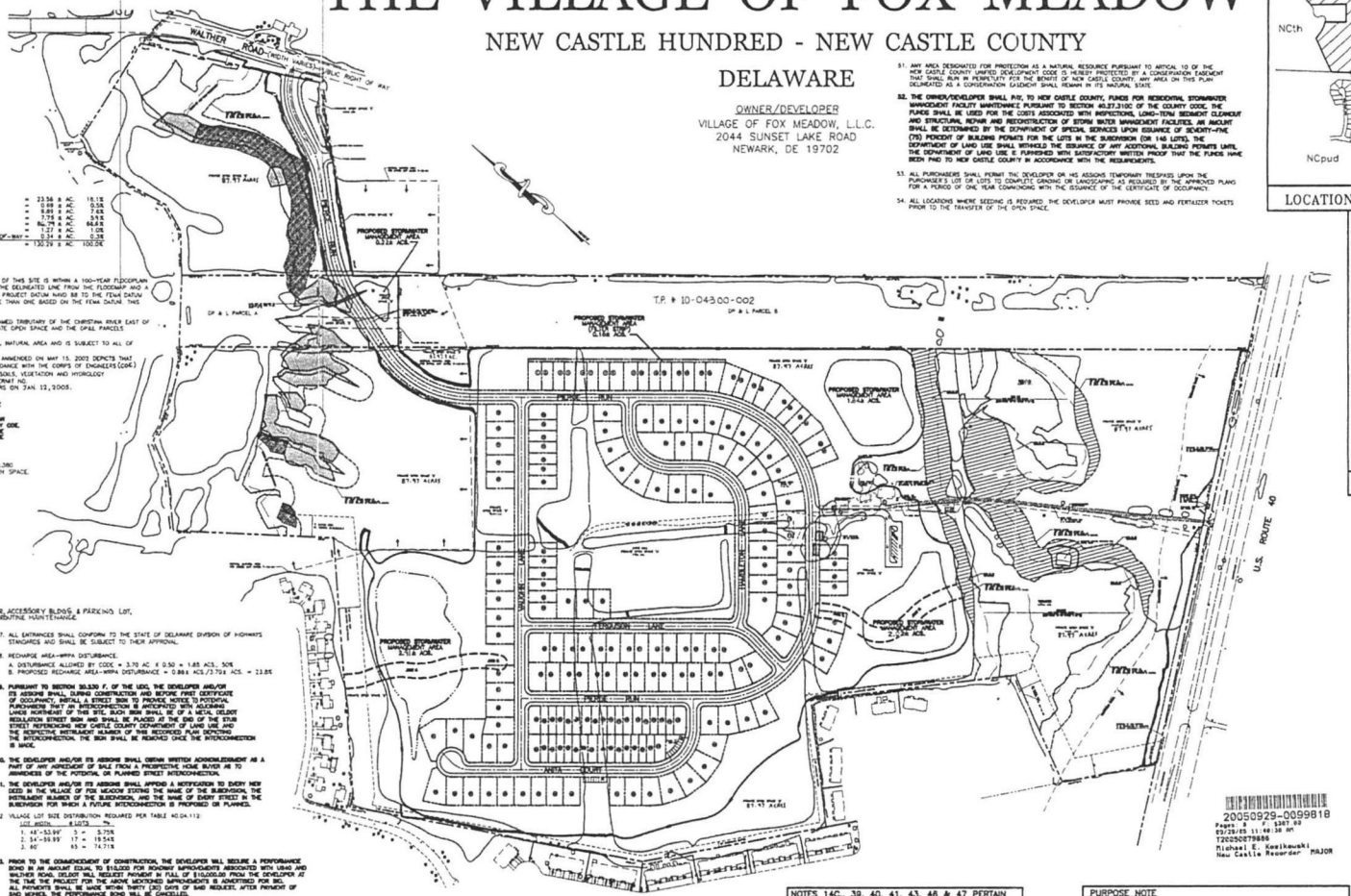
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

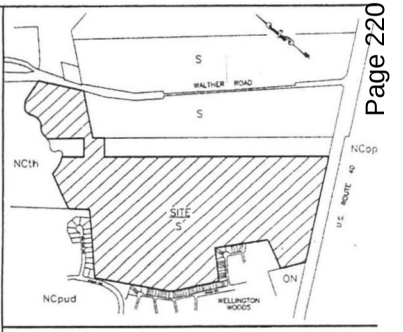
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE RELEASED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $8000.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 59.2.100, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($8008.85 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA, OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

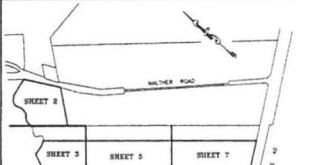
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±AC.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY
DATE COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS Q SUITE 301 Q NEW CASTLE, DELAWARE
PHONE - (302) 323-9577 Q FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	RED-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. G39	SHEET NO. 1 of 8

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JR

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Cheryl S. Sadeghee Trustee	1004310904	445 Pierce Run Village of Fox meadow	302-743-2781	Yes	Cheryl S. Sadegh

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0056393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WADE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWERAGE SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT AND THE PERFORMANCE GUARANTEE BETWEEN THE COUNTY AND THIS PROPERTY. ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 40
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.37 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0214 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD INSURANCE STUDY. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. MONMOUTH COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP14, NWP16) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
       1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
       2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED BY THE END OF THE GROWING SEASON FOLLOWING THE DATE THAT THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS ASSOCIATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2201, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 25
       2. PRECAUTIONARY - 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE OBLIGATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS RPC LOTS, PRIVATE STREETS, OPEN SPACE, ETC., THE EASEMENT SHALL BE 20' IN WIDTH, 10' TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 65.154 ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED BY THE RECORDING OF A SUBDIVISION PLAT, OTHERWISE NOT SHOWN ON THIS PLAN, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PARTICULARLY SEWER, WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    SHARED ACCESS DRIVE: 0.03 MILES
    AVAILABLE WIDTH (51' TO 151') RIGHT-OF-WAY: 5584 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CNA) = 15%
       2. YOUNG = 80%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS / MIN. REQUIREMENTS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	25'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	0' & 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE 1.32 AC. X 0.60 = 0.792 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.88± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 4.110.E OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF LOTS WHERE THE PAVEMENT ENDS TEMPORARILY. SUCH STREET SIGNS SHALL BE TO STATE SPECIFICATIONS, SHALL BE OF 6" X 18" METAL RELIEF REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET TERMINUS. THE DEVELOPER SHALL CONTACT THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY DEED ISSUED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

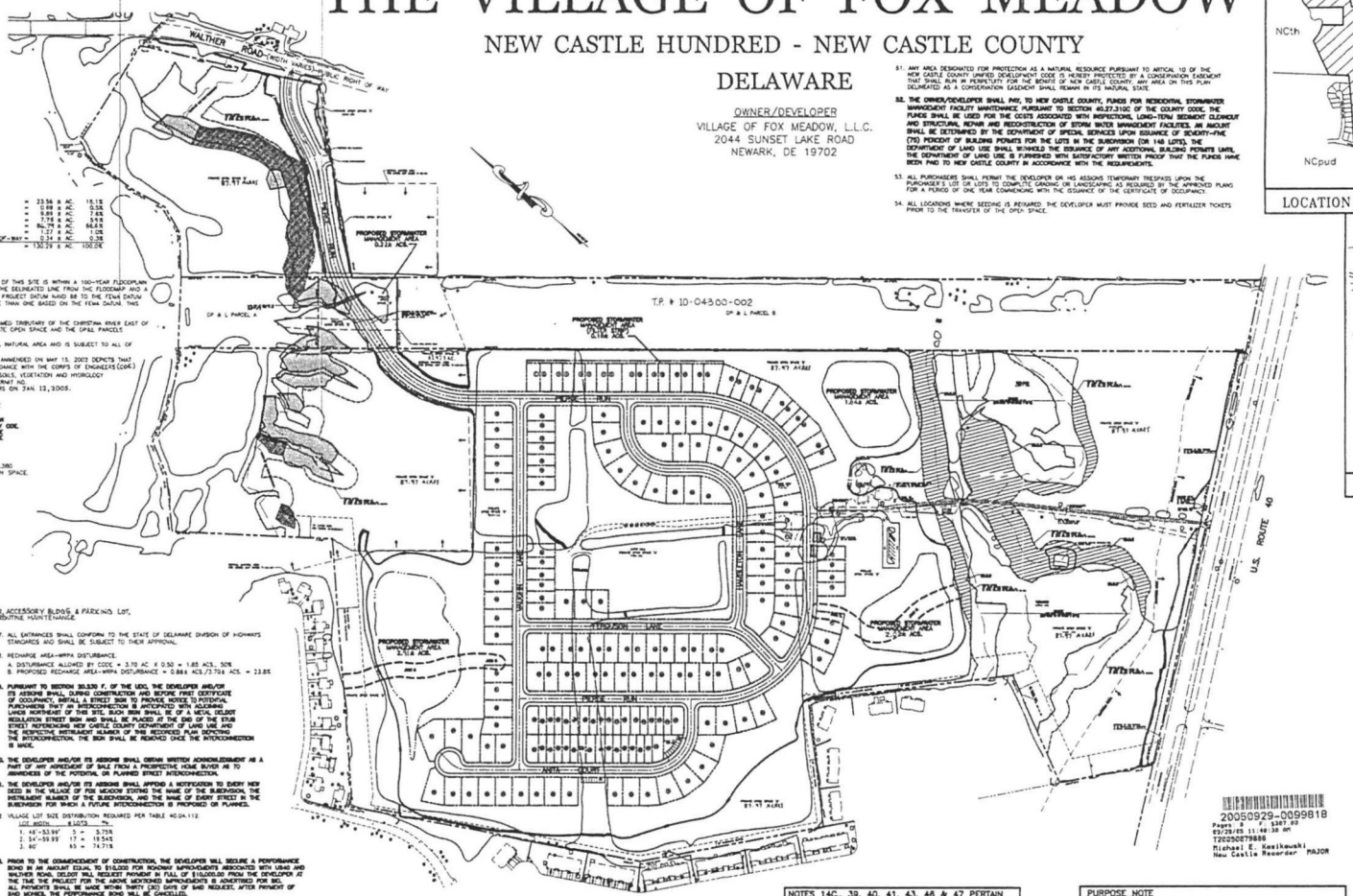
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.73%
2. 54'-59.99'	17 =	10.54%
3. 60'	85 =	54.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U040 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE RELEASED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811.F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 4.110.D.2 OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW SURETY, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.2 OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.43±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

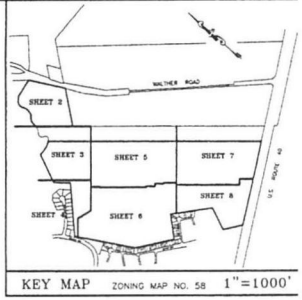
TOTAL OPEN SPACE AREA OF 93.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE HOUSEKEEPING COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIT IMPLEMENT.

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Pages: 3 Fee: $307.00
09/29/05 11:48:30 AM
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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546

March 10, 2005
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 9/6/05 BY [illegible] COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED _____ DATE 9/27/05 BY [illegible] COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 301 ◇ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ◇ FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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088

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
D & E SCHONBACH	1	311 PIERCE RUN	302-563-2400	YES	Dave & E Schonbach

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050363 & D79-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WIKS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 83
BENCHMARK: PK NAIL FOUND NO +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.24
WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICES IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, BY VIRTUE OF THE RECORDATION OF THIS PLAN, SHALL HAVE AN EXISTING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,267 GPD.
NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

SUBDIVISION LAND USE:

LOT AREA:			
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	23.58 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	0.68 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	=	9.88 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES TWIN AREAS)	=	71.74 ± AC.	55%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	8.76 ± AC.	6.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	1.37 ± AC.	1.0%
TOTAL	=	0.36 ± AC.	0.3%
	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DMV: PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

1. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM). THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SWM PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 13, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

5. 0.1284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. REFERENCE COE PERMIT NO. CENAP-OP-R-200401331-1 (NWP12, NWP14) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 11, 2005.

6. WITHIN THE EXPERIENCE OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE SHALL BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED SEPTEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN SHOWN ON SHEET 1 OF 2 AND MUST BE CONSTRUCTED BY THE DEVELOPER OF LOT 1 AND LOT 2 AND MUST BE FINISHED BY THE CONSTRUCTION OF LOT 3 DEVELOPMENT AND THE TIME FRAME SET FOR THE DEDICATION OF THE OPEN SPACE IN THE GENERAL CONDITIONS.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. MODIFIED = 25%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.8

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDING & PARKING LOT, STORMWATER MANAGEMENT FACILITIES, BERMS, FENCES, SIDEWALKS ABUTTING OPEN SPACES, BUFFERS, MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAIN PIPE IS LOCATED OUTSIDE OF THE RIGHT-OF-WAY LINES OF DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE LOCATED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SHALL BE SUBJECT TO A PERFORMANCE AGREEMENT (CREDIT LOAN) AND THE PERFORMANCE GUARANTEE SECURED THEREIN. THE LOAN IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004-[illegible]

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15 ± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81 ± ACRES OR 73.5%

A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 3,258 ± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558 ± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE DEDICATED PUBLIC RIGHT-OF-WAY SHOWN ON THIS PLAN AND NOT TO BE MAINTAINED TO THE EXIST OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE RESUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DM) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DM) = 2.25 ± ACS./22.94 ± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS VILLAGE
OPEN SPACE PLANNED	TOWNHOUSE
STREET YARD SETBACK:	15'/20' TO PAVE
SIDE YARD:	0'/6' @ END UNIT
REAR YARD:	20'
LOT AREA:	1,800 SF (MIN.)
BUILDING HEIGHT:	40' (MAX.)
LOT WIDTH:	18' (MIN.)
BUILDING SPACING:	10'

	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'
SIDE YARD:	1 @ 5'
REAR YARD:	25'
LOT AREA:	4,500 SF
BUILDING HEIGHT:	36' (MAX.)
LOT WIDTH:	48'
BUILDING SPACING:	12'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.50 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.36 ± AC./ 1.33 ± AC. = 19.8%

35. USABLE OPEN SPACE.
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE.
A. DISTURBANCE SPECIFIED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.886 ACS./3.704 ACS. = 23.8%

39. PURSUANT TO SECTION 39.520 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL BLEIVE CONSTRUCTION AND BEFORE FINAT CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF THE EXISTENCE OF THE DISCONTINUOUS & ANTICIPATED SITE ALIGNING LANDS NORTHEAST OF THIS SITE, SUCH SIGN SHALL BE OF A LEGAL DESIGN REGULATIONS AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE DEVELOPMENT'S RESPONSIBILITY TO REMOVE THE REQUIRED PLAN DESIGNATING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE DISCONTINUOUS STREET STUB.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A SUBDIVISION TO EVERY NEW HOME IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE NEIGHBORHOOD NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A PURCHASE AGREEMENT HAS BEEN PROFFERED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.76%
2. 54'-59.99'	17 =	10.94%
3. 60'	60 =	74.31%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $16,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEMO AND WILDWOOD ROAD. SAID BOND WILL RELEASE PAYMENT IN FULL OF 1 HOUSE/LOT FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMINISTERED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID RELEASE. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BUILDERS SHOULD NOT BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $54,776.00 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.1110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

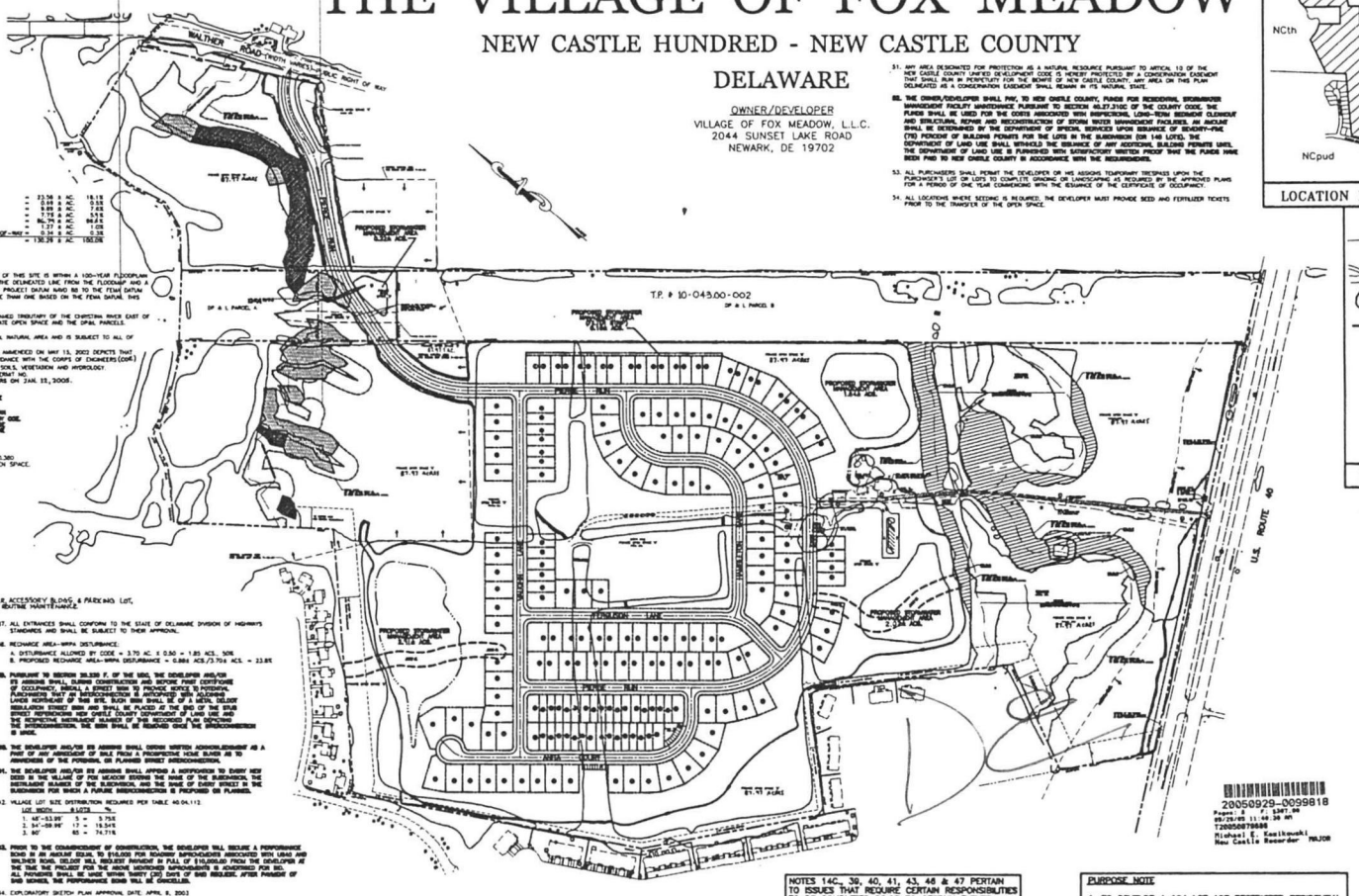
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP#6, PARCEL A PURSUANT TO SECTION 4.110 E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ± AC'S.	79.69 ± AC'S.	0.09 ± AC'S.	0.14 ± AC'S.	0.33 ± AC'S.	87.80 ± AC'S.
STORMWATER MANAGEMENT AREA:	-	7.78 ± AC'S.	-	-	-	7.75 ± AC'S.
PARCEL AREA:	-	0.15 ± AC'S.	0.03 ± AC'S.	-	-	0.48 ± AC'S.
BUILDING AREA:	-	0.08 ± AC'S.	-	-	-	0.08 ± AC'S.
TOTAL:	7.29 ± AC'S.	87.87 ± AC'S.	0.09 ± AC'S.	0.14 ± AC'S.	0.33 ± AC'S.	95.81 ± AC'S.

TOTAL OPEN SPACE AREA OF 95.81 ± AC'S. = 73.5% OF TOTAL SITE AREA OF 130.29 ± AC'S.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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
STEVE & KAREN SIBBERS		31 VAUGHN LANE	302 584 5337	YES	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D.79-668
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 194 LOTS + COMMUNITY CENTER @ 250 GPD/LOT = 48,707 LOTS + COMMUNITY CENTER AT 4470 S.F. = 0.10 GAL/S.F. = 53,897 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.93 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.31 ± AC.	0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.63 ± AC.	0.5%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DFAL: PARCEL 'A' = 2.806± AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DFAL PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0259 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200041231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE -- 0%
       2. PRELIMINARY -- 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE -- 0%
       2. PRELIMINARY -- 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTE 40 MEDIAN, OPEN SPACES, ROUTE 40 STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A HEREIN FOR FAMILY FARMS DATED [illegible] AND RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] ALSO THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO AND TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE CONSTRUCTION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
       1. NATURE (CNA) = 15%
       2. YOUNG = 25%
    B. DISTURBANCE PROPOSED:
       1. NATURE (CNA) = 2.25± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE = 0.86± ACS./3.73± ACS. = 23.0%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A HOMEOWNERS TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

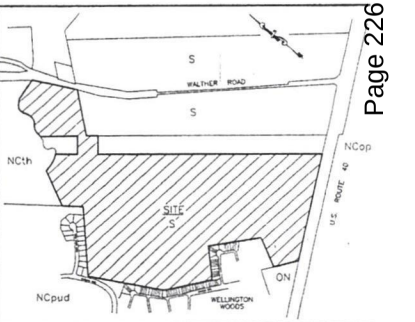
LOT WIDTH	# LOTS	%
1. 48'-53.99'	3 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	85 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELIGHT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **EACH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $1000.00 STD AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE RELEASE OF THE FINAL 148 LOTS (TEN OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($000.62 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DFAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

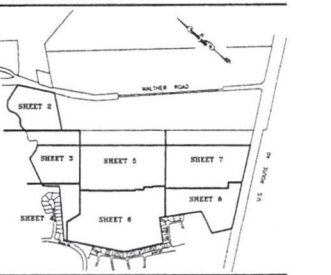
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

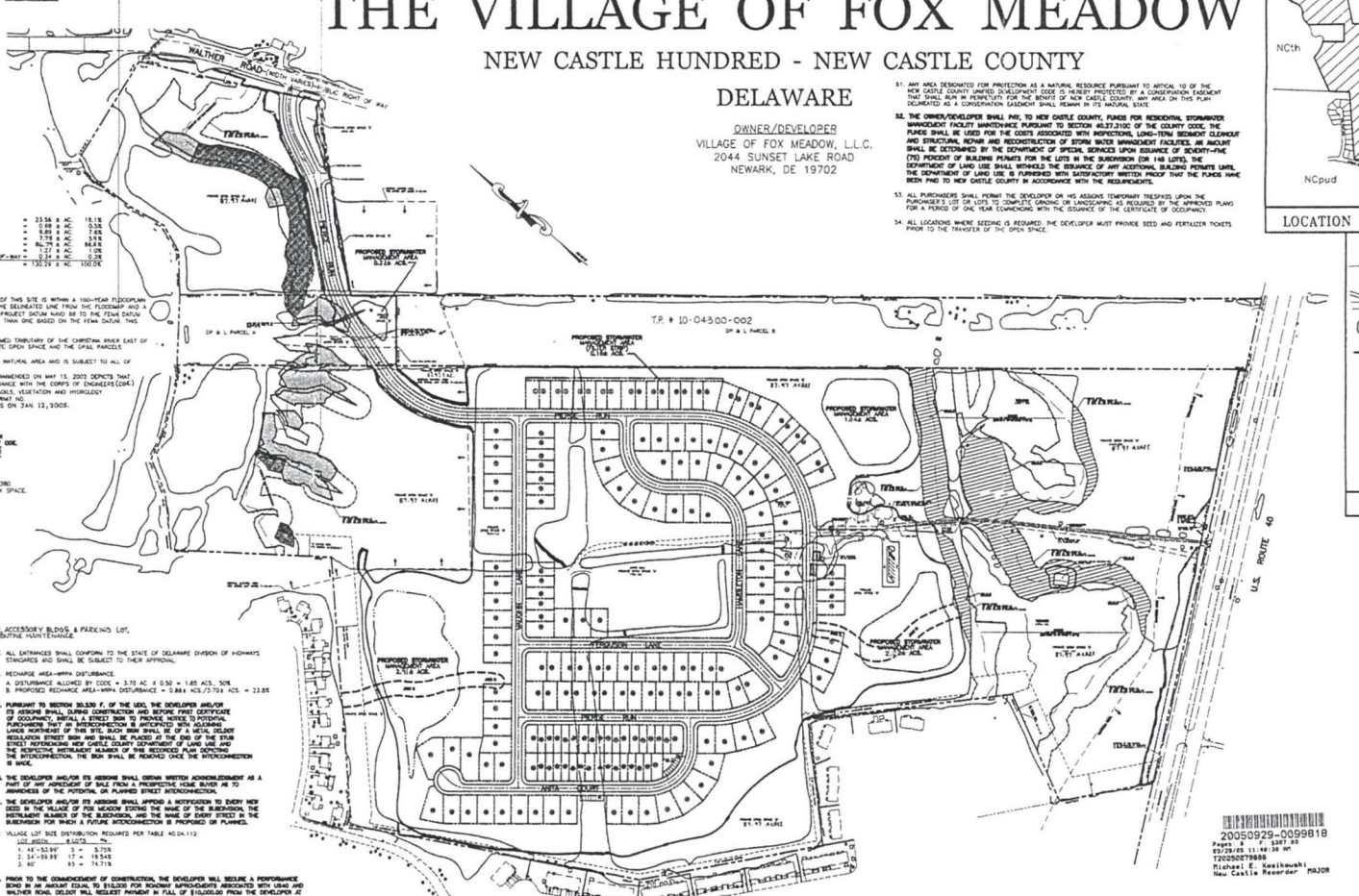
81. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
82. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
83. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
84. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'


WALTHER ROAD (140' PUBLIC RIGHT OF WAY)
T.P. # 10-043.00-002
DF & L PARCEL A
DF & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 7.79± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.26± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.11± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.26± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.61± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.72± ACS.
PROPOSED COMMUNITY CENTER & ACCESSORY BLDG. & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED PAVILION
PROPOSED PAVILION

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

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Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Lorraine Simmerman		331 Pierce Run	302 463 4738	(Yes)	

LS 10-11-23

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
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NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 0.79 GAS
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83;
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF THE INTERSECTION 7 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 350 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.110 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.99 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.75 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.37 ± AC.	0.3%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF GF&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN, ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THIS FLOODMAP AND A LINE BASED ON THE SMALL FLOOD DELINEATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE GF&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP-2, NWP-14) GRANTED BY THE U.S. COE ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 15 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED ON THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED MAY 13, 2004 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE ON JUNE 4, 2004 AS INSTRUMENT NO. 20040604-0065317. ALL RECREATIONAL LAND/OPEN SPACE MANAGEMENT SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
22. A NO SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE CONSTRUCTION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR STREETS CONSTRUCTED IN RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
    1. MATURE (DM) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DM) = 2.25± ACS./23.95± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/8' @ END UNIT		8'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800± SF (MIN.) & 8,000 SF (MAX.)	
BUILDING HEIGHT:	40' (MAX.)		35' (MAX.)
LOT WIDTH:	18' (MIN.)		48', 54' & 60'
BUILDING SPACING:	10'		N/A

	TWIN	WEAK-LINK TOWNHOUSES	MIN. REQUIREMENTS
STREET YARD SETBACK:	20'	15'/20' TO PKG.	12'
SIDE YARD:	0' & 8'	0'/8' @ END UNIT	8'
REAR YARD:	25'	25'	25'
LOT AREA:	6,500 SF	3,800 SF	
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)	
LOT WIDTH:	65'	26'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 EVERY DWELLING UNIT BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86± ACS./3.73± ACS. = 23.0%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELIOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VALLEY OF FOX MEADOW SUBDIVISION AT THE TIME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED ON PLANES.
42. VILLAGE LOT SIZE DISTRIBUTION: REQUIRED PER TABLE 40.04.112

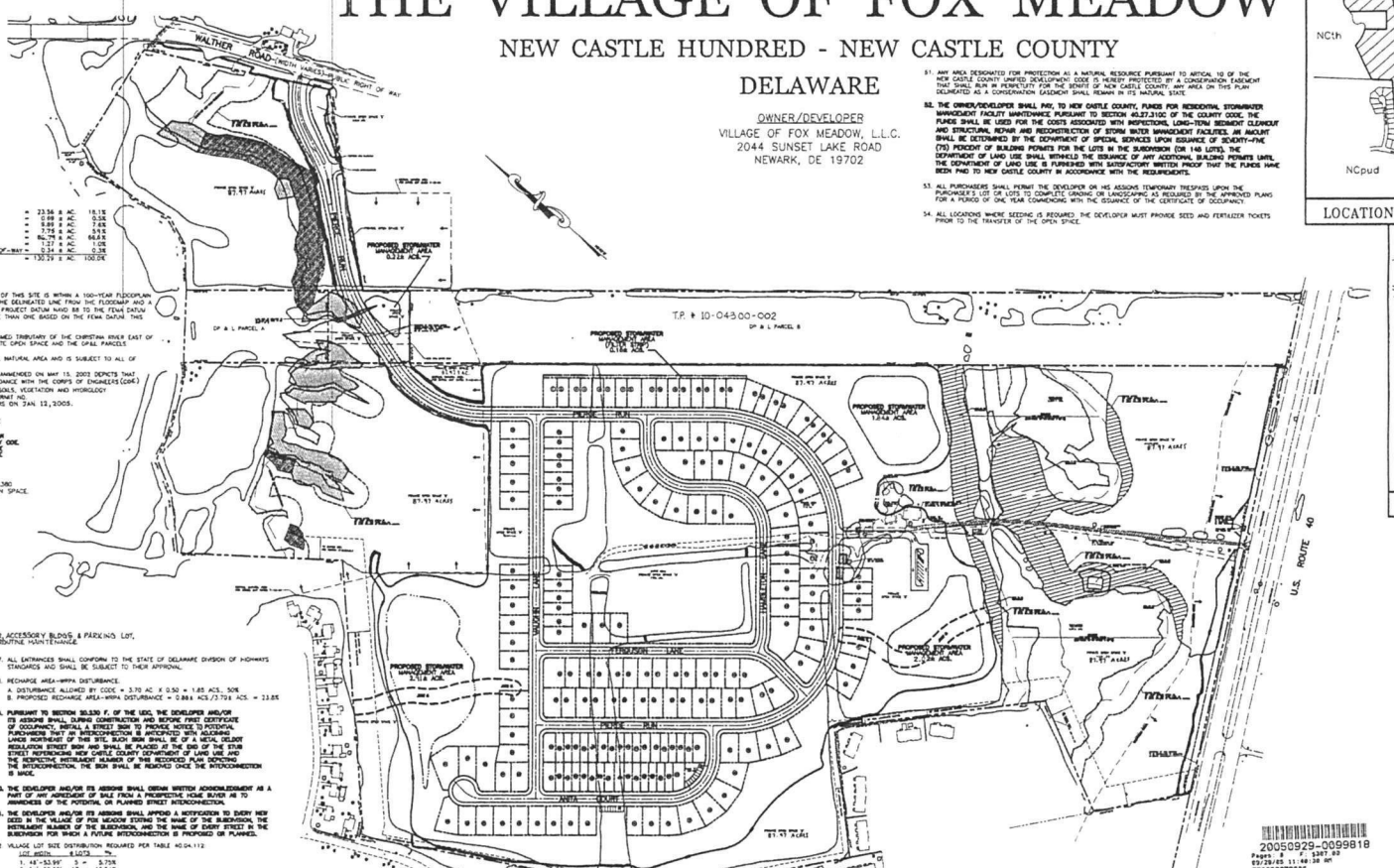
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

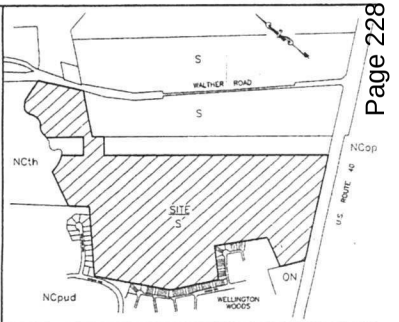
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LB40 AND WALTHER ROAD. DELIOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK OWNERS MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $1000.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR GF&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.79±ACS.	–	–	–	7.79±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

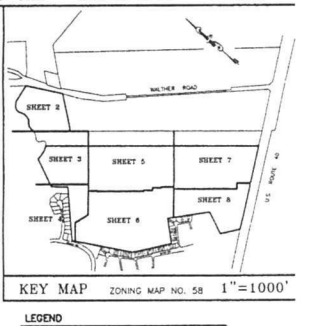
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 41.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHELD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [signature] GENERAL MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — [signature] COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA RULES AND REGULATIONS AS WELL AS ANY OF STATE AND THE RULES AND REGULATIONS THERETO APPURTENANT.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 323-9460

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
MR + MRS JOSEPH P. SISOFO		412 PIERCE RUN	302-832-1270	YES	Joseph P. Sisofo

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0090363 & 079-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.24

WATER: APPOSHAW WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY IS AVAILABLE FOR THE ESTIMATED SEWAGE FLOW GENERATED BY THIS PROJECT. THE DEVELOPER, NEW CASTLE COUNTY AND COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/EDT x 811 LOTS / 2.750 SPECIAL x 107 LOTS = COMMUNITY CENTER AT 448 G.P. / 8.0 HR. / 60 = 53.287 GPD.

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE D4.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 40
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

L. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	=	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	=	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	=	7.6%
STORMWATER MANAGEMENT AREA	= 7.76 ± AC.	=	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES TWIN AREAS)	= 86.79 ± AC.	=	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.37 ± AC.	=	1.0%
LANDS TO BE PURCHASED FROM COLUMBIA PIPE & SUPPLY CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	=	0.3%
TOTAL	= 130.29 ± AC.	=	100.0%

REMAINING LANDS OF SPAIN, PARCEL 'A' = ± 3.806 AC.
PARCEL 'B' = ± 17.406 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODCAMP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 83 TO THE FEMA DATUM (NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.270 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.0236 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN UNDER THE MINOR USE PERMIT NO. CENAP-OP-R-200401131-1 (NWP12, NWP14) GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED 48 LIGHT HS DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 2 AND MUST BE COMPLETED BY THE DEVELOPER PRIOR TO THE ISSUANCE OF THE 100TH BUILDING PERMIT AND THE COE FINDS IT TO BE IN COMPLIANCE OF THE APPROVED PLANS.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.8

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS, & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 8-31-04, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 200411010067179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 10' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' SHALL BE CENTERED ON EACH SIDE OF ALL SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN. STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE PROVIDED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 200410080-0108.0

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, DOWNTOWN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY UTILITY IS EXERCISING ITS EASEMENT RIGHTS ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 2,868 L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE:
1. NATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. NATURE (DNA) = 2.25 ± AC./22.56 AC.S. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0',15' @ END UNIT	8
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	30' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS.
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.50 = 0.798 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266 AC / 1.336 AC. = 19.8%

35. USABLE OPEN SPACE.
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 DWELLING MORE OF CONSTRUCTION WITH A DEPARTURE AND FULL DISCLOSURE ON THE DEED PLANS.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.886 ACS./3.704 ACS. = 23.9%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL CLOSURE CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROHIBIT ACCESS TO POTENTIAL PURCHASERS OF LOTS 1 THROUGH 5 AND SECTION 8 ANTICIPATED WITH DELAWARE LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DESIGN REGULATION SIGN, SHALL BE PLACED AT THE END OF THE PUBLIC ROAD STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RECOMMENDATION. THE SIGN SHALL BE REMOVED ONCE THE RECONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO POTENTIAL FUTURE CONNECTION TO DELAWARE LANDS.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A RESPONSIBLE TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR PURPOSES OF A FUTURE INTERCONNECTION AS DESCRIBED ON PLANS.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

LOT WIDTH	# LOTS	%
1. 48'–53.99'	5 =	5.7%
2. 54'–59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $145,000 FOR BOUNDARY IMPROVEMENTS ASSOCIATED WITH LANE AND WALTHER ROAD. DELOST WILL REALIGNT PAVEMENT IN FULL OF $150,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN TWENTY (20) DAYS OF BIRD RELEASE. AFTER PAYMENT OF BIRD MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BOTH DRIVEWAYS MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,776.00, (BASED 2 @ REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

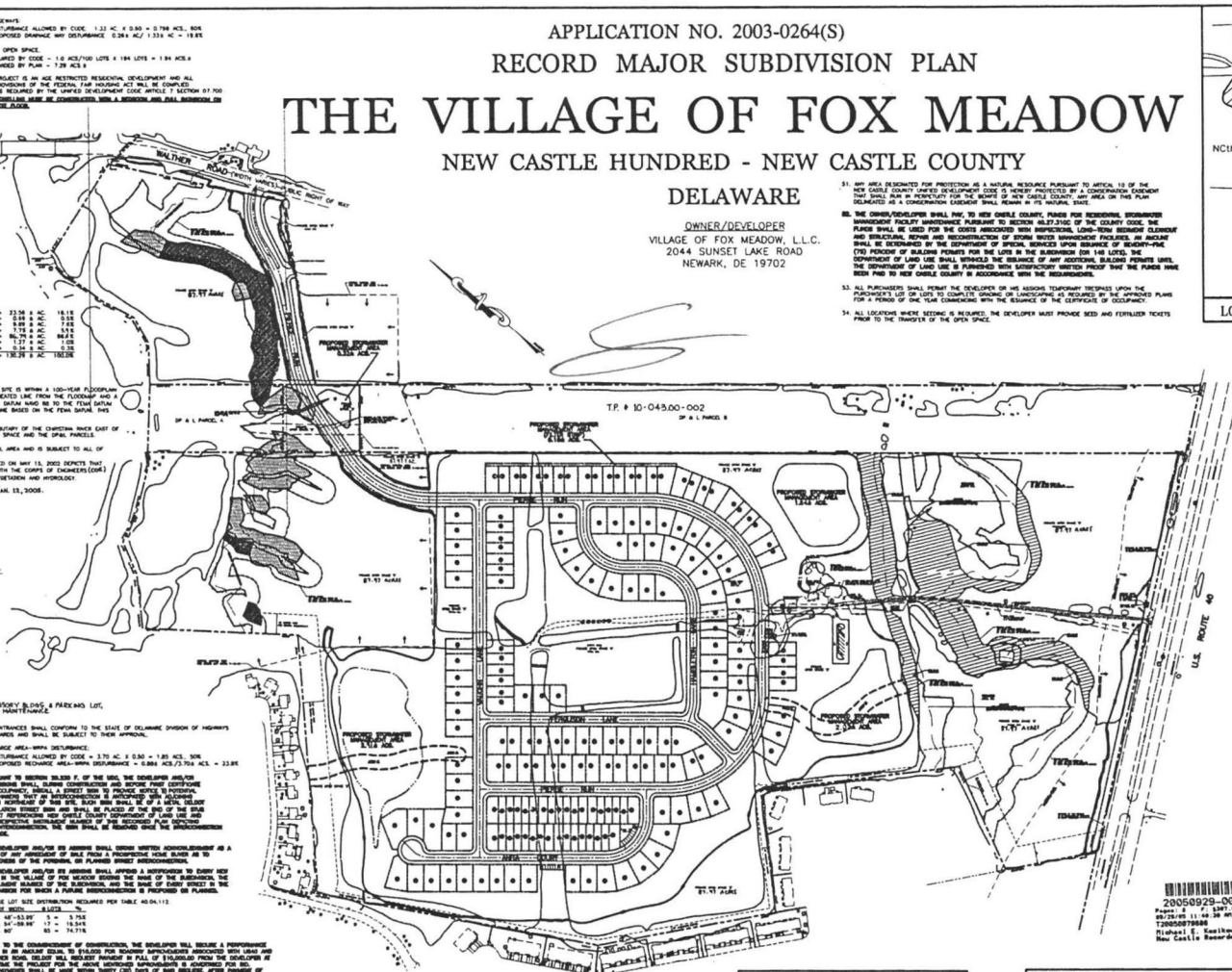
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND HABITAT AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SMALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENTS ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.78±ACS.	-	-	-	7.78±ACS.
PAVED AREA:	-	0.61±ACS.	0.03±ACS.	-	-	0.68±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.57±ACS.	0.08±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.


WALTHER ROAD
PIERCE RUN
PIERCE RUN BLVD.
FOXMEADOW LANE
MEADOW LANE
FOXMEADOW CIRCLE
FOXMEADOW COURT
MEADOW COURT
U.S. ROUTE 40
T.P. # 10-043.00-002
OF A L. PARCEL 'A'
OF A L. PARCEL 'B'
PROPOSED RETENTION POND #1 ± 3.50 AC.±
PROPOSED RETENTION POND #2 ± 2.50 AC.±
PROPOSED RETENTION POND #3 ± 1.50 AC.±
PROPOSED RETENTION POND #4 ± 2.50 AC.±
PROPOSED RETENTION POND #5 ± 2.50 AC.±
PROPOSED RETENTION POND #6 ± 2.50 AC.±
PROPOSED RETENTION POND #7 ± 2.50 AC.±
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PROPOSED RETENTION POND #82 ± 2.50 AC.±
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PROPOSED RETENTION POND #89 ± 2.50 AC.±
PROPOSED RETENTION POND #90 ± 2.50 AC.±
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PRO

Stephens

LEWIS

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Brenda Williams		535 Hambleton Lane Newark DE 19702	302-345-9168	YES	Brenda Williams

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER

VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040206-0050393 & 0719-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PARCEL 'A' AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

a. VILLAGE	=	87	= 44.8%
b. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
c. TWINS	=	34	= 17.5%
d. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & ENCLOSED SWM AREAS)	=	86.76 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DPH&L PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. THE FLOODMAP USED THE NGVD DATUM WHILE THE FLOOD STUDY USED NAVD DATUM. NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPA'E PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED VEGETATION, SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12,2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 3 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PROTECT RUN ROUTE 40/ROLLING SIDEWALKS ABUTTING OPEN SPACES, EDUCATIONAL MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED MARCH 31, 2004 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK [illegible] AT PAGE [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF A DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0168378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DESIGNED FOR PUBLIC USE
    50' RIGHT-OF-WAY: 8,588± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE ONE YEAR GUARANTEE PERIOD AND THE FORMAL ACCEPTANCE OF THE STREETS BY THE STATE. STATE MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DIA) = 2.25± ACS./22.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS / HOUSE
STREET YARD SETBACK:	15'/20 TO PKG	12'
SIDE YARD:	0' @ END UNIT	7'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20 TO PKG
SIDE YARD:	1 @ 8'	0', 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	6,500 SF	1,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	65'	18'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. @ 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN - 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BATHROOM AND FULL BEDROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, BRING A PUBLIC STREET STUB TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL, DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY MEP DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

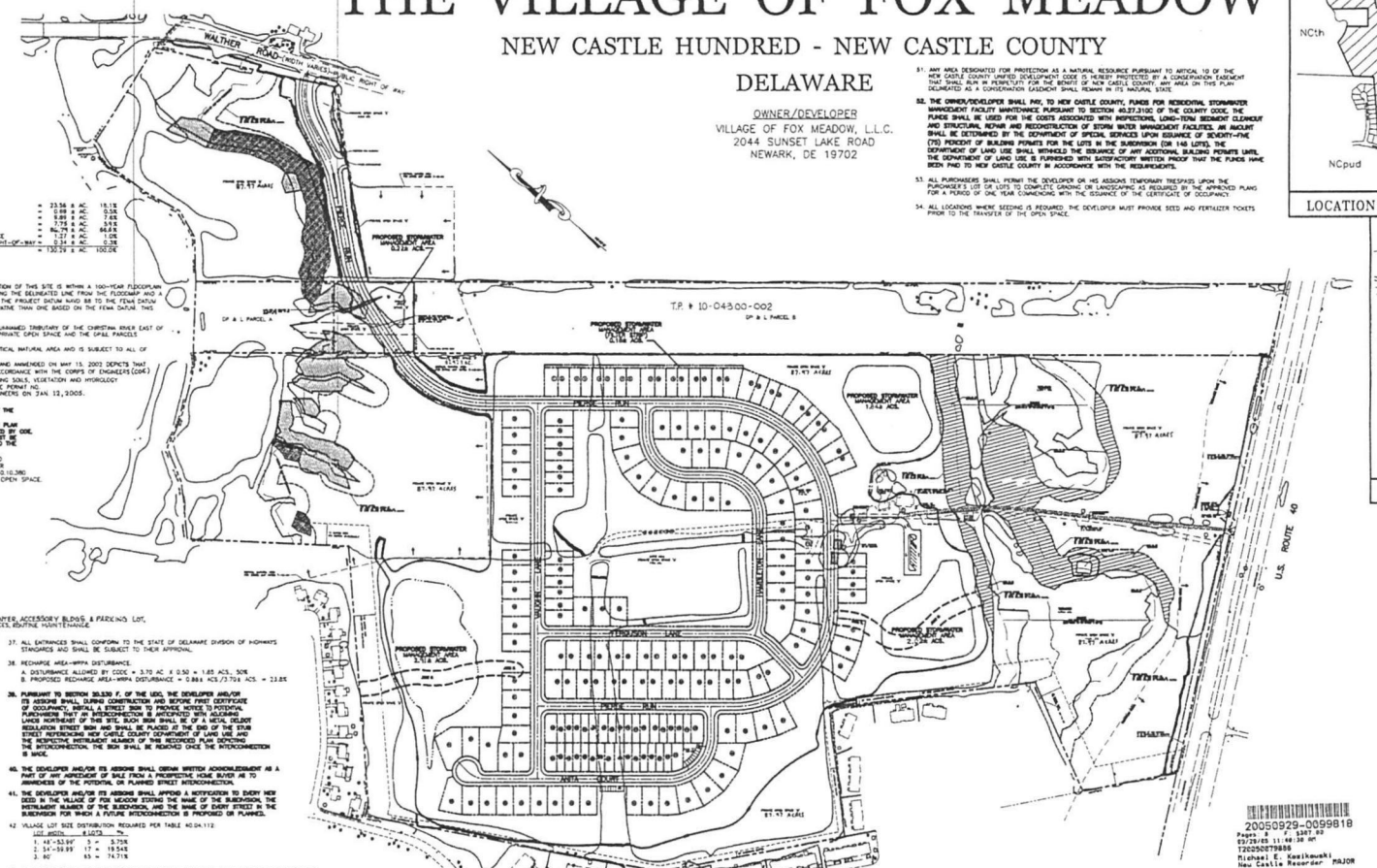
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 +/-	5.75%
2. 54'-59.99'	17 +/-	19.54%
3. 60'	65 +/-	74.71%

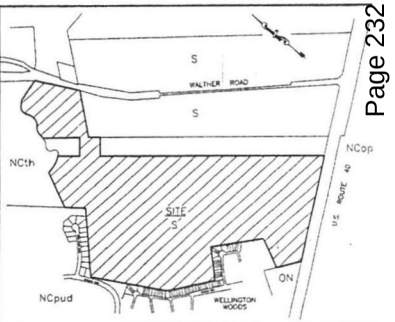
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U340 AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN TWENTY (20) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 33.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.65 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,779.36 ($808.65 X 46 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE 50' WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.16±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.16±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TOKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION

(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #360 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 BY Charles L. Baker
DATE — DESIGN MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY
DATE — COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS Q SUITE 301 Q NEW CASTLE, DELAWARE
PHONE - (302) 324-9077 Q FAX - (302) 324-9080

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAH/FJS/KBK
DESIGNED BY:	FTP/JAH	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

© 2004 LANDMARK ENGINEERING, INC.

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Sweeney		113 Ferguson Lane	302-595-4436	Yes	Sweeney

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF T.S.E.: INSTRUMENT NO. 20040506-0050393 & Q 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY SHALL BE RESPONSIBLE FOR CONSTRUCTING THE NECESSARY SEWERING SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.36 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE FEMA DELINEATION AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS S/TE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 9.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN THE LIMITS OF THE DP & L AND MUST BE COMPLETED BEFORE THE FINAL PLAN RECORDATION. THE COE MUST BE NOTIFIED PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE - 25
    2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE - 0%
    2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0031179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT (20' OR 15' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATE STREETS, EASEMENTS SHALL BE CREATED OVER PRIVATE STREETS. OR DRIVEWAYS. THE EASEMENT SHALL BE 20'-0"±(2.10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHALL BE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED BY THE RECORDATION OF THIS PLAN. OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DECLARED TO BE AVAILABLE FOR ANY UTILITY USE PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    (2) RIGHT-OF-WAY = 2,988 ± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 559± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (DNA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. NATURE (DNA) = 2.25± ACS./23.98±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0', 16' @ END UNIT	10'
REAR YARD:	20'	20'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0', 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGE AREAS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE MAY DISTURBANCE: 0.284 AC/ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 50.30 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL FOLLOWING COMPLETION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT THE CONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION TRAFFIC SIGN DESIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE SUBSEQUENT SUBDIVISION PLAN RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

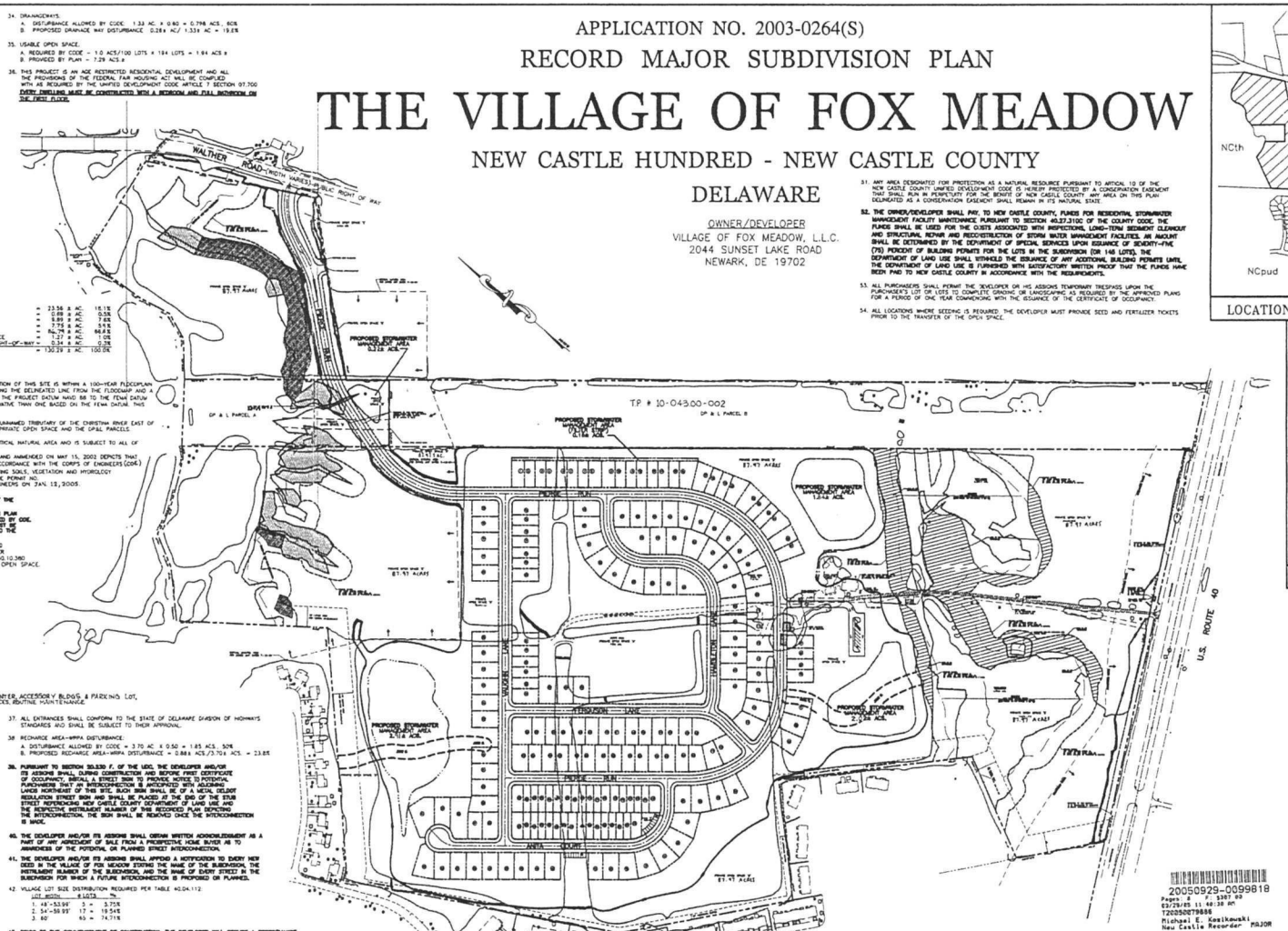
LOT WIDTH	RANGE	%
1. 48 - 53.99'	3 =	3.75%
2. 54 - 59.99'	17 =	19.54%
3. 60	65 =	74.71%

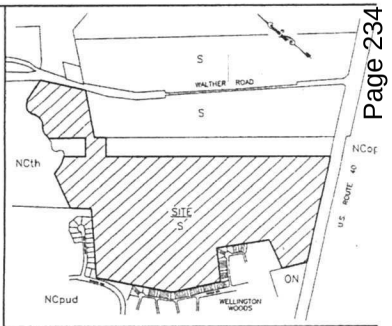
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LOAD AND THE OTHER ROAD. DELMOD WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THAT COLLECTION FOR THE ABOVE MENTIONED COMMENTS IS ADMITTED FOR BID. THE PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID RECEIVED. AFTER PAYMENT OF BAL MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE APRIL 8, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 4, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.LESS INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($900.LESS X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.49±ACS.	0.06±ACS.	0.14±ACS.	0.33±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	81.97±ACS.	0.09±ACS.	0.14±ACS.	0.33±ACS.	95.81±ACS.

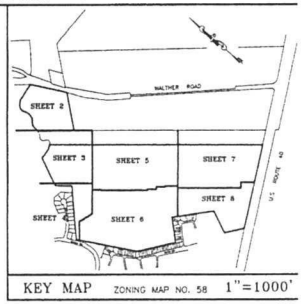
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE EXISTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David G. Martin, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/9/05 BY Charles L. Cohen
DATE — DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 BY
DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.81± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY:

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 101 ◇ NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 ◇ FAX: (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT
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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Robert Swingson		431 Pierce Run	302 530-1936	Yes	Robert Swingson

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.28 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040608-0050363 & 0079-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 95 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF INTERSECTION OF THE CENTER LINE OF THE NORTHBOUND LANE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SUCH CAPACITY IN ACCORDANCE WITH AN EXISTING DEVELOPMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 81 LOTS = 2700 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,247 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE DA-130 = + HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.8%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

E. SUBDIVISION LAND USE:

LOT AREA	=	23.58 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.44 ± AC.	0.3%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREAS	=	7.79 ± AC.	6.0%
OPEN SPACE (INCLUDES COMMUNITY CENTER & EXCLUDES TWIN AREAS)	=	73.38 ± AC.	56.3%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.81 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.28 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

A. FEMA MAP NUMBER 10003C0141 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPUTED FLOODLINE WAS DEVELOPED COMBINING THE FEMA FLOODLINE AND A FLOODLINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM MOVE 29. 5.8 FT WOULD BE ADDED. MARINE CLAY FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE LINE PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.270 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE ARMY CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.0298± ACRES OF WETLAND DISTURBANCE IS PROPOSED PLAN PUBLIC ROADWAY CUL DE SAC. PERMIT NO. CENAP-OP-R-200401131-1 (MAP12, MAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 11, 2005.

C. WHERE THE CONSTRUCTION OF THE SIDE PERMIT AND THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND SHOWN TO DATE OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL COULD SHOWN ON SHEET 1 OF 2 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS ASSOCIATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 25%
2. PRECAUTIONARY = 15%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5.8

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT, LANDSCAPING, SIGNS, ENTRANCE FEATURES, SIDEWALKS, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 8/31/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050908-0099819 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 30' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAIN PIPE IS LOCATED OUTSIDE OF THE BED OF A STREET OR THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN THE PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EITHER SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE PROVIDED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004-1004-0198378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL PIPE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.28± ACRES x 0.50 = 65.14± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN CHANGED PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 2,586± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY SHOWN ON THIS PLAN SHALL BE OFFERED FOR DEDICATION TO THE STATE BY THE DEVELOPER UPON THE SATISFACTORY COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE RESERVES NO RESPONSIBILITY FOR STREETS WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DIA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DIA) = 2.25± ACS./23.84± ACS. = 9.4%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	15'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 5'	0',5' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266 AC./ 1.33 AC. = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 DATED OCCUPANCY SHALL BE CONSECUTIVE WITH A 30 DAYS OR MORE BUT NOT EXCEEDING ONE SHORT PERIOD.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE PLAN: 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.886 ACS./3.706 ACS. = 23.8%

39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNEE SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS, IN A FORM APPROVED BY THE DEPARTMENT, IF APPROVED SIGN ADJOINING LANDS NORTHWARD OF THIS SITE, SUCH SIGN SHALL BE OF A METAL, DELUXE INSTALLATION, AND SUCH SIGN SHALL BE PLACED AT THE END OF THE STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE PROPOSED DEVELOPMENT. THE SIGN SHALL BE SECURED PLAN DEDICATION AND THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE EXISTENCE OF THE ADJACENT AGRICULTURAL USES.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW BUYER IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE MUNICIPAL NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION WHICH A PURCHASER IS CONSIDERING OR PROPOSED ON PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	14 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	85 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL BECOME A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $16,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LOTS AND BUILDINGS WITHIN THE VILLAGE WILL SUBSEQUENT PHASES IN ALL OF THE BUILDINGS FOR THE DEVELOPER OF THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ACCEPTED FOR BID. ALL PHYSICAL SPACE SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PHASING OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS BUT SHOULD NOT BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE AND REPAIR OF THE STORMWATER FACILITIES. PRIOR TO THE ISSUANCE OF MORE THAN 160 LOTS (ONE OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,775.00 ($500.00 X 69 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.1115. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE WAIVER OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS
STORMWATER MANAGEMENT AREA:	-	7.79±ACS.	-	-	-	7.79±ACS.
PAVED AREA:	-	0.15±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.87±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.28±ACS.

T.P. # 10-043.00-002
DP & L PARCEL 'A'
DP & L PARCEL 'B'
WALTHER ROAD (SR#273)
U.S. ROUTE 40
PROPOSED ENTRANCE
PROPOSED CLUBHOUSE & POOL AREA
PROPOSED COMMUNITY CENTER & PARKING LOT
PROPOSED BUS SHELTER AREA
PROPOSED MAIL KIOSK AREA
PROPOSED SIDEWALK
PROPOSED TYP. LOT
PROPOSED TWIN LOT
PROPOSED TOWNHOUSE LOT
PROPOSED WEAK-LINK TOWNHOUSE LOT
PROPOSED VILLAGE LOT
PROPOSED STORMWATER MANAGEMENT AREA
PROPOSED OPEN SPACE
EXISTING WETLANDS
EXISTING WETLANDS TO BE FILLED
EXISTING TREE LINE
EXISTING FOREST LINE
EXISTING HEDGEROW
EXISTING STONE WALL
EXISTING FENCE
EXISTING UTILITY POLE
EXISTING GUY WIRE
EXISTING STRUCTURE
EXISTING CONCRETE MONUMENT
PROPOSED CONCRETE MONUMENT
IRON PIPE FOUND
PROPOSED CURB
PROPOSED STORM DRAIN
PROPOSED SANITARY SEWER
PROPOSED WATER LINE
PROPOSED GAS LINE
PROPOSED UNDERGROUND ELECTRIC
PROPOSED UNDERGROUND TELEPHONE
PROPOSED UNDERGROUND CABLE TV
PROPOSED STREET LIGHT
PROPOSED FIRE HYDRANT
PROPOSED HANDICAP RAMP
PROPOSED STREET SIGN
PROPOSED TRAFFIC SIGN
PROPOSED MAILBOX
PROPOSED TREE LINE
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PROPOSED UTILITY POLE
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ALEXANDER

THOMAS

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
John A. Thomas Roberta M. Alexander		349 Pierce Run Newark, DE 19702	302 595 2159	Yes	John A. Thomas

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 132.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040608-0056393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHEAST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY IS RESPONSIBLE FOR CONSTRUCTING A PUBLIC PUMPING STATION FOR EXTENDING SEWER SERVICE TO EACH LOT WITHIN THIS SUBDIVISION.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS x 350 GPD/DU = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/SF = 33,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
   A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 3 OF ANY TYPE = 12
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	12.79 ± AC.	9.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	82.78 ± AC.	63.7%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NGVD 29 TO THE FEMA DATUM NAVD 88, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
   B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
   B. 0.0259 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
      1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
      2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993 REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
      1. PROHIBITIVE = 0%
      2. PRECAUTIONARY = 50%
   B. PROPOSED STEEP SLOPE DISTURBANCE
      1. PROHIBITIVE = 0%
      2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EQUITAE, NON-STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES NOTE ON SHEET 1 OF 8 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' PERPENDICULAR ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY THE NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   50' RIGHT-OF-WAY: 8,288± L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE ONE YEAR GUARANTEE PERIOD AND ACCEPTANCE TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
      1. MATURE (DIA) = 15%
      2. YOUNG = 50%
   B. DISTURBANCE PROPOSED
      1. MATURE (DIA) = 2.25± ACS./23.98± ACS. = 9.8%
      2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' OR 8' END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0',8' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

24. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 184 LOTS = 1.84 ACS ±
   B. PROVIDED BY PLAN - 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO REVIEW.
38. RECHARGE AREA-WRPA DISTURBANCE.
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 AC's., 50%
   B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE PROJECT. SUCH SIGN SHALL BE OF A METAL CELLIDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PERPENDICULAR TO THE COMMON BOUNDARY WITH THE DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORDING, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

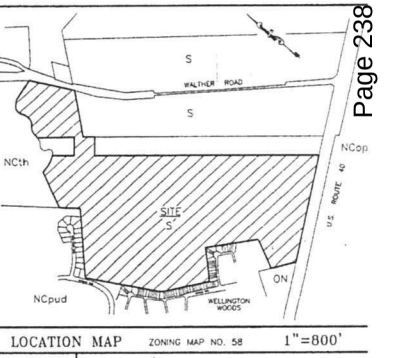
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE FROM THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT I.F. SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.65 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE TRANSFER OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,778.38 ($900.65 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

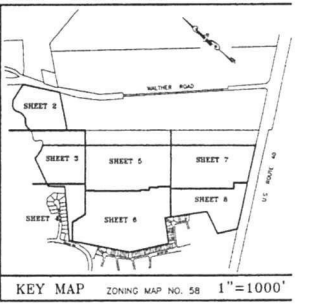
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.90±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.



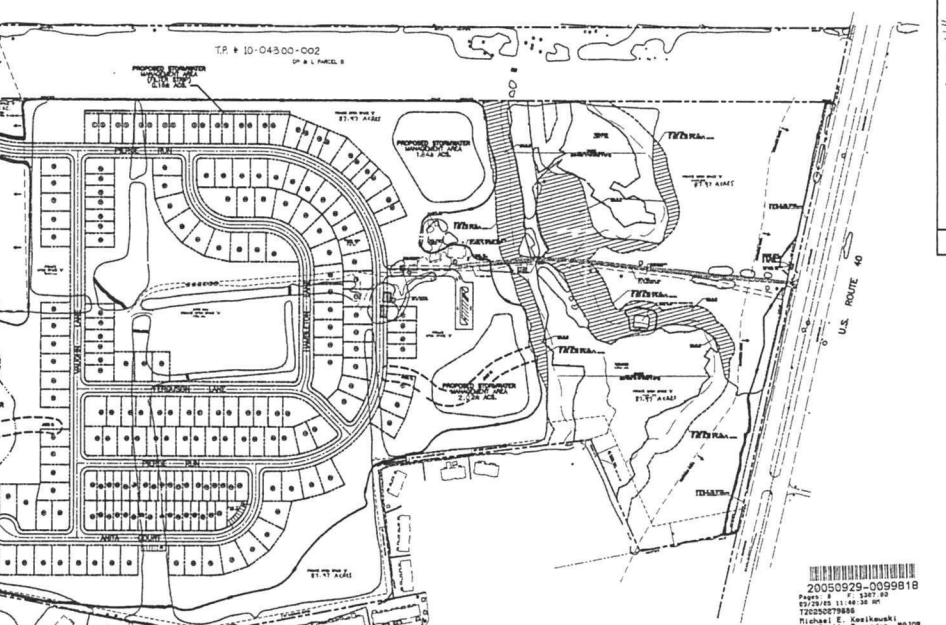
LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA



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Michael E. Kwiakowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David A. Mottle, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #348 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker, DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — Cathleen Cahill, COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL and SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 101 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 323-9463

0 100 200 400 GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
David O. Thomas Kathie B. Thomas	1004310893	416 Pierce Run Newark, DE 19702	724-372-0571	YES	David O Thomas Kathie B. Thomas

DOT
KBT

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 99-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 260 DWELLS + 87 LOTS + 350 SPDS/DF + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.49 ± AC.	7.3%
STORMWATER MANAGEMENT AREA	= 5.79 ± AC.	3.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 79.44 ± AC.	60.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DPALL PARCEL 'A' = 2.806± AC.
PARCEL 'B' = 17.404± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM AND TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC., DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DEL. SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.350 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0S
       2. PRECAUTIONARY = 30S
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0S
       2. PRECAUTIONARY = 3.1S
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED ALONG LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, BUFFERS ADJOINING OPEN SPACES, ROUTING, MAINTENANCE, SIGNS AND OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 10-1-03 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN DEED BOOK [illegible] AT PAGE [illegible] AND RECORDED AS INSTRUMENT NO. [illegible] AND THE STORMWATER MANAGEMENT CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN THE OWNER AND NEW CASTLE COUNTY.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' PERIPHERALLY ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE, AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IV OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,268± L.F.
    VARIABLE WIDTH (31' TO 75') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CNA) = 15%
       2. YOUNG = 80%
    B. DISTURBANCE PROPOSED
       1. NATURE (CNA) = 2.25± AC/22.98± AC. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' OR 8' END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S.F. AVG. & 5,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' & 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,500 SF
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	10'	10'

24. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. # 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS./100 LOTS # 194 LOTS = 1.94 ACS #
    B. PROVIDED BY PLAN = 7.29 ACS.#
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. # 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE-MRPA DISTURBANCE = 0.84 ACS./73.76± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STUB TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD. SUCH SIGN SHALL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE ABNORMALITY OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRISE EACH GRANTEE IN THEIR DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER AND THE SUBDIVISION NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

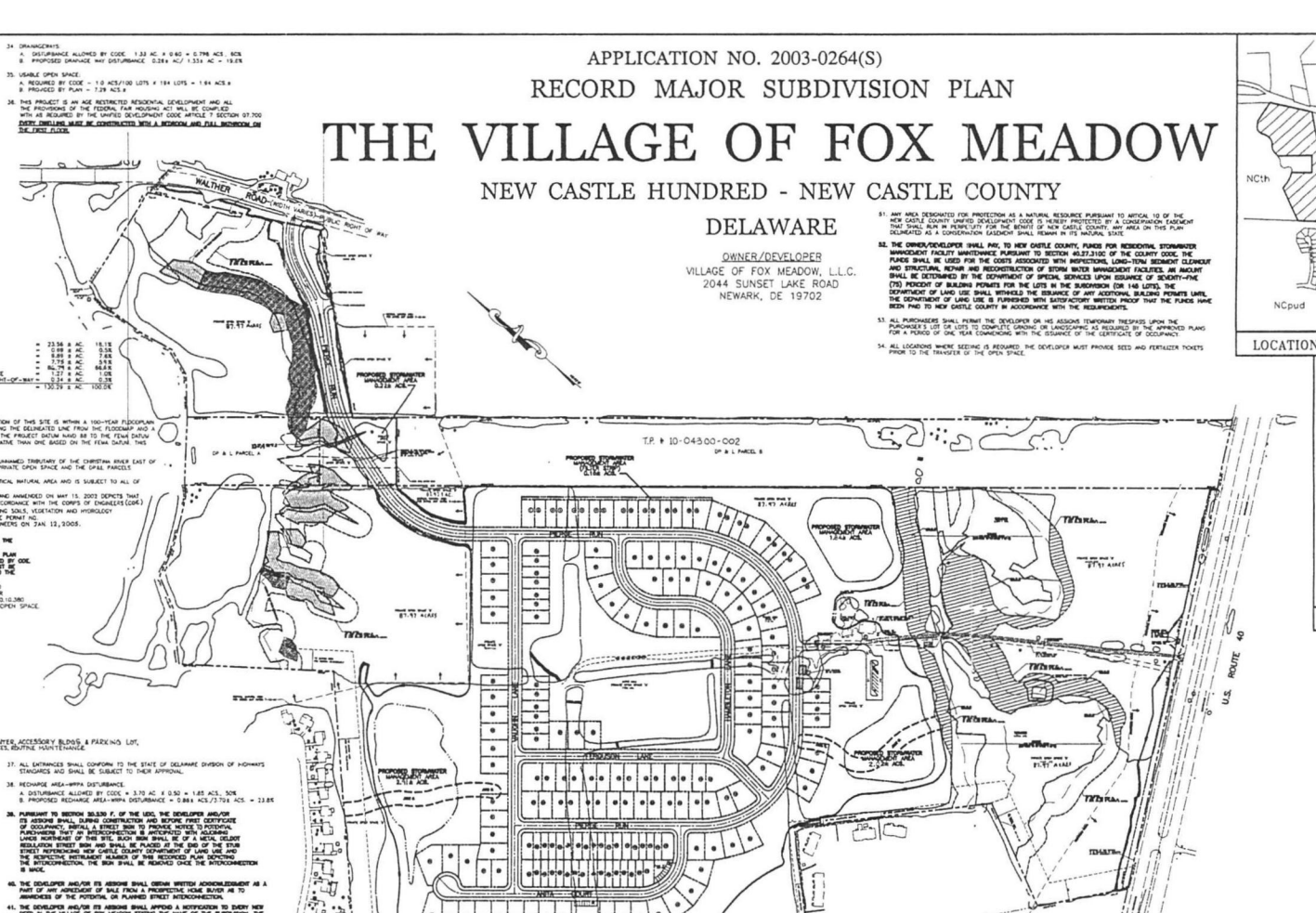
LOT WIDTH	% LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $10,582 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.31(B), OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.36 ($500.62 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.	73.49±AC.	0.06±AC.	0.14±AC.	0.32±AC.	87.50±AC.
STORMWATER MANAGEMENT AREA:	–	1.75±AC.	–	–	–	1.75±AC.
PAVED AREA:	–	0.45±AC.	0.03±AC.	–	–	0.48±AC.
BUILDING AREA:	–	0.08±AC.	–	–	–	0.08±AC.
TOTAL:	7.29±AC.	75.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

81. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
82. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TOKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
U.S. ROUTE 40
PIERCE RUN
TYLERTON LANE
ROCKY LANE
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 5.79± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.10± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.01± ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED PLAYGROUND
PROPOSED GAZEBO
PROPOSED PAVILION

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
TERRY W. TOLIVER		321 PIERCE RUN	302-540-2474	YES	Terry W Toliver

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: R-1-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 379-668
5. TOPOGRAPHIC SURVEY
AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, BY ACCEPTANCE OF THIS PLAN, AGREES TO CONSTRUCT THE GRAVITATING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS = 250 GPD/UNIT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 12.09 ± AC.	9.3%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.09 ± AC.	0.1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A HIGH 29+, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DAWSON 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
B. 0.0224 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DAWSON 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING IN PRINCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE, DEFORESTATION, STORMWATER MANAGEMENT FACILITIES SHOWN ON SHEETS 3, 4 & 5, THE MAINTENANCE OBLIGATIONS OF THE DEVELOPER AS SET FORTH IN THE DATED 9/30/05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050929-0099818 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004-1004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE VIII OF THE NEW CASTLE COUNTY CODE AS MAY BE ENFORCED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES, UNLESS OTHERWISE IS NOTED OR SHOWN, IS HEREBY CREATED FOR UTILITY AND DRAINAGE PURPOSES. WHERE ANY SIDE LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 555± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE PROJECT WILL BE DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DW) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (DW) = 2.25± ACS./22.95±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PRIN. ST.	12'
SIDE YARD	0'/16' @ END UNIT	0'
REAR YARD	20	25
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10	n/a

	TWIN	WEAK-LINK TOWNHOUSES	TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PRIN. ST.	
SIDE YARD	1 @ 8'	0' & @ END UNIT	
REAR YARD	25'	25'	
LOT AREA	4,500 SF	3,600 SF	
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)	
LOT WIDTH	68'	26'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 1 SECTION 07.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ALLOWING LANDS NORTHWARD OF THE SITE. SUCH SIGN SHALL BE OF A LEGAL OBJECT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE 5TH STREET CONNECTING TO THE NORTH. THE SIGN SHALL BE PLACED ON LAND USE AND THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPROVE A NOTATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE RECORDING NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

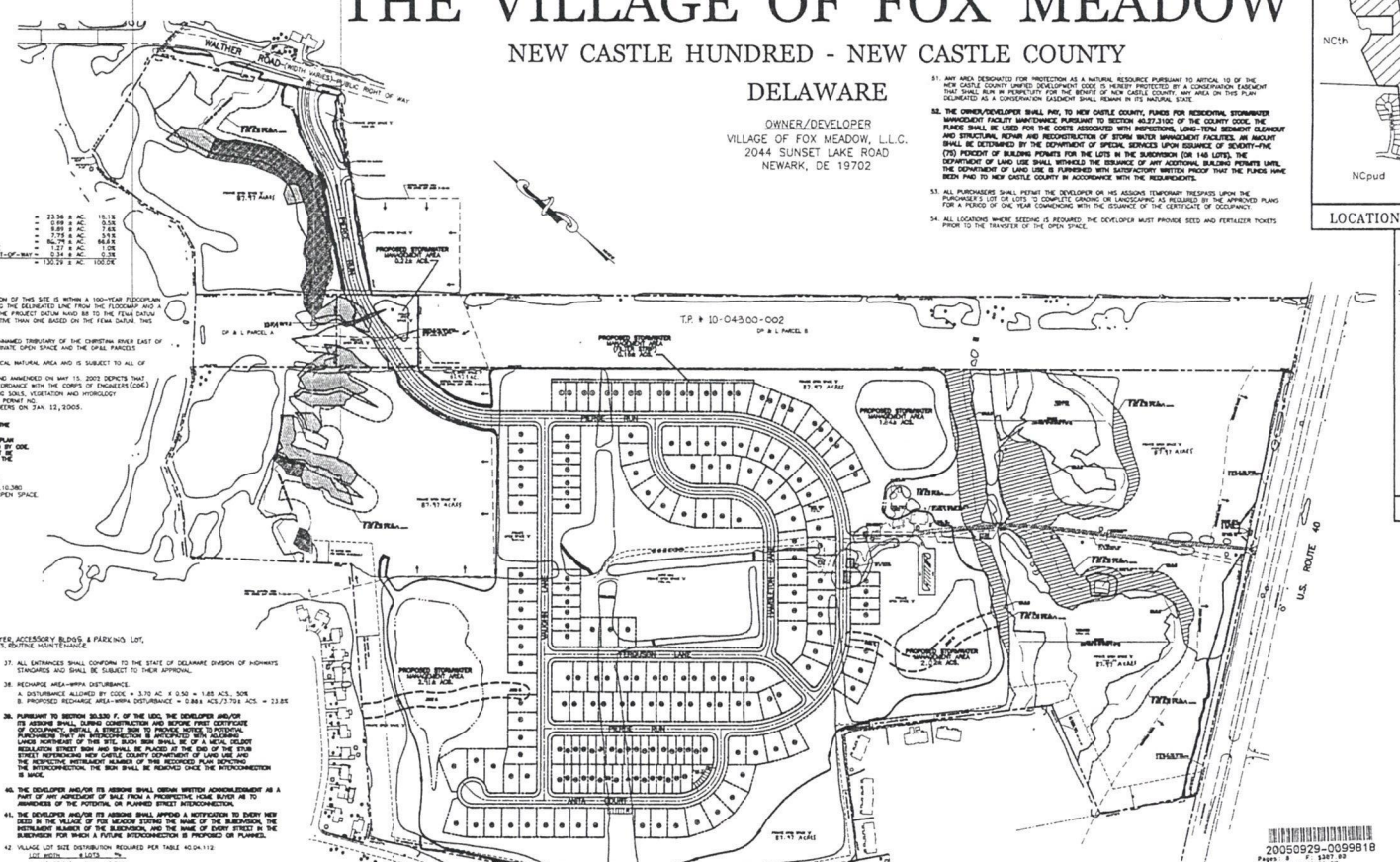
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

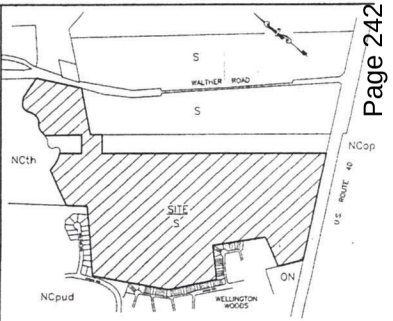
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U.S.40, AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT IS SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY DITCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 32.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.15 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.31.106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,777.15 ($808.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY VALUES/FLOORS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.10 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.64±ACS.	0.06±ACS.	0.14±ACS.	0.3±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.79±ACS.	–	–	–	7.79±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.3±ACS.	95.81±ACS.

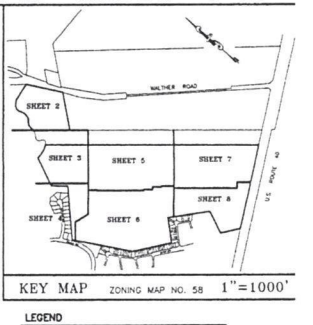
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

81. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
82. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 41.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
83. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
84. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA MANUAL, SAFETY AND HEALTH ACT OF 1970, AND THE RULES AND REGULATIONS THERETO APPURTENANT.

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN, AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, John P.E. Murphy, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, II, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, II, DE PLS #568 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED	9/26/05	BY Charles L. Baker, GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY	DATE	
APPROVED	9/27/05	BY [signature], COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY	DATE	

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 © FAX: (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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TRAVER

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
TRAVER LARRY B & PATRICIA A	100384 0121	313 PIERCE RUN NEWARK DE 19702	302-834-1134	(Yes)/No YES	Larry B. Traver Patricia A Traver

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B. 79, PG. 668
TOPOGRAPHIC SURVEY
AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWAGE SERVICE TO THIS DEVELOPMENT. LAND DEVELOPMENT AGREEMENT BETWEEN THE DEVELOPER AND NEW CASTLE COUNTY FOR THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 UNITS = 250 GPD/UNIT x 107 UNITS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 52,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM 3 OF ANY TYPE = 45
C. MINIMUM 3 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.69 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 7.79 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN TIME HISTORY ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE PROJECT DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.570 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. (NON-TIDAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 2 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, ON 45 LATCH ENVELOPES AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTING, HUNTER'S RUN, OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE AGREEMENT BETWEEN THE DEVELOPER AND NEW CASTLE COUNTY AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED; WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 2004100410108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT:
A. ANY LOT LINE WHICH IS COINCIDENT WITH AN EASEMENT HAVING SAID LOT LINE SHALL BE ESTABLISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 6,288± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS THE SUBDIVISION STREETS ARE ACCEPTED BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. NATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED
1. NATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/8' & END UNIT		5'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)	
LOT WIDTH:	18' (MIN.)	48', 54', & 60'	
BUILDING SPACING:	10'	n/a	

TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD:	0' & 8'	0'/8' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	26'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 18.8%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
B. PROPOSED RECHARGE AREA DISTURBANCE = 0.86± ACS./3.73± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330.7, OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS WHERE PIERCE RUN BOULEVARD ENDS. SUCH SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF ITS RECORDATION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

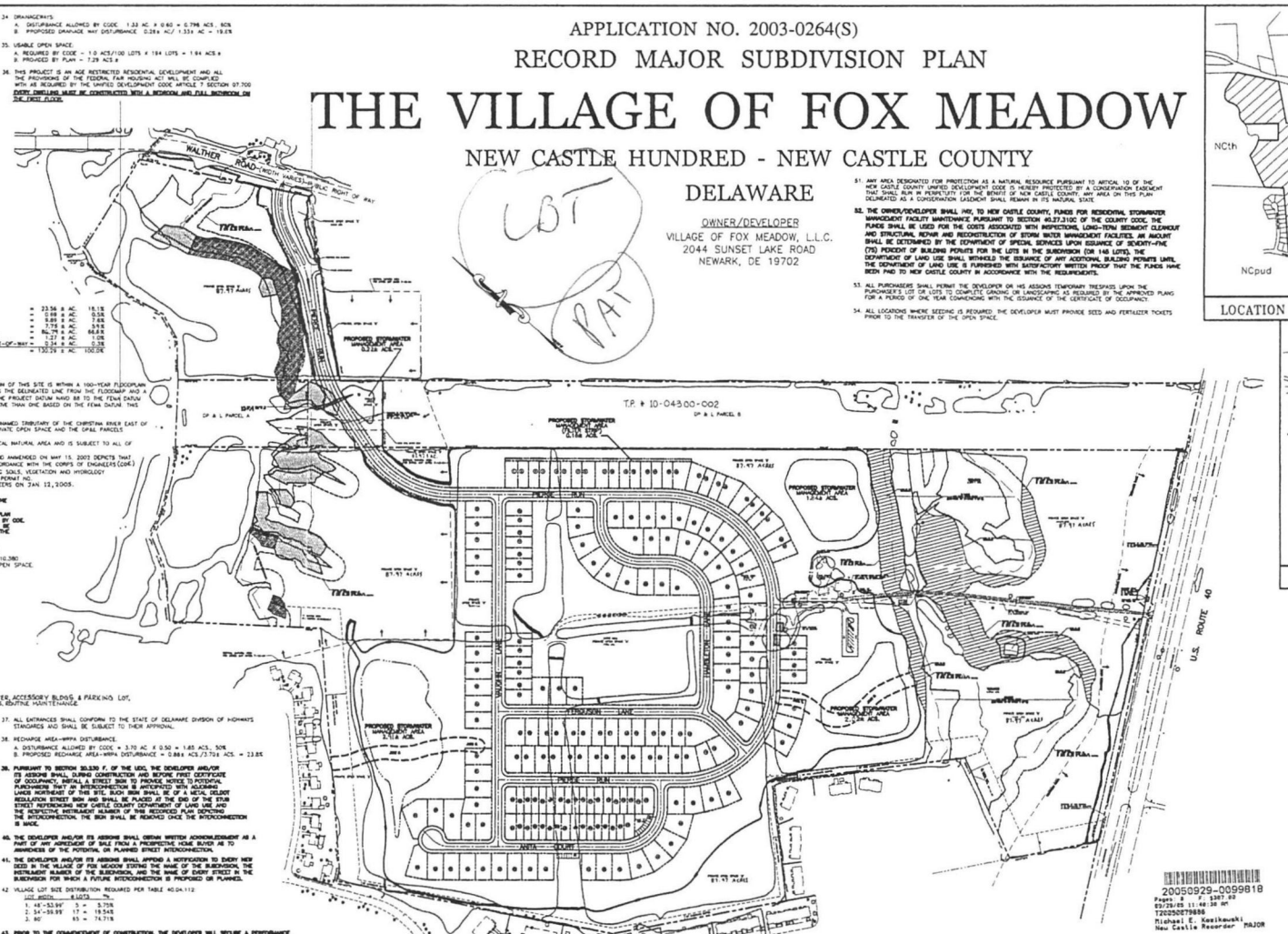
LOT WIDTH	%
1. 48'-53.99'	5 = 5.75%
2. 54'-59.99'	17 = 19.54%
3. 60'	65 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH USAO AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK OWNERS MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST EQUAL $24,775.36 ($500.02 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	75.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	3.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SMITH MARSH BRANCH
PUBLIC RIGHT OF WAY
PROPOSED STORMWATER MANAGEMENT AREA #1 3.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #2 1.21± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #3 2.51± ACS.
PROPOSED STORMWATER MANAGEMENT AREA #4 0.29± ACS.
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PIERCE RUN
HUNTER'S RUN BOULEVARD
HUDSON LANE
MAUDE LANE
ANITA COURT
GRANDVIEW
U.S. ROUTE 40
87.93 ALMS
87.93 ALMS
87.93 ALMS

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
MARTIN + HELEN TRGALA		439 PIERCE RUN	908 337-3540	YES	Martin J Trgala

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA = 130.29 +/- ACRES
2. EXISTING ZONING = S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040608-0050393 & 979-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO CONSTRUCT THE NECESSARY SEWER FACILITIES UNDER THE TERMS OF AN IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT + 81 UNITS + 250 GPD/UNIT + 107 UNITS + COMMUNITY CENTER AT 4470 S.F. + 0.10 DA./S.F. = 53,397 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MINIMUM % OF ANY TYPE = 10
   C. MAXIMUM % OF ANY TYPE = 70
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.88 ± AC.	0.5%
STORMWATER MANAGEMENT AREA	= 9.89 ± AC.	7.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 7.75 ± AC.	5.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 1.27 ± AC.	1.0%
TOTAL	= 0.34 ± AC.	0.3%
	= 130.29 ± AC.	100.0%

REMAINING LANDS OF D'ALL PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER, A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODWAY AND A HEC2 29, 0.8 FT BOARD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D'ALL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SECTION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. WETLAND, COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 5 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF SECTION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0%
       2. PRECAUTIONARY - 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EDITINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050329-0099818 AND THE RECORD MAJOR SUBDIVISION & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0168378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IV OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' POST RISE EASEMENT ON EACH SIDE OF EACH SLOPE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED BY THE BUILDER OF LOTS ON THIS PLAN, OTHERTHAN THOSE IMPROVED WITH UNITS FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PRIVILEGED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 4,868 L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (CNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
       1. NATURE (CNA) = 2.25± ACS./22.95± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	TOWNHOUSE	MIX REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20 TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	10' & 0'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGE AREAS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS AMENDED BY THE UNIFIED DEVELOPMENT CODE, TITLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE AREA-WRPA DISTURBANCE = 0.88± ACS./3.73± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET INTERSECTING AND CARRIES A NOTICE TO DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOSE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

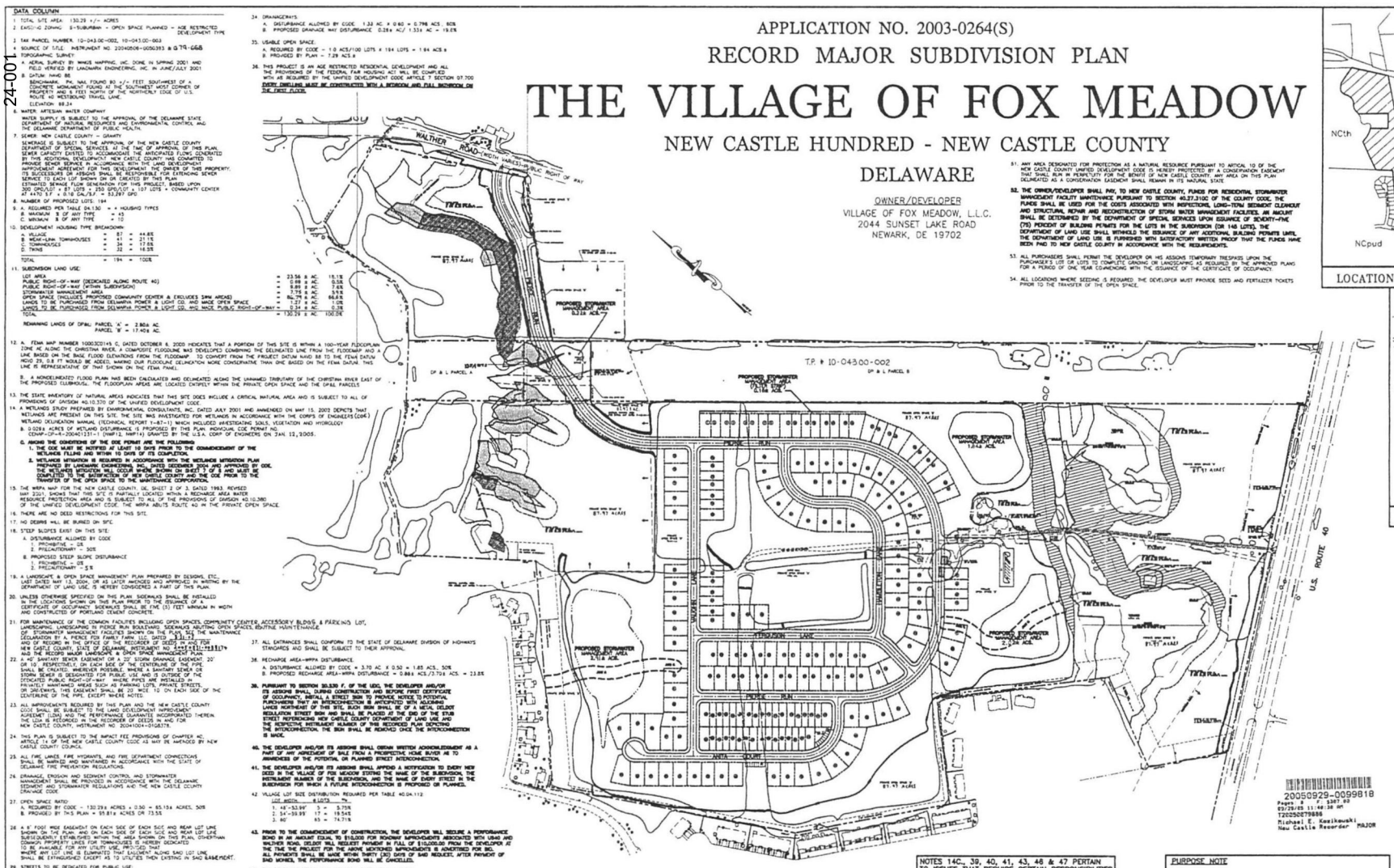
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

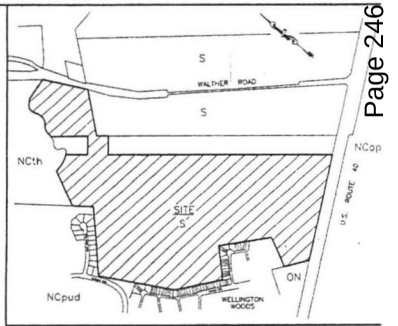
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LUMO AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATED: APRIL 8, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $808.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,714.36 ($808.62 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D'ALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.39±ACS.	73.48±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	77.80±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.39±ACS.	81.79±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

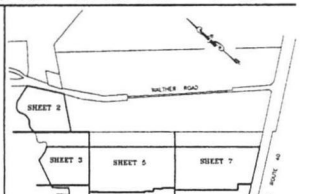
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTALIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 2220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO IMPLEMENT

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, [illegible] REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.
DATE

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
ARVIL E. COTTRELL, III, DE PLS #560 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED 9/8/05 DATE — BY Charles L. Baker DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

20050329-0099818
Pages: 8
Instrument #: 20050329-0099818
03/29/05 11:48:38 AM
T20050079886
Michael E. Kozikowski
New Castle Recorder MAJOR

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 301 @ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 @ FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

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MJT.

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joseph TRYBUS BARBARA TRYBUS		239 ANITA COURT	609-410 8370 609 410 8767	YES	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

- TOTAL SITE AREA - 130.29 +/- ACRES
- EXISTING ZONING - S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
- TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
- SOURCE OF TITLE - INSTRUMENT NO. 20040506-0050383 & D.B. 668
- TOPOGRAPHIC SURVEY:
  - A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
  - B. DATUM: NAVD 88
    BENCHMARK - PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
    ELEVATION: 69.34
- WATER: ARTESIAN WATER COMPANY
  WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
- SEWER: NEW CASTLE COUNTY - GRAVITY
  SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
  SEWER DEMAND: 194 DWELLING UNITS ON THIS PROJECT BASED UPON 330 GPD/UNIT = 64 LOTS = 330 GPD/LOT = 21,120 GPD
  107 LOTS + 1 COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 553.29 GPD
- NUMBER OF PROPOSED LOTS: 194
  - A. REQUIRED PER TABLE 04.13D = 4 HOUSING TYPES
  - B. MAXIMUM % OF ANY TYPE = 45
  - C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:		
A. VILLAGE	= 87 =	44.8%
B. WEAK-LINK TOWNHOUSES	= 41 =	21.1%
C. TOWNHOUSES	= 34 =	17.5%
D. TWINS	= 32 =	16.5%
TOTAL	= 194 =	100%

1. SUBDIVISION LAND USE

LOT AREA		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.29 ± AC.	5.6%
COMMONAGE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 66.75 ± AC.	50.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WIDE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WIDE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DPAL PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

2. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. TO CONVERT FROM THE FEMA DATUM TO THE TIDAL DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MONDELINEATO FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DPAL PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.023± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:

1. **THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.**
2. **WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR DURING PHASE 2 OF THE PROJECT AS IT IS COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.**

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE.

- A. DISTURBANCE ALLOWED BY CODE
  1. PROHIBITIVE - 0%
  2. PRECAUTIONARY - 50%
- B. PROPOSED STEEP SLOPE DISTURBANCE
  1. PROHIBITIVE - 0%
  2. PRECAUTIONARY - 5.8%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS, EXISTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLANS, SEE THE MAINTENANCE DECLARATION BY A PIERCE FOX FAMILY FARM, LLC., DATED 3.11.05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050315-0018179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE RIGHT-OF-WAY OF A PUBLIC STREET. WHERE SUCH SEWERS ARE LOCATED IN PRIVATE, MAINTAINED AREAS SUCH AS PARKLINE LOTS, ADJACENT STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT, AS AMENDED AND ASSIGNED THEREIN AND/OR AS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
- A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
- B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND, ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS, TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY 8,286± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
- A. DISTURBANCE ALLOWED BY CODE:
  1. MATURE (CNA) = 15%
  2. YOUNG = 50%
- B. DISTURBANCE PROPOSED:
  1. MATURE (CNA) = 2.25 ± ACS./22.99 ± ACS. = 9.8%
  2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	38' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

	WEAK-LINK TOWNHOUSES	
	TWIN	TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
  - A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.50 = 0.798 ACS., 60%
  - B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26 ± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE
  - A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
  - B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7, SECTION 07.700. **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SPECIFICATIONS SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
  - A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
  - B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.85 ACS./3.70 ACS. = 23.8%

39. **PURSUANT TO SECTION 20.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, ERECT A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELCOR REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET INDICATING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**

40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY ASSIGNMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.**

41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOSE NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-79.99'	17 =	19.54%
3. 80'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEAKS AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL MONIES SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**

44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
  PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.210.B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST, PLUS $24,778.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**

47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**

48. THIS PLAN CREATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN COMMUNITY AREA (OPEN SPACE) AND INDIVIDUAL AREA (OPEN SPACE). IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

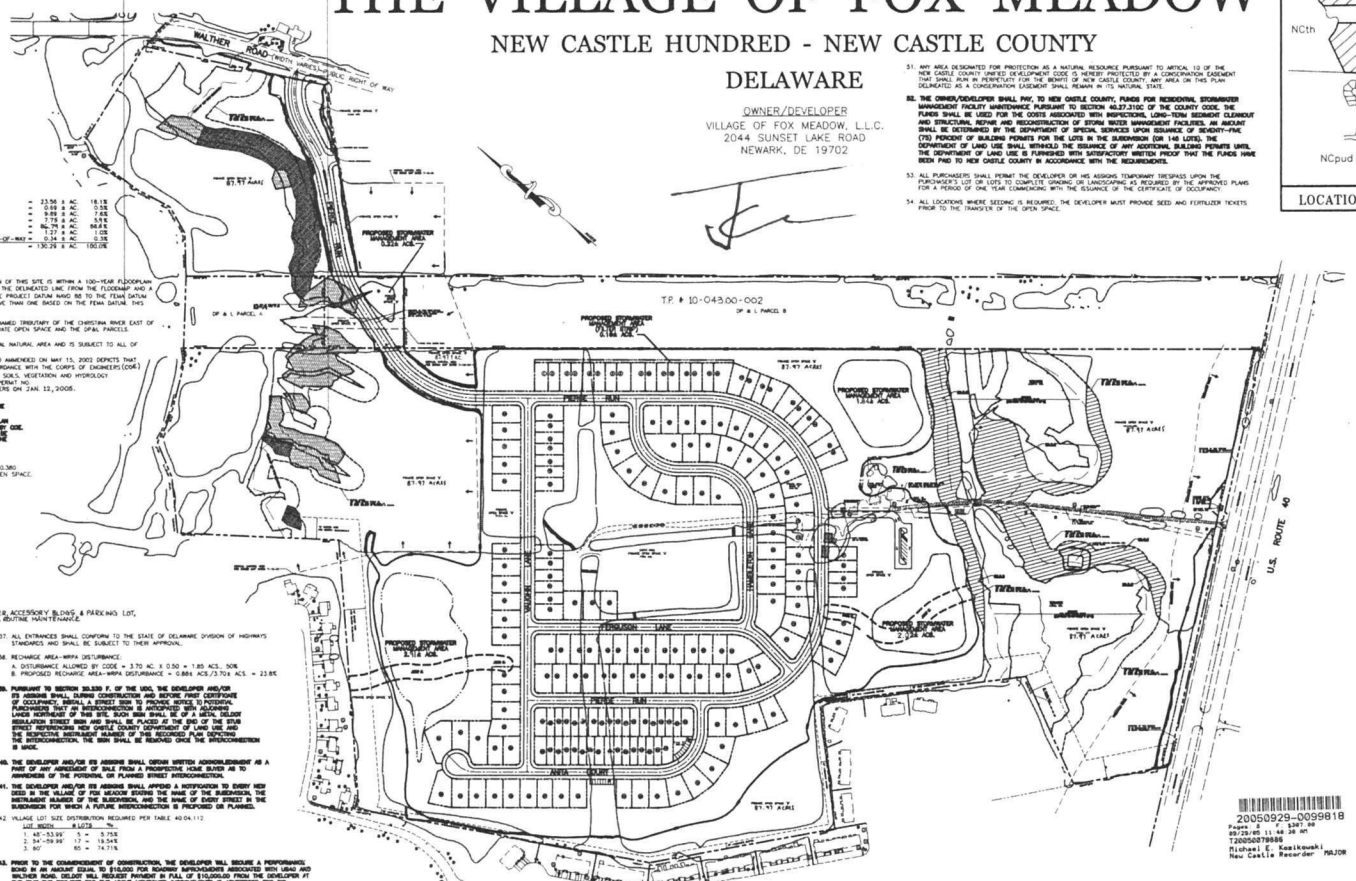
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

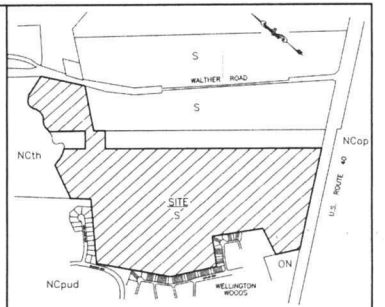
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**

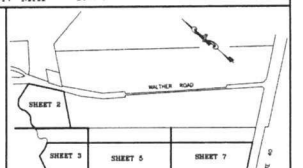
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

_____
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY _____
DATE GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 BY _____
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9577 © FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
DONALD W. TUNSTALL		441 PIERCE RUN	248-495-4733	Yes	Donald W. Tunstall

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.28 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN – OPEN SPACE PLANNED – AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050261 & 979-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 8 FEET NORTH OF THE MONTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 86.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – DELAWARE
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AND THE DATE OF APPROVAL OF THIS PLAN. THE DEVELOPER HAS ENTERED INTO AN AGREEMENT WITH THE DESIGNATED FLOWS DESIGNATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 26U GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	33.56 ± AC.	19.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.68 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.98 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.96 ± AC.	6.1%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.28 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 8, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPUTER FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE NGVD29 TO FEMA NAVD 88. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS FIELD CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT SHB SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL, (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATIONS OF SOILS, VEGETATION AND HYDROLOGY.
    B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2006.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WORK IN WAYS OF ITS COMPLETION.
    2. WETLAND MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLAND MITIGATION PLAN [illegible]
15. THE NRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.340 OF THE UNIFIED DEVELOPMENT CODE. THE NRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE – 0%
       2. PRECAUTIONARY – 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE – 0%
       2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN, PRIOR TO THE ISSUANCE OF A USE CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE AGREEMENT FOR THE VILLAGE OF FOX MEADOW, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 30' STORM DRAINAGE EASEMENT, 20' OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 22' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RETURNED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IV OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE – 130.28± ACRES x 0.50 = 65.1± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND, ON EACH SIDE OF EACH SIDE AND REAR LOT LINE THROUGHOUT THE SUBDIVISION, EXCEPT AS SHOWN ON THIS PLAN, OTHERWISE TOWNHOUSE PROPERTY LINES FOR TOWNHOUSES AS HEREIN DEFINED, IS HEREBY TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 1,939± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 5586 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE, FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
       1. MATURE (CRA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CRA) = 2.25± ACS /22.96± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/15' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, & 6,400 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

	WEAK-LINK TOWNHOUSES	
	TWIN	TOWNHOUSE
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,900 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DAMAGEWAYS
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.90 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 5.26± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.300
    [illegible]
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–NRPA DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA–NRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. [illegible]
40. THE DEVELOPER AGREES TO GRANT SHALL GIVEN WRITTEN ACKNOWLEDGMENT AS A PART OF SALE OF EACH & EVERY INDIVIDUAL LOTS WITHIN 60 TO PURCHASERS OF THE POSSESSION OF PLANNED STREET IMPROVEMENTS.
41. THE DEVELOPER SHALL GIVE WRITTEN NOTIFICATION TO EVERY LOT BUYER IN THE VILLAGE OF FOX MEADOW WITHIN THE TIME OF THE SUBDIVISION, THE EXISTENCE OF THE PIPELINE EASEMENT AND THE RESTRICTIONS PLACED ON THE SUBDIVISION FOR THEIR & FUTURE IMPROVEMENTS IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

LOT WIDTH	%
1. 48'–53.99'	5 = 8.79%
2. 54'–59.99'	17 = 19.54%
3. 60'	80 = 74.71%

43. [illegible]
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. [illegible]
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 32.210A OF THE UDC TO ESTABLISH AN AREA FUND FOR THE [illegible]
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF 1.002 TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.06±ACS.	–	–	–	0.06±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.28±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON SUBMITTAL OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 145 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.

NOTES 14C, 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE, AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #588 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

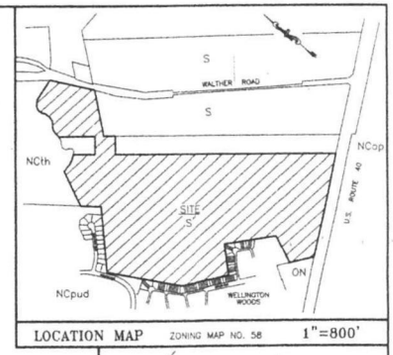
DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 — DATE — BY [illegible] DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 — DATE — BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.81± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.



LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 39 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

20050929-0099818
Pages: 8
F: $107.00
09/29/05 11:40:30 AM
T20050079886
Michael E. Kwiatkowski
New Castle Recorder MAJOR

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

REVISIONS	CHECKED BY:

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ○ SUITE 201 ○ NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 ○ FAX: (302) 323-9411

GRAPHIC SCALE: 0 100 200 400

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME	RCC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
JAN + AILAN UNFLAT		338 PIERCE RUN NEWARK	302-379-2692	YES	Jan M. Unflat

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B. 66, PG. 668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	34	= 17.5%
C. TOWNHOUSES	=	36	= 18.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.84 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	6.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	76.79 ± AC.	64.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.31 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.91 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOOD STUDY. TO CONVERT FROM THE PROJECT DATUM (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (2041) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OPR-R-200401231-1 (NAME: L. MARTIN) GRANTED BY U.S.A. CORPS OF ENGINEERS ON JAN. 13, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 2, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE - 0S
       2. PRECAUTIONARY - 50S
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE - 0S
       2. PRECAUTIONARY - 5.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING BY PIERCE RUN BOULEVARD, ISLANDS ABUTTING OPEN SPACES, ABUTTING PARKS, ETC., OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A PERPETUITY FARM USES OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN DEED BOOK [illegible] AT PAGE [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN SHEET 7 OF 8.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 10' RECREATIONAL ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE AND IS LOCATED OUTSIDE OF DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE INSPECTED, MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 4,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED FOR PUBLIC USE SHOWN ON THIS PLAN SHALL BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. NATURE (DNA) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. NATURE (DNA) = 2.2± ACS./22.98± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	MIN REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' OR 9' END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' & 9' @ END UNIT
REAR YARD:	20'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	40'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS. 50%
    B. PROPOSED WRPA DISTURBANCE = 0.88± AC./3.70± AC. = 23.8%
39. PURSUANT TO SECTION 30.330.7, OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS WHERE SHOWN ON THIS PLAN. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRISE EACH PURCHASER OF EVERY HOT DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

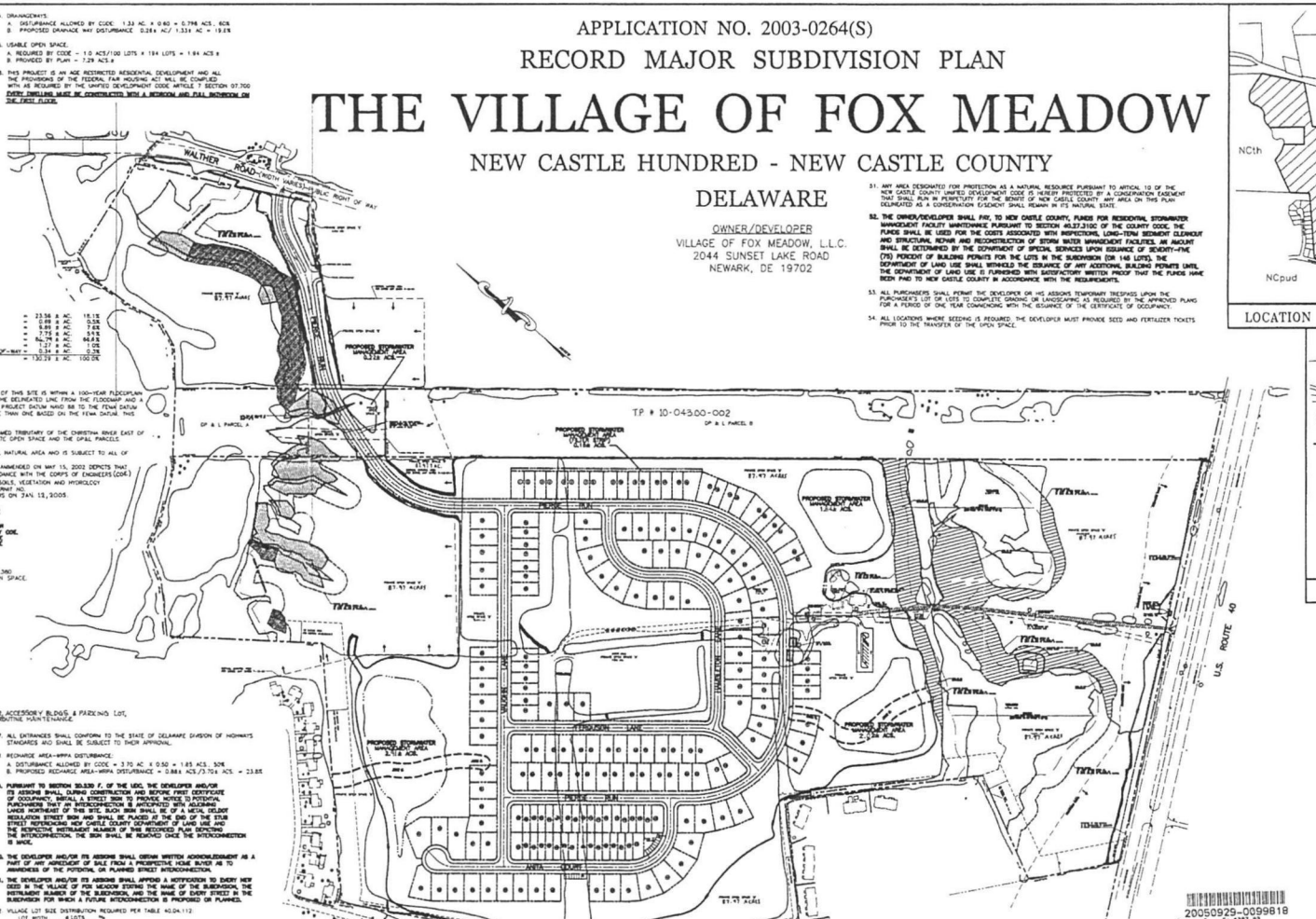
LOT WIDTH	# LOTS	%
1. 48'-52.99'	5 =	3.75%
2. 54'-58.99'	17 =	19.54%
3. 60'	60 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THREE (3) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.811.1, OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED WITH LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500/LOT INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.2106, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 140 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.30 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRECEDES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.45±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.28±ACS.

31. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN IT'S NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SOUTH VARIES
PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 2.16± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.26± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.16± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.34± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.75± ACS.
PIERCE RUN
WILDERNESS LANE
THOROUGHBRED LANE
ATHERTON LANE
ARETA COURT
U.S. ROUTE 40
TWRA
TWRA
TWRA

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
MICHAEL & SUSAN VANNELLI	1003830191	24 VAUGHN LN. NEWARK, DE 19702	610-547-6479	Yes	Michael Vannelli

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B.79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, LLC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. THE CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS DEVELOPMENT. ADDITIONALLY, NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.13C = = HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DATA FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE COPRS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    A. 0.0294 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CDWP-DF-K-20040123I-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12,2005.
    B. MEETING THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN TITLED "LANDSCAPE ENGINEERING, INC." DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION ENGINEERING AND CONSTRUCTION PLAN SHEETS 1 AND 2 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE NRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE NRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 12, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0019179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHEREVER POSSIBLE OVER ALL PUBLIC SANITARY SEWER OR STORM SEWER MAINS LOCATED ON PUBLIC LANDS. SUCH EASEMENT IS OUTSIDE OF DEDICATED PUBLIC RIGHT-OF-WAY WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20040304-0018378.
24. THIS PROJECT IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN THOSE LOTS WHERE THE ENTIRE LOT IS SUBJECT TO A CONSERVATION EASEMENT, IS HEREBY ESTABLISHED FOR UTILITY USE. THE PARTIES SUCH THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,268± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DIA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
    1. MATURE (DIA) = 2.25 ± ACS./22.88 ± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS:

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG	12'
SIDE YARD	0'/18' & 0' END UNIT	5'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	1 @ 8'	0',8' & END UNIT
REAR YARD	25'	25'
LOT AREA	4,500 SF	3,800 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

34. DRAINCRAFTS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC = 19.5%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BATHROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REFLECTIVE MATERIAL AND SHALL BE PLACED AT THE END OF THE ETON STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE PERTINENT MAJOR SUBDIVISION PLAN RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL ON PLANNED STREET INTERCONNECTIONS.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF PLANNED STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

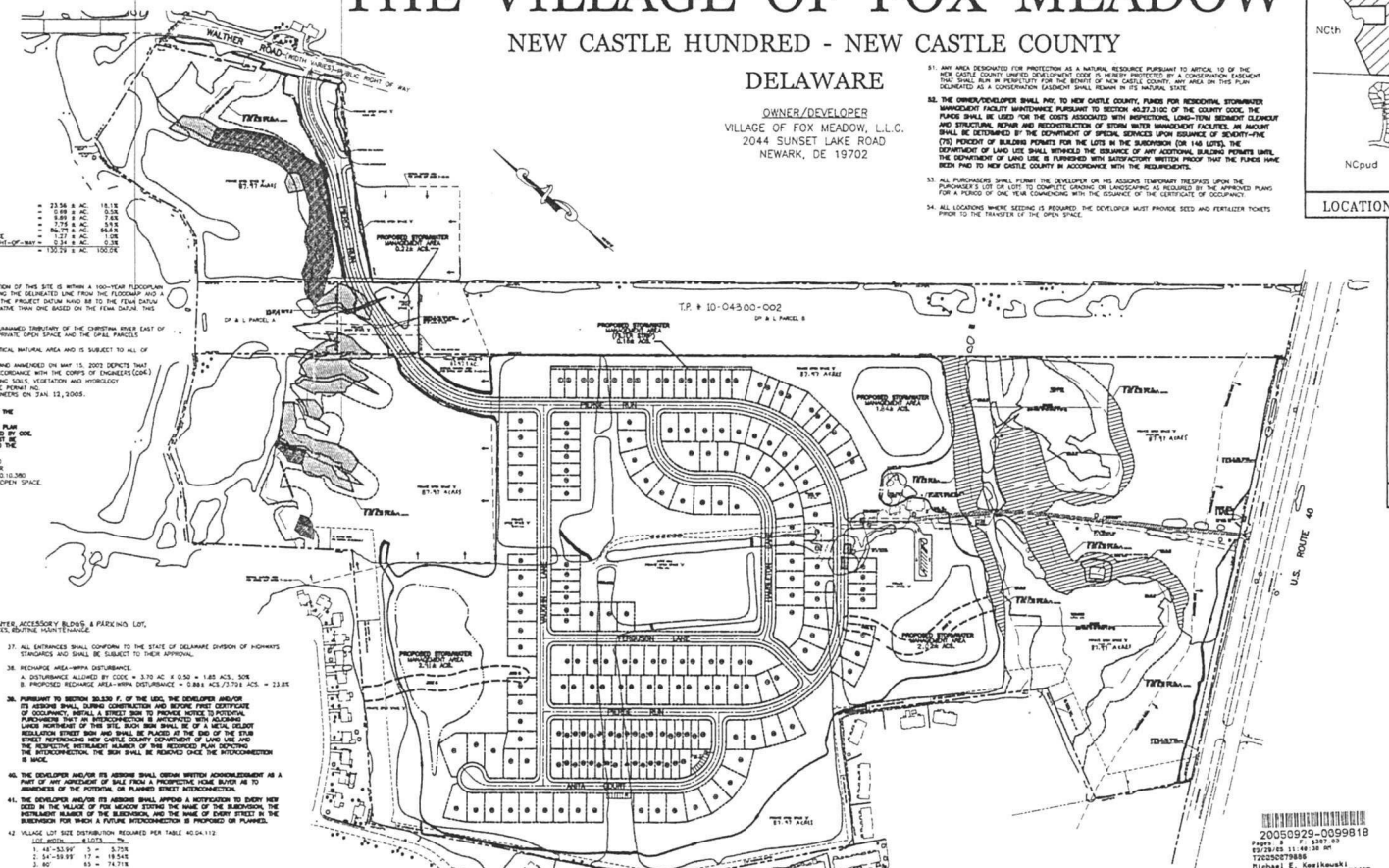
LOT SIZES	# LOTS	%
1. 40'-52.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

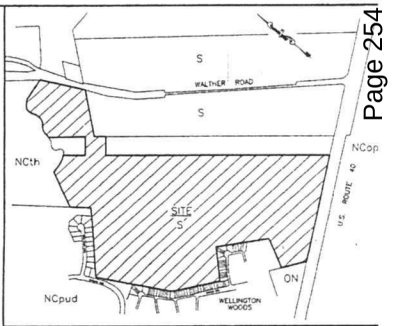
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEAD AND WALTHER ROAD. DELIGHT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT IS SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE TRANSFER OF SOME THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($900.00 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.	73.49±AC.	0.06±AC.	0.14±AC.	0.32±AC.	87.30±AC.
STORMWATER MANAGEMENT AREA.	–	7.75±AC.	–	–	–	7.75±AC.
PAVED AREA:	–	0.45±AC.	0.03±AC.	–	–	0.48±AC.
BUILDING AREA:	–	0.08±AC.	–	–	–	0.08±AC.
TOTAL:	7.29±AC.	81.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

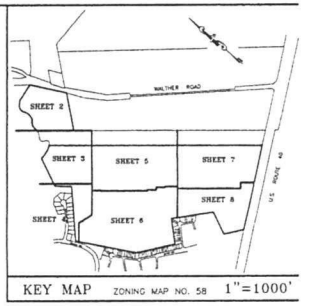
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS), THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOT TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE HOUSEKEEP COMPLIANCE FOR CONSTRUCTION.

ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREBY APPURTENANT

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Pages: 8
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#2025079886
Richard E. Kosikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL DEVELOPMENT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David G. Mettle, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY Charles L. Baker, GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY:

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS ◇ SUITE 301 ◇ NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 ◇ FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'	DRAWN BY: ERF/JAY/FJS/KBK
DESIGNED BY: FTP/JAY	CHECKED BY: F.T.P.
DATE: 5-24-04	COMM. NO. C 853-2
DRAWING NAME: REC-COVER.DWG	
FILE NO. 039	SHEET NO. 1 of 8

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VILLA

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Bob + Pauline Vill		517 Hambletons LN	302-261-6418	Yes	Robert D. Vik

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA : 130.29 +/- ACRES
2. EXISTING ZONING : S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE : INSTRUMENT NO. 20040506-0050393 & D 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 69.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY HAS ACQUIRED CAPACITY FOR 194 EQUIVALENT DWELLING UNITS (EDU'S) FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON EXISTING SEWER PLANS.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT + 87 LOTS + 250 GPD/UNIT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA:		
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 0.89 ± AC.	0.6%
STORMWATER MANAGEMENT AREA	= 7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.426 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE PROJECT DATUM (NGVD 88) TO THE FLOODMAP DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0224± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NWP/GLOBAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR IMMEDIATELY ADJACENT TO THE EAST OF 8 AND MUST BE CONSTRUCTED AND APPROVED BY THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.390 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ENTIRE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE AGREEMENT BY AND BETWEEN THE OWNER AND THE NEW CASTLE COUNTY AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20041231-0088319 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10, RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20 WIDE 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40 ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.30 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES (T) HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT NO UTILITY SHALL INSTALL ANY FACILITY WITHIN SAID EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY = 2,588± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 559± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONVEYED WITHIN THE LIMITS OF THE SUBDIVISION SHALL CONFORM TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DM) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DM) = 2.25± ACS./23.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PVG	12'
SIDE YARD:	0' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PVG
SIDE YARD:	1 @ 8'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. # 0.80 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN - 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS ENSURED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 1 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. # 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.5330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE 100TH LOT, CAUSE TO BE INSTALLED, A PERMANENT MONUMENT AT THE INTERSECTION OF PIERCE RUN BOULEVARD AND LARGE NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET NAME SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL GIVE WRITTEN NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE FACT THAT EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

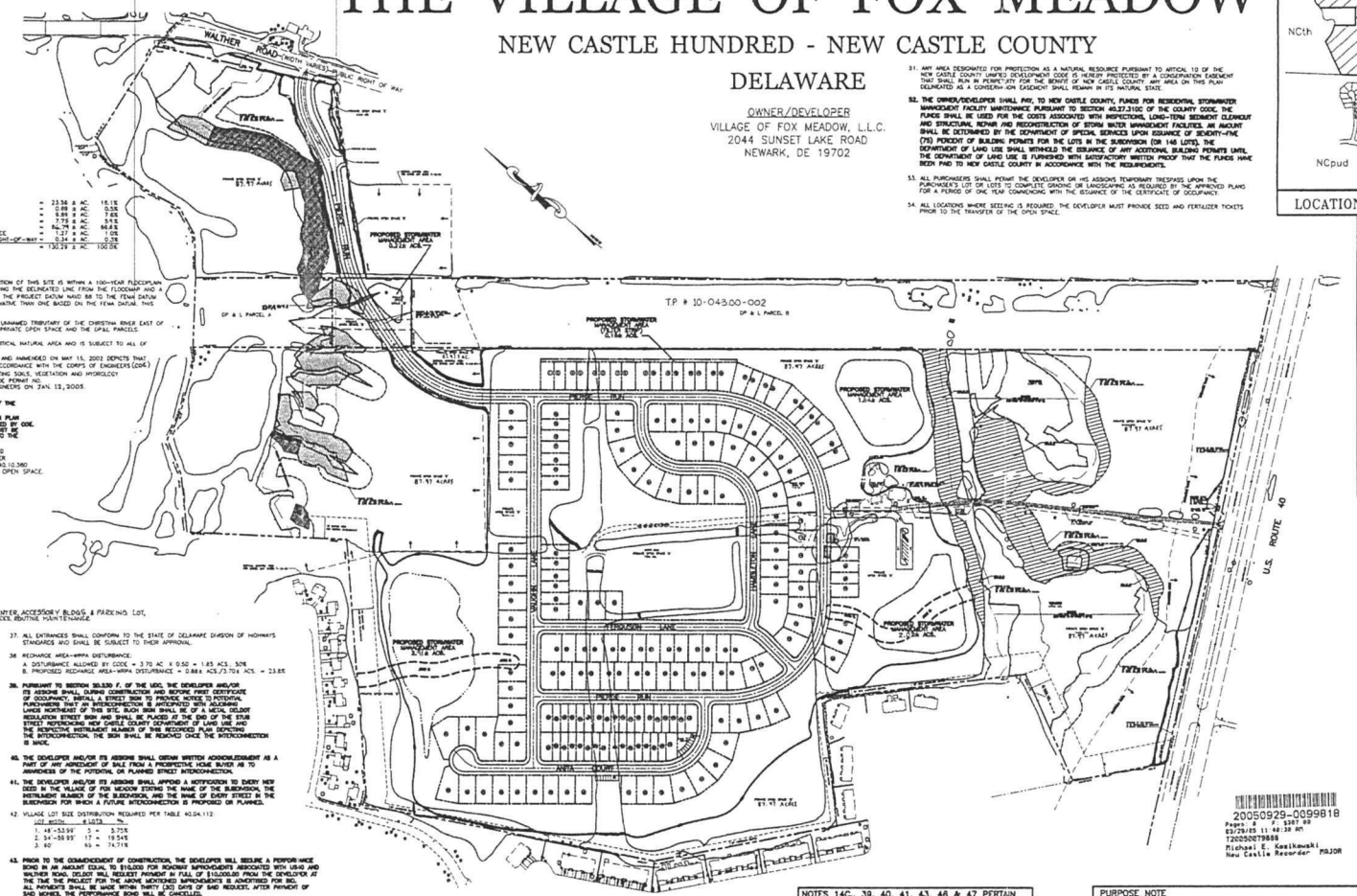
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

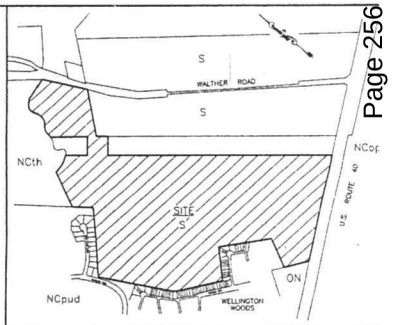
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US-40 AND WALTHER ROAD. DELROY WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 4, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $95.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.30 ($100.00 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CERTAIN CONSERVATION STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.48±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	–	7.73±ACS.	–	–	–	7.73±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

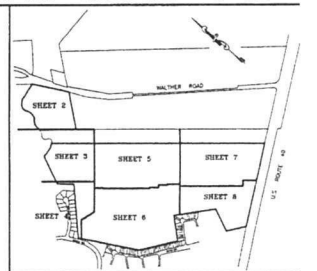
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT NOW SHOWN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY - ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN IMPLEMENTED

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, MANAGING MEMBER — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #568 — DATE

OWNER'S CERTIFICATION

(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [signature] DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 201 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9372 O FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Gail Wachsmuth	1304310909	435 Pierce Run	732-946-7644	Yes	Gail Wachsmuth

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & @ 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WAGE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
      BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY MUST BE AVAILABLE TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS = 250 GPD/LOT + 137 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WAS ADDED, MAKING OUR FLOODPLAIN DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.028± ACRES OF WETLANDS DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (MAP12, MAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.280 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0059179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM DRAINAGE PIPE IS LOCATED OUTSIDE OF THE RIGHT-OF-WAY OF A DEDICATED PUBLIC STREET. RIGHT-OF-WAY SHALL APPLY TO ALL INSTALLED & PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS. THE EASEMENT SHALL BE 22' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS DATED MARCH 6, 2004 AND IS OF RECORD IN FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041014-0108176.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14, OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 8,388± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 5584 L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CWA) = 135
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
       1. MATURE (CWA) = 2.25± ACS./23.88±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	25'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	26' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0' & 8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,800 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	28'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266 AC./1.331 AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 20.320 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT ANY SUBDIVISION OF LOTS AS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE, SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INTERMUNICIPAL BOUNDARY OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

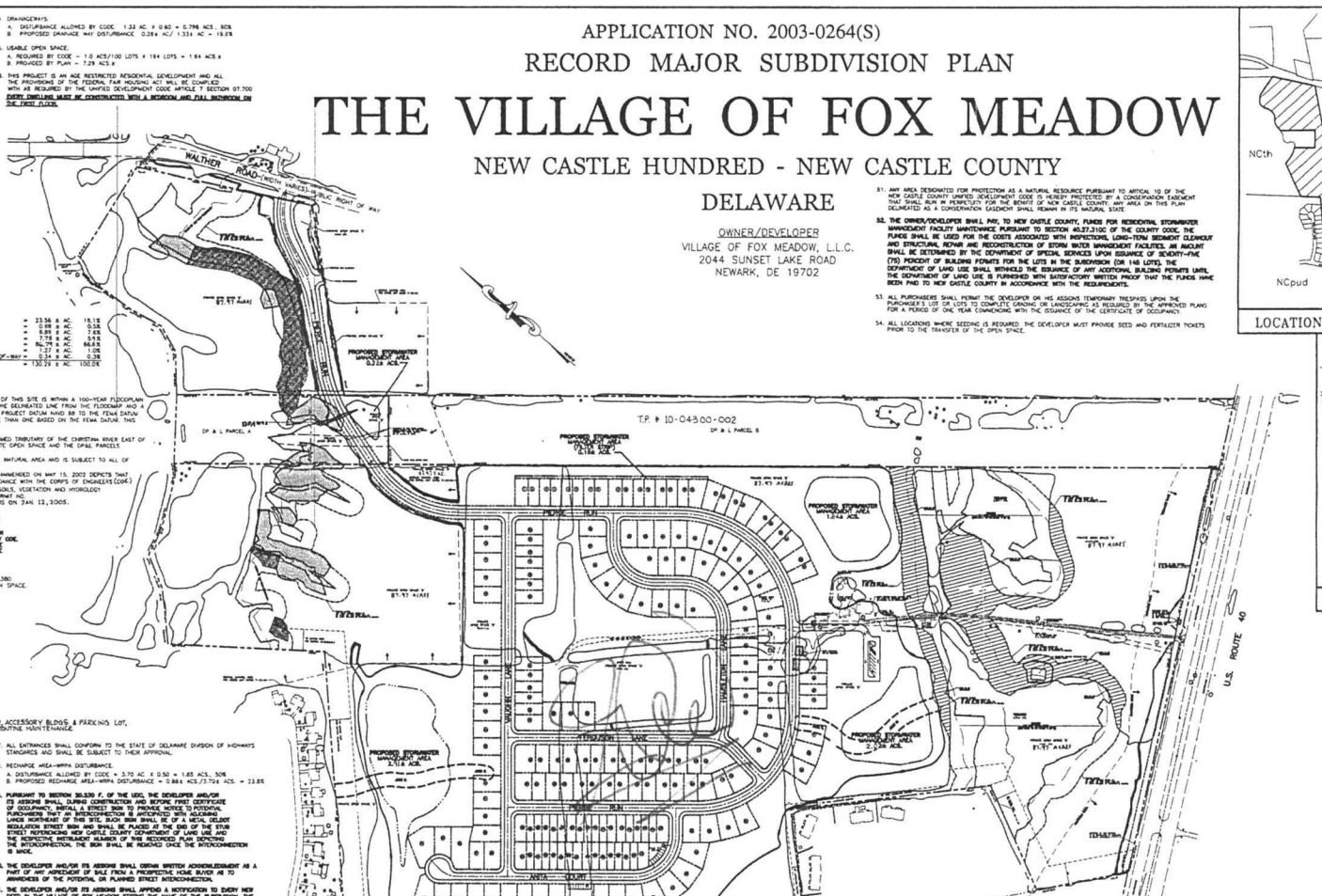
LOT WIDTH	# LOTS	%
1. 48'-53.99'	3 =	5.75%
2. 54'-59.99'	9 =	10.34%
3. 60'	85 =	74.71%

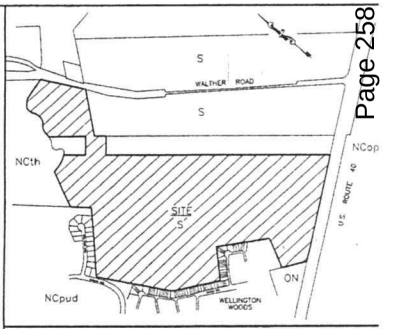
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BILLING AND REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE RELEASE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500/LOT INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500 X 2 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO LOT 1 THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	73.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	81.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.06±ACS.	–	–	–	0.06±ACS.
TOTAL:	7.29±ACS.	81.93±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

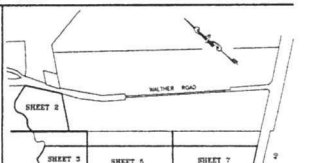
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE, THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

3/8/05
MARIO B. CAPANO, DATE
MANAGING MEMBER

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David R. Hastie, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

March 10, 2005
ARVIL E. COTTRELL, III, DE PLS #546 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 BY Charles L. Baker
DATE COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/07/05 BY
DATE COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 201 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9661

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	CONAN. C 853-2 NO.	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Carolyn Emilie M. Waddington	63	34 Vaughn Lane Newark, DE 19702	302-834-1733	Yes	Carolyn Emilie M. Waddington

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & DB 79-668
5. TOPOGRAPHIC SURVEY:
   FIELD SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT PER THE TERMS OF THE IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 81 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM # OF ANY TYPE = 45
   C. MINIMUM # OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC	0.8%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC	7.6%
STORMWATER MANAGEMENT AREA	=	7.73 ± AC	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.61 ± AC	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC	0.3%
TOTAL	=	130.29 ± AC	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A NEW FLOOD LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NAD 88 TO THE FEMA DATUM (NGVD 29), 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED WINESTEADING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.026 ± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NONGENERAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC. LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EQUITINE HIKE/BIKE TRAIL, STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE VILLAGE OF FOX MEADOW WAS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENTS AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE: - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY ESTABLISHED TO BE AVAILABLE FOR ANY UTILITY USE. IT IS REQUIRED THAT WHERE ANY LOT LINE ABUTS AN EASEMENT, THE EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 0.28± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN SHALL BE MAINTAINED BY THE DEVELOPER UNTIL INCLUDING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES THE MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (DM) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
    1. NATURE (DM) = 2.25± ACS./23.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/18' @ END UNIT		8
REAR YARD:	20		25
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	
BUILDING HEIGHT:	40' (MAX.)		35' (MAX.)
LOT WIDTH:	18' (MIN.)		48', 54' & 60'
BUILDING SPACING:	10'		N/A

	TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.	
SIDE YARD:	0' & 8'	0' & 8' END UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,500 SF	3,600 SF	
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)	
LOT WIDTH:	68'	26'	
BUILDING SPACING:	12'	10'	

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC/ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STREET TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARDLY. SUCH STREET SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PROVIDING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE RETAINMENT NUMBER OF THIS RECORDED PLAN DIRECTING FUTURE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL INCLUDE IN THE DEED TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTALLMENT AND REMOVAL OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

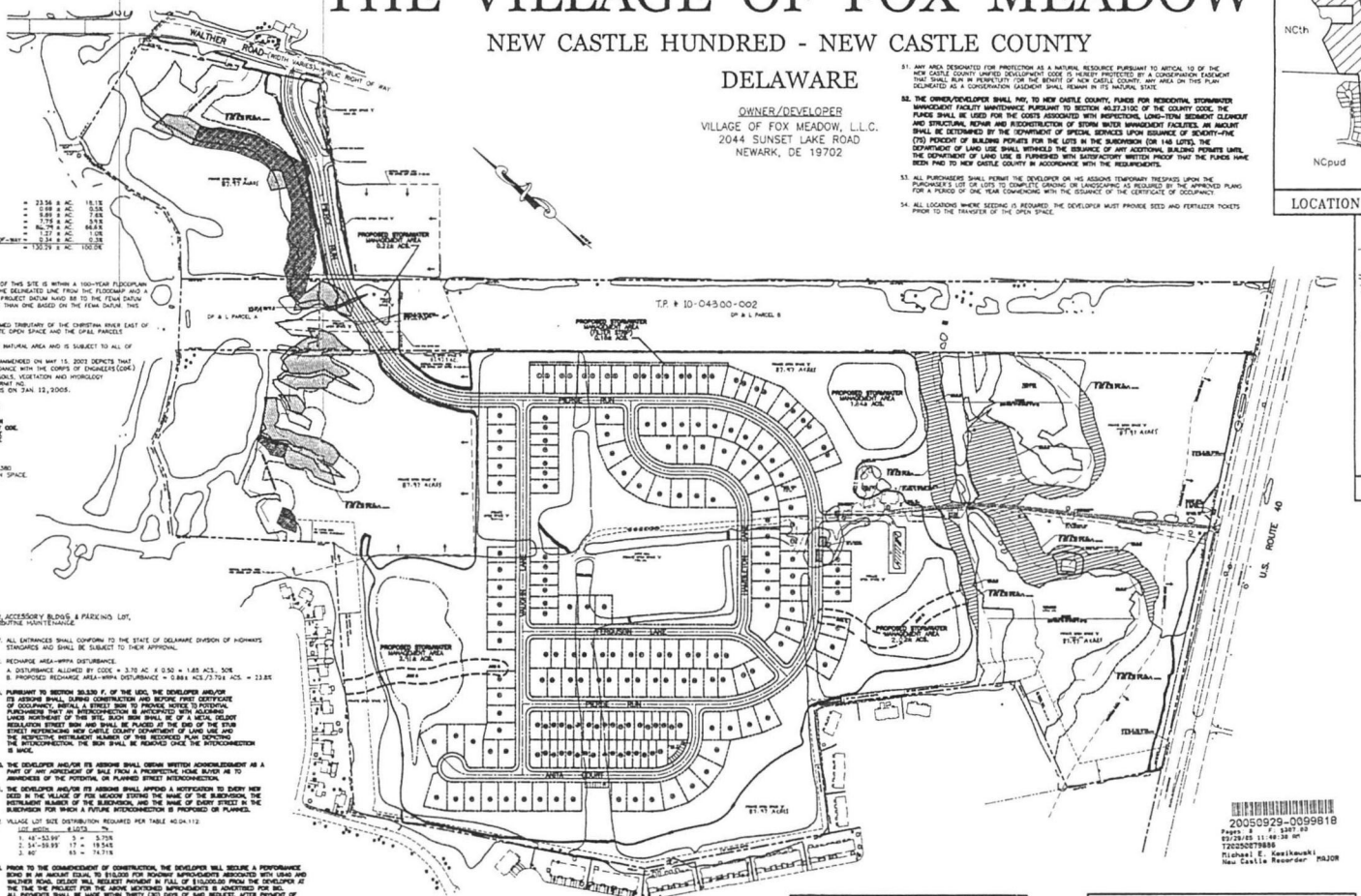
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9 =	5.75%
2. 54'-59.99'	17 =	10.94%
3. 60'	65 =	74.31%

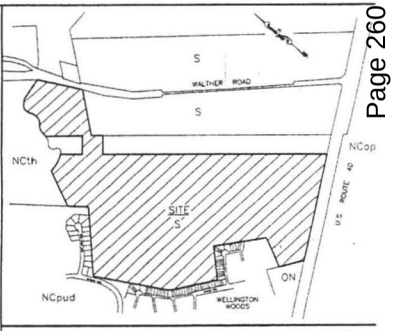
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND SR2/HEDG ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2002
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $8068.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL) THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $14,775.38 ($305.02 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 2 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.78 ACS.	–	–	–	7.78 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.06 ACS.	–	–	–	0.06 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

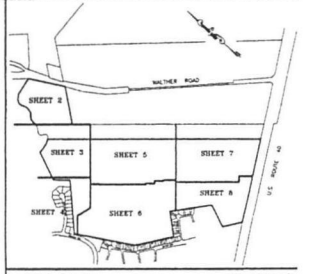
TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA MANUAL AND WITH ANY OTHER ACT OF LAW AND THE RULES AND REGULATIONS THEREBY APPURTENANT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, P.L.S. HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #560 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [signature] COUNTY MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE: (302) 323-9507 © FAX: (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	CONAL NO. 0.853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Beverly T. Wallace	1004310933	32 Vaughn Lane Newark DE 19702	302 365-5010	Yes	Beverly T. Wallace

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED = AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D 719-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY IS OBLIGATED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS + 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM NAVD 88 TO THE STAR DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA MAP.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DAMSON 40.10.330 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 WHICH INCLUDED AN EVALUATION OF SOIL, VEGETATION AND HYDROLOGY.
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NONCOAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DEL SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DAMSON 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE – 0%
    2. PRECAUTIONARY – 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE TRANSFER OF ANY LOT OR A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S & PARKING LOT, LANDSCAPING, LANDSCAPING TO PREVENT IRUN ROUTE 40, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC. DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM PIPE IS DESIGNATED FOR PUBLIC USE BUT IS LOCATED OUTSIDE OF DEDICATED STREET RIGHT-OF-WAY. ALL SUCH EASEMENTS SHALL BE LOCATED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE V OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 2,268± L.F.
    VARIABLE WIDTH (51' TO 153') RIGHT-OF-WAY 553± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED TO BE PUBLIC USE, SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY LIMITS, THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DAI) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DAI) = 2.25± ACS./23.86±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING UNIT BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE AREA-WRPA DISTURBANCE = 0.86± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE SUBDIVISION, PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWARD AT THIS POINT. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW SUBDIVISION THAT SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112.

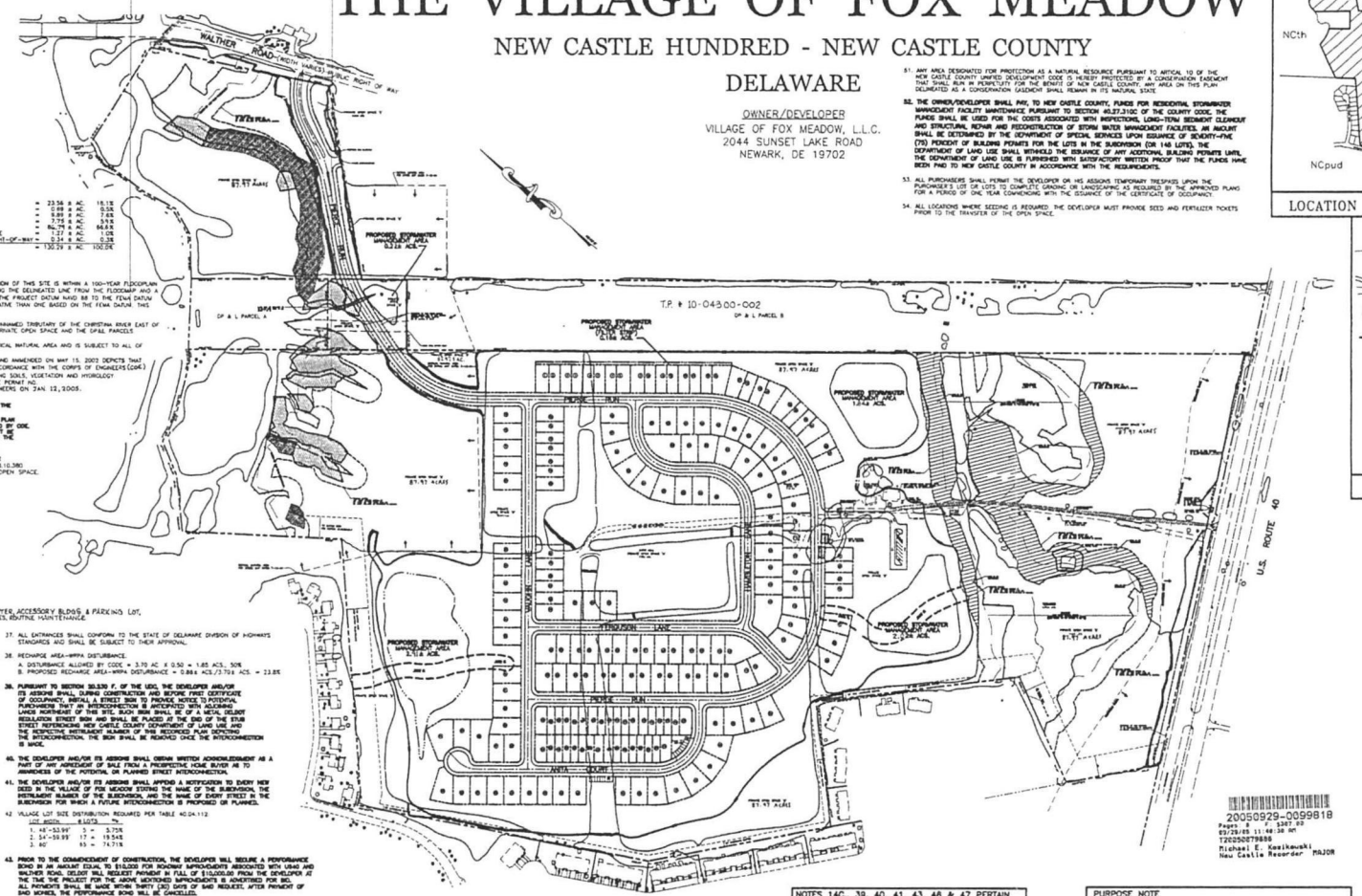
LOT WIDTH	# LOTS	%
1. 48'-50.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 80'	65 =	74.71%

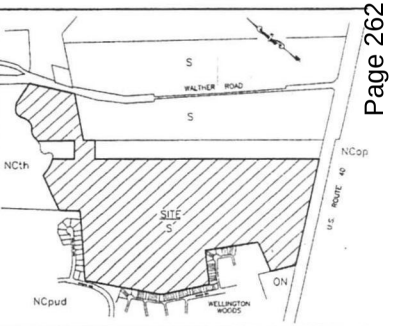
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELIGHT WILL RELEASE PAYMENT IN FULL OF $15,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 29, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 (STO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3100. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONIES, INCLUDING INTEREST PLUS $24,775.38 ($500.62 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED" COMMUNITY, THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.49±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

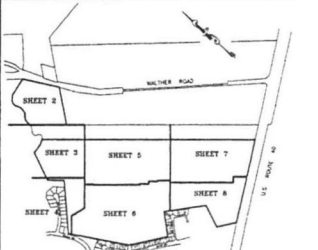
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 8,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Kwiakowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [illegible] DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS O SUITE 301 O NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 O FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	COMM. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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btw 10-11-23

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
BERNICE M. WALLS		425 PIERCE RUN	302 836 3819	YES	Bernice M. Walls

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & D.B. 679 PG. 668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY HINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 44/10 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 8 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 34	=	17.5%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	=	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.69 ± AC.	=	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.69 ± AC.	=	7.5%
STORMWATER MANAGEMENT AREA	= 7.76 ± AC.	=	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 87.93 ± AC.	=	66.9%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.35 ± AC.	=	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	=	0.3%
TOTAL	= 130.29 ± AC.	=	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN, ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM (NGVD 29) TO THE PROJECT DATUM (NAD 83) THE FEMA DATUM WAS INCREASED BY 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP 12, NWP 14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR, WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, STREETLINE MAINTENANCE, OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY & PIERCE RUN FAMILY FARM, LLC, DATED [illegible] AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, ON [illegible] AS INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED. WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE: 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (SUBDIVISION AGREEMENT) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IV OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE ENGINEERING, SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO PUBLIC USE TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE WORK BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE HAS NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREETS' RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DM) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DM) = 2.25± ACS./22.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

NON-OPEN SPACE PLANNED	TOWNHOUSES	MEAN-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.32 AC. X 0.60 = 0.796 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **DATE: DWELLINGS MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED DISTURBANCE IN MRPA: DISTURBANCE = 0.84± ACS./3.73± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE STUB TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION IN EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE PIERCE RUN BOULEVARD STUB SUBDIVISION, AND THE FACT THAT IN EVERY DEED IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

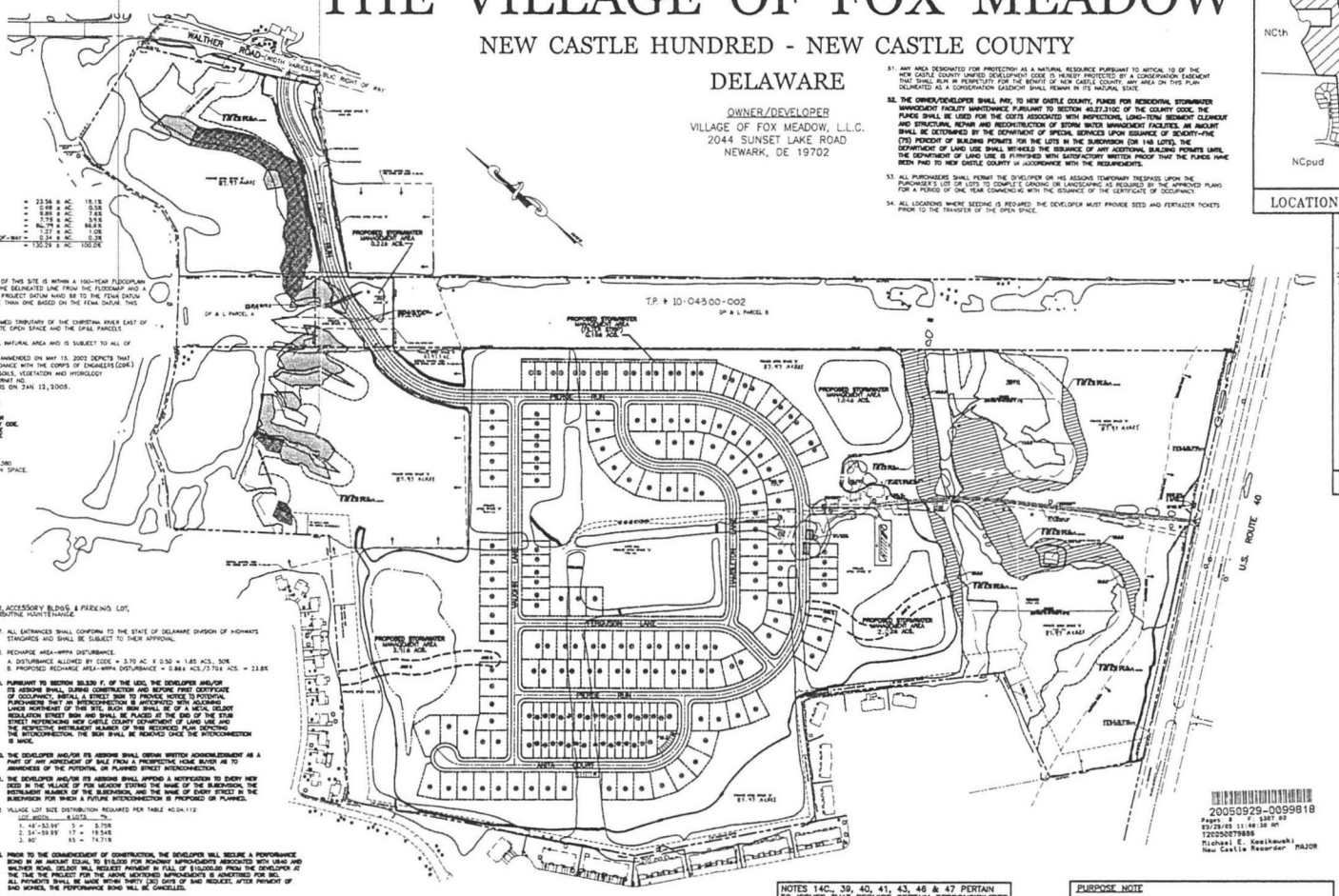
LOT WIDTH	% LOTS	No.
1. 48'-53.99'	3 =	5.75±
2. 54'-59.99'	17 =	19.54±
3. 60'	65 =	74.71±

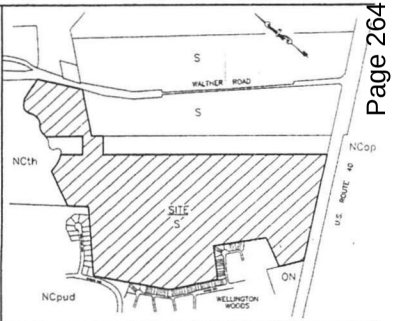
43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD, DELOOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF THE 100TH BUILDING PERMIT, THE DEVELOPER SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING ANY INTEREST PLUS $24,375.36 ($900.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REDUCE OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.S.	75.64±AC.S.	0.06±AC.S.	0.14±AC.S.	0.32±AC.S.	87.50±AC.S.
STORMWATER MANAGEMENT AREA:	–	7.76±AC.S.	–	–	–	7.76±AC.S.
PAVED AREA:	–	0.45±AC.S.	0.03±AC.S.	–	–	0.48±AC.S.
BUILDING AREA:	–	0.08±AC.S.	–	–	–	0.08±AC.S.
TOTAL:	7.29±AC.S.	87.93±AC.S.	0.09±AC.S.	0.14±AC.S.	0.32±AC.S.	95.81±AC.S.

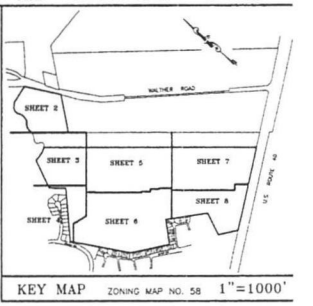
TOTAL OPEN SPACE AREA OF 95.81±AC.S. = 73.5% OF TOTAL SITE AREA OF 130.29±AC.S.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. **THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.**
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP # BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OSHA REGULATIONS, SAFETY AND HEALTH ACT OF 1970, AND THE RULES AND REGULATIONS THERETO APPURTENANT.

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Pages 1 - 5207.00
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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO – MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, P.L.S. HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #868 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY [illegible] COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS Q SUITE 301 Q NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 Q FAX: (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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Brier

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of ~~Piere Lane~~ PIERCE RUN, Facility 3 - Filtration off ~~Perce Lane~~ PIERCE RUN behind 311 - 325, Facility 4 -Dry Pond off Pierce ~~Lane~~ RUN behind #361, Facility 5 - Dry Pond – behind 369 Pierce ~~Lane~~ RUN, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce ~~Lane~~ RUN.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76**.

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
BORIS L. WERNER	1004 320 217	382 PIERCE RUN NEWARK, DE 19702	302-836-1515	YES	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0056393 & 979-068
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   C. BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTS TO ACCOMMODATE THE ANTICIPATED FLOW GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 44/10 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.85 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.37 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF D&L PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE FEMA DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE D&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    A. 0.9284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. WONGKUL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = OR
    2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PRESERVE RUN, BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EQUITINE, HUNTSMANS, OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040806-0056[illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED. WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY, WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158278.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN CONNECTIVE PROPERTY LINES, FOR UTILITIES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY= 8,268± L.F.
    VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR STREETS WITHIN THE RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
    1. MATURE (DA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DA) = 2.25± ACS./23.98±ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG	12'
SIDE YARD:	0'/8' & END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 8,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 80'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG	
SIDE YARD:	1' & 8'	0'& 8' END UNIT	
REAR YARD:	25'	25'	
LOT AREA	4,000 SF	3,600 SF	
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)	
LOT WIDTH:	48'	20'	
BUILDING SPACING	12'	10'	

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BASEMENT AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA–MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.86± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, STUB A STREET CONNECTION TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THIS SITE. SUCH STUB SHALL BE OF A METAL DELOOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A STREET INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

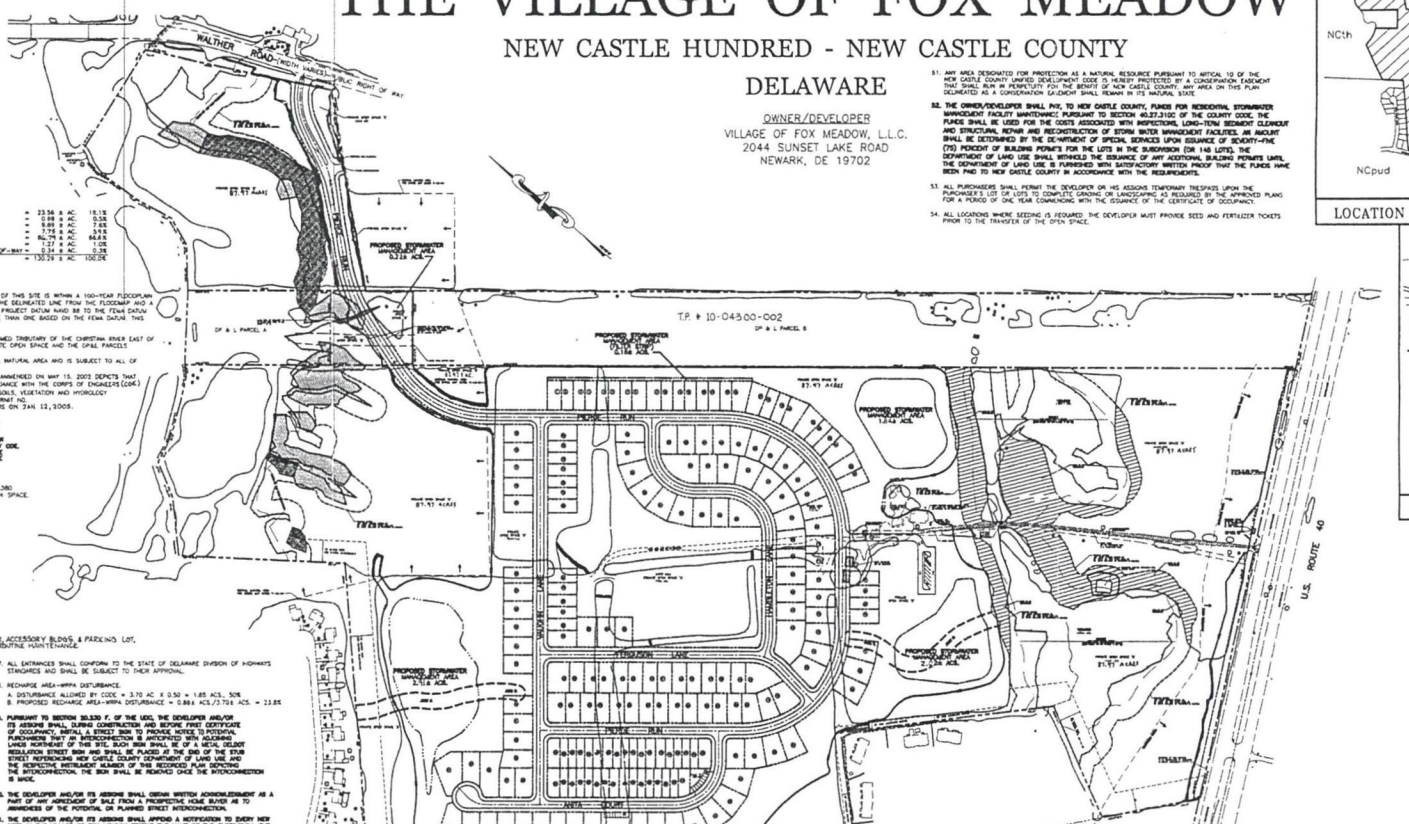
LOT WIDTH	# LOTS	%
1. 48'–53.99'	5 =	5.75%
2. 54'–59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELOOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $900.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,375.38 ($900.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRESENTS THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR D'ALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PARCEL AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DE-NATURACE OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
D&L PARCEL A
D&L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 7.75± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.25± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.78± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.25± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.78± ACS.
PROPOSED COMMUNITY CENTER
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING
PROPOSED PARKING
PROPOSED PARKING

ZELLIN

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Rose Ann Smith	1003830193	28 Vaughn Lane	302 494-2449	YES	Rose Ann Smith

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 8-79-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT AGREEMENT. THE DEVELOPER AND/OR ITS ASSIGNS OF THE SUBJECT PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 6470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
B. MAXIMUM = 8 OF ANY TYPE = 45
C. MINIMUM = 2 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.69 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.4%
STORMWATER MANAGEMENT AREA	=	7.72 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES 3Ma AREAS)	=	86.74 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SP&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM, ADD 0.9 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF SECTION 40.10.330 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
A. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NAP12, NAP14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 13, 2005.
B. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. DUE TO THE SIGNIFICANT WETLANDS IMPACTS, THE MITIGATION PLAN IS LARGE AND MUST BE PLANTED TO ENSURE SURVIVAL. THE CITY OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1963, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
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2. PRECAUTIONARY = 30%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE = 0%
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19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE OBLIGATION BY A PIERCE RUN FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT 20 OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OPEN SPACE, ETC., THE EASEMENT SHALL BE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE V OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.30 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT HOE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES BETWEEN TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
30. ROAD CONSTRUCTION: 2,259 L.F.
VARIABLE WIDTH (51' TO 71') RIGHT-OF-WAY: 559± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE
1. MATURE (CHA) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (CHA) = 2.24 ± ACS./23.98 ± ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS: TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0',16' @ END UNIT	12'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	28' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	MEAR-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PKG
SIDE YARD:	0' & 8'	0',8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	2,600 SF
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	26'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28 ± AC/ 1.33 ± AC = 19.8%
35. USABLE OPEN SPACE:
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.84± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO CHAPTER 40.03.131 OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, INSTALL A SIGN AT THE ENTRANCE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTH EAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DEAD END REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET NOTIFICATIONS AND CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE STREET, BOOK, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

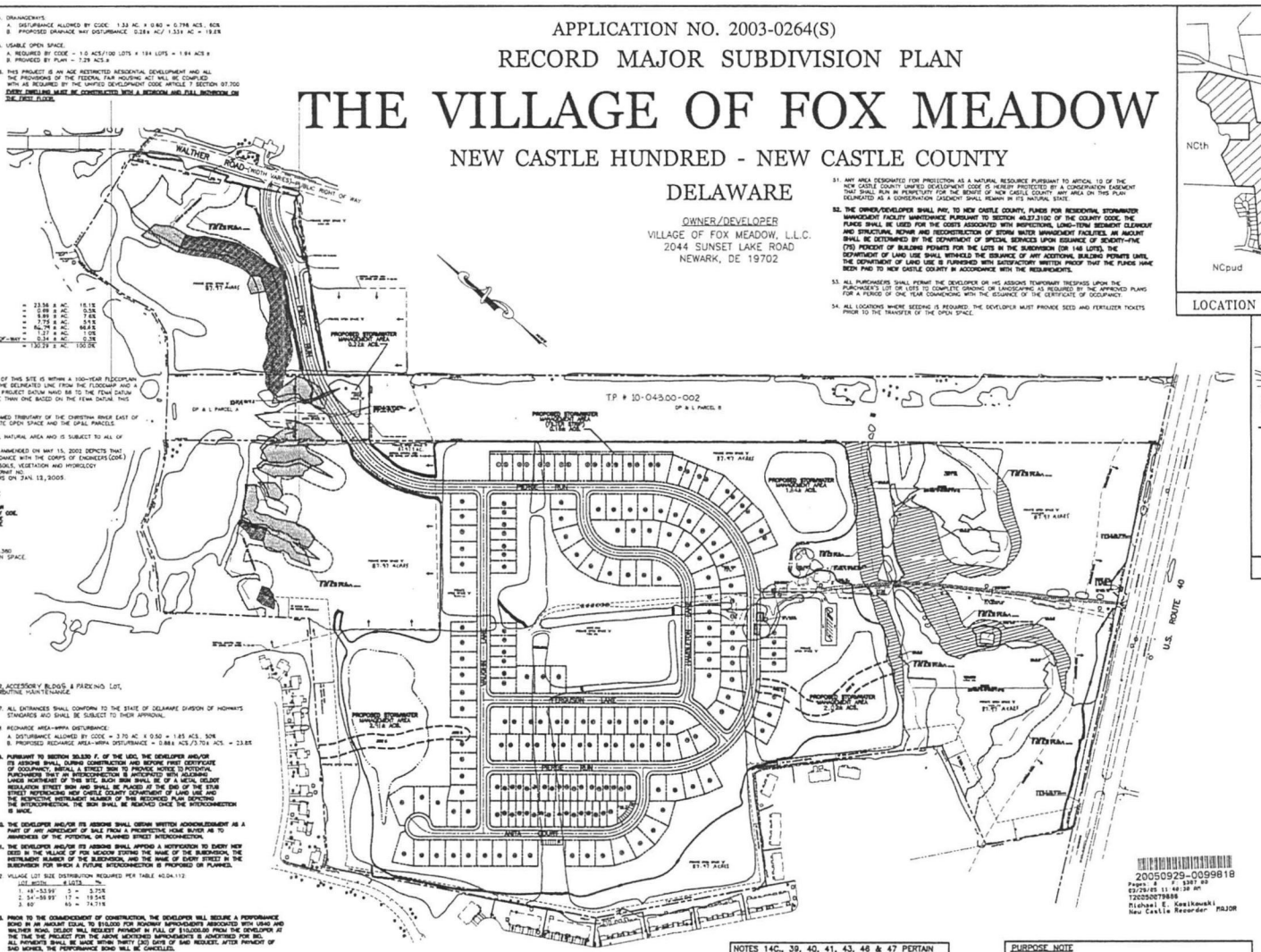
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

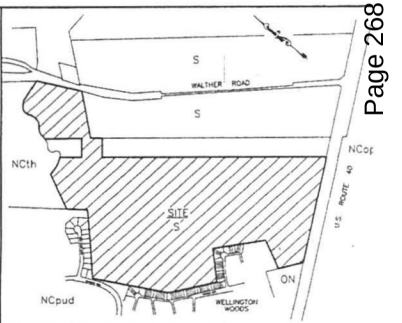
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELROT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE, APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE, APRIL 27, 2004
45. IN A LETTER DATED MARCH 4, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW LOTS, INCLUDING INTEREST PLUS $24,775.38 ($500.85 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 1 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA.	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.43±ACS.	0.031ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

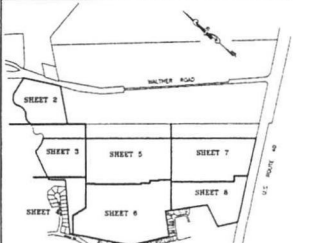
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS), THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED. THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 39 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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Michael E. Cesikovski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

THIS DRAWING DOES NOT INCLUDE HEALTH/SAFETY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO — MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

[illegible] — DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — March 10, 2005 — DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 — DATE — BY Charles L. Baker — DESIGN MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 — DATE — BY [signature] — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FJP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Guohe Zheng	10043109 08	437 Pierce Run	765-744-4057	Yes	Guohe Zheng

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & Q 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
      ELEVATION: 68.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 260 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 73.56 ± AC.	15.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 12.69 ± AC.	9.8%
STORMWATER MANAGEMENT AREA	= 7.73 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 96.79 ± AC.	66.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT. WOULD BE ADDED. MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (2004) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0234 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (MMP/2, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
       1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANCE FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
       2. WETLANCE MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANCE MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE.
    A. DISTURBANCE ALLOWED BY CODE
       1. PREVENTATIVE = 15
       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PREVENTATIVE = 2.5%
       2. PRECAUTIONARY = 7.5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S, & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE PLUS BOULEVARD, SIDEWALKS, MEETING LIGHT SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATION BY A PIERCE FOX FAMILY FARM LLC DATED 7-30-12, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY OF ANY STREETS AND INSTALLED IN REMOTE LOCATIONS, SUCH AS REAR LOTS, PRIVATE STREETS OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOR THE PUBLIC USE, SHALL NOT BE ACCEPTED BY THE STATE FOR MAINTENANCE TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DAH) = 15%
       2. YOUNG = 50%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DAH) = 2.25± ACS./23.98±ACS. = 9.6%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	26' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 10 ACS/100 LOTS x 194 LOTS = 19.4 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS FOR ENTRANCES TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.75 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 40.03.320.F OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL NOT COMMENCE CONSTRUCTION AND BEFORE FINAL CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF LOTS THAT THE STREET IS A STUB STREET AND IS PLANNED TO BE EXTENDED. SUCH STREET SIGN SHALL NOT BE OF A METAL BLADE TYPE REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET NOTWITHSTANDING ANY CONTRARY DIRECTION OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED TO THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

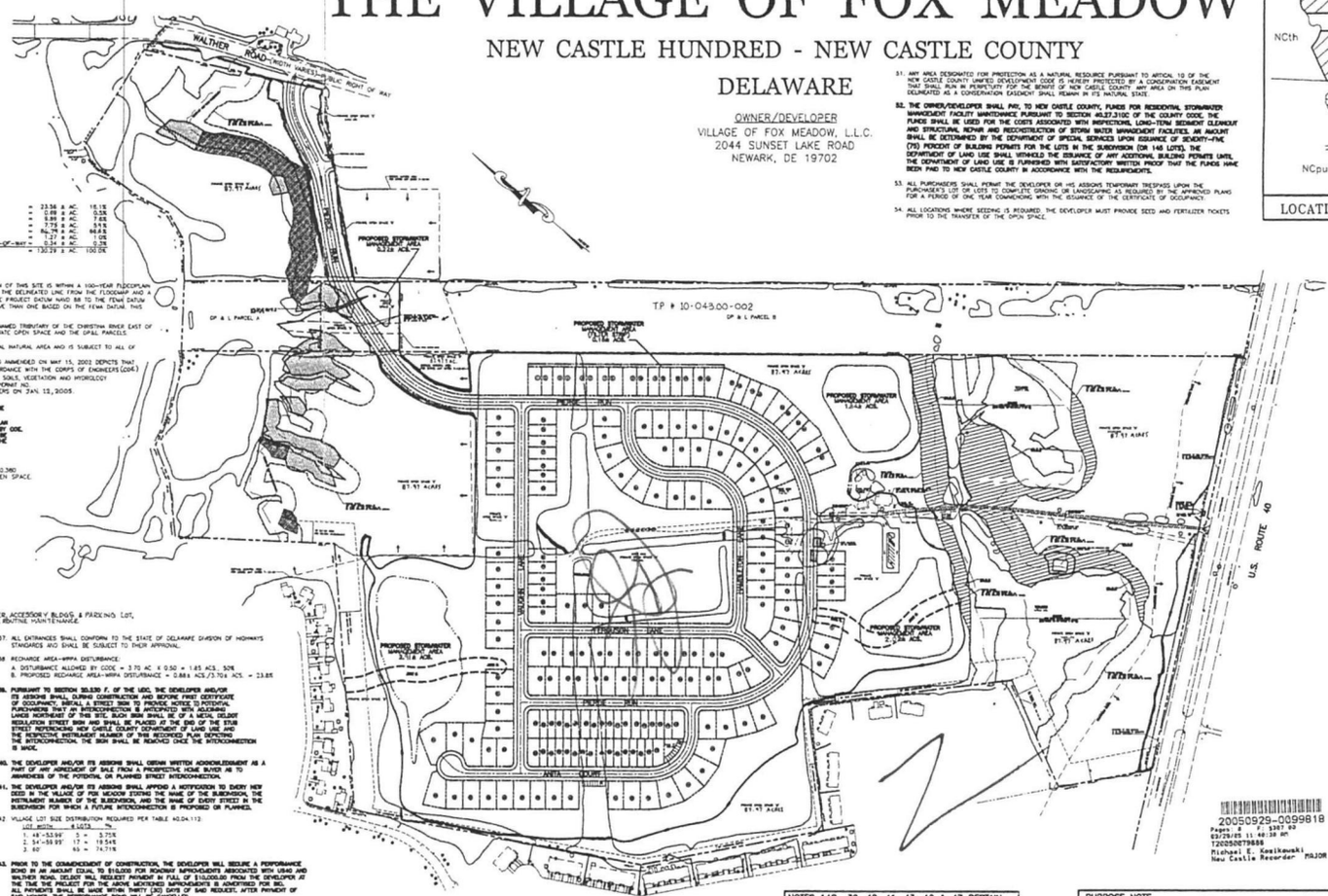
LOT WIDTH	# LOTS	%
1. 48'-53.99'	7 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	63 =	76.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF BID AWARD. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.811.F, OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.62 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CONTINGENCIAL PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $19,775.30 (USE $500.62 X 148 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.59±ACS.	–	–	–	7.59±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.07.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SOUTH MARKET STREET
PUBLIC RIGHT OF WAY
TP # 10-043.00-002
OF & L PARCEL 'B'
PROPOSED STORMWATER MANAGEMENT AREA 5.59± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.56± ACS.
87.97± ACRES
TP # 10-043.00-003
OF & L PARCEL 'A'
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PARKING LOT
PROPOSED ACCESSORY BUILDING
PROPOSED COMMUNITY CENTER
PROPOSED PARKING LOT
PROPOSED ACCESSORY BUILDING

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
John H. Zimmerman Anita J. Zimmerman	194	240 Anita Court	302-838-2547	YES	John H. Zimmerman Anita J. Zimmerman

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: R-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0050393 & 679-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY HINES MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: (MHG) BB
      BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
      ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT AS SET FORTH IN THE ANNEXATION AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 350 GPD/LOT x 107 LOTS = COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MINIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.72 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	84.29 ± AC.	64.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODPLAIN WAS DEVELOPED COMBINING THE DELINEATION FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. 3D CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CULDESACS. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OPR-R-200401231-1 (MAP12, MAP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 13, 2005.
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    A. DISTURBANCE ALLOWED BY CODE
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       2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = 0%
       2. PRECAUTIONARY = 5.8
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS, OPEN SPACES, ENTRANCE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY, LLC, DATED MAY 13, 2004, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20040521-0111174 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT OR 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, WHERE SUCH PIPES ARE INSTALLED, IS HEREBY RESERVED ACROSS ALL LOTS AS A CONDITION OF THE STORM RESERVE TO DESIGNATE THOSE AREAS WITHIN THE LIMITS OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10 ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT AND SECURITY PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LOAN IS CURRENTLY ENGROSSED IN THE ORDINANCE BOOK IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29 x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DECLARED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE.
    50' RIGHT-OF-WAY: 5,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE AND SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER, TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (DM) = 15%
       2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
       1. MATURE (DM) = 3.25± ACS./23.35±ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

	MIN. REQUIREMENTS	
OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE
STREET YARD SETBACK	15'/20' TO PKG.	12'
SIDE YARD	0'/14' @ END UNIT	5'
REAR YARD	20'	25'
LOT AREA	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54', & 60'
BUILDING SPACING	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK	20'	15'/20' TO PKG
SIDE YARD	1' @ 0'	0'/8' @ END UNIT
REAR YARD	20'	25'
LOT AREA	4,300 SF	2,600 SF
BUILDING HEIGHT	28' (MAX.)	40' (MAX.)
LOT WIDTH	36'	26'
BUILDING SPACING	12'	10'

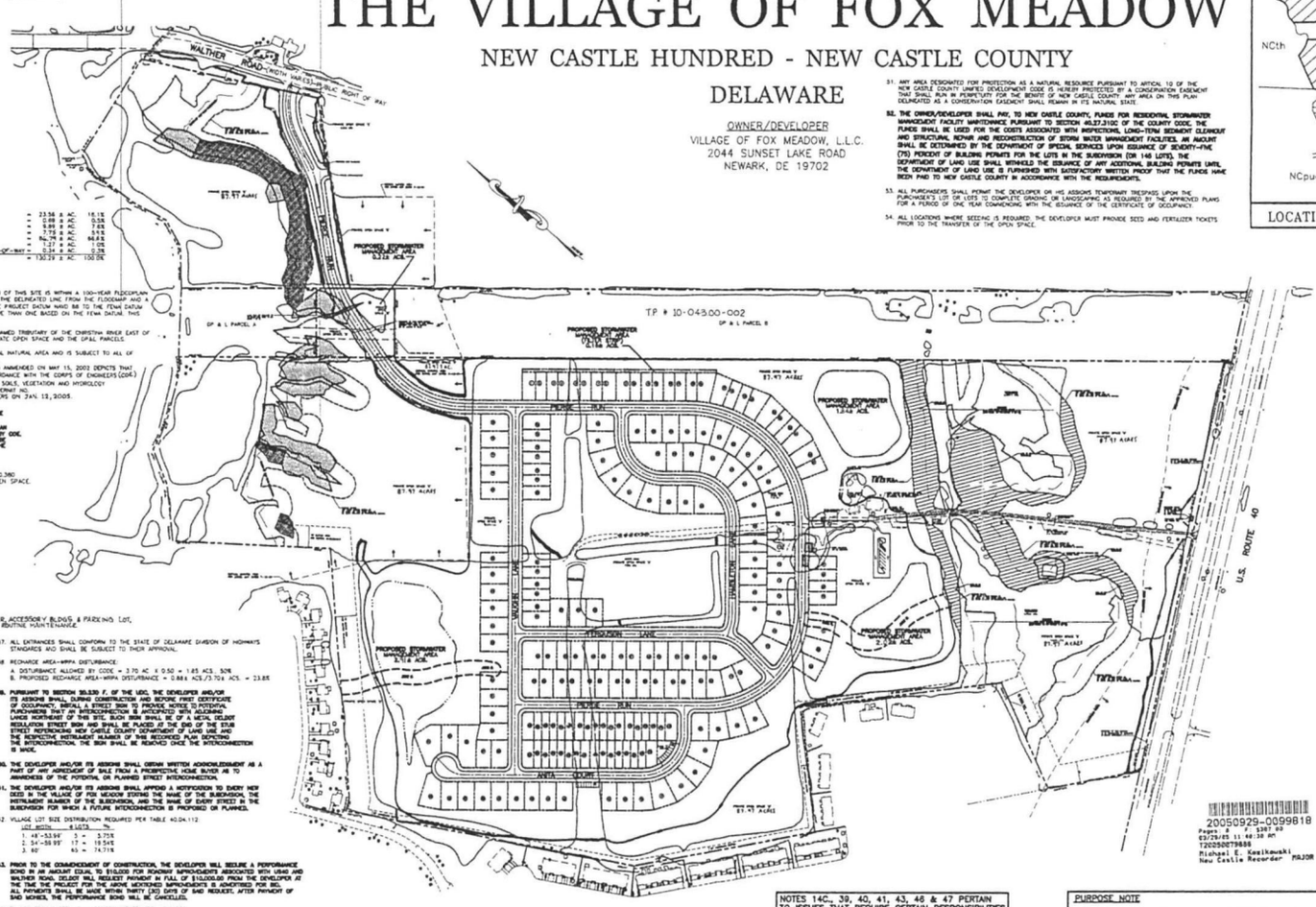
34. DRAINAGEWAYS.
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE.
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MPPA DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. x 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MPPA DISTURBANCE = 0.84± ACS./3.70± ACS. = 23.8%
39. **PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED FOR ANY LOT, TAKE STEPS TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELINEATOR REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING SAID CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.**
40. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.**
41. **THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A STREET INTERCONNECTION IS PROPOSED OR PLANNED.**
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

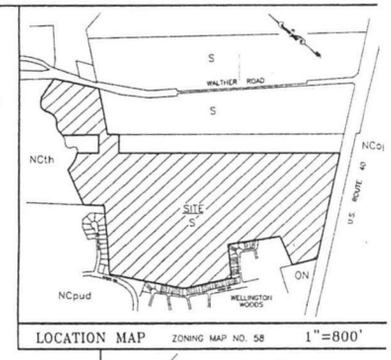
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LISAD AND WALTHER ROAD. DELAWARE WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.**
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**
46. **PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.00 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.**
47. **AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT, NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.**
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

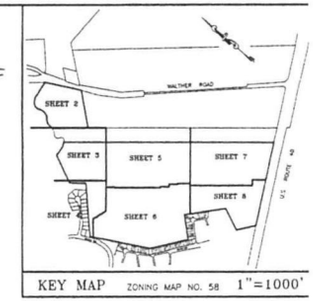
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	79.69 ACS.	0.08 ACS.	0.14 ACS.	0.32 ACS	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.72 ACS.	–	–	–	7.72 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL:	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

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Richard E. Kaskowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE: 3/8/05

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III DE PLS #565 — DATE: March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, David K. Martin, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 3/28/05 BY Charles L. Baker — DATE — COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 4/27/05 BY — DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE # (302) 323-9077 © FAX # (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBH	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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THE A.J.2.

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Lawrence Townsend		346 Pierce Run	302-565-9533	Yes	Lawrence M. Townsend

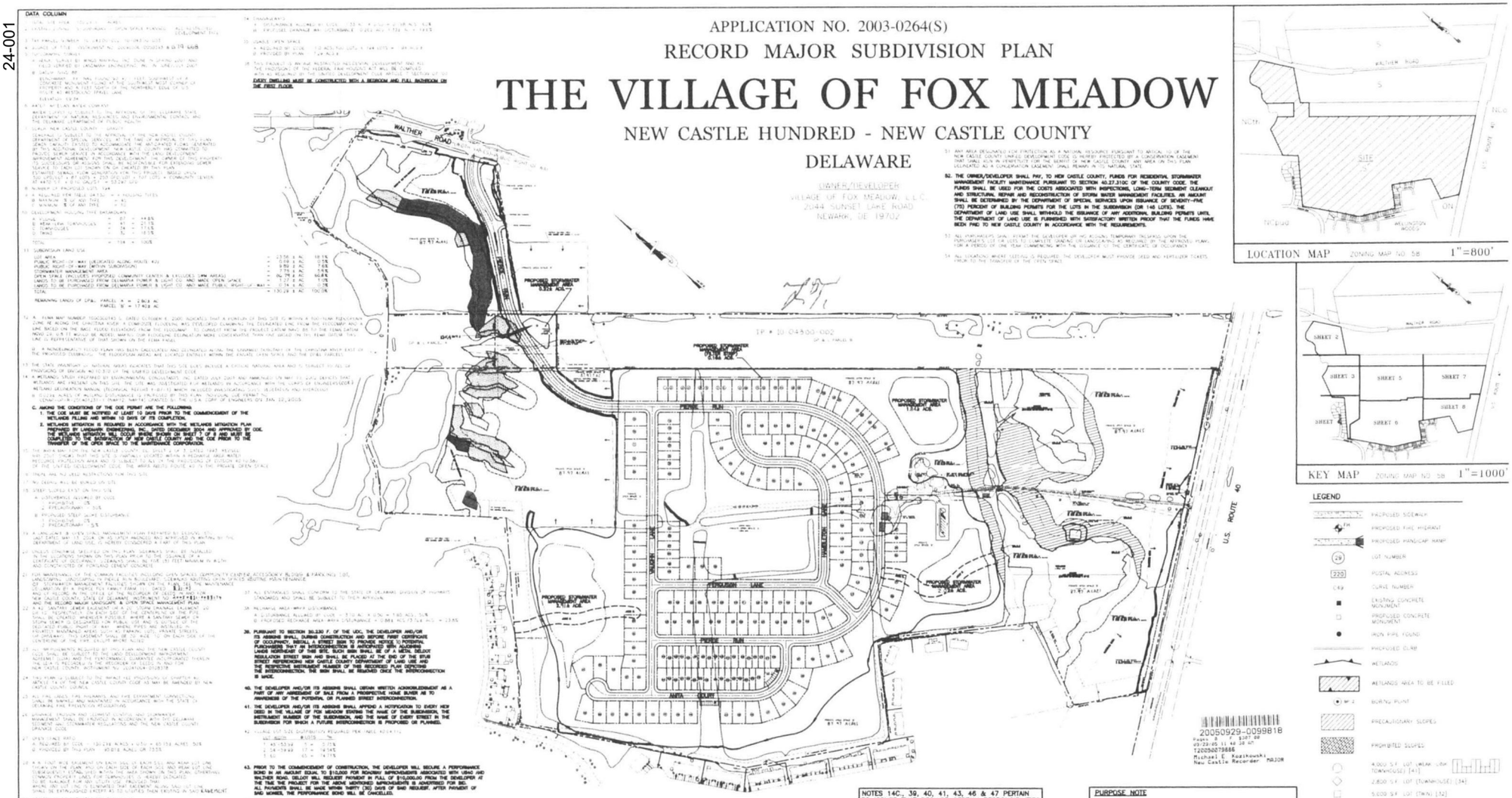
APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE


WALTHER ROAD
PROPOSED ENTRANCE
PROPOSED STORMWATER MANAGEMENT AREA
TAX PARCEL 10-043.00-002
PROPOSED ENTRANCE
PROPOSED STORMWATER MANAGEMENT AREA
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PROPOSED ENTRANCE

24-001

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My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
364 Pierce Run Mary Alice Johnson		364 Pierce Run	717-487-0514	NO	Mary Alice Johnson

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA: 130.29 +/- ACRES
EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & D.B.T.-668
TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 89.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY — GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS AND ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT + 87 LOTS + 250 GPD/UNIT + 107 LOTS + 1 COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

1. SUBDIVISION LAND USE

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.09 ± AC.	7.0%
OPEN SPACE (INCLUDES SWM AREAS)	=	87.47 ± AC.	67.1%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.404 AC.

1. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE FEMA DATUM TO NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

G. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC., DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WITHIN AREAS SHOWN ON SHEET 1 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE.
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE — 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE — 0%
2. PRECAUTIONARY = 5.9

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PENCE ROW, BOULEVARDS, GREENWAYS, SITTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 7-31-03, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20030801-0049379 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER AND/OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE RIGHT-OF-WAY OF A PUBLIC STREET. WHERE SUCH PIPE IS INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES, FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 8,086± L.F.
VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (DNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (DNA) = 2.25± ACS./22.26±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	TOWNHOUSES	MIN. REQUIREMENTS VILLAGE
OPEN SPACE PLANNED		
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800± S.F. AVG. & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 0'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE: 1.23 AC. X 0.50 = 0.798 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE.
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 **EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.**

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-WRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-WRPA DISTURBANCE = 0.85 /3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY OF THE SITE. SUCH SIGN SHALL BE OF A METAL, BLOCK REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET PROVIDING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL NOT BE REMOVED ONCE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PURCHASER OF A BUILDING LOT AS TO ADJOINERS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPOINT A REPRESENTATIVE TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	% LOTS
1. 45'-53.99'	5 = 3.75%
2. 54'-59.99'	17 = 13.54%
3. 60'	65 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $15,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LEAD AND WALTHER ROAD. DELOST WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310E. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110.E.1. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE.

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC'S.	79.64±AC'S.	0.06±AC'S.	0.14±AC'S.	0.32±AC'S.	87.50±AC'S.
STORMWATER MANAGEMENT AREA:	-	7.93±AC'S.	-	-	-	7.75±AC'S.
PAVED AREA:	-	0.45±AC'S.	0.03±AC'S.	-	-	0.48±AC'S.
BUILDING AREA:	-	0.08±AC'S.	-	-	-	0.08±AC'S.
TOTAL:	7.29±AC'S.	87.97±AC'S.	0.09±AC'S.	0.14±AC'S.	0.32±AC'S.	95.81±AC'S.

TOTAL OPEN SPACE AREA OF 95.81±AC'S. = 73.5% OF TOTAL SITE AREA OF 130.29±AC'S.

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)
I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO, MANAGING MEMBER — DATE 3/9/05

CERTIFICATION OF ACCURACY
I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #568 — DATE March 10, 2005

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)
I, DAVID R. HUTTER, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL
APPROVED 9/9/05 DATE — BY Charles L. Baker, GENERAL MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

PURPOSE NOTE
1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 © FAX - (302) 323-9411

GRAPHIC SCALE 0 100 200 400

SCALE: 1" = 200' — DRAWN BY: ERF/JAV/FJS/KBK
DESIGNED BY: FTP/JAV — CHECKED BY: F.T.P. — DRAWING NAME: REC-COVER.DWG
DATE: 5-24-04 — COMM. NO.: C 853-2 — FILE NO.: 039 — SHEET NO.: 1 of 8

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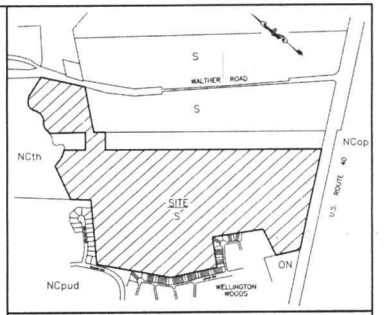
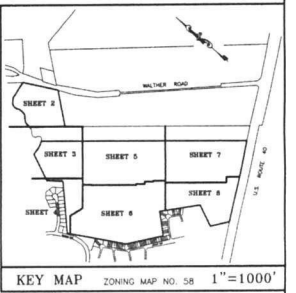


LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND
- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 — LOT NUMBER
- 220 — POSTAL ADDRESS
- C49 — CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD — LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPLICABLE

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09/29/05 11:49:36 AM
T20050079888
Michael E. Kozikowski
New Castle Recorder MAJOR

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

✳ My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Mary Beth Kirk	10043100870	24 Vaughn Lane	(908)447-4233	NO	Mary Beth Kirk

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & GTY-668
5. TOPOGRAPHIC SURVEY:
   - AERIAL SURVEY BY WHITE MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   - DATUM: NAD 83
   - BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   - ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 43
   C. MINIMUM 8 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	61 =	31.5%
C. TOWNHOUSES	=	34 =	17.5%
D. TWINS	=	12 =	6.2%
TOTAL	=	194 =	100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.98 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	8.88 ± AC.	7.8%
STORMWATER MANAGEMENT AREA	=	7.76 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	88.81 ± AC.	68.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DF&L PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN, ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DF&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0288 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP16) GRANTED BY THE U.S.A. CORPS OF ENGINEERS ON JAN 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE NHPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE NHPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = OR
    2. PRECAUTIONARY = 30%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE TRANSFER OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE 4 THE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ENTRANCE MONUMENTS, OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC DATED 3-31-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20050401-0031879 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 10' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, OR BOTH RESPECTIVELY, SHALL BE PROVIDED ON ALL PUBLIC SEWERS AND STORM SEWERS SHALL BE PROVIDED WHEREVER POSSIBLE. WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041014-0162878.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 11 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN CONNECTION PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR ANY DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE:
    1. MATURE (DAI) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DAI) = 2.25± ACS./23.98±ACS. = 9.6%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, S.400, & 8,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 80'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES	TOWNHOUSE
STREET YARD SETBACK:	20'	15'/20' TO PKG.	
SIDE YARD:	0' & 8'	0'/8' @ END UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,500 SF	3,600 SF	
BUILDING HEIGHT:	28' (MAX.)	40' (MAX.)	
LOT WIDTH:	45'	36'	
BUILDING SPACING:	12'	10'	

24. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. × 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
25. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS × 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS.±
26. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BASEMENT AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WHPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. × 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-WHPA DISTURBANCE = 0.86± ACS./3.79± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STUB STREET TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHERLY OF THE STUB. SAID SIGN SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN THE VALLEY RUN SUBDIVISION FOR THE SAME AS THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A BOND HAS BEEN POSTED OR PROPOSED FOR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

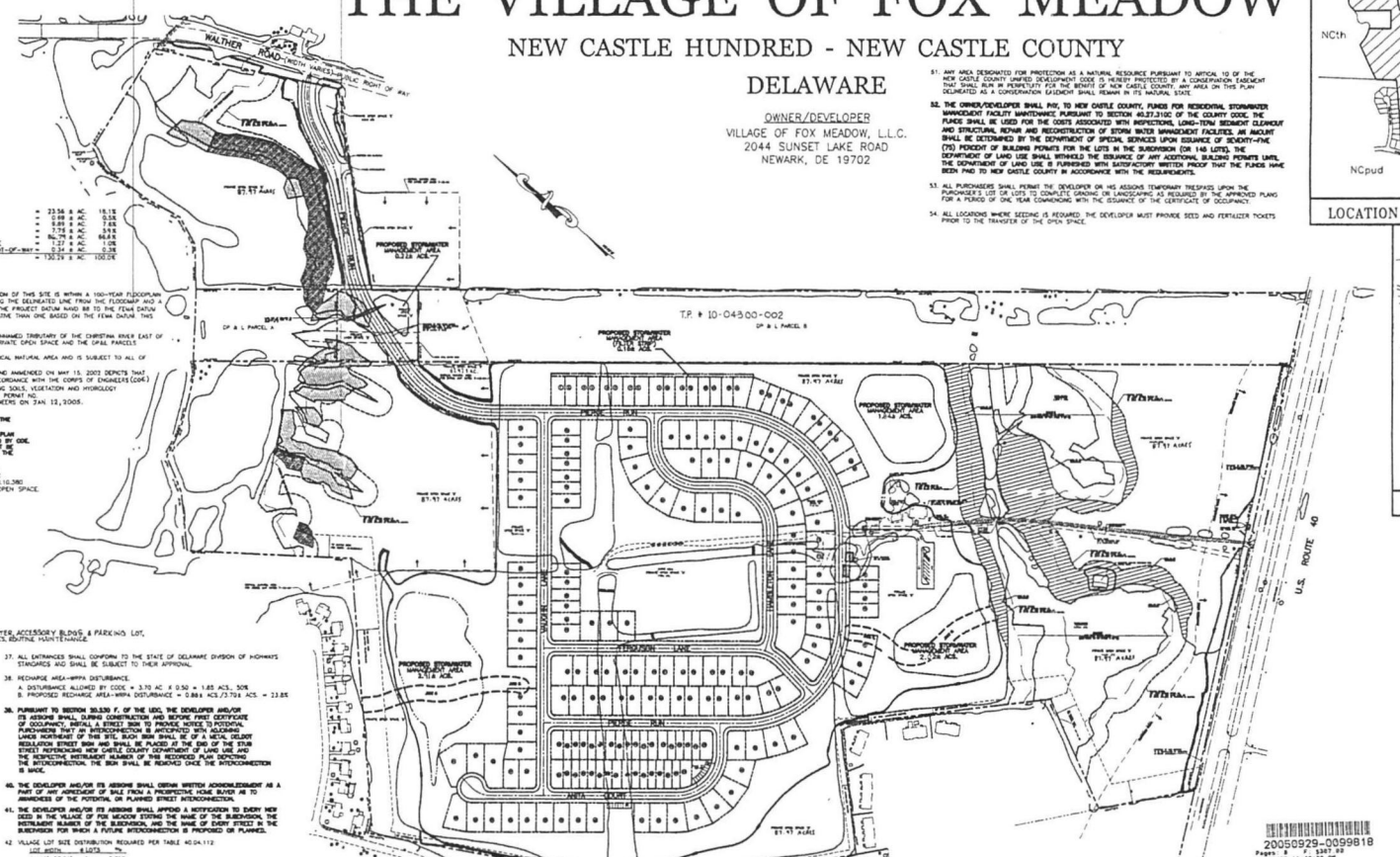
LOT WIDTH	# LOTS	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

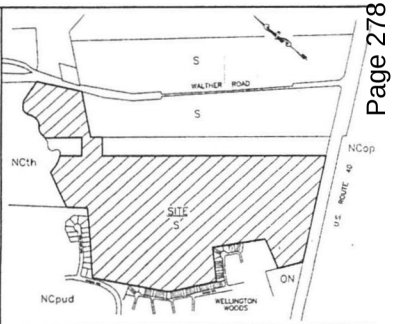
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST, AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BACK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $10,000 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 145 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,375.36 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRESAGTES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REDUCT OF THE LOT WIDTH REQUIREMENT FOR DF&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.64±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

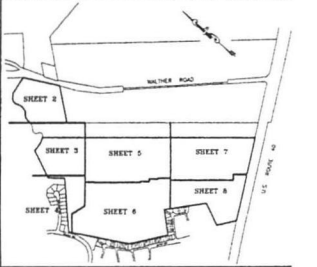
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [61]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT.

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Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID R. AUTH, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #548 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 DATE — BY Charles L. Baker, DEPARTMENT MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 324-9077 © FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Kirkpatrick	10038301816	2 Vaughn Ln	302 545 9575	No	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & D.B. 79, PG. 668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 280 GPD/LOT * 194 LOTS = 54,320 GPD/DF + 197 LOTS + COMMUNITY CENTER AT 4470 S.F. = 8110 GAL/DAY = 33,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. REAR-LANE TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	3.79 ± AC.	2.9%
OPEN SPACE (INCLUDING PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	79.27 ± AC.	60.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	0.27 ± AC.	0.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29, 0.8 FT WOULD BE ADDED), MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200040131-1 (MAP 1-J, MAP 14) GRANTED BY THE U.S. ARMY CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
       1. PROHIBITIVE = OR
       2. PRECAUTIONARY = SOR
    B. PROPOSED STEEP SLOPE DISTURBANCE
       1. PROHIBITIVE = OR
       2. PRECAUTIONARY = 5.9
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING TO PROTECT RUN BOULEVARD, SIDEWALKS ADJOINING OPEN SPACES, ROUTE 40 RIGHT-OF-WAY, AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, SEE THE MAINTENANCE OBLIGATION UNDER A PERPETUITY AGREEMENT RECORDED ON 3/29/05 IN DEED BOOK [illegible] PAGE 758 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF ANY DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR ALLEYWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE STREETS UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
       1. MATURE (CNA) = 15%
       2. YOUNG = 80%
    B. DISTURBANCE PROPOSED:
       1. MATURE (CNA) = 2.25± ACS / 23.95± ACS. = 9.8%
       2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSES	MIN REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20 TO PKG.	12'
SIDE YARD:	0' OR 8' END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	REAR-LANE TOWNHOUSES
STREET YARD SETBACK	30'	15'/20 TO PKG.
SIDE YARD:	0 OR 8'	0' OR 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	1,800 SF
BUILDING HEIGHT	35' (MAX.)	40' (MAX.)
LOT WIDTH:	45'	18'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC/ 1.33± AC = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA DISTURBANCE = 0.86± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS. SUCH SIGN SHALL BE OF A METAL DELROY REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPRISE ALL PROSPECTIVE BUYERS BY THE DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF ITS RECORDING AND THE FACT THAT ANY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

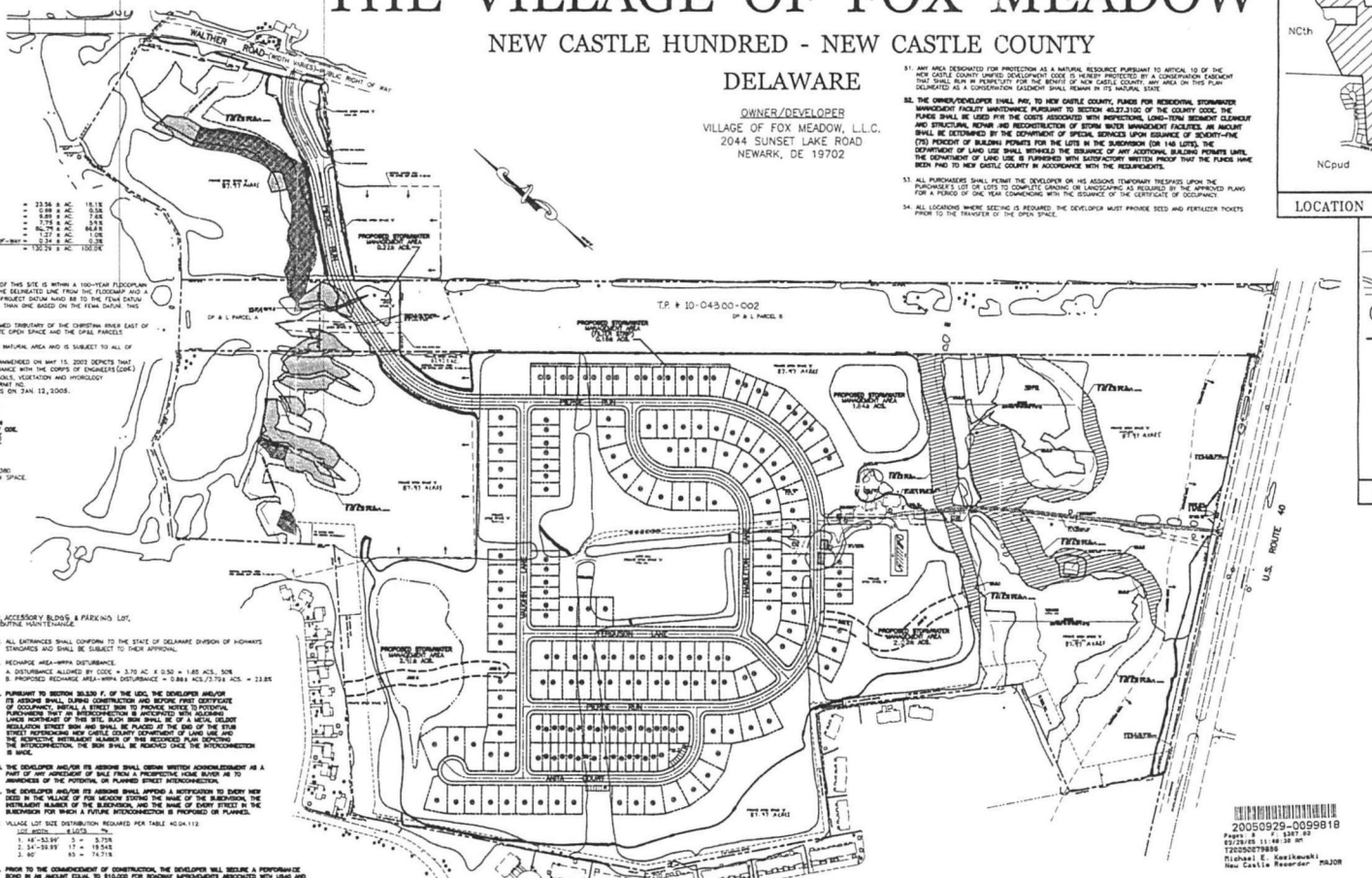
LOT WIDTH	# LOTS	%
1. 48'-53.99'	3 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	83 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK GARAGES MAKE BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.3108. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONIES, INCLUDING INTEREST PLUS $24,775.38 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	73.64 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	81.50 ACS.
STORMWATER MANAGEMENT AREA:	–	7.79 ACS.	–	–	–	7.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL	7.29 ACS.	81.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 45.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SMITH VIADUCT
PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 3.79± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.51± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 2.03± ACS.
PROPOSED COMMUNITY CENTER & ACCESSORY BLDG. & PARKING LOT
PROPOSED CLUBHOUSE
PROPOSED POOL
PROPOSED TENNIS COURTS
PROPOSED PLAYGROUND
PROPOSED TOT LOT
PROPOSED GAZEBO
PROPOSED PAVILION
PROPOSED BOCCE COURT
PROPOSED PICNIC AREA
PROPOSED PICNIC AREA
PROPOSED PICNIC AREA

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Janet G LeClerc		325 Pierce Run	302 740 7857	NO	Janet G LeClerc

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER 10-043.00-002, 10-043.00-003

SOURCE OF TITLE INSTRUMENT NO. 20040506-0050383 & D79-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
B. DATUM: NAVD 88
BENCHMARK: PK NAIL FOUND 90 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 69.24

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 500 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD.

NUMBER OF PROPOSED LOTS: 194
A. REQUIRED PER TABLE OA-130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN

A. VILLAGE	=	87 =	44.8%
B. WEAK-LINK TOWNHOUSES	=	41 =	21.1%
C. TOWNHOUSES	=	34 =	17.6%
D. TWINS	=	32 =	16.5%
TOTAL	=	194 =	100%

SUBDIVISION LAND USE:

LOT AREA	= 73.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	= 7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.34 ± AC.	0.3%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L PARCEL 'A' = 2.804 AC.
PARCEL 'B' = 17.426 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP TO CONVERT FROM THE PROJECT DATUM OF NGVD 29 TO THE FEMA DATUM NAVD 29. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION 0.8 FT HIGHER THAN THE FEMA FLOODLINE. THIS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A MONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200402131-1 (NWP12, NWP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN. 12, 2005.

C. ANSWER THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR DURING PHASE 2 OF THE SITE DEVELOPMENT AND COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE – 0%
2. PRECAUTIONARY – 5.5%

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN, THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, L.L.C. DATED [illegible] AND RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DEDICATED FOR PUBLIC USE AND IS OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. THESE EASEMENTS SHALL BE LOCATED WITHIN PRIVATELY MAINTAINED AREAS SUCH AS PARKLAND, LOTS, PRIVATE STREETS, OR DRIVEWAYS. THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT, INCLUDING THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE – 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 90.81± ACRES OR 73.5%

A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE.
50' RIGHT-OF-WAY 8,288± L.F.
VARIABLE WIDTH (51' TO 75') RIGHT-OF-WAY 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE INSPECTED BY THE DEPARTMENT OF LAND USE AND BY THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF DELAWARE TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 50%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.25± ACS./22.98±ACS. = 9.8%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800' SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	n/a

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 5'	0' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS
A. DISTURBANCE ALLOWED BY CODE 1.23 AC. X 0.50 = 0.788 ACS., 80%
B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE
A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700.
EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA–MRPA DISTURBANCE.
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA–MRPA DISTURBANCE = 0.84 ACS./3.70 ACS. = 23.8%

39. PURSUANT TO SECTION 20.230 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY IS ISSUED, PLACE A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS WHERE THE STREET ENDS ON SITE. SUCH SIGN SHALL BE OF A METAL YIELDOF REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIX A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE RECORD SUBDIVISION, THE NAME OF ANY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	BLOCK	%
1. 48'-53.99'	5 =	5.75%
2. 54'-59.99'	17 =	13.79%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LOAD AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. **SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.**

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $800.85 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.310B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,778.38 ($800.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE REJECT OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

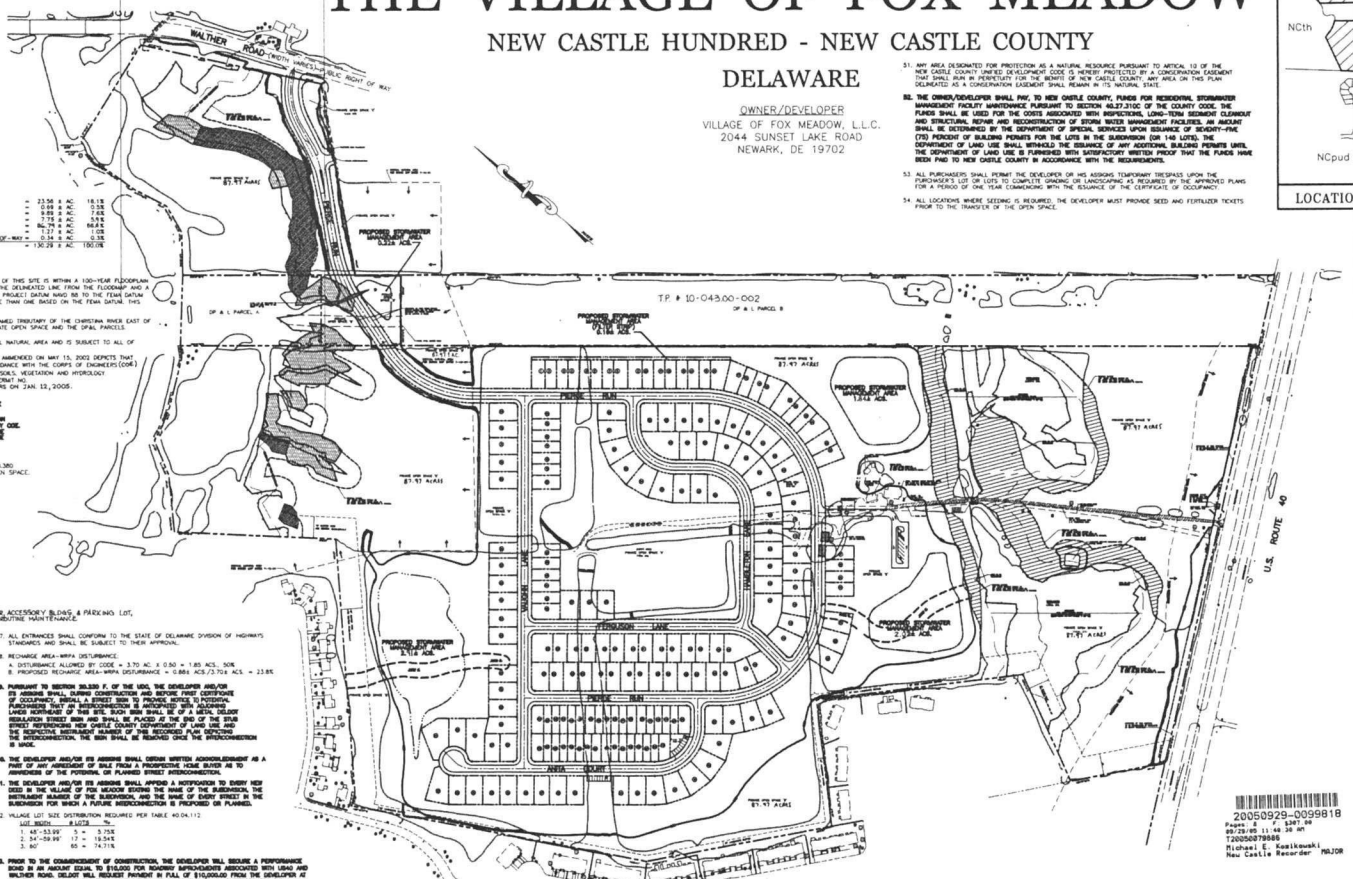
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 12 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR A RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
U.S. ROUTE 40
T.P. # 10-043.00-002
DP & L PARCEL 'A'
DP & L PARCEL 'B'
PROPOSED RECHARGE AREA 3.116 AGRS.
PROPOSED RECHARGE AREA 1.244 AGRS.
PROPOSED RECHARGE AREA 2.236 AGRS.
87.97 AGRS.
PIERCE RUN
PIERCE RUN BOULEVARD
CHARLESTON WAY
WALKER LANE
PETTINGTON LANE
AVOCA COURT
TWIN
SINGLE
CLUBHOUSE
POOL
TENNIS
PARKING
OPEN SPACE
SWM
SWM
SWM

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

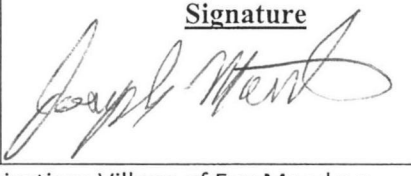
We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joseph + Joyce Mahn		525 Hambleton Ln	302 836-4107	NO	

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN + OPEN SPACE PLANNED + AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040806-0056393 & 979-668
5. TOPOGRAPHIC SURVEY:
   AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY – GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY; ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT + 87 LOTS + 250 GPD/LOT + 107 LOTS + COMMUNITY CENTER AT 4470 S.F. + 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. TOWNHOUSE-LINK	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.6%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.88 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.78 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.23 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.31 ± AC.	1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPALL PARCEL 'A' = 2.86± AC.
SPALL PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM (NGVD 29) TO THE ELEVATIONS FROM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPALL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION NO.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE U.S. ARMY CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
    B. 0.0288 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP 12, NWP 14) GRANTED BY U.S.A. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 15 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 3 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, EQUITINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED [illegible] AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORDS MAJOR UNRECORDED PLAN OF THE VILLAGE OF FOX MEADOW.
22. A 20' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' IN WIDTH, SHALL BE CREATED EACH SIDE OF THE CENTERLINE OF THE PIPE. SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 11 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE IDENTIFIED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY = 9,988± L.F.
    VARIABLE WIDTH (51' TO 151') RIGHT-OF-WAY 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (DNA) = 15%
    2. YOUNG = 30%
    B. DISTURBANCE PROPOSED:
    1. MATURE (DNA) = 2.25± AC./23.98±AC% = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PKG.		12'
SIDE YARD:	0'/8' @ END UNIT		12'
REAR YARD:	20'		25'
LOT AREA:	1,800 SF (MIN.)	4,800± SF	4,800, & 8,000 SF
BUILDING HEIGHT	40' (MAX.)		35' (MAX.)
LOT WIDTH:	18' (MIN.)		48', 54' & 80'
BUILDING SPACING:	12'		N/A

	TWIN	REAR-LOAD TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'/8' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,000 SF	2,800 SF
BUILDING HEIGHT	38' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	28'
BUILDING SPACING:	12'	10'

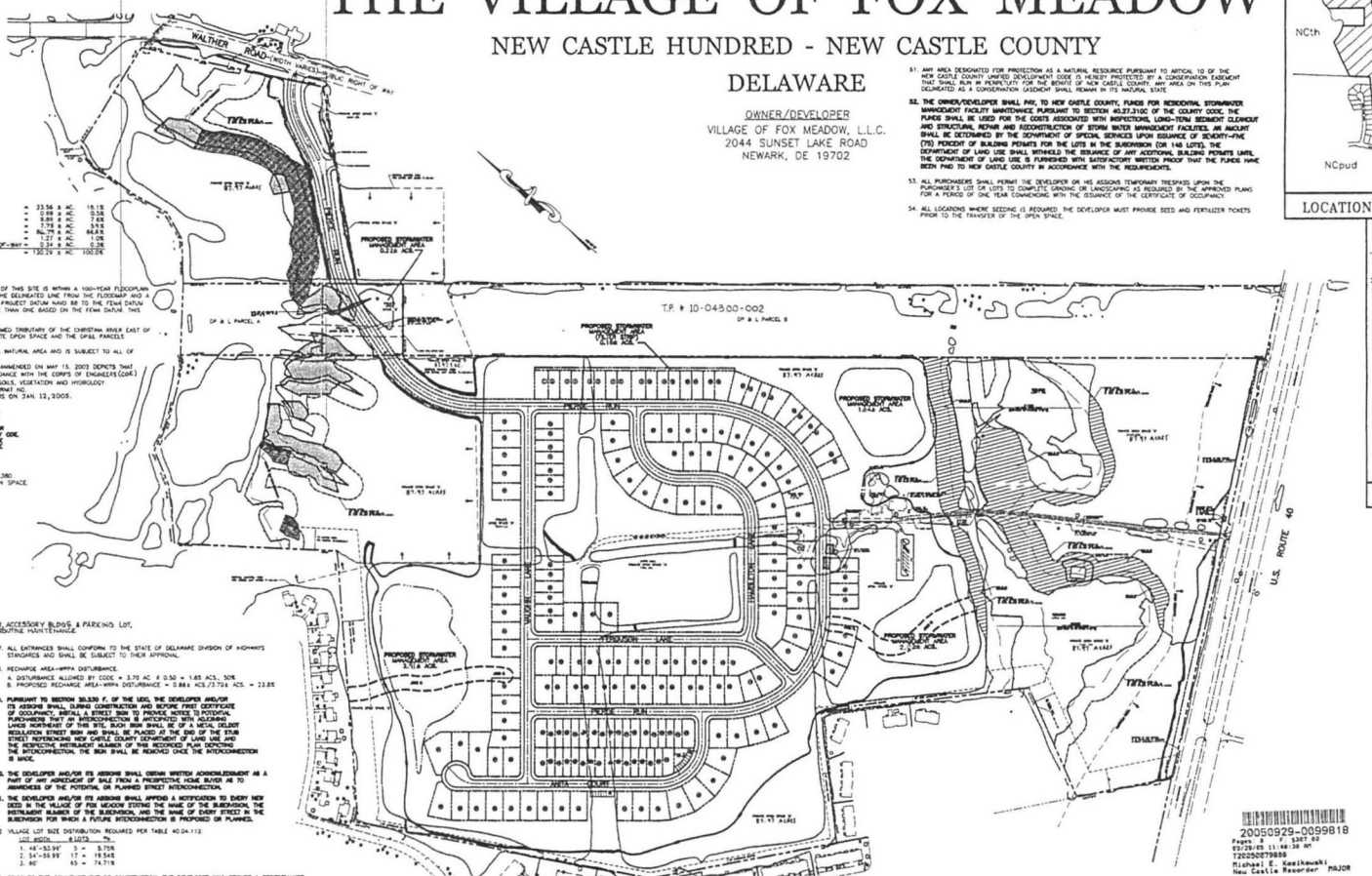
34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
    EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.73± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SUBDIVISION. SUCH SIGN SHALL BE OF A METAL DELBOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED ON PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION: REQUIRED PER TABLE 40.04.112

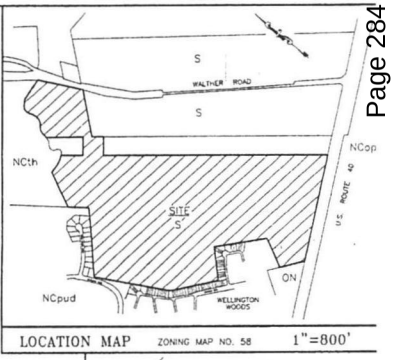
LOT WIDTH	# LOTS	%
1. 48'-53.99'	9	5.79%
2. 54'-59.99'	17	19.54%
3. 60'	65	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH U840 AND WALTHER ROAD. DELBOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADMITTED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF 2ND REQUEST. AFTER PAYMENT OF 2ND NOTICE, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 37.310E OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW SHALL INCREASE TO $124,775.50 ($500.82 X 49 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PRECEDES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPALL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

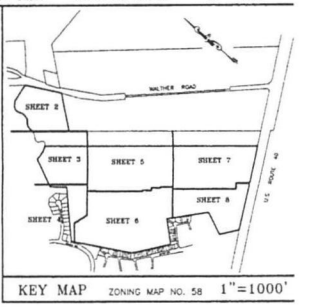
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.08±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.78±ACS.	–	–	–	7.78±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL	7.29±ACS.	87.97±ACS.	0.11±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- B-2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIT'S IMPLEMENTED

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Michael E. Kozikowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C. IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO – MANAGING MEMBER — DATE 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #546 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [signature] DESIGNS MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — BY [signature] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 101 © NEW CASTLE, DELAWARE
PHONE: (302) 324-8877 © FAX: (302) 328-8461

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DRAWING NAME:	REC-COVER.DWG		
DATE:	5-24-04	CONTR. NO.	C 853-2
FILE NO.	039	SHEET NO.	1 of 8

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New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Philomena Payton		513 Hendletin	302-381-2944	NO	Philomena Payton

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & G 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   DATUM: NAD 83
   BENCHMARK: PK NAIL FOUND 90 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE
   ELEVATION: 69.34
   B. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH
   C. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES, AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE TO THIS DEVELOPMENT BY THE TERMS OF AN IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/UNIT x 87 LOTS + 250 GPD/LOT + 107 LOTS + CONSUMPTIVE CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,297 GPD
6. NUMBER OF PROPOSED LOTS: 194
7. A. REQUIRED PER TABLE 04.130 = # HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
8. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
	=	194	= 100%

9. SUBDIVISION LAND USE:

LOT AREA	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	0.66 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREA	=	7.75 ± AC.	5.9%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODPLAIN AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODMAP. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM (MSD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
   B. 0.0264 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT #: CENAP-OP-R-200401231-1 (MMP12, MMP14) GRANTED BY THE U.S.A. CORP OF ENGINEERS ON JAN 13, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 7 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.360 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
   1. PROHIBITIVE = 0%
   2. PRECAUTIONARY = 50%
   B. PROPOSED STEEP SLOPE DISTURBANCE
   1. PROHIBITIVE = 0%
   2. PRECAUTIONARY = 5.8%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A. PIERCE FOX FAMILY FARM, LLC, DATED 9-30-05 AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 2005[illegible]0117 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' SHALL BE CREATED WHERE A SINGLE PIPE SYSTEM EXISTS. A 40' EASEMENT SHALL BE CREATED WHERE A DOUBLE PIPE SYSTEM EXISTS. THE SANITARY LEVEL OF STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT, WHICH SHALL BE SIGNED, SURETY POSTED AND NOTARIZED THEREIN. THIS PLAN IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0158315.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE = 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
   50' RIGHT-OF-WAY = 2,388± L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
   1. MATURE (DM) = 15%
   2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
   1. MATURE (DM) = 2.25± ACS./22.95±ACS. = 9.8%
   2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	VILLAGE	MIN. REQUIREMENTS
STREET YARD SETBACK:	15'/20' TO PAD, 0'/16' @ END UNIT	5'	12'
SIDE YARD:	10'	5'	5'
REAR YARD:	30'	30'	30'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF	6,000 SF (MIN.)
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)	35' (MAX.)
LOT WIDTH:	15' (MIN.)	48', 54', & 60'	60' (MIN.)
BUILDING SPACING:	10'	N/A	10'

	TWIN	WEAK-LINK TOWNHOUSES	
STREET YARD SETBACK:	20'	15'/20' TO PAD	
SIDE YARD:	0' & 10'	0' & 25' TO UNIT	
REAR YARD:	25'	25'	
LOT AREA:	4,300 SF.	3,600 SF.	
BUILDING HEIGHT:	35' (MAX.)	40' (MAX.)	
LOT WIDTH:	45'	36'	
BUILDING SPACING:	12'	10'	

34. DRAINAGE/ETC.
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.8%
35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS.±
   B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
   EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-MRPA DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.88± ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.530 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL UPON CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN EXTENSION OF PIERCE RUN IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN. SUCH SIGN SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE DEVELOPER'S INTERMENT AGENT'S NAME ON THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL AFFIXED A NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF THE STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112:

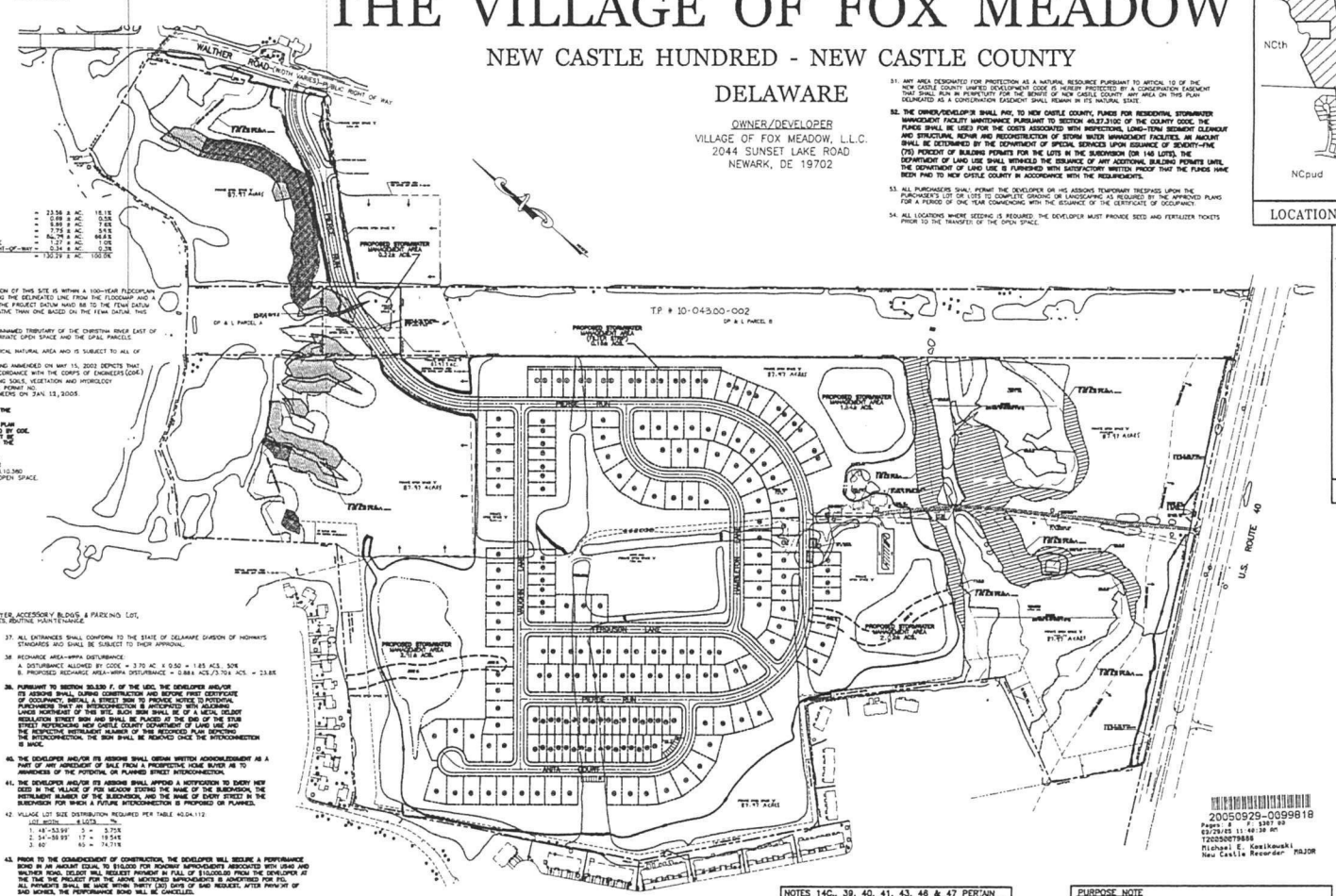
LOT WIDTH:	% LOTS:	
1. 48'-53.99'	3 =	3.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

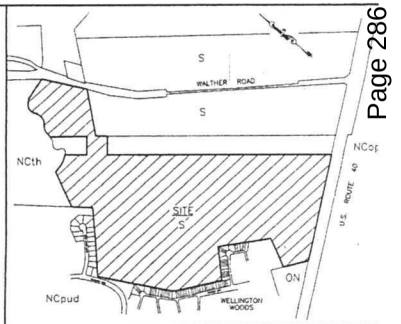
43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR PEDESTRIAN IMPROVEMENTS ASSOCIATED WITH LIBAU AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS IDENTIFIED FOR PSI. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF THE SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
   PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE ESCROW INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 14.31.030, OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION, PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.38 ($500.83 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IT ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELOCATION OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.14±ACS.	0.32±ACS.	87.50±ACS.
STORMWATER MANAGEMENT AREA:	–	7.75±ACS.	–	–	–	7.75±ACS.
PAVED AREA:	–	0.45±ACS.	0.03±ACS.	–	–	0.48±ACS.
BUILDING AREA:	–	0.08±ACS.	–	–	–	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.14±ACS.	0.32±ACS.	95.81±ACS.

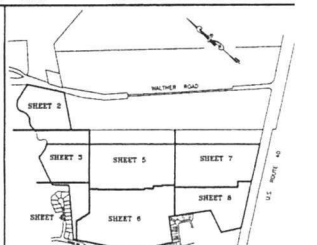
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- (29) LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BP 2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

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120050079888
Michael E. Kwalkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE 3/8/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, DAVID G. MAYER, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #368 — DATE March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/26/05 DATE — BY Charles L. Baker, COUNTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS TO CONSTRUCT.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE DELAWARE SAFETY AND HEALTH ACT OF 1976 AND THE RULES AND REGULATIONS THEREIN APPLICABLE.

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS @ SUITE 300 @ NEW CASTLE, DELAWARE
PHONE: (302) 323-9377 @ FAX: (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	COMM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
OLA L. CLARK	1004310868	33 VAUGHN LANE NEWARK, DE 19702-4315	302-528-1217	NO	Ola L Clark

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & 879-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 88.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY IS RESPONSIBLE FOR CONSTRUCTING THE SEWER FACILITIES EXTENDING SEWER SERVICE TO THE SITE AS SHOWN ON THE CONSTRUCTION PLANS.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON:
   300 GPD/UNIT x 87 LOTS = 250 GPD/UNIT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 33,297 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
   B. MAXIMUM 3 OF ANY TYPE = 45
   C. MINIMUM 5 OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.88 ± AC	7.6%
STORMWATER MANAGEMENT AREA	= 5.79 ± AC	4.4%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 0.14 ± AC	0.1%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC	0.3%
TOTAL	= 130.29 ± AC	100.0%

REMAINING LANDS OF OPAL: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE SMALL FLOOD STUDY PERFORMED FOR THE PROJECT SITE. THIS WAS TIED TO THE FEMA DATUM NGVD 29. 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE OPAL PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY
    B. 0.0258 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. CENAP-OP-R-200041231-1 (NWP 12, NWP 14) GRANTED BY THE U.S. CORPS OF ENGINEERS ON JAN. 12, 2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
15. THE WRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE WRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.
16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.
17. NO DEBRIS WILL BE BURIED ON SITE.
18. STEEP SLOPES EXIST ON THIS SITE:
    A. DISTURBANCE ALLOWED BY CODE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 50%
    B. PROPOSED STEEP SLOPE DISTURBANCE
    1. PROHIBITIVE = 0%
    2. PRECAUTIONARY = 5%
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING TO PRESERVE PRUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTING HAVENTOWN, STORMWATER MANAGEMENT FACILITIES SHOWN ON SHEETS 3 & 4, THE MAINTENANCE DECLARATION OF COVENANTS, DATED [illegible], AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED. WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE TO ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0126378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED FROM NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DESIGNATED FOR PUBLIC USE SHOWN ON THIS PLAN SHALL BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. NATURE (CHA) = 15%
    2. YOUNG = 50%
    B. DISTURBANCE PROPOSED
    1. NATURE (CHA) = 3.25± ACS./22.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/18' @ END UNIT	7'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800, 5,400, & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	35' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54' & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	7' @ 0'	0',4' @ END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	26' (MAX.)	42' (MAX.)
LOT WIDTH:	45'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE 1.22 AC. x 0.60 = 0.798 ACS., 50%
    B. PROPOSED DRAINAGE WAY DISTURBANCE 0.26± AC./1.33± AC. = 19.6%
35. USABLE OPEN SPACE:
    A. REQUIRED BY CODE - 1.0 ACS/100 LOTS x 184 LOTS = 1.84 ACS.±
    B. PROVIDED BY PLAN = 7.29 ACS.±
36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
38. RECHARGE AREA-WRPA DISTURBANCE.
    A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
    B. PROPOSED RECHARGE AREA WRPA DISTURBANCE = 0.86 ACS./3.70± ACS. = 23.8%
39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHEAST OF THIS SITE. SUCH SIGN SHALL CONSIST OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REPRESENTING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.
40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL INCLUDE NOTICE IN EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A STREET INTERCONNECTION IS SHOWN ON THE PLANS.
42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

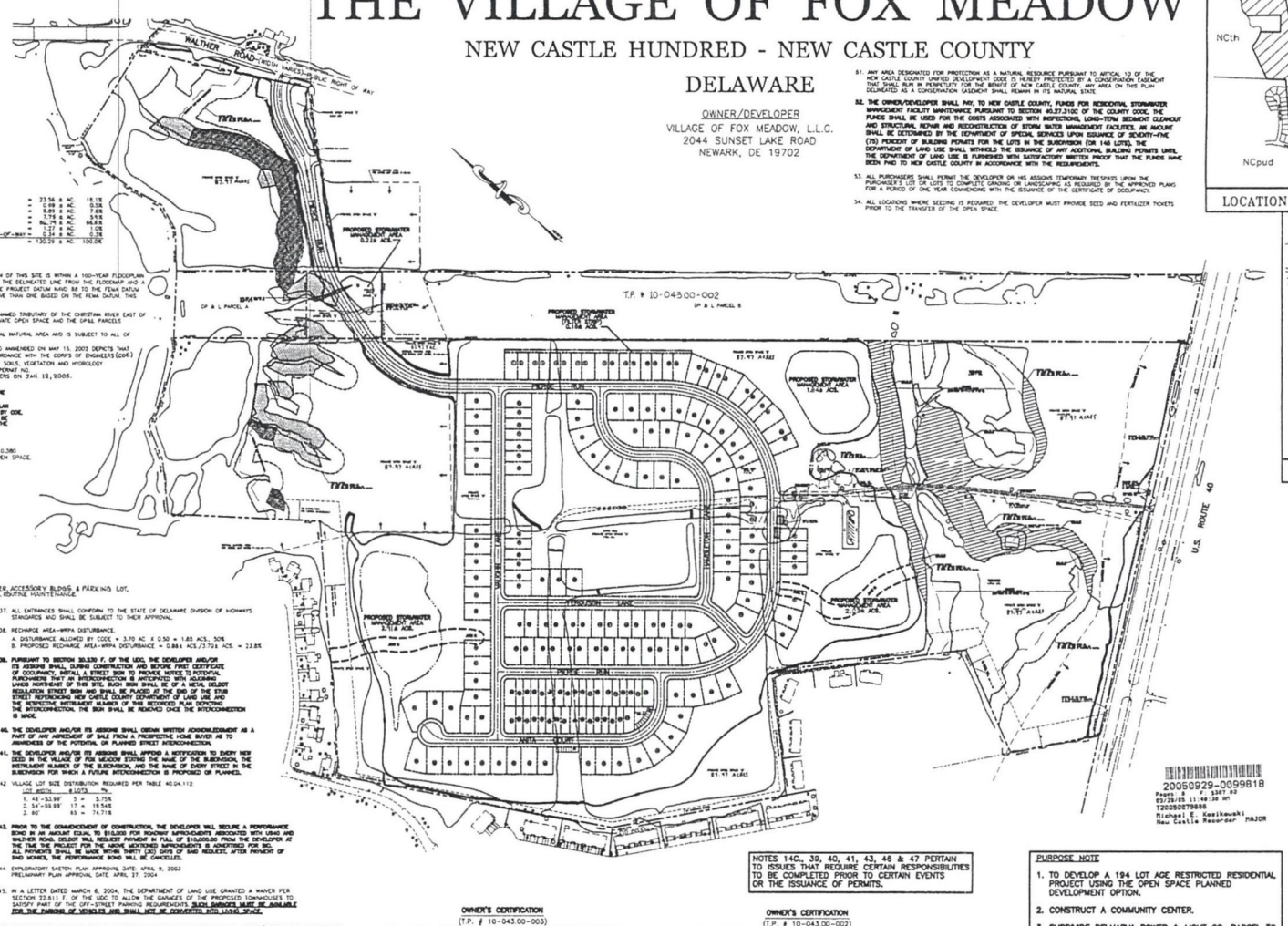
LOT WIDTH	# LOTS	%
1. 48'-52.99'	5 =	5.75%
2. 54'-59.99'	17 =	19.54%
3. 60'	65 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH LIBAS AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.
44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 9, 2003
    PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004
45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLOCK OWNERS MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.
46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $600.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 148 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,771.58 ($600.82 X 48 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.
47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IT IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TIA/PM TRAFFIC IMPACT STUDY.
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR OPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.
50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29 ACS.	75.69 ACS.	0.06 ACS.	0.14 ACS.	0.32 ACS.	87.50 ACS.
STORMWATER MANAGEMENT AREA:	–	1.79 ACS.	–	–	–	1.79 ACS.
PAVED AREA:	–	0.45 ACS.	0.03 ACS.	–	–	0.48 ACS.
BUILDING AREA:	–	0.08 ACS.	–	–	–	0.08 ACS.
TOTAL	7.29 ACS.	87.97 ACS.	0.09 ACS.	0.14 ACS.	0.32 ACS.	95.81 ACS.

TOTAL OPEN SPACE AREA OF 95.81± ACS. = 73.5% OF TOTAL SITE AREA OF 130.29± ACS.

81. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
82. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.310C OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.


WALTHER ROAD
SOUTH HARRISBURG PUBLIC RIGHT OF WAY
T.P. # 10-043.00-002
DP & L PARCEL A
DP & L PARCEL B
PROPOSED STORMWATER MANAGEMENT AREA 5.79± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 1.24± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 3.51± ACS.
PROPOSED STORMWATER MANAGEMENT AREA 0.22± ACS.
PROPOSED COMMUNITY CENTER, ACCESSORY BLDG. & PARKING LOT
PROPOSED OPEN SPACE
PROPOSED OPEN SPACE & LANDSCAPING TO PRESERVE PRUN BOULEVARD
PROPOSED OPEN SPACE & LANDSCAPING TO PRESERVE ROUTING HAVENTOWN

24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Joseph A Schaffer		353 pierce	302-299-9765	NO	Joseph A Schaffer

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0056393 & D.79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAD 83
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 5 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.24
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GRAVITY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 200 GPD/LOT x 87 LOTS = 17,400 GPD/QUAD 1, 107 LOTS + COMMUNITY CENTER AT 440 G.P.D. = 30,140 G.P.D. + 53,287 GPD
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	= 87	=	44.8%
B. WEAK-LINK TOWNHOUSES	= 41	=	21.1%
C. TOWNHOUSES	= 24	=	12.4%
D. TWINS	= 32	=	16.5%
TOTAL	= 194	=	100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.88 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREAS	= 7.29 ± AC.	5.6%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.61 ± AC.	1.2%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF DP&L: PARCEL 'A' = 2.80± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2003 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE 'AE' ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODCAMP AND A LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODCAMP TO CONVERT FROM THE NGVD DATUM TO THE NAVD DATUM. THIS NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.
    B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS
13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.
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    B. 0.028± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. NONGENERAL COE PERMIT NO. CENAP-OP-R-200401231-1 (NWP12, NWP14) GRANTED BY U.S.A. CORPS OF ENGINEERS ON JAN 12,2005.
    C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING
    1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
    2. WETLAND MITIGATION AS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 3 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.
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    2. PRECAUTIONARY = 20%
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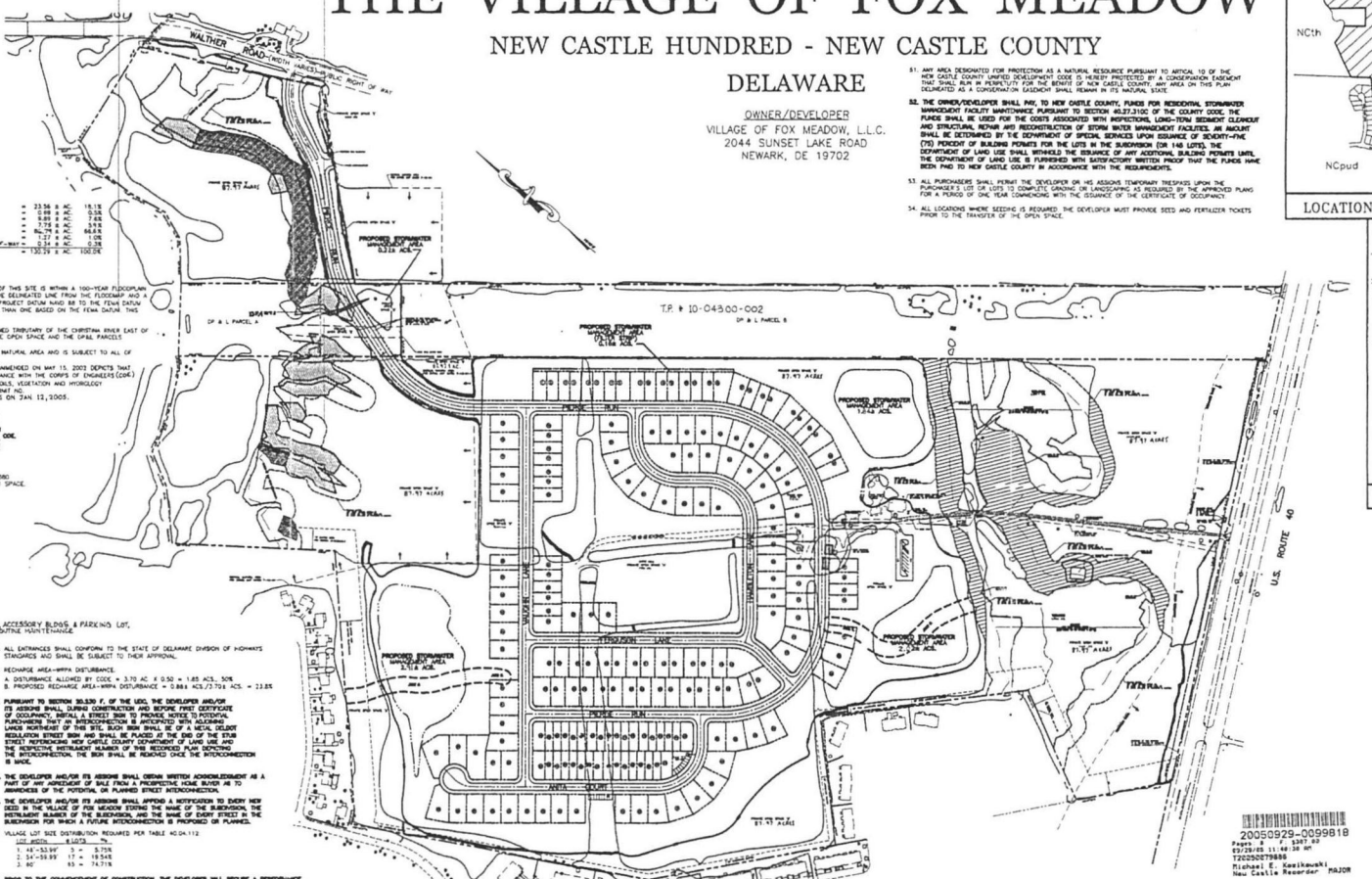
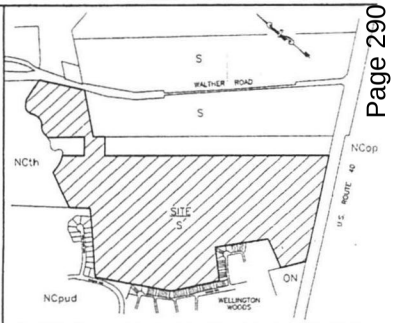
19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.
20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDG'S. & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, RIP-RAP, STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE RESPONSIBILITIES IN PERPETUITY AGREEMENT DATED [illegible] 2005 RECORDED IN OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. [illegible] AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.
22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0106378.
24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
26. EROSION, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
27. OPEN SPACE RATIO:
    A. REQUIRED BY CODE = 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
    B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%
28. A 5' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES IS HEREBY ENCOURAGED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.
29. STREETS TO BE DEDICATED FOR PUBLIC USE:
    50' RIGHT-OF-WAY: 8,288± L.F.
    VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.
31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE AS SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF DELAWARE. THE STATE HAS NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
32. FOREST DISTURBANCE:
    A. DISTURBANCE ALLOWED BY CODE
    1. MATURE (OAK) = 15%
    2. YOUNG = 25%
    B. DISTURBANCE PROPOSED
    1. MATURE (OAK) = ± 25± ACS./23.98± ACS. = 9.8%
    2. YOUNG = 0% (NONE ON SITE)
33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	MIN. REQUIREMENTS: TOWNHOUSE	VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' @ END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 & 5,400 SF
BUILDING HEIGHT	40' (MAX.)	35' (MAX.)
LOT WIDTH	18' (MIN.)	48', 54' & 60'
BUILDING SPACING	10'	N/A

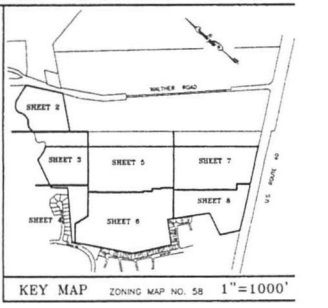
	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	0' & 8'	0'& 8' END UNIT
REAR YARD:	25'	25'
LOT AREA	4,500 SF	3,600 SF
BUILDING HEIGHT	36' (MAX.)	40' (MAX.)
LOT WIDTH	45'	36'
BUILDING SPACING	12'	10'

24. DRAINAGEWAYS:
    A. DISTURBANCE ALLOWED BY CODE 1.33 AC. X 0.60 = 0.798 ACS., 60%
    B. PROPOSED DRAINAGE WAY DISTURBANCE 0.28± AC./ 1.33± AC. = 19.6%
25. USABLE OPEN SPACE:
    A. REQUIRED BY CODE = 1.0 ACS/100 LOTS x 194 LOTS = 1.94 ACS ±
    B. PROVIDED BY PLAN = 7.29 ACS ±
26. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700 EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 146 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- B-2 BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [24]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

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Pages: 8
Fee: $207.00
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T20050079805
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. GAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. GAPANO - MANAGING MEMBER — DATE 3/9/05

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #368 — March 10, 2005 DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/6/05 DATE — BY [illegible] DESIGNEE, MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY
APPROVED 9/27/05 DATE — [illegible] COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 325-8577 © FAX - (302) 323-9411

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/FJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME:	REC-COVER.DWG
DATE: 5-24-04	CONM. NO. C 853-2	FILE NO. 039	SHEET NO. 1 of 8

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24-001

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Ping-An Tjoa		111 Ferguson Ln Newark DE 19702	302-834-1681	(Yes)	Ping-An Tjoa

24-001

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER

VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

1. TOTAL SITE AREA: 130.29 +/- ACRES
2. EXISTING ZONING: S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE
3. TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003
4. SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050393 & Q 79-668
5. TOPOGRAPHIC SURVEY:
   A. AERIAL SURVEY BY: WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001
   B. DATUM: NAVD 88
   BENCHMARK: PK. NAIL FOUND 80 +/- FEET SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
   ELEVATION: 89.34
6. WATER: ARTESIAN WATER COMPANY
   WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
7. SEWER: NEW CASTLE COUNTY - GINNETY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
   ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT x 87 LOTS = 250 GPD/LOT x 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,287 GPD.
8. NUMBER OF PROPOSED LOTS: 194
9. A. REQUIRED PER TABLE 04.130 = + HOUSING TYPES
   B. MAXIMUM % OF ANY TYPE = 45
   C. MINIMUM % OF ANY TYPE = 10
10. DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

11. SUBDIVISION LAND USE:

LOT AREA	= 23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	= 0.89 ± AC.	0.5%
PUBLIC RIGHT-OF-WAY (FROM THIS SUBDIVISION)	= 9.89 ± AC.	7.6%
STORMWATER MANAGEMENT AREAS	= 6.79 ± AC.	5.2%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	= 79.18 ± AC.	60.8%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE OPEN SPACE	= 1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND MADE PUBLIC RIGHT-OF-WAY	= 0.34 ± AC.	0.3%
TOTAL	= 130.29 ± AC.	100.0%

REMAINING LANDS OF (P&L) PARCEL 'A' = 2.86± AC.
PARCEL 'B' = 17.40± AC.

12. A. FEMA MAP NUMBER 10003C0145 C, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODMAP AND A LINE BASED ON THE BASIC FLOOD ELEVATIONS FROM THE FLOOD INSURANCE STUDY. THE DATUM HAD TO BE CONVERTED FROM NGVD 29, 0.8 FT. WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN HAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE DP&L PARCELS.

13. THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

14. A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 15, 2002 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDED INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.
   B. 0.029± ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401231-1 (NAP14)) GRANTED BY THE COE ON JAN. 13, 2005.
   C. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
   1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS FILLING AND WITHIN 10 DAYS OF ITS COMPLETION.
   2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN PREPARED BY LANDMARK ENGINEERING, INC. DATED DECEMBER 2004 AND APPROVED BY COE. THE WETLANDS MITIGATION WILL OCCUR WHERE SHOWN ON SHEET 1 OF 8 AND MUST BE COMPLETED TO THE SATISFACTION OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE MAINTENANCE CORPORATION.

15. THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1983, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

16. THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

17. NO DEBRIS WILL BE BURIED ON SITE.

18. STEEP SLOPES EXIST ON THIS SITE:
   A. DISTURBANCE ALLOWED BY CODE
   1. PROHIBITIVE - 0%
   2. PRECAUTIONARY - 30%
   B. PROPOSED STEEP SLOPE DISTURBANCE
   1. PROHIBITIVE - 0%
   2. PRECAUTIONARY - 5%

19. A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

20. UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BLDGS & PARKING LOT, LANDSCAPING, LANDSCAPING TO PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, AND THE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE REGULATION BY A PIERCE FOX FAMILY FARM LLC DATED 5/25/05 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, ON [illegible] AND RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

22. A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 15', RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS, THIS EASEMENT SHALL BE 20' WIDE (10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20041004-0108378.

24. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE IX OF THE NEW CASTLE COUNTY CODE AS MAY BE ENFORCED BY NEW CASTLE COUNTY COUNCIL.

25. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

26. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

27. OPEN SPACE RATIO:
   A. REQUIRED BY CODE - 130.29± ACRES x 0.50 = 65.15± ACRES, 50%
   B. PROVIDED BY THIS PLAN = 99.81± ACRES OR 73.5%

28. A 8' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES (5 HEREBY DESIGNATED TO BE AVAILABLE FOR ANY UTILITY SERVICE PROVIDED THAT NO SUCH EASEMENT SHALL BE GRANTED ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

29. STREETS TO BE DEDICATED FOR PUBLIC USE.
   50' RIGHT-OF-WAY = 2,388± L.F.
   VARIABLE WIDTH (51' TO 73') RIGHT-OF-WAY: 558± L.F.
   PRELIMINARY PLAT APPROVAL DATE: APRIL 27, 2004

30. ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE, DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

31. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE PUBLIC RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND NOT MAINTAINED BY THE VILLAGE OF FOX MEADOW HOMEOWNERS SHALL, UPON THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE, THE STATE ASSUMES ALL MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

32. FOREST DISTURBANCE:
   A. DISTURBANCE ALLOWED BY CODE
   1. MATURE (DIA) = 15%
   2. YOUNG = 50%
   B. DISTURBANCE PROPOSED:
   1. MATURE (DIA) = 2.25± ACS./22.98± ACS. = 9.8%
   2. YOUNG = 0% (NONE ON SITE)

33. BULK AREA RESTRICTIONS

OPEN SPACE PLANNED	TOWNHOUSE	MIN. REQUIREMENTS VILLAGE
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0' & END UNIT	5'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	4,800 S. FOOT & 6,000 SF
BUILDING HEIGHT:	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 60'
BUILDING SPACING:	10'	N/A

	TWIN	WEAK-LINK TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' & END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,600 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGEWAYS:
   A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. x 0.60 = 0.798 ACS., 60%
   B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.28± AC./ 1.33± AC. = 19.6%

35. USABLE OPEN SPACE:
   A. REQUIRED BY CODE = 1.0 ACS./100 LOTS x 194 LOTS = 1.94 ACS.±
   B. PROVIDED BY PLAN = 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 97.700. EVERY DWELLING MUST BE CONSTRUCTED WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
   A DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
   PROPOSED DISTURBANCE: 0.84 ACS./3.70± ACS. = 23.8%

39. PURSUANT TO SECTION 30.130 F. OF THE UDC, THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE FIRST CERTIFICATE OF OCCUPANCY, INSTALL A STREET SIGN AT THE POINTS TO PROVIDE NOTICE TO POTENTIAL PURCHASERS THAT AN INTERCONNECTION IS ANTICIPATED WITH ADJOINING LANDS NORTHWEST OF THE SITE. SUCH SIGN SHALL BE OF A METAL DELIGHT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET REFERENCING NEW CASTLE COUNTY DEPARTMENT OF LAND USE AND THE RESPECTIVE INSTRUMENT NUMBER OF THIS RECORDED PLAN DEPICTING THE INTERCONNECTION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE AWARENESS OF THE POTENTIAL OF PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR ITS ASSIGNS SHALL PROVIDE NOTIFICATION TO EVERY NEW DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	% LOTS	%
1. 48'-53.99'	15 =	5.75%
2. 54'-59.99'	45 =	19.54%
3. 60'	137 =	74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER WILL SECURE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO $10,000 FOR ROADWAY IMPROVEMENTS ASSOCIATED WITH US40 AND WALTHER ROAD. DELDOT WILL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADVERTISED FOR BID. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF SAID MONIES, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
   PRELIMINARY PLAT APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 6, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 23.611 F. OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. SUCH GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $1606.82 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.3106. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE SETTLEMENT OF MORE THAN 148 LOTS (76% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $24,775.00 ($800.82 X 40 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.110. IF IS ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE-RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND "NATURAL AREA OPEN SPACE". IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR DP&L PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±AC.	79.48±AC.	0.08±AC.	0.14±AC.	0.32±AC.	87.50±AC.
STORMWATER MANAGEMENT AREA:	-	7.75±AC.	-	-	-	7.75±AC.
PAVED AREA:	-	0.45±AC.	0.03±AC.	-	-	0.48±AC.
BUILDING AREA:	-	0.08±AC.	-	-	-	0.08±AC.
TOTAL:	7.29±AC.	87.97±AC.	0.09±AC.	0.14±AC.	0.32±AC.	95.81±AC.

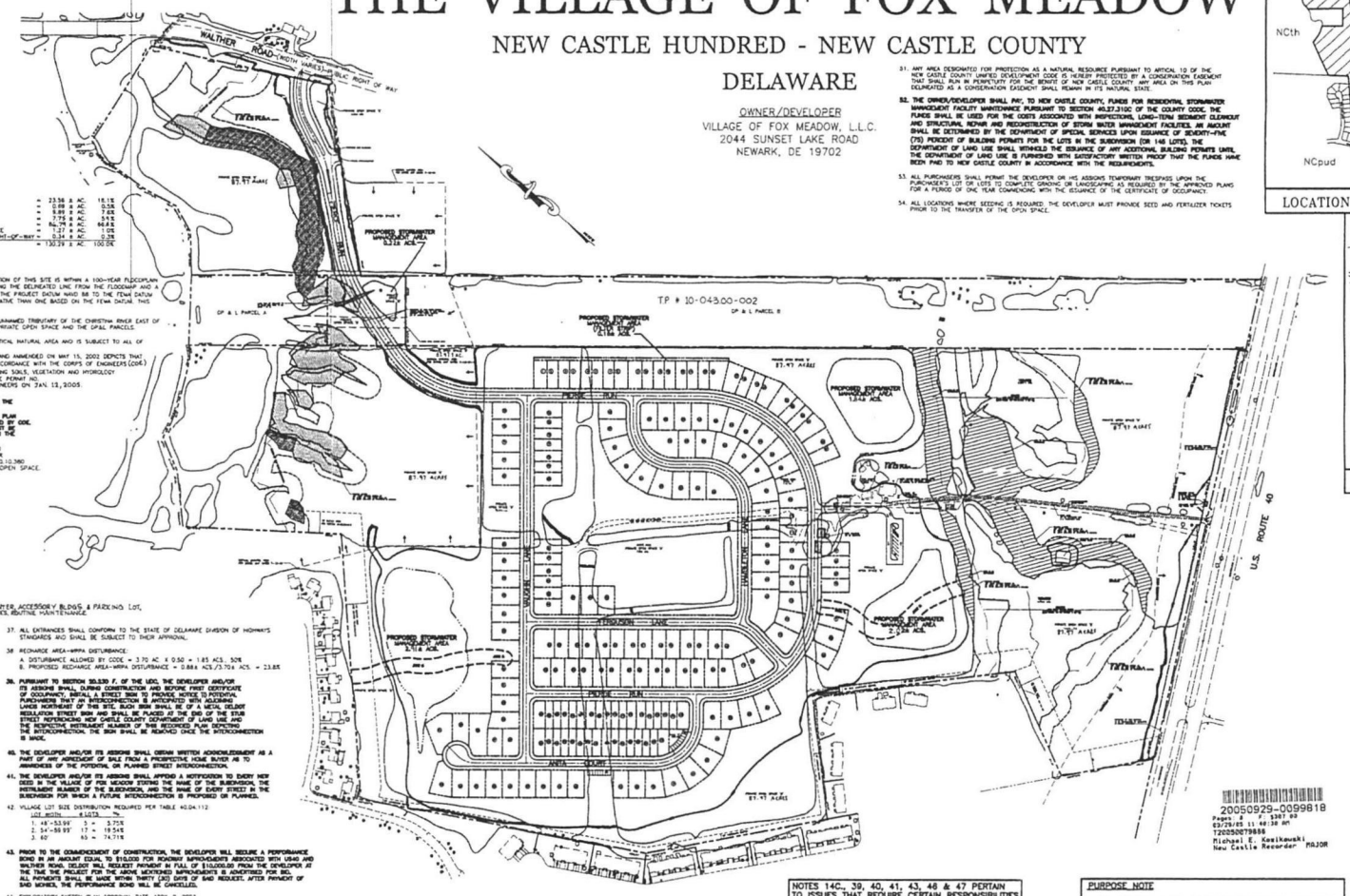
TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.

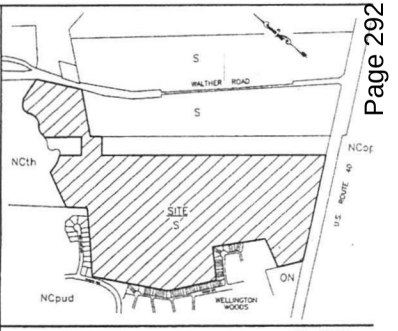
51. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICAL 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

52. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE PURSUANT TO SECTION 40.27.3100 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT SHALL BE DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES UPON ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION (OR 148 LOTS). THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

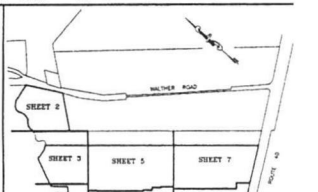
53. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

54. ALL LOCATIONS WHERE SEEDING IS REQUIRED, THE DEVELOPER MUST PROVIDE SEED AND FERTILIZER TICKETS PRIOR TO THE TRANSFER OF THE OPEN SPACE.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND THE RULES AND REGULATIONS THEREIN IMPLEMENTED.

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Pages: 1 of 1
09/29/05 11:40:30 AM
T20250079888
Michael E. Kwiatkowski
New Castle Recorder MAJOR

NOTES 14C., 39, 40, 41, 43, 48 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.C.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO - MANAGING MEMBER — DATE: 3/8/05

OWNER'S CERTIFICATION (T.P. # 10-043.00-002)

I, [illegible], REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, III, PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, III, DE PLS #349 — DATE: March 10, 2005

CERTIFICATION OF PLAN APPROVAL

APPROVED 9/8/05 — DATE — BY [signature] DEPARTMENT MANAGER

FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED 9/27/05 — DATE — [signature] COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS © SUITE 301 © NEW CASTLE, DELAWARE
PHONE - (302) 323-9077 © FAX - (302) 323-9463

0 100 200 400
GRAPHIC SCALE

SCALE:	1" = 200'	DRAWN BY:	ERF/JAV/FJS/KBK
DESIGNED BY:	FTP/JAV	CHECKED BY:	F.T.P.
DATE:	5-24-04	DRAWING NAME:	REC-COVER.DWG
		COMM. NO.	C 853-2
		FILE NO.	039
		SHEET NO.	1 of 8

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PKT

New Castle County
Stormwater Maintenance District Petition

We the members of **Village of Fox Meadow** (Maintenance Organization) hereby submit this petition to New Castle County for acceptance in the Stormwater Maintenance District Program.

The Maintenance Organization is responsible for the following stormwater management facilities:

Facility 1 - Dry Pond off Pierce Run, Facility 2 - Bioswale - left side of Piere Lane, Facility 3 - Filtration off Perce Lane behind 311 - 325, Facility 4 -Dry Pond off Pierce Lane behind #361, Facility 5 - Dry Pond – behind 369 Pierce Lane, Facility 6 – Dry Pond behind 34 and 38 Vaughn Lane, Facility 7 – Bioswale behind 24 Vaughn Lane and Facility 8 – Bioswale behind 10 Vaughn Lane, leading to Pierce Lane.

We, the members of the Maintenance Organization, are fully aware of our rights and responsibilities pursuant to *New Castle County Code* Chapter 13 and *Delaware Code* Title 9, Chapter 34. In summary New Castle County will determine the annual cost of maintaining the stormwater management facilities which will be divided equally and billed to each member of the Maintenance Organization on the New Castle County tax bill as the "Stormwater Maintenance Fee".

The initial Stormwater Maintenance Fee to maintain the above listed facilities will be **$206.44** and will be billed to each member in accordance with the Maintenance Organization's bylaws and Declaration of Restrictions. Subsequent or future rates shall be at the discretion of the County based on its' cost to maintain the identified facilities and the associated administrative cost.

The initial Stormwater Maintenance fee is based on maintaining the stormwater management facility beginning on January 1st after the Petition has been accepted by the Department and approved by County Council. The initial stormwater maintenance fee will cover maintenance cost of the facility for approximately 18 months because the tax bill is not sent out until September. Please note that maintenance costs are typically lower in the winter. The stormwater maintenance fee for the following year is estimated to be **$125.76.**

My **yes vote** below is for the Maintenance Organization **to enroll** into the Stormwater Maintenance District Program.

My **no vote** below is for the Maintenance Organization **not to enroll** into the Stormwater Maintenance District Program.

Property Owner	Parcel No.	Address	Daytime Phone Number	Yes/No	Signature
Arabelle Garnett		424 Pierce RUN NEWARK, DE 19702	302-650-8556	NO	

APPLICATION NO. 2003-0264(S)

RECORD MAJOR SUBDIVISION PLAN

THE VILLAGE OF FOX MEADOW

NEW CASTLE HUNDRED - NEW CASTLE COUNTY

DELAWARE

OWNER/DEVELOPER
VILLAGE OF FOX MEADOW, L.L.C.
2044 SUNSET LAKE ROAD
NEWARK, DE 19702

DATA COLUMN

TOTAL SITE AREA 130.29 +/- ACRES
EXISTING ZONING S-SUBURBAN - OPEN SPACE PLANNED - AGE RESTRICTED DEVELOPMENT TYPE

TAX PARCEL NUMBER: 10-043.00-002, 10-043.00-003

SOURCE OF TITLE: INSTRUMENT NO. 20040506-0050383 & DB 79-668

TOPOGRAPHIC SURVEY:
A. AERIAL SURVEY BY WINGS MAPPING, INC. DONE IN SPRING 2001 AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN JUNE/JULY 2001.
B. DATUM: NAD 83
BENCHMARK: PK NAIL FOUND 80 +/- FEET, SOUTHWEST OF A CONCRETE MONUMENT FOUND AT THE SOUTHWEST MOST CORNER OF PROPERTY AND 6 FEET NORTH OF THE NORTHERLY EDGE OF U.S. ROUTE 40 WESTBOUND TRAVEL LANE.
ELEVATION: 88.34

WATER: ARTESIAN WATER COMPANY
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SEWER: NEW CASTLE COUNTY - GRAVITY
SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO THE LIMITS OF THIS PROPERTY AT THEIR EXPENSE.
ESTIMATED SEWAGE FLOW GENERATION FOR THIS PROJECT, BASED UPON 300 GPD/LOT = 87 LOTS + 250 GPD/LOT = 107 LOTS + COMMUNITY CENTER AT 4470 S.F. x 0.10 GAL/S.F. = 53,267 GPD

NUMBER OF PROPOSED LOTS: 194

A. REQUIRED PER TABLE 04.130 = 4 HOUSING TYPES
B. MAXIMUM % OF ANY TYPE = 45
C. MINIMUM % OF ANY TYPE = 10

DEVELOPMENT HOUSING TYPE BREAKDOWN:

A. VILLAGE	=	87	= 44.8%
B. WEAK-LINK TOWNHOUSES	=	41	= 21.1%
C. TOWNHOUSES	=	34	= 17.5%
D. TWINS	=	32	= 16.5%
TOTAL	=	194	= 100%

L. SUBDIVISION LAND USE:

LOT AREA:

PUBLIC RIGHT-OF-WAY (DEDICATED ALONG ROUTE 40)	=	23.56 ± AC.	18.1%
PUBLIC RIGHT-OF-WAY (WITHIN SUBDIVISION)	=	9.69 ± AC.	7.5%
STORMWATER MANAGEMENT AREA	=	9.75 ± AC.	7.5%
OPEN SPACE (INCLUDES PROPOSED COMMUNITY CENTER & EXCLUDES SWM AREAS)	=	86.79 ± AC.	66.6%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WADE PUBLIC RIGHT-OF-WAY	=	1.27 ± AC.	1.0%
LANDS TO BE PURCHASED FROM DELMARVA POWER & LIGHT CO. AND WADE PUBLIC RIGHT-OF-WAY	=	0.34 ± AC.	0.3%
TOTAL	=	130.29 ± AC.	100.0%

REMAINING LANDS OF SPAL PARCEL 'A' = 2.806 AC.
PARCEL 'B' = 17.406 AC.

A. FEMA MAP NUMBER 10003C0145 G, DATED OCTOBER 6, 2000 INDICATES THAT A PORTION OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN ZONE AE ALONG THE CHRISTINA RIVER. A COMPOSITE FLOODLINE WAS DEVELOPED COMBINING THE DELINEATED LINE FROM THE FLOODWAY AND A STRAIGHT LINE BASED ON THE BASE FLOOD ELEVATIONS FROM THE FLOODWAY. TO CONVERT FROM THE PROJECT DATUM NAVD 88 TO THE FEMA DATUM NGVD 29, 0.8 FT WOULD BE ADDED, MAKING OUR FLOODLINE DELINEATION MORE CONSERVATIVE THAN ONE BASED ON THE FEMA DATUM. THIS LINE IS REPRESENTATIVE OF THAT SHOWN ON THE FEMA PANEL.

B. A NONDELINEATED FLOOD PLAIN WAS BEEN CALCULATED AND DELINEATED ALONG THE UNNAMED TRIBUTARY OF THE CHRISTINA RIVER EAST OF THE PROPOSED CLUBHOUSE. THE FLOODPLAIN AREAS ARE LOCATED ENTIRELY WITHIN THE PRIVATE OPEN SPACE AND THE SPAL PARCELS.

THE STATE INVENTORY OF NATURAL AREAS INDICATES THAT THIS SITE DOES INCLUDE A CRITICAL NATURAL AREA AND IS SUBJECT TO ALL OF PROVISIONS OF DIVISION 40.10.370 OF THE UNIFIED DEVELOPMENT CODE.

A WETLANDS STUDY PREPARED BY ENVIRONMENTAL CONSULTANTS, INC. DATED JULY 2001 AND AMENDED ON MAY 13, 2003 DEPICTS THAT WETLANDS ARE PRESENT ON THIS SITE. THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS (COE) WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDES INVESTIGATING SOILS, VEGETATION AND HYDROLOGY.

B. 0.0284 ACRES OF WETLAND DISTURBANCE IS PROPOSED BY THIS PLAN. INDIVIDUAL COE PERMIT NO. (CENAP-OP-R-200401331-1 (NAPTZ, NAP*15) WAS GRANTED BY THE U.S. CORP OF ENGINEERS ON JAN. 15, 2008.

B. AMONG THE CONDITIONS OF THE COE PERMIT ARE THE FOLLOWING:
1. THE COE MUST BE NOTIFIED AT LEAST 10 DAYS PRIOR TO THE COMMENCEMENT OF THE WETLANDS PLANS AND WITHIN 10 DAYS OF ITS COMPLETION.
2. WETLANDS MITIGATION IS REQUIRED IN ACCORDANCE WITH THE WETLANDS MITIGATION PLAN. THE MITIGATION SHALL BE COMPLETED PRIOR TO OR CONCURRENT WITH THE FIRST PHASE OF SITE DEVELOPMENT. THE MITIGATION AREA SHALL BE LOCATED SUCH THAT IT IS NOT PART OF ANY LOT AND SHALL BE CONVEYED TO THE HOMEOWNERS OF NEW CASTLE COUNTY AND THE COE PRIOR TO THE TRANSFER OF THE OPEN SPACE TO THE HOMEOWNERS CORPORATION.

THE MRPA MAP FOR THE NEW CASTLE COUNTY, DE, SHEET 2 OF 3, DATED 1993, REVISED MAY 2001, SHOWS THAT THIS SITE IS PARTIALLY LOCATED WITHIN A RECHARGE AREA WATER RESOURCE PROTECTION AREA AND IS SUBJECT TO ALL OF THE PROVISIONS OF DIVISION 40.10.380 OF THE UNIFIED DEVELOPMENT CODE. THE MRPA ABUTS ROUTE 40 IN THE PRIVATE OPEN SPACE.

THERE ARE NO DEED RESTRICTIONS FOR THIS SITE.

NO DEBRIS WILL BE BURIED ON SITE.

STEEP SLOPES EXIST ON THIS SITE:
A. DISTURBANCE ALLOWED BY CODE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 50%
B. PROPOSED STEEP SLOPE DISTURBANCE
1. PROHIBITIVE - 0%
2. PRECAUTIONARY - 5.9

A LANDSCAPE & OPEN SPACE MANAGEMENT PLAN PREPARED BY DESIGNS, ETC., LAST DATED MAY 13, 2004, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THIS PLAN.

UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET MINIMUM IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING OPEN SPACES, COMMUNITY CENTER, ACCESSORY BUILDINGS, & PARKING LOT, LANDSCAPING, LANDSCAPING IN PIERCE RUN BOULEVARD, SIDEWALKS ABUTTING OPEN SPACES, ROUTINE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION BY A PIERCE FOX FAMILY FARM, LLC, DATED 2003-12-12, RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20031211-0181179 AND THE RECORD MAJOR LANDSCAPE & OPEN SPACE MANAGEMENT PLAN.

A 40' SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' OR 10', RESPECTIVELY, (IN EACH SIDE OF THE CENTERLINE OF THE PIPE), SHALL BE CREATED, WHEREVER POSSIBLE, WHERE A SANITARY OR STORM SEWER IS DESIGNATED FOR PUBLIC USE AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT-OF-WAY. WHERE PIPES ARE INSTALLED IN PRIVATELY MAINTAINED AREAS SUCH AS PARKING LOTS, PRIVATE STREETS, OR OPEN SPACE, THE EASEMENT SHALL BE CENTERED ON THE PIPE SIDE OF THE CENTERLINE OF THE PIPE, EXCEPT WHERE NOTED.

ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE AGREEMENT THEREIN. THE LDIA IS RECORDED IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, INSTRUMENT NO. 20031004-0078178.

THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.

DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.

OPEN SPACE RATIO:
A. REQUIRED BY CODE - 130.29 ± ACRES x 0.50 = 65.15± ACRES, 50%
B. PROVIDED BY THIS PLAN = 95.81± ACRES OR 73.5%

A 6' FOUR WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN, OTHERTHAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THAT EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

STREETS TO BE DEDICATED FOR PUBLIC USE:
50' RIGHT-OF-WAY: 2,284 ± L.F.
VARIABLE WIDTH (51' TO 72') RIGHT-OF-WAY: 558± L.F.

ALL STREETS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARD PAVEMENT AND STREET CROSS-SECTIONS.

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY AREAS DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

FOREST DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE:
1. MATURE (CNA) = 15%
2. YOUNG = 30%
B. DISTURBANCE PROPOSED:
1. MATURE (CNA) = 2.29 ± ACS. / 23.84 ± ACS. = 9.6%
2. YOUNG = 0% (NONE ON SITE)

BULK AREA RESTRICTIONS	MIN. REQUIREMENTS TOWNHOUSE	VILLAGE
OPEN SPACE PLANNED		
STREET YARD SETBACK:	15'/20' TO PKG.	12'
SIDE YARD:	0'/8' IN END UNIT	8'
REAR YARD:	20'	25'
LOT AREA:	1,800 SF (MIN.)	6,800, 5,900, & 8,000 SF
BUILDING HEIGHT	40' (MAX.)	36' (MAX.)
LOT WIDTH:	18' (MIN.)	48', 54', & 80'
BUILDING SPACING:	10'	N/A

	WEAK-LINK TWIN	TOWNHOUSES
STREET YARD SETBACK:	20'	15'/20' TO PKG.
SIDE YARD:	1 @ 8'	0' @ 8' END UNIT
REAR YARD:	25'	25'
LOT AREA:	4,500 SF	3,800 SF
BUILDING HEIGHT:	36' (MAX.)	40' (MAX.)
LOT WIDTH:	48'	36'
BUILDING SPACING:	12'	10'

34. DRAINAGE/AVS:
A. DISTURBANCE ALLOWED BY CODE: 1.33 AC. X 0.60 = 0.798 ACS., 60%
B. PROPOSED DRAINAGE WAY DISTURBANCE: 0.266 AC./ 1.33± AC. = 19.8%

35. USABLE OPEN SPACE:
A. REQUIRED BY CODE - 1.0 ACS/100 LOTS X 194 LOTS = 1.94 ACS.±
B. PROVIDED BY PLAN - 7.29 ACS.±

36. THIS PROJECT IS AN AGE RESTRICTED RESIDENTIAL DEVELOPMENT AND ALL THE PROVISIONS OF THE FEDERAL FAIR HOUSING ACT WILL BE COMPLIED WITH AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE ARTICLE 7 SECTION 07.700
EVERY DWELLING WERE NO CONSTRUCTION WITH A BEDROOM AND FULL BATHROOM ON THE FIRST FLOOR.

37. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.

38. RECHARGE AREA-MRPA DISTURBANCE:
A. DISTURBANCE ALLOWED BY CODE = 3.70 AC. X 0.50 = 1.85 ACS., 50%
B. PROPOSED RECHARGE AREA-MRPA DISTURBANCE = 0.886 ACS./3.704 ACS. = 23.8%

39. PURSUANT TO SECTION 30.330 F. OF THE UDC, THE DEVELOPER AND/OR HIS ASSIGNS SHALL POST A FINANCIAL GUARANTEE AND OBTAIN ZONE OCCUPANCY OF OCCUPANCY, PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR MORE THAN 50% OF THE DWELLING UNITS PROPOSED BY THIS PLAN. THE DEVELOPER SHALL ERECT AT EACH ENTRANCE OF SITE WITH THE SUBDIVISION STREET SIGN AND SHALL BE PLACED AT THE END OF THE DEAD STREET SIGNS, INDICATING THAT NEW CASTLE COUNTY CONTINUITY OF LAND AND THE PROSPECTIVE ENCHANCEMENT NUMBER OF THE RECORDED PLAN DEPICTING THE RECOMMENDATION. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE.

40. THE DEVELOPER AND/OR HIS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOME BUYER AS TO THE POSSIBILITY OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

41. THE DEVELOPER AND/OR HIS ASSIGNS SHALL ATTACH NOTIFICATION TO EVERY HOME DEED IN THE VILLAGE OF FOX MEADOW STATING THE NAME OF THE SUBDIVISION, THE POSSIBILITY OF THE STREET INTERCONNECTION AND THE DISTRICT FOUND IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

42. VILLAGE LOT SIZE DISTRIBUTION REQUIRED PER TABLE 40.04.112

LOT WIDTH	BUILDING
1. 48'-53.99'	5 = 3.75%
2. 54'-79.99'	117 = 86.25%
3. 80'	65 = 74.71%

43. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DEVELOPER SHALL REQUIRE A PERFORMANCE BOND IN AN AMOUNT EQUAL TO FIVE PERCENT (5%) OF THE CONSTRUCTION IMPROVEMENTS ASSOCIATED WITH LEMAS AND SILVER RUN, DELOT SHALL REQUEST PAYMENT IN FULL OF $10,000.00 FROM THE DEVELOPER AT THE TIME THE PROJECT FOR THE ABOVE MENTIONED IMPROVEMENTS IS ADDITIONED FOR BOND. ALL PAYMENTS SHALL BE MADE WITHIN THIRTY (30) DAYS OF SAID REQUEST. AFTER PAYMENT OF TWO BONDS, THE PERFORMANCE BOND WILL BE CANCELLED.

44. EXPLORATORY SKETCH PLAN APPROVAL DATE: APRIL 8, 2003
PRELIMINARY PLAN APPROVAL DATE: APRIL 27, 2004

45. IN A LETTER DATED MARCH 8, 2004, THE DEPARTMENT OF LAND USE GRANTED A WAIVER PER SECTION 22.611.7, OF THE UDC TO ALLOW THE GARAGES OF THE PROPOSED TOWNHOUSES TO SATISFY PART OF THE OFF-STREET PARKING REQUIREMENTS. BLANK GARAGES MUST BE AVAILABLE FOR THE PARKING OF VEHICLES AND SHALL NOT BE CONVERTED INTO LIVING SPACE.

46. PRIOR TO THE ISSUANCE OF EACH BUILDING PERMIT, THE DEVELOPER SHALL PLACE $500.00 INTO AN INTEREST BEARING ESCROW ACCOUNT PURSUANT TO SECTION 27.210B. OF THE UDC TO ESTABLISH AN INITIAL FUND FOR THE MAINTENANCE CORPORATION. PRIOR TO THE ISSUANCE OF MORE THAN 146 LOTS (75% OF TOTAL), THE OPEN SPACE SHALL BE CONVEYED TO THE MAINTENANCE CORPORATION AND THE ESCROW MONEY, INCLUDING INTEREST PLUS $34,776.30 ($500.00 X 69 REMAINING LOTS) SHALL BE TRANSFERRED TO THE MAINTENANCE CORPORATION FOR THEIR USE.

47. AS AN "AGE RESTRICTED COMMUNITY", THIS SUBDIVISION WAS NOT SUBJECT TO A TRAFFIC IMPACT STUDY AND UTILIZED THE HIGHER DENSITY MULTIPLIERS OF UDC TABLE 4.116. IF IN ALSO SUBJECT TO A REDUCED PARKING REQUIREMENT. NO PORTION OF THIS DEVELOPMENT SHALL BE CONVERTED TO A NON-AGE RESTRICTED COMMUNITY WITHOUT APPROVAL BY COUNTY COUNCIL, COMPLIANCE WITH THE SITE CAPACITY REQUIREMENTS, APPLICABLE PARKING REQUIREMENTS, AND POSSIBLY A TRAFFIC IMPACT STUDY.

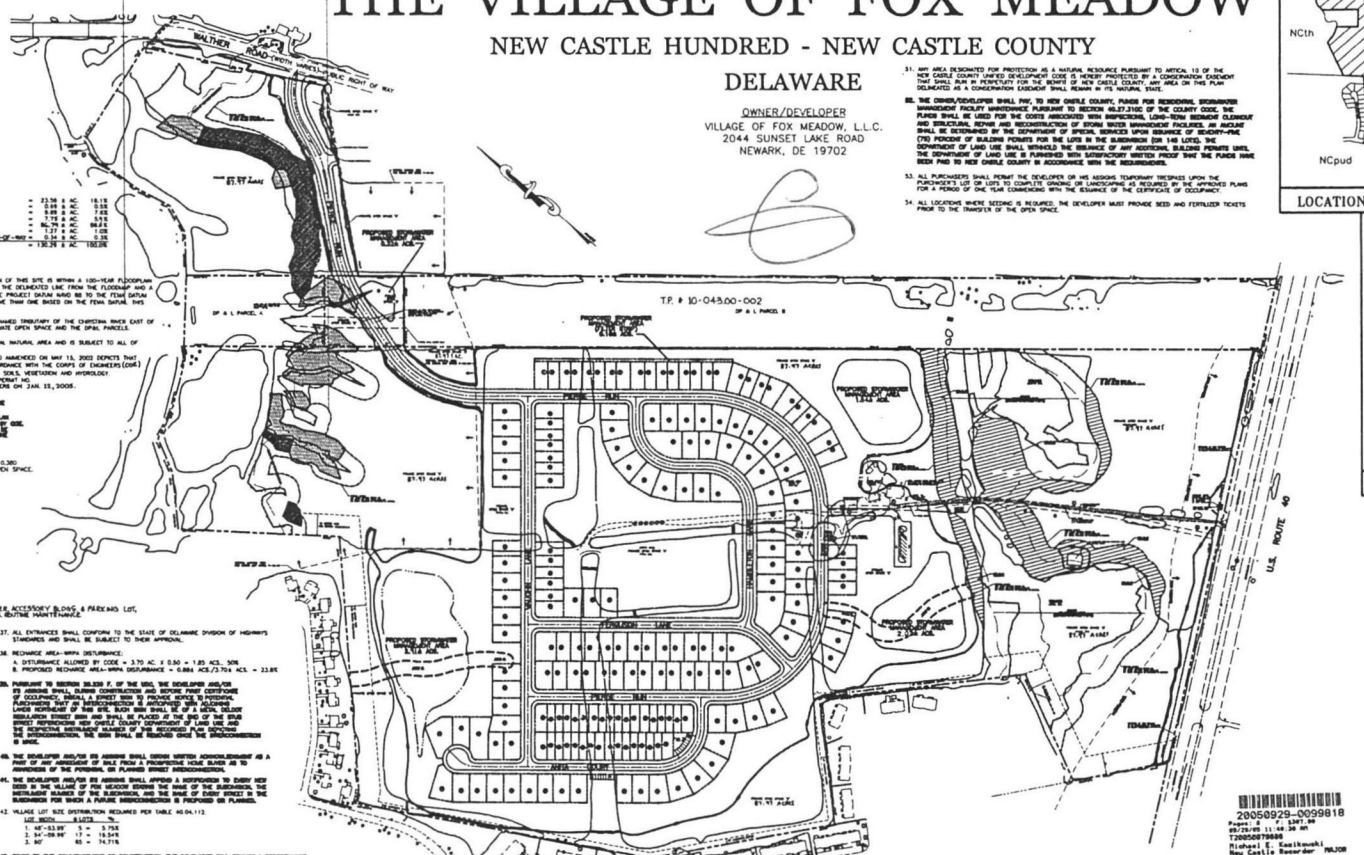
48. THIS PLAN PREDATES THE "CONSERVATION DESIGN ORDINANCE" AND THEREFORE DOES NOT DIFFERENTIATE BETWEEN "COMMUNITY AREA OPEN SPACE" AND NATURAL AREA OPEN SPACE", IT DOES, HOWEVER, INCORPORATE CONSERVATION DESIGN STORMWATER MANAGEMENT TECHNIQUES.

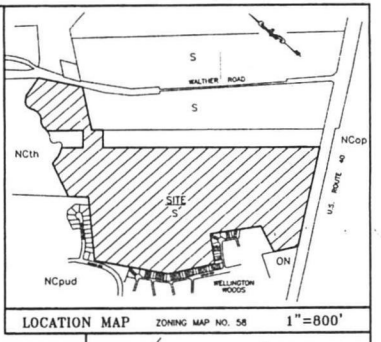
49. IN ORDER TO PROVIDE THE CONTIGUITY OF THE OPEN SPACE, THE DEPT. OF LAND USE HAS AUTHORIZED THE RELIEF OF THE LOT WIDTH REQUIREMENT FOR SPAL PARCEL A PURSUANT TO SECTION 4.110 E.7. OF THE UDC. ACCESS TO THAT PARCEL SHALL BE VIA THE EASEMENT ESTABLISHED AS SHOWN ON SHEET 3 OF 8.

50. PRIVATE OPEN SPACE COVERAGE:

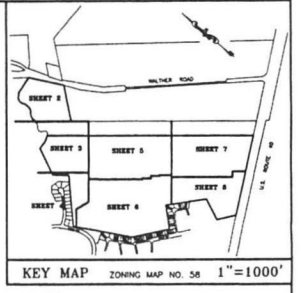
	'A'	'B'	'C'	'D'	'E'	TOTAL
OPEN AREA:	7.29±ACS.	79.69±ACS.	0.06±ACS.	0.11±ACS.	0.32±ACS.	87.80±ACS.
STORMWATER MANAGEMENT AREA:	-	7.75±ACS.	-	-	-	7.75±ACS.
PAVED AREA:	-	0.43±ACS.	0.03±ACS.	-	-	0.48±ACS.
BUILDING AREA:	-	0.08±ACS.	-	-	-	0.08±ACS.
TOTAL:	7.29±ACS.	87.97±ACS.	0.09±ACS.	0.11±ACS.	0.32±ACS.	95.81±ACS.

TOTAL OPEN SPACE AREA OF 95.81±ACS. = 73.5% OF TOTAL SITE AREA OF 130.29±ACS.





LOCATION MAP ZONING MAP NO. 58 1"=800'



KEY MAP ZONING MAP NO. 58 1"=1000'

LEGEND

- PROPOSED SIDEWALK
- PROPOSED FIRE HYDRANT
- PROPOSED HANDICAP RAMP
- 29 LOT NUMBER
- 220 POSTAL ADDRESS
- C49 CURVE NUMBER
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT
- IRON PIPE FOUND
- PROPOSED CURB
- WETLANDS
- WETLANDS AREA TO BE FILLED
- BORING POINT
- PRECAUTIONARY SLOPES
- PROHIBITED SLOPES
- 4,000 S.F. LOT (WEAK-LINK TOWNHOUSE) [41]
- 2,800 S.F. LOT (TOWNHOUSE) [34]
- 5,000 S.F. LOT (TWIN) [32]
- 6,000 S.F. LOT (VILLAGE) [87]
- LOD LIMITS OF DISTURBANCE (LOD)
- REFORESTED AREA

THE DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THEREIN APPURTENANT

NOTES 14C, 39, 40, 41, 43, 46 & 47 PERTAIN TO ISSUES THAT REQUIRE CERTAIN RESPONSIBILITIES TO BE COMPLETED PRIOR TO CERTAIN EVENTS OR THE ISSUANCE OF PERMITS.

PURPOSE NOTE

1. TO DEVELOP A 194 LOT AGE RESTRICTED RESIDENTIAL PROJECT USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION.
2. CONSTRUCT A COMMUNITY CENTER.
3. SUBDIVIDE DELMARVA POWER & LIGHT CO. PARCEL TO CREATE A 1.61± ACRE PARCEL FOR THE NEW ROAD CROSSING AND COMBINE WITH THIS DEVELOPMENT.

OWNER'S CERTIFICATION
(T.P. # 10-043.00-003)

I, MARIO B. CAPANO, HEREBY CERTIFY THAT VILLAGE OF FOX MEADOW, L.L.C., IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

MARIO B. CAPANO
MANAGING MEMBER

3/8/05
DATE

CERTIFICATION OF ACCURACY

I, ARVIL E. COTTRELL, JR. PLS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ARVIL E. COTTRELL, JR. DE PLS #560

March 10, 2005
DATE

OWNER'S CERTIFICATION
(T.P. # 10-043.00-002)

I, _____, REPRESENTATIVE OF DELMARVA POWER & LIGHT COMPANY, HEREBY CERTIFY THAT DELMARVA POWER & LIGHT COMPANY, IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT OUR DIRECTION AND THAT WE AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

DATE

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE 3/8/05 BY _____ DEPUTY MANAGER
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED _____ DATE 4/27/05 BY _____ COUNCIL PRESIDENT
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

REVISIONS	CHECKED BY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS o SUITE 301 o NEW CASTLE, DELAWARE
PHONE - (302) 323-9377 o FAX - (302) 323-9461

0 100 200 400
GRAPHIC SCALE

SCALE: 1" = 200'		DRAWN BY: ERF/JAV/TJS/KBK	
DESIGNED BY: FTP/JAV	CHECKED BY: F.T.P.	DRAWING NAME: REC-COVER.DWG	
DATE: 5-24-04	COMM. NO.: C 853-2	FILE NO.: 039	SHEET NO.: 1 of 8

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Pages: 1 of 1
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Michael E. Kwiatkowski
New Castle Recorder MAJOR

Prime Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration/HR
Date of introduction: January 9, 2024

ORDINANCE NO. 24-002

AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS FOR THE CLASS SPECIFICATION OF DEPUTY SHERIFF FOR THE SHERIFF'S OFFICE

WHEREAS, the Sheriff's Office has determined that it is necessary to make changes to the Pay Grade for the class specification of Deputy Sheriff to reflect the work currently being performed; and

WHEREAS, the Department recommends that the Pay Grade for the class specification Deputy Sheriff be changed from Pay Grade 19 to Pay Grade 22; and

WHEREAS, the Human Resources Advisory Board at its meeting on December 7, 2023, recommended that the class specification for the position title of Deputy Sheriff be changed on the Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs from Pay Grade 19 to Pay Grade 22; and

WHEREAS, the Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs, effective July 1, 2023 through June 30, 2024, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "A."

Section 2. The Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs, effective July 1, 2024 through June 30, 2025, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "A."

Section 3. The Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs, effective July 1, 2025 is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "A."

Section 4. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 5. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 20, 2023.

Adopted by Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the Pay Grade for the position title of Deputy Sheriff from Pay Grade 19 to Pay Grade 22 on the Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 20, 2023.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Deputy Sheriff from Pay Grade 19 to Pay Grade 22 on the Pay Plan and Rates of Pay for Classified Service Employees Represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs.

There are currently six filled positions with the title of Deputy Sheriff. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the six employees currently in these positions is $30,773 in FY2024, $50,591 in FY2025 and $71,982 in FY2026.

EXHIBIT A
PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
DEPUTY SHERIFF	19	39,447	41,421	43,492	45,666	47,948	50,347	52,863	55,508	58,285	61,199
CHIEF DEPUTY SHERIFF	25	52,863	55,508	58,285	61,199	64,259	67,473	70,845	74,388	78,107	82,012

Effective: 07/01/2022-06/30/23

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
~~DEPUTY SHERIFF~~	~~19~~	~~40,433~~	~~42,457~~	~~44,579~~	~~46,808~~	~~49,147~~	~~51,606~~	~~54,185~~	~~56,896~~	~~59,742~~	~~62,729~~
DEPUTY SHERIFF	22	46,806	49,149	51,606	54,186	56,894	59,740	62,726	65,864	69,159	72,617
CHIEF DEPUTY SHERIFF	25	54,185	56,896	59,742	62,729	65,865	69,160	72,616	76,248	80,060	84,062

Effective: 07/01/2023-06/30/24
Revised: 07/20/2023

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
~~DEPUTY SHERIFF~~	~~19~~	~~41,444~~	~~43,518~~	~~45,693~~	~~47,978~~	~~50,376~~	~~52,896~~	~~55,540~~	~~58,318~~	~~61,236~~	~~64,297~~
DEPUTY SHERIFF	22	47,977	50,378	52,895	55,541	58,317	61,234	64,294	67,510	70,888	74,432
CHIEF DEPUTY SHERIFF	25	55,540	58,318	61,236	64,297	67,512	70,889	74,431	78,154	82,062	86,164

Effective: 07/01/2024-06/30/25
Revised: 07/20/2023

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
~~DEPUTY SHERIFF~~	~~19~~	~~42,480~~	~~44,606~~	~~46,835~~	~~49,177~~	~~51,635~~	~~54,218~~	~~56,929~~	~~59,776~~	~~62,767~~	~~65,904~~
DEPUTY SHERIFF	22	49,176	51,637	54,217	56,929	59,774	62,764	65,902	69,198	72,661	76,292
CHIEF DEPUTY SHERIFF	25	56,929	59,776	62,767	65,904	69,200	72,661	76,292	80,108	84,114	88,318

Effective: 07/01/2025
Revised: 07/20/2023

Ordinance 23-004
Ordinance 24-xxx

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 9, 2024

ORDINANCE NO. 24-003

**AMEND THE GRANTS BUDGET:
REALIGN $230,376.17 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2023, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

WHEREAS, original allocated funding in the amount of $2,456,968.00 from the U.S. Department of Housing and Urban Development (HUD) and estimated program income in the amount of $425,000.00 was previously approved by County Council and appropriated to the Community Development Block Grant FY2023 via Ordinance 22-046; and

WHEREAS, authorization is sought to reallocate funding within the Community Development Block Grant FY2023 Grant from Administration ($203,385.71) and Cooperating Communities ($26,990.46) to Program Delivery $230,376.17; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material underscored and deleting the material stricken on the attached Exhibits "A" through "C."

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive

New Castle County

SYNOPSIS: This Ordinance, if approved, will realign $230,376.17 in federal funds within the Community Development Block Grant FY2023. The realignment of funds will be used for Program Delivery.

The Community Development Block Grant (CDBG) is funded through HUD and through loan repayments from rehabilitation projects and down payment and settlement loans. The major objectives of the CDBG program include providing financial assistance to moderate to low-income residents of New Castle County, most of which are elderly, to rehab their homes; down payment and settlement help for low to moderate income residents buying their first home; funding to agencies that provide housing support services; grants for emergency repairs; funding for the revitalization of aging neighborhoods throughout the County; and social services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by realigning $230,376.17 in federal funds in the Community Development Block Grant FY2023.

This Ordinance, if approved, will have no fiscal impact. This realignment will affect FY2024 through FY2030, since the targeted program completion date is September 1, 2029.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: CDBG FY2023 **Ordinance No.** 24-003

PROGRAM TITLE: Administration

Expense	Current	Change	Revised
Salaries and Wages	~~$ 109,073.27~~	$ (109,073.27)	$ -
Benefits	~~$ 65,587.80~~	$ (65,587.80)	$ -
Training/Civic Affairs	~~$ 2,000.00~~	$ (2,000.00)	$ -
Communication/Utilities	~~$ 498.79~~	$ (498.79)	$ -
Materials/Supplies	~~$ 6,897.47~~	$ (6,897.47)	$ -
Contractual Services	~~$ 13,336.00~~	$ (13,336.00)	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	~~$ 5,992.38~~	$ (5,992.38)	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 203,385.71~~	$ (203,385.71)	$ -

Revenue	Current	Change	Revised
Federal	~~$ 203,385.71~~	$ (203,385.71)	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 203,385.71~~	$ (203,385.71)	$ -

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2022 **Estimated Program Completion:** 9/1/2029

The Local Match: **Found in (ORG):**

Ordinance 22-046 **Date Revised:** 4/26/2022
Passed:

PROGRAM DESCRIPTION:

Funding is provided through the Department of Housing and Urban Development (HUD) to assist low to moderate income residents of New Castle County with various housing support services such as: home rehabilitation, first time homebuyer down payment and settlement help, grants for minor home repairs, the revitalization of aging neighborhoods and other social services.

~~4/26/2022~~ 1/9/2024

DEPARTMENT: Community Services **EXHIBIT:** "B"

GRANT TITLE: CDBG FY2023 **Ordinance No.** 24-003

PROGRAM TITLE: Program Delivery

Expense	Current	Change	Revised
Salaries and Wages	$ 187,479.14	$ 44,311.35	$ 231,790.49
Benefits	$ 120,567.95	$ 26,064.82	$ 146,632.77
Training/Civic Affairs	$ 1,490.00	$ -	$ 1,490.00
Communication/Utilities	$ 443.87	$ -	$ 443.87
Materials/Supplies	$ 6,030.19	$ -	$ 6,030.19
Contractual Services	$ (144,294.90)	$ 160,000.00	$ 15,705.10
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ 2,015.00	$ -	$ 2,015.00
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 42,319.70	$ -	$ 42,319.70
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 216,050.95	$ 230,376.17	$ 446,427.12

Revenue	Current	Change	Revised
Federal	$ 216,050.95	$ 230,376.17	$ 446,427.12
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 216,050.95	$ 230,376.17	$ 446,427.12

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2022 **Estimated Program Completion:** 9/1/2029

The Local Match: **Found in (ORG):**

Ordinance Passed: 22-046 **Date Revised:** 4/26/2022

PROGRAM DESCRIPTION:

Funding is provided through the Department of Housing and Urban Development (HUD) to assist low to moderate income residents of New Castle County with various housing support services such as: home rehabilitation, first time homebuyer down payment and settlement help, grants for minor home repairs, the revitalization of aging neighborhoods and other social services.

~~4/26/2022~~ 1/9/2024

DEPARTMENT: Community Services **EXHIBIT:** "C"

GRANT TITLE: CDBG FY2023 **Ordinance No.** 24-003

PROGRAM TITLE: Cooperating Communities

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ 26,990.46~~	$ (26,990.46)	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 26,990.46~~	$ (26,990.46)	$ -

Revenue	Current	Change	Revised
Federal	~~$ 26,990.46~~	$ (26,990.46)	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 26,990.46~~	$ (26,990.46)	

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2022 **Estimated Program Completion:** 9/1/2029

The Local Match: **Found in (ORG):**

Ordinance 22-046 **Date Revised:** 4/26/2022
Passed:

PROGRAM DESCRIPTION:

Funding is provided through the Department of Housing and Urban Development (HUD) to assist low to moderate income residents of New Castle County with various housing support services such as: home rehabilitation, first time homebuyer down payment and settlement help, grants for minor home repairs, the revitalization of aging neighborhoods and other social services.

~~4/26/2022~~ 1/9/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 9, 2024

ORDINANCE NO. 24-004

**AMEND THE GRANTS BUDGET:
APPROPRIATE $73,500.00 FROM THE DELAWARE COMMUNITY FOUNDATION TO THE SPECIAL EVENTS FUND GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

WHEREAS, original allocated funding in the amount of $80,000.00 from the Delaware Community Foundation was previously approved by County Council and appropriated to the Special Events Fund Grant via Ordinance 20-009; and

WHEREAS, authorization is sought for the appropriation of $73,500.00 awarded from the fundraising efforts of the Delaware Community Foundation to the Special Events Fund Grant to be used to help offset the costs of New Castle County's Special Events and programs; and

WHEREAS, the County Executive has determined that grants received from Delaware Community Foundation are sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material on the attached Exhibit "A," which shall be considered underscored in its entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if adopted, will appropriate $73,500.00 awarded from the fundraising efforts of the Delaware Community Foundation to the Special Events Fund Grant. These funds will be used to assist with the expenses incurred for New Castle County sponsored special events and programs.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $73,500.00. The increase will affect FY2024 and future fiscal years as there is no specified end date. There is no discernible fiscal impact on the current operating budget.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Special Events Fund Grant **Ordinance No.** 24-004

PROGRAM TITLE: Special Events Fund Grant

Expense	Current	Change	Revised
Salaries and Wages	$ 18,743.00	$ -	$ 18,743.00
Benefits	$ 11,257.00	$ -	$ 11,257.00
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	~~$ 50,000.00~~	$ 73,500.00	$ 123,500.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 80,000.00	$ 73,500.00	$ 153,500.00

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	~~$ 80,000.00~~	$ 73,500.00	$ 153,500.00
Total	$ 80,000.00	$ 73,500.00	$ 153,500.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 12/1/2019 **Estimated Program Completion:** ongoing

The Local Match: **Found in (ORG):**

Ordinance 20-009 **Date Revised:** 2/18/2020
Passed:

PROGRAM DESCRIPTION:

The Special Events Fund grant will be used to assist with the expenses incurred for New Castle County sponsored special events and programs.

~~12/17/2019~~ 1/9/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: January 9, 2024

ORDINANCE NO. 24-005

**AMEND THE GRANTS BUDGET:
APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $450,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PASSED THROUGH FROM THE CITY OF WILMINGTON FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT TO THE LEAD BASED PAINT HAZARD REDUCTION - CITY OF WILMINGTON GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

WHEREAS, original allocated funding in the amount of $195,000 from the U.S. Department of Housing and Urban Development (HUD) passed through from the City of Wilmington Federal Community Development Block Grant was previously approved by County Council and appropriated to the Lead Based Paint Hazard Reduction - City of Wilmington Grant via Ordinance 20-027; and

WHEREAS, authorization is being sought for the additional appropriation of $450,000 from the City of Wilmington's Federal Community Development Block Grant to the Lead-Based Paint Hazard Reduction – City of Wilmington Grant which is administered by the Department of Community Services; and

WHEREAS, the Lead-Based Paint Hazard Reduction Programs are funded through HUD to mitigate lead-based paint in households with children under the age of six from low-income to very low-income households in New Castle County within specific zip codes; and

WHEREAS, these funds will be used for the construction costs to mitigate lead in 130 housing units; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the U.S. Department of Housing and Urban Development (HUD) and estimated program income will be sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material bracketed and stricken and by adding the material underscored on the attached Exhibit "A."

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate an additional $450,000 from the U.S. Department of Housing and Urban Development passed through from the City of Wilmington Federal Community Development Block Grant to the Lead-Based Paint Hazard Reduction – City of Wilmington Grant, which is administered by the Department of Community Services. These funds will be used for the construction costs to mitigate lead in 130 housing units for families with children under the age of six from low-income to very low-income households in New Castle County within specific zip codes.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating additional federal funds of $450,000 from the U.S. Department of Housing and Urban Development passed through from the City of Wilmington Federal Community Development Block Grant.

This increase will affect FY2024 only since the estimated program completion date is June 30, 2024.

DEPARTMENT: Community Services **EXHIBIT:** **"A"**

GRANT TITLE: Lead Based Paint Hazard Reduction - City of Wilmington **Ordinance No.** 24-005

PROGRAM TITLE: Lead Based Paint Hazard Reduction - City of Wilmington

Expense	Current	Change	Revised
Salaries and Wages	$	$ -	$ -
Benefits	$	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	~~$ 195,000.00~~	$ 450,000.00	$ 645,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 195,000.00~~	$ 450,000.00	$ 645,000.00

Revenue	Current	Change	Revised
Federal	~~$ 195,000.00~~	$ 450,000.00	$ 645,000.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 195,000.00~~	$ 450,000.00	$ 645,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 1/1/2020 **Estimated Program Completion:** 6/30/2024

The Local Match: **Found in (ORG):**

Ordinance 20-027 **Date Revised:** 3/31/2020
Passed:

PROGRAM DESCRIPTION:

The Lead-Based Paint Hazard Reduction Programs are funded from HUD to mitigate lead-based paint in households with children under the age of six. Families served are low-income to very low-income households in New Castle County within specific zip codes. Most of the budget will be used for the construction costs to mitigate led in 130 housing units. City of Wilmington has provided $195,000 in a cash contribution from the Federal Community Development Block Grant. The additional $450,000 will bring the total to $645,000.

~~3/31/2020~~ 1/9/2024

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: January 9, 2024

ORDINANCE NO. 24-006

AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE $200,000 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL YEAR 2024 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC SAFETY, PUBLIC SAFETY EQUIPMENT CAPITAL PROJECT

WHEREAS, the Department of Public Safety has received documentation certifying that the State of Delaware Fiscal Year 2024 Bond and Capital Improvements Act (152nd General Assembly, Senate Bill 160, signed into law June 30, 2023) has appropriated $200,000 to New Castle County from the State of Delaware, Department of Transportation (DelDOT) through the Community Transportation Fund (CTF); and

WHEREAS, the funding is for the purchase and installation of a truck monitoring system at Lambson Lane in New Castle, Delaware.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material that is stricken and adding the material that is underscored on the attached Exhibit "A."

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by adding the material on the attached Exhibit "B," which shall be considered underscored in its entirety.

Section 3. State funding in the amount of $200,000 is appropriated to the Department of Public Safety, Public Safety Equipment Capital Project for the purchase and installation of a truck monitoring system at Lambson Lane in New Castle, Delaware.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $200,000 in funding received from the State of Delaware Fiscal Year 2024 Bond and Capital Improvements Act (152nd General Assembly, Senate Bill 160, signed into law June 30, 2023) to the Public Safety Equipment Capital Project for the purchase and installation of a truck monitoring system at Lambson Lane in New Castle, Delaware.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating $200,000 in funding received from the State of Delaware Fiscal Year 2024 Bond and Capital Improvements Act (152nd General Assembly, Senate Bill 160, signed into law June 30, 2023) to the Public Safety Equipment Capital Project.

The revised FY2024 Capital Budget amount for the Public Safety Equipment Capital Project will be $291,000.

The revised FY2024 New Castle County Capital Budget grand total will be $77,687,396.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF ADMINISTRATION

Land Use Information System		$ 3,000,000
Recorder of Deeds HOA Portal		$ 129,000
Register of Wills System		$ 250,000
Subtotal		$ 3,379,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency		$ 500,000
Executive SF Capital Contingency		250,000
Subtotal		$ 750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln		$ 85,000
Appoquinimink Library		$ 7,000
Newark Library		$ 19,200,000
Surratte Pool Renovations		125,000
Subtotal		$ 19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment		$ 950,000
Cardiac Monitor 2023		$ 945,148
Communications Upgrade		550,000
EMS Stations		500,000
Public Safety Building Renovations		300,000
Public Safety Equipment	~~91,000~~	291,000
Public Safety Vest Protection Program		201,840
Subtotal	~~3,537,988~~	$ 3,737,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021		$ 3,000,000
Electric Vehicle Infrastructure		1,800,000
Fleet Equipment 2021		(3,340)
Fleet Equipment 2022		(1,000,000)
Fleet Equipment 2024		6,179,272
General Roof Renovations		1,250,000
Government Center Electrical Upgrade		600,000
HVAC Replacement		2,400,000
Public Safety Parking Lot Lighting		-
Subtotal		$ 14,225,932

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks		
Agricultural Preservation		$ 1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Carousel Park		276,120
Delcastle Park Improvements		1,100,000
Game Court Improvements 2021		100,000
General Parkland Improvements 2021		100,000
General Parkland Improvements 2024-2025		2,950,000
Historic Structure Rehabilitation		3,000,000
Middle Run Valley Reforestation		300,000
Open Space Preservation		1,000,000
Park Bridge Replacements		300,000
Pavilion Renovations		100,000
Play Area Improvements 2024-2025		2,000,000
Rockwood Park		1,800,000
Weiss Park Improvements		700,000
Subtotal		$ 17,726,120
Sewer/Stormwater		
Asset Management		$ 100,000
Backwater Valve Improvement		50,000
Christina River Force Main		4,400,000
Countywide Drainage		500,000
DelDOT Coordination Project 2021		2,000,000
Edgemoor System Rehabilitation		600,000
General Sewer Improvements		750,000
General Stormwater Improvements		358,954
North Delaware Interceptor System		650,000
Pump Station Rehabilitation 2024-2025		2,000,000
Sewer Fleet Equipment 2022		(650,000)
Sewer Fleet Equipment 2024		2,162,169
Sewer Repairs and Rehabilitation 2024-2025		1,000,000
Stoney Creek Basin		500,000
Stormwater Basin Renovation		725,000
Terminal Avenue System Rehabilitation		275,000
Water Quality Improvement Plan		230,233
White Clay System Rehabilitation		2,800,000
Subtotal		$ 18,451,356
CAPITAL BUDGET TOTAL	~~**77,487,396**~~	**$ 77,687,396**

EXHIBIT B

PROJECT PROFILES
PUBLIC SAFETY (continued)

Project Name (Number): Public Safety Equipment (C201607)

Description: Purchase of specialized equipment such as AED's, tasers and technology.

Council Districts: All

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ 659,500	$ 121,500	$ 100,000	$ 1,589,753	$ 2,470,753
FY2024	-	-	~~-~~	91,000	~~91,000~~
			200,000		291,000
FY2025	-	-	-	141,000	141,000
FY2026	-	-	-	141,000	141,000
FY2027	-	-	-	141,000	141,000
FY2028	-	-	-	141,000	141,000
FY2029	-	-	-	141,000	141,000
Future Years	-	-	-	423,000	423,000
Total	**$ 659,500**	**$ 121,500**	**~~$ 100,000~~**	**$ 2,808,753**	**~~$ 3,689,753~~**
			$ 300,000		**$ 3,889,753**
Available Authorizations:		**$ 246,113**			
Available Funding:		**$ 246,113**			
Operating Budget Impact:		**$ -**			

**Available Authorizations / Funding as of February 28, 2023, net of obligations.*

FY2024 Activity:

Technology crimes computer equipment and licenses; Explosive Ordnance Detection and Crisis Negotiation Team equipment; and additional replacement AED units (equipment/batteries/parts). Purchase and installation of a truck monitoring system.

Future Activity:

Technology crimes computer equipment and licenses; Explosive Ordnance Detection and Crisis Negotiation Team equipment; and additional replacement AED units (equipment/batteries/parts).

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-001

**CONGRATULATING AND COMMENDING
MAJOR JOHN TREADWELL
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Major John Treadwell has served New Castle County for 29 years. He will retire from the New Castle County Police Department on June 19, 2023; and

WHEREAS, Major Treadwell began his career in law enforcement on June 27, 1994, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Professional Standards Unit, and Criminal Investigative Unit. He was also a Staff Executive Officer. For the last eight years of his career, he was the Patrol and K9 Section Commander; and

WHEREAS, during his tenure, Major Treadwell received two Commendations of Merit, two Distinguished Unit Citations, and numerous Letters of Appreciation. He also received a MADD Lifetime Award and the FBI Trilogy Award; and

WHEREAS, Major Treadwell exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Major Treadwell has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Major John Treadwell on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-002

**CONGRATULATING AND COMMENDING
MASTER CORPORAL ERIC BIEHL
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Eric Biehl has served New Castle County for more than 21 years. He retired from the New Castle County Police Department on July 24, 2023; and

WHEREAS, Master Corporal Biehl began his career in law enforcement on January 7, 2002, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Crisis Intervention Team, and was a Community Engagement Specialist; and

WHEREAS, during his tenure, Master Corporal Biehl received a Lifesaving Award from the New Castle County Paramedics; and

WHEREAS, Master Corporal Biehl exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Biehl has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Eric Biehl on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-003

**CONGRATULATING AND COMMENDING
MASTER CORPORAL KAREN CAMP
ON HER RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Karen Camp has served New Castle County for more than 20 years. She retired from the New Castle County Police Department on April 29, 2023; and

WHEREAS, Master Corporal Camp began her career in law enforcement on November 6, 2002, as a patrol officer. Throughout her years of dedicated service, she served as a member of the Patrol Division; and

WHEREAS, during her tenure, Master Corporal Camp received several Letters of Appreciation, a Heroism Citation and a Commendation of Merit; and

WHEREAS, Master Corporal Camp exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Camp has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Karen Camp on her retirement and wishes her success in all her future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-004

**CONGRATULATING AND COMMENDING
MASTER CORPORAL KEITH GAUTIER
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY POLICE DEPARTMENT**

WHEREAS, Master Corporal Keith Gautier has served New Castle County for more than 21 years. He retired from the New Castle County Police Department on March 10, 2023; and

WHEREAS, Master Corporal Gautier began his career in law enforcement on January 7, 2002, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, He was an Evidence detection Specialist working the “Street;” and

WHEREAS, during his tenure, Master Corporal Gautier received a Departmental Bravery Citation, a Heroism Citation, and a Commendation of Merit; and

WHEREAS, Master Corporal Gautier exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Gautier has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Keith Gautier on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-005

CONGRATULATING AND COMMENDING MASTER CORPORAL MICHAEL SANTOS ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Master Corporal Michael Santos has served New Castle County for more than 28 years. He retired from the New Castle County Police Department on January 4, 2023; and

WHEREAS, Master Corporal Santos began his career in law enforcement on May 31, 1994, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Community Services Division, and the Criminal Investigative Unit. Michael's area of expertise was working undercover while assigned to the Drug Enforcement Unit; and

WHEREAS, during his tenure, Master Corporal Santos received a Distinguished Unit Citation and several Letters of Appreciation from the public and the Department. Michael was proud of the fact that he had perfect attendance for his 28 years of service; and

WHEREAS, Master Corporal Santos exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Santos has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Michael Santos on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-006

CONGRATULATING AND COMMENDING MASTER CORPORAL WAYNE BLOMQUIST ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Master Corporal Wayne Blomquist has served New Castle County for more than 30 years. He retired from the New Castle County Police Department on May 2, 2023; and

WHEREAS, Master Corporal Blomquist began his career in law enforcement on January 4, 1993, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Criminal Investigative Unit, and the Southern Patrol Unit; and

WHEREAS, during his tenure, Master Corporal Blomquist received a Department Bravery Citation, a Distinguished Unit Citation, and a Commendation of Merit. He also received a MADD Lifetime Award; and

WHEREAS, Master Corporal Blomquist exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Master Corporal Blomquist has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Master Corporal Wayne Blomquist on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-007

CONGRATULATING AND COMMENDING SENIOR CORPORAL ROOSEVELT LOCKETT ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Senior Corporal Roosevelt Lockett has served New Castle County for more than 12 years. He retired from the New Castle County Police Department on June 7, 2023; and

WHEREAS, Senior Corporal Lockett began his career in law enforcement on September 7, 2010, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Mounted Patrol Unit, and the Presidential Dignitary Unit. He was also the Department's recruiter; and

WHEREAS, during his tenure, Senior Corporal Lockett received a Certificate of Appreciation from the Secret Service while working the Presidential Security. Roosevelt placed first in Mounted Uniform competition in 2019 at the North American Police Equestrian Council Competition; and

WHEREAS, Senior Corporal Lockett exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Senior Corporal Lockett has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Senior Corporal Roosevelt Lockett on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-008

CONGRATULATING AND COMMENDING SENIOR SERGEANT JENNIFER BUNORA ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Senior Sergeant Jennifer Bunora has served New Castle County for more than 24 years. She retired from the New Castle County Police Department on November 1, 2023; and

WHEREAS, Senior Sergeant Bunora began her career in law enforcement on May 3, 1999, as a patrol officer. Throughout her years of dedicated service, she served as a member of the Patrol Division, the K-9 Unit, and the Traffic Services Unit. She was also a member of the Department's Honor Guard; and

WHEREAS, during her tenure, Senior Sergeant Bunora received several Letters of Appreciation from the public and two Departmental Heroism Awards. She also received a Resolution for outstanding work from New Castle County Council; and

WHEREAS, Senior Sergeant Bunora exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Senior Sergeant Bunora has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Senior Sergeant Jennifer Bunora on her retirement and wishes her success in all her future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-009

CONGRATULATING AND COMMENDING SENIOR SERGEANT JOHN PIERSON ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT

WHEREAS, Senior Sergeant John Pierson has served New Castle County for more than 23 years. He will retire from the New Castle County Police Department on February 3, 2024; and

WHEREAS, Senior Sergeant Pierson began his career in law enforcement on April 17, 2000, as a patrol officer. Throughout his years of dedicated service, he served as a member of the Patrol Division, the Violent Crimes Task Force, and was Special Operations Executive Officer; and

WHEREAS, during his tenure, Senior Sergeant Pierson received numerous Letters of Appreciation from the public and a Distinguished Unit Citation; and

WHEREAS, Senior Sergeant Pierson exemplifies the values of hard work, compassion, and loyalty that are characteristic of an officer of the law; and

WHEREAS, Senior Sergeant Pierson has served the citizens of New Castle County with the utmost pride, professionalism, and integrity throughout the many years of his career.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and commends Senior Sergeant John Pierson on his retirement and wishes him success in all his future endeavors.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

Prime Sponsor: Mr. Toole, Ms. George
Requested by: Economic Development
Date of introduction: January 9, 2024

RESOLUTION NO. 24-010

CONSENTING TO THE APPOINTMENT OF HELEN FOSTER FOR THE POSITION OF SMALL BUSINESS ENTERPRISE (SBE) PROGRAM COORDINATOR FOR NEW CASTLE COUNTY

WHEREAS, in March 2021, the federal American Rescue Plan Act ("ARPA") established the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program to provide state, local and Tribal governments with the resources needed to respond to the COVID-19 pandemic and its economic effects, prevent cuts to government services, and to build a strong and equitable recovery; and

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220 in Coronavirus State and Local Fiscal Recovery funds under the American Rescue Plan Act of 2021, Pub. Law. No. 117-2 from the United States Department of the Treasury ("Department of the Treasury"); and

WHEREAS, Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these funds from the Department of the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts; and

WHEREAS, pursuant to Ordinance 22-012, the County Executive is authorized to appoint individuals for up to ten (10) limited-term Executive Assistant positions, through December 31, 2024, upon the advice and consent of New Castle County Council; and

WHEREAS, an Small Business Enterprise (SBE) Program Coordinator is appropriate and necessary to the effective administration and implementation of New Castle County's supplier diversity initiatives, including Ordinance 23-141 and increased outreach to small businesses interested in doing business with the County; and

WHEREAS, the SBE Program Coordinator will carry out multiple activities to ensure successful creation and implementation of supplier diversity initiatives, including: onboarding more SBE vendors through community outreach; educating them about the County marketplace; and coaching them through New Castle County's vendor registration and eligibility process. Through collaboration with County business partners, the SBE Program Coordinator will transform the current supplier constraints into expanded opportunities that will increase the number and amounts of contract awarded to small business enterprises, including minority-owned SBEs, women-owned SBEs, and other disadvantaged-underutilized businesses. and

WHEREAS, the SBE Program Coordinator Role is an Executive Assistant IV position, at pay grade 34; and

WHEREAS, the County Executive has presented for Council's advice and consent the proposed appointment of Helen Foster as the SBE Program Coordinator for New Castle County; and

WHEREAS, Helen Foster is a resident of New Castle County and most recently worked as a Education Policy Project Manager for AnLar, an educational management and policy analysis firm, where she provided data management training to federal education department system users. In addition, Ms. Foster has served as the Senior Managing Director for the Metropolitan Wilmington Urban League, where she created and operated the inaugural statewide Economic Development and Supplier Diversity Program. This led to a successful supplier diversity program strategy between prime contractor EdiS and Lincoln University. Ms. Foster holds a Bachelor of Arts degree from Harvard University, a Master of Science, Organizational Development degree from Lesley University, and a Juris Doctorate from Northeastern University; and

WHEREAS, New Castle County Council has considered the qualifications of Helen Foster in accordance with the requirements set forth in Ordinance 22-012 for the position of SBE Program Coordinator.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Helen Foster as the SBE Program Coordinator for New Castle County.

Adopted by the County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: January 9, 2024

RESOLUTION NO. 24-011

AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH THE COMMUNITY EDUCATION BUILDING CORPORATION TO MITIGATE FINANCIAL HARDSHIP DURING THE COVID-19 PANDEMIC FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE IN THE AMOUNT OF $200,000.00.

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220.00 in Coronavirus State and Local Fiscal Recovery ("CSLFR") funds under the American Rescue Plan Act of 2021 ("ARPA"), Pub. Law. No. 117-2 from the United States Department of the Treasury ("Treasury"); and

WHEREAS, New Castle County Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these CSLFR funds from the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts; and

WHEREAS, the Ordinances appropriated funding for Non-Profit Grants, which contemplated providing funds for non-profit organizations addressing pandemic-related needs in the community; and

WHEREAS, New Castle County must enter into a subaward agreement with the Community Education Building Corporation to comply with the Uniform Guidance, 2 CFR Part 200; and

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, the subaward agreement with Community Education Building Corporation contemplates transfers of up to $200,000.00 to mitigate financial hardship the organization experienced due to the COVID pandemic.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the grant agreement listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed subaward agreement.

Department of Administration, Office of Finance

Community Education Building Corporation	$200,000.00

FISCAL IMPACT: This Resolution authorizes the execution of one subaward agreement totaling $200,000.00. Funding is included in the FY2024 Approved Grant Budget in the American Rescue Plan Act Grant.

_____
Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION					VENDOR INFORMATION			
NAME	Tonya M. Adkins	FISCAL YR	2024		NAME	Community Education Building Corporation		
DEPARTMENT	ADMINISTRATION_12	FUND	110 GRANTS		ADDRESS	1200 N. French Street		
ORGANIZATION	11122013 ADMIN - FIN - GRANTS					Wilmington, DE 19801		
PHONE	(302) 395-5076	REQ#	2408650					
DELIVERY LOCATION								
SEND VENDOR PO	☑ YES ☐ NO				CONTACT NAME	Linda J. Jennings		
CURRENT VENDOR	☑ YES ☐ NO				PHONE	302-660-4800	EXT	
VENDOR #	107243				EMAIL	ljennings@cebde.org	FAX #	

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
1	1	CEB Pandemic Relief	200,000.00	$200,000.00	57210	G12830001
				$0.00		1000000337
				$0.00		ARPA00173
				$0.00		57210
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$200,000.00		

ADDITIONAL NOTES	

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

Funds would assist the Community Education Building Corporation in reaching pre-pandemic levels in relation to a loss of revenue and increased expenditures.

II. Why is it needed?

To mitigate financial losses experienced due to the COVID-19 pandemic.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

The organization will continue to operate at pandemic levels.

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☑ YES	☐ NO	**IF YES, AGENCY**	ARPA
VI. OTHER, PLEASE EXPLAIN				

SIGNATURE	Tonya M. Adkins	DATE	12/11/2023

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: January 09, 2024

RESOLUTION NO. 24-012

AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH EASTER SEALS OF DELAWARE AND MARYLAND'S EASTERN SHORE, INC. TO ASSIST WITH FACILITY IMPROVEMENTS TO PREVENT THE RISK OF VIRUSES SPREADING IN PUBLIC SPACES FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE IN THE AMOUNT OF $100,000.00.

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220.00 in Coronavirus State and Local Fiscal Recovery ("CSLFR") funds under the American Rescue Plan Act of 2021 ("ARPA"), Pub. Law. No. 117-2 from the United States Department of the Treasury ("Treasury"); and

WHEREAS, New Castle County Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these CSLFR funds from the Department of the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts; and

WHEREAS, the Ordinances appropriated funding for Non-Profit Grants, which contemplated providing funds for non-profit organizations addressing pandemic-related needs in the community; and

WHEREAS, New Castle County must enter into a subaward agreement with the Easter Seals Delaware and Maryland's Eastern Shore, Inc. to comply with the Uniform Guidance, 2 CFR Part 200; and

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, the subaward agreement to be entered with Easter Seals of Delaware and Maryland's Eastern Shore, Inc. contemplates transfers of up to $100,000.00 to assist with updates and renovations to the restrooms and convert to touchless features.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the subaward agreement listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed subaward agreement.

Department of Administration, Office of Finance

Easter Seals of Delaware and Maryland's Eastern Shore, Inc. $100,000.00

FISCAL IMPACT: This Resolution authorizes the execution of one subaward agreement totaling $100,000.00. Funding is included in the FY2024 Approved Grant Budget in the American Rescue Plan Act Grant.

_____
Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION					VENDOR INFORMATION			
NAME	Tonya M. Adkins	FISCAL YR	2024		NAME	Easter Seals Delaware & Maryland's Eastern Shore, Inc.		
DEPARTMENT	ADMINISTRATION_12	FUND	110 GRANTS		ADDRESS	61 Corporate Circle		
ORGANIZATION	11122013 ADMIN - FIN - GRANTS					New Castle, DE 19720		
PHONE	(302) 395-5076	REQ#	2408657					
DELIVERY LOCATION								
SEND VENDOR PO	☑ YES ☐ NO				CONTACT NAME	Beth M. Altemus		
CURRENT VENDOR	☑ YES ☐ NO				PHONE	(302) 221-2051	EXT	
VENDOR #	101107				EMAIL	baltemus@esdel.org	FAX #	

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
1	1	Easter Seals Delaware & Maryland's Eastern Shore, Inc.	100,000.00	$100,000.00	57210	G12830001
				$0.00		1000000337
				$0.00		ARPA00209
				$0.00		57210
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$100,000.00		

ADDITIONAL NOTES	

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

The proposed use of funds would be used to update and renovate the nonprofit's restrooms and convert over to touchless features for toilet handles, faucets, dispensers etc.

II. Why is it needed?

The goal would be to mitigate and prevent the risk of COVID-19 and other viruses from spreading as surfaces in public spaces have been shown to increase the risk of transmission.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

The organization will be unable to complete all compenents included in the renovation.

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☑ YES	☐ NO	**IF YES, AGENCY**	ARPA
VI. OTHER, PLEASE EXPLAIN				

SIGNATURE	Tonya M. Adkins	DATE	12/11/2023

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Community Services/CD&H
Date of introduction: January 9, 2024

RESOLUTION NO. 24-013

AUTHORIZING THE EXECUTION OF ONE CONTRACT AGREEMENT WITH GOOD NEIGHBORS, INC. TO ASSIST IN THE STABILIZATION OF AGING HOMES FOR LOW-INCOME HOUSEHOLDS IN NEW CASTLE COUNTY FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF $150,000.00

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, this contract is an agreement between New Castle County and Good Neighbors, Inc. in an amount not to exceed $150,000.00; and

WHEREAS, these funds will be used to assist those individuals with aging homes to stabilize their homes with free home repairs.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the contract listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed contract.

Department of Community Services, Division of Community Development and Housing

Good Neighbors, Inc. $150,000.00

FISCAL IMPACT: This Resolution authorizes the execution of one contract totaling $150,000.00. Funding is included in the FY2024 Approved Housing Trust Fund.

_____
Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION				VENDOR INFORMATION			
NAME	Vincent Garlick	FISCAL YR	2024	NAME	Good Neighbors, Inc.		
DEPARTMENT	COMMUNITY_SERVICES_40	FUND	220 HOUSING TR	ADDRESS	224 E. Street, Suite 2		
ORGANIZATION	22400501 CS - HOUSING TRUST FUND				Kennett Square, PA 19348		
PHONE	302-395-5673	REQ#	2406460				
DELIVERY LOCATION							
SEND VENDOR PO	☑ YES ☐ NO			CONTACT NAME	Brad Dunn		
CURRENT VENDOR	☑ YES ☐ NO			PHONE	610-324-6246	EXT	
VENDOR #	103196			EMAIL	Brad.dunn@goodneighborshr.o	FAX #	

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
	1	Housing Trust Fund - Good Neighbors, Inc.	150,000.00	$150,000.00	57201	22400501
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$150,000.00		

ADDITIONAL NOTES

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

To assist in the stablization of aging homes for low-income households in New Castle County.

II. Why is it needed?

It's needed to assist those indivdual with aging homes to stabilize their homes with free home repairs.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

New Castle County will be participating in furthering of the affordable housing crisis.

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☐ YES	☑ NO	**IF YES, AGENCY**	
VI. OTHER, PLEASE EXPLAIN				

SIGNATURE	Carrie Casey	**DATE**	11/9/2023

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: January 9, 2024

RESOLUTION NO. 24-014

APPROVING THE REFUND OF A DUPLICATE TAX PAYMENT ON TAX PARCEL NUMBER 06-052.000-75

WHEREAS, Silverside Healthcare Real Estate LLC Tax Parcel Number 06-052.000-75 located in Council District 2 has submitted to County Council, through the Chief Financial Officer, an affidavit requesting a refund of taxes which they believe were paid in duplicate and which total more than $20,000; and

WHEREAS, the Chief Financial Officer has approved the payment of said refund in the amount of $127,934.36 on the grounds that said amount was a duplicate payment; and

WHEREAS, the Chief Financial Officer shall not, without the express approval of County Council by Resolution, refund any payment as permitted in §14.03.001, received more than five (5) years prior to the date of receipt by the Office of Finance of the refund application, unless the amount of the refund is not more than twenty thousand dollars ($20,000.00), in which case the Chief Financial Officer may process it in accordance with the procedures set forth in §14.03.001; and

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County, that New Castle County Council hereby authorizes the Chief Financial Officer to refund taxes paid in duplicate in the amount of $127,934.36 to Silverside Healthcare Real Estate LLC.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council of
New Castle County

SYNOPSIS: This Resolution allows for the refund of a duplicate tax payment on Tax Parcel Number 06-052.000-75 totaling $127,934.36. According to *New Castle County Code* Article 3, §14.03.001.C, the Chief Financial Officer's authority to approve refunds is limited to $20,000.00 and pursuant to Article 3, §14.03.002.A, the Chief Financial Officer shall not "without the express approval of County Council by resolution, refund any payment as permitted in §14.03.001, received more than five (5) years prior to the date of receipt by the Office of Finance of the refund application, unless the amount of the refund is not more than twenty thousand dollars ($20,000.00), in which case the Chief Financial Officer may process it in accordance with the procedures set forth in §14.03.001."

FISCAL NOTE: This Resolution, if adopted, will authorize the refund of a duplicate tax payment in the amount of $127,934.36 paid in duplicate comprised of taxes.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: January 9, 2024

RESOLUTION NO. 24-015

CONGRATULATING THE OFFICE OF FINANCE FOR EARNING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR NEW CASTLE COUNTY'S ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FORTY-TWO CONSECUTIVE YEARS

WHEREAS, candid financial disclosure is the foundation of maintaining a trusting relationship between New Castle County Government and its citizens; and

WHEREAS, each year the New Castle County Office of Finance creates a Annual Comprehensive Financial Report to provide clear, straightforward financial information to its residents, stakeholders, and all interested parties; and

WHEREAS, New Castle County has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada, in recognition of its Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022; and

WHEREAS, the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management; and

WHEREAS, this important, independent recognition helps assure our citizens that New Castle County government's financial reporting has met the highest, most stringent, and most current national standards; and

WHEREAS, this is the forty-second consecutive year that the Office of Finance has created an Annual Comprehensive Financial Report that has merited the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that the County Council congratulates and commends the Office of Finance for its outstanding service to the citizens and government of New Castle County.

Adopted by the County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: There is no discernable fiscal impact upon the adoption of this Resolution.

Prime Sponsor(s): Mr. Carter
Date of Introduction: January 9, 2024

RESOLUTION NO. 24-016

TO AMEND THE MAINTENANCE DECLARATION FOR WHISPERING WOODS BY AN AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS OF WHISPERING WOODS; APPLICATION NO. 2023-0413; COUNCIL DISTRICT 6

WHEREAS, Summit Land, LLC, a Delaware limited liability company, caused that certain Maintenance Declaration for Whispering Woods dated July 6, 2017, to be recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware (the "Recorder's Office"), as Instrument No. 20170710-0034310 (the "Maintenance Declaration") in conjunction with an application to develop a parcel of land situate in St. Georges Hundred, New Castle County, State of Delaware, containing approximately 114.53 +/- acres of land (the "Property"), as shown on that Record Major Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated April 1, 2017, and of record in the Recorder's Office as Instrument No. 20170830-0044757 (as subsequently modified, the "Plan"); and

WHEREAS, the Maintenance Declaration provided for a maintenance corporation to be established in order to ensure that the private open spaces, stormwater management facilities, and common facilities of Whispering Woods shown on the Plan (collectively, the "Common Facilities") be maintained according to the provisions of New Castle County, State of Delaware, and Federal law; and

WHEREAS, pursuant to that certain Deed dated February 8, 2018, recorded in the Recorder's Office as Instrument No. 20180208-0006709, Whispering Woods Homes LLC, a Delaware limited liability company (the "Declarant") became the legal and equitable owner of the Property; and

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions dated August 26, 2019, in the Recorder's Office as Instrument No. 20190828-0068076 (the "Original Declaration"), without the New Castle County's knowledge or approval, which Original Declaration provides for the Whispering Woods Community Association, a Delaware nonstock corporation (the "Community Association"), to be the governing body for all of the owners (the "Owners") of Lots and Dwellings (as such terms are defined in the Original Declaration, and as depicted on the Plan) responsible for certain maintenance and other obligations regarding such Lots and the exteriors of such Dwellings, and the maintenance, repair, replacement, management, operation, and administration of the "Community Facilities" (defined in the Original Declaration as any portion of the Property not included in any Lot, to the extent not dedicated to public use, and as depicted on the Plan); and

WHEREAS, Declarant constructed the residential subdivision known as "Whispering Woods" on the Property, including the Dwellings and Community Facilities, in accordance with the Plan; and

WHEREAS, the Whispering Woods Maintenance Corporation, a Delaware nonstock corporation (the "Maintenance Corporation"), was incorporated on November 23, 2021, by the filing of that certain Certificate of Incorporation of Whispering Woods Maintenance Corporation with the Secretary of State of the State of Delaware for the general purpose of providing for the maintenance of the Common Facilities; and

WHEREAS, the Owners (in their capacities as members of the Community Association and as members of the Maintenance Corporation), the Executive Board of the Community Association, and the Board of Directors of the Maintenance Corporation, approved the merger of the Community Association with and into the Maintenance Corporation, with the Maintenance Corporation being the surviving entity, pursuant to and in accordance with the provisions of that certain Plan and Agreement of Merger between Whispering Woods Community Association (a Delaware Non-Stock Corporation) and Whispering Woods Maintenance Corporation (a Delaware Non-Stock Corporation) dated as of December 22, 2022, and the General Corporation Law of the State of Delaware (the "Merger"); and

WHEREAS, the Merger was completed on February 15, 2022, by the filing of a certificate of merger with the Secretary of State of the State of Delaware, with the Maintenance Corporation being the surviving corporation; and

WHEREAS, following the Merger, the Owners (in their capacities as members of the Maintenance Corporation) and the Board of Directors of the Maintenance Corporation, duly approved (i) a Certificate of Amendment to the Certificate of Incorporation of the Maintenance Corporation, pursuant to which the name of the Maintenance Corporation was changed to Whispering Woods Community Association (the "Certificate of Amendment") and (ii) those certain Amended and Restated Bylaws of the Whispering Woods Community Association dated July 7, 2023 (the "Bylaws"); and

WHEREAS, the Certificate of Amendment was filed with the Secretary of State of the State of Delaware by the Maintenance Corporation on March 17, 2023, and the name of the Maintenance Corporation was thereby changed to Whispering Woods Community Association; and

WHEREAS, the Community Association recorded the Bylaws in the Recorder's Office as Instrument No. 20230714-0046566 (thereby amending and restating those certain Bylaws of the Whispering Woods Maintenance Corporation dated November 23, 2021, and recorded in the Recorder's Office as Instrument No. 20211201-0137041); and

WHEREAS, the Owners and the Executive Board of the Community Association (formerly the Board of Directors of Maintenance Corporation), duly approved an Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions of Whispering Woods, attached hereto as Exhibit "A", (the "Amended and Restated Declaration"), in order to provide for the Community Association to be the sole governing body for all of the Owners responsible for certain maintenance and other obligations regarding Lots and the exteriors of Dwellings, in addition to being responsible for the maintenance, repair, replacement, management, operation, and administration of the Community Facilities; and

WHEREAS, pursuant to the Bylaws, (i) the purpose of the Community Association is to maintain, regulate, and administer the Property in accordance with the Amended and Restated Declaration for the use, benefit, and enjoyment of the Owners and lawful occupiers of the Dwellings in the Community, and (ii) the Executive Board of the Community Association has all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Community Association and the operation, maintenance, repair, and replacement of the Community Facilities, Dwellings, and Lots, as set forth in the Amended and Restated Declaration (collectively, the "Expanded Duties"); and

WHEREAS, the Amended and Restated Declaration would functionally amend the Maintenance Declaration, as the Maintenance Declaration created and defined the Maintenance Corporation (now the Community Association) as being organized solely for the maintenance of the Common Facilities, and the Amended and Restated Declaration would expand the purpose, powers, and duties of the of Community Association to include the Expanded Duties, in accordance with the Bylaws; and

WHEREAS, the Department of Land Use (the "Department") and the Office of Law reviewed the proposed Amended and Restated Declaration, and recommend in favor of the proposed changes; and

WEHREAS, *New Castle County Code* Section 40.31.130.G provides that upon receipt of a recommendation report from the Department and Office of Law, County Council shall schedule a hearing and render a decision by resolution. A simple majority or seven (7) votes shall be required to approve the resolution when the Department recommends approval. A two thirds (2/3) majority or nine (9) votes shall be required to approve the resolution when the Department recommends disapproval; and

WHEREAS, pursuant to Section 40.31.130.I, an amendment of a declaration of restrictions established solely to provide for the maintenance of open spaces and other common facilities shall be exempt from the public hearing process.

NOW, THEREFORE, BE IT RESOLVED by the County Council of New Castle County that County Council hereby approves the Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions of Whispering Woods, attached hereto as Exhibit "A", having received a favorable recommendation from the Department and the Office of Law and being a deed restriction exempt from the public hearing process as an amendment of a declaration of restrictions established solely to provide for the maintenance of open spaces and common facilities pursuant to Section 40.31.130.I of the *New Castle County Code.*

(continued on next page)

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this resolution

EXHIBIT “A”

Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions of Whispering Woods

(attached)

ENCLOSURE 1

Recorded Maintenance Declaration for Whispering Woods

20170710-0034310
Pages: 8 F: $140.00
07/10/17 10:18:37 AM
T20170023245
Michael E. Kozikowski
New Castle Recorder MISC

Tax Parcel No.:
13-012.00-042

Prepared by and Return to:
John E. Tracey, Esquire
Young, Conaway, Stargatt & Taylor, LLP
Rodney Square North
1000 N. King Street
Wilmington, Delaware 19801

MAINTENANCE DECLARATION
FOR
WHISPERING WOODS

THIS DECLARATION, made this 6th day of July, 2017, by **SUMMIT LAND, LLC,** a Delaware limited liability company, hereinafter referred to as "Declarant".

WHEREAS, Declarant is the owner of those certain parcels of land situate in St. Georges Hundred, New Castle County, State of Delaware, containing approximately 114.53 acres, more or less, as shown on the Record Major Land Development Plan for Whispering Woods, New Castle County Department of Land Use Application No. 2015-0777-S, prepared by Morris & Ritchie Associates, Inc., dated March 16, 2016, as may be amended from time-to-time, (hereinafter referred to as the "Plan") and intended to be recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, which land is designated for, among other things, the construction of a residential community of 178 age-restricted detached and attached dwelling units with appurtenant private open spaces and Common Facilities as shown on the Plan, and any recorded amendments thereto (the "Subdivision"). The Subdivision is more particularly bounded and described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, Declarant desires to impose upon said lands and to bind itself, its successors, assigns, and the future owners of said parcel of land, to certain covenants.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Declarant does covenant and declare that it shall hold and stand seized of all those certain parcels of land situate in St. Georges Hundred, New Castle County and State of Delaware, as it appears on the Plan under and subject to the following covenants and agreements which shall be covenants running with the land and which shall be binding upon the Declarant, its successors and assigns, for the benefit of all owners of lots appearing on the Plan, and for the benefit of New Castle County.

1. In order that the private open spaces, stormwater management and Common Facilities, as set forth on the Plan, shall be maintained according to the provisions of New Castle County, State of Delaware and Federal law, there shall be organized as provided in

Paragraph 2 hereof, a maintenance corporation, hereinafter referred to as the "Corporation," whose members shall be the record owners of Lots shown on the Plan.

(a) The purchaser of any Lot, by the acceptance of a deed to said land, obligates and binds himself or herself, his or her heirs and assigns to become a member of the aforesaid Corporation and to be bound by all of its rules and regulations and to be subject to all of the duties and obligations imposed by membership in said Corporation.

(b) Each Owner of any Lot, by acceptance of a deed therefor, is deemed to covenant and agree to pay to the Corporation, when necessary, annual assessments or charges, such assessments to be fixed, established and collected from time to time as hereinafter provided; provided, that all assessments must be fixed at a uniform rate for all lots. However, such obligation to pay any annual assessment or charge to the Corporation shall not commence until such time that the Board of Directors of the Corporation is comprised of homeowners of Whispering Woods. The Owner of any Lot agrees, at the time of settlement for the purchase of said Lot, to sign a confession of judgment obligating him or her to pay to the Corporation his or her share of the costs associated with the maintenance of the Common Facilities within the Subdivision. The assessments levied by the Corporation shall be used exclusively for the purpose of maintaining said open space and Common Facilities and any other allowable purpose as stated in the Bylaws of the Corporation.

(c) An annual assessment, if necessary, shall be set by a majority vote of the Members who are voting in person or by proxy at the annual meeting, and any special assessments shall be set by a majority vote of the Members who are voting in person or by proxy at the annual meeting or at a meeting duly called for this purpose.

(d) Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within 30 days after the due date, the assessment shall bear interest from the date of delinquency at the legal rate per annum, and the Corporation may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the open space or Common Facilities or abandonment of his or her lot.

(e) It is expressly agreed that the assessments referred to above shall be a lien or encumbrance on the land in respect to which said assessments are made and it is expressly stated that by acceptance of title to any of the land included in said tract the Owner (not including mortgagee) from the time of acquiring title thereto shall be held to have covenanted and agreed to

pay said assessments to the Corporation, including prior unpaid assessments.

(f) By his or her acceptance of title, each Owner shall be held to vest in the Corporation the right and power in its own name to take and prosecute all actions or suits, legal, equitable or otherwise, which may be, in the opinion of the Corporation, necessary or advisable for the collection of such assessments.

(g) Said assessments shall be subordinate in lien to the lien of any mortgage or mortgages on any property which is subject to such charges regardless of when said mortgage or mortgages were created or when such charges accrued; provided, that such subordination shall apply only to charges that shall have become payable prior to the passing of title under foreclosure, of such mortgage or mortgages, and the transferees shall not be liable for payment of any assessment accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after the sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property subject to such charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property.

(h) Declarant hereby grants to New Castle County (the "County"), its successors and assigns, the right, privilege and authority to enter upon said premises and maintain said open space and Common Facilities at the expense of the Owners of said Lots. In the event that New Castle County elects to maintain the Common Facilities as set forth above, all expenses of maintenance shall be assessed pro rata against the Owners of each Lot, and shall be collectible by New Castle County, as provided in the New Castle County Code, Chapter 40, Article 27, or in the manner set forth above in relation to collection by the Corporation. The provisions of paragraph 1(g) above notwithstanding, any lien for such expenses or maintenance asserted by the County and filed with the Recorder of Deeds in accordance with the New Castle County Code shall be a lien from the time of recording and shall have priority in relation to other liens, either general or special, including mortgages and other liens according to the time of recording of such liens in the proper office, as in the said Section provided.

2. Declarant shall incorporate under the laws of the State of Delaware, prior to the issuance of a certificate of occupancy for any Lot as shown on the Plan, a nonprofit corporation to be known as a "maintenance corporation" for the benefit of all Owners, which maintenance corporation shall be charged with the duty of

maintaining said open space and Common Facilities in the condition required by the New Castle County Code.

3. These covenants and restrictions shall be taken to be real covenants running with the land and binding thereon perpetually.

4. Declarant, for itself, its successors and assigns, grants to the Lot Owners the reasonable uninterrupted use of all the Common Facilities as shown on the Plan in common with others entitled thereto forever. Each Lot Owner, by acceptance of a deed, grants to all other Lot Owners, their guests, invitees and licensees the free and uninterrupted use of all the Common Facilities and grants to the Corporation the right to come upon any Lot Owner's Lot for purposes of maintaining the Common Facilities.

5. The following definitions are applicable hereto:

   (a) "Corporation" shall mean and refer to the "maintenance corporation", its successors and assigns, and to the proper-named corporate entity to be formed as provided hereunder.

   (b) "Lot" shall mean and refer to each of the residential lots as shown on the Record Major Land Development Plan of Whispering Woods and any recorded amendments thereto.

   (c) "Member" shall mean and refer to every person or entity that holds membership in the Corporation.

   (d) "Owner" shall mean and refer to the record owner of a fee simple title to any of the Lots as shown on the Plan of Whispering Woods and any recorded amendments thereto.

   (e) "Declarant" shall mean and refer to Summit Land, LLC, a Delaware limited liability company, its respective successors and assigns.

   (f) "Common Facilities" shall mean and refer to all private open space designated on the record plan and also any common areas or common amenities that may be depicted on the record plan including, but not limited to, streets, unless accepted for dedication by DelDOT, curbs, sidewalks, stormwater management facilities, including recharge systems, if any, parks, recreational facilities, fire hydrants, the clubhouse and associated parking areas (including the entirety of overflow parking located partially within dedicated rights-of-way), landscaping within open areas, easements located within the private open space, monuments and markers, and all improvements now and hereafter located thereon.

6. The foregoing covenants may not be modified, amended or altered in whole or in part, except by the consent of 66% of the Lot Owners and of the New Castle County

Council. Provided, however, that this Maintenance Declaration may be amended with the consent of New Castle County Council and without the consent of the Lot Owners where said amendment would expand this Declaration to encompass additional lots depicted on a contiguous Record Minor/Major Land Development Plan, or an enlarged or re-subdivided Record Major Subdivision Plan of Whispering Woods and where said amendment(s) would be necessary so that the newly expanded Maintenance Declaration would fully comply with the then current New Castle County Code.

Signature page follows

IN WITNESS WHEREOF, the said **SUMMIT LAND, LLC**, a Delaware limited liability company, has caused its name to be hereunto set as of the day and year first above written.

SEALED AND DELIVERED
IN THE PRESENCE OF

WITNESS

SUMMIT LAND, LLC

By: _____ (SEAL)
Print Name: Terrence Schiff
Title: Managing Member

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this 13th day of April, 2017, personally came before me, the Subscriber, a Notary Public for the State of Delaware, Terrence Schiff, Managing Member of Summit Land, LLC, a Delaware limited liability company, a party to this Indenture, known to me personally to be such and acknowledged this Indenture to be his act and deed, and the authorized act and deed of said entity.

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

Notary Public _____
Print Name: Cherie L Wilkins
My Commission Expires:

CHERIE L WILKINS
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES ON
October 20, 2019

01:21352357.1

Exhibit A

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

ALL that certain farm or tract of land situate in St. Georges Hundred, New Castle County, Delaware and being more particularly bounded and described in accordance with a survey made the 28th day of April, A.D. 2016, as follows, to wit:.

BEGINNING for the same at a point in the south right-of-way line of the State Highway leading from McDonough to Mount Pleasant, being shown on the State of Delaware State Highway Department Construction Plan for Contract Number 66-01-008, being Road 15 as shown thereon and also known as Boyds Corner Road, said point being the beginning of the first or South eight degrees and fifty-two minutes East, twenty nine hundred fifty-seven foot line of that tract of land conveyed by and described in a deed dated September 9, 1964 from Frances M. North, Widow to James D. Deeney and Mary E. Deeney, his wife, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Record Book Q-73, Page 536, said point also being at the intersection of the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road and the first or south ten degrees East one hundred and eighty-two and eight-tenths perch line of Parcel No. 1 of those tracts or parcels of land conveyed by and described in a deed dated April 6, 2006 from Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Frank Rausch, Jr., Settlor, as amended, and Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Margaret A. Rausch, Settler, as amended, to Rausch Enterprises, L.L.C., a Delaware limited liability company, and recorded in the aforesaid Office of the Recorder of Deeds of New Castle County in Record Number 20060411-0034295, thence leaving the said right-of-way line of Road 15 – Boyds Corner Road and binding of the said first line of the first mentioned conveyance to Deeney, and the remainder of the first line of the second mentioned conveyance to Rausch Enterprises, L.L.C., as now surveyed, with all bearings herein being referred to the Delaware State Plane Coordinate System (NAD'83/COORS11)

1. South 18° 02' 43" East 2958.09 feet to a point at the end of the sixth or South 83° 58' 44" West, 1009.62 foot line of Parcel No. 3 of all those certain lots, pieces or parcels of land conveyed by and described in a deed dated December 22, 1975 from Bronislaw Koper, Widower to Delmarva Power and Light Company, a corporation of the State of Delaware, and recorded in the aforesaid Office of the Recorder of Deeds for New Castle County in Record Book S-91, Page 330, thence binding on the second line of the aforesaid conveyance to Deeney and reversely on the said sixth line of the last mentioned conveyance to Delmarva Power and Light Company,

2. North 83° 58' 20" East 1009.63 feet, thence binding reversely on the fifth, fourth and third lines of Parcel No. 3 of said conveyance to Delmarva Power and Light Company, which lines are said to be the division lines of said Delmarva Power and Light Company and the lands of Deeney, the following three (3) courses, viz:

3. South 15° 28' 21" West 363.00 feet,

3445-A Box Hill Corporate Center Drive, Abingdon, MD 21009 (410) 515-9000 Fax: (410) 515-9002 www.mragta.com

Abingdon, MD (410) 515-9000 ◆ Baltimore, MD (410) 935-5050 ◆ Laurel, MD (410) 792-9792 ◆ Towson, MD (410) 821-1690 ◆ Georgetown, DE (302) 855-5734 ◆ New Castle, DE (302) 328-2200 ◆ Sterling, VA (703) 674-0161 ◆ Raleigh, NC (984) 200-2103

4. South 53° 28' 21" West 264.00 feet, and

5. South 13° 01' 39" East 515.54 feet to a ½" iron pipe heretofore set, said pipe being at the end of the seventh or North 86° 46' 42" East 2147.61 foot line of Parcel No. 2 of the last mentioned conveyance to Delmarva Light and Power Company, thence binding reversely thereon, which line is said to be the division line between the land of the Delmarva Light and Power Company and the land of Deeney,

6. South 86° 46' 22" West 2147.85 feet to a concrete monument heretofore set with a brass disk marked DP&L-PLS135, and to intersect the eighteenth or North four degrees East twenty-four hundred seventy foot line of the first mentioned conveyance herein to Deeney, thence binding on the remainder of said eighteenth and all of the nineteenth lines of said conveyance to Deeney, the two (2) following courses, viz:

7. North 18° 24' 01" West 1154.81 feet to a 2" iron pipe heretofore set, and

8. North 00° 18' 35" West 802.07 feet to a stone heretofore planted, said stone being at the end of the fourth or South 89 degrees 48 minutes 19 seconds West 555.37 foot line of a Confirmatory/Corrective Deed amending the legal description dated October 28, 1993 and recorded among the aforesaid Recorder of Deeds of New Castle County in Record Book 1627 Page 0234, thence binding reversely on said fourth, the third, second and first lines of said conveyance, the following four (4) courses, viz:

9. North 81° 54' 58" East 555.42 feet to a ½" iron pipe heretofore set,

10. North 10° 14' 06" West 1028.05 feet, to a ½" iron pipe heretofore set

11. North 79° 27' 32" East 100.00 feet to a ½" iron pipe heretofore set, and

12. North 12° 03' 36" West 873.39 feet, to a point on the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road, distant South 12° 03' 36" East, 0.14 feet from a ½" iron pipe heretofore set, thence binding on said right –of-way, the following two (2) courses, viz:

13. By a non-tangent curve to the right with a radius of 5699.58 feet and an arc length of 58.85 feet, said curve being subtended by a chord bearing South 87° 36' 27" East 58.85 feet, to a point of tangency, and

14. South 87° 18' 42" East 444.31 feet, to the place of beginning.

CONTAINING 114.5291 acres of land, more or less.

BEING the same and all the land conveyed by and described in a deed from Frances M. North, Widow to James D. Deeney and Mary E. Deeney, his wife, dated September 9, 1964, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Record Q-73, Page 536

SUUBJECT TO a Permanent Easement Agreement conveyed by James D. Deeney to The State of Delaware, by and through the Department of Transportation, Division of Highways, dated March 19, 1991 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Record Book 1164, Page 0289.

ENCLOSURE 2

Recorded Declaration of Covenants, Conditions, Easements and Restrictions of Whispering Woods

20190828-0068076
P: 1 of 55 F:$0.00
8/28/2019 3:41:19 PM
Michael E. Kozikowski T20190038992
New Castle Recorder MISC

New Castle County
Tax Parcel Numbers:
See Exhibit "A" attached hereto

Prepared by and Return to:
Saul Ewing Arnstein & Lehr LLP
P. O. Box 1266
Wilmington, DE 19899

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS OF

WHISPERING WOODS

55

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS (this "Declaration"), is made this 26th day of August, 2019, by Whispering Woods Homes LLC, a Delaware limited liability company ("Declarant").

ARTICLE I - THE PROPERTY

SECTION 1.1. The Property.

Pursuant to that certain Deed recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware (the "Recorder's Office") as Instrument No. 20180208-0006709, Declarant is the legal and equitable owner of those certain lots, pieces or parcels of land bounded and described on Exhibit "A," attached hereto and made a part hereof (the "Property"), being all of the real property shown and identified on that certain Record Major Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated April 1, 2017, said plan being recorded in the Recorder's Office as Instrument No. 20170830-0044757, as such plan may be subsequently supplemented or amended from time to time (as supplemented and/or amended, the "Plan"); which property is currently designated for the construction of a residential community to be known as "Whispering Woods" on the Lots (defined below); and open spaces, stormwater management areas, recreational facilities, and improvements and other amenities located within the Property.

ARTICLE II - THE COMMUNITY

SECTION 2.1. Name.

The name by which the Community (defined below) shall hereafter be identified is Whispering Woods.

ARTICLE III - DEFINITIONS

SECTION 3.1. Definitions.

The following terms when used herein and in the Bylaws of the Association are intended to be consistent with the meanings ascribed to them by this Section 3.1.

(a) "Assessments" or "Charges" means those levies, assessments or sums payable by one or more Owners in the Community from time to time upon notification by the Association, as provided herein; the obligation to pay Assessments shall be a covenant running with the land. Each Assessment shall be separate and payable by the Owner.

(b) "Association" or "Community Association" means the Whispering Woods Community Association, a Delaware non-profit corporation, with all Owners being members, which shall have the duties and powers established in this Declaration and in the Bylaws.

(c) "Building" means any structure erected or to be erected on the Property containing one or more Dwellings intended to be used for residential purposes.

(d) "Board" means a board of directors of natural individuals of the number stated herein and in the Bylaws, who shall manage and administer the business, operation and affairs of the Association on behalf of the Owners.

(e) "Bylaws" means the governing regulations which are adopted pursuant to this Declaration for the regulation and management of the Property and administration of the Association, including any amendments thereto which may be adopted from time to time.

(f) "Carriage House Dwellings" means the Dwellings erected or to be erected on Lots 15 to 97, all inclusive.

(g) "Common Expenses" means the expenses for which the Owners are liable as provided herein, including, but not limited to:

(i) Expenses of administration, operation, maintenance, repair and replacement of the Community Facilities; and

(ii) Expenses of administration, maintenance, certain insurances, repair and replacement of specific components of the Buildings, Dwellings, and/or Lots; and

(iii) Expenses or liabilities agreed upon as common expenses by the Owners; and

(iv) Expenditures made or liabilities incurred by or on behalf of the Association, together with any allocations to reserves; and

(v) All other expenses or charges levied or to be levied pursuant to this Declaration or the Bylaws against Owners.

(h) "Common Receipts" means and includes the funds collected from Owners as Assessments for Common Expenses and receipts designated as common by the provisions of this Declaration and the Bylaws.

(i) "Common Surplus" means and includes the excess of all Assessments over all Common Expenses.

(j) "Community" means the planned residential development known as Whispering Woods which has received final approval from New Castle County and which is included within the property and recorded Plan subjected to this Declaration.

(k) "Community Facilities" means any portion of the Property not included in any Lot, to the extent such facilities are neither dedicated nor to be dedicated to the public use, and which are depicted on the Plan, and all other facilities which the Community Association may hereafter own, acquire or construct, including private open space areas, the buffer areas around the perimeter of the Property (whether shown on the Plan or required to be added to the

Community in the future), the storm water management system and detention and/or retention basins and drainage areas, the clubhouse and recreational facilities, swimming pool, street lighting, roads and sidewalks and the shared-use path (all to the extent not dedicated or to be dedicated to the public use).

(l) "Declarant" means Whispering Woods Homes LLC, a Delaware limited liability company.

(m) "Declarant Control Period" means the period beginning on the date of this Declaration and ending on the earliest of (a) sixty (60) days after conveyance of seventy-five percent (75%) of the Lots that may be created on the Property to Owners other than the Declarant, (b) two (2) years after Declarant has ceased to offer Lots for residential purposes for sale in the ordinary course of business, or (c) the day the Declarant, after giving written notice to the Owners, records an instrument voluntarily surrendering all rights to control activities of the Association.

(n) "Detached Dwellings" means the Dwellings erected or to be erected on Lots 1 to 10 and 116 to 167, all inclusive.

(o) "Development Plans" means and refers collectively to the approved site plan and plats for the Property and the Project, including the Plan, as well as any and all amendments, modifications, and extensions thereof as may be made from time to time.

(p) "DUCIOA" means the Delaware Uniform Common Interest Ownership Act, 25 Del. C. § 81-101 et seq., as amended from time to time.

(q) "Dwelling" means a structure which is designed, sold, and occupied as a residence and which is located on the Property subject to this Declaration. Each Owner of each Dwelling shall be subject to all of the rights, privileges and duties as every other Owner of each Dwelling and which are attendant upon each and every Dwelling. References herein to an individual Owner's Dwelling refers collectively to the Dwelling and the Lot on which it is situated.

(r) "Eligible Mortgage Holder" means a holder, insurer or guarantor of a First Mortgage on a Lot or Community Facilities, as applicable, who has submitted a written request for notice from the Association of amendments to this Declaration or the Bylaws, or other significant matters which would affect the interests of the Mortgagee.

(s) "Limited Charges" means those charges which are levied by the Association against one Owner or a group of Owners, but not all Owners for costs incurred by the Association in providing services pursuant to this Declaration, which services are solely for the benefit of the Owners so charged.

(t) "Lot" means any one of, and "Lots" shall mean more than one of, the maximum one hundred and seventy-eight (178) residential dwelling lots in Whispering Woods; and shall not include the Community Facilities, any property dedicated for public use, or other areas of the Property.

(u) "Member" means any Owner or the Declarant who shall be a member of the Association.

(v) "Mortgagee" means the holder of any recorded mortgage encumbering one or more of the Lots or all or any portion of the Community Facilities. "Mortgage," as used herein, shall mean any mortgage held by a Mortgagee. "First Mortgage," as used herein, shall mean a Mortgage with priority over all other Mortgagees. As used in this Declaration, the term "Mortgagee" shall mean any Mortgagee and shall not be limited to institutional mortgagees. As used in this Declaration, the term "institutional mortgagee" or "institutional holder" shall include banks, trust companies, insurance companies, mortgage insurance companies, savings and loan associations, trusts, mutual savings banks, credit unions, pension funds, mortgage companies, Federal National Mortgage Association ("FNMA"), Government National Mortgage Association ("GNMA"), Federal Home Loan Mortgage Corporation ("FHLMC"), all corporations and any agency or department of the United States Government or of any state or municipal government, or any other organization or entity which has a security interest in any Lot or all or any portion of the Community Facilities. In the event any Mortgage is insured by the Federal Housing Administration ("FHA") or guaranteed by the Department of Veterans Affairs ("VA"), then as to such mortgage the expressions "Mortgagee" and "institutional mortgagee" include the FHA or the VA as the circumstances any require, acting, respectively, through the Federal Housing Commission and the Secretary of Veterans Affairs or through other duly authorized agents.

(w) "Owner" means the record Owner, whether one or more persons or entities, of fee simple title to any Dwelling which is situate within the Property, but excluding those persons having this interest merely as security for the performance of an obligation, and also excluding the Declarant. Multiple Owners of a Dwelling shall together be deemed one Owner for purposes of this Declaration.

(x) "Person" means a natural individual, corporation, partnership, association, trust or other legal entity or any combination thereof.

(y) "Plan" means the Record Major Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated April 1, 2017, said plan being recorded in the Recorder's Office as Instrument No. 20170830-0044757, as such plan may be subsequently supplemented or amended from time to time.

(z) "Project" means the residential community, together with the improvements erected and maintained thereon, to be known as "Whispering Woods" consisting of the Lots and the Community Facilities, all to be built on the Property.

(aa) "Property" means and includes the real property, and all easements, rights and appurtenances belonging thereto, which have been submitted from time to time by the Declarant to the provisions of this Declaration. The Property is located entirely in New Castle County in the State of Delaware.

(bb) "Recorded" means that an instrument has been duly entered of record in the Office of the Recorder of Deeds in and for New Castle County, Delaware.

(cc) "Twin Dwellings" means the Dwellings erected or to be erected on Lots 11 to 14, 98 to 115, and 168 to 178, all inclusive, as shown on the Plan.

(dd) "Utilities" shall mean Artesian Water Company, Chesapeake Utilities, New Castle County, their successors in interest, or such other entities that are or may become responsible for collecting, treating and disposing of sanitary sewer wastewater from, or delivering water, propane, and/or natural gas to, Lots or the Community Facilities and improved areas within the Property.

(ee) "Wastewater Agreement" shall mean and refer to, individually and collectively, any easement agreement entered into from time to time by and between New Castle County, Delaware and Declarant, to be Recorded in the Recorder's Office, and any and all other agreements for the Project between Declarant and New Castle County that are binding on Owners other than Declarant with respect to the operation, management, control, repair, maintenance and/or replacement of the waste water system serving the Community, together with any and all amendments thereto and any replacements thereof, together with any collateral documents, permits, approvals, agreements or easements related thereto.

(ff) "Wastewater Service Line" shall mean the pipe, clean-outs, and fittings that lie between the structure foundation or exterior wall on any Lot and the wastewater collection system owned by the applicable Utilities.

ARTICLE IV - PROPERTY SUBJECT TO THIS DECLARATION; RIGHTS OF THE DECLARANT

SECTION 4.1. Applicability.

(a) The Property shall be a planned community under the provisions of DUCIOA that is held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions, easements and restrictions of this Declaration. All present and future Owners of Dwellings and residents, their guests, licensees, servants, agents, employees, and any other person or persons who shall be permitted to use the Community Facilities described in this Declaration, shall be subject to this Declaration, the Bylaws and any rules and regulations which the Board from time to time shall promulgate in compliance with § 81-320 of DUCIOA to govern the conduct of its members and occupancy of the Property. Ownership or occupancy of any of the Dwellings in the Property shall be conclusively deemed to mean that the Owner or occupant has accepted, ratified and will comply with this Declaration, the Bylaws and the rules and regulations of the Community Association. Owners shall not be permitted to lease their Dwellings unless such leasing is approved by the Board as hereinafter provided. Furthermore, occupancy of Dwellings shall be limited to that class of individuals specified by the zoning regulations of New Castle County regulating use and occupancy of the Property; said class of occupants and all members thereof shall be further subject to and in full compliance with the Federal Fair Housing Act and all amendments thereto. The Property may only be used and developed as an active-adult community for older persons in accordance with the Fair Housing Act provisions, 42 U.S.C. Section 3601, et. seq. In particular, at least one resident of at least eighty percent (80%) of the Dwellings to be constructed and developed on the Property shall be at least fifty-five (55) years of age or older and no person younger than

eighteen (18) years of age shall reside therein on a permanent basis (more than thirty (30) days in any calendar year). The Board may from time to time enact rules to implement and/or enforce the foregoing restrictions (whether more restrictive or otherwise, at the Board's discretion), and shall be empowered to so enact and enforce such restrictions.

(b) In the event of a conflict of interpretation between the provisions set forth in this Declaration and the Bylaws, this Declaration shall govern, except to the extent this Declaration is inconsistent with applicable law.

(c) Unless sooner terminated by a recorded instrument signed by the Declarant, Declarant reserves the following rights for the period from the date of this Declaration through the date that is thirty (30) years thereafter (individually and collectively, the "Special Declarant Rights"):

(i) The right to complete or make improvements indicated on the Development Plans;

(ii) The right to maintain sales offices, parking areas, management offices, storage sheds/trailers, and models on Lots or on the Community Facilities, as may be located and/or relocated by Declarant from time-to-time in Declarant's sole discretion;

(iii) The right to maintain signs on the Property to advertise the sales of homes;

(iv) The right to conduct sales business and construction activities on the Property; and

(v) The right to use and permit others to use, easements through the Community Facilities as may be reasonably necessary for the purpose of discharging the Declarant's obligations under DUCIOA and this Declaration.

SECTION 4.2. Assignment of Declarant's Rights.

The Declarant shall have the right to assign all or any part of its rights and duties under this Declaration and the Bylaws and any other instrument entered into by it in connection with the governance of the Community (the "Governing Documents") to any other party or parties who intend(s) to carry out the development of all or any part of the Community. In the case of the assignment of all of Declarant's rights and duties, the Declarant shall, to the extent permitted by § 81-304 of DUCIOA, be relieved of all further liabilities and obligations under the Governing Documents (except for any rights and duties which Declarant may have as an Owner in respect of any Dwelling which it may continue to own, which shall be unaffected thereby) as of the effective date of any assignment, and the party to whom the assignment shall have been made shall thereafter become and be treated as the "Declarant" for all purposes of the Governing Documents. In the case of the assignment of less than all of Declarant's rights and duties, the Declarant shall continue to be responsible for all of its liabilities and obligations as the Declarant under any of the Governing Documents, notwithstanding that the assignee may have agreed with the Declarant to assume responsibility for some part thereof. The assignee shall be entitled to exercise and enjoy all rights assigned to it, subject to any terms, conditions or restrictions applicable thereto set forth in the Governing Documents or in the instrument by which the

assignment is made, in all respects as if it were the Declarant hereunder. No assignment shall be effective until the Declarant and the proposed assignee shall have entered into an instrument expressed to be supplementary to this Declaration which shall set forth the rights and duties of the Declarant to be assigned thereby and all terms, conditions and restrictions applicable to the assignment, and that instrument shall have been Recorded in the Recorder's Office.

SECTION 4.3. Modification of the Plan.

Subject to compliance with DUCIOA and any requirements imposed by any governmental authority having jurisdiction, the Declarant, its successors and/or assigns, shall have the right to make changes in the proposed manner of development of any portion of the Community (whether or not already made subject to this Declaration), including, without limitation: the location, size, type and configuration of any Dwellings to be constructed thereon; the location and layout of all streets, roads, parking areas, sidewalks, walkways and pathways; the nature and location of any Community Facilities, including the layout of any open space and vegetation, buffer areas, the nature and location of all or any portion of the sewer or water systems and configuration of all or any portion of the storm or other drainage or retention systems and the location of all or any portion of the electric transformers, splice poles, street lights, telephone and cable pedestals.

ARTICLE V - THE COMMUNITY FACILITIES

SECTION 5.1. Owners' Easement of Enjoyment.

Every Owner shall have the right of ingress, egress and regress over and the right of enjoyment in and to the Community Facilities which right shall be appurtenant to each Dwelling and shall pass with title to every Dwelling subject, nevertheless, to the following provisions:

(a) The right of the Association to make Assessments for the use of any or all of the Community Facilities, and the obligation of the Association under this Declaration to contribute to the expenses of maintenance, repair, and replacement of the Community Facilities.

(b) The right of the Association to suspend the right of an Owner to use any of the Community Facilities after the Board determines that the Owner has failed to pay in full any Assessment within thirty (30) days of the due date or has violated any of the rules and regulations of the Community Association.

(c) The right of the Association to declare or transfer all or any part of the Community Facilities to any public agency, authority, or Utility for those purposes and subject to those conditions which may be agreed to by the Members.

(d) The free right and privilege of the Declarant at all times hereafter, without let or hindrance, to go upon any and all of the Property, including lands conveyed or developed and to construct, reconstruct, repair, renovate or to correct work to be, or done by Declarant, its agents, servants, workmen or contractors. This right of the Declarant shall expire two (2) years after the conveyance by the Declarant in the ordinary course of business of the last Dwelling to a Dwelling purchaser other than the Declarant.

(e) An easement for the present and future installation and maintenance of electric service, master and/or cable TV service, telephone service, domestic water, storm water and sanitary sewer, gas, drainage, other utility facilities, and any other services provided to any part of the Lots or Community, and the necessary appurtenances to the same. The easement shall run in favor of the Declarant, the Association and the Owner or other entities operating these facilities.

(f) A specific easement in favor of the Declarant, its agents, servants, licensees and invitees for all purposes incident to the process of construction and marketing of Dwellings; provided, however, that this easement shall expire upon conveyance by the Declarant in the ordinary course of business of the last Dwelling to a Dwelling purchaser other than the Declarant.

SECTION 5.2. No Waiver of Use.

No Owner may exempt himself from liability with respect to the payment of Assessments levied by the Association, nor release the Dwelling owned by the Owner from the liens created for non-payment of Assessments by waiver of the use or enjoyment of the Community Facilities, by abandonment of his Dwelling, by any conveyance or covenant severing the rights and benefits from the Dwelling, or otherwise. The obligation to pay Assessments is absolute and unconditional and, in addition to being a covenant running with the land, is a personal obligation of each Owner and shall not be subject to setoffs or counterclaims.

SECTION 5.3. Alterations By Owner.

No Owner may make any changes, additions, improvements, or alterations of any kind or do any work to any of the Community Facilities. No Owner shall impair any easement within the Community Facilities without the unanimous consent of all of the Owners affected thereby. In no event may an Owner make any improvements or alterations which would jeopardize the soundness or safety of any portion of the Property.

SECTION 5.4. Obsolescence.

In the event that the Board shall determine that any Community Facility is obsolete, the Board may call for a vote of the Members to determine whether or not the Community Facility should be demolished and/or replaced. In the event that eighty (80%) percent of the Members and the two-thirds (2/3) of the Eligible Mortgage Holders shall determine that the Community Facility should be demolished and/or replaced, the costs thereof shall be assessed equally against all of the Members.

ARTICLE VI - THE ASSOCIATION

SECTION 6.1. The Community Association.

(a) The Community Association is the governing body for all of the Owners and is responsible for certain maintenance and other obligations regarding Lots and the exterior of Dwellings, the maintenance, repair, replacement, management, operation and administration of

the Community Facilities which includes, among other things, any additions or improvements to the Community Facilities, lawn cutting and fertilization on the Community Facilities, street landscaping and planting of bushes, plants and trees on the Community Facilities.

(b) Nothing herein contained shall be construed so as to preclude the Community Association from delegating the duties described in this Section 6.1 to a manager or agent or to other persons, firms or corporations, subject to the authority of the Community Association.

(c) The Common Expenses incurred or to be incurred for, the utility services, maintenance, repair, replacement, management, operation and use of the Community Facilities, and to Dwellings and/or Lots, and the making of any additions or improvements thereto, shall be as set forth on the attached Component and Responsibility Chart, attached as Exhibit "B" and incorporated herein (the "C&R Chart"), and shall be assessed by the Community Association against and collected from the Owners in accordance with Article IX hereof. In the event of any conflict between this Declaration and the C&R Chart, the terms of the C&R Chart shall control. Expenses benefiting fewer than all of the Dwellings may be assessed exclusively against the Dwellings benefited as Limited Charges.

(d) The time and extent of the foregoing maintenance, repair and replacement obligations of the Community Association shall be determined solely by the Board. All aspects of repair, maintenance and replacement of all interior portions of an Owner's Dwelling shall be the responsibility of the Owner. All maintenance, repair and replacement of portions of the Community Facilities and commonalty pertaining to the Lots and/or Dwellings shall be the responsibility of the Community Association or the Owners, as set forth on the C&R Chart, provided, however, that any costs incurred by the Community Association in connection with any of the foregoing maintenance, repair or replacement items which may arise in connection with the negligence of the Owner(s), or occupant(s) of any particular Dwelling(s) shall be charged as Limited Charges to those Owner(s) .

(e) Each Owner shall be authorized to perform maintenance, repair and replacement work on the exterior elements of such Owner's Dwelling as to which the Board is authorized to assess a Limited Charge on the C&R Chart, but only under such rules and regulations as the Board may adopt from time to time for such purpose, which may limit, prohibit or authorize, among other things, the specific elements of the exterior of the Dwellings which may be so maintained, repaired or replaced by the Owner and/or such Owner's contractors; may regulate and specify the standards, colors and products which may be used or installed in course of performance of such maintenance, repair and replacement work; may require notice to the Board of the Owner's intention to perform or have performed such work; or which may address any other matters in connection with such work the Board deems necessary to assure that the exteriors of all of the Dwellings are maintained at all times in good repair and appearance and to professional standards. The Board shall be authorized to include in such rules and regulations provisions to assure the quality of the work performed; to provide for the professional inspection of such work on behalf of the Board and for procedures to address the correction of any non-compliant work; to require the registration of contractors authorized to perform such services who comply with any required industry experience or skill levels, indemnity, licensing and insurance requirements as the Board in the exercise of its judgment may prescribe for the protection of the Association; and to impose and assess charges on the Owner for the monitoring,

inspection and correction of such work as may be required. Nothing set forth in this subsection (e) shall be deemed to authorize any alteration, change, or other modification of or to the exterior of a Dwelling which requires the approval of the Board as set forth elsewhere in this Declaration.

(f) To the extent maintenance, repair and replacement by an Owner may involve possible damage to the Community Facilities or other Dwellings, the work shall be performed only with the prior consent of the Board or its duly authorized agent, except in the case of an emergency, subject to the requirements of the Board.

(g) The Board shall have the right to impose rules and regulations in accordance with § 81-320 of DUCIOA governing the use and care of portions of the Dwellings, Lots and Community Facilities to the extent reasonably related to the Community Association's maintenance, repair and replacement obligations hereunder.

(h) To the extent the roads, the street lighting system, the culverts and the storm water management system or portions thereof have not been dedicated to the public or to New Castle County by the Plan, maintenance and repair of same shall rest with the Declarant until the transfer of the Community Facilities from the Declarant to the Community Association occurs as provided for in Section 6.5 herein.

SECTION 6.2. Membership in the Community Association.

(a) All Owners upon acceptance of the deed to their Dwellings shall become Members of the Community Association and shall be obligated to pay all Assessments levied by the Community Association against their Dwellings. Except as otherwise provided, membership in the Community Association shall be limited to (i) the Owners of Dwellings subjected to this Declaration and (ii) the Declarant. Every Owner, as a Member of the Community Association, shall be entitled to all of the rights and shall be bound by all of the obligations accompanying membership. The ownership interest of each Owner in the Association is computed by multiplying one hundred (100) and the quotient resulting from dividing one (1) by the total number of all Lots.

(b) Notwithstanding any other provision of this Declaration or the Bylaws, no action shall be taken or adopted by the Community Association which would in any way affect any of the rights, privileges, powers or options of the Declarant (including, but not limited to, development of the Property or the marketing program of the Declarant) without the prior written approval of the Declarant.

(c) Every lawful transfer of title to a Dwelling shall include membership in the Community Association and, upon making this transfer, the previous Owner's membership shall automatically terminate. Except as otherwise expressly provided, membership in the Community Association may not be assigned or transferred without the transfer of legal title to a Dwelling and any attempt at assignment or transfer thereof shall be void and of no effect.

(d) Membership in the Association shall automatically terminate when an Owner sells, transfers or otherwise conveys his Dwelling.

(e) Anything hereinelsewhere to the contrary notwithstanding, Declarant, with respect of Dwellings and/or Lots it owns, shall not be assessed by the Association; provided, however, that Declarant shall pay Assessments with respect to Dwellings leased by Declarant to third party tenants.

SECTION 6.3. Voting.

(a) At all meetings of the Association the Owners of each Dwelling shall be entitled collectively to cast such vote or votes as provided for by this Declaration and the Bylaws. Owners shall be entitled to one (1) vote for each Dwelling in which they hold the interest required for membership in the Association.

(b) If a Dwelling is owned by more than one person and there is a conflict between or among the Owners of the Dwelling as to how the vote associated with the Dwelling should be cast, the vote shall be deemed included for purposes of determining a quorum but the conflicting votes cast by Owners of the Dwelling shall otherwise void the vote associated with their Dwelling. If a Dwelling is owned by a corporation, the officer or employee thereof, entitled to cast the votes of the Dwelling for the corporation shall be designated in a certificate for this purpose, signed by the president or vice-president, and attested to by the secretary or assistant secretary of the corporation, and submitted to the secretary of the Association.

SECTION 6.4. Board of Directors.

(a) The affairs of the Association shall be governed by a Board (referred to as the "Executive Board" in DUCIOA). The Board shall be comprised of no fewer than three (3) and no more than five (5) members.

(b) The Board shall initially be comprised of three (3) members, all appointed by the Declarant, as follows: (1) Mick Kenney; (2) David Watt; and (3) Kevin McLaughlin. Such Declarant appointees shall not be required to be Owners and may be, but shall not be required to be, residents of the State of Delaware.

(c) As required by § 81-303 of DUCIOA, not later than sixty (60) days after conveyance of twenty-five percent (25%) of the total number of Lots that may be created in Whispering Woods to Owners other than the Declarant, at least one (1) member and not less than twenty-five percent (25%) of the Board shall be elected by Owners other than the Declarant and, unless such timing coincides with an annual meeting, the president of the Community Association shall call a special meeting for such election. By way of example, after twenty-five percent (25%) of the total number of Lots that may be created in Whispering Woods have been conveyed to Owners, the Board shall be expanded by the Declarant to four (4) members, at least one (1) of whom shall be elected by Owners, in order to comply with DUCIOA. Also as required by § 81-303 of DUCIOA, not later than sixty (60) days after conveyance of fifty percent (50%) of the total Lots that may be created in Whispering Woods to Owners other than the Declarant, not less than thirty-three and one-third percent (33-1/3%) of the Board shall be elected by Owners other than the Declarant and, unless such timing coincides with an annual meeting, the president shall call a special meeting for such election. By way of example, after fifty percent (50%) of the total number of Lots that may be created in Whispering Woods have been conveyed

to Owners, the Board shall be expanded by the Declarant to five (5) members, at least two (2) of whom shall be elected by Owners, in order to comply with DUCIOA. Upon the termination of the Declarant Control Period, as defined and provided in this Declaration, the Owners shall elect the Board and the Board, by majority vote and provided the Declarant did not already expand the Board as described above, may expand the Board to no more than five (5) members. The members of the Board elected by the Owners shall be Owners or spouses of Owners or, if the Owner is a corporation, limited liability company, partnership, trust or other entity, an officer, director, managing member or other authorized representative designated in writing by such entity.

(d) The Board shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are established by this Declaration and the Bylaws directed to be exercised and done by the Association except as otherwise provided herein or in the Bylaws. The Board may delegate to one (1) of its members the authority to act on behalf of the Board on all matters relating to the duties of the professional managing agent, if any, which might arise between meetings of the Board. In addition to the duties imposed by this Declaration or the Bylaws or by any resolution of the Association that may hereafter be adopted, the Board shall have the power to, and be responsible for, the following:

(i) Preparation of an annual budget, in which there shall be established the Assessment of each Owner, to be approved in accordance with § 81- 324 of DUCIOA.

(ii) Making Assessments against Owners to defray the costs and expenses of the Association and establishing the means and methods of collecting Assessments as established in this Declaration from the Owners. Unless otherwise determined by the Board, the annual Assessment against each Owner for his proportionate share of the Common Expenses shall be payable in equal monthly installments, as determined by the Board, each such installment to be due and payable in advance on the date(s) established by the Board.

(iii) Providing for the operation, care, upkeep, replacement and maintenance of the Community pursuant to the C&R Chart.

(iv) Designating, hiring and dismissing the personnel or contractors necessary for the maintenance, operation, repair and replacement of the Common Facilities, Lots, and Dwellings (in accordance with the C&R Chart) and providing services for the Property, and, where appropriate, providing for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties, which supplies and equipment shall be deemed the common property of the Owners; and, moreover, contracting the professional managing agent, if deemed necessary by the Board. No contractual agreement may bind the Association unless such contractual agreement provides for the right of the Association to terminate the same without cause or penalty at any time after transfer of control of the Association from the Declarant to the Owners, upon not less than ninety (90) days' notice. In addition, if entered into before a majority of the Board elected by the Owners (as opposed to appointed by the Declarant) in accordance with this Declaration and the Bylaws takes office: (1) any management contract, employment contract, (2) any other contract or lease between the Association and Declarant or an affiliate of Declarant, or (3) any contract or

lease that is not bona fide or was unconscionable to the Owner at the time entered into under the circumstances then prevailing, may be terminated without penalty by the Association at any time after the Board elected by the Owners (as opposed to appointed by Declarant) in accordance with this Declaration takes office upon not less than ninety (90) days' notice to the other party.

(v) Collecting the Assessments (including, but not limited to, Limited Charges) against the Owners, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to carry out the administration of the Community.

(vi) Making and amending rules and regulations in accordance with § 81-320 of DUCIOA respecting the use of the Property so that such do not unduly restrict the use and enjoyment by the Owners, their permitted tenants and guests.

(vii) Opening of bank accounts on behalf of the Board and designating the signatories required therefor.

(viii) Making, or contracting for the making of, repairs, additions, and improvements to, or alterations of, the Community Facilities and repairs to, and restoration of, the Community Facilities, in accordance with the other provisions of this Declaration, after damage or destruction by fire or other casualty.

(ix) Enforcing by legal means, when deemed necessary and appropriate in the opinion of the Board, the provisions of this Declaration and the Bylaws and the rules and regulations for the use of the Property adopted by it and bringing any proceedings which may be instituted on behalf of the Owners.

(x) Obtaining and carrying insurance against casualties and liabilities, and paying the premium cost thereof.

(xi) Paying the cost of all services rendered to the Association, and not billed to Owners.

(xii) Keeping books with detailed accounts in chronological order of the receipts and expenditures affecting the Property and Association, and the administration of the Property, specifying the maintenance and repair expenses of the roads and Common Facilities, and any other expenses incurred. The said books shall be available for examination by the Owners, their duly authorized agents or attorneys, in accordance with and pursuant to the processes set forth in § 81-318 of DUCIOA. All books and records shall be kept in accordance with good and accepted accounting practices, and if so directed by the Board, the same may be audited by an outside auditor employed by the Board who shall not be a resident of Whispering Woods, or an Owner of a Lot therein. The cost of such audit shall be a Common Expense. An audited financial statement, if prepared, shall be available within one hundred twenty (120) days of the end of the fiscal year.

(xiii) Notifying a Mortgagee of any property of any default by the applicable Owner whenever requested in writing by such Mortgagee to send such notice.

(xiv) Maintaining written minutes of all meetings of the Association and/or Board.

(xv) Resolving disputes between and among Owners and the Board and making decisions regarding disputes related to the interpretation and application of this Declaration and the Bylaws and rules and regulations promulgated pursuant thereto.

(xvi) Borrowing in an amount not to exceed twenty-five percent (25%) of the value of the Common Facilities for any proper Association purpose by the execution of notes and mortgages or as security for the repayment thereof or such other security or securities as the Association shall designate for the payment of principal thereof and interest due thereon, subject to any restrictions or limitations which may be contained in this Declaration or DUCIOA.

(xvii) To do such other things and acts not inconsistent with this Declaration or the Bylaws which the Board may be authorized to do by a resolution of the Association.

(e) During the Declarant Control Period, all Board members shall serve for one (1) year terms. At the first meeting of the Association after the termination of the Declarant Control Period during which an election is held, the terms of office of the members elected by the Owners to serve on the Board shall be staggered. If three (3) members are elected, two (2) members shall serve two (2) year terms, and (1) member shall serve a one (1) year term. If four (4) members are elected, two (2) members shall serve two (2) years terms, and two (2) members shall serve one (1) year terms. If five (5) members are elected, three (3) members shall serve two (2) year terms and two (2) members shall serve one (1) year terms. At the expiration of the initial terms of office of the members of the Board elected at the first meeting of the Association after the termination of the Declarant Control Period, their successors shall be elected to serve for two (2) year terms. The members of the Board shall hold office until their respective successors shall have been elected and the newly elected member confirms his or her willingness to serve.

(f) At any regular or special meeting of the Board duly called, any one (1) or more of the members of the Board may be removed with or without cause by a majority of the Board members, and a successor may then and there be appointed by a majority of the remaining Board members to fill the vacancy thus created. Any member of the Board whose removal, with or without cause, has been proposed by the Owners shall be given at least ten (10) days' notice of the calling of an Association meeting in response to said proposal and the purpose thereof and shall be given an opportunity to be heard at the meeting. In such a situation where the removal of a Board member, with or without cause, has been proposed by the Owners, a majority of the Owners present, in person or by proxy, at the meeting called for this purpose may remove the Board member in question and a successor may then and there be appointed by a majority of the Owners present to fill the vacancy thus created.

(g) Vacancies in the Board caused by any reason other than the removal of a member by a vote of the Owners shall be filled by a vote of a majority of the remaining members of the Board at a special meeting of the Board held for that purpose promptly after the occurrence of any such vacancy, even though the Board members present at such meeting may constitute less than a quorum, and each person so elected shall be a member of the Board for the remainder of

the term of the member so removed and until a successor shall be elected at the next annual meeting of the Association.

(h) The first meeting of the members of the Board following an annual meeting of the Association shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Board so elected, and no notice shall be necessary to the newly elected members of the Board in order legally to constitute such meeting, providing a majority of the whole Board shall be present thereat.

(i) Regular meetings of the Board (except for executive sessions held for a permitted purpose set forth in § 81-308A of DUCIOA) shall be open to all Owners after the Declarant Control Period ends and shall be held at least quarterly at such time and place as shall be determined from time to time by a majority of the Board members. Notice, including the agenda, of regular meetings of the Board shall be given to each Board member, by mail, email, telegraph, telefacsimile or telephone with mail confirmation, at least ten (10) but not more than sixty (60) days prior to the day named for such meeting. Except when a schedule of meetings has been distributed to the Owners that identifies the meeting in question or in cases of emergency meetings that may be held without prior notice, the Secretary shall cause notice of any regular meeting to be delivered to each Owner at least ten (10) but not more than sixty (60) days prior to the meeting (but not later than the time notice of the meeting is sent to members of the Board).

(j) Special meetings of the Board (except for executive sessions held for a permitted purpose set forth in § 81-308A of DUCIOA) shall be open to all Owners after the Declarant Control Period ends and may be called by the president on at least ten (10) but not more than sixty (60) days' notice to each Board member, given by mail, email, telegraph, telefacsimile or telephone with mail confirmation, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board shall be called by the president or secretary in like manner and on like notice on the written request of at least two (2) Board members. The secretary shall cause notice of any special meeting to be delivered to each Owner by any means described in the Bylaws at least ten (10) but not more than sixty (60) days prior to the meeting (but not later than the time notice of the meeting is sent to members of the Board).

(k) Notwithstanding any provision to the contrary contained herein, any Board member may, at any time, in writing, waive notice of any meeting of the Board, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Board member at any meeting of the Board shall constitute a waiver of notice by him of the time and place of such meeting. If all Board members are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting, including meetings conducted by telephone conference.

(l) At all meetings of the Board, a majority of the Board members shall constitute a quorum for the transaction of business, and the votes of a majority of the members present at a meeting at which a quorum is present shall constitute the decision of the Board.

(m) The Board shall obtain adequate fidelity bonds for all officers, directors and employees of the Association handling or responsible for Association funds. The premiums on such bonds shall constitute a valid expense payable by the Association.

(n) No Board member shall receive any compensation from the Association for acting as such, but may be reimbursed for necessary expenses incurred in regard to service as a Board member, as approved by the Board from time to time.

(o) Unless modified by the Board by resolution, *Roberts Rules of Order* (current edition) shall govern the conduct of all meetings of the Association when not in conflict with this Declaration or the Bylaws.

(p) The members of the Board shall not be liable to the Owners for any mistake of judgment, negligence, or otherwise except for their own individual willful misconduct or bad faith. The Owners shall indemnify and hold harmless each of the Board members from and against all contractual liability to others arising out of contracts made or action taken by the Board on behalf of the Owners unless any such contract or action shall have been made in bad faith or contrary to the provisions of this Declaration or of the Bylaws. It is intended that the members of the Board shall have no personal liability with respect to any contract made or action taken by them on behalf of the Owners. Every agreement made or action taken by the Board on behalf of the Owners shall, if obtainable, provide that the members of the Board, as the case may be, are acting only as agents for the Owners and shall have no personal liability thereunder, and that each Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage interest bears to the total Lots in Whispering Woods. The Owners shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason of the fact that he is or was a member of the Board, against expenses (including reasonable attorneys' fees), judgments, fines and amounts paid in settlement incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Owners.

SECTION 6.5. Transfer of Community Facilities and Community Association Upon Transition.

Declarant shall maintain the Community Facilities and shall be responsible for the cost of such maintenance until the following conditions are satisfied: (i) the Community Facilities have been substantially completed; (ii) the Community Facilities have been transferred to the Community Association; and (iii) Declarant has transferred control of the Board to the Community Association. Notwithstanding the foregoing, Declarant shall not be responsible for maintaining any portion of the Community Facilities that are offered to and accepted by New Castle County or the State of Delaware for public dedication. Upon (a) substantial completion of the Community Facilities in accordance with the Development Plans and applicable law and (b) the transfer of control of the Board to the Community Association, the Community Association shall assume all responsibility for the management, operation, maintenance, insurance, repair and replacement of said Community Facilities and for the costs and expenses associated with such Community Facilities (but only to the extent such Community Facilities are not offered to and accepted by New Castle County or the State of Delaware for public dedication). For purposes of this Section 6.5, "substantial completion" or "substantially completed" shall mean the date when the Community Facilities are sufficiently complete so that they can be used for the use intended, and, if required by law, use and/or occupancy permits have been obtained for the Community Facilities. Not later than the election held pursuant to subsection 6.4(c) (the "First Election

Meeting"), the Declarant shall deliver all of the following property, to the extent within Declarant's possession or control, to the Community Association:

(a) A photocopy of the Declaration and all amendments thereto, certified by affidavit of the Declarant, or an officer or agent of the Declarant, as being a complete copy of the actual Declaration.

(b) Certified copies of the Community Association's certificate of incorporation and the Bylaws, and the minute books, including all minutes, and other books and records of the Community Association, including membership lists and any rules and regulations which have been promulgated.

(c) Resignations of officers and directors who are required to resign because the Declarant is relinquishing control of the Board.

(d) An accounting for all Community Association funds, including capital accounts and contributions, and the funds of, or control of, the funds of the Community Association.

(e) All tangible personal property that is the property of the Community Association, represented by the Declarant to be part of the Community Facilities or ostensibly part of the Community Facilities, and an inventory of that property.

(f) All insurance policies held by the Association.

(g) Any permits issued by governmental bodies applicable to the Property in force.

(h) All written warranties of the contractor, subcontractor, suppliers and manufacturers, if any, that are still effective.

(i) Leases to which the Community Association is a party, if any; employment contracts, management contracts; maintenance contracts, contracts for the supply of equipment or materials, and service contracts in which the Community Association is one of the contracting parties; and maintenance contracts and service contracts in which the Community Association or Owners have an obligation or responsibility directly or indirectly to pay some or all of the fee or charge of the person or persons performing the service.

SECTION 6.6. Committees.

The Board may establish committees of Owners from time to time to advise and/or report to the Board. Any such Committee shall be advisory in nature only, shall have no legal right to act for or bind the Association or Board, and may not handle finances or funds of the Association.

ARTICLE VII – INSURANCE

SECTION 7.1. Liability and Community Facilities.

(a) The Board shall obtain or cause to be obtained "broad-form" comprehensive public liability and property damage insurance that meets the requirements of DUCIOA § 81-313(h), covering liability for loss or damage to persons or property in those amounts, against those risks and from those insurance companies which the Board shall from time to time determine, but in no event less than Two Million Dollars ($2,000,000) for bodily injury, including deaths of persons and property damage arising out of a single occurrence. This insurance shall include protection against liability for damage to the property of others, and any other risks which are customarily covered in similar policies for associations similar to the Community Association, including, without limitation, liabilities arising out of or in connection with the Community Association's maintenance responsibility hereunder.

(b) In the event of damage to or destruction of any portion of the Community Facilities covered by insurance payable to the Community Association as a result of fire or other casualty, the Board shall arrange for the prompt repair and restoration thereof; shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration, as appropriate; and shall otherwise comply with the requirements of § 81-313(h) of DUCIOA.

(c) The Board shall also obtain the following insurance coverage and endorsements which may be applicable to the Community Facilities or other insured Property, all premiums for which are to be charged as Common Expenses:

(i) Workmen's compensation policy to meet the requirements of law.
(ii) Directors' and officers' liability and other insurance which the Board shall deem necessary to satisfy the indemnification obligations of the Community Association as provided in Article XIV of this Declaration.
(iii) Fidelity insurance for the Board and all other persons with access to Association funds.
(iv) All other insurance which the Board shall determine from time to time to be necessary or desirable.

SECTION 7.2. Dwellings.

(a) The Board shall obtain or cause to be obtained, to the extent reasonably available, master or blanket "all risk" property and casualty insurance insuring the Dwellings but excluding the improvements or betterments installed by the Owners and the contents and personal property in such Dwellings, covering the interests of the Association, the Board, the Owners of each Dwelling, and eligible Mortgagees, as their interests may appear. The total amount of insurance (after application of any deductibles) shall be the insurable replacement cost of the insured property (exclusive of items normally excluded from such casualty policies), provided that the Board shall be authorized to require the Association to acquire such greater coverage as shall in such Board's judgment be necessary to adequately insure the Dwellings and to protect Owners and the Mortgagees against loss.

(b) If the Board shall determine, after obtaining the insurance required by subsection (a) hereof for any period of time, to discontinue such insurance (whether due to escalating costs

or otherwise), the Board shall provide all Owners with at least ninety (90) days advance notice of any such discontinuation so as to permit such Owners the opportunity to obtain substitute coverage, and upon such notice, all Owners shall be obligated to procure and obtain such insurance and maintain such insurance in full force and effect thereafter. The Board may also promulgate rules and regulations setting forth the standards such insurance coverages shall meet so as to provide substantial uniformity in the types of coverages obtained by the Owners.

(c) To the extent that the use or occupancy of a Dwelling by an Owner or the occupant of any Dwelling is otherwise permitted hereunder, the Community Association shall have the right to charge the Owner of the Dwelling for any increase in insurance premiums payable by the Community Association occasioned by such use or occupancy. No Dwelling shall be used, occupied or kept in a manner which will in any way increase fire, liability or other insurance premiums payable by the Community Association, or any other Owner without the prior written permission of the Board, which permission shall be conditioned upon the Owner of the Dwelling being required to bear the full amount of any increase in premiums payable by the Community Association. No Dwelling or any part of the Property shall be used, occupied or kept in any manner which would violate any law, statute, ordinance or regulation of any governmental body or which would lead to the cancellation of any insurance policy or policies on the Property.

(d) Should Dwelling(s), or any part thereof, be destroyed, the Owner thereof shall be and is obligated to promptly rebuild the damaged or destroyed Dwelling(s) to substantially the same condition and of like manner and appearance as immediately prior to said damage or destruction, unless repair or replacement would be illegal under any state or local health or safety statute or ordinance. In all events, any damage or destruction to a Dwelling shall be completely repaired/rebuilt as aforesaid within one (1) year from the date of said damage or destruction.

(e) Anything herein elsewhere to the contrary notwithstanding, each Owner shall be responsible to obtain liability insurance for his or her Lot and Dwelling in the form of ISO Form HO-6, or similar coverage, for betterments and improvements and personal property and personal liability.

SECTION 7.3. General Insurance Provisions.

(a) All liability insurance contracts shall contain severability of interest provisions and cross liability endorsements to cover liabilities of the Community Association or the Owners as a group. The Board and Owners shall acquire such insurance policies as required by law and the Board shall acquire such insurance as customarily acquired by associations similar to the Community Association, but the Board will specifically acquire Comprehensive "All Risk" Liability and Replacement Cost Insurance for which the Association shall be the named insured, and for which the Board will charge a determined percentage to each Owner as a Common Expense.

(b) The Board shall review, at least annually, all insurance coverage carried pursuant to this Declaration to evaluate this coverage with respect to its compliance with this Declaration, as well as with respect to what is reasonably appropriate coverage for communities comparable to the Community. In the event the Board determines after this review and evaluation that the

insurance coverage required hereunder is not consistent with other reasonably appropriate coverage when compared to coverage for communities comparable to the Property, the Board shall have the power to deviate from the specific provisions of this Section 7.2 only to the extent of providing consistent and reasonably appropriate coverage; provided the Board shall give the Owners at least thirty (30) days prior written notice of any deviation.

(c) If available, and where applicable, the Board shall endeavor to obtain policies that provide that the insurer waives its right of subrogation as to any claims against Owners, the Community Association, the Declarant, the Board and their respective servants, agents and guests.

(d) Notwithstanding the duty of the Board to maintain and, repair the Community Facilities, the Board shall not be liable for injury or damage caused by the failure of the Board to maintain or repair the same, except to the extent of the proceeds of insurance carried by the Board and collected and received therefore.

SECTION 7.4. Loss.

(a) Where a loss or damage occurs to any portion of the Community Facilities, or other insured Property, it shall be an obligation of the Association to repair and restore the damage caused by the loss unless repair or replacement would be illegal under any state or local health or safety statute or ordinance. In the event of such loss or damage:

(i) The Board shall promptly obtain reliable and detailed estimates of the cost of repair and restoration and shall have the right and obligation to negotiate and contract for the repair and restoration of the Community Facilities, or other insured Property.

(ii) If the net proceeds, having subtracted the deductible (as determined by the Board), of the insurance are insufficient to pay for the estimated cost of repair and restoration (or for the actual cost thereof if the work has actually been done), the Board shall promptly, upon determination of the deficiency, levy a special Assessment against all Owners for that portion of the deficiency which is attributable to the cost of repair and restoration of the Community Facilities, or other insured Property. The special Assessment funds shall be added by the Board to the insurance proceeds available for the repair and restoration.

(iii) In the event the insurance proceeds are sufficient to pay for the cost of restoration and repair, or in the event the insurance proceeds are insufficient, but additional funds are raised by special Assessment, so that sufficient funds are on hand to fully pay for the restoration and repair, then no Mortgagee shall have the right to require the application of insurance proceeds to the payment of its loan.

(b) If for any reason the Community Facilities or other insured Property are not able to be repaired or replaced, the Board shall have the power to do the following:

(i) The insurance proceeds attributable to damaged Community Facilities or other insured Property shall be used to restore the damaged area to a condition compatible with the remainder of the Property as determined by the Board;

(ii) The insurance proceeds attributable to Community Facilities or other insured Property which are not rebuilt shall be utilized by the Association to offset Common Expenses or added to reserve accounts, as determined by the Board; and

(iii) The remainder of the proceeds shall be distributed equally to the Owners and their mortgagees as their respective interests may appear.

(c) The Board is hereby empowered to compromise and settle claims arising under insurance policies purchased by the Association, and to execute and deliver releases therefore, upon the payment of claim

ARTICLE VIII - EASEMENTS

SECTION 8.1. Utilities.

(a) All of the Property shall be subject to an easement for the present and future installation and maintenance of electric service, master and/or cable television service, telephone service, water service, storm water and sanitary sewage services and other utility services and the facilities and appurtenances necessary to the same, which easement shall run in favor of the Declarant, the Community Association and the entity or entities owning or operating these facilities and providing the aforementioned services, including, but not limited to, the Utilities. The Declarant and the Board shall have the right to grant to third parties additional utility easements which are deemed reasonable by the Declarant and the Community Association shall have the right to connect or tie into an Owner's outdoor water spigots and to use reasonable amounts of water therefrom without cost or charge for purposes of watering planted and grass areas of the Property, including the Owner's Lot. This right shall continue as to areas of the Property for a period of ninety (90) days after the planting of these areas with landscaping, seed or sod.

(b) The Declarant, for itself and its successors and assigns, and for each Lot within the Property, hereby covenants, and each Owner of any Lot, by acceptance of a deed or other transfer documents therefore, hereby covenants and agrees to maintain and repair the Wastewater Service Line servicing such Lot as applicable; to allow inspection by the applicable Utilities, to remove any blockage in said line, including without limitation blockage beyond clean-outs on the Lot and to remediate any environmental damage caused by breakage, blockage, or leakage thereof; and to pay or cause to be paid the service fees required under the terms of the Wastewater Agreement. No outdoor shower, downspout, sump pump or other device collecting rainwater or groundwater shall be connected to the wastewater system; any violation of this prohibition shall authorize and entitle the applicable Utilities to arrange for shut-off of potable water service to the applicable Lot.

SECTION 8.2. Association & Board Access.

The Community Association and its Board, officers, agents and employees, and any management company and its agents and employees, shall have the irrevocable right and easement to have access to each Dwelling and Lot as may be necessary for the inspection, maintenance, repair or replacement of any of the Community Facilities therein or accessible therefrom, or the making of any addition or improvements thereto, or to make other repairs, or fulfill any other requirements herein, to any Dwelling, Lot, and the Community Facilities, or to abate any violation of this Declaration or any rules or regulations of the Community Association or any violation of any laws or orders of any governmental authorities having jurisdiction over the Property.

SECTION 8.3. Declarant's Easement for Marketing.

For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right with respect to its marketing of Dwellings for this or other affiliated properties to use the Community Facilities without any charge or payment and, to the extent not already conveyed to purchasers, Lots or Dwellings for the ingress and egress of itself, its officers, employees, agents, contractors, subcontractors and prospective purchasers. The Declarant also reserves the right to permit prospective purchasers to park in any parking spaces located in the Community Facilities. The Declarant shall also have the right, in connection with its marketing of Dwellings, to erect signs on the Community Facilities, or on those Dwellings not already conveyed to purchasers. Any damage to the Community Facilities resulting from this easement shall be repaired by the Declarant within a reasonable time after the completion of its sale of all of the Dwellings in the Community or termination of the use of the Community Facilities, whichever shall occur first. The Declarant agrees to indemnify the Community Association from all liabilities resulting from the use of the Community Facilities in conjunction with the marketing of Dwellings. The rights reserved for the Declarant by this Section 8.3 shall remain in effect for as long as the Declarant shall remain the Owner of or have the right to create or build a Dwelling on the Property. This Section 8.3 shall not be amended without the prior written consent of the Declarant.

SECTION 8.4. Declarant's Easement for Construction.

The Declarant reserves the right with respect to the construction of Dwellings and Community Facilities to go upon any and all of the Property for purposes of construction, reconstruction, maintenance, repair, renovation, replacement or correction of the Community Facilities or Dwellings (including without limitation, to change the grade of any portion of the Property and/or to install drainage control devices so as to control possible drainage and/or runoff of storm water in connection with the development of the Property or adjacent lands). This easement shall be appurtenant to and shall pass with title to every Dwelling. The rights hereby reserved for the Declarant shall last as long as the Declarant is the Owner of or has the right to create or build a Lot or Dwelling on the Property. This Section 8.4 shall not be amended without the prior written consent of the Declarant.

SECTION 8.5. Encroachments.

If any portion of the Community Facilities hereafter encroaches upon any Dwelling or Lot, or if any Dwelling hereafter encroaches upon any other Dwelling, Lot or upon any portion of the Community Facilities as a result of settling or shifting of any Dwelling, other than as a result of the purposeful or negligent act or omission of the Owner of the encroaching Dwelling or of the Community Association in the case of encroachments by the Community Facilities, a valid easement appurtenant to the encroaching Dwellings or Community Facilities for the encroachment and for the maintenance of the same shall exist for so long as the encroachment shall exist.

SECTION 8.6. Rights of the Declarant & Obligations of Owners With Respect to Utilities.

The rights and duties of the Owners of Dwellings within the Property with respect to sanitary sewer, storm sewer, water, electricity, telephone lines and facilities shall be governed by the following:

(a) Wherever sanitary sewer house connections and/or water house connections or electricity, telephone, gas or television lines are installed within the Property, which connections or any portion thereof lie in or upon a Lot owned by the Owner of a Dwelling served by these connections, the Declarant (as long as it owns a Lot or Dwelling in the Property) and the Community Association shall have the right, and are hereby granted an easement to the full extent necessary therefore, to enter upon the Lot or Dwelling and to have the utility companies or authorities enter upon the Lot or Dwelling in or upon which the connections, or any portion thereof lie to repair, replace and generally maintain the connection as and when they may deem the same necessary. The Community Association shall be responsible for restoring the surface of the easement area to the same condition which existed prior to the use to the extent that the utility company or authority is not so responsible or has not done so.

(b) Wherever sanitary sewer house connections and/or water house connections or electricity, telephone, gas or television lines are installed within the Property which connections serve more than one Dwelling, the other Owner of each Dwelling served by the connection shall be entitled to the full use and enjoyment of the portions of the connections as serve his Dwelling or Lot.

(c) In the event of a dispute between Owner and the Community Association with respect to repair or rebuilding of these utility connections, or with respect to the sharing of the costs thereof, upon written request of any one of these Owners, addressed to the Community Association, the matter shall be submitted to the Board, who shall decide the dispute, and the decision of the Board shall be final, conclusive and binding on all parties.

SECTION 8.7. Continuing Easements.

Each Owner and the Declarant shall have an easement of use, access, ingress and egress to, from, over and through any private road and/or sidewalk which is located either totally or partially within an Owner's Lot.

SECTION 8.8. Easements for Municipal Officials.

Municipal officials such as fire and police personnel shall have the right to specific easements over the Property to provide the public services incident to their respective job duties during the time necessary thereto, for purposes of enforcing the applicable laws, ordinances, rules, and regulations of the said governmental bodies.

SECTION 8.9. Easements to Run With the Land.

The foregoing easements provided for in this Article VIII shall run with the land and inure to the benefit of and be binding upon the Community Association, each Owner, the Declarant, each Eligible Mortgage Holder, and each occupant or other person having any interest in any Dwelling or in the Community Facilities at the time of reference.

ARTICLE IX - ASSESSMENT OBLIGATIONS OF OWNERS

SECTION 9.1. Owners' Assessment Obligation.

(a) Aside from and in addition to Assessments provided for below each Owner of any Dwelling shall pay at settlement on his Dwelling (whether the initial sale from Declarant or at a subsequent sale by an Owner) a Five Hundred ($500.00) Dollar payment of which one-half (1/2) shall be deposited to the repair and maintenance reserve fund, and one-half (1/2) shall be used by the Association for operating expenses of the Community.

(b) Each Owner shall be deemed to covenant and agree to pay to the Community Association all Assessments, including, but not limited to the following:

(i) Regular Assessments for Common Expenses to be established annually and made due and payable on a monthly basis as determined from time to time by the Board based upon the budget of the Community Association. Due to the relative benefits and costs of servicing the Carriage House Dwellings and Twin Dwellings vs. the Detached Dwellings, Detached Dwellings shall at all times be assessed for Common Expenses at a rate determined by the Board that is ten (10%) percent to twelve (12%) percent more than the rate at which Carriage House Dwellings and Twin Dwellings are assessed for Common Expenses (on a Dwelling by Dwelling basis). The Board will allocate the Common Expense liability (which excludes any liability for Limited Charges, provided for separately in (iii) below) for each type of Dwelling using the following formulas:

"X" = the monthly Assessment for Common Expenses determined by the Board to be levied upon each Carriage and Twin Dwelling

111 Total Carriage and Twin Dwellings * X = Total Carriage and Twin Assessments for Common Expenses ("Y")

67 Total Detached Dwellings * (X*[1.1 to 1.12, as determined by the Board]) = Total Detached Assessments for Common Expenses ("Z")

Y + Z = Total Monthly Amount of Common Expenses Assessed for the Entire Community ("TMCE")

Y / TMCE = % of TMCE levied upon Owners of Carriage and Twin Dwellings ("Y%")

Z / TMCE = % of TMCE levied upon Owners of Detached Dwellings ("Z%")

Y% / 111 = the % of TMCE allocated to each Carriage Dwelling and Twin Dwelling

Z% / 67 = the % of TMCE allocated to each Detached Dwelling

By way of example, if the Board determines that Detached Dwellings shall be assessed for Common Expenses at a rate that is twelve (12%) percent more than the rate at which Carriage House Dwellings and Twin Dwellings are to be assessed, then using the above formulas the Common Expense liability of a Carriage House Dwelling would be approximately 0.537%, the Common Expense liability of a Twin Dwelling would be approximately 0.537%, and the Common Expense liability of a Detached Dwelling would be approximately 0.602%.

(ii) Special Assessments fixed, established and collected from time to time as determined by the Board for costs and expenses other than those for routine maintenance and repair. The Common Expense liability of a Dwelling for a special Assessment shall be determined in the same manner that the Common Expense liability of Dwelling for regular Assessments for Common Expenses is calculated.

(iii) Limited Charges against any one or more Dwellings to provide services which are exclusively used for such Dwellings. Each Assessment, together with interest thereon, fines, late charges and costs of collection thereof (including attorneys' fees) as hereinafter provided shall also be the personal obligation of the Owner who was the Owner of the Dwelling at the time when the Assessment became due.

(iv) Any other charges or Assessments for what may be determined from time to time by the Community Association to be Common Expenses.

(v) Any interest charges, attorneys' fees, penalties or fines levied by the Board for nonpayment of Assessments or for non-compliance with the terms and provisions of this Declaration, the Bylaws or any rules or regulations created by the Board.

SECTION 9.2. Budgets.

The Board shall prepare a proposed budget of the Association at least sixty (60) days before the beginning of each fiscal year and set a date for a meeting of the Association. After the termination of the Declarant Control Period, the Board shall cause a summary of the proposed budget, and the amount of the Assessments to be levied against each Dwelling for the following year, along with notice of the meeting of the Association Members to consider ratification of the budget not less than fourteen (14) or more than sixty (60) days after providing such summary, to be delivered to each Owner within thirty (30) days after providing such summary, to be delivered to each Owner within thirty (30) days after adoption of the proposed budget. Unless at such meeting a majority of all Owners reject the proposed budget, such proposed budget is ratified as the budget for such fiscal year, whether or not a quorum is present at such meeting of the Association. Notwithstanding the foregoing, however, in the event that the membership disapproves the budget or the Board fails for any reason to determine the budget for any fiscal year of the Association, then and until such time as a budget shall have been determined as provided herein, the budget in effect for such immediately preceding fiscal year shall continue for the succeeding fiscal year.

SECTION 9.3. Budget Deficit During Declarant Control Period.

If any annual budget deficit (defined as actual annual Association expenses exceeding Association income adjusted upwards by the amount of any annual Assessments that are due and payable from Owners but remain delinquent and unpaid at the end of the applicable fiscal year) remains at the end of the Association's fiscal year for which a budget was approved by the Board during the Declarant Control Period only, after the application of all such working capital funds towards such deficit, then the Declarant shall make a nonrefundable capital contribution to the working capital fund of the Association in the amount of such remaining budget deficit.

SECTION 9.4. Open Space Maintenance Contribution.

The Declarant shall establish a fund pursuant to Chapter 40, Article 27 of the New Castle County Code for the purpose of maintaining open space and common facilities. Such maintenance fund shall be funded by a one-time assessment of Six Hundred Ninety-Eight Dollars and Eighty-Eight Cents ($698.88), and shall be payable by the initial purchaser of each Dwelling at the earlier of settlement or occupancy of such Dwelling, and thereafter by subsequent purchasers of the Dwelling for value upon settlement of each sale and conveyance of the Dwelling. Such one-time assessments shall be levied for so long as required by New Castle County.

SECTION 9.5. Owners' Negligence.

Each Owner shall be obligated to reimburse the Association for any expenses incurred by it in repairing or replacing any part or parts of the Community Facilities, party walls, or any component of a Dwelling for which the Association has responsibility for replacement, maintenance or insurance, damaged by his act, omission or negligence or by the act, omission or negligence of his agents, guests or licensees, promptly upon receipt of the Association's statement therefore.

SECTION 9.6. Surplus Funds.

Any Common Surplus remaining after payment of or provision for Common Expenses and any payment of reserves may be used by the Association as determined by the Board and, to the extent not used or deposited by the Board into a reserve account, may be credited to the Owners to reduce their future Assessments.

SECTION 9.7. Time of Payment.

Except as otherwise provided in this Declaration, time for payment of Assessments by an Owner shall be fixed at the discretion of the Board; provided that all regular and special Assessments shall be declared by the Board and made due and payable on an annual basis. The failure of the Board to formally declare any annual Assessment shall result in the regular annual Assessment for the immediately preceding year being the regular annual Assessment applicable to and due and payable for the current year.

SECTION 9.8. Lien for Assessments.

The regular and special Assessments for Common Expenses and Limited Charges, together with any interest thereon, fines, late charge and cost of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien pursuant to DUCIOA § 81-316 upon the Dwelling against which each Assessment is made from the time the Assessment, fine, late charge or cost of collection become due. Each Assessment, together with interest thereon, fines, late charges and cost of collection thereof as hereinafter provided shall also be the personal obligation of the Owner of the Dwelling at the time when the Assessment becomes due.

SECTION 9.9. Late Payment of Assessments.

Any Assessment or installment thereof not paid within thirty (30) days after the due date may bear interest from the due date at the rate of fifteen percent (15%) per annum or a higher rate permitted by law which the Board shall from time to time determine. The Board may assess fines, late charges and costs of collection (including attorneys' fees). The Board shall also have the right to charge a delinquency Assessment, as established from time to time by the Board, against any Owner whose Assessments are delinquent for a period exceeding ten (10) days from the due date. The Board shall have the right to accelerate payment of all remaining proposed payments of any regular or special Assessments for the remainder of the fiscal year.

SECTION 9.10. Method of Enforcing Collection of Assessments.

Any Assessment charged against an Owner may be enforced by a lawsuit or execution of a lien brought by the Board on behalf of the Association and/or the Owners in an action at law or equity against the Owner personally obligated to pay the same, or by executing the lien described herein against the Lot or Dwelling, or both, and the Board may seek whatever other remedies which are available at law or in equity. In addition to these rights and remedies available to the Association, the Association shall have the right to revoke the rights of an Owner in the Association to the extent permitted under DUCIOA; provided the Association shall provide written notice of any revocation of rights and an opportunity for the defaulting Owner to be

heard before the Board. The decision of the Board shall be final. Any judgment against a Lot and its Owner shall be enforceable in the same manner as is otherwise provided by law. Attorneys' fees, court costs and collection expenses incurred by the Board incident to the collection of any Assessments or the enforcement of any lien, together with all sums advanced and paid by the Board for taxes and payments on account of superior liens which may be required to be advanced by the Board in order to protect its lien, shall be payable by the Owner and secured by this lien.

SECTION 9.11. Unpaid Assessments at the Time of Execution Sale Against a Dwelling.

In the event that title to a Dwelling is transferred by sheriff's sale pursuant to execution upon any lien against the Dwelling, the Board may give notice in writing of any unpaid Assessments, which are a charge against the Dwelling but have not been reduced to a lien, to the sheriff and the sheriff shall pay the Assessments of which he has notice out of the proceeds of the sale which remain in his hands for distribution after payment of all other claims which he is required by law to pay, but prior to any distribution of the balance to the former Owner against whom the execution issued. Any unpaid Assessments which cannot be promptly collected from the former Owner may be reassessed by the Board as a Common Expense to be collected from all the Owners, including the purchaser or acquirer of title at the sheriff's sale, his successors and assigns. To protect its right to collect unpaid Assessments which are a charge against a Dwelling, the Board may, on behalf of the Owners, purchase the Dwelling at sheriff's sale; provided this action is authorized by the affirmative vote of a majority of the Board. If it does so purchase, the Board shall thereafter have the power to sell, convey, or mortgage the Dwelling to any person whatsoever.

SECTION 9.12. Voluntary Sale of a Dwelling.

Upon the voluntary sale or conveyance of a Dwelling, or any other transfer, by operation of law or otherwise, except a transfer described in Section 9.11 of this Declaration, and a transfer by Deed in lieu of foreclosure to an Eligible Mortgage Holder, the grantee shall be jointly and severally liable with the grantor for all unpaid Assessments which are charges against the Dwelling as of the date of the sale, conveyance or transfer. This joint and several liability shall be without prejudice to the right of the grantee to recover from the grantor in the amount of any unpaid Assessments which the grantee may pay, and until these Assessments are paid, they shall continue to be a charge against the Dwelling, which may be enforced in the manner set forth above; provided, however, any person who shall have entered into a written agreement to purchase a Dwelling shall be entitled to obtain a written statement from the Treasurer of the Association setting forth the amount of unpaid Assessments charged against the Dwelling and its Owner, and if the statement does not reveal the full amount of the unpaid Assessments as of the date it is rendered, neither the purchaser nor the Dwelling after transfer thereof shall be liable for the payment of the amount in excess of the unpaid Assessments shown on the statement.

SECTION 9.13. Mortgage Foreclosure.

If an Eligible Mortgage Holder or other purchaser of a Dwelling acquires title to the Dwelling as a result of foreclosure of the first mortgage, or by deed in lieu of foreclosure, the

acquirer of title, his successors and assigns, shall not be liable for the share of Common Expenses or other charges by the Association pertaining to the Dwelling or chargeable to the former Owner which accrue prior to acquisition of title as a result of the foreclosure. The unpaid share of the charges shall be a Common Expense collectible from all Owners, including the acquirer of the Dwelling by foreclosure, his successors and assigns.

SECTION 9.14. Declarant's Assessment Obligation and Assumption of Deficits.

(a) The Declarant shall not be liable for any Assessments or charges levied by the Association against Lots or Dwellings owned by the Declarant, except for Dwellings leased by Declarant to third party tenants.

ARTICLE X - TRANSFER OF DWELLINGS

SECTION 10.1. Transfer of Dwellings.

Any Owner may, at any time, transfer Ownership in the Lot and Dwelling (which must include such Owner's membership in the Association) to any other person, and it shall not be necessary to secure the prior consent of the Association, Board or any other Owner; provided however any such transfers shall be subject to this Declaration and the regulations regarding age of occupants as provided for in the applicable zoning regulations of New Castle County and the Fair Housing Act and its amendments as referred to above in subsection 4.1(a). Sales to be approved must comply with the Board's policies as described in 4.1, including, without limitation, the Board's right to enact rules and regulations as set forth therein.

SECTION 10.2. Leasing of Dwellings.

Any Owner shall be permitted to lease his Dwelling, provided that such lease shall (i) have an initial term of one (1) year or longer, (ii) contain provisions advising the tenant of his or her obligation to comply with all provisions of the Governing Documents, (iii) be approved by the Board prior to its effective date; and (iv) provide that the Association shall have the right, in addition to all other rights provided by DUCIOA and any other applicable laws, to terminate the lease upon default by the tenant in observing any of the provisions of the Governing Documents. At least one tenant under any lease of a Dwelling must satisfy the requirements of subsection 4.1(a) hereof (regarding the age of 55 or over requirement). The Owner(s) of a leased Dwelling shall notify the Association in writing of the Owners' current address. The Owner(s) of a leased Dwelling shall be jointly and severally liable with his tenant(s) to the Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence, of the tenant(s). Every lease shall be subordinate to any lien filed by the Association, whether before or after such lease was entered into. In the event the Association fails to approve, with or without conditions, or deny a proposed lease within forty-five (45) days from the date the form of the proposed lease shall have been submitted, then approval will be deemed to have been denied.

SECTION 10.3. Mandatory Disclosure to Purchaser.

(a) Within five (5) days after the execution of an agreement for the sale of the Dwelling by the Owner, the Owner shall submit to the Association the names and addresses of the Purchaser. No later than sixty (60) days before settlement under said agreement of sale, Owner shall notify the Association in writing of its desire for the Certificate (defined below), and the Association shall deliver the same within fifteen (15) days to Owner to give the same to the purchaser at least thirty (30) days before Settlement.

(b) On or before the settlement of a Dwelling, the Association shall furnish a certificate ("Certificate") issued by the Association, which Certificate shall be acknowledged by the purchaser on or before Settlement on the Dwelling and promptly returned to the Association, containing the following information:

(i) A statement of the then current amount of the Assessments payable annually and any unpaid Assessments currently due and payable from the selling Owner;

(ii) A statement of any other fees payable by the selling Owner;

(iii) A statement of any special Assessments currently proposed or adopted by the Association for the current and next two succeeding fiscal years, if these have been determined;

(iv) A statement of the amount of any reserves or any portions of those reserves designated by the Association for any specified project;

(v) A copy of the most recent regularly prepared balance sheet and income and expense statement of the Association;

(vi) A copy of the current operating budget of the Association;

(vii) A statement describing any insurance coverage which may be provided for the benefit of Owners;

(viii) A current copy of this Declaration, the Bylaws, all rules and regulations promulgated by the Association, any amendments to the foregoing and any other covenants, conditions or restrictions and related documents which may apply to the Dwelling;

(ix) Such additional information as may be required by § 81-409 of DUCIOA.

(c) A purchaser shall not be liable for any unpaid Assessments greater than those set forth in the Certificate, other than additional Assessments or other charges arising from the passage of time. The Association shall have the power to assess the reasonable cost of the preparation of the Certificate to the selling Owner or other requesting person and require payment thereof prior to the delivery of the Certificate to the selling Owner or other requesting person. The Association is not liable to any Owner or purchaser for any errors in the Certificate or for failure to comply with the foregoing requirements, except for the Association's intentional misconduct.

ARTICLE XI - USE AND ADDITIONAL RESTRICTIONS

SECTION 11.1. Use Restrictions.

(a) Except as used by the Declarant in connection with its construction and marketing of Dwellings, each Dwelling shall be used for residential purposes only; provided (subject to subsection (h) below) that home occupations may be carried on in the Dwelling if the use is incidental to the Dwelling's primary residential use, shall have no employees at the Dwelling, shall be in compliance with all zoning and other applicable laws, ordinances, and any rules or regulations, and shall be approved by the Board and by any municipal authorities having jurisdiction over the use. No Owner shall permit his Dwelling to be used or occupied for any prohibited purpose.

(b) No part of the Property shall be used so as to create a nuisance or an unreasonable interference with the peaceful possession and occupation or proper use of any other Dwelling or the Community Facilities. In illustration and not limitation of the foregoing, no Owner, guest or invitee shall play loud music, create excessive noise, or permit trash or clutter to accumulate on his Lot.

(c) Except for work done by the Declarant in connection with the construction and marketing of Dwellings, nothing shall be built, caused to be built or done in or to any part of the Property which will alter or cause any alteration to the Property, Community Facilities, Lots, or exteriors of Dwellings without the prior written approval of the Board.

(d) The interior of each Dwelling shall be maintained by its Owner or occupant in a safe, clean and sanitary manner and condition, in good order and repair and in accordance with all applicable restrictions, conditions, ordinances, codes and any rules or regulations as may be applicable hereunder or under law. All drapes and other window treatments shall be all white or off-white on the side facing the outside of the Dwelling.

(e) No Owner or occupant of any Dwelling shall carry on, or permit to be carried on, any practice which unreasonably interferes with the quiet enjoyment and proper use of another Dwelling or the Community Facilities by the Owner or occupant of any other Dwelling, or which creates or results in a hazard or nuisance on the Property.

(f) Except for a single non-illuminated address number sign to a Dwelling and except for the right reserved for the Declarant for sign(s), no sign may be erected by any Owner on or in a Lot or Dwelling (visible from the outside of the Dwelling) or on any of the Community Facilities, without the prior written approval of the Board. In no event shall any Owner or occupant display any real estate for sale sign of any kind on any Lot except in compliance with subsection (v) hereof. If permission is granted to any Owner to erect a sign, the Board reserves the right to restrict the size, shape, color, lettering, height, material and location of the sign, or in the alternative, provide the Owner with a sign to be used for such purposes.

(g) No Owner or occupant may obstruct the Community Facilities in any way. No Owner or occupant may store anything in or on the Community Facilities without the prior written approval of the Board.

(h) Each Dwelling shall be occupied by not more persons than the maximum permitted by law for the Dwelling.

(i) Any pet creating excessive noise, so as to disturb another Owner, whether the animal is creating a disturbance from within or outside the Dwelling; must be removed from the Property. A maximum of three (3) dogs, cats and/or other small domesticated animals may be kept by an Owner as household pets, provided that such permitted species are not kept for any commercial purposes. No non-domestic animal life may be raised, bred or kept in any Dwelling or Lot or in the Community Facilities. Non-domestics animals include, without limitation, chickens and pigs. No Owner may permit their animals to be unleashed or to defecate, without clean-up, in the common areas. Pet owners are to take extra care to not have their pets urinate or defecate on landscaped areas. Feeding of wild animals shall be prohibited; provided, however, that small bird feeders may be permitted by rule of the Board. Pet owners are fully responsible for personal injuries and/or property damage caused by their pets.

(j) No portion of the Property shall be used or maintained as a dumping ground for rubbish, trash, new or used lumber or wood, metal scrap, garbage or other waste, except that such material may be kept on the Lot or in areas of the Property designated for this purpose by the Declarant (in connection with its construction) or the Board; provided these materials shall be kept in sanitary containers and in a clean and sanitary condition. These containers shall be placed for collection only in the designated areas and only on the day these refuse materials are to be collected. Empty containers shall be removed promptly after collection.

(k) No Owner or occupant shall erect or maintain an exterior antenna on any Lot or Dwelling. An Owner may install a small satellite dish with the prior written approval of the Board consistent with applicable federal law. Application for such approval shall in all cases include a detailed plan locating the proposed dish on the property and landscaping plan to conceal the dish from view from the remainder of the Property, and any consent by the Board will be conditioned upon installation, maintenance and replacement of such landscaping. The Board reserves the right to reject an application if the satellite dish has to be located in an area which, by the Board's sole discretion, cannot be adequately screened from other homes and the Community Facilities.

(l) Only currently registered and licensed four wheel vehicles, two wheel motorcycles and standard bicycles may be operated on driveways, streets, and other paved parking areas on the Property. No vehicles of any sort may be operated on other areas of the Property. For avoidance of any doubt, only four wheel passenger vehicles used on a regular basis by the Owner or a temporary guest may be parked outside a garage of any Dwelling. Any van, truck, motorcycle, bicycle, all-terrain vehicle, golf cart, snowmobile, commercial vehicle (except on a day-to-day temporary basis in connection with repairs maintenance or construction work on the Property), and any recreational vehicle, mobile home, boat, trailer or similar equipment can only be parked on the Property if entirely enclosed in the garage of a Dwelling or by rule and regulation of the Board. Any maintenance, servicing, or repair of any vehicle is permitted only in a nearly enclosed garage.

(m) The Board shall have the power to remove any sign not in accord with the requirements of subsection (f) and to charge the person or persons causing the erection of same

the cost thereof. In the event that the person so responsible cannot be ascertained or the funds cannot be collected, then the Board shall be permitted to pay the same from the Association funds.

(n) To the extent maintenance is not specifically provided by the Association the Owner of each Dwelling shall maintain the Dwelling in a manner satisfactory to the Association and in accordance with those additional covenants, conditions or restrictions which may apply to the Dwelling. In the event that a Dwelling shall not be so maintained, the Association shall have the right to enter upon the Dwelling to maintain the same, after giving the Owner at least fourteen (14) days written notice to cure any maintenance problems or deficiencies, and, in this event, the Association shall have the right to assess the particular Owner for the cost of any maintenance and an administrative surcharge. The Association by its Board shall have the right to establish rules and regulations governing the exterior maintenance of any Dwelling.

(o) No tents, storage tanks, sheds, or accessory buildings or structures shall be erected or permitted to remain on the Property without the prior written approval of the Board.

(p) No outdoor clothes lines may be erected, installed or permitted to remain on any Lot.

(q) No Owner may moor or launch a boat, build a dock, fish, swim, wade, skate or other similar use in/on the ponds on the Property, if any.

(r) No tree, shrub, bush or other plant of any kind located on the Community Facilities may be cut down, trimmed, relocated, uprooted or altered in any way except by the Association, and no tree climbing or other hazardous activity of any kind is permitted on the Community Facilities.

(s) No swimming pools above or below ground are permitted, except for the swimming pool that is shown on the Plan as part of the Community Facilities.

(t) No building, fence, wall or other structure or improvement including, but not limited to, landscaping or plantings (other than periodical plantings in plant bed(s) adjacent to Dwellings consistent with Association rules and regulations or guidelines) shall be commenced, erected, installed, placed or maintained upon an Owner's Lot or Dwelling, nor shall any exterior addition to or change (including change of external color scheme) or alteration or addition be made to any Dwelling which alters the external appearance of the Dwelling, the Lot or fence erected on the Lot by the Declarant, if any, prior to submitting an application for review to and receiving prior written approval by the Board. In addition, no man-made object, including, without limitation, statuary, grills, hoses, furniture, swings, bird baths and/or any objects of any other nature, may be placed on any portion of any Lot except on paved areas thereon at any time. The foregoing is in recognition of the need to keep all landscaped areas free from obstructions to facilitate the Association's common maintenance of all Lots.

(u) Each Owner shall submit to the Association, plans and specifications showing the nature, kind, shape, height, materials, finish, colors and location of the Owner's proposed changes, alterations or additions to the Lot or Dwelling. The submission shall contain proof of compliance with all applicable codes, laws and ordinances. The Association shall have the right

to request additional information, plans and materials concerning any proposed alterations, additions and improvements. In the event the Association fails to approve, with or without conditions, or deny the application within forty-five (45) days from the date all plans and specifications, including all additional information, plans and materials which may be requested by the Association have been submitted, approval will be deemed to have been denied. The Association shall review the plans to determine whether they are consistent with the original design and construction of the Lots and Dwellings in the Property. The Board shall have the right to establish design criteria and standards for alterations, additions and improvements within the Property.

(v) Any Owner wishing to sell his Dwelling shall provide to the Association the name and telephone number of the listing agent (if any), or the Owner's telephone number if there is no listing agent. The Owner shall prepare and install on the Owner's Lot, at the Owner's expense and in a location mutually acceptable to the Owner and the Association, a sign in accordance with subsection (f) and the determination of the Board. The Board may, from time to time, adopt and enforce rules and regulations regarding the size, style, form and location of all such signs.

(w) No window air conditioners or window fans which project beyond the window screen shall be permitted.

(x) In accordance with § 81-320(c) of DUCIOA, any Owner shall have the right to display the flag of the United States of America, measuring up to three (3) feet by five (5) feet, on a pole attached to the exterior wall of such Owner's Dwelling.

(y) The provisions of this Article XI shall not apply to the Declarant.

ARTICLE XII – Pparty WALLS

SECTION 12.1. Party Walls.

(a) General Rules of Law to Apply. To the extent not inconsistent with the provision of this Article XII, the general rules of law regarding party walls and liability for property damage due to negligence or willful act or omissions shall apply to each party wall or party fence which is built as part of the original construction of the Carriage House Dwellings and Twin Dwellings upon the Property and any replacement thereof.

(i) In the event that any portion of any structure, as originally constructed by the Declarant, including any party wall, shall protrude over an adjoining Lot such structure, or party wall, shall not be deemed to be an encroachment upon the adjoining Lot or Lots, and Owners shall neither maintain any action for removal of a party wall or fence or projection nor any action for damages. In the event there is a protrusion as described aforesaid, it shall be deemed that the Owners and, where applicable, the Association have granted perpetual easements to the adjoining Owner or Owners for continuing maintenance and use of the projection or party wall. The foregoing shall also apply to replacements of any structures, or party walls if same are constructed in conformance with the original

structure, or party wall constructed by the Declarant. The foregoing conditions shall be perpetual in duration and shall not be subject to amendment of these covenants and restrictions.

(b) Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared equally by the Owners who make use of the wall in proportion to such use.

(c) Destruction by Fire or Other Casualty. If a party wall or party fence is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall or fence, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

(d) Weatherproofing. Notwithstanding any other provision of this Article XII, an Owner, who by his negligent or willful act causes the party wall to be damaged, or exposed to the elements, shall bear the whole cost of repairing the damage and/or furnishing the necessary protection against such elements.

(e) Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors and assigns in title.

(f) Arbitration. In the event of any dispute arising concerning a party wall or party fence, or under the provisions of this Article XII, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators and be binding upon the parties. The costs of such arbitration shall be shared equally by the parties.

(g) Control. In case of any conflict between the terms and provisions of this Article XII and any other provisions of this Declaration, the terms and provisions of this Article XII will control.

ARTICLE XIII - COMPLIANCE AND DEFAULT

SECTION 13.1. Compliance and Default.

Each Owner shall be governed by and shall comply strictly with the terms, covenants, conditions and restrictions of this Declaration, the Bylaws and any rules and regulations adopted pursuant thereto, and the same as may be amended from time to time.

SECTION 13.2. Enforcement.

Failure of an Owner to comply with any provision of this Declaration or the Bylaws or any rules and regulations adopted pursuant thereto shall entitle the Association or Owners to the remedies provided in this Declaration, and also to the following relief, none of which shall be exclusive of any other remedies:

(a) Suits: The Association or any aggrieved Owner shall be permitted to sue for the recovery of damages or for injunctive relief, or both; provided, that the Owner has exhausted his remedies provided for herein. This relief shall not be exclusive of other remedies provided by law.

(b) Costs and Attorneys' Fees: In any proceeding arising hereunder, the prevailing party shall be entitled to recover the costs of the proceeding and reasonable attorneys' fees; provided, however, that no costs or attorneys' fees may be recovered against the Board in any action unless the court shall first expressly find that the Board acted in bad faith.

(c) No Waiver of Rights: The failure of the Declarant, or the Board, or any Owner to enforce any covenant, restriction or other provision of this Declaration, the Bylaws or any rules and regulations adopted pursuant thereto, shall not constitute a waiver of the right to do so thereafter.

SECTION 13.3. Complaint & Hearing Procedures; Actions by Owners.

No Owner or occupant shall have the right to object, challenge, commence any suit at law or in equity or take any other action under any act, power or authority now in force or hereafter to be enacted except after following procedures established by the Board by rule or regulation consistent with the provisions of this Section 13.3. The Board, or a committee appointed by the Board, shall hear complaints from Owners or occupants of alleged violations of this Declaration (other than violations with respect to assessment obligations), the Bylaws and any rules and regulations of the Association. The Board, or a committee appointed by the Board, shall hold a hearing on any complaint within thirty (30) days after the receipt by the Board of a formal notice of complaint from an Owner or occupant. A decision shall be issued in writing by the Board within ten (10) days after the conclusion of the hearing. The Board shall have the right to establish various rules and procedures governing the operation and administration of the complaint and hearing process and the enforcement of the Association documents and rules and regulations. Unless the internal remedies provided by this Section 13.3 and any rules and regulations promulgated by the Board shall be expressly waived by the Association, or the Association fails or refuses to act, no action at law or in equity shall be commenced by any Owner or occupant until this internal remedy is pursued to exhaustion. Any action by an Owner or occupant against any other Owner or occupant arising out of any term, covenant or condition contained in the Bylaws, this Declaration or any rules and regulations adopted pursuant thereto shall be subject to the same procedures. In hearings before the Board, or a committee appointed by the Board, all parties shall be entitled to be represented by counsel.

ARTICLE XIV - INDEMNIFICATION OF OFFICERS, MEMBERS OF THE DIRECTORS AND COMMITTEE MEMBERS

SECTION 14.1.

The Association shall indemnify every member of the Board, officer and committee member, his heirs, executors and administrators, against all loss, costs and expenses, including counsel fees, reasonably incurred by him in connection with any action, suit or proceeding to

which he may be made a party by reason of his being or having been a member of the Board, officer or a committee member of the Association, in accordance with and to the same extent as is permitted and as limited by the provisions of the Delaware Corporation Law (the "Corporate Law"), as amended from time to time. In the event of a settlement, indemnification shall be provided only in connection with those matters covered by the settlement as to which the Association is advised by independent counsel that the person to be indemnified may be indemnified under the Corporate Law. The foregoing rights shall not be exclusive of other rights to which the Director, officer or committee member may be entitled. All liability, loss, damage, costs and expenses incurred or suffered by the Association by reason of or arising out of or in connection with the foregoing indemnification provisions shall be treated by the Association as Common Expenses; provided, however, that nothing contained in this Section 14.1 shall obligate the Association to indemnify any Member of the Association, who is or has been a member of the Board, an officer or a committee member with respect to any duties or obligations assumed or liabilities incurred by him under and by virtue of his membership in the Association.

ARTICLE XV - AMENDMENTS

SECTION 15.1. Amendments.

This Declaration may be amended by an instrument signed by, or the affirmative vote of, Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Association Members and shall require the prior written consent of the Declarant (for so long as the Declarant shall own any portion of the Property or Project). Any amendment must be Recorded in the Recorder's Office.

SECTION 15.2. Changes and Modifications by Declarant.

(a) The Declarant shall have the right, for a period of twenty (20) years following the date of recordation of this Declaration, without the consent or joinder of the Association Members, any Mortgagee, or the Association, or any other party, to modify, amend or change any of the provisions of this Declaration, as the Declarant may deem necessary or desirable, if such amendments are:

(i) Required by federal, state, county or local laws; or

(ii) Required by any Mortgagee of all or any portion of the Property or Project; or

(iii) Required by any title company issuing title insurance to Owners and/or Mortgagees of same; or

(iv) required to correct errors or technical deficiencies or imperfections or to clarify ambiguities in the Governing Documents.

(b) Declarant reserves the right to waive or modify any requirement as to any individual Lot or, the Association Property in general necessary to avoid any hardship resulting from unintentional noncompliance with this Declaration.

ARTICLE XVI - DURATION AND TERMINATION

SECTION 16.1. Duration; Dissolution.

(a) The covenants and restrictions of this Declaration shall run with and bind the land, for a term not to exceed twenty-five (25) years from the date this Declaration is Recorded, after which time they shall be automatically extended for successive periods of ten (10) years unless terminated, at least six (6) months before the commencement of any extension, by a vote of not less than seventy-five percent (75%) of Owners by evidence which shall be Recorded. In the event that the Declarant is the Owner of any Lots at the time of the intended dissolution, such dissolution shall not occur without prior approval of the Declarant.

(b) Upon dissolution of the Association and termination of this Declaration, the real and personal property of the Association shall become the assets of the Owners, who are Owners at the time of the dissolution, as tenants-in-common. Provided, however, the Association shall not be dissolved nor shall it dispose of the Common Facilities, by sale or otherwise, without first offering to dedicate the same to the Town.

ARTICLE XVII – NOTICE

SECTION 17.1. Notice of Proposed Amendment.

Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the Board in which a proposed amendment is considered, and shall be served upon all Members in the manner hereinafter provided for service of notices.

SECTION 17.2. Notices.

All notices required to be served upon Owners pursuant to this Declaration or the Bylaws shall be sufficient if delivered to the Dwelling or mailed to the Owner at the Dwelling mailing address by regular mail and if delivered or mailed to the Declarant at the business office of the Declarant. The effective date of a notice shall be the date of delivery to the Dwelling or the Declarant's business office in the case of actual delivery and a date five (5) days after deposit in the mail in the case of notice sent by mail.

SECTION 17.3. Notice to Eligible Mortgage Holders; Deemed Consent.

(a) The Association shall give prompt written notice to each Eligible Mortgage Holder of (and each Owner hereby consents to, and authorizes such notice):

(i) Any condemnation loss or any casualty loss which affects a material portion of the Association Property or any Lot subject to a first mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

(ii) Any delinquency in the payment of Assessments or charges owed by an Owner whose Lot is subject to a First Mortgage interest held, insured, or guaranteed, by such Eligible Mortgage Holder which remains uncured for a period of sixty (60) days.

(iii) Any lapse, cancellation, or material modification of any insurance policy or fidelity coverage maintained by the Association.

(iv) Any other matter with respect to which Eligible Mortgage Holders are entitled to notice or to give their consent as provided in this Declaration.

ARTICLE XVIII - GENERAL PROVISIONS

SECTION 18.1. Interpretation of the Declaration and Bylaws.

In the event of a conflict of interpretation between the provisions set forth in the Bylaws and this Declaration, this Declaration shall govern except to the extent this Declaration is inconsistent with applicable law. In the event that the Internal Revenue Code is hereafter amended or changed, both this Declaration and the Bylaws shall be interpreted in a manner which conforms to the provisions of the Internal Revenue Code with respect to non-profit entities, it being the intention to preserve the lawful status of the association as a bona fide non-profit entity.

SECTION 18.2. Notice of Special Provisions Regarding the Property and Project.

(a) The Property and Project are located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property and Project is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(b) The streets within the Project, as shown on the Plan, are intended to be dedicated to public use and are to be maintained by the State of Delaware following completion of the streets to the satisfaction of the State of Delaware. The streets will not be accepted into the State of Delaware maintenance system until seventy-five (75%) percent of the Dwellings within the Project have been constructed and shall be the responsibility of the Declarant, the Owners, or both, until accepted into the State of Delaware maintenance system. The sidewalk and shared-use path shall be the responsibility of the Declarant, the Owners, or both, and the State of Delaware will assume no responsibility for the future maintenance of the sidewalk and/or shared-use path.

(c) The Property contains regulated wetlands. Activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware.

SECTION 18.3. Waiver of Claims as to Mold.

Declarant has not represented, warranted or guaranteed that the Lots, Dwellings, Community Facilities or any portion of the Community are free from mold, fungi, or other naturally occurring biological agents or pollutants (collectively "Mold") or that Mold will not develop in the Lots, Dwellings, Community Facilities or any portion of the Community in the future. Mold is a part of the natural environment and may grow indoors in moist conditions. According to the United States Environmental Protection Agency ("EPA") it is impossible to get rid of all mold and mold spores indoors but certain steps may be useful in reducing the occurrence of mold growth. (EPA Document 402-K-01-001). Based upon this information, certain maintenance, repair and replacement responsibilities have been established in this Declaration and the Bylaws to be performed by the Association, under the direction of the Board, and the Owners with regard to addressing water penetration, water leaks, moisture problems and humidity, all of which conditions provide opportunity for Mold growth. Failure to perform such responsibilities shall be at the Owners' sole risk and the Owners shall be solely responsible for any property damages, personal injury damages, loss of income, emotional distress, death, loss of use, loss of value, adverse health effects or consequential damages of any kind caused as a result thereof.

SECTION 18.4. General.

If any provisions of this Declaration are determined to be invalid, that determination shall not affect the validity or effect of the remaining provisions hereof, the Bylaws or any rules and regulations. All of these provisions remaining in effect shall continue as if the invalid provisions had not been included herein unless the provisions declared invalid or deleted from this document shall frustrate the intent of the contract in which case only those provisions necessary to effectuate the intent of the contract shall remain effective. The headings herein are for reference purposes only and shall not affect the meaning or interpretation of this Declaration. This Declaration shall become effective when it has been duly Recorded. This Declaration shall inure to the benefit of and shall be binding upon the Declarant, their successors and assigns.

SECTION 18.5. Construction.

Number and gender, as used in this Declaration, shall extend to and include both singular and plural and genders as the context and construction require.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed and its seal affixed hereto as of the day and year first written above.

[SIGNATURE PAGE FOLLOWS]

WHISPERING WOODS HOMES LLC

Witness

By: _____ (SEAL)
Kevin E. McLaughlin, Esq.,
Vice President and Authorized Person

COMMONWEALTH OF PENNSYLVANIA :
ss.
COUNTY OF DELAWARE :

On this the 26th day of August, 2019, before me, a Notary Public for the Commonwealth and County aforesaid, personally appeared Kevin E. McLaughlin, Esq., Vice President and Authorized Person of Whispering Woods Homes LLC, and in due form of law acknowledged the above indenture to be his act and deed and desired the same might be recorded as such.

Given under my Hand and Seal of Office the day and year aforesaid.

Christina M. Sica

NOTARY PUBLIC
PRINT NAME: Christina M. Sica
COMMISSION EXPIRES: 11/9/19

Commonwealth of Pennsylvania - Notary Seal
Christina M. Sica, Notary Public
Montgomery County
My commission expires November 9, 2019
Commission number 1202072
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

PROPERTY

ALL that certain farm or tract of land situate in St. Georges Hundred, New Castle County, Delaware and being more particularly bounded and described in accordance with a survey made by Morris & Ritchie Associates, Inc. on the 28th day of April, A.D. 2016, as follows, to wit:.

BEGINNING for the same at a point in the south right-of-way line of the State Highway leading from McDonough to Mount Pleasant, being shown on the State of Delaware State Highway Department Construction Plan for Contract Number 66-01-008, being Road 15 as shown thereon and also known as Boyds Corner Road, said point being the beginning of the first or South eight degrees and fifty-two minutes East, twenty nine hundred fifty-seven foot line of that tract of land conveyed by and described in a deed dated September 9, 1964 from Frances M. North, Widow to James D. Deeney and Mary E. Deeney, his wife, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Record Book Q-73, Page 536, said point also being at the intersection of the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road and the first or south ten degrees East one hundred and eighty-two and eight-tenths perch line of Parcel No. 1 of those tracts or parcels of land conveyed by and described in a deed dated April 6, 2006 from Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Frank Rausch, Jr., Settlor, as amended, and Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Margaret A. Rausch, Settler, as amended, to Rausch Enterprises, L.L.C., a Delaware limited liability company, and recorded in the said Office of the Recorder of Deeds as Record Number 20060411-0034295, thence leaving the said right-of-way line of Road 15 – Boyds Corner Road and binding of the said first line of the first mentioned conveyance to Deeney, and the remainder of the first line of the second mentioned conveyance to Rausch Enterprises, L.L.C., as now surveyed, with all bearings herein being referred to the Delaware State Plane Coordinate System (NAD'83/COORS11)

1. South 18° 02' 43" East 2958.09 feet to a point at the end of the sixth or South 83° 58' 44" West, 1009.62 foot line of Parcel No. 3 of all those certain lots, pieces or parcels of land conveyed by and described in a deed dated December 22, 1975 from Bronislaw Koper, Widower to Delmarva Power and Light Company, a corporation of the State of Delaware, and recorded in the aforesaid Office of the Recorder of Deeds in Record Book S-91, Page 330, thence binding on the second line of the aforesaid conveyance to Deeney and reversely on the said sixth line of the last mentioned conveyance to Delmarva Power and Light Company,

2. North 83° 58' 20" East 1009.63 feet, thence binding reversely on the fifth, fourth and third lines of Parcel No. 3 of said conveyance to Delmarva Power and Light Company, which lines are said to be the division lines of said Delmarva Power and Light Company and the lands of Deeney, three courses, viz:

3. South 15° 28' 21" West 363.00 feet,

4. South 53° 28' 21" West 264.00 feet, and

5. South 13° 01' 39" East 515.54 feet to a ½" iron pipe heretofore set, said pipe being at the end of the seventh or North 86° 46' 42" East 2147.61 foot line of Parcel No. 2 of the last mentioned conveyance to Delmarva Light and Power Company, thence binding reversely thereon, which line is said to be the division line between the land of the Delmarva Light and Power Company and the land of Deeney,

6. South 86° 46' 22" West 2147.85 feet to a concrete monument heretofore set with a brass disk marked DP&L-PLS135, and to intersect the eighteenth or North four degrees East twenty-four hundred seventy foot line of the first mentioned conveyance herein to Deeney, thence binding on the remainder of said eighteenth and all of the nineteenth lines of said conveyance to Deeney, two courses, viz:

7. North 18° 24' 01" West 1154.81 feet to a 2" iron pipe heretofore set, and

8. North 00° 18' 35" West 802.07 feet to a stone heretofore planted, said stone being at the end of the fourth or South 89 degrees 48 minutes 19 seconds West 555.37 foot line of a Confirmatory/Corrective Deed amending the legal description dated October 28, 1993 and recorded in the aforesaid Office of Recorder of Deeds in Record Book 1627 Page 0234, thence binding reversely on said fourth, the third, second and first lines of said conveyance, four courses, viz:

9. North 81° 54' 58" East 555.42 feet to a ½" iron pipe heretofore set,

10. North 10° 14' 06" West 1028.05 feet to a ½" iron pipe heretofore set

11. North 79° 27' 32" East 100.00 feet to a ½" iron pipe heretofore set, and

12. North 12° 03' 36" West 873.39 feet, to a point on the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road, distant South 12° 03' 36" East 0.14 feet from a ½" iron pipe heretofore set, thence binding on the said right–of-way, two courses, viz:

13. By a non-tangent curve to the right with a radius of 5699.58 feet and an arc length of 58.85 feet, said curve being subtended by a chord bearing South 87° 36' 27" East 58.85 feet, to a point of tangency, and

14. South 87° 18' 42" East 444.31 feet to the place of beginning.

CONTAINING 114.529 acres of land, more or less.

BEING all of the land shown on the Plan entitled "Whispering Woods, Record Major Subdivision Plan," and recorded in the said Office of the Recorder of Deeds as Microfilm No. 20170830-0044757.

New Castle County Tax Parcel Numbers

Parcel #	Address	Lot #
1301222079	1480 WHISPERING WOODS RD	PRIOPSP
1301222051	341 TRANQUILITY WAY	PRIOPSP
1301222070	1401 WHISPERING WOODS RD	PRIOPSP
1301224018	401 CONTEMPLATION WAY	PRIOPSP
1301222038	363 TRANQUILITY WAY	PRIOPSP
1301222114	570 CONTEMPLATION WAY	PUMPSTA
1301222115	506 BOYDS CORNER RD	PUBROW
1301222025	317 TRANQUILITY WAY	PRIOPSP
1300744009	1315 WHISPERING WOODS RD	PRIOPSP
1300744008	1314 WHISPERING WOODS RD	1
1300744008	113 SERENITY CIR	1
1300744007	1308 WHISPERING WOODS RD	2
1300744007	103 SERENITY CIR	2
1300744010	102 SERENITY CIR	3
1300744011	104 SERENITY CIR	4
1300744012	106 SERENITY CIR	5
1300744013	108 SERENITY CIR	6
1300744005	110 SERENITY CIR	7
1300744006	112 SERENITY CIR	8
1301222001	114 SERENITY CIR	9
1301222002	116 SERENITY CIR	10
1301222002	1322 WHISPERING WOODS RD	10
1301222006	1326 WHISPERING WOODS RD	11
1301222006	302 TRANQUILITY WAY	11
1301222005	304 TRANQUILITY WAY	12
1301222004	306 TRANQUILITY WAY	13
1301222003	308 TRANQUILITY WAY	14
1301222007	314 TRANQUILITY WAY	15
1301222008	316 TRANQUILITY WAY	16
1301222009	318 TRANQUILITY WAY	17
1301222010	320 TRANQUILITY WAY	18
1301222011	322 TRANQUILITY WAY	19
1301222012	324 TRANQUILITY WAY	20
1301222013	326 TRANQUILITY WAY	21
1301222014	328 TRANQUILITY WAY	22
1301222015	330 TRANQUILITY WAY	23
1301222016	332 TRANQUILITY WAY	24

1301222017	334 TRANQUILITY WAY	25
1301222018	336 TRANQUILITY WAY	26
1301222019	338 TRANQUILITY WAY	27
1301222020	340 TRANQUILITY WAY	28
1301222021	342 TRANQUILITY WAY	29
1301222022	344 TRANQUILITY WAY	30
1301222023	346 TRANQUILITY WAY	31
1301222024	348 TRANQUILITY WAY	32
1301222071	352 TRANQUILITY WAY	33
1301222072	354 TRANQUILITY WAY	34
1301222073	356 TRANQUILITY WAY	35
1301222074	358 TRANQUILITY WAY	36
1301222075	362 TRANQUILITY WAY	37
1301222076	364 TRANQUILITY WAY	38
1301222077	366 TRANQUILITY WAY	39
1301222078	368 TRANQUILITY WAY	40
1301222050	1432 WHISPERING WOODS RD	41
1301222049	1430 WHISPERING WOODS RD	42
1301222048	1428 WHISPERING WOODS RD	43
1301222047	1426 WHISPERING WOODS RD	44
1301222046	1424 WHISPERING WOODS RD	45
1301222045	1422 WHISPERING WOODS RD	46
1301222044	1420 WHISPERING WOODS RD	47
1301222043	1418 WHISPERING WOODS RD	48
1301222042	1416 WHISPERING WOODS RD	49
1301222041	1414 WHISPERING WOODS RD	50
1301222040	1412 WHISPERING WOODS RD	51
1301222039	1410 WHISPERING WOODS RD	52
1301222029	303 TRANQUILITY WAY	53
1301222028	305 TRANQUILITY WAY	54
1301222027	307 TRANQUILITY WAY	55
1301222026	309 TRANQUILITY WAY	56
1301222030	323 TRANQUILITY WAY	57
1301222031	325 TRANQUILITY WAY	58
1301222032	327 TRANQUILITY WAY	59
1301222033	329 TRANQUILITY WAY	60
1301222034	331 TRANQUILITY WAY	61
1301222035	333 TRANQUILITY WAY	62
1301222036	335 TRANQUILITY WAY	63
1301222037	337 TRANQUILITY WAY	64

1301222052	349 TRANQUILITY WAY	65
1301222053	353 TRANQUILITY WAY	66
1301222054	355 TRANQUILITY WAY	67
1301222055	1403 WHISPERING WOODS RD	68
1301222056	1405 WHISPERING WOODS RD	69
1301222057	1407 WHISPERING WOODS RD	70
1301222058	1409 WHISPERING WOODS RD	71
1301222059	1411 WHISPERING WOODS RD	72
1301222060	1413 WHISPERING WOODS RD	73
1301222061	1415 WHISPERING WOODS RD	74
1301222062	1417 WHISPERING WOODS RD	75
1301222063	1419 WHISPERING WOODS RD	76
1301222064	1421 WHISPERING WOODS RD	77
1301222065	1423 WHISPERING WOODS RD	78
1301222066	1425 WHISPERING WOODS RD	79
1301222067	1427 WHISPERING WOODS RD	80
1301222068	1429 WHISPERING WOODS RD	81
1301222069	1431 WHISPERING WOODS RD	82
1301222087	1441 WHISPERING WOODS RD	83
1301222088	1443 WHISPERING WOODS RD	84
1301222089	1445 WHISPERING WOODS RD	85
1301222090	1447 WHISPERING WOODS RD	86
1301222091	1451 WHISPERING WOODS RD	87
1301222092	1453 WHISPERING WOODS RD	88
1301222093	1455 WHISPERING WOODS RD	89
1301222094	1457 WHISPERING WOODS RD	90
1301222095	1459 WHISPERING WOODS RD	91
1301222096	1461 WHISPERING WOODS RD	92
1301222097	1463 WHISPERING WOODS RD	93
1301222098	1465 WHISPERING WOODS RD	94
1301222099	1467 WHISPERING WOODS RD	95
1301222100	1469 WHISPERING WOODS RD	96
1301222101	1471 WHISPERING WOODS RD	97
1301222102	1475 WHISPERING WOODS RD	98
1301222103	1477 WHISPERING WOODS RD	99
1301222104	1479 WHISPERING WOODS RD	100
1301222105	1481 WHISPERING WOODS RD	101
1301222106	1483 WHISPERING WOODS RD	102
1301222107	1485 WHISPERING WOODS RD	103
1301222108	1489 WHISPERING WOODS RD	104

1301222109	1491 WHISPERING WOODS RD	105
1301222110	1493 WHISPERING WOODS RD	106
1301222111	1495 WHISPERING WOODS RD	107
1301222112	1497 WHISPERING WOODS RD	108
1301222113	1499 WHISPERING WOODS RD	109
1301224042	566 CONTEMPLATION WAY	110
1301224043	564 CONTEMPLATION WAY	111
1301224044	562 CONTEMPLATION WAY	112
1301224045	560 CONTEMPLATION WAY	113
1301224046	558 CONTEMPLATION WAY	114
1301224047	556 CONTEMPLATION WAY	115
1301224048	554 CONTEMPLATION WAY	116
1301224049	548 CONTEMPLATION WAY	117
1301224050	544 CONTEMPLATION WAY	118
1301224051	540 CONTEMPLATION WAY	119
1301224052	534 CONTEMPLATION WAY	120
1301224053	530 CONTEMPLATION WAY	121
1301224054	526 CONTEMPLATION WAY	122
1301224055	522 CONTEMPLATION WAY	123
1301224041	517 CONTEMPLATION WAY	124
1301224040	525 CONTEMPLATION WAY	125
1301224039	529 CONTEMPLATION WAY	126
1301224038	531 CONTEMPLATION WAY	127
1301224037	535 CONTEMPLATION WAY	128
1301224036	537 CONTEMPLATION WAY	129
1301224035	541 CONTEMPLATION WAY	130
1301224034	545 CONTEMPLATION WAY	131
1301224033	549 CONTEMPLATION WAY	132
1301224032	553 CONTEMPLATION WAY	133
1301224031	557 CONTEMPLATION WAY	134
1301224030	561 CONTEMPLATION WAY	135
1301224019	415 CONTEMPLATION WAY	136
1301224020	419 CONTEMPLATION WAY	137
1301224021	423 CONTEMPLATION WAY	138
1301224022	427 CONTEMPLATION WAY	139
1301224023	431 CONTEMPLATION WAY	140
1301224024	435 CONTEMPLATION WAY	141
1301224025	441 CONTEMPLATION WAY	142
1301224026	445 CONTEMPLATION WAY	143
1301224027	449 CONTEMPLATION WAY	144

1301224028	453 CONTEMPLATION WAY	145
1301224029	509 CONTEMPLATION WAY	146
1301224063	514 CONTEMPLATION WAY	147
1301224062	512 CONTEMPLATION WAY	148
1301224061	510 CONTEMPLATION WAY	149
1301224060	508 CONTEMPLATION WAY	150
1301224059	506 CONTEMPLATION WAY	151
1301224058	502 CONTEMPLATION WAY	152
1301224058	803 REFLECTION CT	152
1301224057	807 REFLECTION CT	153
1301224056	811 REFLECTION CT	154
1301224017	818 REFLECTION CT	155
1301224016	816 REFLECTION CT	156
1301224015	450 CONTEMPLATION WAY	157
1301224015	804 REFLECTION CT	157
1301224014	446 CONTEMPLATION WAY	158
1301224013	436 CONTEMPLATION WAY	159
1301224012	432 CONTEMPLATION WAY	160
1301224011	428 CONTEMPLATION WAY	161
1301224010	424 CONTEMPLATION WAY	162
1301224010	601 DAYDREAM CT	162
1301224009	605 DAYDREAM CT	163
1301224008	607 DAYDREAM CT	164
1301224005	608 DAYDREAM CT	165
1301224006	606 DAYDREAM CT	166
1301224007	416 CONTEMPLATION WAY	167
1301224007	602 DAYDREAM CT	167
1301224004	414 CONTEMPLATION WAY	168
1301224003	410 CONTEMPLATION WAY	169
1301224002	406 CONTEMPLATION WAY	170
1301224001	1498 WHISPERING WOODS RD	171
1301224001	402 CONTEMPLATION WAY	171
1301222086	1494 WHISPERING WOODS RD	172
1301222085	1492 WHISPERING WOODS RD	173
1301222084	1490 WHISPERING WOODS RD	174
1301222083	1488 WHISPERING WOODS RD	175
1301222082	1486 WHISPERING WOODS RD	176
1301222081	1484 WHISPERING WOODS RD	177
1301222080	1482 WHISPERING WOODS RD	178

EXHIBIT "B"

WHISPERING WOODS COMMUNITY ASSOCIATION

COMPONENT AND RESPONSIBILITY CHART

Ownership Key:

A = Owned by the Association, to which all Owners are Members. Includes the Community Facilities.

O = Owned by one or more Owners. Includes a Dwelling and a Lot upon which the Dwelling is constructed. There are three types of Dwellings – Detached Dwellings, Carriage House Dwellings, and Twin Dwellings.

P = Owned by a public utility company or governmental authority, entity or agency.

Assessment Key:

CE = Common Expense - fees charged to cover the Association costs which are shared equally by all Owners.

LC = Limited Charge - direct charges to Owners for Association costs which are excluded from the budget (and monthly Assessments for Common Expenses), charged only to the one or more Owners (i.e., less than all Owners) who derive the benefit when the service is provided by the Association.

COMPONENT	*OWNERSHIP*	*ASSOCIATION RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Roofing Flashing	O	Repair Replacement	LC LC	Payment of LC
Skylights	O	None		Cleaning Repair Replacement[2]
Gutters Downspouts	O	Cleaning Repair Maintenance Replacement	LC LC LC LC	Payment of LC
Chimney V-Channels and Fireplaces	O	None		Cleaning Repair Maintenance
Windows, Window glass, Sliding glass doors, Patio doors, Screened-in Porches, Sunrooms	O	None		Cleaning Repair Replacement[2]
Front entrance door Hinged patio door	O	Repainting	LC	Cleaning Replacement[2] Repair Payment of LC
Locks, hinges, or other hardware on windows and doors	O	None		Repair Replacement
Garage door	O	Repainting (long term)	LC	Replacement[2] Repair Payment of LC

COMPONENT	*OWNERSHIP*	*ASSOCIATION RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Garage door lock, hardware, Mechanisms	O	None		Maintenance Repair Replacement
Exterior or synthetic trim and entrance porch columns	O	Repainting Repair Replacement	LC LC LC	Cleaning Payment of LC
Exterior entrance lighting, controlled from inside the home	O	None		Electricity Cleaning Repair Replacement[(2)]
Any other significant home exterior component not listed above including siding, brick, soffits, facia, or shutters	O	Repair Replacement	LC LC	Cleaning Payment of LC
Front Porch, entranceway, landing, stoop	O	Snow clearing Replacement	CE LC	Cleaning Ice melting Payment of CE/LC
Patio or Deck	O	Maintenance Replacement	LC LC	Cleaning Snow clearing Ice melting Payment of LC
Sewer and water laterals from the clean out or curb stop to the home	O	None		Operation Repair Maintenance Replacement
Sanitary sewer and water lines on the street side of the clean out or curb stop	P	None	N/A	None

COMPONENT	*OWNERSHIP*	*ASSOCIATION RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Sidewalks to individual homes	O	Snow clearing[1] Repair Replacement	CE LC LC	Cleaning Ice melting Payment of CE/LC
Driveways and driveway aprons	O	Snow clearing[1] Repair Resealing Resurfacing	CE LC LC LC	Cleaning Ice melting Payment of CE/LC
Original planted beds adjacent to Dwellings	O	Maintenance	CE	Watering Planting Payment of CE
Original landscape (turf, trees, shrubs, bushes) on the Lots	O	Maintenance Limited Replacement	CE CE	Watering near home Payment of CE
Landscape (turf, trees, shrubs, bushes) not on Lots but in Community Facilities	A	Maintenance Limited Replacement	CE CE	Payment of CE
Planted islands in public street	A or P	Watering Maintenance Replacement	CE CE CE	Payment of CE
Streets (prior to dedication)	Declarant	None		None
Streets (after dedication)	P	None		None
Curbing along Community Facilities (concrete)	A	Repair Replacement	CE CE	None Payment of CE

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COMPONENT	*OWNERSHIP*	*ASSOCIATION RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Curbing along Lots (concrete)	O	Repair Replacement	CE CE	Payment of CE
Street lights	P	None		None
Common sidewalks located along public street	A	Snow clearing[1] Maintenance Replacement	CE CE CE	Payment of CE
Entrance Area Signage, entrance monuments, and other entrance features including a small sprinkler irrigation system (if any)	A	Operation Water Maintenance Replacement	CE CE CE CE	Payment of CE
Clubhouse	A	Operation Utilities Repair Maintenance Replacement	CE CE CE CE CE	Payment of CE
Pool, pool area and related storage building	A	Operation Repair Maintenance Replacement	CE CE CE CE	Payment of CE
Bocce facilities, Horseshoe courts, Walking trail	A	Repair Maintenance Replacement	CE CE CE	Payment of CE
Clubhouse parking spaces	A	Snow clearing Repair Resealing Resurfacing	CE CE CE CE	Payment of CE

COMPONENT	*OWNERSHIP*	*ASSOCIATION RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Stormwater Management Areas, Basins and Ponds (if any), Storm Piping and inlets (to the extent not dedicated to the public)	A	Operation Maintenance Repair Replacement	CE CE CE CE	Payment of CE
Stormwater Management Areas, Basins and Ponds (if any), Storm Piping and inlets (to the extent dedicated to the public)	P	None		None

(1) Snow will be cleared per the service guidelines of the Board and only where there are vehicles parked in such a way that the area can be cleared when contractor is present to do the work.

(2) Replacement is subject to the Whispering Woods architectural review guidelines.

ENCLOSURE 3

Proposed Amended and Restated Declaration of Covenants, Conditions, Easements, and Restrictions of Whispering Woods

(Executed Original)

New Castle County
Tax Parcel Numbers:
See Exhibit "A" attached hereto

Prepared by and Return to:
Whiteford, Taylor & Preston, LLC
600 N. King St., Ste. 300
Wilmington, DE 19801

AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS OF

WHISPERING WOODS

AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS (this "Declaration"), is made this 7th day of July, 2023, by Whispering Woods Community Association, a Delaware nonstock corporation (the "Community Association").

RECITALS

A. Pursuant to that certain Deed recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware (the "Recorder's Office") as Instrument No. 20180208-0006709, Whispering Woods Homes LLC, a Delaware limited liability company (the "Declarant") became the legal and equitable owner of those certain lots, pieces or parcels of land bounded and described on Exhibit "A," attached hereto and made a part hereof (the "Property"), being all of the real property shown and identified on that certain Record Minor Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated December 7, 2020, said plan being recorded in the Recorder's Office as Instrument No. 20201229-0118654 (as such plan may be subsequently supplemented or amended from time to time, the "Plan").

B. Declarant constructed a residential community known as "Whispering Woods" on the Property including Dwellings and Community Facilities (as such terms are defined below).

C. Declarant recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions dated August 26, 2019, in the Recorder's Office as Instrument No. 20190828-0068076 (the "Original Declaration"), without County (as defined herein) knowledge or approval, which Original Declaration provided for the Community Association to be the governing body for all of the Owners responsible for certain maintenance and other obligations regarding Lots (as defined below) and the exterior of Dwellings, and the maintenance, repair, replacement, management, operation, and administration of the Community Facilities, and the Original Declaration was not referenced on the Record Major Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated April 1, 2017, said plan being recorded in the Recorder's Office as Instrument No. 20170830-0044757, nor any subsequent modification thereof.

D. The Whispering Woods Maintenance Corporation, a Delaware nonstock corporation (the "Maintenance Corporation"), was incorporated on November 23, 2021, by the filing of that certain Certificate of Incorporation of Whispering Woods Maintenance Corporation with the Secretary of State of the State of Delaware for the general purpose of providing for the maintenance of the common facilities and private open spaces located within the Property.

E. The Owners (in their capacities as members of the Community Association and as members of the Maintenance Corporation), the Executive Board of the Community Association, and the Board of Directors of the Maintenance Corporation, approved

the merger of the Community Association with and into the Maintenance Corporation, with the Maintenance Corporation being the surviving entity, pursuant to and in accordance with the provisions of that certain Plan and Agreement of Merger between Whispering Woods Community Association (a Delaware Non-Stock Corporation) and Whispering Woods Maintenance Corporation (a Delaware Non-Stock Corporation) dated as of December 22, 2022, and the General Corporation Law of the State of Delaware (the "Merger").

F. The Merger was completed on February 15, 2023, by the filing of a certificate of merger with the Secretary of State of the State of Delaware by the Maintenance Corporation, with the Maintenance Corporation being the surviving corporation.

G. Following the Merger, the Owners (in their capacities as members of the Maintenance Corporation) and the Board of Directors of the Maintenance Corporation, duly approved (i) a Certificate of Amendment to the Certificate of Incorporation of the Maintenance Corporation, pursuant to which the name of the Maintenance Corporation was changed to Whispering Woods Community Association (the "Certificate of Amendment") and (ii) those certain Corrected Amended and Restated Bylaws of the Whispering Woods Community Association dated July 7, 2023 (the "Bylaws").

H. The Certificate of Amendment was filed with the Secretary of State of the State of Delaware by the Maintenance Corporation on March 17, 2023, and the name of the Maintenance Corporation was thereby changed to Whispering Woods Community Association.

I. The Community Association recorded the Bylaws in the Recorder's Office as Instrument No. 20230901-0058975 (thereby amending and restating those certain Bylaws of the Whispering Woods Maintenance Corporation dated November 23, 2021, and recorded in the Recorder's Office as Instrument No. 20211201-0137041).

J. The Owners and the Executive Board of the Community Association (formerly the Board of Directors of Maintenance Corporation), duly approved the recording of this Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions in the Recorder's Office, in order to provide for the Community Association to be the sole governing body for all of the Owners responsible for certain maintenance and other obligations regarding Lots and the exteriors of Dwellings, in addition to being responsible for the maintenance, repair, replacement, management, operation, and administration of the Community Facilities.

K. On _____, 2023, New Castle County Council passed Resolution No. _____ and thereby approved the recording of this Amended and Restated Declaration of Covenants, Conditions, Easements and Restrictions in the Recorder's Office.

NOW THEREFORE, witnesseth:

ARTICLE I - THE PROPERTY

SECTION 1.1. The Property.

The Property is comprised of those certain Lots, open spaces, stormwater management areas, recreational facilities, and improvements and other amenities, located within the land bounded and described on Exhibit "A," attached hereto and made a part hereof.

ARTICLE II - THE COMMUNITY

SECTION 2.1. Name.

The name by which the Community (defined below) shall hereafter be identified is Whispering Woods.

ARTICLE III - DEFINITIONS

SECTION 3.1. Definitions.

The following terms when used herein are intended to be consistent with the meanings ascribed to them by this Section 3.1.

(a) "Assessments" or "Charges" means those levies, assessments or sums payable by one or more Owners in the Community from time to time upon notification by the Community Association, as provided herein; the obligation to pay Assessments shall be a covenant running with the land. Each Assessment shall be separate and payable by the Owner.

(b) "Building" means any structure erected or to be erected on the Property containing one or more Dwellings intended to be used for residential purposes.

(c) "Board" means a board of directors of natural individuals of the number stated herein and in the Bylaws, who shall manage and administer the business, operation and affairs of the Community Association on behalf of the Owners.

(d) "Bylaws" means those certain Corrected Amended and Restated Bylaws of the Whispering Woods Community Association dated July 7, 2023, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, as Instrument No. 20230901-0058975, for the regulation and management of the Property and administration of the Community Association, including any amendments thereto which may be adopted from time to time.

(e) "Carriage House Dwellings" means the Dwellings erected or to be erected on Lots 15 to 97, all inclusive.

(f) "Commercial Vehicle" means a vehicle that (i) is lettered in any way that describes the business of the vehicle's use, (ii) has side toolboxes or ladder racks, (iii) is a utility body truck, high cube cutaway van, taxis, or van for hire. Emergency vehicles such as fire/EMS and police vehicles are not Commercial Vehicles.

(g) "Common Expenses" means the expenses for which the Owners are liable as provided herein, including, but not limited to:

(i) Expenses of administration, operation, maintenance, repair and replacement of the Community Facilities; and

(ii) Expenses of administration, maintenance, certain insurances, repair and replacement of specific components of the Buildings, Dwellings, and/or Lots; and

(iii) Expenses or liabilities agreed upon as common expenses by the Owners; and

(iv) Expenditures made or liabilities incurred by or on behalf of the Community Association, together with any allocations to reserves; and

(v) All other expenses or charges levied or to be levied pursuant to this Declaration or the Bylaws against Owners.

(h) "Common Receipts" means and includes the funds collected from Owners as Assessments for Common Expenses and receipts designated as common by the provisions of this Declaration and the Bylaws.

(i) "Common Surplus" means and includes the excess of all Assessments over all Common Expenses.

(j) "Community" means the planned residential development known as Whispering Woods located in New Castle County and which is included within the Property and Plan that is subject to this Declaration.

(k) "Community Association" means Whispering Woods Community Association, a Delaware nonstock corporation, formerly known as Whispering Woods Maintenance Corporation, a Delaware nonstock corporation.

(l) "Community Facilities" means any portion of the Property not included in any Lot, to the extent such facilities are neither dedicated nor to be dedicated to the public use, and which are depicted on the Plan, and all other facilities which the Community Association may hereafter own, acquire or construct, including private open space areas, the buffer areas around the perimeter of the Property (whether shown on the Plan or required to be added to the Community in the future), the storm water management system and detention and/or retention basins and drainage areas, the clubhouse and recreational facilities, swimming pool, street lighting, roads and sidewalks and the shared-use path (all to the extent not dedicated or to be dedicated to the public use).

(m) "Declarant" means Whispering Woods Homes LLC, a Delaware limited liability company.

(n) "Detached Dwellings" means the Dwellings erected or to be erected on Lots 1 to 10 and 116 to 167, all inclusive.

(o) "Development Plans" means and refers collectively to the approved site plan and plats for the Property and the Project, including the Plan, as well as any and all amendments, modifications, and extensions thereof as may be made from time to time.

(p) "DUCIOA" means the Delaware Uniform Common Interest Ownership Act, 25 Del. C. § 81-101 et seq., as amended from time to time.

(q) "Dwelling" means a structure which is designed, sold, and occupied as a residence and which is located on the Property subject to this Declaration. Each Owner of each Dwelling shall be subject to all of the rights, privileges and duties as every other Owner of each Dwelling and which are attendant upon each and every Dwelling. References herein to an individual Owner's Dwelling refers collectively to the Dwelling and the Lot on which it is situated.

(r) "Eligible Mortgage Holder" means a holder, insurer or guarantor of a First Mortgage on a Lot or Community Facilities, as applicable, who has submitted a written request for notice from the Community Association of amendments to this Declaration or the Bylaws, or other significant matters which would affect the interests of the Mortgagee.

(s) "Limited Charges" means those charges which are levied by the Community Association against one Owner or a group of Owners, but not all Owners for costs incurred by the Community Association in providing services pursuant to this Declaration, which services are solely for the benefit of the Owners so charged.

(t) "Lot" means any one of, and "Lots" shall mean more than one of, the maximum one hundred and seventy-eight (178) residential dwelling lots in Whispering Woods; and shall not include the Community Facilities, any property dedicated for public use, or other areas of the Property.

(u) "Maintenance Corporation" means Whispering Woods Maintenance Corporation, a Delaware nonstock corporation, now known as Whispering Woods Community Association, a Delaware nonstock corporation.

(v) "Member" means any Owner or the Declarant who shall be a member of the Community Association.

(w) "Merger" has the meaning ascribed to such term in Recital F, above.

(x) "Mortgagee" means the holder of any recorded mortgage encumbering one or more of the Lots or all or any portion of the Community Facilities. "Mortgage," as used herein, shall mean any mortgage held by a Mortgagee. "First Mortgage," as used herein, shall mean a Mortgage with priority over all other Mortgagees. As used in this Declaration, the term "Mortgagee" shall mean any Mortgagee and shall not be limited to institutional mortgagees. As used in this Declaration, the term "institutional mortgagee" or "institutional holder" shall include banks, trust companies, insurance companies, mortgage insurance companies, savings and loan associations, trusts, mutual savings banks, credit unions, pension funds, mortgage companies, Federal National Mortgage Association ("FNMA"), Government National Mortgage Association ("GNMA"), Federal Home Loan Mortgage Corporation ("FHLMC"), all corporations and any

agency or department of the United States Government or of any state or municipal government, or any other organization or entity which has a security interest in any Lot or all or any portion of the Community Facilities. In the event any Mortgage is insured by the Federal Housing Administration ("FHA") or guaranteed by the Department of Veterans Affairs ("VA"), then as to such mortgage the expressions "Mortgagee" and "institutional mortgagee" include the FHA or the VA as the circumstances may require, acting, respectively, through the Federal Housing Commission and the Secretary of Veterans Affairs or through other duly authorized agents.

(y) "Owner" means the record Owner, whether one or more persons or entities, of fee simple title to any Dwelling which is situate within the Property, but excluding those persons having this interest merely as security for the performance of an obligation, and also excluding the Declarant. Multiple Owners of a Dwelling shall together be deemed one Owner for purposes of this Declaration.

(z) "Original Declaration" has the meaning ascribed to such term in Recital C, above.

(aa) "Person" means a natural individual, corporation, partnership, association, trust or other legal entity or any combination thereof.

(bb) "Plan" means the Record Minor Subdivision Plan for Whispering Woods prepared by Morris & Ritchie Associates, Inc., dated December 7, 2020, said plan being recorded in the Recorder's Office as Instrument No. 20201229-0118654, as such plan may be subsequently supplemented or amended from time to time.

(cc) "Project" means the residential community, together with the improvements erected and maintained thereon, to be known as "Whispering Woods" consisting of the Lots and the Community Facilities, all to be built on the Property.

(dd) "Property" means and includes those certain lots, pieces or parcels of land bounded and described on Exhibit "A," attached hereto and made a part hereof, and all easements, rights and appurtenances belonging thereto, which Property has previously been submitted by the Declarant to the provisions of the Original Declaration, and which Property is now being submitted by the Community Association to the provisions of this Declaration, the terms of which shall supersede and replace the terms of the Original Declaration. The Property is located entirely in New Castle County in the State of Delaware.

(ee) "Recorded" means that an instrument has been duly entered of record in the Recorder's Office.

(ff) "Recorder's Office" means the Office of the Recorder of Deeds in and for New Castle County, Delaware.

(gg) "Twin Dwellings" means the Dwellings erected or to be erected on Lots 11 to 14, 98 to 115, and 168 to 178, all inclusive, as shown on the Plan.

(hh) "Utilities" shall mean Artesian Water Company, Chesapeake Utilities, New Castle County, their successors in interest, or such other entities that are or may become responsible for collecting, treating and disposing of sanitary sewer wastewater from, or

delivering water, propane, and/or natural gas to, Lots or the Community Facilities and improved areas within the Property.

(ii) "Wastewater Agreement" shall mean and refer to, individually and collectively, any easement agreement entered into from time to time by and between New Castle County, Delaware and Declarant, to be Recorded in the Recorder's Office, and any and all other agreements for the Project between Declarant and New Castle County that are binding on Owners other than Declarant with respect to the operation, management, control, repair, maintenance and/or replacement of the waste water system serving the Community, together with any and all amendments thereto and any replacements thereof, together with any collateral documents, permits, approvals, agreements or easements related thereto.

(jj) "Wastewater Service Line" shall mean the pipe, clean-outs, and fittings that lie between the structure foundation or exterior wall on any Lot and the wastewater collection system owned by the applicable Utilities.

ARTICLE IV - PROPERTY SUBJECT TO THIS DECLARATION; RIGHTS OF THE DECLARANT

SECTION 4.1. Applicability.

(a) The Property shall be a planned community under the provisions of DUCIOA that is held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and improved subject to all of the covenants, conditions, easements and restrictions of this Declaration. All present and future Owners of Dwellings and residents, their guests, licensees, servants, agents, employees, and any other person or persons who shall be permitted to use the Community Facilities described in this Declaration, shall be subject to this Declaration, the Bylaws and any rules and regulations which the Board from time to time shall promulgate in compliance with § 81-320 of DUCIOA to govern the conduct of its members and occupancy of the Property. Ownership or occupancy of any of the Dwellings in the Property shall be conclusively deemed to mean that the Owner or occupant has accepted, ratified and will comply with this Declaration, the Bylaws and the rules and regulations of the Community Association. Owners shall not be permitted to lease their Dwellings unless such leasing is approved by the Board as hereinafter provided. Furthermore, occupancy of Dwellings shall be limited to that class of individuals specified by the zoning regulations of New Castle County regulating use and occupancy of the Property; said class of occupants and all members thereof shall be further subject to and in full compliance with the Federal Fair Housing Act and all amendments thereto. The Property may only be used and developed as an active-adult community for older persons in accordance with the Fair Housing Act provisions, 42 U.S.C. Section 3601, et. seq. In particular, at least one resident of at least eighty percent (80%) of the Dwellings to be constructed and developed on the Property shall be at least fifty-five (55) years of age or older and no person younger than eighteen (18) years of age shall reside therein on a permanent basis (more than thirty (30) days in any calendar year). The Board may from time to time enact rules to implement and/or enforce the foregoing restrictions (whether more restrictive or otherwise, at the Board's discretion), and shall be empowered to so enact and enforce such restrictions.

(b) In the event of a conflict of interpretation between the provisions set forth in this Declaration and the Bylaws, this Declaration shall govern, except to the extent this Declaration is inconsistent with applicable law.

(c) Declarant shall have the following rights for the period from the date of the Original Declaration through the date that is the earlier of (i) thirty (30) years thereafter, or (ii) the date on which Declarant no longer owns any Lot within the Community and Declarant has received the return from the County of all financial security provided by the Declarant to the County pursuant to the terms of that certain Land Development Improvement Agreement dated July 26, 2017, entered into by and among Whispering Woods Homes LP, Summit Land LLC, and the County, as may be amended (individually and collectively, the "Special Declarant Rights"):

(i) The right to complete or make improvements indicated on the Development Plans;

(ii) The right to maintain sales offices, parking areas, management offices, storage sheds/trailers, and models on Lots or on the Community Facilities, as may be located and/or relocated by Declarant from time-to-time in Declarant's sole discretion;

(iii) The right to maintain signs on the Property to advertise the sales of homes;

(iv) The right to conduct sales business and construction activities on the Property; and

(v) The right to use and permit others to use, easements through the Community Facilities as may be reasonably necessary for the purpose of discharging the Declarant's obligations under DUCIOA and this Declaration.

ARTICLE V - THE COMMUNITY FACILITIES

SECTION 5.1. Owners' Easement of Enjoyment.

Every Owner shall have the right of ingress, egress and regress over and the right of enjoyment in and to the Community Facilities which right shall be appurtenant to each Dwelling and shall pass with title to every Dwelling subject, nevertheless, to the following provisions:

(a) The right of the Community Association to make Assessments for the use of any or all of the Community Facilities, and the obligation of the Community Association under this Declaration to contribute to the expenses of maintenance, repair, and replacement of the Community Facilities.

(b) The right of the Community Association to suspend the right of an Owner to use any of the Community Facilities after the Board determines that the Owner has failed to pay in full any Assessment within thirty (30) days of the due date or has violated any of the rules and regulations of the Community Association.

(c) Intentionally omitted.

(d) The free right and privilege of the Declarant at all times hereafter, without let or hindrance, to go upon any and all of the Property, including lands conveyed or developed and to construct, reconstruct, repair, renovate or to correct work to be, or done by Declarant, its agents, servants, workmen or contractors. This right of the Declarant shall expire two (2) years after the conveyance by the Declarant in the ordinary course of business of the last Dwelling to a Dwelling purchaser other than the Declarant.

(e) An easement for the present and future installation and maintenance of electric service, master and/or cable TV service, telephone service, domestic water, storm water and sanitary sewer, gas, drainage, other utility facilities, and any other services provided to any part of the Lots or Community, and the necessary appurtenances to the same. The easement shall run in favor of the Declarant, the Community Association and the Owner or other entities operating these facilities.

(f) A specific easement in favor of the Declarant, its agents, servants, licensees and invitees for all purposes incident to the process of construction and marketing of Dwellings; provided, however, that this easement shall expire upon conveyance by the Declarant in the ordinary course of business of the last Dwelling to a Dwelling purchaser other than the Declarant.

SECTION 5.2. No Waiver of Use.

No Owner may exempt himself from liability with respect to the payment of Assessments levied by the Community Association, nor release the Dwelling owned by the Owner from the liens created for non-payment of Assessments by waiver of the use or enjoyment of the Community Facilities, by abandonment of his Dwelling, by any conveyance or covenant severing the rights and benefits from the Dwelling, or otherwise. The obligation to pay Assessments is absolute and unconditional and, in addition to being a covenant running with the land, is a personal obligation of each Owner and shall not be subject to setoffs or counterclaims.

SECTION 5.3. Alterations By Owner.

No Owner may make any changes, additions, improvements, or alterations of any kind or do any work to any of the Community Facilities. No Owner shall impair any easement within the Community Facilities without the unanimous consent of all of the Owners affected thereby. In no event may an Owner make any improvements or alterations which would jeopardize the soundness or safety of any portion of the Property.

SECTION 5.4. Obsolescence.

In the event that the Board shall determine that any Community Facility is obsolete, the Board may call for a vote of the Members to determine whether or not the Community Facility should be demolished and/or replaced. In the event that eighty (80%) percent of the Members and the two-thirds (2/3) of the Eligible Mortgage Holders shall determine that the Community Facility should be demolished and/or replaced, the costs thereof shall be assessed equally against all of the Members.

ARTICLE VI - THE COMMUNITY ASSOCIATION

SECTION 6.1. The Community Association.

(a) The Community Association is the governing body for all of the Owners and is responsible for certain maintenance and other obligations regarding Lots and the exterior of Dwellings, the maintenance, repair, replacement, management, operation and administration of the Community Facilities which includes, among other things, any additions or improvements to the Community Facilities, lawn cutting and fertilization on the Community Facilities, street landscaping and planting of bushes, plants and trees on the Community Facilities.

(b) Nothing herein contained shall be construed so as to preclude the Community Association from delegating the duties described in this Section 6.1 to a manager or agent or to other persons, firms or corporations, subject to the authority of the Community Association.

(c) The Common Expenses incurred or to be incurred for, the utility services, maintenance, repair, replacement, management, operation and use of the Community Facilities, and to Dwellings and/or Lots, and the making of any additions or improvements thereto, shall be as set forth on the attached Component and Responsibility Chart, attached as Exhibit "B" and incorporated herein (the "C&R Chart"), and shall be assessed by the Community Association against and collected from the Owners in accordance with Article IX hereof. In the event of any conflict between this Declaration and the C&R Chart, the terms of the C&R Chart shall control. Expenses benefiting fewer than all of the Dwellings may be assessed exclusively against the Dwellings benefited as Limited Charges.

(d) The time and extent of the foregoing maintenance, repair and replacement obligations of the Community Association shall be determined solely by the Board. All aspects of repair, maintenance and replacement of all interior portions of an Owner's Dwelling shall be the responsibility of the Owner. All maintenance, repair and replacement of portions of the Community Facilities and commonalty pertaining to the Lots and/or Dwellings shall be the responsibility of the Community Association or the Owners, as set forth on the C&R Chart, provided, however, that any costs incurred by the Community Association in connection with any of the foregoing maintenance, repair or replacement items which may arise in connection with the negligence of the Owner(s), or occupant(s) of any particular Dwelling(s) shall be charged as Limited Charges to those Owner(s) .

(e) Each Owner shall be authorized to perform maintenance, repair and replacement work on the exterior elements of such Owner's Dwelling as to which the Board is authorized to assess a Limited Charge on the C&R Chart, but only under such rules and regulations as the Board may adopt from time to time for such purpose, which may limit, prohibit or authorize, among other things, the specific elements of the exterior of the Dwellings which may be so maintained, repaired or replaced by the Owner and/or such Owner's contractors; may regulate and specify the standards, colors and products which may be used or installed in course of performance of such maintenance, repair and replacement work; may require notice to the Board of the Owner's intention to perform or have performed such work; or which may address any other matters in connection with such work the Board deems necessary to assure that the exteriors of all of the Dwellings are maintained at all times in good repair and appearance and to

professional standards. The Board shall be authorized to include in such rules and regulations provisions to assure the quality of the work performed; to provide for the professional inspection of such work on behalf of the Board and for procedures to address the correction of any non-compliant work; to require the registration of contractors authorized to perform such services who comply with any required industry experience or skill levels, indemnity, licensing and insurance requirements as the Board in the exercise of its judgment may prescribe for the protection of the Community Association; and to impose and assess charges on the Owner for the monitoring, inspection and correction of such work as may be required. Nothing set forth in this subsection (e) shall be deemed to authorize any alteration, change, or other modification of or to the exterior of a Dwelling which requires the approval of the Board as set forth elsewhere in this Declaration.

(f) To the extent maintenance, repair and replacement by an Owner may involve possible damage to the Community Facilities or other Dwellings, the work shall be performed only with the prior consent of the Board or its duly authorized agent, except in the case of an emergency, subject to the requirements of the Board.

(g) The Board shall have the right to impose rules and regulations in accordance with § 81-320 of DUCIOA governing the use and care of portions of the Dwellings, Lots and Community Facilities to the extent reasonably related to the Community Association's maintenance, repair and replacement obligations hereunder.

(h) To the extent the culverts and the storm water management system or portions thereof have not been dedicated to the public or to New Castle County by the Plan, maintenance and repair of same shall rest with the Community Association.

(i) The roads and street lighting system constructed within the Community have been dedicated to the public and are to be maintained by the State of Delaware.

SECTION 6.2. Membership in the Community Association.

(a) All Owners upon acceptance of the deed to their Dwellings shall become Members of the Community Association and shall be obligated to pay all Assessments levied by the Community Association against their Dwellings. Except as otherwise provided, membership in the Community Association shall be limited to (i) the Owners of Dwellings subjected to this Declaration and (ii) the Declarant. Every Owner, as a Member of the Community Association, shall be entitled to all of the rights and shall be bound by all of the obligations accompanying membership. The ownership interest of each Owner in the Community Association is computed by multiplying one hundred (100) and the quotient resulting from dividing one (1) by the total number of all Lots.

(b) Notwithstanding any other provision of this Declaration or the Bylaws, no action shall be taken or adopted by the Community Association which would in any way affect any of the rights, privileges, powers or options of the Declarant (including, but not limited to, development of the Property or the marketing program of the Declarant) without the prior written approval of the Declarant.

(c) Every lawful transfer of title to a Dwelling shall include membership in the Community Association and, upon making this transfer, the previous Owner's membership shall automatically terminate. Except as otherwise expressly provided, membership in the Community Association may not be assigned or transferred without the transfer of legal title to a Dwelling and any attempt at assignment or transfer thereof shall be void and of no effect.

(d) Membership in the Community Association shall automatically terminate when an Owner sells, transfers or otherwise conveys his Dwelling.

(e) Anything hereinelsewhere to the contrary notwithstanding, Declarant, with respect of Dwellings and/or Lots it owns, shall not be assessed by the Community Association; provided, however, that Declarant shall pay Assessments with respect to Dwellings leased by Declarant to third party tenants.

SECTION 6.3. Voting.

(a) Article V, Section 5.2 of the Bylaws contains the provisions governing votes held by the Community Association.

SECTION 6.4. Board of Directors.

(a) The affairs of the Community Association shall be governed by a board of directors (the "Board" and referred to as the "Executive Board" in DUCIOA). Article VII of the Bylaws contain the provisions governing the procedures of the Board.

(b) The Board shall have all of the powers and duties necessary for the administration of the affairs of the Community Association and may do all such acts and things as are established by this Declaration and the Bylaws directed to be exercised and done by the Community Association, except as otherwise provided herein or in the Bylaws. The Board may delegate to one (1) of its members the authority to act on behalf of the Board on all matters relating to the duties of the professional managing agent, if any, which might arise between meetings of the Board. In addition to the duties imposed by this Declaration, the Maintenance Declaration, the Bylaws, or by any resolution of the Community Association that may hereafter be adopted, the Board shall have the power to, and be responsible for, the following:

(i) Preparation of an annual budget, in which there shall be established the Assessment of each Owner, to be approved in accordance with § 81- 324 of DUCIOA.

(ii) Making Assessments against Owners to defray the costs and expenses of the Community Association and establishing the means and methods of collecting Assessments as established in this Declaration from the Owners. Unless otherwise determined by the Board, the annual Assessment against each Owner for his proportionate share of the Common Expenses shall be payable in equal monthly installments, as determined by the Board, each such installment to be due and payable in advance on the date(s) established by the Board.

(iii) Providing for the operation, care, upkeep, replacement and maintenance of the Community pursuant to the C&R Chart.

(iv) Designating, hiring and dismissing the personnel or contractors necessary for the maintenance, operation, repair and replacement of the Community Facilities, Lots, and Dwellings (in accordance with the C&R Chart) and providing services for the Property, and, where appropriate, providing for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties, which supplies and equipment shall be deemed the common property of the Owners; and, moreover, contracting the professional managing agent, if deemed necessary by the Board.

(v) Collecting the Assessments (including, but not limited to, Limited Charges) against the Owners, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to carry out the administration of the Community.

(vi) Making and amending rules and regulations in accordance with § 81-320 of DUCIOA respecting the use of the Property so that such do not unduly restrict the use and enjoyment by the Owners, their permitted tenants and guests.

(vii) Opening of bank accounts on behalf of the Board and designating the signatories required therefor.

(viii) Making, or contracting for the making of, repairs, additions, and improvements to, or alterations of, the Community Facilities and repairs to, and restoration of, the Community Facilities, in accordance with the other provisions of this Declaration, after damage or destruction by fire or other casualty.

(ix) Enforcing by legal means, when deemed necessary and appropriate in the opinion of the Board, the provisions of this Declaration and the Bylaws and the rules and regulations for the use of the Property adopted by it and bringing any proceedings which may be instituted on behalf of the Owners.

(x) Obtaining and carrying insurance against casualties and liabilities, and paying the premium cost thereof.

(xi) Paying the cost of all services rendered to the Community Association, and not billed to Owners.

(xii) Keeping books with detailed accounts in chronological order of the receipts and expenditures affecting the Property and Community Association, and the administration of the Property, specifying the maintenance and repair expenses of the roads and Community Facilities, and any other expenses incurred. The said books shall be available for examination by the Owners, their duly authorized agents or attorneys, in accordance with and pursuant to the processes set forth in § 81-318 of DUCIOA. All books and records shall be kept in accordance with good and accepted accounting practices, and if so directed by the Board, the same may be audited by an outside auditor employed by the Board who shall not be a resident of Whispering Woods, or an Owner of a Lot therein. The cost of such audit shall be a Common Expense. An audited financial statement, if prepared, shall be available within one hundred twenty (120) days of the end of the fiscal year.

(xiii) Notifying a Mortgagee of any property of any default by the applicable Owner whenever requested in writing by such Mortgagee to send such notice.

(xiv) Maintaining written minutes of all meetings of the Community Association and/or Board.

(xv) Resolving disputes between and among Owners and the Board and making decisions regarding disputes related to the interpretation and application of this Declaration and the Bylaws and rules and regulations promulgated pursuant thereto.

(xvi) Borrowing in an amount not to exceed twenty-five percent (25%) of the value of the Community Facilities for any proper Community Association purpose by the execution of notes and mortgages or as security for the repayment thereof or such other security or securities as the Community Association shall designate for the payment of principal thereof and interest due thereon, subject to any restrictions or limitations which may be contained in this Declaration or DUCIOA.

(xvii) To do such other things and acts not inconsistent with this Declaration or the Bylaws which the Board may be authorized to do by a resolution of the Community Association.

(c) The members of the Board shall not be liable to the Owners for any mistake of judgment, negligence, or otherwise except for their own individual willful misconduct or bad faith. The Owners shall indemnify and hold harmless each of the Board members from and against all contractual liability to others arising out of contracts made or action taken by the Board on behalf of the Owners unless any such contract or action shall have been made in bad faith or contrary to the provisions of this Declaration or of the Bylaws. It is intended that the members of the Board shall have no personal liability with respect to any contract made or action taken by them on behalf of the Owners. Every agreement made or action taken by the Board on behalf of the Owners shall, if obtainable, provide that the members of the Board, as the case may be, are acting only as agents for the Owners and shall have no personal liability thereunder, and that each Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage interest bears to the total Lots in Whispering Woods. The Owners shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason of the fact that he is or was a member of the Board, against expenses (including reasonable attorneys' fees), judgments, fines and amounts paid in settlement incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Owners.

SECTION 6.5. Community Facilities.

The Community Association has assumed all responsibility from the Declarant for the management, operation, maintenance, insurance, repair and replacement of the Community Facilities and for the costs and expenses associated with such Community Facilities (but only to the extent such Community Facilities have not been offered to and accepted by New Castle County or the State of Delaware for public dedication).

SECTION 6.6. Committees.

Article IX, Section 9.1 of the Bylaws contain the provisions governing the establishment of committees by the Board.

ARTICLE VII – INSURANCE

SECTION 7.1. Liability and Community Facilities.

(a) The Board shall obtain or cause to be obtained "broad-form" comprehensive public liability and property damage insurance that meets the requirements of DUCIOA § 81-313(h), covering liability for loss or damage to persons or property in those amounts, against those risks and from those insurance companies which the Board shall from time to time determine, but in no event less than Two Million Dollars ($2,000,000) for bodily injury, including deaths of persons and property damage arising out of a single occurrence. This insurance shall include protection against liability for damage to the property of others, and any other risks which are customarily covered in similar policies for organizations similar to the Community Association, including, without limitation, liabilities arising out of or in connection with the Community Association's maintenance responsibility hereunder.

(b) In the event of damage to or destruction of any portion of the Community Facilities covered by insurance payable to the Community Association as a result of fire or other casualty, the Board shall arrange for the prompt repair and restoration thereof; shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration, as appropriate; and shall otherwise comply with the requirements of § 81-313(h) of DUCIOA.

(c) The Board shall also obtain the following insurance coverage and endorsements which may be applicable to the Community Facilities or other insured Property, all premiums for which are to be charged as Common Expenses:

(i) Workmen's compensation policy to meet the requirements of law.
(ii) Directors' and officers' liability and other insurance which the Board shall deem necessary to satisfy the indemnification obligations of the Community Association as provided in Article XIV of this Declaration.
(iii) Fidelity insurance for the Board and all other persons with access to Community Association funds.
(iv) All other insurance which the Board shall determine from time to time to be necessary or desirable.

SECTION 7.2. Dwellings.

(a) The Board shall obtain or cause to be obtained, to the extent reasonably available, master or blanket "all risk" property and casualty insurance insuring the Dwellings but excluding the improvements or betterments installed by the Owners and the contents and personal property in such Dwellings, covering the interests of the Community Association, the Board, the Owners

of each Dwelling, and eligible Mortgagees, as their interests may appear. The total amount of insurance (after application of any deductibles) shall be the insurable replacement cost of the insured property (exclusive of items normally excluded from such casualty policies), provided that the Board shall be authorized to require the Community Association to acquire such greater coverage as shall in such Board's judgment be necessary to adequately insure the Dwellings and to protect Owners and the Mortgagees against loss.

(b) If the Board shall determine, after obtaining the insurance required by subsection (a) hereof for any period of time, to discontinue such insurance (whether due to escalating costs or otherwise), the Board shall provide all Owners with at least ninety (90) days advance notice of any such discontinuation so as to permit such Owners the opportunity to obtain substitute coverage, and upon such notice, all Owners shall be obligated to procure and obtain such insurance and maintain such insurance in full force and effect thereafter. The Board may also promulgate rules and regulations setting forth the standards such insurance coverages shall meet so as to provide substantial uniformity in the types of coverages obtained by the Owners.

(c) To the extent that the use or occupancy of a Dwelling by an Owner or the occupant of any Dwelling is otherwise permitted hereunder, the Community Association shall have the right to charge the Owner of the Dwelling for any increase in insurance premiums payable by the Community Association occasioned by such use or occupancy. No Dwelling shall be used, occupied or kept in a manner which will in any way increase fire, liability or other insurance premiums payable by the Community Association, or any other Owner without the prior written permission of the Board, which permission shall be conditioned upon the Owner of the Dwelling being required to bear the full amount of any increase in premiums payable by the Community Association. No Dwelling or any part of the Property shall be used, occupied or kept in any manner which would violate any law, statute, ordinance or regulation of any governmental body or which would lead to the cancellation of any insurance policy or policies on the Property.

(d) Should Dwelling(s), or any part thereof, be destroyed, the Owner thereof shall be and is obligated to promptly rebuild the damaged or destroyed Dwelling(s) to substantially the same condition and of like manner and appearance as immediately prior to said damage or destruction, unless repair or replacement would be illegal under any state or local health or safety statute or ordinance. In all events, any damage or destruction to a Dwelling shall be completely repaired/rebuilt as aforesaid within one (1) year from the date of said damage or destruction.

(e) Anything herein elsewhere to the contrary notwithstanding, each Owner shall be responsible to obtain liability insurance for his or her Lot and Dwelling in the form of ISO Form HO-6, or similar coverage, for betterments and improvements and personal property and personal liability.

SECTION 7.3. General Insurance Provisions.

(a) All liability insurance contracts shall contain severability of interest provisions and cross liability endorsements to cover liabilities of the Community Association or the Owners as a group. The Board and Owners shall acquire such insurance policies as required by law and the Board shall acquire such insurance as customarily acquired by organizations similar to the

Community Association, but the Board will specifically acquire Comprehensive "All Risk" Liability and Replacement Cost Insurance for which the Community Association shall be the named insured, and for which the Board will charge a determined percentage to each Owner as a Common Expense.

(b) The Board shall review, at least annually, all insurance coverage carried pursuant to this Declaration to evaluate this coverage with respect to its compliance with this Declaration, as well as with respect to what is reasonably appropriate coverage for communities comparable to the Community. In the event the Board determines after this review and evaluation that the insurance coverage required hereunder is not consistent with other reasonably appropriate coverage when compared to coverage for communities comparable to the Property, the Board shall have the power to deviate from the specific provisions of this Section 7.2 only to the extent of providing consistent and reasonably appropriate coverage; provided the Board shall give the Owners at least thirty (30) days prior written notice of any deviation.

(c) If available, and where applicable, the Board shall endeavor to obtain policies that provide that the insurer waives its right of subrogation as to any claims against Owners, the Community Association, the Declarant, the Board and their respective servants, agents and guests.

(d) Notwithstanding the duty of the Board to maintain and, repair the Community Facilities, the Board shall not be liable for injury or damage caused by the failure of the Board to maintain or repair the same, except to the extent of the proceeds of insurance carried by the Board and collected and received therefore.

SECTION 7.4. Loss.

(a) Where a loss or damage occurs to any portion of the Community Facilities, or other insured Property, it shall be an obligation of the Community Association to repair and restore the damage caused by the loss unless repair or replacement would be illegal under any state or local health or safety statute or ordinance. In the event of such loss or damage:

(i) The Board shall promptly obtain reliable and detailed estimates of the cost of repair and restoration and shall have the right and obligation to negotiate and contract for the repair and restoration of the Community Facilities, or other insured Property.

(ii) If the net proceeds, having subtracted the deductible (as determined by the Board), of the insurance are insufficient to pay for the estimated cost of repair and restoration (or for the actual cost thereof if the work has actually been done), the Board shall promptly, upon determination of the deficiency, levy a special Assessment against all Owners for that portion of the deficiency which is attributable to the cost of repair and restoration of the Community Facilities, or other insured Property. The special Assessment funds shall be added by the Board to the insurance proceeds available for the repair and restoration.

(iii) In the event the insurance proceeds are sufficient to pay for the cost of restoration and repair, or in the event the insurance proceeds are insufficient, but additional funds are raised by special Assessment, so that sufficient funds are on hand to fully pay for the restoration and repair, then no Mortgagee shall have the right to require the application of insurance proceeds to the payment of its loan.

(b) If for any reason the Community Facilities or other insured Property are not able to be repaired or replaced, the Board shall have the power to do the following:

(i) The insurance proceeds attributable to damaged Community Facilities or other insured Property shall be used to restore the damaged area to a condition compatible with the remainder of the Property as determined by the Board;

(ii) The insurance proceeds attributable to Community Facilities or other insured Property which are not rebuilt shall be utilized by the Community Association to offset Common Expenses or added to reserve accounts, as determined by the Board; and

(iii) The remainder of the proceeds shall be distributed equally to the Owners and their mortgagees as their respective interests may appear.

(c) The Board is hereby empowered to compromise and settle claims arising under insurance policies purchased by the Community Association, and to execute and deliver releases therefore, upon the payment of claim

ARTICLE VIII - EASEMENTS

SECTION 8.1. Utilities.

(a) All of the Property shall be subject to an easement for the present and future installation and maintenance of electric service, master and/or cable television service, telephone service, water service, storm water and sanitary sewage services and other utility services and the facilities and appurtenances necessary to the same, which easement shall run in favor of the Declarant, the Community Association and the entity or entities owning or operating these facilities and providing the aforementioned services, including, but not limited to, the Utilities. The Declarant and the Board shall have the right to grant to third parties additional utility easements which are deemed reasonable by the Declarant and the Community Association shall have the right to connect or tie into an Owner's outdoor water spigots and to use reasonable amounts of water therefrom without cost or charge for purposes of watering planted and grass areas of the Property, including the Owner's Lot. This right shall continue as to areas of the Property for a period of ninety (90) days after the planting of these areas with landscaping, seed or sod.

(b) Each Owner of any Lot, and its successors and assigns, by acceptance of a deed or other transfer documents therefore, hereby covenants and agrees to maintain and repair the

Wastewater Service Line servicing such Lot as applicable; to allow inspection by the applicable Utilities, to remove any blockage in said line, including without limitation blockage beyond clean-outs on the Lot and to remediate any environmental damage caused by breakage, blockage, or leakage thereof; and to pay or cause to be paid the service fees required under the terms of the Wastewater Agreement. No outdoor shower, downspout, sump pump or other device collecting rainwater or groundwater shall be connected to the wastewater system; any violation of this prohibition shall authorize and entitle the applicable Utilities to arrange for shut-off of potable water service to the applicable Lot.

SECTION 8.2. Community Association & Board Access.

The Community Association and its Board, officers, agents and employees, and any management company and its agents and employees, shall have the irrevocable right and easement to have access to each Dwelling and Lot as may be necessary for the inspection, maintenance, repair or replacement of any of the Community Facilities therein or accessible therefrom, or the making of any addition or improvements thereto, or to make other repairs, or fulfill any other requirements herein, to any Dwelling, Lot, and the Community Facilities, or to abate any violation of this Declaration or any rules or regulations of the Community Association or any violation of any laws or orders of any governmental authorities having jurisdiction over the Property.

SECTION 8.3. Declarant's Easement for Marketing.

For so long as Declarant owns any Lot or any portion of the Property or Project, Declarant reserves the right with respect to its marketing of Dwellings for this or other affiliated properties to use the Community Facilities without any charge or payment and, to the extent not already conveyed to purchasers, Lots or Dwellings for the ingress and egress of itself, its officers, employees, agents, contractors, subcontractors and prospective purchasers. The Declarant also reserves the right to permit prospective purchasers to park in any parking spaces located in the Community Facilities. The Declarant shall also have the right, in connection with its marketing of Dwellings, to erect signs on the Community Facilities, or on those Dwellings not already conveyed to purchasers. Any damage to the Community Facilities resulting from this easement shall be repaired by the Declarant within a reasonable time after the completion of its sale of all of the Dwellings in the Community or termination of the use of the Community Facilities, whichever shall occur first. The Declarant agrees to indemnify the Community Association from all liabilities resulting from the use of the Community Facilities in conjunction with the marketing of Dwellings. The rights reserved for the Declarant by this Section 8.3 shall remain in effect for as long as the Declarant shall remain the Owner of or have the right to create or build a Dwelling on the Property. This Section 8.3 shall not be amended without the prior written consent of the Declarant.

SECTION 8.4. Declarant's Easement for Construction.

The Declarant reserves the right with respect to the construction of Dwellings and Community Facilities to go upon any and all of the Property for purposes of construction, reconstruction, maintenance, repair, renovation, replacement or correction of the Community Facilities or Dwellings (including without limitation, to change the grade of any portion of the

Property and/or to install drainage control devices so as to control possible drainage and/or runoff of storm water in connection with the development of the Property or adjacent lands). This easement shall be appurtenant to and shall pass with title to every Dwelling. The rights hereby reserved for the Declarant shall last as long as the Declarant is the Owner of or has the right to create or build a Lot or Dwelling on the Property. This Section 8.4 shall not be amended without the prior written consent of the Declarant.

SECTION 8.5. Encroachments.

If any portion of the Community Facilities hereafter encroaches upon any Dwelling or Lot, or if any Dwelling hereafter encroaches upon any other Dwelling, Lot or upon any portion of the Community Facilities as a result of settling or shifting of any Dwelling, other than as a result of the purposeful or negligent act or omission of the Owner of the encroaching Dwelling or of the Community Association in the case of encroachments by the Community Facilities, a valid easement appurtenant to the encroaching Dwellings or Community Facilities for the encroachment and for the maintenance of the same shall exist for so long as the encroachment shall exist.

SECTION 8.6. Rights of the Declarant & Obligations of Owners With Respect to Utilities.

The rights and duties of the Owners of Dwellings within the Property with respect to sanitary sewer, storm sewer, water, electricity, telephone lines and facilities shall be governed by the following:

(a) Wherever sanitary sewer house connections and/or water house connections or electricity, telephone, gas or television lines are installed within the Property, which connections or any portion thereof lie in or upon a Lot owned by the Owner of a Dwelling served by these connections, the Declarant (as long as it owns a Lot or Dwelling in the Property) and the Community Association shall have the right, and are hereby granted an easement to the full extent necessary therefore, to enter upon the Lot or Dwelling and to have the utility companies or authorities enter upon the Lot or Dwelling in or upon which the connections, or any portion thereof lie to repair, replace and generally maintain the connection as and when they may deem the same necessary. The Community Association shall be responsible for restoring the surface of the easement area to the same condition which existed prior to the use to the extent that the utility company or authority is not so responsible or has not done so.

(b) Wherever sanitary sewer house connections and/or water house connections or electricity, telephone, gas or television lines are installed within the Property which connections serve more than one Dwelling, the other Owner of each Dwelling served by the connection shall be entitled to the full use and enjoyment of the portions of the connections as serve his Dwelling or Lot.

(c) In the event of a dispute between Owner and the Community Association with respect to repair or rebuilding of these utility connections, or with respect to the sharing of the costs thereof, upon written request of any one of these Owners, addressed to the Community

Association, the matter shall be submitted to the Board, who shall decide the dispute, and the decision of the Board shall be final, conclusive and binding on all parties.

SECTION 8.7. Continuing Easements.

Each Owner and the Declarant shall have an easement of use, access, ingress and egress to, from, over and through any private road and/or sidewalk which is located either totally or partially within an Owner's Lot.

SECTION 8.8. Easements for Municipal Officials.

Municipal officials such as fire and police personnel shall have the right to specific easements over the Property to provide the public services incident to their respective job duties during the time necessary thereto, for purposes of enforcing the applicable laws, ordinances, rules, and regulations of the said governmental bodies.

SECTION 8.9. Easements to Run With the Land.

The foregoing easements provided for in this Article VIII shall run with the land and inure to the benefit of and be binding upon the Community Association, each Owner, the Declarant, each Eligible Mortgage Holder, and each occupant or other person having any interest in any Dwelling or in the Community Facilities at the time of reference.

ARTICLE IX - ASSESSMENT OBLIGATIONS OF OWNERS

SECTION 9.1. Owners' Assessment Obligation.

(a) Aside from and in addition to Assessments provided for below each Owner of any Dwelling shall pay at settlement on his Dwelling (whether the initial sale from Declarant or at a subsequent sale by an Owner) a Five Hundred ($500.00) Dollar payment of which one-half (1/2) shall be deposited to the repair and maintenance reserve fund, and one-half (1/2) shall be used by the Community Association for operating expenses of the Community.

(b) Each Owner shall be deemed to covenant and agree to pay to the Community Association all Assessments, including, but not limited to the following:

(i) Regular Assessments for Common Expenses to be established annually and made due and payable on a monthly basis as determined from time to time by the Board based upon the budget of the Community Association. Due to the relative benefits and costs of servicing the Carriage House Dwellings and Twin Dwellings vs. the Detached Dwellings, Detached Dwellings shall at all times be assessed for Common Expenses at a rate determined by the Board that is ten (10%) percent to twelve (12%) percent more than the rate at which Carriage House Dwellings and Twin Dwellings are assessed for Common Expenses (on a Dwelling by Dwelling basis). The Board will allocate the Common Expense liability (which excludes any liability for Limited Charges, provided for separately in (iii) below) for each type of Dwelling using the following formulas:

"X" = the monthly Assessment for Common Expenses determined by the Board to be levied upon each Carriage and Twin Dwelling

111 Total Carriage and Twin Dwellings * X = Total Carriage and Twin Assessments for Common Expenses ("Y")

67 Total Detached Dwellings * (X*[1.1 to 1.12, as determined by the Board]) = Total Detached Assessments for Common Expenses ("Z")

Y + Z = Total Monthly Amount of Common Expenses Assessed for the Entire Community ("TMCE")

Y / TMCE = % of TMCE levied upon Owners of Carriage and Twin Dwellings ("Y%")

Z / TMCE = % of TMCE levied upon Owners of Detached Dwellings ("Z%")

Y% / 111 = the % of TMCE allocated to each Carriage Dwelling and Twin Dwelling

Z% / 67 = the % of TMCE allocated to each Detached Dwelling

By way of example, if the Board determines that Detached Dwellings shall be assessed for Common Expenses at a rate that is twelve (12%) percent more than the rate at which Carriage House Dwellings and Twin Dwellings are to be assessed, then using the above formulas the Common Expense liability of a Carriage House Dwelling would be approximately 0.537%, the Common Expense liability of a Twin Dwelling would be approximately 0.537%, and the Common Expense liability of a Detached Dwelling would be approximately 0.602%.

(ii) Special Assessments fixed, established and collected from time to time as determined by the Board for costs and expenses other than those for routine maintenance and repair. The Common Expense liability of a Dwelling for a special Assessment shall be determined in the same manner that the Common Expense liability of Dwelling for regular Assessments for Common Expenses is calculated.

(iii) Limited Charges against any one or more Dwellings to provide services which are exclusively used for such Dwellings. Each Assessment, together with interest thereon, fines, late charges and costs of collection thereof (including attorneys' fees) as hereinafter provided shall also be the personal obligation of the Owner who was the Owner of the Dwelling at the time when the Assessment became due.

(iv) Any other charges or Assessments for what may be determined from time to time by the Community Association to be Common Expenses.

(v) Any interest charges, attorneys' fees, penalties or fines levied by the Board for nonpayment of Assessments or for non-compliance with the terms and

provisions of this Declaration, the Bylaws or any rules or regulations created by the Board.

SECTION 9.2. Budgets.

The Board shall prepare a proposed budget of the Community Association at least sixty (60) days before the beginning of each fiscal year and set a date for a meeting of the Community Association. The Board shall cause a summary of the proposed budget, and the amount of the Assessments to be levied against each Dwelling for the following year, along with notice of the meeting of the Community Association Members to consider ratification of the budget not less than fourteen (14) or more than sixty (60) days after providing such summary, to be delivered to each Owner within thirty (30) days after providing such summary, to be delivered to each Owner within thirty (30) days after adoption of the proposed budget. Unless at such meeting a majority of all Owners reject the proposed budget, such proposed budget is ratified as the budget for such fiscal year, whether or not a quorum is present at such meeting of the Community Association. Notwithstanding the foregoing, however, in the event that the membership disapproves the budget or the Board fails for any reason to determine the budget for any fiscal year of the Community Association, then and until such time as a budget shall have been determined as provided herein, the budget in effect for such immediately preceding fiscal year shall continue for the succeeding fiscal year.

SECTION 9.3. Intentionally Omitted.

SECTION 9.4. Open Space Maintenance Contribution.

The Declarant established a fund pursuant to Chapter 40, Article 27 of the New Castle County Code for the purpose of maintaining open space and common facilities. Such maintenance fund shall be funded by a one-time assessment of Six Hundred Ninety-Eight Dollars and Eighty-Eight Cents ($698.88), and shall be payable by the initial purchaser of each Dwelling at the earlier of settlement or occupancy of such Dwelling, and thereafter by subsequent purchasers of the Dwelling for value upon settlement of each sale and conveyance of the Dwelling. Such one-time assessments shall be levied for so long as required by New Castle County.

SECTION 9.5. Owners' Negligence.

Each Owner shall be obligated to reimburse the Community Association for any expenses incurred by it in repairing or replacing any part or parts of the Community Facilities, party walls, or any component of a Dwelling for which the Community Association has responsibility for replacement, maintenance or insurance, damaged by his act, omission or negligence or by the act, omission or negligence of his agents, guests or licensees, promptly upon receipt of the Community Association's statement therefore.

SECTION 9.6. Surplus Funds.

Any Common Surplus remaining after payment of or provision for Common Expenses and any payment of reserves may be used by the Community Association as determined by the

Board and, to the extent not used or deposited by the Board into a reserve account, may be credited to the Owners to reduce their future Assessments.

SECTION 9.7. Time of Payment.

Except as otherwise provided in this Declaration, time for payment of Assessments by an Owner shall be fixed at the discretion of the Board; provided that all regular and special Assessments shall be declared by the Board and made due and payable on an annual basis. The failure of the Board to formally declare any annual Assessment shall result in the regular annual Assessment for the immediately preceding year being the regular annual Assessment applicable to and due and payable for the current year.

SECTION 9.8. Lien for Assessments.

The regular and special Assessments for Common Expenses and Limited Charges, together with any interest thereon, fines, late charge and cost of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien pursuant to DUCIOA § 81-316 upon the Dwelling against which each Assessment is made from the time the Assessment, fine, late charge or cost of collection become due. Each Assessment, together with interest thereon, fines, late charges and cost of collection thereof as hereinafter provided shall also be the personal obligation of the Owner of the Dwelling at the time when the Assessment becomes due.

SECTION 9.9. Late Payment of Assessments.

Any Assessment or installment thereof not paid within fifteen (15) days after the due date may bear interest from the due date at the rate of fifteen percent (15%) per annum or a higher rate permitted by law which the Board shall from time to time determine. The Board may assess fines, late charges and costs of collection (including attorneys' fees). The Board shall also have the right to charge a delinquency Assessment, as established from time to time by the Board, against any Owner whose Assessments are delinquent for a period exceeding ten (10) days from the due date. The Board shall have the right to accelerate payment of all remaining proposed payments of any regular or special Assessments for the remainder of the fiscal year.

SECTION 9.10. Method of Enforcing Collection of Assessments.

Any Assessment charged against an Owner may be enforced by a lawsuit or execution of a lien brought by the Board on behalf of the Community Association and/or the Owners in an action at law or equity against the Owner personally obligated to pay the same, or by executing the lien described herein against the Lot or Dwelling, or both, and the Board may seek whatever other remedies which are available at law or in equity. In addition to these rights and remedies available to the Community Association, the Community Association shall have the right to revoke the rights of an Owner in the Community Association to the extent permitted under DUCIOA; provided the Community Association shall provide written notice of any revocation of rights and an opportunity for the defaulting Owner to be heard before the Board. The decision of the Board shall be final. Any judgment against a Lot and its Owner shall be enforceable in the same manner as is otherwise provided by law. Attorneys' fees, court costs and collection expenses incurred by the Board incident to the collection of any Assessments or the enforcement

of any lien, together with all sums advanced and paid by the Board for taxes and payments on account of superior liens which may be required to be advanced by the Board in order to protect its lien, shall be payable by the Owner and secured by this lien.

SECTION 9.11. Unpaid Assessments at the Time of Execution Sale Against a Dwelling.

In the event that title to a Dwelling is transferred by sheriff's sale pursuant to execution upon any lien against the Dwelling, the Board may give notice in writing of any unpaid Assessments, which are a charge against the Dwelling but have not been reduced to a lien, to the sheriff and the sheriff shall pay the Assessments of which he has notice out of the proceeds of the sale which remain in his hands for distribution after payment of all other claims which he is required by law to pay, but prior to any distribution of the balance to the former Owner against whom the execution issued. Any unpaid Assessments which cannot be promptly collected from the former Owner may be reassessed by the Board as a Common Expense to be collected from all the Owners, including the purchaser or acquirer of title at the sheriff's sale, his successors and assigns. To protect its right to collect unpaid Assessments which are a charge against a Dwelling, the Board may, on behalf of the Owners, purchase the Dwelling at sheriff's sale; provided this action is authorized by the affirmative vote of a majority of the Board. If it does so purchase, the Board shall thereafter have the power to sell, convey, or mortgage the Dwelling to any person whatsoever.

SECTION 9.12. Voluntary Sale of a Dwelling.

Upon the voluntary sale or conveyance of a Dwelling, or any other transfer, by operation of law or otherwise, except a transfer described in Section 9.11 of this Declaration, and a transfer by Deed in lieu of foreclosure to an Eligible Mortgage Holder, the grantee shall be jointly and severally liable with the grantor for all unpaid Assessments which are charges against the Dwelling as of the date of the sale, conveyance or transfer. This joint and several liability shall be without prejudice to the right of the grantee to recover from the grantor in the amount of any unpaid Assessments which the grantee may pay, and until these Assessments are paid, they shall continue to be a charge against the Dwelling, which may be enforced in the manner set forth above; provided, however, any person who shall have entered into a written agreement to purchase a Dwelling shall be entitled to obtain a written statement from the Treasurer of the Community Association setting forth the amount of unpaid Assessments charged against the Dwelling and its Owner, and if the statement does not reveal the full amount of the unpaid Assessments as of the date it is rendered, neither the purchaser nor the Dwelling after transfer thereof shall be liable for the payment of the amount in excess of the unpaid Assessments shown on the statement.

SECTION 9.13. Mortgage Foreclosure.

If an Eligible Mortgage Holder or other purchaser of a Dwelling acquires title to the Dwelling as a result of foreclosure of the first mortgage, or by deed in lieu of foreclosure, the acquirer of title, his successors and assigns, shall not be liable for the share of Common Expenses or other charges by the Community Association pertaining to the Dwelling or chargeable to the former Owner which accrue prior to acquisition of title as a result of the

foreclosure. The unpaid share of the charges shall be a Common Expense collectible from all Owners, including the acquirer of the Dwelling by foreclosure, his successors and assigns.

SECTION 9.14. Declarant's Assessment Obligation and Assumption of Deficits.

(a) The Declarant shall not be liable for any Assessments or charges levied by the Community Association against Lots or Dwellings owned by the Declarant, except for Dwellings leased by Declarant to third party tenants.

ARTICLE X - TRANSFER OF DWELLINGS

SECTION 10.1. Transfer of Dwellings.

Any Owner may, at any time, transfer Ownership in the Lot and Dwelling (which must include such Owner's membership in the Community Association) to any other person, and it shall not be necessary to secure the prior consent of the Community Association, Board or any other Owner; provided however any such transfers shall be subject to this Declaration and the regulations regarding age of occupants as provided for in the applicable zoning regulations of New Castle County and the Fair Housing Act and its amendments as referred to above in subsection 4.1(a). Sales to be approved must comply with the Board's policies as described in 4.1, including, without limitation, the Board's right to enact rules and regulations as set forth therein.

SECTION 10.2. Leasing of Dwellings.

Any Owner shall be permitted to lease his Dwelling, provided that such lease shall (i) have an initial term of one (1) year or longer, (ii) contain provisions advising the tenant of his or her obligation to comply with all provisions of this Declaration, (iii) be approved by the Board prior to its effective date; and (iv) provide that the Community Association shall have the right, in addition to all other rights provided by DUCIOA and any other applicable laws, to terminate the lease upon default by the tenant in observing any of the provisions of this Declaration. At least one tenant under any lease of a Dwelling must satisfy the requirements of subsection 4.1(a) hereof (regarding the age of 55 or over requirement). The Owner(s) of a leased Dwelling shall notify the Community Association in writing of the Owners' current address. The Owner(s) of a leased Dwelling shall be jointly and severally liable with his tenant(s) to the Community Association to pay any claim for injury or damage to persons or property caused by any action or omission, including, without limitation, the negligence, of the tenant(s). Every lease shall be subordinate to any lien filed by the Community Association, whether before or after such lease was entered into. In the event the Community Association fails to approve, with or without conditions, or deny a proposed lease within forty-five (45) days from the date the form of the proposed lease shall have been submitted, then approval will be deemed to have been denied.

SECTION 10.3. Mandatory Disclosure to Purchaser.

(a) Within five (5) days after the execution of an agreement for the sale of the Dwelling by the Owner, the Owner shall submit to the Community Association the names and addresses of the Purchaser. No later than sixty (60) days before settlement under said agreement

of sale, Owner shall notify the Community Association in writing of its desire for the Certificate (defined below), and the Community Association shall deliver the same within fifteen (15) days to Owner to give the same to the purchaser at least thirty (30) days before Settlement.

(b) On or before the settlement of a Dwelling, the Community Association shall furnish a certificate ("Certificate") issued by the Community Association, which Certificate shall be acknowledged by the purchaser on or before Settlement on the Dwelling and promptly returned to the Community Association, containing the following information:

(i) A statement of the then current amount of the Assessments payable annually and any unpaid Assessments currently due and payable from the selling Owner;

(ii) A statement of any other fees payable by the selling Owner;

(iii) A statement of any special Assessments currently proposed or adopted by the Community Association for the current and next two succeeding fiscal years, if these have been determined;

(iv) A statement of the amount of any reserves or any portions of those reserves designated by the Community Association for any specified project;

(v) A copy of the most recent regularly prepared balance sheet and income and expense statement of the Community Association;

(vi) A copy of the current operating budget of the Community Association;

(vii) A statement describing any insurance coverage which may be provided for the benefit of Owners;

(viii) A current copy of this Declaration, the Bylaws, all rules and regulations promulgated by the Community Association, any amendments to the foregoing and any other covenants, conditions or restrictions and related documents which may apply to the Dwelling;

(ix) Such additional information as may be required by § 81-409 of DUCIOA.

(c) A purchaser shall not be liable for any unpaid Assessments greater than those set forth in the Certificate, other than additional Assessments or other charges arising from the passage of time. The Community Association shall have the power to assess the reasonable cost of the preparation of the Certificate to the selling Owner or other requesting person and require payment thereof prior to the delivery of the Certificate to the selling Owner or other requesting person. The Community Association is not liable to any Owner or purchaser for any errors in the Certificate or for failure to comply with the foregoing requirements, except for the Community Association's intentional misconduct.

ARTICLE XI - USE AND ADDITIONAL RESTRICTIONS

SECTION 11.1. Use Restrictions.

(a) Except as used by the Declarant in connection with its construction and marketing of Dwellings, each Dwelling shall be used for residential purposes only; provided (subject to subsection (h) below) that home occupations may be carried on in the Dwelling if the use is incidental to the Dwelling's primary residential use, shall have no employees at the Dwelling, shall be in compliance with all zoning and other applicable laws, ordinances, and any rules or regulations, and shall be approved by the Board and by any municipal authorities having jurisdiction over the use. No Owner shall permit his Dwelling to be used or occupied for any prohibited purpose.

(b) No part of the Property shall be used so as to create a nuisance or an unreasonable interference with the peaceful possession and occupation or proper use of any other Dwelling or the Community Facilities. In illustration and not limitation of the foregoing, no Owner, guest or invitee shall play loud music, create excessive noise, or permit trash or clutter to accumulate on his Lot.

(c) Except for work done by the Declarant in connection with the construction and marketing of Dwellings, nothing shall be built, caused to be built or done in or to any part of the Property which will alter or cause any alteration to the Property, Community Facilities, Lots, or exteriors of Dwellings without the prior written approval of the Board.

(d) The interior of each Dwelling shall be maintained by its Owner or occupant in a safe, clean and sanitary manner and condition, in good order and repair and in accordance with all applicable restrictions, conditions, ordinances, codes and any rules or regulations as may be applicable hereunder or under law. All drapes and other window treatments shall be all white or off-white on the side facing the outside of the Dwelling.

(e) No Owner or occupant of any Dwelling shall carry on, or permit to be carried on, any practice which unreasonably interferes with the quiet enjoyment and proper use of another Dwelling or the Community Facilities by the Owner or occupant of any other Dwelling, or which creates or results in a hazard or nuisance on the Property.

(f) Except for a single non-illuminated address number sign to a Dwelling and except for the right reserved for the Declarant for sign(s), no sign may be erected by any Owner on or in a Lot or Dwelling (visible from the outside of the Dwelling) or on any of the Community Facilities, without the prior written approval of the Board. In no event shall any Owner or occupant display any real estate for sale sign of any kind on any Lot except in compliance with subsection (v) hereof. If permission is granted to any Owner to erect a sign, the Board reserves the right to restrict the size, shape, color, lettering, height, material and location of the sign, or in the alternative, provide the Owner with a sign to be used for such purposes.

(g) No Owner or occupant may obstruct the Community Facilities in any way. No Owner or occupant may store anything in or on the Community Facilities without the prior written approval of the Board.

(h) Each Dwelling shall be occupied by not more persons than the maximum permitted by law for the Dwelling.

(i) Any pet creating excessive noise, so as to disturb another Owner, whether the animal is creating a disturbance from within or outside the Dwelling; must be removed from the Property. A maximum of three (3) dogs, cats and/or other small domesticated animals may be kept by an Owner as household pets, provided that such permitted species are not kept for any commercial purposes. No non-domestic animal life may be raised, bred or kept in any Dwelling or Lot or in the Community Facilities. Non-domestics animals include, without limitation, chickens and pigs. No Owner may permit their animals to be unleashed or to defecate, without clean-up, when outside of the Owner's Dwelling. Pet owners are to take extra care to not have their pets urinate or defecate on landscaped areas. Feeding of wild animals shall be prohibited; provided, however, that small bird feeders may be permitted by rule of the Board. Pet owners are fully responsible for personal injuries and/or property damage caused by their pets.

(j) No portion of the Property shall be used or maintained as a dumping ground for rubbish, trash, new or used lumber or wood, metal scrap, garbage or other waste, except that such material may be kept on the Lot or in areas of the Property designated for this purpose by the Declarant (in connection with its construction) or the Board; provided these materials shall be kept in sanitary containers and in a clean and sanitary condition. These containers shall be placed for collection only in the designated areas and only on the day these refuse materials are to be collected. Empty containers shall be removed promptly after collection.

(k) No Owner or occupant shall erect or maintain an exterior antenna on any Lot or Dwelling. An Owner may install a small satellite dish with the prior written approval of the Board consistent with applicable federal law. Application for such approval shall in all cases include a detailed plan locating the proposed dish on the property and landscaping plan to conceal the dish from view from the remainder of the Property, and any consent by the Board will be conditioned upon installation, maintenance and replacement of such landscaping. The Board reserves the right to reject an application if the satellite dish has to be located in an area which, by the Board's sole discretion, cannot be adequately screened from other homes and the Community Facilities.

(l) Only currently registered and licensed four wheel vehicles, two wheel motorcycles and standard bicycles may be operated on driveways, streets, and other paved parking areas on the Property. No vehicles of any sort may be operated on other areas of the Property. For avoidance of any doubt, only four wheel passenger vehicles used on a regular basis by the Owner or a temporary guest may be parked outside a garage of any Dwelling. Any motorcycle, bicycle, all-terrain vehicle, golf cart, snowmobile, Commercial Vehicle (except on a day-to-day temporary basis in connection with repairs maintenance or construction work on the Property), and any recreational vehicle, mobile home, boat, trailer or similar equipment can only be parked on the Property if entirely enclosed in the garage of a Dwelling or by rule and regulation of the Board. Any maintenance, servicing, or repair of any vehicle is permitted only in a nearly enclosed garage.

(m) The Board shall have the power to remove any sign not in accord with the requirements of subsection (f) and to charge the person or persons causing the erection of same

the cost thereof. In the event that the person so responsible cannot be ascertained or the funds cannot be collected, then the Board shall be permitted to pay the same from the Community Association funds.

(n) To the extent maintenance is not specifically provided by the Community Association the Owner of each Dwelling shall maintain the Dwelling in a manner satisfactory to the Community Association and in accordance with those additional covenants, conditions or restrictions which may apply to the Dwelling. In the event that a Dwelling shall not be so maintained, the Community Association shall have the right to enter upon the Dwelling to maintain the same, after giving the Owner at least fourteen (14) days written notice to cure any maintenance problems or deficiencies, and, in this event, the Community Association shall have the right to assess the particular Owner for the cost of any maintenance and an administrative surcharge. The Community Association by its Board shall have the right to establish rules and regulations governing the exterior maintenance of any Dwelling.

(o) No tents, storage tanks, sheds, or accessory buildings or structures shall be erected or permitted to remain on the Property without the prior written approval of the Board.

(p) No outdoor clothes lines may be erected, installed or permitted to remain on any Lot.

(q) No Owner may moor or launch a boat, build a dock, fish, swim, wade, skate or other similar use in/on the ponds on the Property, if any.

(r) No tree, shrub, bush or other plant of any kind located on the Community Facilities may be cut down, trimmed, relocated, uprooted or altered in any way except by the Community Association, and no tree climbing or other hazardous activity of any kind is permitted on the Community Facilities.

(s) No swimming pools above or below ground are permitted, except for the swimming pool that is shown on the Plan as part of the Community Facilities.

(t) No building, fence (inclusive of invisible fences), wall or other structure or improvement including, but not limited to, landscaping or plantings (other than periodical plantings in plant bed(s) adjacent to Dwellings consistent with Community Association rules and regulations or guidelines) shall be commenced, erected, installed, placed or maintained upon an Owner's Lot or Dwelling, nor shall any exterior addition to or change (including change of external color scheme) or alteration or addition be made to any Dwelling which alters the external appearance of the Dwelling, the Lot or fence erected on the Lot by the Declarant, if any, prior to submitting an application for review to and receiving prior written approval by the Board. In addition, no man-made object, including, without limitation, statuary, grills, hoses, furniture, swings, bird baths and/or any objects of any other nature, may be placed on any portion of any Lot except on paved areas thereon at any time. The foregoing is in recognition of the need to keep all landscaped areas free from obstructions to facilitate the Community Association's common maintenance of all Lots.

(u) Each Owner shall submit to the Community Association, plans and specifications showing the nature, kind, shape, height, materials, finish, colors and location of the Owner's

proposed changes, alterations or additions to the Lot or Dwelling. The submission shall contain proof of compliance with all applicable codes, laws and ordinances. The Community Association shall have the right to request additional information, plans and materials concerning any proposed alterations, additions and improvements. In the event the Community Association fails to approve, with or without conditions, or deny the application within forty-five (45) days from the date all plans and specifications, including all additional information, plans and materials which may be requested by the Community Association have been submitted, approval will be deemed to have been denied. The Community Association shall review the plans to determine whether they are consistent with the original design and construction of the Lots and Dwellings in the Property. The Board shall have the right to establish design criteria and standards for alterations, additions and improvements within the Property.

(v) Any Owner wishing to sell his Dwelling shall provide to the Community Association the name and telephone number of the listing agent (if any), or the Owner's telephone number if there is no listing agent. The Owner shall prepare and install on the Owner's Lot, at the Owner's expense and in a location mutually acceptable to the Owner and the Community Association, a sign in accordance with subsection (f) and the determination of the Board. The Board may, from time to time, adopt and enforce rules and regulations regarding the size, style, form and location of all such signs.

(w) No window air conditioners or window fans which project beyond the window screen shall be permitted.

(x) In accordance with § 81-320(c) of DUCIOA, any Owner shall have the right to display the flag of the United States of America, measuring up to three (3) feet by five (5) feet, on a pole attached to the exterior wall of such Owner's Dwelling.

(y) The provisions of this Article XI shall not apply to the Declarant.

ARTICLE XII – Pparty WALLS

SECTION 12.1. Party Walls.

(a) General Rules of Law to Apply. To the extent not inconsistent with the provision of this Article XII, the general rules of law regarding party walls and liability for property damage due to negligence or willful act or omissions shall apply to each party wall or party fence which is built as part of the original construction of the Carriage House Dwellings and Twin Dwellings upon the Property and any replacement thereof.

(i) In the event that any portion of any structure, as originally constructed by the Declarant, including any party wall, shall protrude over an adjoining Lot such structure, or party wall, shall not be deemed to be an encroachment upon the adjoining Lot or Lots, and Owners shall neither maintain any action for removal of a party wall or fence or projection nor any action for damages. In the event there is a protrusion as described aforesaid, it shall be deemed that the Owners and, where applicable, the Community Association have granted perpetual easements to the adjoining Owner or Owners for continuing maintenance and use of the projection or

party wall. The foregoing shall also apply to replacements of any structures, or party walls if same are constructed in conformance with the original structure, or party wall constructed by the Declarant. The foregoing conditions shall be perpetual in duration and shall not be subject to amendment of these covenants and restrictions.

(b) Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared equally by the Owners who make use of the wall in proportion to such use.

(c) Destruction by Fire or Other Casualty. If a party wall or party fence is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall or fence, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

(d) Weatherproofing. Notwithstanding any other provision of this Article XII, an Owner, who by his negligent or willful act causes the party wall to be damaged, or exposed to the elements, shall bear the whole cost of repairing the damage and/or furnishing the necessary protection against such elements.

(e) Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors and assigns in title.

(f) Arbitration. In the event of any dispute arising concerning a party wall or party fence, or under the provisions of this Article XII, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators and be binding upon the parties. The costs of such arbitration shall be shared equally by the parties.

(g) Control. In case of any conflict between the terms and provisions of this Article XII and any other provisions of this Declaration, the terms and provisions of this Article XII will control.

ARTICLE XIII - COMPLIANCE AND DEFAULT

SECTION 13.1. Compliance and Default.

Each Owner shall be governed by and shall comply strictly with the terms, covenants, conditions and restrictions of this Declaration, the Bylaws and any rules and regulations adopted pursuant thereto, and the same as may be amended from time to time.

SECTION 13.2. Enforcement.

Failure of an Owner to comply with any provision of this Declaration or the Bylaws or any rules and regulations adopted pursuant thereto shall entitle the Community Association or

Owners to the remedies provided in this Declaration, and also to the following relief, none of which shall be exclusive of any other remedies:

(a) Suits: The Community Association or any aggrieved Owner shall be permitted to sue for the recovery of damages or for injunctive relief, or both; provided, that the Owner has exhausted his remedies provided for herein. This relief shall not be exclusive of other remedies provided by law.

(b) Costs and Attorneys' Fees: In any proceeding arising hereunder, the prevailing party shall be entitled to recover the costs of the proceeding and reasonable attorneys' fees; provided, however, that no costs or attorneys' fees may be recovered against the Board in any action unless the court shall first expressly find that the Board acted in bad faith.

(c) No Waiver of Rights: The failure of the Declarant, or the Board, or any Owner to enforce any covenant, restriction or other provision of this Declaration, the Bylaws or any rules and regulations adopted pursuant thereto, shall not constitute a waiver of the right to do so thereafter.

SECTION 13.3. Complaint & Hearing Procedures; Actions by Owners.

No Owner or occupant shall have the right to object, challenge, commence any suit at law or in equity or take any other action under any act, power or authority now in force or hereafter to be enacted except after following procedures established by the Board by rule or regulation consistent with the provisions of this Section 13.3. The Board, or a committee appointed by the Board, shall hear complaints from Owners or occupants of alleged violations of this Declaration (other than violations with respect to assessment obligations), the Bylaws and any rules and regulations of the Community Association. The Board, or a committee appointed by the Board, shall hold a hearing on any complaint within thirty (30) days after the receipt by the Board of a formal notice of complaint from an Owner or occupant. A decision shall be issued in writing by the Board within ten (10) days after the conclusion of the hearing. The Board shall have the right to establish various rules and procedures governing the operation and administration of the complaint and hearing process and the enforcement of the Community Association documents and rules and regulations. Unless the internal remedies provided by this Section 13.3 and any rules and regulations promulgated by the Board shall be expressly waived by the Community Association, or the Community Association fails or refuses to act, no action at law or in equity shall be commenced by any Owner or occupant until this internal remedy is pursued to exhaustion. Any action by an Owner or occupant against any other Owner or occupant arising out of any term, covenant or condition contained in the Bylaws, this Declaration or any rules and regulations adopted pursuant thereto shall be subject to the same procedures. In hearings before the Board, or a committee appointed by the Board, all parties shall be entitled to be represented by counsel.

ARTICLE XIV - INDEMNIFICATION OF OFFICERS, MEMBERS OF THE DIRECTORS AND COMMITTEE MEMBERS

SECTION 14.1.

The Community Association shall indemnify every member of the Board, officer and committee member, his heirs, executors and administrators, against all loss, costs and expenses, including counsel fees, reasonably incurred by him in connection with any action, suit or proceeding to which he may be made a party by reason of his being or having been a member of the Board, officer or a committee member of the Community Association, in accordance with and to the same extent as is permitted and as limited by the provisions of the Delaware Corporation Law (the "Corporate Law"), as amended from time to time. In the event of a settlement, indemnification shall be provided only in connection with those matters covered by the settlement as to which the Community Association is advised by independent counsel that the person to be indemnified may be indemnified under the Corporate Law. The foregoing rights shall not be exclusive of other rights to which the Director, officer or committee member may be entitled. All liability, loss, damage, costs and expenses incurred or suffered by the Community Association by reason of or arising out of or in connection with the foregoing indemnification provisions shall be treated by the Community Association as Common Expenses; provided, however, that nothing contained in this Section 14.1 shall obligate the Community Association to indemnify any Member of the Community Association, who is or has been a member of the Board, an officer or a committee member with respect to any duties or obligations assumed or liabilities incurred by him under and by virtue of his membership in the Community Association.

ARTICLE XV - AMENDMENTS

SECTION 15.1. Amendments.

This Declaration may be amended by an instrument signed by, or the affirmative vote of, Community Association Members entitled to cast not less than sixty-seven (67%) of the total votes of all Community Association Members and shall require the prior written consent of the Declarant (for so long as the Declarant shall own any portion of the Property or Project). Any amendment must be Recorded in the Recorder's Office.

SECTION 15.2. Changes and Modifications by Declarant.

(a) The Declarant shall have the right, for a period ending on the earlier of (i) twenty (20) years following the date of recordation of the Original Declaration, and (ii) the date on which Declarant no longer owns any Lot within the Community and Declarant has received the return from the County of all financial security provided by the Declarant to the County pursuant to the terms of that certain Land Development Improvement Agreement dated July 26, 2017, entered into by and among Whispering Woods Homes LP, Summit Land LLC, and the County, as may be amended, to modify, amend or change any of the provisions of this Declaration, as the Declarant may deem necessary or desirable, without the consent or joinder of the Community Association Members, any Mortgagee, or the Community Association, or any other party, if such amendments are:

(i) Required by federal, state, county or local laws; or

(ii) Required by any Mortgagee of all or any portion of the Property or Project; or

(iii) Required by any title company issuing title insurance to Owners and/or Mortgagees of same; or

(iv) required to correct errors or technical deficiencies or imperfections or to clarify ambiguities in this Declaration.

(b) Declarant reserves the right to waive or modify any requirement as to any individual Lot or, the Property in general necessary to avoid any hardship resulting from unintentional noncompliance with this Declaration.

ARTICLE XVI - DURATION AND TERMINATION

SECTION 16.1. Duration; Dissolution.

(a) The covenants and restrictions of this Declaration shall run with and bind the land, for a term not to exceed twenty-five (25) years from the date this Declaration is Recorded, after which time they shall be automatically extended for successive periods of ten (10) years unless terminated, at least six (6) months before the commencement of any extension, by a vote of not less than eighty percent (80%) of Owners by evidence which shall be Recorded. In the event that the Declarant is the Owner of any Lots at the time of the intended dissolution, such dissolution shall not occur without prior approval of the Declarant.

(b) Upon dissolution of the Community Association and termination of this Declaration, the real and personal property of the Community Association shall become the assets of the Owners, who are Owners at the time of the dissolution, as tenants-in-common. Provided, however, the Community Association shall not be dissolved nor shall it dispose of the Community Facilities, by sale or otherwise, without first offering to dedicate the same to the County.

ARTICLE XVII – NOTICE

SECTION 17.1. Notice of Proposed Amendment.

Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the Board in which a proposed amendment is considered, and shall be served upon all Members in the manner hereinafter provided for service of notices.

SECTION 17.2. Notices.

All notices required to be served upon Owners pursuant to this Declaration or the Bylaws shall be sufficient if delivered in the manner described in Article VI, Section 6.3 of the Bylaws.

SECTION 17.3. Notice to Eligible Mortgage Holders; Deemed Consent.

(a) The Community Association shall give prompt written notice to each Eligible Mortgage Holder of (and each Owner hereby consents to, and authorizes such notice):

(i) Any condemnation loss or any casualty loss which affects a material portion of the Property or any Lot subject to a first mortgage or security interest held, insured, or guaranteed by such Eligible Mortgage Holder.

(ii) Any delinquency in the payment of Assessments or charges owed by an Owner whose Lot is subject to a First Mortgage interest held, insured, or guaranteed, by such Eligible Mortgage Holder which remains uncured for a period of sixty (60) days.

(iii) Any lapse, cancellation, or material modification of any insurance policy or fidelity coverage maintained by the Community Association.

(iv) Any other matter with respect to which Eligible Mortgage Holders are entitled to notice or to give their consent as provided in this Declaration.

ARTICLE XVIII - GENERAL PROVISIONS

SECTION 18.1. Maintenance Declaration; Interpretation of the Declaration and Bylaws.

(a) The provisions set forth in that certain Maintenance Declaration for Whispering Woods dated July 6, 2017, recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, as Instrument No. 20170710-0034310 (the "Maintenance Declaration"), are hereby incorporated by reference in this Declaration as if fully set forth herein. In the event of a conflict of interpretation between the provisions set forth in the Maintenance Declaration and this Declaration, the Maintenance Declaration shall govern.

(b) In the event of a conflict of interpretation between the provisions set forth in the Bylaws and this Declaration, this Declaration shall govern except to the extent this Declaration is inconsistent with applicable law. In the event that the Internal Revenue Code is hereafter amended or changed, both this Declaration and the Bylaws shall be interpreted in a manner which conforms to the provisions of the Internal Revenue Code with respect to non-profit entities, it being the intention to preserve the lawful status of the Community Association as a bona fide non-profit entity.

SECTION 18.2. Notice of Special Provisions Regarding the Property and Project.

(a) The Property and Project are located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of the Property and Project is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(b) The streets within the Project, as shown on the Plan, are dedicated to public use and are to be maintained by the State of Delaware. The sidewalk and shared-use path shall be the responsibility of the Community Association and the State of Delaware will assume no responsibility for the future maintenance of the sidewalk and/or shared-use path.

(c) The Property contains regulated wetlands. Activities within these wetlands may require a permit from the U.S. Army Corps of Engineers and/or the State of Delaware.

SECTION 18.3. Waiver of Claims as to Mold.

Declarant has not represented, warranted or guaranteed that the Lots, Dwellings, Community Facilities or any portion of the Community are free from mold, fungi, or other naturally occurring biological agents or pollutants (collectively "Mold") or that Mold will not develop in the Lots, Dwellings, Community Facilities or any portion of the Community in the future. Mold is a part of the natural environment and may grow indoors in moist conditions. According to the United States Environmental Protection Agency ("EPA") it is impossible to get rid of all mold and mold spores indoors but certain steps may be useful in reducing the occurrence of mold growth. (EPA Document 402-K-01-001). Based upon this information, certain maintenance, repair and replacement responsibilities have been established in this Declaration and the Bylaws to be performed by the Community Association, under the direction of the Board, and the Owners with regard to addressing water penetration, water leaks, moisture problems and humidity, all of which conditions provide opportunity for Mold growth. Failure to perform such responsibilities shall be at the Owners' sole risk and the Owners shall be solely responsible for any property damages, personal injury damages, loss of income, emotional distress, death, loss of use, loss of value, adverse health effects or consequential damages of any kind caused as a result thereof.

SECTION 18.4. General.

If any provisions of this Declaration are determined to be invalid, that determination shall not affect the validity or effect of the remaining provisions hereof, the Bylaws or any rules and regulations. All of these provisions remaining in effect shall continue as if the invalid provisions had not been included herein unless the provisions declared invalid or deleted from this document shall frustrate the intent of the contract in which case only those provisions necessary to effectuate the intent of the contract shall remain effective. The headings herein are for reference purposes only and shall not affect the meaning or interpretation of this Declaration. This Declaration shall become effective when it has been duly Recorded. This Declaration shall inure to the benefit of and shall be binding upon the Declarant, their successors and assigns.

SECTION 18.5. Construction.

Number and gender, as used in this Declaration, shall extend to and include both singular and plural and genders as the context and construction require.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Community Association has caused this Declaration to be certified, executed and its seal affixed hereto as of the day and year first written above.

COMMUNITY ASSOCIATION:

Whispering Woods Community Association

Witness

By: _____ (SEAL)
Name: David Pearsall
Title: President

THE UNDERSIGNED HEREBY consents to the foregoing Declaration:

DECLARANT:

Whispering Woods Homes LLC

By: Admiralty Holdings, LLC,
its managing member

_____
Witness

By: _____ (SEAL)
Name: Kevin E. McLaughlin
Title: Vice President and Assistant Secretary

IN WITNESS WHEREOF, the Community Association has caused this Declaration to be certified, executed and its seal affixed hereto as of the day and year first written above.

COMMUNITY ASSOCIATION:

Whispering Woods Community Association

_____
Witness

By:_____(SEAL)
Name: David Pearsall
Title: President

THE UNDERSIGNED HEREBY consents to the foregoing Declaration:

DECLARANT:

Whispering Woods Homes LLC

By: Admiralty Holdings, LLC,
its managing member

_____
Witness

By:_____(SEAL)
Name: Kevin E. McLaughlin
Title: Vice President and Assistant Secretary

STATE OF Delaware :
ss.
COUNTY OF New Castle :

On this the 7th day of July, 2023, before me, a Notary Public for the State and County aforesaid, personally appeared David Pearsall, President of Whispering Woods Community Association, and in due form of law acknowledged the above indenture to be his act and deed and desired the same might be recorded as such.

Given under my Hand and Seal of Office the day and year aforesaid.

SHIRLEY N. BURKHOLDER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 01-06-2025

Shirley N. Burkholder
NOTARY PUBLIC
PRINT NAME: Shirley N. Burkholder
COMMISSION EXPIRES: 01-06-2025

COMMONWEALTH OF PENNSYLVANIA :
ss.
COUNTY OF DELAWARE :

On this the _____ day of _____, 2023, before me, a Notary Public for the Commonwealth and County aforesaid, personally appeared Kevin E. McLaughlin, Vice President and Assistant Secretary of Admiralty Holdings, LLC, a Pennsylvania limited liability company, as managing member of Whispering Woods Homes LLC, a Delaware limited liability company, and in due form of law acknowledged the above indenture to be his act and deed and desired the same might be recorded as such.

Given under my Hand and Seal of Office the day and year aforesaid.

_____
NOTARY PUBLIC
PRINT NAME:
COMMISSION EXPIRES:

STATE OF _____ :
ss.
COUNTY OF _____ :

On this the _____ day of _____, 2023, before me, a Notary Public for the State and County aforesaid, personally appeared David Pearsall, President of Whispering Woods Community Association, and in due form of law acknowledged the above indenture to be his act and deed and desired the same might be recorded as such.

Given under my Hand and Seal of Office the day and year aforesaid.

_____

NOTARY PUBLIC

PRINT NAME:

COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA :
ss.
COUNTY OF DELAWARE :

On this the 10th day of July, 2023, before me, a Notary Public for the Commonwealth and County aforesaid, personally appeared Kevin E. McLaughlin, Vice President and Assistant Secretary of Admiralty Holdings, LLC, a Pennsylvania limited liability company, as managing member of Whispering Woods Homes LLC, a Delaware limited liability company, and in due form of law acknowledged the above indenture to be his act and deed and desired the same might be recorded as such.

Given under my Hand and Seal of Office the day and year aforesaid.

Christina M. Sica

NOTARY PUBLIC

PRINT NAME: Christina M. Sica

COMMISSION EXPIRES: 11/9/23

Commonwealth of Pennsylvania - Notary Seal
Christina M. Sica, Notary Public
Montgomery County
My commission expires November 9, 2023
Commission number 1202072
Member, Pennsylvania Association of Notaries

EXHIBIT "A"

PROPERTY

ALL that certain farm or tract of land situate in St. Georges Hundred, New Castle County, Delaware and being more particularly bounded and described in accordance with a survey made by Morris & Ritchie Associates, Inc. on the 28th day of April, A.D. 2016, as follows, to wit:.

BEGINNING for the same at a point in the south right-of-way line of the State Highway leading from McDonough to Mount Pleasant, being shown on the State of Delaware State Highway Department Construction Plan for Contract Number 66-01-008, being Road 15 as shown thereon and also known as Boyds Corner Road, said point being the beginning of the first or South eight degrees and fifty-two minutes East, twenty nine hundred fifty-seven foot line of that tract of land conveyed by and described in a deed dated September 9, 1964 from Frances M. North, Widow to James D. Deeney and Mary E. Deeney, his wife, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Record Book Q-73, Page 536, said point also being at the intersection of the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road and the first or south ten degrees East one hundred and eighty-two and eight-tenths perch line of Parcel No. 1 of those tracts or parcels of land conveyed by and described in a deed dated April 6, 2006 from Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Frank Rausch, Jr., Settlor, as amended, and Louise R. Carpenter, Successor Trustee under a Revocable Trust Agreement dated March 20, 1991, with Margaret A. Rausch, Settler, as amended, to Rausch Enterprises, L.L.C., a Delaware limited liability company, and recorded in the said Office of the Recorder of Deeds as Record Number 20060411-0034295, thence leaving the said right-of-way line of Road 15 – Boyds Corner Road and binding of the said first line of the first mentioned conveyance to Deeney, and the remainder of the first line of the second mentioned conveyance to Rausch Enterprises, L.L.C., as now surveyed, with all bearings herein being referred to the Delaware State Plane Coordinate System (NAD'83/COORS11)

1. South 18° 02' 43" East 2958.09 feet to a point at the end of the sixth or South 83° 58' 44" West, 1009.62 foot line of Parcel No. 3 of all those certain lots, pieces or parcels of land conveyed by and described in a deed dated December 22, 1975 from Bronislaw Koper, Widower to Delmarva Power and Light Company, a corporation of the State of Delaware, and recorded in the aforesaid Office of the Recorder of Deeds in Record Book S-91, Page 330, thence binding on the second line of the aforesaid conveyance to Deeney and reversely on the said sixth line of the last mentioned conveyance to Delmarva Power and Light Company,

2. North 83° 58' 20" East 1009.63 feet, thence binding reversely on the fifth, fourth and third lines of Parcel No. 3 of said conveyance to Delmarva Power and Light Company, which lines are said to be the division lines of said Delmarva Power and Light Company and the lands of Deeney, three courses, viz:

3. South 15° 28' 21" West 363.00 feet,

4. South 53° 28' 21" West 264.00 feet, and

5. South 13° 01' 39" East 515.54 feet to a ½" iron pipe heretofore set, said pipe being at the end of the seventh or North 86° 46' 42" East 2147.61 foot line of Parcel No. 2 of the last mentioned conveyance to Delmarva Light and Power Company, thence binding reversely thereon, which line is said to be the division line between the land of the Delmarva Light and Power Company and the land of Deeney,

6. South 86° 46' 22" West 2147.85 feet to a concrete monument heretofore set with a brass disk marked DP&L-PLS135, and to intersect the eighteenth or North four degrees East twenty-four hundred seventy foot line of the first mentioned conveyance herein to Deeney, thence binding on the remainder of said eighteenth and all of the nineteenth lines of said conveyance to Deeney, two courses, viz:

7. North 18° 24' 01" West 1154.81 feet to a 2" iron pipe heretofore set, and

8. North 00° 18' 35" West 802.07 feet to a stone heretofore planted, said stone being at the end of the fourth or South 89 degrees 48 minutes 19 seconds West 555.37 foot line of a Confirmatory/Corrective Deed amending the legal description dated October 28, 1993 and recorded in the aforesaid Office of Recorder of Deeds in Record Book 1627 Page 0234, thence binding reversely on said fourth, the third, second and first lines of said conveyance, four courses, viz:

9. North 81° 54' 58" East 555.42 feet to a ½" iron pipe heretofore set,

10. North 10° 14' 06" West 1028.05 feet to a ½" iron pipe heretofore set

11. North 79° 27' 32" East 100.00 feet to a ½" iron pipe heretofore set, and

12. North 12° 03' 36" West 873.39 feet, to a point on the aforesaid southerly right-of-way line of Road 15 – Boyds Corner Road, distant South 12° 03' 36" East 0.14 feet from a ½" iron pipe heretofore set, thence binding on the said right–of-way, two courses, viz:

13. By a non-tangent curve to the right with a radius of 5699.58 feet and an arc length of 58.85 feet, said curve being subtended by a chord bearing South 87° 36' 27" East 58.85 feet, to a point of tangency, and

14. South 87° 18' 42" East 444.31 feet to the place of beginning.

CONTAINING 114.529 acres of land, more or less.

BEING all of the land shown on the Plan entitled "Whispering Woods, Record Major Subdivision Plan," and recorded in the said Office of the Recorder of Deeds as Microfilm No. 20170830-0044757.

New Castle County Tax Parcel Numbers

Parcel #	Address	Lot #
1301222079	1480 WHISPERING WOODS RD	PRIOPSP
1301222051	341 TRANQUILITY WAY	PRIOPSP
1301222070	1401 WHISPERING WOODS RD	PRIOPSP
1301224018	401 CONTEMPLATION WAY	PRIOPSP
1301222038	363 TRANQUILITY WAY	PRIOPSP
1301222025	317 TRANQUILITY WAY	PRIOPSP
1300744009	1315 WHISPERING WOODS RD	PRIOPSP
1300744008	1314 WHISPERING WOODS RD	1
1300744008	113 SERENITY CIR	1
1300744007	1308 WHISPERING WOODS RD	2
1300744007	103 SERENITY CIR	2
1300744010	102 SERENITY CIR	3
1300744011	104 SERENITY CIR	4
1300744012	106 SERENITY CIR	5
1300744013	108 SERENITY CIR	6
1300744005	110 SERENITY CIR	7
1300744006	112 SERENITY CIR	8
1301222001	114 SERENITY CIR	9
1301222002	116 SERENITY CIR	10
1301222002	1322 WHISPERING WOODS RD	10
1301222006	1326 WHISPERING WOODS RD	11
1301222006	302 TRANQUILITY WAY	11
1301222005	304 TRANQUILITY WAY	12
1301222004	306 TRANQUILITY WAY	13
1301222003	308 TRANQUILITY WAY	14
1301222007	314 TRANQUILITY WAY	15
1301222008	316 TRANQUILITY WAY	16
1301222009	318 TRANQUILITY WAY	17
1301222010	320 TRANQUILITY WAY	18
1301222011	322 TRANQUILITY WAY	19
1301222012	324 TRANQUILITY WAY	20
1301222013	326 TRANQUILITY WAY	21
1301222014	328 TRANQUILITY WAY	22
1301222015	330 TRANQUILITY WAY	23
1301222016	332 TRANQUILITY WAY	24
1301222017	334 TRANQUILITY WAY	25
1301222018	336 TRANQUILITY WAY	26

1301222019	338 TRANQUILITY WAY	27
1301222020	340 TRANQUILITY WAY	28
1301222021	342 TRANQUILITY WAY	29
1301222022	344 TRANQUILITY WAY	30
1301222023	346 TRANQUILITY WAY	31
1301222024	348 TRANQUILITY WAY	32
1301222071	352 TRANQUILITY WAY	33
1301222072	354 TRANQUILITY WAY	34
1301222073	356 TRANQUILITY WAY	35
1301222074	358 TRANQUILITY WAY	36
1301222075	362 TRANQUILITY WAY	37
1301222076	364 TRANQUILITY WAY	38
1301222077	366 TRANQUILITY WAY	39
1301222078	368 TRANQUILITY WAY	40
1301222050	1432 WHISPERING WOODS RD	41
1301222049	1430 WHISPERING WOODS RD	42
1301222048	1428 WHISPERING WOODS RD	43
1301222047	1426 WHISPERING WOODS RD	44
1301222046	1424 WHISPERING WOODS RD	45
1301222045	1422 WHISPERING WOODS RD	46
1301222044	1420 WHISPERING WOODS RD	47
1301222043	1418 WHISPERING WOODS RD	48
1301222042	1416 WHISPERING WOODS RD	49
1301222041	1414 WHISPERING WOODS RD	50
1301222040	1412 WHISPERING WOODS RD	51
1301222039	1410 WHISPERING WOODS RD	52
1301222029	303 TRANQUILITY WAY	53
1301222028	305 TRANQUILITY WAY	54
1301222027	307 TRANQUILITY WAY	55
1301222026	309 TRANQUILITY WAY	56
1301222030	323 TRANQUILITY WAY	57
1301222031	325 TRANQUILITY WAY	58
1301222032	327 TRANQUILITY WAY	59
1301222033	329 TRANQUILITY WAY	60
1301222034	331 TRANQUILITY WAY	61
1301222035	333 TRANQUILITY WAY	62
1301222036	335 TRANQUILITY WAY	63
1301222037	337 TRANQUILITY WAY	64
1301222052	349 TRANQUILITY WAY	65
1301222053	353 TRANQUILITY WAY	66

1301222054	355 TRANQUILITY WAY	67
1301222055	1403 WHISPERING WOODS RD	68
1301222056	1405 WHISPERING WOODS RD	69
1301222057	1407 WHISPERING WOODS RD	70
1301222058	1409 WHISPERING WOODS RD	71
1301222059	1411 WHISPERING WOODS RD	72
1301222060	1413 WHISPERING WOODS RD	73
1301222061	1415 WHISPERING WOODS RD	74
1301222062	1417 WHISPERING WOODS RD	75
1301222063	1419 WHISPERING WOODS RD	76
1301222064	1421 WHISPERING WOODS RD	77
1301222065	1423 WHISPERING WOODS RD	78
1301222066	1425 WHISPERING WOODS RD	79
1301222067	1427 WHISPERING WOODS RD	80
1301222068	1429 WHISPERING WOODS RD	81
1301222069	1431 WHISPERING WOODS RD	82
1301222087	1441 WHISPERING WOODS RD	83
1301222088	1443 WHISPERING WOODS RD	84
1301222089	1445 WHISPERING WOODS RD	85
1301222090	1447 WHISPERING WOODS RD	86
1301222091	1451 WHISPERING WOODS RD	87
1301222092	1453 WHISPERING WOODS RD	88
1301222093	1455 WHISPERING WOODS RD	89
1301222094	1457 WHISPERING WOODS RD	90
1301222095	1459 WHISPERING WOODS RD	91
1301222096	1461 WHISPERING WOODS RD	92
1301222097	1463 WHISPERING WOODS RD	93
1301222098	1465 WHISPERING WOODS RD	94
1301222099	1467 WHISPERING WOODS RD	95
1301222100	1469 WHISPERING WOODS RD	96
1301222101	1471 WHISPERING WOODS RD	97
1301222102	1475 WHISPERING WOODS RD	98
1301222103	1477 WHISPERING WOODS RD	99
1301222104	1479 WHISPERING WOODS RD	100
1301222105	1481 WHISPERING WOODS RD	101
1301222106	1483 WHISPERING WOODS RD	102
1301222107	1485 WHISPERING WOODS RD	103
1301222108	1489 WHISPERING WOODS RD	104
1301222109	1491 WHISPERING WOODS RD	105
1301222110	1493 WHISPERING WOODS RD	106

1301222111	1495 WHISPERING WOODS RD	107
1301222112	1497 WHISPERING WOODS RD	108
1301222113	1499 WHISPERING WOODS RD	109
1301224042	566 CONTEMPLATION WAY	110
1301224043	564 CONTEMPLATION WAY	111
1301224044	562 CONTEMPLATION WAY	112
1301224045	560 CONTEMPLATION WAY	113
1301224046	558 CONTEMPLATION WAY	114
1301224047	556 CONTEMPLATION WAY	115
1301224048	554 CONTEMPLATION WAY	116
1301224049	548 CONTEMPLATION WAY	117
1301224050	544 CONTEMPLATION WAY	118
1301224051	540 CONTEMPLATION WAY	119
1301224052	534 CONTEMPLATION WAY	120
1301224053	530 CONTEMPLATION WAY	121
1301224054	526 CONTEMPLATION WAY	122
1301224055	522 CONTEMPLATION WAY	123
1301224041	517 CONTEMPLATION WAY	124
1301224040	525 CONTEMPLATION WAY	125
1301224039	529 CONTEMPLATION WAY	126
1301224038	531 CONTEMPLATION WAY	127
1301224037	535 CONTEMPLATION WAY	128
1301224036	537 CONTEMPLATION WAY	129
1301224035	541 CONTEMPLATION WAY	130
1301224034	545 CONTEMPLATION WAY	131
1301224033	549 CONTEMPLATION WAY	132
1301224032	553 CONTEMPLATION WAY	133
1301224031	557 CONTEMPLATION WAY	134
1301224030	561 CONTEMPLATION WAY	135
1301224019	415 CONTEMPLATION WAY	136
1301224020	419 CONTEMPLATION WAY	137
1301224021	423 CONTEMPLATION WAY	138
1301224022	427 CONTEMPLATION WAY	139
1301224023	431 CONTEMPLATION WAY	140
1301224024	435 CONTEMPLATION WAY	141
1301224025	441 CONTEMPLATION WAY	142
1301224026	445 CONTEMPLATION WAY	143
1301224027	449 CONTEMPLATION WAY	144
1301224028	453 CONTEMPLATION WAY	145
1301224029	509 CONTEMPLATION WAY	146

1301224063	514 CONTEMPLATION WAY	147
1301224062	512 CONTEMPLATION WAY	148
1301224061	510 CONTEMPLATION WAY	149
1301224060	508 CONTEMPLATION WAY	150
1301224059	506 CONTEMPLATION WAY	151
1301224058	502 CONTEMPLATION WAY	152
1301224058	803 REFLECTION CT	152
1301224057	807 REFLECTION CT	153
1301224056	811 REFLECTION CT	154
1301224017	818 REFLECTION CT	155
1301224016	816 REFLECTION CT	156
1301224015	450 CONTEMPLATION WAY	157
1301224015	804 REFLECTION CT	157
1301224014	446 CONTEMPLATION WAY	158
1301224013	436 CONTEMPLATION WAY	159
1301224012	432 CONTEMPLATION WAY	160
1301224011	428 CONTEMPLATION WAY	161
1301224010	424 CONTEMPLATION WAY	162
1301224010	601 DAYDREAM CT	162
1301224009	605 DAYDREAM CT	163
1301224008	607 DAYDREAM CT	164
1301224005	608 DAYDREAM CT	165
1301224006	606 DAYDREAM CT	166
1301224007	416 CONTEMPLATION WAY	167
1301224007	602 DAYDREAM CT	167
1301224004	414 CONTEMPLATION WAY	168
1301224003	410 CONTEMPLATION WAY	169
1301224002	406 CONTEMPLATION WAY	170
1301224001	1498 WHISPERING WOODS RD	171
1301224001	402 CONTEMPLATION WAY	171
1301222086	1494 WHISPERING WOODS RD	172
1301222085	1492 WHISPERING WOODS RD	173
1301222084	1490 WHISPERING WOODS RD	174
1301222083	1488 WHISPERING WOODS RD	175
1301222082	1486 WHISPERING WOODS RD	176
1301222081	1484 WHISPERING WOODS RD	177
1301222080	1482 WHISPERING WOODS RD	178

EXHIBIT "B"

WHISPERING WOODS COMMUNITY ASSOCIATION

COMPONENT AND RESPONSIBILITY CHART

Ownership Key:

CA = Owned by the Community Association, to which all Owners are Members. Includes the Community Facilities.

O = Owned by one or more Owners. Includes a Dwelling and a Lot upon which the Dwelling is constructed. There are three types of Dwellings – Detached Dwellings, Carriage House Dwellings, and Twin Dwellings.

P = Owned by a public utility company or governmental authority, entity or agency.

Assessment Key:

CE = Common Expense - fees charged to cover the Community Association costs which are shared equally by all Owners.

LC = Limited Charge - direct charges to Owners for Community Association costs which are excluded from the budget (and monthly Assessments for Common Expenses), charged only to the one or more Owners (i.e., less than all Owners) who derive the benefit when the service is provided by the Community Association.

COMPONENT	*OWNERSHIP*	*COMM. ASSN. RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Roofing Flashing	O	Repair Replacement	LC LC	Payment of LC
Skylights	O	None		Cleaning Repair Replacement[(2)]
Gutters Downspouts	O	Cleaning Repair Maintenance Replacement	LC LC LC LC	Payment of LC
Chimney V-Channels and Fireplaces	O	None		Cleaning Repair Maintenance
Windows, Window glass, Sliding glass doors, Patio doors, Screened-in Porches, Sunrooms	O	None		Cleaning Repair Replacement[(2)]
Front entrance door Hinged patio door	O	Repainting	LC	Cleaning Replacement[(2)] Repair Payment of LC
Locks, hinges, or other hardware on windows and doors	O	None		Repair Replacement
Garage door	O	Repainting (long term)	LC	Replacement[(2)] Repair Payment of LC

COMPONENT	*OWNERSHIP*	*COMM. ASSN. RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Garage door lock, hardware, Mechanisms	O	None		Maintenance Repair Replacement
Exterior or synthetic trim and entrance porch columns	O	Repainting Repair Replacement	LC LC LC	Cleaning Payment of LC
Exterior entrance lighting, controlled from inside the home	O	None		Electricity Cleaning Repair Replacement[(2)]
Any other significant home exterior component not listed above including siding, brick, soffits, facia, or shutters	O	Repair Replacement	LC LC	Cleaning Payment of LC
Front Porch, entranceway, landing, stoop	O	Snow clearing Replacement	CE LC	Cleaning Ice melting Payment of CE/LC
Patio or Deck	O	Maintenance Replacement	LC LC	Cleaning Snow clearing Ice melting Payment of LC
Sewer and water laterals from the clean out or curb stop to the home	O	None		Operation Repair Maintenance Replacement
Sanitary sewer and water lines on the street side of the clean out or curb stop	P	None	N/A	None

COMPONENT	*OWNERSHIP*	*COMM. ASSN. RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Sidewalks to individual homes	O	Snow clearing[1] Repair Replacement	CE LC LC	Cleaning Ice melting Payment of CE/LC
Driveways and driveway aprons	O	Snow clearing[1] Repair Resealing Resurfacing	CE LC LC LC	Cleaning Ice melting Payment of CE/LC
Original planted beds adjacent to Dwellings	O	Maintenance	CE	Watering Planting Payment of CE
Original landscape (turf, trees, shrubs, bushes) on the Lots	O	Maintenance Limited Replacement	CE CE	Watering near home Payment of CE
Landscape (turf, trees, shrubs, bushes) not on Lots but in Community Facilities	CA	Maintenance Limited Replacement	CE CE	Payment of CE
Planted islands in public street	CA or P	Watering Maintenance Replacement	CE CE CE	Payment of CE
Streets	P	None		None
Curbing along Community Facilities (concrete)	CA	Repair Replacement	CE CE	None Payment of CE

COMPONENT	*OWNERSHIP*	*COMM. ASSN. RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Curbing along Lots (concrete)	O	Repair Replacement	CE CE	Payment of CE
Street lights	P	None		None
Common sidewalks located along public street	CA	Snow clearing[(1)] Maintenance Replacement	CE CE CE	Payment of CE
Entrance Area Signage, entrance monuments, and other entrance features including a small sprinkler irrigation system (if any)	CA	Operation Water Maintenance Replacement	CE CE CE CE	Payment of CE
Clubhouse	CA	Operation Utilities Repair Maintenance Replacement	CE CE CE CE CE	Payment of CE
Pool, pool area and related storage building	CA	Operation Repair Maintenance Replacement	CE CE CE CE	Payment of CE
Bocce facilities, Horseshoe courts, Walking trail	CA	Repair Maintenance Replacement	CE CE CE	Payment of CE
Clubhouse parking spaces	CA	Snow clearing Repair Resealing Resurfacing	CE CE CE CE	Payment of CE

COMPONENT	*OWNERSHIP*	*COMM. ASSN. RESPONSIBILITY*	*CHARGED AS*	*OWNER RESPONSIBILITY*
Stormwater Management Areas, Basins and Ponds (if any), Storm Piping and inlets (to the extent not dedicated to the public)	CA	Operation Maintenance Repair Replacement	CE CE CE CE	Payment of CE
Stormwater Management Areas, Basins and Ponds (if any), Storm Piping and inlets (to the extent dedicated to the public)	P	None		None

(1) Snow will be cleared per the service guidelines of the Board and only where there are vehicles parked in such a way that the area can be cleared when contractor is present to do the work.

(2) Replacement is subject to the Whispering Woods architectural review guidelines.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

December 6, 2023

In reply, refer to:
2023-0413-MD
Maintenance Declaration Amendment for Whispering Woods Subdivision

Nellie Hill, Clerk of Council
County Council of New Castle County
800 French Street, City/County Building
Wilmington, DE 19801

David Carter, New Castle County Councilman
800 French Street, City/County Building
Wilmington, DE 19801

Dear Ms. Hill and Councilman Carter:

Pursuant to Section 40.31.130.I (Deed Restriction Change Exceptions) of the New Castle County Code, both the Department of Land Use and Office of Law are required to review proposed amendments to maintenance declarations of private open space, common facilities, cross access easements for the development. The Whispering Woods Community Association (formerly known as the Whispering Woods Maintenance Corporation) has been working with David J. Martin, Esq. to amend the Maintenance Declaration for the Whispering Woods Development, dated July 10, 2017.

The Department received a request from David J. Martin on behalf of The Whispering Woods Community Association to amend the maintenance declaration to define the Whispering Woods Community Association as being the solely organized for the maintenance of private open spaces, stormwater management facilities, as well as to expand the powers and purpose of the association to include operation, maintenance, repair, and replacement of Community Facilities as well as certain components of residential lots and the exteriors of dwellings and to be consistent with Delaware State Law.

Both the Office of Law and the Department of Land Use have reviewed the proposed amendment to the maintenance declaration for the Whispering Woods Development and recommend that County Council adopt a resolution approving such amendment. The applicant should contact New Castle County Council to prepare and schedule the appropriate resolution for approval.

Sincerely,

Matthew Rogers
Planner III

Enclosure

CC: Adam Singer, Esq.
Charuni Patibanda, General Manager
Antoni Sekowski, Assistant General Manager
Janet Vinc, Planning Manager
David J. Martin, Esq.

Prime Sponsor(s): Mr. Carter
Requested by: Land Use Department
Date of introduction: November 28, 2023

RESOLUTION NO. 23-220

PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Logisticenter at New Castle County (Application No. 2021-0470), as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY
St. Georges Hundred

Adopted by County Council of
New Castle County on:

_____
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2021-0470
Logisticenter at New Castle County
Record Major Land Development Plan

Date: November 9, 2023

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of Logisticenter at New Castle County; St. Georges Hundred; Southwesterly corner of Route 301 and Jamison Corner Road; Major Land Development Plan that proposes a 1,409,850 SF warehouse and a 962,000 SF warehouse with associated site improvements; BP zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

LEGEND

PROPERTY LINE
SET BACK LINE
LIMIT OF DISTURBANCE
ZONING BOUNDARY LINE
BUILDING LINE
CURB
CONCRETE PAVEMENT
30 PARKING SUBTOTAL
(10) PARKING COUNT
DOORWAY
SIGN
BOLLARD
PROPOSED FIRE HYDRANT
TREE LINE
FHA FHA 100 YEAR FLOODPLAIN
RIPARIAN BUFFER
WETLAND
EXISTING CONCRETE MONUMENT
MON PROPOSED CONCRETE MONUMENT
EXISTING TREE

NOTES:

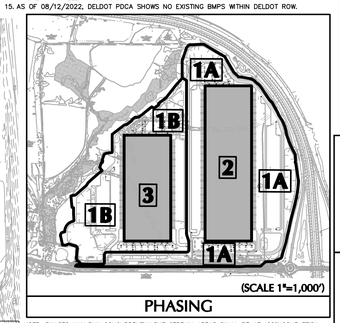
1. THIS PLAN SUPERSEDES, IN ENTIRETY, THE RECORD MINOR LAND DEVELOPMENT PLAN FOR DELMARVA POWER & LIGHT CO, SUMMIT POWER STATION, DATED 4/17/1975 AND RECORDED IN SEPTEMBER OF 1975 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM NO. 3011.
2. SURVEY INFORMATION IS BASED ON A PLAN ENTITLED ALTA–NSPS LAND TITLE SURVEY FOR LANDS TO BE CONVEYED TO DPML JAMISON CORNER, LLC PREPARED BY APEX ENGINEERING INCORPORATED, DATED 4/22/2021, AND LAST REVISED 6/7/2021.
3. A WETLAND INVESTIGATION WAS PERFORMED FOR THIS SITE BY WATERSHED ECO ON FEBRUARY 2, 2021 AND CONFIRMED BY TEN BEARS ENVIRONMENTAL LLC. WETLANDS WERE FOUND TO EXIST ON A PORTION OF THE PARCEL.
4. THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA ACCORDING TO THE STATE INVENTORY OF NATURAL AREAS.
5. THE SITE IS NOT LOCATED WITHIN ANY WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO THE WATER RESOURCE PROTECTION AREA FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE MAP 2 OF 3, LAST REVISED MARCH 2022.
6. FLOOD LINE DELINEATION AS PER REVISION TO FLOOD RATE MAP FOR NEW CASTLE COUNTY DELAWARE AND INCORPORATED AREAS, FEMA CASE NO. 23-03-0452P.
7. ANY AREAS DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE, EXCLUSIVE OF ANY REFORESTATION REQUIRED BY THE COUNTY.
8. NO DEBRIS IS TO BE BURIED ON THIS SITE.
9. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
10. STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DELAWARE SEDIMENT AND STORMWATER REGULATIONS EFFECTIVE DATE JANUARY 23, 1991, AMENDED FEBRUARY 11, 2019 (OR AS LATER AMENDED), THE DELAWARE STORMWATER RUNOFF MANAGEMENT MODEL (SUDRM) VERSION v2.51 – 220414 (OR AS THEY AMENDED) AND NEW CASTLE COUNTY DRAINAGE CODE EFFECTIVE APRIL 23, 2023 (OR LATER AS AMENDED).
11. UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
12. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
13. ALL COMMON FEATURES, INCLUDING, BUT NOT LIMITED TO PAVED AREAS, SIDEWALKS, CURBING, LANDSCAPING, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND/OR DRAINAGE FACILITIES SHALL BE KEPT IN GOOD REPAIR AND MAINTAINED IN A SAFE AND SANITARY CONDITION IN ACCORDANCE WITH THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
14. A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THIS PLAN AND ALL WATERCOURSES FOR THE PURPOSES OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENT HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
15. PROPOSED LANDSCAPING SHALL NOT INTERFERE WITH SIGHT DISTANCE LINES.
16. PROTECTED RESOURCE AREAS PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.000 ARE TO REMAIN IN THEIR NATURAL STATE WITHIN THE CONSERVATION EASEMENT.
17. (A) A 40–FOOT SANITARY EASEMENT OR A 20–FOOT STORM DRAINAGE EASEMENT, 20–FOOT OR 10–FOOT RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER A STORM OR SANITARY SEWER IS DESIGNED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT–OF–WAY. A 20–FOOT WIDE EASEMENT ONE FOOT (1') ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHERE A SANITARY SEWER PIPE IS DESIGNED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER PIPE IS MORE THAN 5' DEEP OR MORE THAN 5' FEET FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES.
(B) NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
18. ADDRESSES ARE AS ASSIGNED BY THE NEW CASTLE COUNTY GIS SERVICES.
19. THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
20. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISIONS STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
21. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED WITHIN THE CONSTRUCTION PLAN SET. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT–OF–WAY OF THE PROJECTS ON TO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
22. THE SIDEWALK ALONG THE FRONTAGE OF THE SUBJECT PARCEL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
23. THE DEVELOPER SHALL BE RESPONSIBLE TO FURNISH AND PLACE RIGHT–OF–WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE–ESTABLISHING THE RIGHT–OF–WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT–OF–WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT–OF–WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT–OF–WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
24. THE DEVELOPER SHALL PRESERVE ALL TREES ON THIS SITE EXCEPT WHERE NECESSARY TO CONSTRUCT BUILDINGS, PARKING ACCESS WAYS, RECREATIONAL FACILITIES AND DRAINAGE FACILITIES AS APPROVED. EXISTING PLANT MATERIALS DESIGNATED TO REMAIN ON THIS PLAN OR THE LANDSCAPE PLAN SHALL BE PRESERVED AND PROPERLY PROTECTED DURING CONSTRUCTION. IN THE CASE OF UTILITY RIGHTS–OF–WAY AND EASEMENTS, ANY DISTURBED AREA SHALL BE REPLANTED SO AS TO ACHIEVE A EQUIRRENCE OF NATURAL VEGETATION COVER.
25. NEW CASTLE COUNTY AND THE STATE OF DELAWARE ARE GRANTED BLANKET EASEMENTS ACROSS AISLEWAYS, PARKING AREAS, PRIVATE ACCESSWAYS AND ALL COMMON AREAS CREATED BY THIS FOR THE INSPECTION OF STORMWATER MANAGEMENT AREAS AND STORMWATER FACILITIES LOCATED ON THIS SITE.
26. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND USE IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE, INCORPORATED THEREIN, THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON FEBRUARY 7, 2023, AT INSTRUMENT NO. 20230207–0007985.
27. PLAN IS SUBJECT TO THE FOLLOWING GENERAL EXCEPTIONS (PER TITLE COMMITMENT #31607–13 BY FIRST AMERICAN TITLE INSURANCE DATED MARCH 8, 2021):
   a. DECLARATION RECORDED MARCH 6, 1974 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD X, VOLUME 86, PAGE 607. (APPLICABLE)
   b. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 258. (APPLICABLE)
   c. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 263. (APPLICABLE)
   d. DECLARATION RECORDED JUNE 18, 1995 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 247, PAGE 200. (APPLICABLE)
   e. AGREEMENT RECORDED DECEMBER 1, 1972 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD B, VOLUME 87, PAGE 778. (APPLICABLE)
   f. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY RECORDED MAY 28, 1963 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD E, VOLUME 71, PAGE 34. (NOT APPLICABLE)
   g. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY AND THE DIAMOND STATE TELEPHONE COMPANY RECORDED AUGUST 23, 1977 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD V, VOLUME 97, PAGE 557.(NOT APPLICABLE)
   h. EASEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED MARCH 2, 1990 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1002, PAGE 66. (NOT APPLICABLE)
   i. UTILITY EASEMENT AGREEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED FEBRUARY 21, 1991 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1143, PAGE 0031. (NOT APPLICABLE)
   j. EASEMENT AGREEMENT RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD G, VOLUME 74, PAGE 326. (NOT APPLICABLE)
   k. PERMANENT EASEMENT AGREEMENT RECORDED JUNE 10, 1980 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1045, PAGE 186. (NOT APPLICABLE)
   l. AGREEMENT WAIVE, TERMINATE AND EXTINGUISH RIGHT OF FIRST REFUSAL RECORDED MARCH 2, 2000 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 2792, PAGE 7. (APPLICABLE)
   m. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD W, VOLUME 90, PAGE 217. (NOT APPLICABLE)
   n. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 189, PAGE 140. (NOT APPLICABLE)
   o. PROPOSED FUTURE RIGHT–OF–WAY & DEVELOPMENT AGREEMENT RECORDED DECEMBER 11, 2018 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20181211–0067903. (NOT APPLICABLE)
   p. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED MARCH 14, 2013 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20130314–0016702. (APPLICABLE)
   q. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED FEBRUARY 4, 2014 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20140204–0004649. (APPLICABLE)
   r. MATTERS AS SET FORTH IN SUBDIVISION PLAT RECORDS D IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN MICROFILM NO. 3011. (APPLICABLE)
28. A LANDSCAPE PLAN, PREPARED BY LANGAN ENGINEERING, LAST DATED 11/4/2022 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED PAT OF THE RECORD PLAN.
29. THE DEVELOPER SHALL MAINTAIN THE RIGHT TO TRESPASS ON THE PROPERTY FOR A TIME PERIOD OF AT LEAST ONE YEAR AFTER THE LOT IS SOLD FOR PURPOSES OF COMPLETING THE OVERALL REQUIRED SITE DRAINAGE AND LANDSCAPING IMPROVEMENTS.
30. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF $16,000 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USES SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
31. BUILDING PERMITS SHALL BE REVIEWED IN ACCORDANCE WITH THE STANDARDS OF SECTION 40.26.260 OF THE NEW CASTLE COUNTY CODE (NCCC). REFER TO THE ARCHITECTURAL NARRATIVE FROM MORRIS JAMES, LLP DATED SEPTEMBER 28, 2022 AND THE PROPOSED BUILDING RENDERINGS CONTAINED THEREIN.

NATURAL RESOURCE AREA IMPACT TABLE:

NATURAL RESOURCE	REQUIRED PROTECTION LEVEL	TOTAL AREA OF RESOURCE (AC)	REQUIRED PROTECTED LAND	PROPOSED DISTURBANCE	PROPOSED PROTECTED LAND
WETLAND	1.00	17.13 AC.	17.13 AC.	0.000 AC.	17.13 AC
RIPARIAN BUFFER	1.00	10.97 AC.	10.97 AC.	0.00AC.	10.97 AC
FLOODPLAIN	1.00	10.60 AC.	10.60 A.C	0.00 AC.	10.60 AC
FORESTS (YOUNG)	0.20	42.82 AC.	8.56 AC	8.79 AC.	34.03 AC
DRAINAGEWAY	0.0	4.92 AC.	0 AC.	4.92 AC.	0 AC.

DELDOT NOTES (REV. 03/21/2019):

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISIONS STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT–OF–WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT–OF–WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED–USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH (DEPENDING ON THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE–IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT DEVELOPMENT COORDINATION MANUAL.
5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK AND SHARED–USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED–USE PATH.
7. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
8. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON–STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT–OF–WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT–OF–WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT–OF–WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE–ESTABLISHING THE RIGHT–OF–WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT–OF–WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT–OF–WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT–OF–WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
11. CONSTRUCTION WILL NOT BE PERMITTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED, SURETY HAS BEEN RECEIVED AND THE TRAFFIC SIGNAL AGREEMENT IS COMPLETE AT DELDOT'S DISCRETION. A TEMPORARY CONSTRUCTION ENTRANCE PERMIT MAY BE ISSUED FOR CLEARING, GRUBBING, TEMPORARY ENTRANCE CONSTRUCTION, BULK GRADING AND PERIMETER EROSION AND SEDIMENT CONTROLS UP TO THIRTY (30) DAYS PRIOR TO PLAN APPROVAL NO BUILDING CONSTRUCTION WILL BE PERMITTED UNDER A TEMPORARY ENTRANCE CONSTRUCTION PERMIT. IF PLAN APPROVAL IS NOT RECEIVED WITHIN THIRTY (30) CALENDAR DAYS, ALL CONSTRUCTION ACTIVITIES SHALL BE STOPPED. DELDOT WILL NOT PROVIDE A C/O APPROVAL FOR A COMMERCIAL ENTRANCE TO NCC UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.
12. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG 0 JAMISON CORNER ROAD, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL/FREEWAY/INTERSTATE AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM): IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND–USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3–A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON–RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3–A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
13. THE OWNER/DEVELOPER SHALL ENTER INTO THE SNCC TID INFRASTRUCTURE RECOUPMENT AGREEMENT, AND PAY THE TID FEE PRIOR TO ISSUANCE OF THE BUILDING PERMITS. CREDIT AGAINST TID FEES OWED FOR REQUIRED FRONTAGE IMPROVEMENTS WILL BE DETERMINED, DOCUMENTED, AND GRANTED, IN ACCORDANCE WITH THE TERMS OF THIS INFRASTRUCTURE RECOUPMENT AGREEMENT DATED 10/19/21 AND THE TRANSPORTATION IMPROVEMENT DISTRICT AND OFFSITE IMPROVEMENTS MEMORANDUM DATED 4/20/22. THIS DOCUMENT HAS BEEN RECORDED WITH NEW CASTLE COUNTY AND THE INSTRUMENT NUMBER IS 20211104–0127815.
   13.1. THE DEVELOPER SHALL IMPROVE THE STATE–MAINTAINED ROAD(S) ON WHICH THEY FRONT, WITHIN THE LIMITS OF THEIR FRONTAGE, TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES 'THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY.' QUESTIONS OR APPEALS OF THIS REQUIREMENT SHOULD BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
   13.2. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE NORTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER NORTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
   13.3. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE SOUTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER SOUTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
14. DATUM/BENCHMARK: NAVD88 BENCHMARK IS CONCRETE MONUMENT SET IN THE RIGHT OF WAY FOR JAMISON CORNER ROAD ON THE NORTH EAST SIDE OF THE SUBJECT PROPERTY AT ELEVATION 68.87.
15. AS OF 08/12/2022, DELDOT PDCA SHOWS NO EXISTING BMPS WITHIN DELDOT ROW.

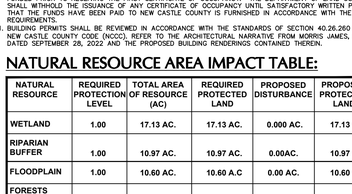


(SCALE 1"=1,000')

PHASING

NOTE: PHASES MAY RUN CONCURRENTLY BUT CERTAIN AREAS SHALL BE AT 100% COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCIES AS DESCRIBED BELOW.

1. PHASE 1 INCLUDES THE COMMENCEMENT OF CONSTRUCTION OF ALL ON–SITE IMPROVEMENTS INCLUDING THE PROPOSED STORMWATER MANAGEMENT FACILITIES, SITEWORK, UTILITIES, LANDSCAPING AND LIGHTING. PORTIONS OF THE SITE AROUND THE PERIMETERS OF THE BUILDINGS WILL BE USED FOR BUILDING CONSTRUCTION STAGING AND WILL BE BROUGHT TO SUBGRADE ELEVATION, STONED AND STABILIZED. THESE AREAS MAY NOT BE FULLY COMPLETED (FINAL PAVING, LANDSCAPING, AND STRIPING) UNTIL NEAR THE END OF BUILDING CONSTRUCTION. ALL FINAL PAVING, LANDSCAPING AND STRIPING WILL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY AND THE AREA FOR EACH BUILDING IS SHOWN IN SUBSET PHASE 1A AND 1B.
2. PHASE 1A REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 1.
3. PHASE 1B REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 2.
4. PHASE 2 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 1. ALL PHASE 1A SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.
5. PHASE 3 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 2. ALL PHASE 1B SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.

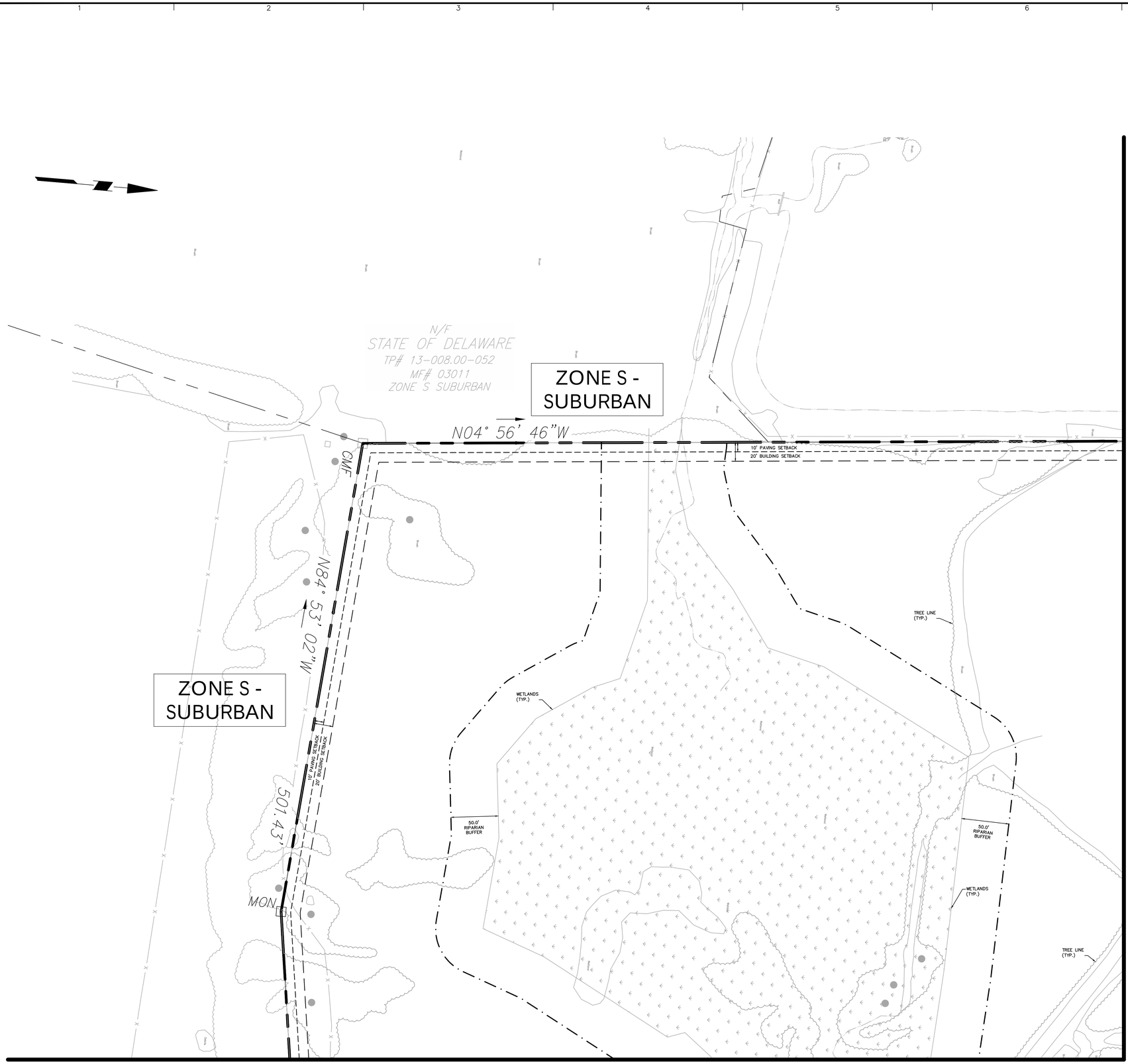


MAP: ZONING MAP NO.83

LOCATION MAP

SCALE 1"=800'

STOP – CALL BEFORE YOU DIG!
Miss Utility of Delmarva
1.800.282.8555 in Delaware
1.800.441.8355 in



MATCHLINE - REFER TO SHEET CR-102

MATCHLINE - REFER TO SHEET CR-104



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-101

Sheet 2 of 16

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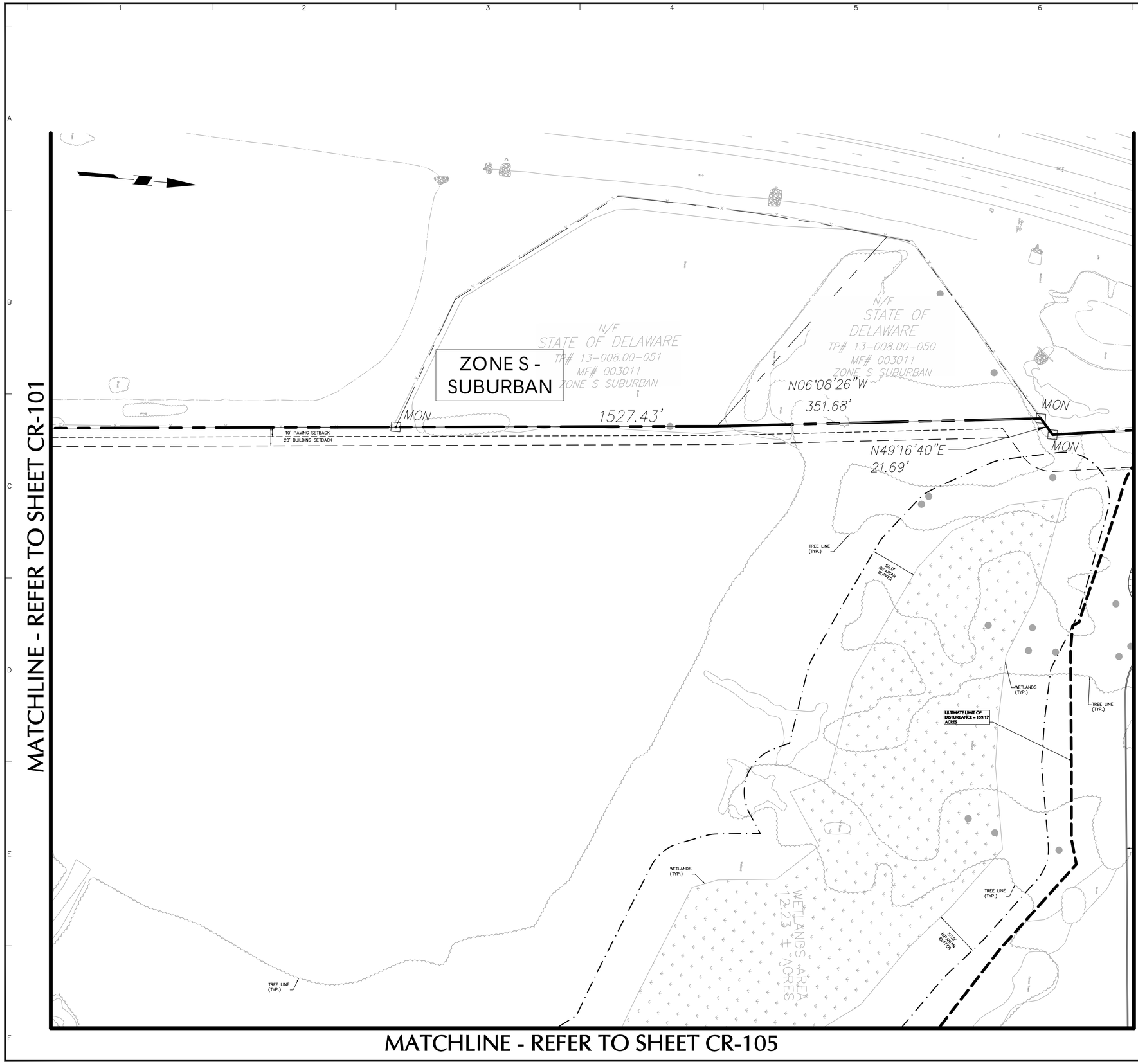



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL (30)
- PARKING COUNT (10)
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

No.	Description	Date
7.	REVISED PER FLOODPLAIN UPDATE	11/2/23
6.	REVISED PER FLOODPLAIN UPDATE	6/15/23
5.	REVISED PER COUNTY COMMENTS	1/23/23
4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
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1818 Market Street, Suite 3300
Philadelphia, PA 19103
T: 215.845.8900 F: 215.845.8901 www.langan.com

LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-102

Sheet 3 of 16

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Project No. 220155501

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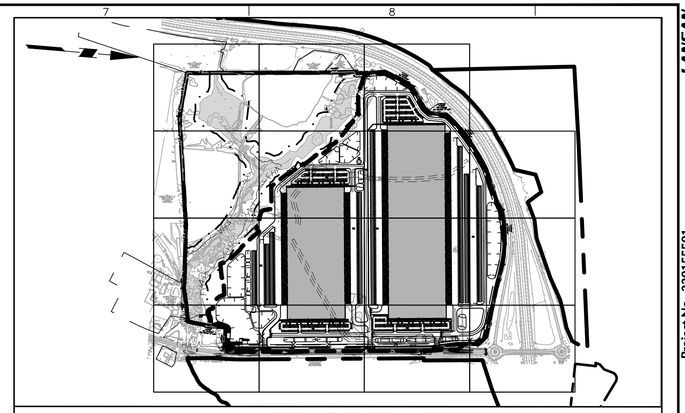

KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
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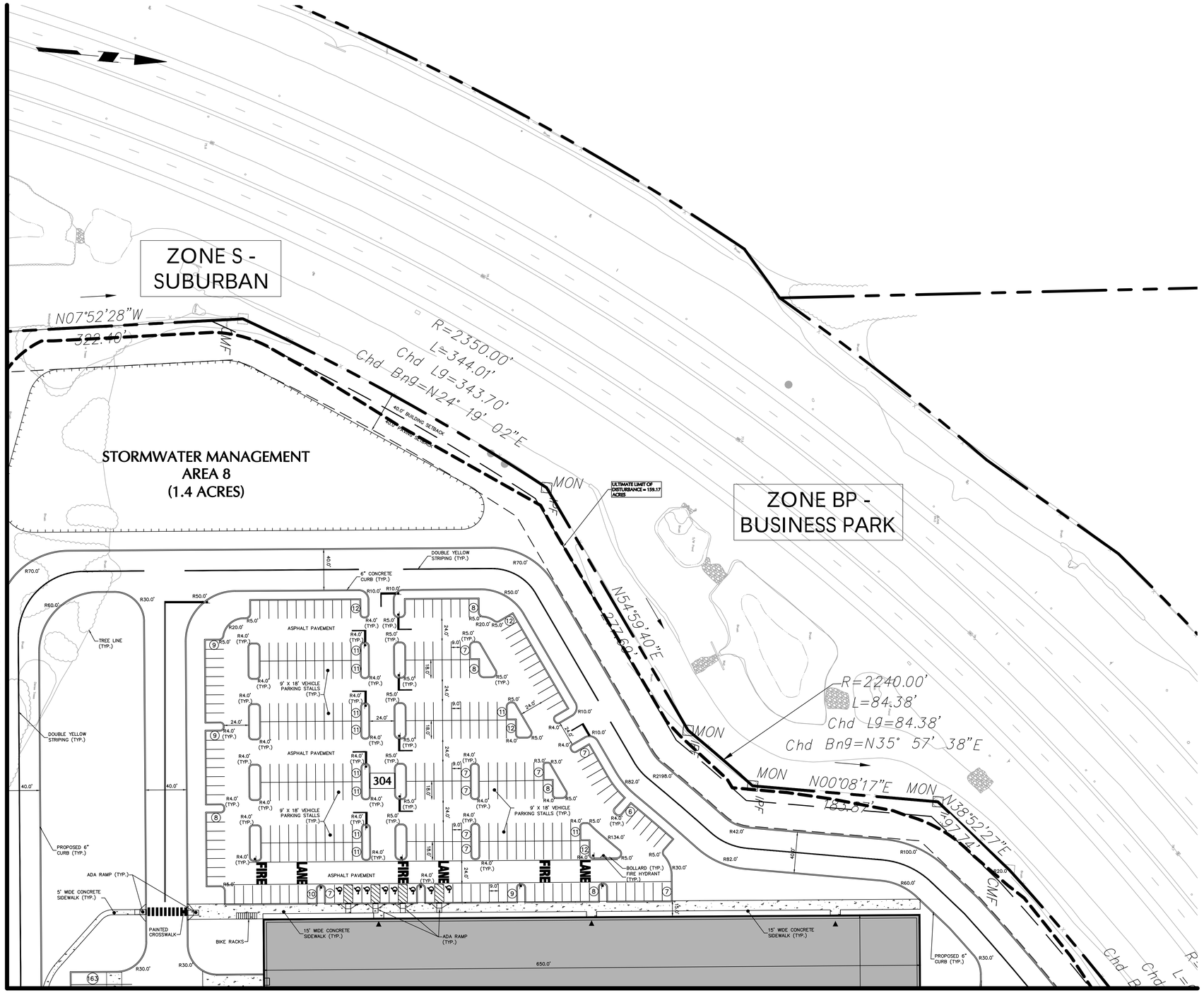
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT



No.	Description	Date
7.	REVISED PER FLOODPLAIN UPDATE	11/2/23
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2.	REVISED PER COUNTY COMMENTS	5/12/22
1.	REVISED PER COUNTY COMMENTS	

REVISIONS

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Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-103

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Project No. 220155501

Filename: c:\bms\langan-pw-01\d0113861\220155501-0302-CR101-0102.DWG Date: 11/2/2023 Time: 12:28 User: tholmes Style Table: Langan.stb Layout: EXP-103

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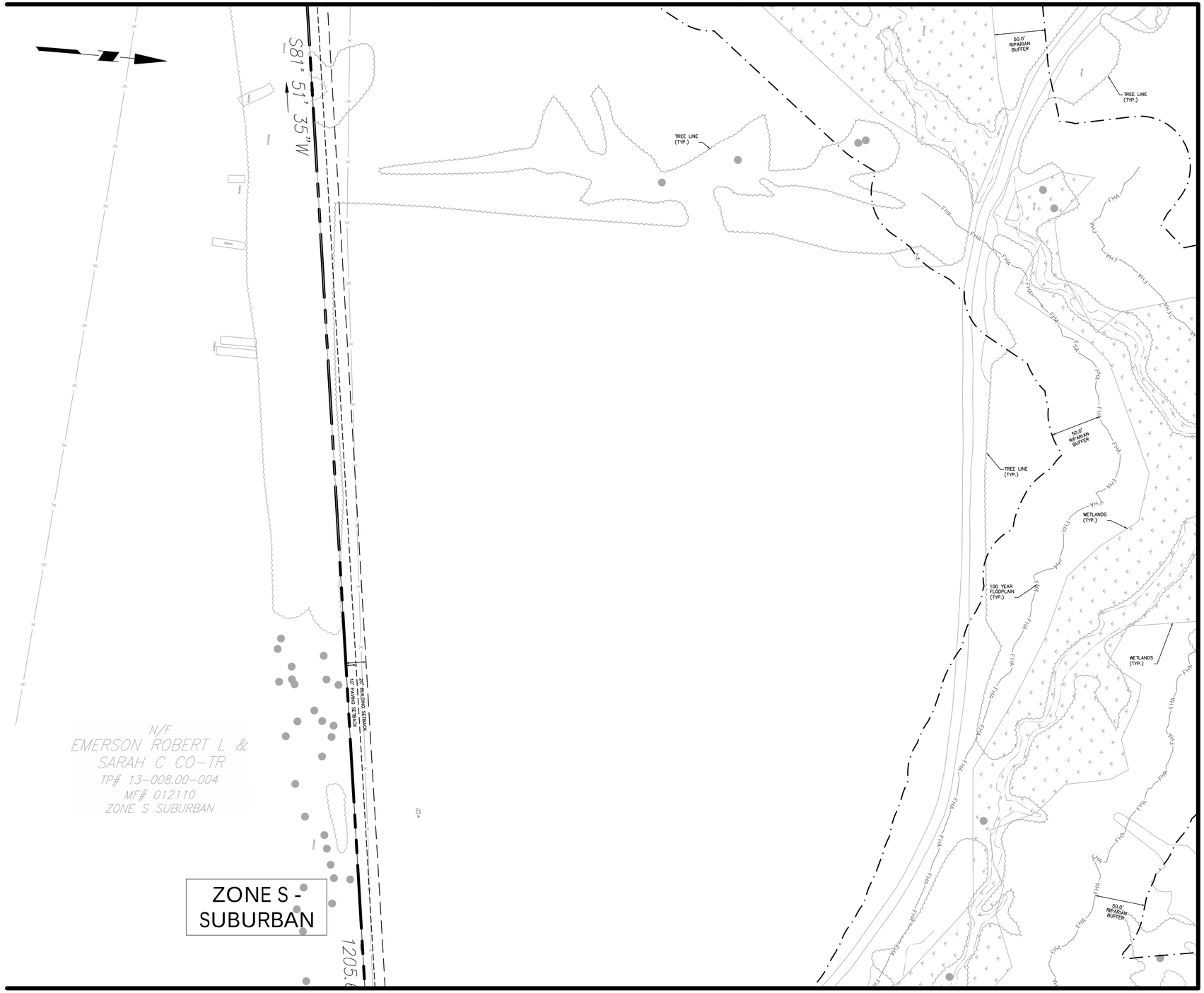
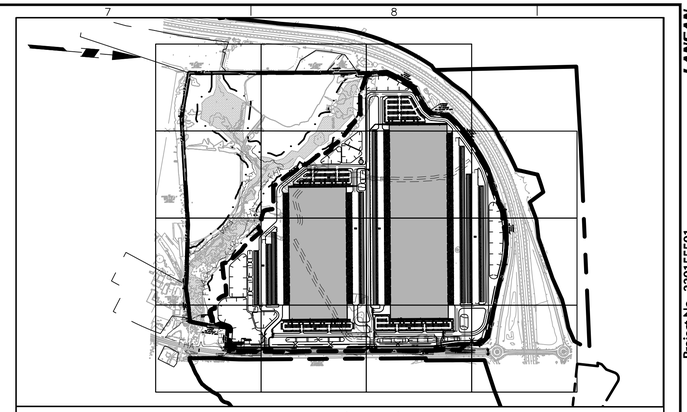


MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-108



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
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- 100 YEAR FLOODPLAIN
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- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

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SIGNATURE DATE SIGNED

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Drawing Title

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

CR-104

Sheet 5 of 16

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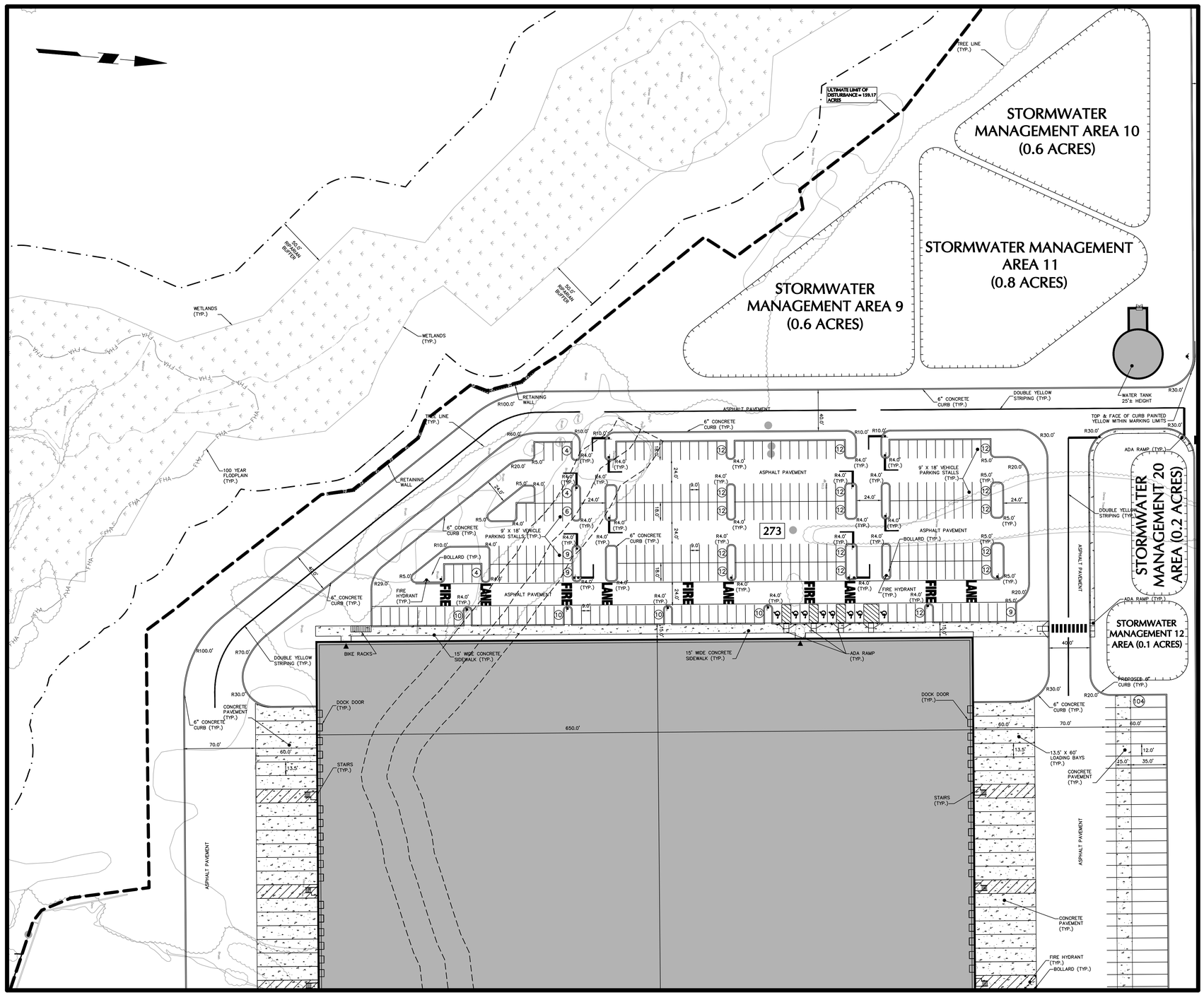
Project No. 220155501

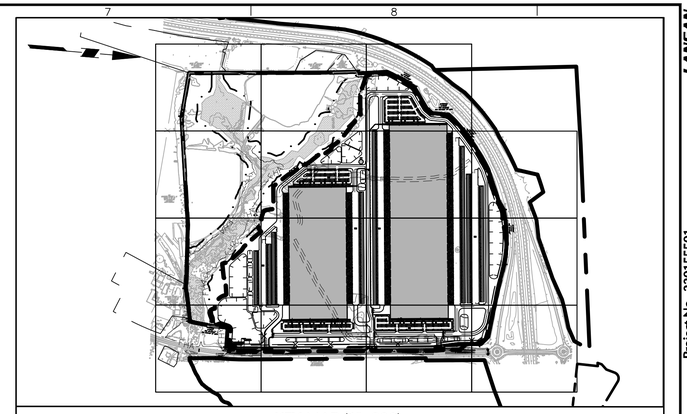
MATCHLINE - REFER TO SHEET CR-102

MATCHLINE - REFER TO SHEET CR-104

MATCHLINE - REFER TO SHEET CR-106

MATCHLINE - REFER TO SHEET CR-109





KEY MAP (1"=800)

LEGEND

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- SET BACK LINE
- LIMIT OF DISTURBANCE
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- TREE LINE
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- PARKING COUNT
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- FIRE DEMARCATION
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No.	Date	Description
7.	11/2/23	REVISED PER FLOODPLAIN UPDATE
6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

STOP! CALL BEFORE YOU DIG!

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-105

Sheet 6 of 16

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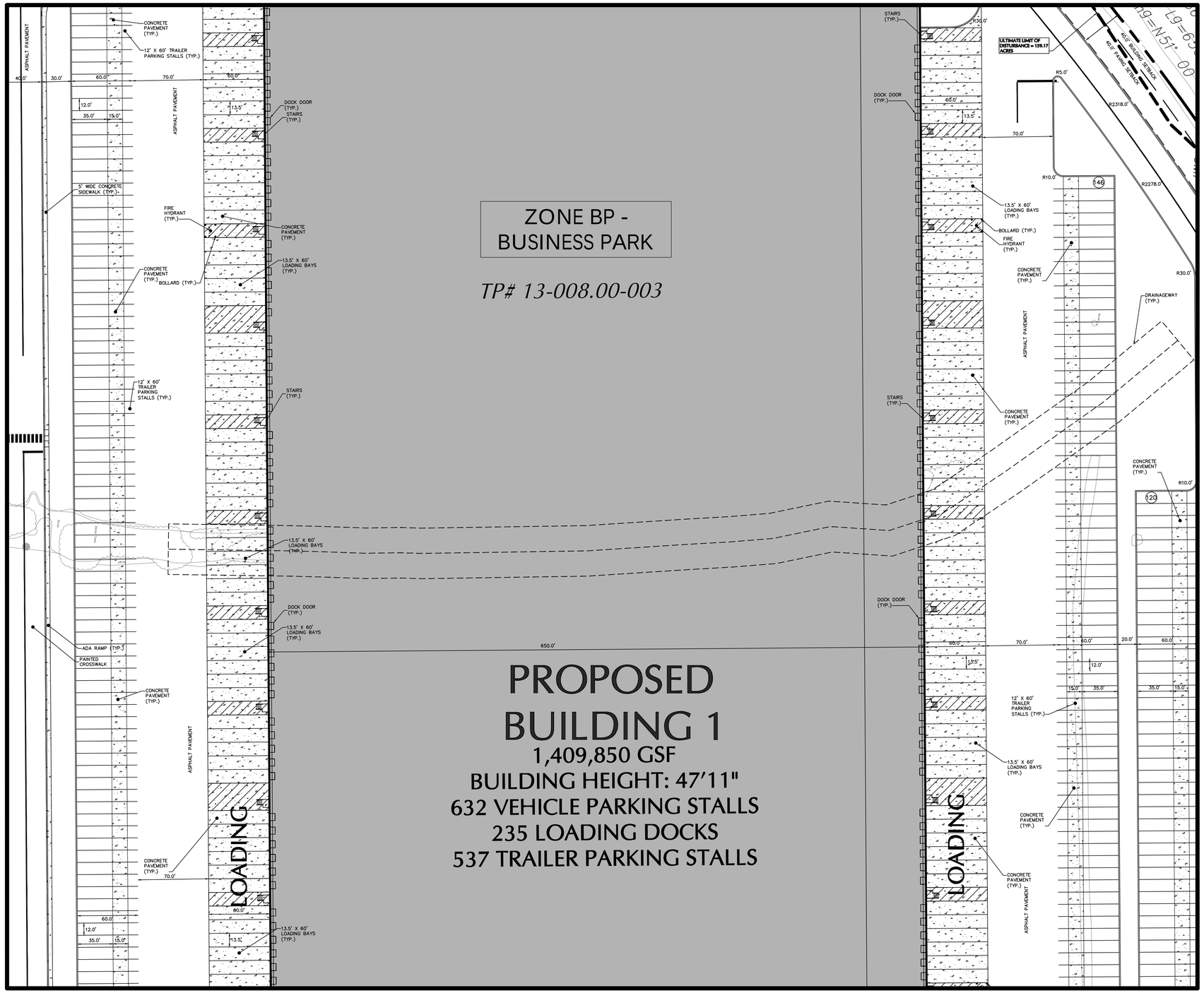
Project No. 220155501

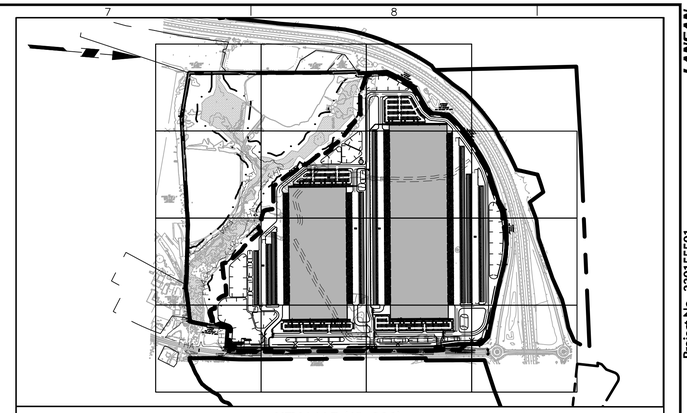
MATCHLINE - REFER TO SHEET CR-103

MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
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- PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
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1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-106

Sheet 7 of 16

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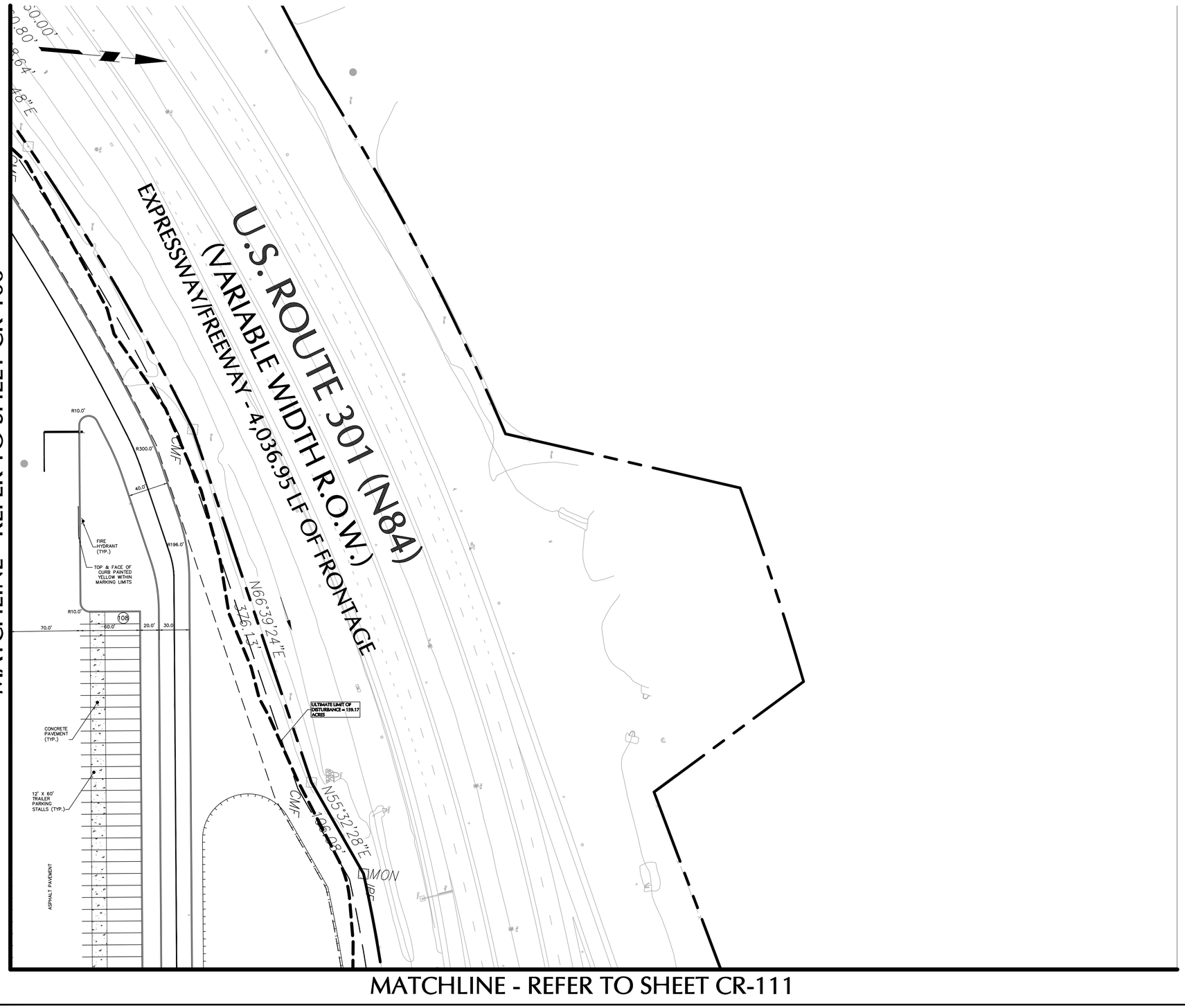

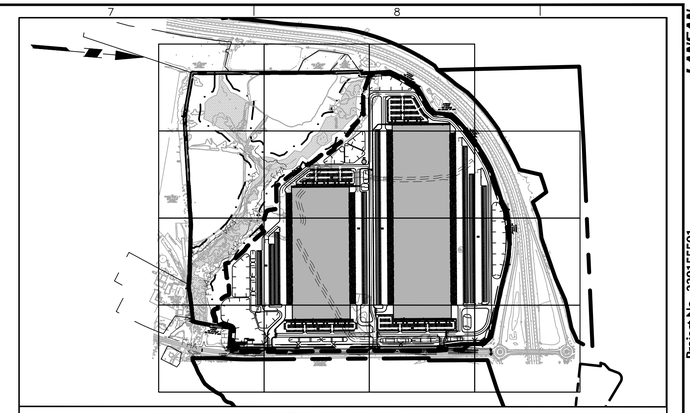

KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
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- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
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No.	Description	Date
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3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22
	REVISIONS	

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

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Drawing Title

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-107

Sheet 8 of 16

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Project No. 220155501

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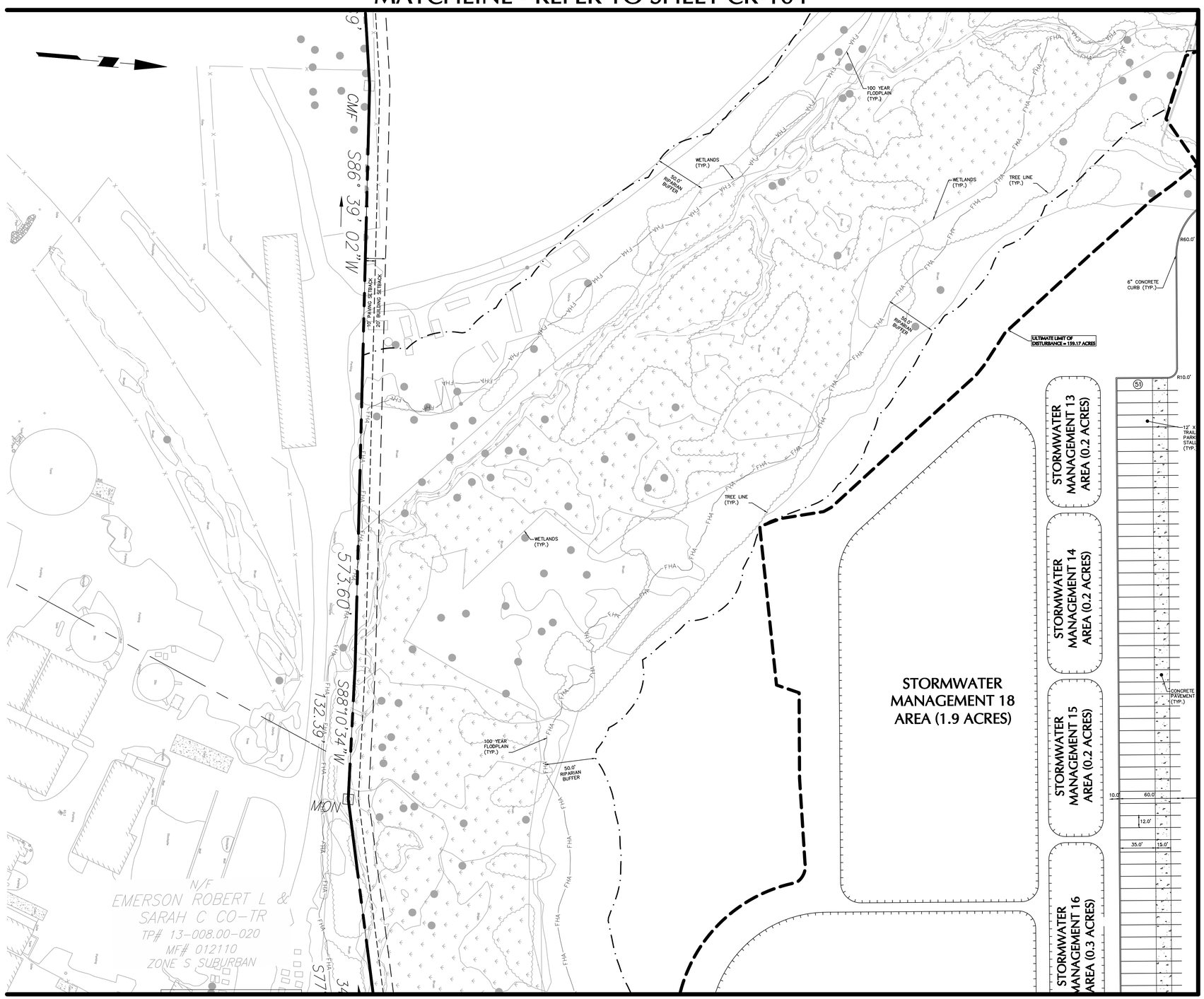

MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-112



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- FHA FHA 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
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2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

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50 0 25 50
SCALE: 1 INCH = 50 FEET

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Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-108

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Project No. 220155501

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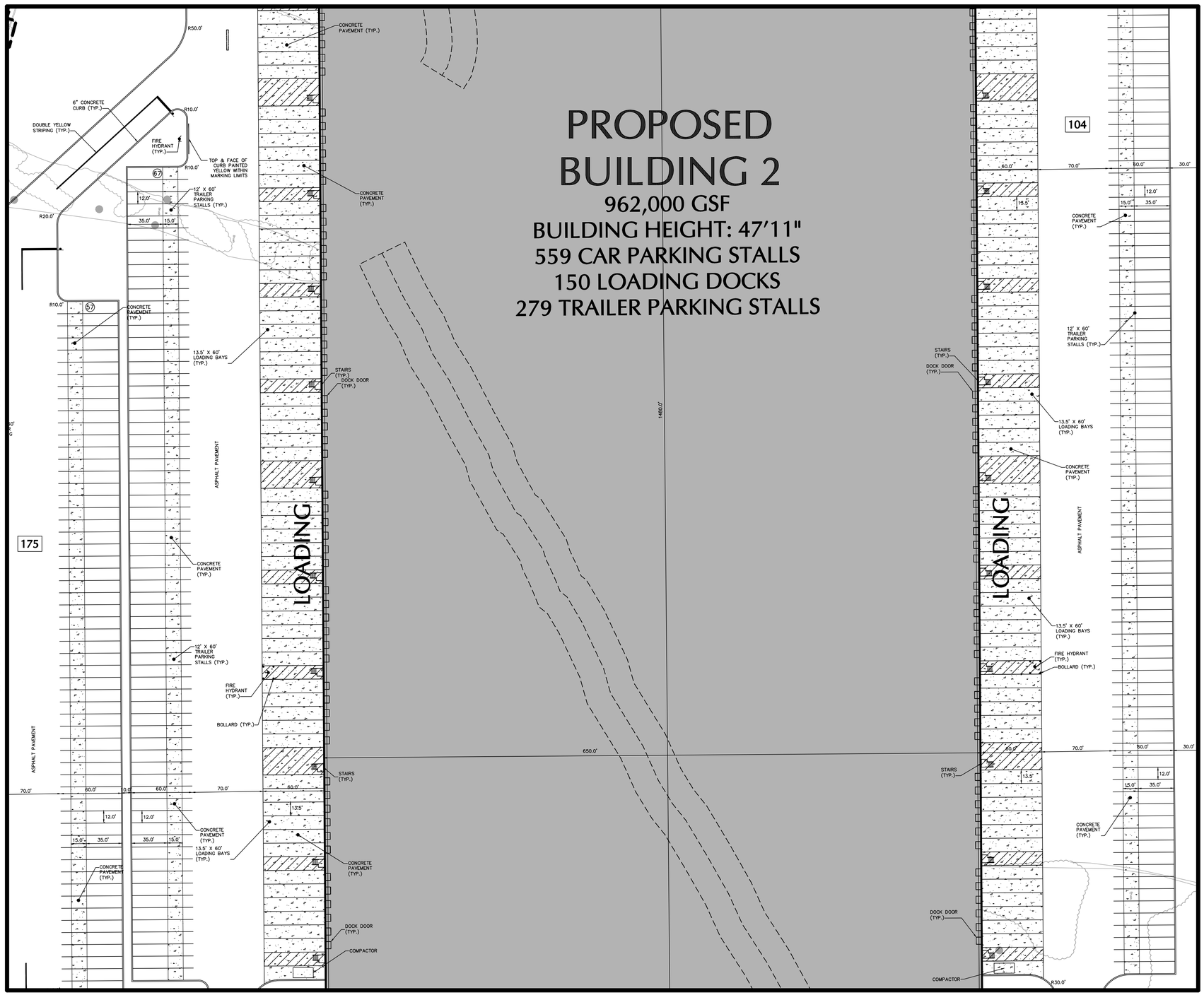
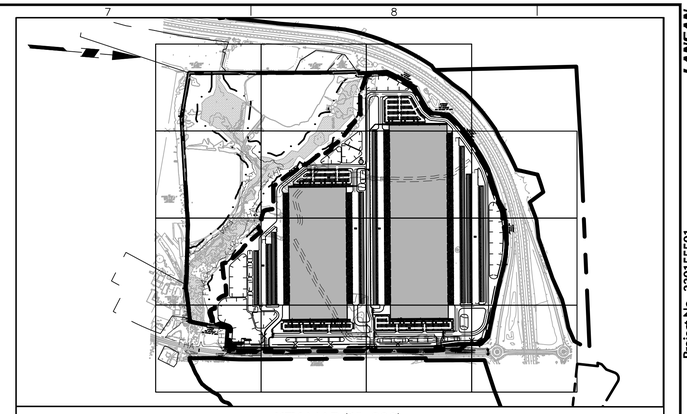


MATCHLINE - REFER TO SHEET CR-108

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-113



LEGEND

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2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

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Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

CR-109

Sheet 10 of **16**

Project No. 220155501

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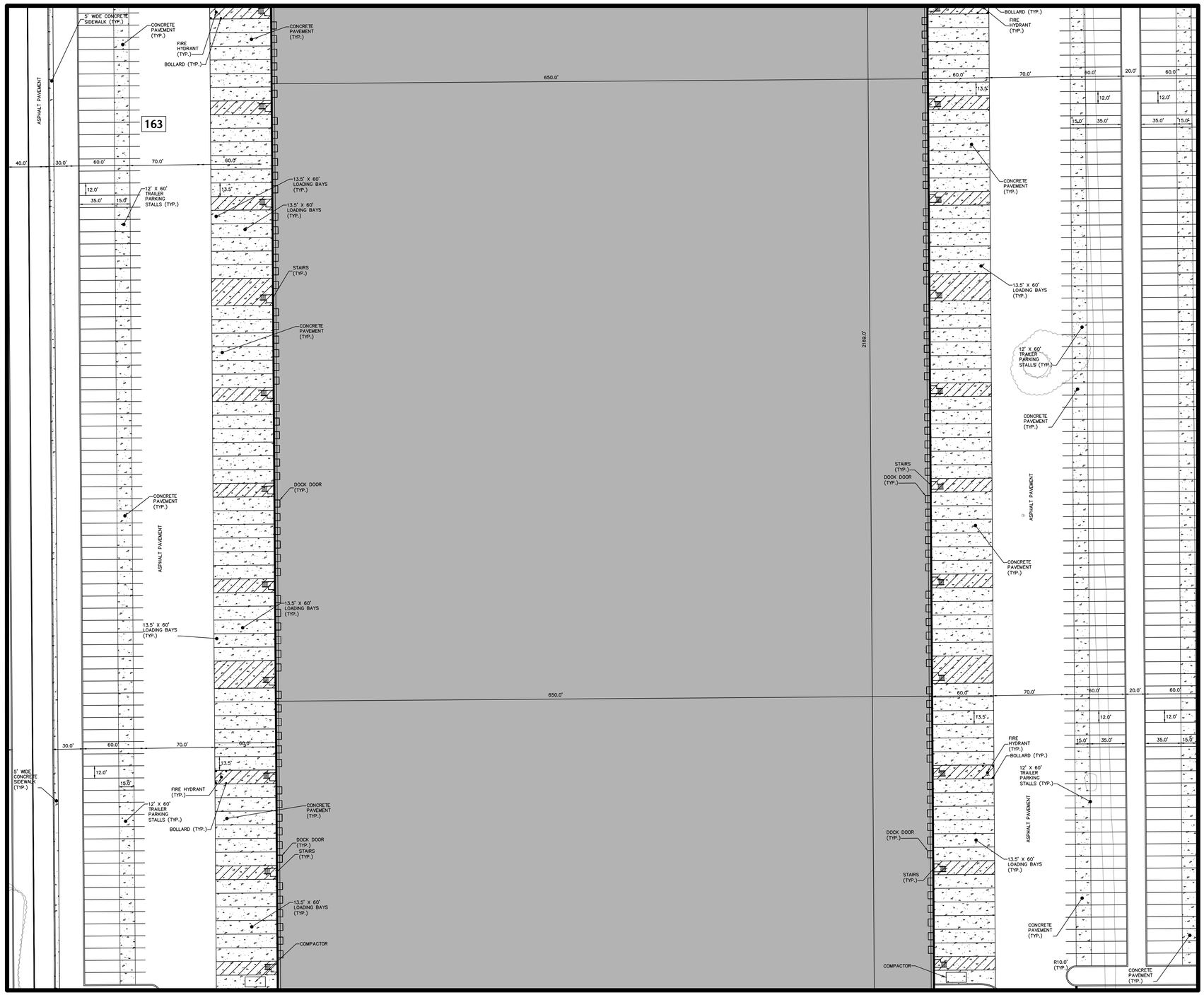
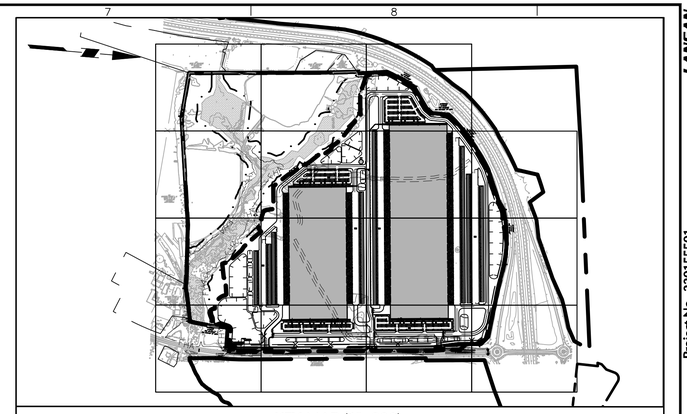
MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-111

MATCHLINE - REFER TO SHEET CR-106



MATCHLINE - REFER TO SHEET CR-114



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
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No.	Date	Description
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6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-110

Sheet 11 of 16

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Project No. 220155501

MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-115

STORMWATER MANAGEMENT 7 AREA
(2.6 ACRES)

ULTIMATE LIMIT OF DISTURBANCE = 159.17 ACRES

R=1495.00'
L=618.84'
Chd Lg=614.43'
Chd Brg=N84° 34' 23"E

S80°40'01"E 296.25'

S83°34'06"E 207.10'

40.0' BUILDING SETBACK

40.0' PARKING SETBACK

CMF

IPF

MON

374

70.0' 60.0' 20.0' 30.0'
12.0'
15.5' 35.0'

ASPHALT PAVEMENT

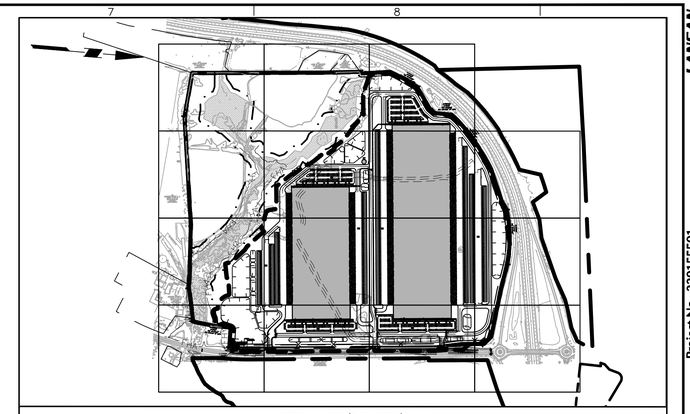
12' X 60' TRAILER PARKING STALLS (TYP.)

CONCRETE PAVEMENT (TYP.)

R10.0' (TYP.)

FIRE HYDRANT (TYP.)

R30.0'



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- PARKING COUNT (10)
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- PROPOSED CONCRETE MONUMENT (MON)

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BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

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Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

STOP - CALL BEFORE YOU DIG

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-111

Sheet 12 of 16

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Project No. 220155501

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Filename: c:\bms\langan-pw-01\d0113861\220155501-0302-CR101-0102.DWG Date: 11/2/2023 Time: 12:29 User: tholmes Style Table: Langan.stb Layout: EXP-111

MATCHLINE - REFER TO SHEET CR-108

ZONE S - SUBURBAN

ZONE BP - BUSINESS PARK

ZONE BP - BUSINESS PARK

MATCHLINE - REFER TO SHEET CR-113

STORMWATER MANAGEMENT AREA 19 (3.8 ACRES)

S05°17'18"W

S88°01'57"W 35.84'

R=2540.00'
L=431.51'
Chd Lg=430.99'
Chd Bng=S4° 16' 02"W

S89°24'01"W 230.00'

R=2770.00'
L=221.26'
Chd Lg=221.20'
Chd Bng=S2° 53' 17"E

S85° 40' 33"E

WETLANDS (TYP.)

50.0' RIPARIAN BUFFER

20' BUILDING SETBACK

10' PAVING SETBACK

100 YEAR FLOODPLAIN (TYP.)

6' SCREEN FENCE (TYP.)

40' PAVING SETBACK

ULTIMATE LIMIT OF DISTURBANCE = 159.17 ACRES

20'-FOOT DRAINAGE EASEMENT

A 15'-FOOT PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT

PROPOSED 30' WIDE SANITARY SEWER EASEMENT TO BE ESTABLISHED AND DEDICATED TO NEW CASTLE COUNTY, PER THE RECORD PLAN ASSOCIATED WITH THIS APPLICATION

R10.0'

R40.0'

MON

CMF

FHA

KEY MAP (1"=800)

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REVISIONS

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SIGNATURE DATE SIGNED

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Miss Utility of Delmarva

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Project No.	220155501
Date	31 JANUARY 2022
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CR-112

Sheet 13 of 16

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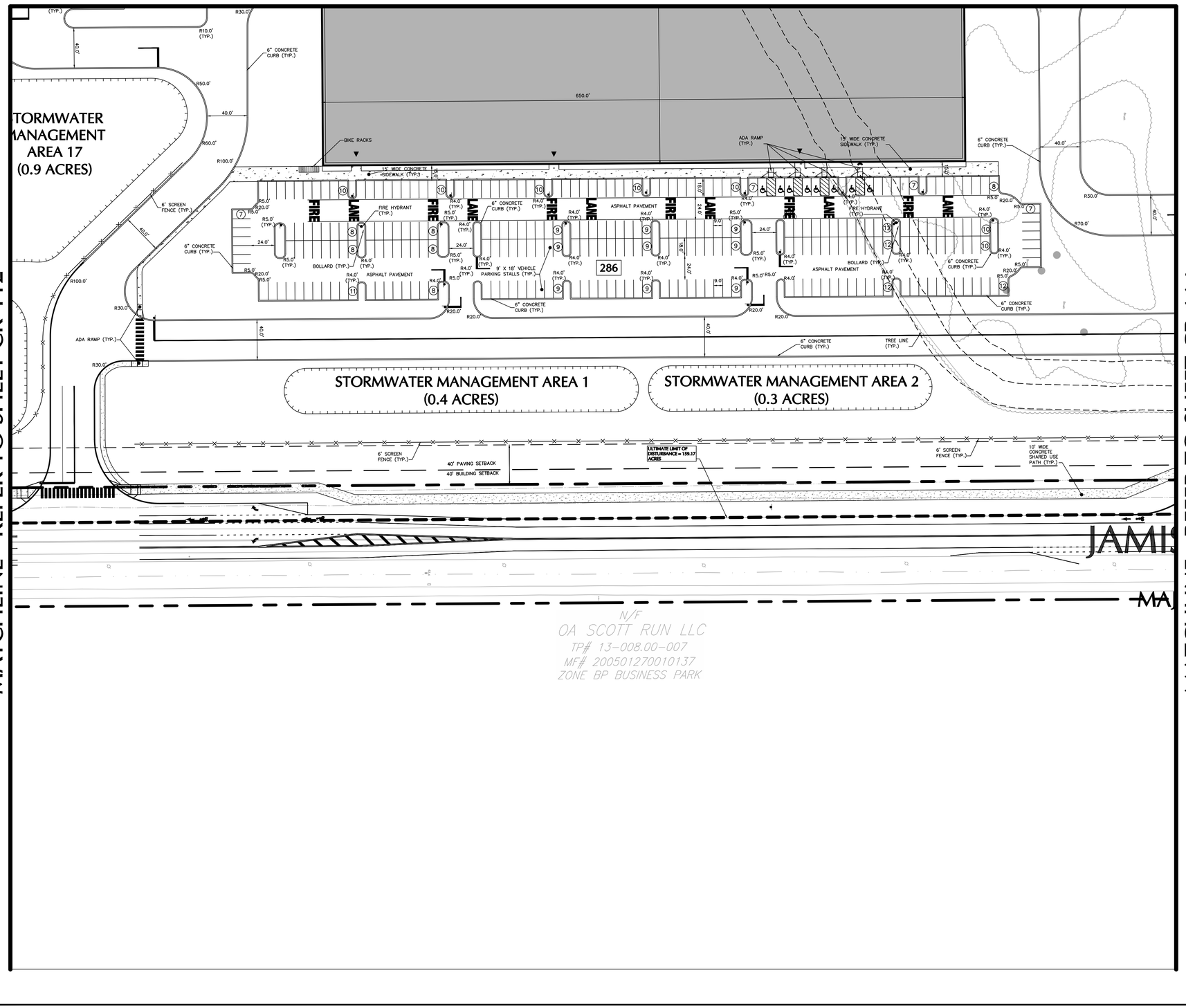

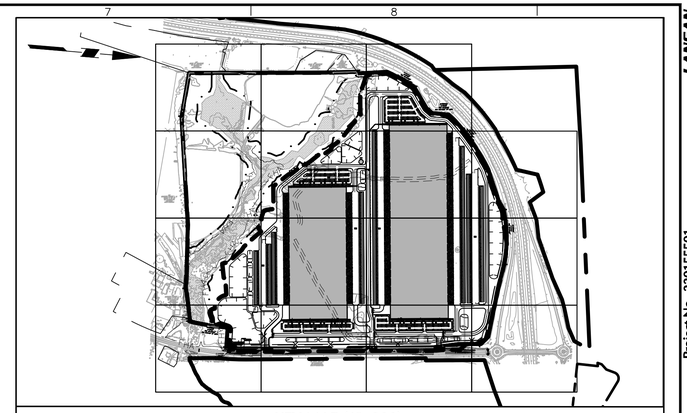

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5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

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SIGNATURE DATE SIGNED

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NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-113

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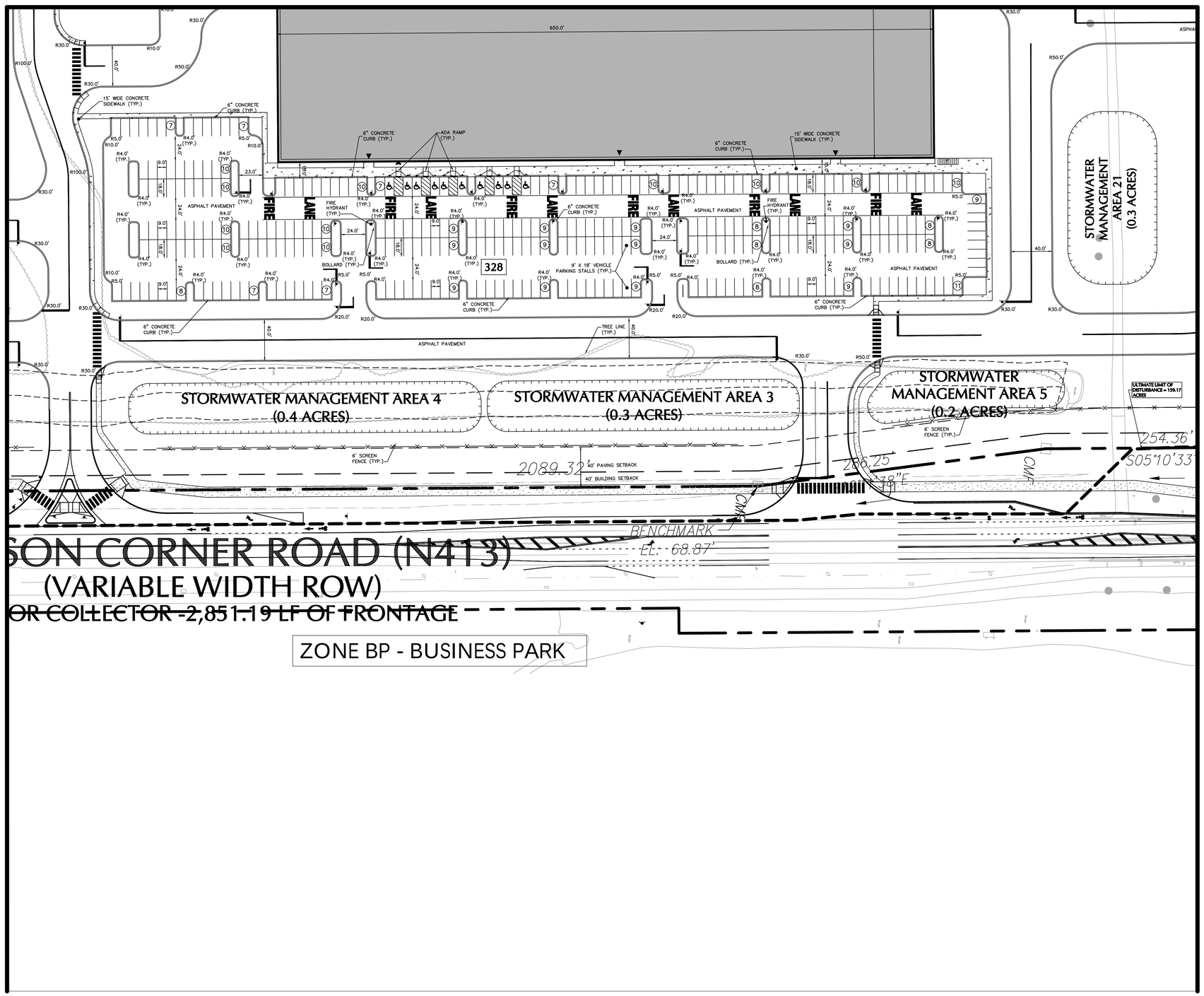
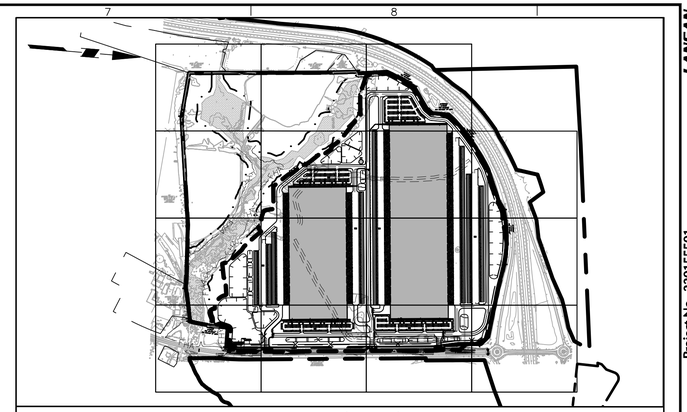
MATCHLINE - REFER TO SHEET CR-113

MATCHLINE - REFER TO SHEET CR-115





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TAX PARCEL 13-008.00-003

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EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

SCALE: 1 INCH = 50 FEET

Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

CR-114

Sheet 15 of **16**

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Project No. 220155501

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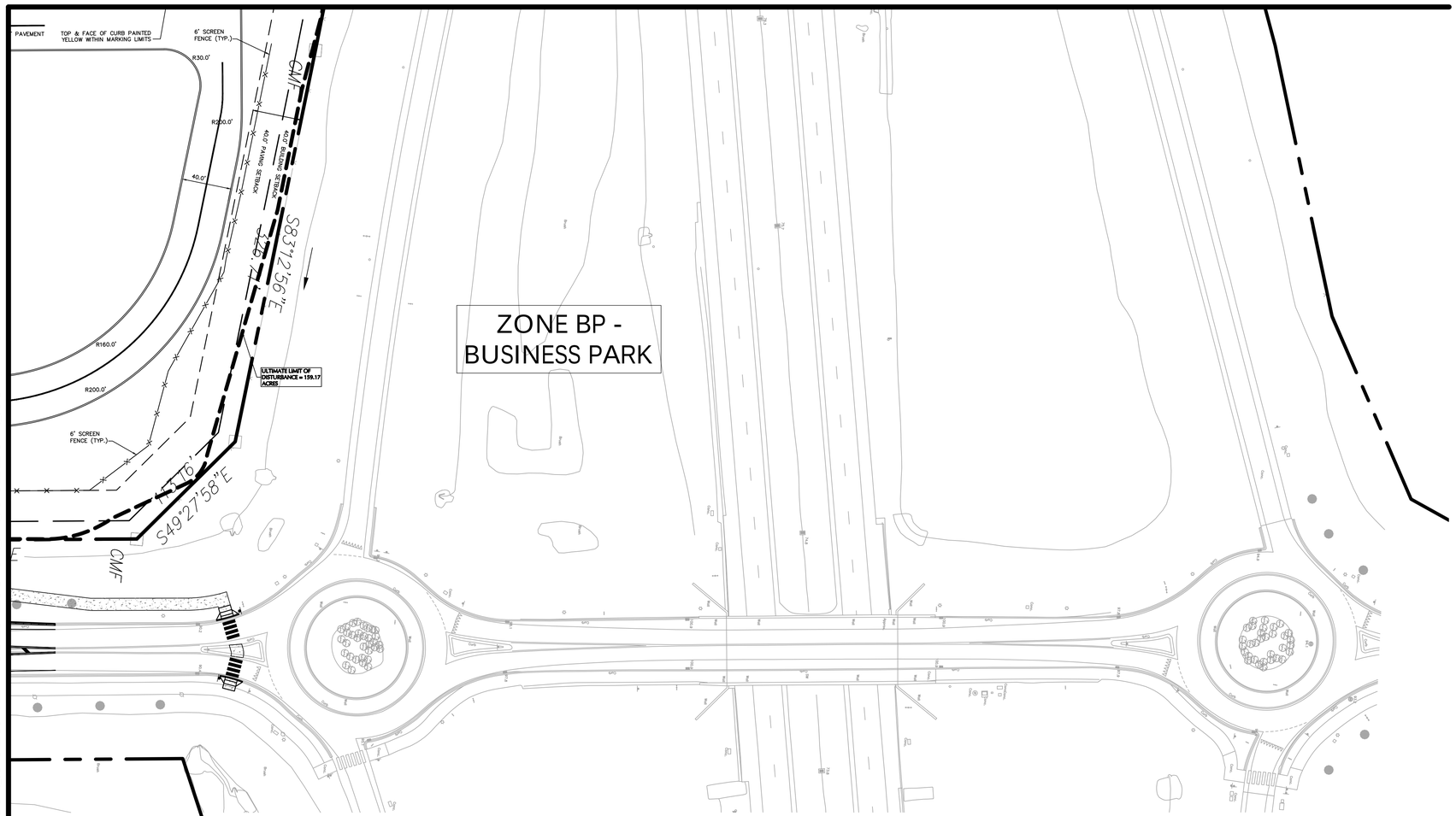
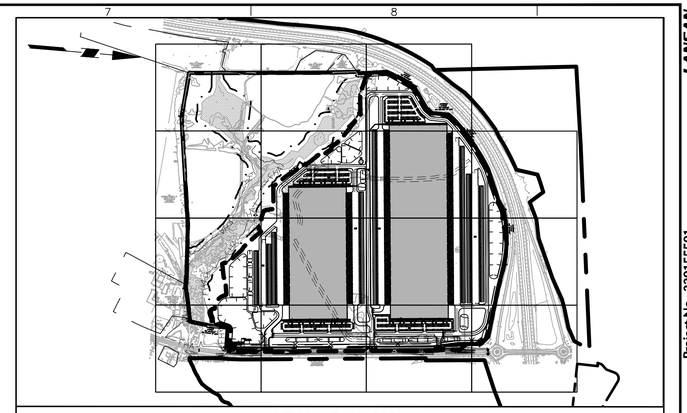
MATCHLINE - REFER TO SHEET CR-114





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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-115

Sheet 16 of 16

Project No. 220155501

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Prime Sponsor(s): Mr. Carter
Requested by: Administration/Finance
Date of introduction: December 12, 2023

ORDINANCE NO. 23-165

TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS WITH 100 WATT LIGHT EMITTING DIODE (LED) BULBS IN THE BRIGHTON HAMLET SUBDIVISION LOCATED IN THE ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS

WHEREAS, a petition has been filed with the Clerk of New Castle County Council for the establishment of a street light tax district in the **BRIGHTON HAMLET SUBDIVISION** and for the installation of Traditionaire street lights with 100 watt light emitting diode (LED) bulbs, therein.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The County Executive is hereby authorized to execute a contract, in accordance with 9 *Del. C.* Chapter 21, to provide TRADITIONAIRE street lights with 100 watt light emitting diode (LED) bulbs, according to the standards established by the New Castle County Department of Land Use, to be erected along LOREWOOD PARK RD., SOUTH LORE'S LANDING RD., SWEDE LANDING LA., LEWES LANDING RD., BEATEAU LANDING LA., NEW CASTLE LANDING DR., KALMAR LA., EAST LOCK RD., ERICCSON LA., WEST LOCK RD., NORTH LORE'S LANDING RD. AND CHEASAPEAKE VIEW DR. as set forth in the petition.

Section 2. The properties set forth in the petition shall be subject to an annual tax based upon the full annual cost of the street lighting in an amount to be provided for in the Annual Revenue Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance approves the installation of TRADITIONAIRE street lights with 100 watt light emitting diode (LED) bulbs in the BRIGHTON HAMLET SUBDIVISION.

FISCAL NOTE: This Ordinance provides for the installation of TRADITIONAIRE street lights with 100 watt light emitting diode (LED) bulbs and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these BRIGHTON HAMLET SUBDIVISION properties set forth in the petition filed with the Clerk of County Council will be billed in conjunction with the annual property tax billing. The increased expenditure to the County resulting from the installation and maintenance will be offset by the increased revenues realized from the light tax assessment.

Matthew Meyer
County Executive

Michael Smith
Chief Financial Officer

OFFICE OF FINANCE

BUILDERS PETITION FOR STREET LIGHTING

STATE OF DELAWARE :

SS :

NEW CASTLE COUNTY :

TO: The Honorable President and Members of County Council of New Castle County, Delaware

BE IT KNOWN, that on this 17 Day of November, A.D. 2023 personally appeared before me, the undersigned Notary Public, Jaime Irene Zolper

of the State of Delaware, known to me as such, and being first duly sworn by me according to law, stated and said as follows:

1. OA NORTH LLC holds record title to BRIGHTON HAMLET a subdivision located In ST. GEORGES HUNDRED/ MIDDLETOWN, New Castle County, Delaware, the metes and bounds for which are set forth in the Deed dated 12/11/2018, 9:25:05 AM, between WELFARE FOUNDATION, INCORPORATED (A/K/A WELFARE FOUNDATION, INC.) as grantors, and OA NORTH LLC as grantee, recorded in the Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument Number 20181211-0067894, a copy of which is attached hereto and made a part hereof as EXHIBIT A. A substantially reduced copy of the record subdivision plan for the portion of the lands known as BRIGHTON HAMLET New Castle County, Delaware, being known as Subdivision Instrument No. 20181128-0064501, is attached hereto and made a part hereof as EXHIBIT B.

2. OA NORTH LLC as sole owner of BRIGHTON HAMLET an unincorporated community in WHITEHALL, New Castle County, Delaware, hereby petitions New Castle County pursuant to 9 Del. C. 2101 et seq. (Rev. 1974) to enter into a contract for the purpose of providing light for the streets running through and within BRIGHTON HAMLET, the boundary lines of

which are set forth on EXHIBIT A attached hereto and made part hereof, and more visually represented in EXHIBIT B attached hereto and made part hereof.

3. The type of streetlight and wattage being requested – Select one…

- ☐ Traditionaire LED (70 watt HPS equivalent)
- X Traditionaire LED (100 watt HPS equivalent)
- ☐ Granville LED (70 watt HPS equivalent)
- ☐ Granville LED (100 watt HPS equivalent)
- ☐ Granville LED (150 watt HPS equivalent)
- ☐ Granville with Ribs LED (70 watt HPS equivalent)
- ☐ Granville with Ribs LED (100 watt HPS equivalent)
- ☐ Granville with Ribs LED (100 watt HPS equivalent

4. List names of all streets you wish to have lights installed on ___LOREWOOD PARK ROAD, SOUTH LORE'S LANDING ROAD, SWEDE LANDING LANE, LEWES LANDING ROAD, BEATEAU LANDING LANE, NEW CASTLE LANDING DRIVE, KALMAR LANE, EAST LOCK ROAD, ERICCSON LANE, WEST LOCK ROAD, NORTH LORE'S LANDING ROAD, CHEASAPEAKE VIEW DRIVE

BY _____ Michael N. McNamee III_____

BY _____

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

_____

Notary Public

My commission expires: _____

(Seal)

JAIME IRENE ZOLPER
NOTARY PUBLIC
STATE OF DELAWARE
MY COMM. EXPIRES 06-14-2024

Primary Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Register of Wills
Date of introduction: December 12, 2023

ORDINANCE NO. 23-166

AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE REGISTER OF WILLS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF $250,000 TO THE DEPARTMENT OF ADMINISTRATION, REGISTER OF WILLS SYSTEM CAPITAL PROJECT

WHEREAS, this legislation will amend the FY2024 Capital Budget by appropriating $250,000 in funds received from the Register of Wills Technology Fee Account to the Department of Administration, Register of Wills System Capital Project; and

WHEREAS, funding in the amount of $50,000 was previously approved by County Council via Ordinance 21-088 to develop the detailed business requirements for a new Register of Wills system; and

WHEREAS, the Register of Wills system is used for opening and closing estates, managing financials, statistics, reports and document creation such as legal documents, probate documents and letters; and

WHEREAS, funding in the amount of $50,000 will be used for the Business Analyst to develop the Request for Proposal (RFP) with the business requirements documents; and

WHEREAS, funding is estimated in the amount $200,000 to select a solution and initiate the project.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit “A.”

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit “B.”

Section 3. Register of Wills Technology Fee Account funding in the amount of $250,000 is appropriated to the Department of Administration, Register of Wills System Capital Project to conduct a formal Request for Proposal and select a solution to initiate the project.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $250,000 in funding from the Register of Wills Technology Fee Account to the Department of Administration, Register of Wills System Capital Project. Funds in the amount of $50,000 will be used to conduct a formal Request for Proposal and funds are estimated in the amount of $200,000 to select a solution to initiate the project.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Program and Budget by appropriating $250,000 from the Register of Wills System Capital Project to the Department of Administration, Register of Wills System Capital Project.

The revised FY2024 Capital Budget amount for the Register of Wills System Capital Project will be $250,000.

The revised FY2024 New Castle County Capital Budget grand total will be $77,487,396.

The balance in the Register of Wills Technology Fee Account as of 11/29/2023 is $1,791,728.59. The revised balance after this appropriation of funding will be $1,541,728.59.

The appropriation of funding from the Register of Wills Technology Fee Account is within the adopted Key Financial Policies.

The fiscal impact to the Operating Budget will be determined after a solution is selected which will include costs associated with the ongoing maintenance and operations of a cloud hosted solution.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF ADMINISTRATION

Land Use Information System		$	3,000,000
Recorder of Deeds HOA Portal		$	129,000
Register of Wills System	-	$	250,000
Subtotal	~~3,129,000~~	$	3,379,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency		$	500,000
Executive SF Capital Contingency			250,000
Subtotal		$	750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln		$	85,000
Appoquinimink Library		$	7,000
Newark Library		$	19,200,000
Surratte Pool Renovations			125,000
Subtotal		$	19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment		$	950,000
Cardiac Monitor 2023		$	945,148
Communications Upgrade			550,000
EMS Stations			500,000
Public Safety Building Renovations			300,000
Public Safety Equipment			91,000
Public Safety Vest Protection Program			201,840
Subtotal		$	3,537,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021		$	3,000,000
Electric Vehicle Infrastructure			1,800,000
Fleet Equipment 2021			(3,340)
Fleet Equipment 2022			(1,000,000)
Fleet Equipment 2024			6,179,272
General Roof Renovations			1,250,000
Government Center Electrical Upgrade			600,000
HVAC Replacement			2,400,000
Public Safety Parking Lot Lighting			-
Subtotal		$	14,225,932

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks		
Agricultural Preservation		$ 1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Carousel Park		276,120
Delcastle Park Improvements		1,100,000
Game Court Improvements 2021		100,000
General Parkland Improvements 2021		100,000
General Parkland Improvements 2024-2025		2,950,000
Historic Structure Rehabilitation		3,000,000
Middle Run Valley Reforestation		300,000
Open Space Preservation		1,000,000
Park Bridge Replacements		300,000
Pavilion Renovations		100,000
Play Area Improvements 2024-2025		2,000,000
Rockwood Park		1,800,000
Weiss Park Improvements		700,000
Subtotal		$ 17,726,120
Sewer/Stormwater		
Asset Management		$ 100,000
Backwater Valve Improvement		50,000
Christina River Force Main		4,400,000
Countywide Drainage		500,000
DelDOT Coordination Project 2021		2,000,000
Edgemoor System Rehabilitation		600,000
General Sewer Improvements		750,000
General Stormwater Improvements		358,954
North Delaware Interceptor System		650,000
Pump Station Rehabilitation 2024-2025		2,000,000
Sewer Fleet Equipment 2022		(650,000)
Sewer Fleet Equipment 2024		2,162,169
Sewer Repairs and Rehabilitation 2024-2025		1,000,000
Stoney Creek Basin		500,000
Stormwater Basin Renovation		725,000
Terminal Avenue System Rehabilitation		275,000
Water Quality Improvement Plan		230,233
White Clay System Rehabilitation		2,800,000
Subtotal		$ 18,451,356
CAPITAL BUDGET TOTAL	~~**77,237,396**~~	**$ 77,487,396**

EXHIBIT B

PROJECT PROFILES
ADMINISTRATION (continued)

Project Name (Number): Register of Wills System (C122203)

Description: Purchase and configure a new Register of Wills management system.

Council Districts: All

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ -	$ -	$ -	$ 50,000	$ 50,000
FY2024	-	-	-	~~-~~	~~-~~
				250,000	250,000
FY2025	-	-	-	-	-
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	**$ -**	**$ -**	**$ -**	**~~$ 50,000~~**	**~~$ 50,000~~**
				$ 300,000	**$ 300,000**
Available Authorizations:		**$ -**			
Available Funding:		**$ -**			
Operating Budget Impact:		**$ -**			

**Available Authorizations / Funding as of February 28, 2023, net of obligations.*

FY2024 Activity:

Acquire, design/configure and implement a Register of Wills System. Project funding will be from the Register of Wills Technology Fund. Conduct a formal Request for Proposal and select a solution to initate the project.

Future Activity:

Complete implementation of a Register of Wills system in FY25. Sunset project as of July 1, 2025.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety/Police
Date of introduction: December 12, 2023

ORDINANCE NO. 23-167

**AMEND THE GRANTS BUDGET:
APPROPRIATE $50,268.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF – LESS LETHAL LAUNCHER PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF), to the New Castle County Department of Public Safety SLEAF – Less Lethal Launcher Program Grant; and

WHEREAS, this funding will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of 25 Deftec 40mm launchers to be used by the Patrol Unit; and

WHEREAS, the County Executive has determined that funds received are sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material on the attached “Exhibit A,” which is considered to be underscored in its entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 12, 2023.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council of
New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $50,268.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF – Less Lethal Launcher Program Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of 25 Deftec 40mm launchers to be used by the Patrol Unit.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 12, 2023.

FISCAL NOTE: This Ordinance, if approved, will appropriate $50,268.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF – Less Lethal Launcher Program Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of 25 Deftec 40mm launchers to be used by the Patrol Unit.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $50,268.00. This increase will impact FY2024 only, since the targeted program completion date of this award is June 30, 2024. There will be no fiscal impact beyond FY2024 as a result of this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: SLEAF - Less Lethal Launcher Program **Ordinance No.** 23-167

PROGRAM TITLE: SLEAF - Less Lethal Launcher Program

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ 50,268.00	$ -	$ 50,268.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 50,268.00	$ -	$ 50,268.00

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 50,268.00	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 50,268.00	$ -	$ -

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 9/12/2023 **Estimated Program Completion:** 6/30/2024

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Funding will allow for the purchase of 25 Deftec 40mm Tactical Single Launchers to be used by the Patrol Unit.

12/12/2023

Introduced by: Mr. Tackett, Ms. Kilpatrick
Date of introduction: June 13, 2023

ORDINANCE NO. 23-084

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 25 ("DESIGN") REGARDING HAMLET AND VILLAGE DESIGN AND LOCATION

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as Amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan 2050" or "Comprehensive Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Comprehensive Plan includes the 2022 Future Land Use Map and existing and planned sewer service area maps that are intended to direct future development; and

WHEREAS, the 2022 Future Land Use Map identifies properties that are appropriate for future development as hamlets or villages; and

WHEREAS, the County recognizes the importance of updating its development regulations to implement the New Castle County Comprehensive Plan 2050; and

WHEREAS, Ordinance 09-037 introduced Smart Code development options to the County south of the C&D Canal with the intent to eventually expand to select land in northern New Castle County which would benefit from this type of development; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 25 ("Design"), Division 40.25.100 ("Hamlet and Village Design"), Section 40.25.121 ("Instructions") is hereby amended by deleting the material that is bracketed and stricken, and adding the material that is underscored, as set forth below.

DIVISION 40.25.100 HAMLET AND VILLAGE DESIGN

Sec. 40.25.121. Instructions

A. The use of this Division . . .

B. Projects proposed in this Division must be zoned Suburban (S) and [~~be located south of the C&D canal, west of US 13, east of the Norfolk and Southern Railroad spur and generally north of Marl Pit Road~~] be served or planned to be served by public sewer in the Comprehensive Development Plan.

C. Section 40.25.120 plans [~~shall~~] must include . . .

D. The developer [~~shall~~] must make a . . .

E. Any other density bonus established . . .

F. Prior to Section 40.25.120 plan approval . . .

Section 2. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 3. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 4. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable

and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 Del. C § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

_____
President of County Council
of New Castle County

Approved on:

_____
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by New Castle County Code Division or Section number.

Sec. 40.25.121. This amendment requires Hamlet and Village developments on Suburban zoned land planned to be sewered.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this ordinance.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 23-084
Application 2023-0326-T
Hamlets and Villages

November 28, 2023

Sponsor: Councilman Tackett (District 11), Councilwoman Kilpatrick (District 3)

Description: Amendment to amend New Castle County Code Chapter 40 (The "Unified Development Code"), Article 25 ("Design") regarding Hamlet and Village Design and Location

EXECUTIVE SUMMARY

Application 2023-0326-T (Ord. 23-084) is a proposed text amendment to the Design article (Article 25) of the Unified Development Code that seeks to amend the minimum criteria for Hamlet and Village developments, allowing for them to occur in other areas of the County . Today, Hamlet and Village developments are only permitted to occur in a limited portion of southern New Castle County. Ord. 23-084 proposes to allow Hamlet and Village developments on Suburban (S) zoned parcels that are at least fifty contiguous acres and served by public sewer.

Hamlet and Village developments promote smart-growth development through of Smart Code[1] principles, a transect-based approach that incorporates multimodal transportation, mixed land uses, walkable neighborhoods, and preservation of open space while providing a variety of housing options that are non-monotonous in design. As New Castle County grows and development continues to occur, community design and the built environment will be even more important as a vital factor in the health, welfare, and happiness of the County's residents. The 2022 New Castle County Comprehensive Plan supports the expansion of Hamlets and Villages and even goes as far as to establish a Future Land Use category for these types of developments.

The County is committed to promoting the health, safety, and welfare of its residents through smart-growth planning, community design, and an enhanced land development process; Ord. 23-084 seeks to achieve these goals. In reviewing the Standards for Text Amendment included in Section 40.31.420, the Department of Land Use recommends **APPROVAL** of App. 2023-0326-T / Ord. 23-084.

DESCRIPTION

[1] https://transect.org/index.html

Ord. 23-084 proposes to amend the Hamlet and Village provisions that currently limit Hamlet and Village developments to Suburban (S) zoned parcels located south of the C&D Canal, west of US 13, east of the Norfolk and Southern Railroad spur, and generally north of Marl Pit Road. Instead, Ord 23-084 proposes that Hamlet and Village developments can occur in any area of the County that meet the following criteria:

- Within the Suburban (S) zoning district
- Fifty (50) contiguous acres in size
- Must be served by or planned to be served by public sewer (as identified in the Comprehensive Development Plan)

BACKGROUND

Article 25 ("Design") of the UDC is utilized as tool in New Castle County's land development process that seeks to establish longevity in community character through the establishment of developments that include a diversity of uses, scale, and building design over modern developments that tend to be mass-produced and monotonous in nature. Originally adopted in 2009, the Hamlet and Village provisions were added to the Unified Development Code after the County identified the core principle of smart growth development as lacking in the development regulations provided in the UDC. The Hamlet and Village provisions utilize Smart Code principles that were originally established in response to mid to late 20th-century development, where Euclidean zoning regulations typically separated residential development from schools, shopping centers, employment areas. Pulling from the principles of New Urbanism, Smart Code and other form-based code's focus on the physical form of a development rather than specific land uses, the Hamlet and Village provisions were limited to the central core of the Southern New Castle County sewer service area. The provisions, existing today, limit Hamlet and Village development to lands zoned Suburban (S) that are located south of the C&D Canal, west of US 13, east of the Norfolk and Southern Railroad spur, and generally north of Marl Pit Road. These were among the first areas that were slated to receive sewer infrastructure as part of the C&D Canal at the time when the Hamlet and Village provision were originally adopted, .

Currently, the only Hamlet and Village style plan under development is the Village of Whitehall; however, the Department does have other land development applications on file proposing this style development. For this reason, the Department has been able to measure the success, effectiveness, and even the challenges of the Hamlet and Village provisions since their adoption. While the overall vision of the Whitehall development has reduced in overall scope, the Village of Whitehall has proven to be a success as an attractive and desirable place to live, work, and play. Based on this success, the latest Comprehensive Plan update (2022) identified Hamlet and Village style development to be appropriate in other areas of the County and encourages enhanced design for the benefit of its residents.

As noted in the 2022 Comprehensive Plan, the County is expected to have significant demographic shifts as the County's population ages and residents continue to migrate to New Castle County. Currently, New Castle County has a lack in diversity of housing types that the Village and Hamlets addresses. During the Comprehensive Plan update, the Department held several public workshops and meetings where it received feedback from the community regarding the importance of community design and the built environment. Following community input, the County identified the expansion of the Hamlet and Village provisions to other areas of the County as a strategy to provide for better community and development

design. A new category of the Future Land Use map was also established as part of the Comprehensive Plan update for Hamlet and Village developments.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on July 26, 2023. The PLUS Review Letter dated August 23, 2023, includes comments from the Office of State Planning and Coordination (OSPC), who notes that the ordinance provides greater flexibility in siting Hamlets and Villages that was consistent with the goals of the 2022 New Castle County Comprehensive Plan. The Delaware State Housing Authority noted their support for the ordinance, as Hamlets and Villages allow for smart growth principles, density, and walkability.

PLANNING BOARD PUBLIC HEARING – *November 7, 2023*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Janet Vinc, Planning Manager at the Department of Land Use, presented the proposed ordinance. Ms. Vinc provided a brief summary of Ord. 23-084, which stemmed out of the most recent Comprehensive Plan update in 2022. She noted that the ordinance proposes to allow for Hamlet and Village development options in other areas of the County beyond southern New Castle County, on parcels that are 50 contiguous acres in size, accessible to sewer, and within the Suburban zoning district.

Robin Lester spoke in favor of the application. Ms. Lester stated that her family has resided in St. Georges Hundred for generations and continue to own property in that area of the County. She stated that when the County went through the most recent Comprehensive Plan update, her family attended the multiple public meetings and engaged in multiple discussions. She stated that after participating in the process with diligence, she encouraged the Planning Board to support the proposed ordinance.

Fred Wittig spoke in favor of the application and noted his support for the ordinance.

Robert Wittig spoke in favor of the application and stated his support for the ordinance. He noted his participation in the recent Comprehensive Plan update process and noted that he was a proponent for the Village and Hamlet provisions. He stated that he believed the County had done significant work and that the ordinance reflected as such.

Mike DeNote, representative of the Lester Family, spoke in favor of the applications. Mr. DeNote stated that the Lester Family owns land that will largely be impacted by the adoption of the ordinance and will allow them to pursue a Hamlet and Village style development, in concurrence with the Comprehensive Plan. He noted that the ordinance before the Board is consistent with the Future Land Use component of the Comprehensive Plan, which was vetted through years of public meetings and forums prior to its adoption at County Council. He noted the success of the Comprehensive Plan and noted that the Delaware State Housing Authority supported the proposed ordinance in their PLUS review.

Sean Stevenson spoke in favor of the application. He stated that he supported the ordinance.

Andy Oldenderski, member of the MOT Alliance, spoke in opposition of the ordinance, noting concerns regarding lack of supporting infrastructure as it relates to transportation in Southern New Castle County.

He stated that residents in the new developments will increase traffic to get to places such as grocery stores, causing addition traffic concerns.
Councilman David Carter offered general comments on the ordinance. He stated that while he believed the Hamlet and Village provisions to have potential, he believed it should be further evaluated as to where these developments are appropriate. He stated that there is not a strong understanding of the commercial industry and the impacts COVID-19 had on the landscape. Councilman Carter noted his concerns regarding developer commitments to ensure the full vision of a Hamlet and Village development is carried out. He noted the importance of infrastructure as it relates to transportation.

Charlie Weymouth spoke in opposition of the ordinance, noting that he found the concept commendable but that the ordinance was lacking. He concurred with the comments made by Councilman Carter and expressed concern regarding support for infrastructure and schools.

A member from the public offered general comment noting her concerns regarding increased development and how it will impact schools, which already are struggling to maintain bus drivers and teachers.

ANALYSIS

As a result of mid to late twentieth century zoning practices and development across the country, there has historically been an adverse effect on unique community character. The establishment of Smart Code in reaction to these patterns has resulted in newer and better designed developments that foster a healthy and attractive built environment. As seen through the latest Comprehensive Plan update, residents of New Castle County have identified community design to be one of the highest priorities to consider as New Castle County continues to grow. Specifically, the Hamlet and Village provisions allow for enhanced community design and long-range planning that will benefit community character and the developed landscape. As such, the Department recognizes that the Hamlet and Village development option is appropriate in other areas of the County, particularly in already densely populated areas.

Pulling from the principles of form-based codes, the existing Hamlet and Village provisions provide for a comprehensive look at proposed developments in regard to transportation / traffic, housing, built infrastructure, and a mix of uses. It should be noted that Hamlet and Village developments are not precluded from providing the infrastructure required by both the Unified Development Code and State Code. This includes being serviced by County sewer, connected to public water, meeting all the traffic requirements included in Article 11 of the UDC, meeting all school concurrency requirements, and paying impact fees that support county services such as fire and public safety. If permitted in other appropriate areas of the County where residential development is already plausible under the Unified Development Code, developers will have an additional opportunity to establish well-designed and attractive developments that compliment local, surrounding community character.

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

The 2022 Comprehensive Plan update established a new Future Land Use category for Hamlet and Villages development in order to establish designated areas that are proposed for long-range planning efforts, described below:

> "These are areas that, based on existing developments, land use analysis as well as community planning efforts have been determined to be appropriate for development in a manner consistent with the Hamlet and Village provisions of the Unified Development Code. All land development plans within those designated areas shall be consistent with the Hamlet and Village provisions at the time of submission. Developments using the Hamlet and Village provisions subsequent to the adoption of the 2022 New Castle County Comprehensive Development Plan, will be updated on the Future Land Use Map at the 5-year review opportunity or the formal update in 2032."

Adoption of Ord. 23-084 aligns with the implementation of the new Future Land Use Category for Hamlets and Villages.

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

The 2022 Comprehensive Plan identifies community design as a goal, with Hamlet and Village development as a key strategy to accomplishing this goal. Adoption of Ord. 23-084 would be in concert with the implementation of the Comprehensive Plan's identified goals and objectives.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

By permitting Hamlet and Village developments in areas that are both zoned Suburban (S) and serviced by sewer, the proposed provisions are consistent with existing development standards included in the Unified Development Code.

D. *Necessity to respond to State and/or Federal legislation.*

N/A

E. *Flexibility in meeting the objectives of this Chapter.*

Ordinance 23-084 provides additional flexibility in the Unified Development Code by expanding development options and the permitted areas for Hamlets and Villages beyond the central core of Southern New Castle County.

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Standards for Text Amendment in Section 40.31.420 *of the New Castle County Code*, the comments received from outside agencies, and the comments received by the public.

Based on this analysis, the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of App. 2023-0326-T / Ord. 23-084.

PLANNING BOARD RECOMMENDATION

At a business meeting held on November 28, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms. Gray, the Board voted to recommend **APPROVAL** of the proposed ordinance.

The motion was adopted by a vote of 8-0-0-0 (In Favor: Peterson, Daigle, Gray, Visvardis, Snowden, Cochran, Cahill-Krout, Drake; In Opposition: None; Abstention: None; Absent None:).

Prior to the vote the following discussion occurred:

Ms. Peterson noted that the Board had received comments regarding the application, opining that the proposed ordinance was premature and that based on the development of Whitehall, has not achieved the original goals of the Hamlet and Village provision. Mr. Rogers noted that Whitehall at its inception was a development option; however, the Future Land Use Map has since established a Future Land Use category for Hamlets and Villages, which would require that developments meet the provisions. Mr. Sekowski stated that despite the evolution of the Village of Whitehall and Traditions of Whitehall, the Department would consider the development a success. Ms. Patibanda noted that during the last public hearing, the Board heard several comments and public testimony from the residents noting how much they enjoy Whitehall and the amenities it provides. Ms. Visvardis added that success of projects doesn't happen overnight and almost never on the first attempt. Ms. Patibanda stated that mixed use types of communities are very popular and heard feedback from the public that it is a very attractive type of development.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.



12/18/2023

Charuni Patibanda date
General Manager
Department of Land Use



12/18/2023

Karen Peterson date
Chair
Planning Board

Prime Sponsor(s): Mr. Carter, Ms. Durham
Co-Sponsor(s): Mr. Toole, Mr. Cartier, Ms. Hartley-Nagle
Date of introduction: July 11, 2023

SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-095

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE") TO ESTABLISH A PROTECTED OPEN SPACE ZONING DISTRICT

WHEREAS, in 1997, New Castle County Council enacted a comprehensive overhaul of New Castle County's original 1954 zoning and subdivision regulations with the addition of Chapter 40 to the *New Castle County Code* (the "Unified Development Code" or "UDC"); and

WHEREAS, the Unified Development Code has since undergone considerable evolution to better reflect growth trends in the County and to advance the UDC regulations to include planning and land use ideas and values to meet today's needs; and

WHEREAS, the County's urban growth patterns have created a void in the ability of County government and its citizens to clearly recognize and appreciate the significant amounts of public and private open space that exist today in the County; and

WHEREAS, the zoning of open space protected in perpetuity in categories describing other uses is confusing to the public and leads to a practical misunderstanding of the future growth patterns of the County, rather than clearly depicting the real world current and future land use conditions; and

WHEREAS, it is important to establish a Protected Open Space (OS) District to readily show the extent of publicly protected lands and provide a clearer vision of the size and extent of these important land uses; and

WHEREAS, Strategy 1.1.6 of the 2022 New Castle County Comprehensive Plan states that the County should consider the addition of a preservation zoning category, and defines "Protected Open Space" as privately or publicly held land that has been protected from future development, yet such parcels are not readily designated differently from other parcels which are able to be further developed; and

WHEREAS, the establishment of the Open Space District, which will include Federal, State, County, and local government lands protected in perpetuity through donation or the use of public funds and placed under protective covenants or conservation easements will provide a clearer picture of the extent of permanent open space and recreational land use in the County, and their protected class; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (the "Unified Development Code"), Article 2 ("Establishment of Zoning Districts"), Division 40.02.200 ("Statement of purpose and intent of districts") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Division 40.02.200. - Statement of purpose and intent of districts.

This Division specifies the purpose and intent of the zoning districts established by this Chapter. The major community character classes (urban, suburban transition, suburban, [~~and~~] special, and protected open space) are used to organize the districts. Uses within a community character class are more similar in character than uses in a different class. All districts share the purpose of implementing the Comprehensive Development Plan.

It is County Council's intent to encourage agricultural preservation in all New Castle County zoning districts. …

Section 2. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 2 ("Establishment of Zoning Districts"), Division 40.02.200 ("Statement of purpose and intent of districts") is hereby by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.02.248. - Protected Open Space (OS) District.

The Protected Open Space (OS) District includes land that is protected in perpetuity through acquisition or donation of fee simple land or protective covenants to a public entity including public parks, an ecological habitat, or any other environmental or outdoor recreational area.

A. Land designated as OS includes:
   1. Federal, state, and county owned land and land owned by a municipality located in an unincorporated portion of the County that has been permanently protected from development as open space; and
   2. Private land protected in perpetuity that is voluntarily zoned OS at the request of the landowner.

B. Private land protected under the Delaware Agricultural Lands Preservation program or private community open space set aside as part of a land use record plan may not be designated as OS.

C. By July 1 of each year, the Departments of Land Use and Public Works are to jointly advise County Council of all land in the County that satisfies the above criteria but is not currently zoned as OS.

Section 3. New Castle County Code Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), Division 40.03.100 ("Use regulations"), Section 40.03.110 ("Use table") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.03.110. - Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components…

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*								*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*								*Additional Standards (all districts)*	
Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*OS*	*Parking*	*Limited & Special Use Standards*
Agricultural									**Agricultural**								**Agricultural**	
Agriculture (includes uses pursuant to Delaware Law)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	na.	---
Clearing	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	na.	Section 40.03.301
Farmstead	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	Y	2.0/du.	---
Farm market	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	8 spaces	Section 40.03.328
Commercial stables	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	L	1 per 2 stalls	Section 40.03.302
Residential									**Residential**								**Residential**	
Single-family, detached	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	2.0/du.	---
Open space subdivision, option 1	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	N	3.0/du.	---
Open space subdivision, option 2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	2.0/du.	---
Single-family, attached	Y	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	2.25/du.	---
Open space planned	Y	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	2.25/du.	---
Apartments	Y	Y	N	N	N	N	N	N	N	N	N	L	N	N	N	N	Table 40.03.522	Section 40.03.303
Apartment conversions	L	L	N	N	N	N	N	N	N	L	N	L	N	N	N	N	2.0/du.	Section 40.03.304
Commercial apartments	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	N	2.0/du.	Section 40.03.305
Hamlet	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	N	Division 40.25.100	Division 40.25.100
Village	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	N	Division 40.25.100	Division 40.25.100
Group home	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	1.0/2 beds	---
Manufactured home park	N	N	L	N	N	N	N	N	N	N	N	L	N	N	N	N	2.25/du.	Section 40.03.306
Small single-family	L	L	N	N	N	L	N	N	L	L	N	L	N	N	N	N	[2.0/du.]	[---]
Home Uses									**Home Uses**								**Home Uses**	
Day care, family/large family	A	A	A	N	N	N	N	N	N	A	A	A	N	N	A	N	Section 40.03.420	Section 40.03.420
Home occupation	A	A	A	N	N	A	N	N	A	A	A	A	N	N	A	N	Table 40.03.522	Section 40.03.420
Home business	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Cottage industry	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Institutional									**Institutional**								**Institutional**	

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*								*Table 40.03.110 C GENERAL USE TABLE*	
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Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*OS*	*Parking*	*Limited & Special Use Standards*
Assembly and worship	L	L	N	N	L	Y	L	L	L	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.307, Division 40.25.200
Schools	L	L	N	N	L	Y	L	L	L	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.307
Colleges	Y	Y	N	L	Y	Y	Y	Y	L	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.307
Institutional, regional	N	L	N	N	L	L	L	L	N	L	L	L	N	N	L	L	Table 40.03.522	Section 40.03.308
Institutional, neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	N	N	L	L	Table 40.03.522	Section 40.03.309
Institutional, residential (Type I)	L	L	N	N	N	Y	N	N	L	L	L	L	N	N	Y	N	Table 40.03.522	Table 40.03.210
Institutional, residential (Type II)	L	L	N	N	N	L	N	N	L	L	L	L	N	N	L	N	Table 40.03.522	Table 40.03.210
Protective care	N	N	N	N	S	N	S	S	N	N	N	N	S	N	S	N	Table 40.03.522	Table 40.03.210, Section 40.03.310
Public service	L	L	L	Y	Y	Y	Y	Y	Y	L	L	L	Y	Y	L	L	Table 40.03.522	Section 40.03.311
Hospitals	N	N	N	N	Y	Y	Y	Y	N	N	N	L	N	N	N	N	1/bed	Table 40.03.210
Commercial									**Commercial**								**Commercial**	
Adaptive reuse, historic building	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.15.240
Adult uses	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	1/100 GFA	Section 40.03.313
Agricultural support and other rural services	N	N	N	N	Y	Y	Y	Y	Y	S	S	S	Y	Y	S	L	Table 40.03.522	Section 40.03.314 and Section 40.03.336
Bed and breakfast	L	L	N	N	N	N	N	N	L	L	L	L	N	N	L	N	1 / room plus 2 / du	Section 40.03.315
Commercial lodging	N	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210
Commercial retail and service	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Corporate guest house	N	L	N	N	Y	Y	Y	Y	N	L	L	L	N	N	L	N	Table 40.03.522	Table 40.03.210
Craft alcohol production establishment	N	N	N	N	N	L	L	L	L	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Section 40.03.318, Section 40.03.338
Drive-in facility	L	N	N	L	L	L	L	L	L	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.316
Heavy retail and service	N	N	N	N	N	Y	N	Y	N	N	N	N	S	N	N	N	Table 40.03.522	Section 40.31.430
Light automobile service	L	N	N	N	L	Y	L	Y	Y	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200
Restaurants	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	S	Table 40.03.522	Table 40.03.210, Division 40.25.200
Office	L	N	N	Y	Y	Y	Y	Y	Y	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.321, Division 40.25.200
Shopping center	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	N	Table 40.03.522	---
Vehicular sales, rental and service	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Table 40.03.522	---
Recreation and Amusement									**Recreation and Amusement**								**Recreation and Amusement**	
Campground	N	N	N	N	N	N	N	N	N	L	N	N	N	N	L	L	1/space + 3/50 spaces at office	Table 40.03.210

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Recreation, high intensity	N	N	N	N	S	Y	S	S	L	N	N	N	N	L	N	L	Table 40.03.522	Table 40.03.210. In EX, see also Section 40.03.324
Recreation, low intensity	L	L	L	L	L	Y	L	L	Y	L	L	L	L	N	L	L	Table 40.03.522	Table 40.03.210
Resort	N	N	N	N	N	L	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Section 40.03.322
Industrial Uses									**Industrial Uses**								**Industrial Uses**	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210
Heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Table 40.03.522	---
Light industry	N	N	N	N	L	S	Y	Y	N	N	N	N	Y	Y	N	N	Table 40.03.522	Section 40.03.333
Recycling or storage	N	N	N	N	L	N	L	L	N	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210
Utilities, maintenance facilities	N	N	N	N	Y	L	Y	Y	N	N	N	N	Y	N	N	L	Table 40.03.522	Section 40.03.312
Utility, minor	L	L	L	L	L	L	L	L	L	L	L	L	Y	Y	L	L	Table 40.03.522	Section 40.03.334
Utility, major	S	S	S	S	S	S	S	L	S	S	S	S	L	S	S	L	Table 40.03.522	Section 40.03.312
Solar energy system, large-scale	N	N	L	L	L	L	L	L	N	L	N	N	L	N	L	N	na.	Section 40.03.337
Other Uses									**Other Uses**								**Other Uses**	
Airports	N	N	N	N	L	N	L	L	N	S	N	N	L	N	S	N	Special study, Section 40.03.524	Table 40.03.210, Section 40.03.325 and 40.03.432
Commercial communications towers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	2 per tower	Section 40.03.326
Community recycling bins	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	Section 40.03.430
Exterior lighting for outdoor recreational uses	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Table 40.03.522	Table 40.03.210 and Division 40.22.700
Park and ride facility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	N	---	Table 40.03.210
Parking structures	N	N	N	S	S	S	S	S	S	S	N	N	S	N	N	S	---	Sections 40.03.528, 40.01.320, and 40.25.137
Temporary Uses									**Temporary Uses**								**Temporary Uses**	
Temporary storage, office or classroom modulars or trailers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Table 40.03.210
Concrete/asphalt batch plant	N	N	N	N	N	N	N	L	N	N	N	N	L	L	L	N	Table 40.03.522	Section 40.03.327
Contractor's office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	1/200 sf.	---
Model homes/sale office	L	L	L	N	N	N	N	N	N	L	L	L	N	N	L	N	2/model	Section 40.03.335
Commercial temporary outdoor sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	L	None	Section 40.03.329
Public interest and special events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.03.330
Temporary miscellaneous sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	L	Table 40.03.522	Table 40.03.210, Section 40.03.331
	NOTES: * Refer to Article 25 for design standards for TN District. ** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district. *** See Division 40.25.100 for Village and Hamlet Standards.																	

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 4 ("District Intensity and Bulk Standards"), Division 40.04.100 ("District performance standards"), Section 40.04.110 ("District and bulk standards") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.04.110. - District and bulk standards.

Table 40.04.110 A. DISTRICT AND BULK STANDARDS								Table 40.04.110 B. DISTRICT AND BULK STANDARDS								Table 40.04.110 C. DISTRICT AND BULK STANDARDS	
District Standards								**Lot, and Building Standards**								**Storage and Comments**	
Zoning District & Development Type	**Min. OSR / LSR**	**Density**		**Floor Area Ratio**		**Utilities (on-site, public)**	**Min. Site Area**	**Minimum**							**Maximum**	**Exterior Storage**	**Notes**
		Max. Gross	**Max Net**	**Max. Gross**	**Max Net**			**Lot Area**	**Lot Width (feet)**	**Street Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**	**Paving street yard/other yard (feet)**	**Unit Mix (%)**	**Building Height (feet)**	**Percent of Lot Area**	
Protected Open Space (OS)								Protected Open Space (OS)								Protected Open Space (OS)	
Permitted uses*	0.70	na.	na.	0.12	0.45	OS	na.	na.	na.	50	40	50	50/30	na.	40	na.	*The standards are applicable unless explicitly established otherwise by a governmental agreement. …

Section 5. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 4 ("District Intensity and Bulk Standards"), Division 40.04.100 ("District performance standards"), Section 40.04.111 ("Landscape and illumination standards"), Table 40.04.111 ("Use and Lot Standards") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.04.111. - Landscape and illumination standards.

Bufferyard, landscaping standards and lighting standards are provided in Table 40.04.111.

Table 40.04.111 A. USE AND LOT STANDARDS							Table 40.04.111 B. USE AND LOT STANDARDS																		Table 40.04.111 C. USE AND LOT STANDARDS			
Zoning District & Development Type	Landscaping Plant Units per (See Division 40.23.100)			Bufferyard Opacity Standards			Bufferyard Opacity Standards (*See* Section 40.23.140)																		Street Tree Spacing (feet	Max. Illumination/Height		Notes
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)																			Illumination	Height	*NC6.5 or less includes NC5, NCap, NCga, NCth, NCsd, CNmm, and NCpud
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	SR	SE NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I	HI	EX			C=Cutoff fc=footcandles S=Semi-Cutoff	C=Cutoff ft=feet S=Semi-Cutoff	
Protected Open Space (OS)							Protected Open Space (OS)																		Protected Open Space (OS)			
Permitted uses	5/ac.	4	1/12	0.4	0.3	0.2	0.3	0.3	0.3	0.3	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2			40	C=4 fc S=2 fc	C=20 ft S=20 ft	…

Section 6. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 6 ("Sign Regulations"), Division 40.06.000 ("Applicability") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Division 40.06.000. - Applicability.

A. With regard to Section 40.06.060 Schedule of Sign Restrictions, the following rules shall govern:

1. Protected Open Space (OS), Neighborhood Conservation (NC), Suburban Reserve (SR), Suburban Estate (SE), Suburban (S), Suburban Transition (ST), and Traditional Neighborhood (TN) districts shall all be considered residential districts.

2. Commercial Neighborhood (CN)…

Section 7. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Plan.

Section 8. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: Ordinance No. 23-095 proposed the creation of a new zoning district known as the Protected Open Space (OS) District. The OS District will designate public interest open space that has been protected in perpetuity. The Ordinance sets forth the purposes of the OS District. Moreover, the Ordinance establishes permitted and prohibited uses, as well as limited and accessory uses within the district.

This Substitute to Ordinance No. 23-095 clarifies the composition and scope of land in the proposed new Section 40.02.248. Protected Open Space (OS) District. Furthermore, this Substitute clarifies originally prohibited uses which are now permissible uses subject to limited review, such as high intensity *Recreation*, *Public Service*, and *Commercial temporary outdoor sales*. In addition, this Substitute clarifies originally prohibited uses which are now permissible uses subject to special use review, such as *Restaurants*.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

Prime Sponsor(s): Mr. Carter, Ms. Durham
Co-Sponsor(s): Mr. Toole, Mr. Cartier
Date of introduction: July 11, 2023

ORDINANCE NO. 23-095

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WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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Division 40.02.200. Statement of purpose and intent of districts.

This Division specifies the purpose and intent of the zoning districts established by this Chapter. The major community character classes (urban, suburban transition, suburban, [~~and~~] special, and protected open space) are used to organize the districts. Uses within a community character class are more similar in character than uses in a different class. All districts share the purpose of implementing the Comprehensive Development Plan.

It is County Council's intent to encourage agricultural preservation in all New Castle County zoning districts. …

Section 2. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 2 ("Establishment of Zoning Districts"), Division 40.02.200 ("Statement of purpose and intent of districts") is hereby amended by the underscored language as set forth below:

Sec. 40.02.248. Protected Open Space (OS) District.

The Protected Open Space (OS) District is comprised of land that is protected in perpetuity through the purchase of protective covenants utilizing public funds or the donation of protective covenants to a public entity including public parks, an ecological habitat or any other environmental or outdoor recreation area.

A. Land designated as OS includes federal, state, county, and other local government lands that have been permanently protected from land development.

B. Land designated as OS additionally includes private lands protected in perpetuity through donation of fee simple property or conservation easements, covenants, or deed restrictions, or through the purchase of protections utilizing public funds where the federal, state, county, or other local government has obtained ownership or is a named beneficiary in conservation easements or other protective covenants, with the exception that it does not include land protected under the Delaware Agricultural Lands Preservation Program.

C. The Department of Land Use must advise New Castle County Council, biyearly of any land not already zoned OS that meets the above criteria. County Council will introduce an ordinance, consistent with the provisions of this Chapter, to rezone all land meeting the above criteria to OS.

Section 3. New Castle County Code Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use regulations”), Section 40.03.110 (“Use table”) is hereby amended by adding the material that is underscored and by deleting the material with strikethroughs, as set forth below:

Sec. 40.03.110. Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components…

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*								*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*								*Additional Standards (all districts)*	
Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*OS*	*Parking*	*Limited & Special Use Standards*
Agricultural									**Agricultural**								**Agricultural**	
Agriculture (includes uses pursuant to Delaware Law)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	na.	---
Clearing	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	N	na.	Section 40.03.301
Farmstead	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	Y	2.0/du.	---
Farm market	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	8 spaces	Section 40.03.328
Commercial stables	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	N	1 per 2 stalls	Section 40.03.302
Residential									**Residential**								**Residential**	
Single-family, detached	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	2.0/du.	---
Open space subdivision, option 1	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	N	3.0/du.	---
Open space subdivision, option 2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	2.0/du.	---
Single-family, attached	Y	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	2.25/du.	---
Open space planned	Y	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	2.25/du.	---
Apartments	Y	Y	N	N	N	N	N	N	N	N	N	L	N	N	N	N	Table 40.03.522	Section 40.03.303
Apartment conversions	L	L	N	N	N	N	N	N	N	L	N	L	N	N	N	N	2.0/du.	Section 40.03.304
Commercial apartments	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	N	2.0/du.	Section 40.03.305
Hamlet	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	N	Division 40.25.100	Division 40.25.100
Village	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	N	Division 40.25.100	Division 40.25.100
Group home	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	1.0/2 beds	---
Manufactured home park	N	N	L	N	N	N	N	N	N	N	N	L	N	N	N	N	2.25/du.	Section 40.03.306
Small single-family	L	L	N	N	N	L	N	N	L	L	N	L	N	N	N	N	[2.0/du.]	[---]
Home Uses									**Home Uses**								**Home Uses**	
Day care, family/large family	A	A	A	N	N	N	N	N	N	A	A	A	N	N	A	N	Section 40.03.420	Section 40.03.420
Home occupation	A	A	A	N	N	A	N	N	A	A	A	A	N	N	A	N	Table 40.03.522	Section 40.03.420
Home business	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Cottage industry	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Institutional									**Institutional**								**Institutional**	

Table 40.03.110 A GENERAL USE TABLE									Table 40.03.110 B GENERAL USE TABLE								Table 40.03.110 C GENERAL USE TABLE	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	* TN	ST	MM	ON	OR	CR	BP	I	CN	*** S	SE	** NC	HI	EX	SR	OS	Parking	Limited & Special Use Standards
Assembly and worship	L	L	N	N	L	Y	L	L	L	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.307, Division 40.25.200
Schools	L	L	N	N	L	Y	L	L	L	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.307
Colleges	Y	Y	N	L	Y	Y	Y	Y	L	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.307
Institutional, regional	N	L	N	N	L	L	L	L	N	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.308
Institutional, neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	N	N	L	N	Table 40.03.522	Section 40.03.309
Institutional, residential (Type I)	L	L	N	N	N	Y	N	N	L	L	L	L	N	N	Y	N	Table 40.03.522	Table 40.03.210
Institutional, residential (Type II)	L	L	N	N	N	L	N	N	L	L	L	L	N	N	L	N	Table 40.03.522	Table 40.03.210
Protective care	N	N	N	N	S	N	S	S	N	N	N	N	S	N	S	N	Table 40.03.522	Table 40.03.210, Section 40.03.310
Public service	L	L	L	Y	Y	Y	Y	Y	Y	L	L	L	Y	Y	L	N	Table 40.03.522	Section 40.03.311
Hospitals	N	N	N	N	Y	Y	Y	Y	N	N	N	L	N	N	N	N	1/bed	Table 40.03.210
Commercial									**Commercial**								**Commercial**	
Adaptive reuse, historic building	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.15.240
Adult uses	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	1/100 GFA	Section 40.03.313
Agricultural support and other rural services	N	N	N	N	Y	Y	Y	Y	Y	S	S	S	Y	Y	S	N	Table 40.03.522	Section 40.03.314 and Section 40.03.336
Bed and breakfast	L	L	N	N	N	N	N	N	L	L	L	L	N	N	L	N	1 / room plus 2 / du	Section 40.03.315
Commercial lodging	N	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210
Commercial retail and service	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Corporate guest house	N	L	N	N	Y	Y	Y	Y	N	L	L	L	N	N	L	N	Table 40.03.522	Table 40.03.210
Craft alcohol production establishment	N	N	N	N	N	L	L	L	L	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Section 40.03.318, Section 40.03.338
Drive-in facility	L	N	N	L	L	L	L	L	L	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.316
Heavy retail and service	N	N	N	N	N	Y	N	Y	N	N	N	N	S	N	N	N	Table 40.03.522	Section 40.31.430
Light automobile service	L	N	N	N	L	Y	L	Y	Y	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200
Restaurants	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Office	L	N	N	Y	Y	Y	Y	Y	Y	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.321, Division 40.25.200
Shopping center	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	N	Table 40.03.522	---
Vehicular sales, rental and service	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Table 40.03.522	---
Recreation and Amusement									**Recreation and Amusement**								**Recreation and Amusement**	
Campground	N	N	N	N	N	N	N	N	N	L	N	N	N	N	L	L	1/space + 3/50 spaces at office	Table 40.03.210

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*								*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*								*Additional Standards (all districts)*	
Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*OS*	*Parking*	*Limited & Special Use Standards*
Recreation, high intensity	N	N	N	N	S	Y	S	S	L	N	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210. In EX, see also Section 40.03.324
Recreation, low intensity	L	L	L	L	L	Y	L	L	Y	L	L	L	L	N	L	L	Table 40.03.522	Table 40.03.210
Resort	N	N	N	N	N	L	N	N	N	L	L	N	N	N	L	N	Table 40.03.522	Table 40.03.210, Section 40.03.322
Industrial Uses									**Industrial Uses**								**Industrial Uses**	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210
Heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Table 40.03.522	---
Light industry	N	N	N	N	L	S	Y	Y	N	N	N	N	Y	Y	N	N	Table 40.03.522	Section 40.03.333
Recycling or storage	N	N	N	N	L	N	L	L	N	N	N	N	L	N	N	N	Table 40.03.522	Table 40.03.210
Utilities, maintenance facilities	N	N	N	N	Y	L	Y	Y	N	N	N	N	Y	N	N	N	Table 40.03.522	Section 40.03.312
Utility, minor	L	L	L	L	L	L	L	L	L	L	L	L	Y	Y	L	N	Table 40.03.522	Section 40.03.334
Utility, major	S	S	S	S	S	S	S	L	S	S	S	S	L	S	S	N	Table 40.03.522	Section 40.03.312
Solar energy system, large-scale	N	N	L	L	L	L	L	L	N	L	N	N	L	N	L	N	na.	Section 40.03.337
Other Uses									**Other Uses**								**Other Uses**	
Airports	N	N	N	N	L	N	L	L	N	S	N	N	L	N	S	N	Special study, Section 40.03.524	Table 40.03.210, Section 40.03.325 and 40.03.432
Commercial communications towers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	2 per tower	Section 40.03.326
Community recycling bins	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	---	Section 40.03.430
Exterior lighting for outdoor recreational uses	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Table 40.03.522	Table 40.03.210 and Division 40.22.700
Park and ride facility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	N	---	Table 40.03.210
Parking structures	N	N	N	S	S	S	S	S	S	S	N	N	S	N	N	N	---	Sections 40.03.528, 40.01.320, and 40.25.137
Temporary Uses									**Temporary Uses**								**Temporary Uses**	
Temporary storage, office or classroom modulars or trailers	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	N	Table 40.03.522	Table 40.03.210
Concrete/asphalt batch plant	N	N	N	N	N	N	N	L	N	N	N	N	L	L	L	N	Table 40.03.522	Section 40.03.327
Contractor's office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	N	1/200 sf.	---
Model homes/sale office	L	L	L	N	N	N	N	N	N	L	L	L	N	N	L	N	2/model	Section 40.03.335
Commercial temporary outdoor sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	N	None	Section 40.03.329
Public interest and special events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.03.330
Temporary miscellaneous sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.331

NOTES: * Refer to Article 25 for design standards for TN District.
** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district.
*** See Division 40.25.100 for Village and Hamlet Standards.

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 4 ("District Intensity and Bulk Standards"), Division 40.04.100 ("District performance standards"), Section 40.04.110 ("District and bulk standards") is hereby amended by adding the material that is underscored and by deleting the material with strikethroughs as set forth below:

Sec. 40.04.110. District and bulk standards.

Table 40.04.110 A. DISTRICT AND BULK STANDARDS								Table 40.04.110 B. DISTRICT AND BULK STANDARDS								Table 40.04.110 C. DISTRICT AND BULK STANDARDS	
District Standards								**Lot, and Building Standards**								**Storage and Comments**	
Zoning District & Development Type	**Min. OSR / LSR**	**Density**		**Floor Area Ratio**		**Utilities (on-site, public)**	**Min. Site Area**	**Minimum**							**Maximum**	**Exterior Storage**	
		Max. Gross	**Max Net**	**Max. Gross**	**Max Net**			**Lot Area**	**Lot Width (feet)**	**Street Yard (feet)**	**Side Yard (feet)**	**Rear Yard (feet)**	**Paving street yard/other yard (feet)**	**Unit Mix (%)**	**Building Height (feet)**	**Percent of Lot Area**	**Notes**
Protected Open Space (OS)								Protected Open Space (OS)								Protected Open Space (OS)	
Permitted uses*	0.70	na.	na.	0.12	0.45	OS/P	na.	na.	na.	50	40	50	50/30	na.	40	na.	*Standards are applicable unless explicitly established by a Governmental agreement. …

Section 5. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 4 ("District Intensity and Bulk Standards"), Division 40.04.100 ("District performance standards"), Section 40.04.111 ("Landscape and illumination standards"), Table 40.04.111 ("Use and Lot Standards") is hereby amended by adding the material underscored and by deleting of the material with strikethroughs as set forth below:

Sec. 40.04.111. Landscape and illumination standards.

Bufferyard, landscaping standards and lighting standards are provided in Table 40.04.111.

Table 40.04.111 A. USE AND LOT STANDARDS							Table 40.04.111 B. USE AND LOT STANDARDS															Table 40.04.111 C. USE AND LOT STANDARDS			
Zoning District & Development Type	Landscaping Plant Units per (See Division 40.23.100)			Bufferyard Opacity Standards			Bufferyard Opacity Standards (See Section 40.23.140)															Street Tree Spacing (feet)	Max. Illumination/Height		Notes
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)																Illumination	Height	*NC6.5 or less includes NC5, NCap, NCga, NCth, NCsd, CNmm, and NCpud
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	SR	SE NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I	HI	EX		C=Cutoff fc=footcandles S=Semi-Cutoff	C=Cutoff ft=feet S=Semi-Cutoff	
Protected Open Space (OS)							Protected Open Space (OS)																Protected Open Space (OS)			
Permitted uses	5/ac.	4	1/12	0.4	0.3	0.2	0.3	0.3	0.3	0.3	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	-	40	C=4 fc S=2 fc	C=20 ft S=20 ft	…

Section 6. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 6 ("Sign Regulations"), Division 40.06.000 ("Applicability") is hereby amended by the deletion of the material with strikethroughs and the addition of the underscored material as set forth below:

Division 40.06.000. Applicability.

A. With regard to Section 40.06.060 Schedule of Sign Restrictions, the following rules shall govern:

1. Protected Open Space (OS), Neighborhood Conservation (NC), Suburban Reserve (SR), Suburban Estate (SE), Suburban (S), Suburban Transition (ST), and Traditional Neighborhood (TN) districts shall all be considered residential districts.

2. Commercial Neighborhood (CN)…

Section 7. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 8. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County Council

Approved on:

_____
Mathew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance proposes the creation of a new zoning district known as the Protected Open Space (OS) District. The OS zoning district will designate public interest open space that has been protected in perpetuity. The Ordinance sets forth the purposes of the Protected Open Space (OS) District, and establishes the permitted by right and prohibited uses as well as limited and accessory uses within the district.

FISCAL NOTE: There is no discernible fiscal impact.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 23-095
Application 2023-0385-T
Protected Open Space

November 28, 2023

Sponsor: Councilman David Carter (District 6), Councilwoman Dee Durham (District 2), Councilman Toole (District 1), Councilman Cartier (District 8)

Description: Amendment to amend New Castle County Code Chapter 40 (The "Unified Development Code") to establish a Protected Open Space Zoning District.

EXECUTIVE SUMMARY

Application 2023-0385-T (Ordinance 23-095), is a text amendment to the Unified Development Code (UDC) that proposes to establish a new zoning district, Protected Open Space (OS). The Protected Open Space (OS) zoning designation would be required for properties that are publicly protected and identified as protected in perpetuity for the public benefit. According to the synopsis of the ordinance, the district is an effort to provide a clearer picture of permanently protected open space in New Castle County. As written, the proposed Protected Open Space (OS) District would only apply to lands that are protected in perpetuity through; the use of protective covenants that utilize public funds, were donated to a public entity including parks, ecological habitats, and environmental / outdoor recreation areas. The ordinance neither addresses lands preserved through the State of Delaware Agricultural Lands Program, nor does it apply to lands that are protected through private easements and/or covenants.

Absent an Open Space zoning district, open space, along with its natural, agricultural, cultural, and historic resources have been protected and preserved through various public and private meansin the county. The Department believes that the establishment of a Protected Open Space District will not have a material impact on open space preservation but would serve to re-affirm the existing protections on publicly protected and designated Open Space lands in New Castle County, memorializing them on the Zoning Map. If adopted, Ord. 23-095 would require a comprehensive rezoning of all parcels eligible for Open Space pursuant to the parameters included in the ordinance. It will also require additional comprehensive rezonings every two years to account for increases in publicly held open space in the county.

Based on the standards in Section 40.31.420, the Department of Land Use recommends **APPROVAL** of Ordinance 23-095.

DESCRIPTION

App. 2023-0395-T (Ord. 23-095) proposes to amend Chapter 40 (UDC) of New Castle County Code in order to establish a Protected Open Space (OS) zoning designation. Lands eligible for the proposed OS zoning designation include those that are protected in perpetuity through protective covenants that utilize public funds or that were donated to a public entity.

BACKGROUND

New Castle County actively preserves and protects our valuable natural and agricultural resources as open space, while providing quality recreational areas such as Glasgow Park. While land is actively preserved through public and private conservation easements and covenants, some of the most impactful preservation of land has been accomplished through the creation of community area open space as required by the residential development process. This process requires the preservation of environmentally sensitive land, provides ample land for active recreation purposes, and creates buffering.[1]

There are many ways that County, municipal, state, and federal governments have preserved land as open space in New Castle County. The Department of Public Works maintains and has expanded County owned open space to just under 7,000 acres. Since 1996, the State Department of Agriculture has partnered with the County to preserve more than 14,000 acres of farmland. Municipal, state, and federal governments have preserved more than 33,000 additional acres of land through a variety programs. Private voluntary preservation of land through deed restrictions, protective covenants, and conservation easements, have separately preserved more than 10,000 acres of land.

Preservation and equitable access to open space and recreational areas are central components of the 2022 Comprehensive Plan Update (NCC2050).[2] The plan clearly identifies open space areas for County residents through a series of maps:

- Map D-1: Protected Lands (page 105);
- Map D-10: Agricultural Land (page120);
- Map E-1: Parks and Open Space (page 136); and
- Map E-2 Parks and Trails (page 137).

New Castle County provides access to these maps and other important open space and preservation information through a publicly available map application.[3]

[1] Regulatory efforts have historically been most successful through Cluster Developments in the Former Code (Pre-UDC, before December 31,1997) and in Open Space Subdivisions (UDC cluster type developments).
[2] NCC2050, Priority Policy: Land Preservation, pages 47-51; Element E: Open Space and Recreation Element, pages 133-146.
[3] Public map application: http://gis.nccde.org/.

In February of 2023, the Planning Board had considered Ord. 22-112, which proposed the establishment of an Open Space district in the Unified Development Code. The ordinance received a negative recommendation from the Department of Land Use and the Planning Board due to a number of concerns including the proposed language that focused on privately protected lands and the required rezoning of parcels on what would typically be minor land use applications. In following months, the sponsors worked with the Department of Land Use to address concerns and a new ordinance, Ord. 23-095, was introduced.

Ordinance 23-095 was introduced on July 11, 2023 by the sponsors. Addressing the concerns raised by the Department and the Planning Board, Ord. 23-095 focuses on the protection of publicly protected lands through donation to public or the use of public funds. The sponsors have also expressed their desire for an Open Space zoning district in order for there to be better clarity on what lands are protected from development.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on August 23, 2023. The PLUS Review Letter, dated September 21, 2023, includes comments from the Office of State Planning and Coordination, who notes that the 2022 New Castle County Comprehensive Plan includes strategies for the protection of Open Space. DelDOT, DNREC, DEMA, SHPO and DE State Fire Marshal noted that they did not have any comments or objection to approval of the proposed ordinance.

PLANNING BOARD PUBLIC HEARING – *November 7, 2023*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Councilwoman Dee Durham, the ordinance's sponsor, spoke on behalf of the application. She provided a brief background of the proposed ordinance and how it differed to the previous Open Space ordinance that was considered by the Board earlier in the year. She noted after working with the Department of Land Use in the spring, Ord. 23-095 was drafted. Councilwoman Durham stated that the Ord. 23-095 only applies to land that have been protected through public means and would not apply to privately held easements and protections. She noted that Ord. 23-095 does not include parcels preserved through the Delaware Farmland preservation or privately held open space that is set aside as parts of developments. She stated that the goals of the Open Space district is to provide further clarity in the zoning code as to uses appropriate within preserved open space areas, as well as to provide a clear picture of publicly protected lands. Councilwoman Durham stated that the New Castle County Open Space Advisory Board recommended approval of the proposed ordinance. Councilwoman Durham spoke to different maps of the County based on the Delaware State Strategies and New Castle County's mapping layers. She stated that she did not believe parks should have a base residential zoning that would permit development. She provided examples of different protected lands layers on the County's GIS and noted that she had been working with the Department of Land Use regarding the GIS maps available at the County to ensure accuracy.

Ms. Peterson inquired about the Open Space Advisory Committee's letter and asked if the Board could get a copy of the letter. Councilwoman Durham noted she would send in a copy. Ms. Peterson inquired about the proposed provision which references the State of DE Agland Program are not included in the ordinance. Councilwoman Durham noted that the program functions differently than other publicly

protected lands and do permit a certain amount of development. Councilwoman Durham noted that the County should take a deeper look at the program and how it would function in concert with the ordinance. Ms. Peterson and Councilwoman Durham discussed the definition of perpetuity and how long it lasts. Ms. Peterson inquired about the bi-yearly update. Councilwoman Durham noted that bi-yearly means every two years.

Ms. Peterson noted for the record that the Board had received a significant amount of emails.

Leslie Brower, resident of Whitehall, spoke in favor of the proposed ordinance. She noted her appreciation of the effort and transparency of open space. She inquired about the district and bulk standards and the maximum building height of 40ft. and what the ordinance contemplates about structures with a maximum height of 40ft.

Sherri Evans Stanton, Chair of the New Castle County Open Space Advisory Board, spoke in favor of the proposed ordinance. She read into the record the Open Space Advisory Board's letter, which notes their support due to the benefit to citizens of the County.[4] Ms. Stanton noted that the ordinance achieves the goals the Comprehensive Plan. She noted that there is considerable overlap on open space between land use and the Public Works Department and encouraged that there be coordination between Public Works and Land Use in regard to preservation of open space.

Cheryl Siskin, a representative of the Delaware Sierra Club, spoke in favor of the ordinance. She noted that the ordinance provides clarity to the public regarding dedicated open space. She stated that the maps available are confusing and that the proposed ordinance helps clarify open space.

Anna Quisel, League of Women Voters, spoke in favor of the ordinance. She stated that she agreed that there should be a clear picture of Open Space that is protected in perpetuity. She noted that the ordinance complies with the most recent Comprehensive Plan and expressed thanks to the ordinance's sponsors for their effort.

ANALYSIS

Approximately 27% of the land area in New Castle County is protected as open space through public and private programs, as well as through land development regulations included in the UDC. Specifically, areas that are impacted by environmental resources receive 100% protection through Article 10 (Environmental Resources) in the UDC. Ord. 23-095 seeks to establish a new zoning category in the Unified Development Code that applies to lands that have been protected in perpetuity through the use of public means, such as covenants or donations. Therefore, the proposed district would reaffirm protected status of designated areas through zoning. As proposed, Open Space zoning district includes district and bulk standards, as well as use standards, that are akin to other existing, low-density zoning districts that exist today (Suburban, Suburban Reserve, Suburban Estate). Hence, permissible development would not be encumbered as there would be established permitted uses within the proposed Open Space district.

As noted in the sponsor's testimony to the Planning Board at its November 7, 2023 public hearing, the genesis behind the ordinance is to provide a clear and reliable picture of open space in New Castle

[4] Letter of Support – New Castle County Open Space Advisory Board

County, particularly through the County's GIS mapping system. Mapping reflecting existing, preserved open space has been and continues to be available through the County's GIS Division. The Department continuing to work with the State and the ordinance's sponsors to ensure that the GIS maps accurately reflect lands that are protected through open space programs. While there are lands protected through private programs, the creation of an open space zoning district can be considered an improvement in regard to clearly identifying publicly protected open space.

The New Castle County Comprehensive Plan (Strategy 1.1.6) states that the County should consider the addition of a preservation zoning category. Ord. 23-095 received a positive recommendation from the New Castle County Open Space Advisory Board on August 22, 2023. If adopted, Ord. 23-095 would require a comprehensive rezoning of all parcels eligible for Open Space pursuant to the parameters included in the ordinance, as well as a potential for a comprehensive rezoning of open space parcels every two years.

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

   New Castle County Comprehensive Plan updates as early as 2007 contemplate the establishment of an Open Space zoning district. If adopted, Ord. 23-095 would uphold the recommendations of the 2007 Comprehensive Plan update, the 2012 Comprehensive Plan update, and the most recent 2022 Comprehensive Plan update.

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

   The 2022 Comprehensive Plan recommends consideration of the establishment of an Open Space zoning district. Ord. 23-095 achieves this recommendation.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

   N/A

D. *Necessity to respond to State and/or Federal legislation.*

   N/A

E. *Flexibility in meeting the objectives of this Chapter.*

   If adopted, Ordinance 23-095 will have little to no functional impact in regards to the objectives included in Chapter 40 of the UDC, due to the fact that the new zoning regulations would apply to lands already largely protected under other articles of the UDC. In addition, the proposed district includes permitted uses that would be expected in designated open space.

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies. The Department recommends **APPROVAL** of Ordinance 23-095 based on the analysis discussed above.

PLANNING BOARD RECOMMENDATION

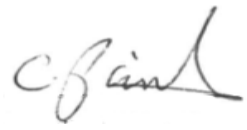
At a business meeting held on November 28, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms. Visvardis, the Board voted to recommend APPROVAL of Ordinance 23-095.

The motion was adopted by a vote of 8-0-0-0 (In Favor: Peterson, Daigle, Gray, Visvardis, Snowden, Cochran, Cahill-Krout, Drake; In Opposition: None; Abstention: None; Absent None:).

No questions or comments were made by the Board.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.



12/18/2023



12/18/2023

Charuni Patibanda date
General Manager
Department of Land Use

Karen Peterson date
Chair
Planning Board

Prime Sponsor(s): Mr. Carter, Mr. Bell
Date of Introduction: January 9, 2024

FLOOR AMENDMENT NO. 2 TO SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-104

Substitute No. 1 to Ordinance No. 23-104 is hereby amended in two locations: at line numbers 247 through 251 by deleting the material there appearing, identified with strikethroughs and highlighted in red below, and substituting in place thereof the material that is highlighted in yellow, as it appears below. In addition, Substitute No. 1 is hereby further amended in proposed Subsection F at lines 293-295 with the addition of the language "and drivers on adjoining roads" at the end of the sentence, as reflected below.

Sec. 40.26.260. ~~Very large light~~ Large industrial structures…

…

Proposed Revision #1

[*Material to be stricken:*]

247 "~~B~~A~~. The design of the business park~~ development ~~is such that a~~ incorporates ~~the~~
248 ~~following~~ ~~variety of techniques are used to~~ minimize ~~visual impact~~ ~~ensure that the~~
249 ~~public, neighboring property owners, or drivers on adjoining roads are not aware~~
250 ~~of the mass. Several of the following techniques may be required by the~~
251 ~~Department to achieve that result:~~"

[*Material to be substituted in place of the above material*:]

247 "~~B~~A. The design of the ~~business park~~ development ~~is such that a~~ incorporates
248 ~~variety of~~ necessary techniques, including consideration of those that
249 follow, ~~are used~~ to ensure that the public, neighboring property owners, ~~or~~ and
250 drivers on adjoining roads are not aware of the mass. Several of the following
251 techniques, in addition to others, may be required by the Department to achieve that result:"

Proposed Revision #2

…

293 "…a Planning Board public hearing on the next available hearing date. The Planning
294 Board will review the proposal and consider the effects of the proposed structure
295 on adjoining properties and drivers on adjoining roads."

SYNOPSIS: This floor amendment, if adopted, would largely maintain the current standard by which large structures are currently assessed. With this in mind, the floor amendment proposes that the language currently appearing in lines 247 through 251 of Substitute No. 1 to Ordinance No. 23-104 be stricken and proposes to substitute in place thereof the language highlighted in yellow, above. In addition, this floor amendment proposes the addition of consistent language in proposed Subsection F. (lines 293-295), immediately above.

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Date of Introduction: January 9, 2024

Floor Amendment No. 1 to Ordinance No. 23-104

Ordinance No. 23-104 is revised as reflected below in bold and red.

Revision #1:

Sec. 40.26.260. ~~Very large light~~ Large industrial structures.

For land development plan applications, t~~T~~he maximum size of an ~~light~~ proposed industrial building or addition is ~~has been set at four hundred fifty thousand (450,000)~~ two hundred thousand (200,000) square feet of GFA to prevent too large a building or structure from altering the general character of the ~~district~~ community. ~~Larger buildings can be permitted under several types of conditions.~~ Industrial buildings or additions larger than two hundred thousand (200,000) square feet of GFA may be approved dependent on compliance with this Chapter and the following standards:

~~B~~A. The design of the ~~business park~~ development ~~is such that a~~ incorporates the following ~~variety of~~ techniques ~~are used~~to minimize visual impact ~~ensure that the public, neighboring property owners, or drivers on adjoining roads are not aware of the mass. Several of the following techniques may be required by the Department to achieve that result~~:

1. The ~~whole business park~~ development has a common architectural design, including the use of common facade materials, window treatment, and roof lines~~, etc~~.

2. **~~The~~Proposed industrial** building~~s~~ **~~is~~or additions must be** designed to reduce **~~its~~their** apparent mass by **~~having~~including site and building design improvements** such as building wings, articulated facade, a reduced height by setting the ground floor partially below grade, or locating the building topographically so that ~~it is~~**proposed industrial buildings or additions are** better screened by surrounding buildings**, where appropriate.**

3. The massing of buildings on the periphery of the development to screen the larger building~~s~~ ~~to the rear~~.

4. **Except for along lot lines internal to an existing office or industrial park or adjacent to existing industrial uses** ~~T~~the bufferyards, street trees, berming, and on-lot landscaping ~~is~~ **must be** upgraded, where appropriate, to mask the development.

5. The site plan must ~~shall~~ be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

B. Where large industrial structures are proposed to be adjacent to an existing residential use or residential zoning district, lighting must be designed so that there is zero (0) footcandle at the property line of the residential area.

C. The site must be designed to minimize noise impact on neighboring properties. A noise study must be submitted to evaluate this impact **and to verify consistency with Chapter 22 of the *New Castle County Code*.**

D. The site must be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

E. The plan must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7. The Department may require specific improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

F. Upon a finding by the Department that the exploratory plan is in general compliance with this Chapter, and receipt of a narrative identifying how the proposal addresses the conditions of this section, the plan shall be scheduled for a Planning Board public hearing on the next available hearing date. The Planning Board will review the proposal and consider the effects of the proposed structure on adjoining properties. Planning Board review of the exploratory sketch plan is required prior to submission of a record plan to the Department.

*****[The above amendments are additionally incorporated into the matching language that appears in the Synopsis.]**

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Requested by: Department of Land Use
Date of introduction: July 25, 2023

SUBSTITUTE NO 1. TO ORDINANCE NO. 23-104

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), ARTICLE 33 ("DEFINITIONS"), AND APPENDIX 7 ("GUIDING PRINCIPLES FOR DEVELOPMENT"), REGARDING DEVELOPMENT, REDEVELOPMENT, LARGE INDUSTRIAL STRUCTURES AND HEAVY RETAIL AND SERVICE USES, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Ordinance"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, land development applications for warehousing facilities have increased in size and operational intensity beyond that which was anticipated when the Unified Development Code was adopted in 1997; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.100 ("Use Regulations"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.110. Use Table.

Table 40.03.110 lists the type of uses…

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*							*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*							*Additional Standards (all districts)*	
Land Use	* *TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	*** *S*	*SE*	** *NC*	*HI*	*EX*	*SR*	*Parking*	*Limited & Special Use Standards*
Commercial									**Commercial**							**Commercial**	
…Drive-in facility	L	N	N	L	L	L	L	L	L	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.316
Heavy retail and service	N	N	N	N	N	~~[Y]~~ L	N	~~[Y]~~ L	N	N	N	N	S	N	N	Table 40.03.522	Section 40.03.339 Section 40.31.430
Light automobile service	L	N	N	N	L	Y	L	Y	Y	N	N	N	N	N	N	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200
Restaurants	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Office	L	N	N	Y	Y	Y	Y	Y	Y	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.321, Division 40.25.200
Shopping center	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	Table 40.03.522	---
Vehicular sales, rental and service	N	N	N	N	N	~~[Y]~~ L	N	N	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.339
Industrial Uses									**Industrial Uses**							**Industrial Uses**	
…Heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	Table 40.03.522	---
Light industry	N	N	N	N	L	S	~~[Y]~~ L	Y	N	N	N	N	Y	Y	N	Table 40.03.522	Section 40.03.333 for OR and CR Zoned Land Table 40.03.210 for BP Zoned Land
Recycling or storage	N	N	N	N	L	N	L	L	N	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210
Utilities, maintenance facilities	N	N	N	N	Y	L	Y	Y	N	N	N	N	Y	N	N	Table 40.03.522	Section 40.03.312
Utility, minor	L	L	L	L	L	L	L	L	L	L	L	L	Y	Y	L	Table 40.03.522	Section 40.03.334
Utility, major	S	S	S	S	S	S	S	L	S	S	S	S	L	S	S	Table 40.03.522	Section 40.03.312

Table 40.03.110 A GENERAL USE TABLE									Table 40.03.110 B GENERAL USE TABLE							Table 40.03.110 C GENERAL USE TABLE	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									Zoning District (Suburban and Special Character)							Additional Standards (all districts)	
Land Use	* TN	ST	MM	ON	OR	CR	BP	I	CN	*** S	SE	** NC	HI	EX	SR	Parking	Limited & Special Use Standards
Solar energy system, large-scale	N	N	L	L	L	L	L	L	N	L	N	N	L	N	L	na.	Section 40.03.337
Park and ride facility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	---	Table 40.03.210
Parking structures	N	N	N	S	S	S	S	S	S	S	N	N	S	N	N	---	Sections 40.03.528, 40.01.320, and 40.25.137

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.200 ("Additional limited and special use standards"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.210. Buffering, location, bulk and scale standards.

Table 40.03.210 provides standards that increase the degree of buffering…

Table 40.03.210 A.Limited and Special Use Standards						Table 40.03.210 B.Limited and Special Use Standards						Table 40.03.210 C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		Other
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to Protected Parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	
Industrial Uses						**Industrial Uses**						**Industrial Uses**
Compost operations												Section 40.03.336
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	500/100 ft. *		25 ac.					Section 40.03.324 *100' for Recreation, high intensity uses
Heavy industry												
Light industry	Residential and Schools	0.3	Minimum 8 ft. berm	Residential and Schools	500 ft.*							Requirements for OR and CR Zoned Land See Section 40.03.333 *500 ft. as measured to any Light Industrial building or structure
Recycling or storage	All exterior storage	0.3	8 ft. fence or 4 ft. berm									The use is a limited use in the OR and BP zoning districts only where there is no exterior storage, and all material is stored inside buildings with impervious floors.
Utilities, minor												Section 40.03.334
Utilities, major	All exterior storage of	0.3	4 ft. berm									

Table 40.03.210 A.Limited and Special Use Standards						Table 40.03.210 B.Limited and Special Use Standards						Table 40.03.210 C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		Other
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to Protected Parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	
Utilities, maintenance facilities	heavy equipment and materials											
Other Uses						**Other Uses**						**Other Uses**
Airports				Residential and schools	500 ft.		300 ac.					Section 40.03.325 and Section 40.03.432
Commercial communications towers												Section 40.03.326
Exterior lighting for outdoor recreational uses												Section 40.31.430, 40.31.431, and 40.31.432
Park and ride facility	Residential	0.3		Residential								
Parking structures												Sections 40.03.528, 40.01.320, and 40.25.137
Temporary Uses						**Temporary Uses**						**Temporary Uses**
Temporary office, security, storage or classroom modulars or trailers				Residential	50 ft.							3 year nonrenewable permit, except that permits for temporary classrooms may be renewed by the Department. Shall provide required bufferyard for the principal use at adjacent lot line(s). Public schools shall show only the 50' separation on a site plan
Concrete/asphalt batch plant												Section 40.03.327
Contractor's office												
Model homes/sale office												Section 40.03.335
Commercial temporary outdoor sales												Section 40.03.329
Public interest and special events												Section 40.03.330
Temporary miscellaneous sales												Section 40.03.331

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.300 ("Additional limited and special use standards"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.333. Light Industry uses in OR, ~~or~~ and CR zoning districts.

A. ~~The following light industry uses as defined in Section 40.33.270 D are to be considered special uses and may only be permitted in the OR zoning district with the approval of a special use permit by the Board of Adjustment: heavy construction (NAICS 237); wholesale trade (NAICS 42); trucking transportation (NAICS 484); transit and ground passenger transportation maintenance (NAICS 485), service and storage facilities (NAICS 487); support activities for transportation (NAICS 488);~~

~~miniwarehousing and self storage units (NAICS 53113); commercial and industrial machinery equipment rental (NAICS 5324); marina and associated uses (NAICS 71393); automotive paint and body shop (NAICS 811121); and, commercial and industrial repair (NAICS 8113).~~ Light Industry uses as defined in Section 40.33.270.D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Construction of buildings (NAICS 236)
Heavy and civil engineering construction (NAICS 237)
Wholesale trade (NAICS 42)
Trucking transportation (NAICS 484)
Transit and ground passenger transportation maintenance (NAICS 485)
Service and storage facilities (NAICS 487)
Support activities for transportation (NAICS 488)
Miniwarehousing and self storage units (NAICS 53113)
Commercial and industrial machinery equipment rental (NAICS 5324)
Marina and associated uses (NAICS 71393)
Automotive paint and body shop (NAICS 811121)
Commercial and industrial repair (NAICS 8113)
Heavy industry, where the business is less than twenty thousand (20,000) square feet
Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)

B. The only Light Industry use …

Sec. 40.03.334. Minor utilities.

A. Any new utility substation that transmits …

B. Elevated storage tanks and standpipes.

1. Any new elevated storage tank or standpipe …

3. The Department following the receipt of ~~a utility plan~~ an exploratory submission for an elevated storage tank or standpipe ~~shall~~ must schedule the application for review and approval at a regularly scheduled Planning Board public hearing. The Planning Board ~~shall~~ will review the proposal and ~~shall~~ consider the impacts of the proposed tank on adjoining properties. Planning Board approval of the exploratory sketch plan ~~shall be~~ is required prior to submission of a record plan to the Department and ~~shall~~ must not be withheld where Subsections B.1 and B.2 have been satisfied by the applicant. However, the Planning Board approval may contain certain additional conditions deemed reasonably necessary by the Planning Board to protect adjacent land uses including requirements for fencing, landscaping, and tank color.

4. For purposes of this Section, the term…

Sec. 40.03.339. Commercial Uses.

The following requirements apply to heavy retail and service, vehicular sales, rental and service uses established within one hundred (100) feet of a residentially zoned parcel or use, whichever is closer, as measured from the parcel line of the residential use or zoned parcel to the proposed nonresidential use or structure:

A. The site must be designed to minimize noise impact on neighboring properties. A noise study must be submitted to evaluate this impact.

B. The site must be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

C. The bufferyards, street trees, berming, and on-lot landscaping is upgraded to mask the development.

D. Lighting must be designed so that there is zero (0) footcandle at the property line of the residential area.

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.400 ("Individual use standards"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.410. Accessory uses, residential.

Residential uses may have accessory buildings and accessory uses provided they conform to the following standards:

A. *General standards.* Unless otherwise provided …

E. *Fences.* Fences may be permitted in all yards and all yard setbacks and ~~shall~~ must be constructed of materials specifically designed for fences and may not include barbed or razor wire. Fence panels and fence materials may not exceed six (6) feet in height. To account for installation on sloping ground and any necessary space between the ground and the bottom of the fence panels or materials, the top of the fence panels, materials, and posts may not exceed seven (7) feet in height when measured from the ground, except as permitted in Subsection ~~F~~ G.

F. *Satellite dish or antenna.* Satellite dishes (over three (3) feet in diameter) or…

Section 5. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 5 ("Site Capacity and Concurrency Calculations"), Division 40.05.050 ("Applicability"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.05.050. Applicability.

At the preapplication stage for a rezoning or a major or minor subdivision or land development proposal, the applicant shall comply with the requirements of this Article and shall submit a complete site carrying capacity analysis pursuant to Section 40.05.510, except as follows.

A. A site resource capacity analysis…

G. Reserved.

H. Proposed public facilities that are needed to support development such as schools, parks on government land, libraries, sewer, police, fire stations, or hospitals shall be exempt from this Article, Article 10 (excluding floodplain or federal or State wetland regulations), Article 14, and Table 40.03.210, Table 40.04.111 (excluding lighting regulations), and ~~Section 40.04.240~~ Division 40.04.200. Such development shall comply with the provisions of Article 11, however, the Department and DelDOT shall determine on a case-by-case basis the time frame by which any mitigation must be completed.

I. Division 40.05.100 of this Article and …

Section 6. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 8 ("Nonconforming Situations"), Division 40.08.100 ("General regulations"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.08.130. Alterations, ~~/~~enlargements, or ~~/~~extensions.

A. *Nonconforming use. …*

B. *Nonconforming building, structure, or situation.* A nonconforming building, structure or situation other than a nonconforming use may be enlarged, extended or replaced only as provided below:

1. *Extension or enlargement.* Any new extension or enlargement~~, one thousand (1,000) square feet or greater, shall~~ must comply with this Chapter. For any new extension or enlargement five thousand (5,000) square feet GFA or greater in the OR, BP, I, or HI zoning districts or one thousand (1,000) square feet GFA or greater in all other zoning districts, the existing nonconformities must be brought into compliance proportional to the increase in the proposed development, provided the total site development complies with the site capacity requirements of Article 5, and further provided that: ~~the existing nonconformities shall be brought into compliance proportional to the increase in the proposed development.~~

   a. ~~The i~~Improvements ~~shall~~ must be made to design elements such as, but not limited to, parking, buffers, landscaping, access, stormwater management, impervious cover, off-site transportation

improvements/capacity, and mitigation of damage to, or enhanced protection for existing natural/environmental resources.

b. ~~However, n~~Nonconforming building setbacks are not subject to this proportional improvement requirement.

c. ~~In recognition of existing site conditions, t~~The Department will consider improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

2. *Alteration. …*

3. *Restoration. …*

4. *Replacement or repair. …*

5. *Reconstruction. …*

6. *Redevelopment and Brownfields. …*

Section 7. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.200 ("Zoning modification"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.26.260. ~~Very large light~~ Large industrial structures.

The maximum size of an ~~light~~ proposed industrial building or addition is ~~has been set at four hundred fifty thousand (450,000)~~ two hundred thousand (200,000) square feet of GFA to prevent too large a building or structure from altering the general character of the ~~district~~ community. ~~Larger buildings can be permitted under several types of conditions.~~ Industrial buildings or additions larger than two hundred thousand (200,000) square feet of GFA may be approved dependent on compliance with this Chapter and the following standards:

~~A. In large business parks where there is a central area of the park that is at least two (2) lots from any boundary, larger buildings may be permitted provided:~~

~~1. The mass of the larger building will be largely screened by the surrounding buildings. The department may require more than the minimum two (2) lot distance from the edge of the business park.~~

~~2. The site topography is such that the large buildings are not going to stand up above surrounding structures.~~

~~3. The building itself should have articulations in the facade and roof line to reduce the apparent size of the building; or~~

~~4.~~ ~~The Department may require additional on lot landscaping and berming to screen and break up the mass of the building. This may also include berms that are located on the building foundation~~.

~~B~~A. The design of the ~~business park~~ development ~~is such that a~~ incorporates the following ~~variety of~~ techniques ~~are used~~to minimize visual impact ~~ensure that the public, neighboring property owners, or drivers on adjoining roads are not aware of the mass. Several of the following techniques may be required by the Department to achieve that result~~:

1. The ~~whole business park~~ development has a common architectural design, including the use of common facade materials, window treatment, and roof lines~~, etc~~.

2. The building is designed to reduce its apparent mass by having building wings, articulated facade, a reduced height by setting the ground floor partially below grade, or locating the building topographically so that it is better screened by surrounding buildings.

3. The massing of buildings on the periphery of the development to screen the larger buildings ~~to the rear~~.

4. The bufferyards, street trees, berming, and on-lot landscaping is upgraded, where appropriate, to mask the development.

5. The site plan must ~~shall~~ be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

~~C. Screening or special design treatment shall not be required on boundaries with industrial or heavy industrial land unless an arterial or collector road is the boundary.~~

B. Where large industrial structures are proposed to be adjacent to an existing residential use or residential zoning district, lighting must be designed so that there is zero (0) footcandle at the property line of the residential area.

C. The site must be designed to minimize noise impact on neighboring properties. A noise study must be submitted to evaluate this impact.

D. The site must be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

E. The plan must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7. The Department may require specific improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

F. Upon a finding by the Department that the exploratory plan is in general compliance with this Chapter, and receipt of a narrative identifying how the proposal addresses the conditions of this section, the plan shall be scheduled for a Planning Board public hearing on the next available hearing date. The Planning Board will review the proposal and consider the effects of the proposed structure on adjoining properties. Planning Board review of the exploratory sketch plan is required prior to submission of a record plan to the Department.

Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 31 ("Procedures and Administration"), Division 40.31.700 ("Reviews and types of plans"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.31.720. Subdivision plan review.

The types of subdivision include minor, major, special subdivisions (rural and staged), title subdivisions, ~~utility plans,~~ conversion plans and subdividing the residual land from a special subdivision. Each type may require a preapplication conference, exploratory plan, preliminary plan, or record plan review as indicated in Table 40.31.720. No land may be sold, transferred, or offered for sale until a record plan has been recorded.

Table 40.31.720
Required Plan Submissions

Subdivision	*Exploratory*	*Preliminary*	*Record*
Minor (resubdivisions, ~~utility,~~ title, record conversion)	Y		Y
Major	Y	Y	Y
Rural	Y		Y
Staged	Y	Y	Y
NOTES: Y = required			

Section 9. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored, as set forth below.

Sec. 40.33.270. Industrial uses.

A. *Compost operations* (NAICS 325314). ...

B. *Extraction.* ...

C. *Heavy industry.* …

D. *Light industry.* This category is designed to accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

Construction of buildings (NAICS 236) …
Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)
Information industries (NAICS 51) ...

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter . . .

Subdivision

A. The division or redivision of a lot, tract, or parcel of land, by any means…

B. The division or allocation of land for the opening, widening or extension…

C. The elimination of one (1) or more lot lines through the recordation of a deed that eliminates common property lines between lots that have not been previously depicted on an approved land development plan or between lots within an approved land development plan shall not be considered subdivision for purposes of this Chapter, provided the resulting lot(s) is in conformance with this Chapter. The deed shall indicate that the purpose of this deed is to comply with the definition of subdivision in Section 40.33.300, exempting subdivision review to eliminate one (1) or more interior division lines affecting the herein described property.

Section 10. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Appendix 7 ("Guiding Principles for Development"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

APPENDIX 7: GUIDING PRINCIPLES FOR DEVELOPMENT

1. Purpose and Applicability.

A. This Appendix establishes general design principles and expectations...

E. The Guiding Principles will apply to land development projects located in the ~~five~~ "character areas" defined below. Some properties within the County are not located in defined character areas and, therefore, will not be subject to these guidelines.

F. All applications subject to New Castle County...

2. Character Areas.

A. The Comprehensive Development Plan …

B. The Guiding Principles achieve the foregoing through dividing the County into ~~five (5)~~ Character Areas, consistent with the ~~eight (8) future land use categories designated by the Comprehensive Development Plan: Residential Neighborhood, Mixed Residential Neighborhood, Corridor, Center, and New Community Development~~ future land use designations and policies in the Comprehensive Development Plan. For additional clarity, the relationship between zoning districts, future land use categories, and their corresponding character area designations, are shown below:

Table 1
Character Area Relationships

Zoning Districts	Strategies for State Policies and Spending Areas	Comprehensive Development Plan Future Land Use Categories	General Description	Guiding Principles Character Areas
. . . ST, TN, applicable NC districts	Levels 1 & 2	High Density Residential	> 8 dwelling units/acre	Residential Mixed Neighborhood
~~HI~~	~~Levels 1 & 2~~	~~Heavy Industrial~~	~~Larger heavy industrial developments with access to rail lines or navigable marine waterways~~	~~Not addressed – regulated by existing UDC standards~~
CN, CR, ON, OR, BP, I, applicable NC Districts	Levels 1 & 2	~~Commercial/ Office/Industrial Development Area~~ Type 1 (Commercial Corridor Development)/Type 2 (Employment-based Corridor Development)/ Community Development Areas	• Higher densities • Redevelopment or mixed-use centers • Transit supportive	Corridor ~~Center~~
CN, CR, ON, OR, BP, I, and HI	Levels 1 & 2	Business Flex and Manufacturing	• High intensity commercial and employment-based uses permitting integrated residential • Redevelopment or mixed-use centers • Transit supportive	Commercial and Employment Centers

CN, CR, ON, OR, BP	Levels 1 & 2	New Community Development Area	• Density goal 3-5 dwelling units per acre • Areas providing walkable, transit-supportive, community centers that transition to surrounding suburban areas	New Community Development...

C. The Comprehensive Development Plan has …

3. Guiding Principles and Character Areas.

A. ~~The Guiding Principles align~~ This Appendix provides specific guidance on the ~~five (5)~~ character areas ~~to the future land use categories in the Comprehensive Development Plan:;~~ Residential Neighborhood, Mixed Residential Neighborhood, Commercial and Employment Centers, Corridor, and New Community Development. This~~e~~ Appendix does not address the ~~Heavy Industrial and~~ Resource ~~& Rural~~ Preservation category~~ies are not addressed here because they are regulated by the UDC, and do not require the kind of design and amenity regulations established in these Guiding Principles~~ because land use policy set by the Comprehensive Development Plan encourages preservation efforts in Resource Preservation areas. Standards for Hamlet and Village design are in Article 25.

B. The following table summarizes the Guiding Principles for each character area:

Table 2
Summary of Design Principles

	Residential Neighborhood	**Mixed Residential Neighborhood**	**Corridor**	**Commercial and Employment Centers**	**New Community Development**
Vision	Primarily Single-Family detached, low densities	Mix of residential types, from high density single family to apartments, with small scale commercial	Mix of commercial and employment-based uses with supportive residential, higher densities, redevelopment, or mixed-use centers, transit supportive	High intensity commercial and employment-based uses, ~~with~~ permitting integrated residential, redevelopment, or mixed-use centers, transit supportive	Mix of commercial or employment-based uses; may include supportive residential

	Residential Neighborhood	Mixed Residential Neighborhood	Corridor	Commercial and Employment Centers	New Community Development
Building:					
Façade Design	No special considerations except in Home Town or Neighborhood Preservation districts	Highly articulated façade with a high level of transparency	Highly articulated façade with a high level of transparency, with more flexible standards away from the corridor	Moderately to ~~H~~highly articulated façade with a high level of transparency, with flexible standards for designated “B” streets	Moderately articulated façade with transparency, with flexible standards for designated “B” streets...
Site:					
Building Placement	Buildings located to allow for front and rear yards	Buildings located near the sidewalk edge or set back	Buildings located near the sidewalk edge	Buildings ~~located near the sidewalk edge~~ set back from the sidewalk edge or along sidewalks at exterior	Buildings set back from the sidewalk edge or along sidewalks at exterior
Parking	No special considerations	Parking dispersed in small modules / Quantity limited	Parking located to the rear or side of buildings in small modules ~~/ Quantity limited~~	Parking located to the rear of buildings in small modules or set back from the sidewalk edge in landscaped lots ~~/Quantity limited~~	Parking set back from the sidewalk edge in landscaped lots / Sufficient quantity...
Amenities:					
Open / Civic Spaces	High level of passive open space oriented around natural features	Open space primarily provided as patios and courtyards limited urban landscaping to promote pedestrian orientation and reduce visual impacts of parking	Some open space provided as patios and courtyards/ significant landscaping to reduce visual impacts of parking and enhance community image	Significant perimeter landscaping to enhance community image or transition in scale where adjoining other uses.	Significant perimeter landscaping or transition in scale where adjoining other uses

4. Residential Neighborhood…

5. Mixed Residential Neighborhood…

6. Corridor.

A. *Vision*.

1. The Corridor designation applies to land identified as Type 1 (Commercial Corridor Development), Type 2 (Employment-based Corridor Development) and Community Development Areas in the Comprehensive Development Plan.

2. Corridors link ...

~~2~~3. The Corridor designations ...

~~3~~4. There are two types of Corridor…

~~4~~.5. Employment-based Corridor developments…

6. Community Development Areas should utilize elements from Commercial and Employment based Corridors to achieve site design and built form consistent with their community plans identified in the Comprehensive Development Plan.

B. *Building Design....*

7. Commercial and Employment Center~~s~~.

A. *Vision.*

1. Commercial and Employment Centers ~~are gathering places situated within neighborhoods or at the edges of adjoining neighborhoods or communities. Centers~~ offer access to retail, employment and services, civic and public benefit uses such as schools, churches and post offices, and, in some cases, residential options. The Center designation allows for the creation of a critical mass of retail services, multi-family housing, and public spaces at strategic locations, such as arterial street intersections and/or areas served by high-frequency transit lines. Areas designated as Centers transform into highly-walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping and local-serving uses. New development will incorporate community amenities, such as open space, and neighborhood-compatible uses, such as appropriately scaled office uses.

2. ~~There are two types of Center developments: Commercial and Employment-based. Commercial Centers include commercial retail, institutional, or employment-based uses such as offices and residential uses.~~ Commercial Centers range in character and intensity. Some are small-scale, draw from the surrounding neighborhoods, and have limited amounts of housing as well as some office. Others have a more urban character with a greater intensity and include more opportunities for housing. As with Corridors, the development in the Center should include both “A” and “B” streets to offer design flexibility while ensuring that the development provides high design quality along streets with both vehicular and pedestrian traffic.

3. Employment~~-based~~ Centers may include business campus environments …

B. *Building Design.*

1. Orientation…

2. Frontage.– ~~Permitted~~ ~~e~~Entry elements ~~are as follows~~: ...

C. *Site Design.*

1. A Center ~~is~~ should be configured around a street network, with high quality development concentrated along the entryway to the development or a designated “A” Street.

2. A Center ~~is~~ should be divided into 2 sub-areas:…

6. Accessory Structures and Uses…

   a. Permitted accessory structures …

   b. In the Interior zone of a Commercial Center, gas pumps or drive-through facilities ~~are allowed~~ should only be located on lots with frontage on “B” streets.

   c. Along “A” streets, drive-through facilities ~~are allowed~~ only be located in …

D. *Amenities*. ...

Section 11. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 12. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 13. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 14. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 Del. C. § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by New Castle County Code Division or Section number.

Sec. 40.03.110. This amendment makes heavy retail and service as well as vehicular sales, rental and service limited uses pursuant to limitations in Section 40.03.339.

Sec. 40.03.333. This amendment clarifies all light industry uses other than those listed in Section 40.03.333 are allowed as Limited Uses. Warehousing and storage facilities in the OR district are allowed as a Special Use. The amendment updates the warehouse storage facilities consistent with changes to Section 40.3.270.

Sec. 40.03.334. This amendment clarifies existing code language and removes references to utility plans.

Sec. 40.03.339. This amendment establishes limited use standards for heavy retail and service, vehicular sales, rental, and service uses established within one hundred (100) feet of a residentially zoned parcel or use.

Sec. 40.03.410. This amendment clarifies existing code language and corrects an internal code reference.

Sec. 40.05.050. This amendment clarifies the bulk standards that apply to proposed development and redevelopment and updates regulations for processing public facilities necessary to support development. The modifications would make the considerations during review consistent, as recently adopted changes created contradictions regarding landscaping requirements.

Sec. 40.08.130. This amendment clarifies the section caption, clarifies that nonconforming uses are not included among the nonconforming situations that may be expanded, clarifies that enlargements less than 1,000 square feet GFA must comply with this Chapter, provides that enlargements in certain districts greater than 5,000 square feet GFA must be brought into proportional compliance.

Sec. 40.26.260. This amendment expands the section to include industrial structures over 200,000 sf GFA, adds standards to minimize adverse effects on neighboring properties. This amendment also requires a public hearing by the Planning Board for the applicant to receive feedback from the Planning Board and the public regarding the application for a large industrial structure. The hearing is to be conducted in the same manner as that of a major land development review.

Sec. 40.31.720. This amendment eliminates references to utility plans.

Sec. 40.33.270. This amendment clarifies that logistics services related to the distribution of goods are considered light industry uses as warehousing and storage facilities (NAICS 493), consistent with the NAICS definition for Warehousing and Storage.

Div. 40.33.300. This amendment limits the lot consolidation procedure to unrecorded lots and lots within recorded land development plans.

Appendix 7. This amendment modifies the Guiding Principles for Development to be consistent with changes in the 2022 Update to the Comprehensive Development Plan.

Substitute No. 1. The following changes are included in Substitute No. 1:

Table 40.03.110. This amendment adds the section caption and designates Light Industry as a Limited Use in the BP zoning district subject to Table 40.03.210.

Table 40.03.210. This amendment adds the section caption and establishes Limited Use standards for Light Industry in the BP zoning district to protect residential and school uses, and clarifies that the 500 ft distance is to be measured to light industrial buildings or structures.

Sec. 40.03.333. This amendment includes heavy industry, where the business is less than twenty thousand (20,000) square feet as a Light Industry use that requires a Special Use in the OR zoning district.

Sec. 40.03.339. This amendment clarifies that the 100 ft distance is to be measured from the parcel line. This amendment also includes a requirement that sites be designed to minimize noise impacts on adjacent property based on the noise study.

Sec. 40.26.260. This amendment clarifies that the provisions for Large Industrial structures apply for new buildings or additions that exceed 200,000 sf of GFA. This amendment also clarifies that upgraded buffering to mask the development only occurs where appropriate. This amendment also includes a requirement that sites be designed to minimize noise impacts on adjacent property based on the noise study.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this Ordinance.

Introduced by: Mr. Tackett, Ms. Kilpatrick
Date of introduction: July 25, 2023

ORDINANCE NO. 23-104

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), ARTICLE 33 ("DEFINITIONS"), AND APPENDIX 7 ("GUIDING PRINCIPLES FOR DEVELOPMENT"), REGARDING DEVELOPMENT, REDEVELOPMENT, LARGE INDUSTRIAL STRUCTURES AND HEAVY RETAIL AND SERVICE USES, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Ordinance"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, land development applications for warehousing facilities have increased in size and operational intensity beyond that which was anticipated when the Unified Development Code was adopted in 1997; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.110 ("Use table"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*							*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*							*Additional Standards (all districts)*	
Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*Parking*	*Limited & Special Use Standards*
…Commercial									**Commercial**							**Commercial**	
…Drive-in facility	L	N	N	L	L	L	L	L	L	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.316
Heavy retail and service	N	N	N	N	N	[~~Y~~]L	N	[~~Y~~]L	N	N	N	N	S	N	N	Table 40.03.522	Section 40.03.339 Section 40.31.430
Light automobile service	L	N	N	N	L	Y	L	Y	Y	N	N	N	N	N	N	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200…
…Shopping center	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	Table 40.03.522	---
Vehicular sales, rental and service	N	N	N	N	N	[~~Y~~]L	N	N	N	N	N	N	N	N	N	Table 40.03.522	Section 40.03.339

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.300 ("Additional limited and special use standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.333. Light Industry uses in OR [~~or~~]and CR zoning districts.

A. [~~The following light industry uses as defined in Section 40.33.270 D are to be considered special uses and may only be permitted in the OR zoning district with the approval of a special use permit by the Board of Adjustment: heavy construction (NAICS 237); wholesale trade (NAICS 42); trucking transportation (NAICS 484); transit and ground passenger transportation maintenance (NAICS 485), service and storage facilities (NAICS 487); support activities for transportation (NAICS 488); miniwarehousing and self storage units (NAICS 53113); commercial and industrial machinery equipment rental (NAICS 5324); marina and associated uses (NAICS 71393); automotive paint and body shop (NAICS 811121); and, commercial and industrial repair (NAICS 8113).~~]Light Industry uses as defined in Section 40.33.270.D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Heavy construction (NAICS 237)
Wholesale trade (NAICS 42)
Trucking transportation (NAICS 484)
Transit and ground passenger transportation maintenance (NAICS 485)
Service and storage facilities (NAICS 487)
Support activities for transportation (NAICS 488)
Miniwarehousing and self storage units (NAICS 53113)
Commercial and industrial machinery equipment rental (NAICS 5324)
Marina and associated uses (NAICS 71393)
Automotive paint and body shop (NAICS 811121)
Commercial and industrial repair (NAICS 8113)
Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)

B. The only Light Industry use …

Sec. 40.03.334. Minor utilities.

A. Any new utility substation that transmits …

B. Elevated storage tanks and standpipes.

1. Any new elevated storage tank or standpipe …
3. The Department following the receipt of [~~a utility plan~~]an exploratory submission for an elevated storage tank or standpipe [~~shall~~]must schedule the application for review and approval at a regularly scheduled Planning Board public hearing. The Planning Board [~~shall~~]will review the proposal and [~~shall~~]consider the impacts of the proposed tank on adjoining properties. Planning Board approval of the exploratory sketch plan [~~shall be~~]is required prior to submission of a record plan to the Department and [~~shall~~]must not be withheld where Subsections B.1 and B.2 have been satisfied by the applicant. However, the Planning Board approval may contain certain additional conditions deemed reasonably necessary by the Planning Board to protect adjacent land uses including requirements for fencing, landscaping, and tank color.

4. For purposes of this Section, the term…

Sec. 40.03.339. Commercial Uses.

The following requirements apply to heavy retail and service, vehicular sales, rental and service uses established within one hundred (100) feet of a residentially zoned parcel or use:

A. A noise study must be submitted to evaluate potential noise impact on adjacent properties.

B. The site must be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

C. The bufferyards, street trees, berming, and on-lot landscaping is upgraded to mask the development.

D. Lighting must be designed so that there is zero (0) footcandle at the property line of the residential area.

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.400 ("Individual use standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.410. Accessory uses, residential.

Residential uses may have accessory buildings and accessory uses provided they conform to the following standards:

A. *General standards.* Unless otherwise provided …

E. *Fences.* Fences may be permitted in all yards and all yard setbacks and [~~shall~~]must be constructed of materials specifically designed for fences and may not include barbed or razor wire. Fence panels and fence materials may not exceed six (6) feet in height. To account for installation on sloping ground and any necessary space between the ground and the bottom of the fence panels or materials, the top of the fence panels, materials, and posts may not exceed seven (7) feet in height when measured from the ground, except as permitted in Subsection [~~F~~]G.

F. *Satellite dish or antenna.* Satellite dishes (over three (3) feet in diameter) or…

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 5 ("Site Capacity and Concurrency Calculations"), Division 40.05.050 ("Applicability"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.05.050. Applicability.

At the preapplication stage for a rezoning or a major or minor subdivision or land development proposal, the applicant shall comply with the requirements of this Article and shall submit a complete site carrying capacity analysis pursuant to Section 40.05.510, except as follows.

A. A site resource capacity analysis…

G. Reserved.

H. Proposed public facilities that are needed to support development such as schools, parks on government land, libraries, sewer, police, fire stations, or hospitals shall be exempt from this Article, Article 10 (excluding floodplain or federal or State wetland regulations), Article 14, and Table 40.03.210, Table 40.04.111 (excluding lighting regulations), and [~~Section 40.04.240~~] Division 40.04.200. Such development shall comply with the provisions of Article 11, however, the Department and DelDOT shall determine on a case-by-case basis the time frame by which any mitigation must be completed.

I. Division 40.05.100 of this Article and …

Section 5. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 8 ("Nonconforming Situations"), Division 40.08.100 ("General regulations"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.08.130. Alterations, [/]enlargements, or [/]extensions.

A. *Nonconforming use. …*

B. *Nonconforming building, structure, or situation.* A nonconforming building, structure or situation other than a nonconforming use may be enlarged, extended or replaced only as provided below:

1. *Extension or enlargement.* Any new extension or enlargement[~~, one thousand (1,000) square feet or greater, shall~~] must comply with this Chapter. For any new extension or enlargement five thousand (5,000) square feet GFA or greater in the OR, BP, I, or HI zoning districts or one thousand (1,000) square feet GFA or greater in all other zoning districts, the existing nonconformities must be brought into compliance proportional to the increase in the proposed development, provided the total site development complies with the site capacity requirements of Article 5, and further provided that:[~~the existing nonconformities shall be brought into compliance proportional to the increase in the proposed development.~~]

   a. [~~The i~~]Improvements [~~shall~~]must be made to design elements such as, but not limited to, parking, buffers, landscaping, access, stormwater management, impervious cover, off-site transportation improvements/capacity, and mitigation of damage to, or enhanced protection for existing natural/environmental resources.

   b. [~~However, n~~]Nonconforming building setbacks are not subject to this proportional improvement requirement.

c. [~~In recognition of existing site conditions, t~~]The Department will consider improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

2. *Alteration. ...*

3. *Restoration. ...*

4. *Replacement or repair. ...*

5. *Reconstruction. ...*

6. *Redevelopment and Brownfields. ...*

Section 6. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 26 ("Modification of Standards"), Division 40.26.200 ("Zoning modification"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.26.260. [~~Very large light~~]Large industrial structures.

The maximum size of an [~~light~~]industrial building is [~~has been set at four hundred fifty thousand (450,000)~~]two hundred thousand (200,000) square feet of GFA to prevent too large a building or structure from altering the general character of the [~~district~~]community. [~~Larger buildings can be permitted under several types of conditions.~~]Industrial buildings larger than two hundred thousand (200,000) square feet of GFA may be approved dependent on compliance with this Chapter and the following standards:

[~~A. In large business parks where there is a central area of the park that is at least two (2) lots from any boundary, larger buildings may be permitted provided:~~

~~1. The mass of the larger building will be largely screened by the surrounding buildings. The department may require more than the minimum two (2) lot distance from the edge of the business park.~~

~~2. The site topography is such that the large buildings are not going to stand up above surrounding structures.~~

~~3. The building itself should have articulations in the facade and roof line to reduce the apparent size of the building; or~~

~~4. The Department may require additional on lot landscaping and berming to screen and break up the mass of the building. This may also include berms that are located on the building foundation~~.

~~B~~]A. The design of the [~~business park~~]development [~~is such that a~~]incorporates the following [~~variety of~~] techniques [~~are used~~]to minimize visual impact[~~ensure that the public, neighboring property owners, or drivers on adjoining roads are not aware of the mass. Several of the following techniques may be required by the Department to achieve that result~~]:

1. The [~~whole business park~~]development has a common architectural design, including the use of common facade materials, window treatment, and roof lines[~~, etc~~].

2. The building is designed to reduce its apparent mass by having building wings, articulated facade, a reduced height by setting the ground floor partially below grade, or locating the building topographically so that it is better screened by surrounding buildings.

3. The massing of buildings on the periphery of the development to screen the larger buildings[~~to the rear~~].

4. The bufferyards, street trees, berming, and on-lot landscaping is upgraded to mask the development.

5. The site plan must[~~shall~~] be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

[~~C. Screening or special design treatment shall not be required on boundaries with industrial or heavy industrial land unless an arterial or collector road is the boundary.~~]

B. Where large industrial structures are proposed to be adjacent to an existing residential use or residential zoning district, lighting must be designed so that there is zero (0) footcandle at the property line of the residential area.

C. A noise study must be submitted to evaluate potential noise impact on adjacent properties.

D. The site must be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

E. The plan must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7. The Department may require specific improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

F. Upon a finding by the Department that the exploratory plan is in general compliance with this Chapter, and receipt of a narrative identifying how the proposal addresses the conditions of this section, the plan shall be scheduled for a Planning Board public hearing on the next available hearing date. The Planning Board will review the proposal and

consider the effects of the proposed structure on adjoining properties. Planning Board review of the exploratory sketch plan is required prior to submission of a record plan to the Department.

Section 7. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 31 ("Procedures and Administration"), Division 40.31.700 ("Reviews and types of plans"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.31.720. Subdivision plan review.

The types of subdivision include minor, major, special subdivisions (rural and staged), title subdivisions,[~~utility plans,~~] conversion plans and subdividing the residual land from a special subdivision. Each type may require a preapplication conference, exploratory plan, preliminary plan, or record plan review as indicated in Table 40.31.720. No land may be sold, transferred, or offered for sale until a record plan has been recorded.

Table 40.31.720
Required Plan Submissions

Subdivision	*Exploratory*	*Preliminary*	*Record*
Minor (resubdivisions,[~~utility,~~] title, record conversion)	Y		Y
Major	Y	Y	Y
Rural	Y		Y
Staged	Y	Y	Y
NOTES: Y = required			

Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored, as set forth below.

Sec. 40.33.270. Industrial uses.

A. *Compost operations* (NAICS 325314). ...

B. *Extraction. ...*

C. *Heavy industry. …*

D. *Light industry.* This category is designed to accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

Construction of buildings (NAICS 236) …
Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)
Information industries (NAICS 51) ...

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter . . .

Subdivision

A. The division or redivision of a lot, tract, or parcel of land, by any means…

B. The division or allocation of land for the opening, widening or extension…

C. The elimination of one (1) or more lot lines through the recordation of a deed that eliminates common property lines between lots that have not been previously depicted on an approved land development plan or between lots within an approved land development plan shall not be considered subdivision for purposes of this Chapter, provided the resulting lot(s) is in conformance with this Chapter. The deed shall indicate that the purpose of this deed is to comply with the definition of subdivision in Section 40.33.300, exempting subdivision review to eliminate one (1) or more interior division lines affecting the herein described property.

Section 9. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Appendix 7 ("Guiding Principles for Development"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

APPENDIX 7: GUIDING PRINCIPLES FOR DEVELOPMENT

1. Purpose and Applicability.

A. This Appendix establishes general design principles and expectations...

E. The Guiding Principles will apply to land development projects located in the [~~five~~] "character areas" defined below. Some properties within the County are not located in defined character areas and, therefore, will not be subject to these guidelines.

F. All applications subject to New Castle County...

2. Character Areas.

A. The Comprehensive Development Plan …

B. The Guiding Principles achieve the foregoing through dividing the County into [~~five (5)~~] Character Areas, consistent with the [~~eight (8) future land use categories designated by the Comprehensive Development Plan: Residential Neighborhood, Mixed Residential Neighborhood, Corridor, Center, and New Community Development~~]future land use designations and policies in the Comprehensive Development Plan. For additional clarity, the relationship between zoning districts, future land use categories, and their corresponding character area designations, are shown below:

Table 1
Character Area Relationships

Zoning Districts	**Strategies for State Policies and Spending Areas**	**Comprehensive Development Plan Future Land Use Categories**	**General Description**	**Guiding Principles Character Areas**
. . . ST, TN, applicable NC districts	Levels 1 & 2	High Density Residential	> 8 dwelling units/acre	Residential Mixed Neighborhood
[~~HI~~]	[~~Levels 1 & 2~~]	[~~Heavy Industrial~~]	[~~Larger heavy industrial developments with access to rail lines or navigable marine waterways~~]	[~~Not addressed – regulated by existing UDC standards~~]
CN, CR, ON, OR, BP, I, applicable NC Districts	Levels 1 & 2	[~~Commercial/ Office/Industrial Development Area~~] Type 1 (Commercial Corridor Development)/Type 2 (Employment-based Corridor Development)/ Community Development Areas	• Higher densities • Redevelopment or mixed-use centers • Transit supportive	Corridor [~~Center~~]

CN, CR, ON, OR, BP, I, and HI	Levels 1 & 2	Business Flex and Manufacturing	• High intensity commercial and employment-based uses permitting integrated residential • Redevelopment or mixed-use centers • Transit supportive	Commercial and Employment Centers
CN, CR, ON, OR, BP	Levels 1 & 2	New Community Development Area	• Density goal 3-5 dwelling units per acre • Areas providing walkable, transit-supportive, community centers that transition to surrounding suburban areas	New Community Development...

C. The Comprehensive Development Plan has …

3. Guiding Principles and Character Areas.

A. [~~The Guiding Principles align~~]This Appendix provides specific guidance on the [~~five (5)~~] character areas [~~to the future land use categories in the Comprehensive Development Plan:~~]; Residential Neighborhood, Mixed Residential Neighborhood, Commercial and Employment Centers, Corridor, and New Community Development. This[~~e~~] Appendix does not address the [~~Heavy Industrial and~~] Resource [~~& Rural~~] Preservation category[~~ies are not addressed here because they are regulated by the UDC, and do not require the kind of design and amenity regulations established in these Guiding Principles~~] because land use policy set by the Comprehensive Development Plan encourages preservation efforts in Resource Preservation areas. Standards for Hamlet and Village design are in Article 25.

B. The following table summarizes the Guiding Principles for each character area:

Table 2
Summary of Design Principles

	Residential Neighborhood	**Mixed Residential Neighborhood**	**Corridor**	**Commercial and Employment Centers**	**New Community Development**
Vision	Primarily Single-Family detached, low densities	Mix of residential types, from high density single family to apartments, with small scale commercial	Mix of commercial and employment-based uses with supportive residential, higher densities, redevelopment, or mixed-use	High intensity commercial and employment-based uses, [~~with~~] permitting integrated residential, redevelopment,	Mix of commercial or employment-based uses; may include supportive residential

	Residential Neighborhood	Mixed Residential Neighborhood	Corridor	Commercial and Employment Centers	New Community Development
			centers, transit supportive	or mixed-use centers, transit supportive	
Building:					
Façade Design	No special considerations except in Home Town or Neighborhood Preservation districts	Highly articulated façade with a high level of transparency	Highly articulated façade with a high level of transparency, with more flexible standards away from the corridor	Moderately to [~~H~~]highly articulated façade with a high level of transparency, with flexible standards for designated "B" streets	Moderately articulated façade with transparency, with flexible standards for designated "B" streets]...
Site:					
Building Placement	Buildings located to allow for front and rear yards	Buildings located near the sidewalk edge or set back	Buildings located near the sidewalk edge	Buildings [~~located near the sidewalk edge~~] set back from the sidewalk edge or along sidewalks at exterior	Buildings set back from the sidewalk edge or along sidewalks at exterior
Parking	No special considerations	Parking dispersed in small modules / Quantity limited	Parking located to the rear or side of buildings in small modules [~~/ Quantity limited~~]	Parking located to the rear of buildings in small modules or set back from the sidewalk edge in landscaped lots [~~/Quantity limited~~]	Parking set back from the sidewalk edge in landscaped lots / Sufficient quantity...
Amenities:					
Open / Civic Spaces	High level of passive open space oriented around natural features	Open space primarily provided as patios and courtyards limited urban landscaping to promote pedestrian orientation and reduce visual impacts of parking	Some open space provided as patios and courtyards/ significant landscaping to reduce visual impacts of parking and enhance community image	Significant perimeter landscaping to enhance community image or transition in scale where adjoining other uses.	Significant perimeter landscaping or transition in scale where adjoining other uses

4. Residential Neighborhood…

5. Mixed Residential Neighborhood…

6. Corridor.

A. *Vision*.

1. The Corridor designation applies to land identified as Type 1 (Commercial Corridor Development), Type 2 (Employment-based Corridor Development) and Community Development Areas in the Comprehensive Development Plan.

2. Corridors link ...

[~~2~~]3. The Corridor designations ...

[~~3~~]4. There are two types of Corridor…

[4]5. Employment-based Corridor developments…

6. Community Development Areas should utilize elements from Commercial and Employment based Corridors to achieve site design and built form consistent with their community plans identified in the Comprehensive Development Plan.

B. *Building Design....*

7. Commercial and Employment Centers.

A. *Vision.*

1. Commercial and Employment Centers [~~are gathering places situated within neighborhoods or at the edges of adjoining neighborhoods or communities. Centers~~]offer access to retail, employment and services, civic and public benefit uses such as schools, churches and post offices, and, in some cases, residential options. The Center designation allows for the creation of a critical mass of retail services, multi-family housing, and public spaces at strategic locations, such as arterial street intersections and/or areas served by high-frequency transit lines. Areas designated as Centers transform into highly-walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping and local-serving uses. New development will incorporate community amenities, such as open space, and neighborhood-compatible uses, such as appropriately scaled office uses.

2. [~~There are two types of Center developments: Commercial and Employment-based. Commercial Centers include commercial retail, institutional, or~~

~~employment-based uses such as offices and residential uses.~~]Commercial Centers range in character and intensity. Some are small-scale, draw from the surrounding neighborhoods, and have limited amounts of housing as well as some office. Others have a more urban character with a greater intensity and include more opportunities for housing. As with Corridors, the development in the Center should include both "A" and "B" streets to offer design flexibility while ensuring that the development provides high design quality along streets with both vehicular and pedestrian traffic.

3. Employment[~~-based~~] Centers may include business campus environments …

B. *Building Design.*

1. Orientation…

2. Frontage[.~~–~~] [~~Permitted~~] [~~e~~]Entry elements [~~are as follows~~]: ...

C. *Site Design.*

1. A Center [~~is~~] should be configured around a street network, with high quality development concentrated along the entryway to the development or a designated "A" Street.

2. A Center [~~is~~] should be divided into 2 sub-areas:…

6. Accessory Structures and Uses…

a. Permitted accessory structures …

b. In the Interior zone of a Commercial Center, gas pumps or drive-through facilities [~~are allowed~~] should only be located on lots with frontage on "B" streets.

c. Along "A" streets, drive-through facilities [~~are allowed~~] only be located in …

D. *Amenities*. ...

Section 10. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 11. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 12. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 13. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 Del. C. § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

_____
President of County Council
of New Castle County

Approved on:

_____
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by New Castle County Code Division or Section number.

Sec. 40.03.110. This amendment makes heavy retail and service as well as vehicular sales, rental and service limited uses pursuant to limitations in Section 40.03.339.

Sec. 40.03.333. This amendment clarifies all light industry uses other than those listed in Section 40.03.333 are allowed as Limited Uses. Warehousing and storage facilities in the OR district are allowed as a Special Use. The amendment updates the warehouse storage facilities consistent with changes to Section 40.3.270.

Sec. 40.03.334. This amendment clarifies existing code language and removes references to utility plans.

Sec. 40.03.339. This amendment establishes limited use standards for heavy retail and service, vehicular sales, rental, and service uses established within one hundred (100) feet of a residentially zoned parcel or use.

Sec. 40.03.410. This amendment clarifies existing code language and corrects an internal code reference.

Sec. 40.05.050. This amendment clarifies the bulk standards that apply to proposed development and redevelopment and updates regulations for processing public facilities necessary to support development. The modifications would make the considerations during review consistent, as recently adopted changes created contradictions regarding landscaping requirements.

Sec. 40.08.130. This amendment clarifies the section caption, clarifies that nonconforming uses are not included among the nonconforming situations that may be expanded, clarifies that enlargements less than 1,000 square feet GFA must comply with this Chapter, provides that enlargements in certain districts greater than 5,000 square feet GFA must be brought into proportional compliance.

Sec. 40.26.260. This amendment expands the section to include industrial structures over 200,000 sf GFA, adds standards to minimize adverse effects on neighboring properties. This amendment also requires a public hearing by the Planning Board for the applicant to receive feedback from the Planning Board and the public regarding the application for a large industrial structure. The hearing is to be conducted in the same manner as that of a major land development review.

Sec. 40.31.720. This amendment eliminates references to utility plans.

Sec. 40.33.270. This amendment clarifies that logistics services related to the distribution of goods are considered light industry uses as warehousing and storage facilities (NAICS 493), consistent with the NAICS definition for Warehousing and Storage.

Div. 40.33.300. This amendment limits the lot consolidation procedure to unrecorded lots and lots within recorded land development plans.

Appendix 7. This amendment modifies the Guiding Principles for Development to be consistent with changes in the 2022 Update to the Comprehensive Development Plan.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this Ordinance.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 23-104
Application No. 2023-0404-T
Development, Redevelopment, Large Industrial Structures, Heavy Retail / Services Use and Guiding Principles

November 28, 2023

Sponsor: Councilman Tackett (District 11), Councilwoman Kilpatrick (District 3)

Description: To Amend New Castle County Code Chapter 40 (also known as the Unified Development Code or "UDC) Regarding Large Industrial Structures, Heavy Retail / Services Use and Guiding Principles

EXECUTIVE SUMMARY

New Castle County supports development that fosters both a strong economy and high quality of life for county residents. Achieving this requires a regulatory balance that:

- Ensures that large industrial buildings are developed in a manner that is sensitive to surrounding communities,
- Enhances public participation in the planning process, and
- Encourages context-sensitive development through updates of the UDC's Guiding Principles.

Ordinance 23-104 achieves this through reducing the maximum size of industrial buildings from 450,000 SF to 200,000 SF of GFA and permit larger buildings when a development includes site and building improvements that currently exist in Article 26, have been determined appropriate for warehousing and storage uses (currently only in the CR district), and reduce glare and noise impacts on neighboring communities, through a process that includes a public hearing with the Planning Board. The ordinance also includes enhanced standards for heavy retail and service, vehicular sales, rental, and service uses, when established in very close proximity (100 feet from a residential parcel or use) and updates the Guiding Principles to be consistent with the 2022 Comprehensive Plan.

The Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 23-104, with the condition that County Council consider amending the ordinance to:

1. Clarify that:
   - The 100 feet measurement regarding heavy retail uses and residentially zoned land is to be measured from the property line;
   - The maximum building size limitation for industrial buildings only apply to proposed buildings or additions exceeding 200,000 SF of GFA, not to include renovations of existing buildings; and
   - The upgraded bufferyards, street trees, berming, and on-lot landscaping is only required where determined appropriate.
2. Revise proposed sections 40.03.339 and 40.26.260 include a provision that read as follows:
   - The site is designed to minimize the noise impacts on neighboring residential properties.
3. Establish that Light Industrial Uses in the Business Park zoning district be considered Limited Uses consistent with less intense uses (restaurants and campgrounds) subject to:
   - Increased buffer of 0.3 opacity
   - Minimum 8 ft berm
   - 500 ft minimum distance from a Light Industrial use to a parcel with a residential use or school
4. Designate that in the Office Regional zoning district Heavy industry, where the business is less than twenty thousand (20,000) square feet require a Special Use permit.

DESCRIPTION

Ordinance 23-104 (Application 2023-0404-T) is an implementation product of substantial outreach and public feedback received during the comprehensive planning process. The ordinance proposes the following primary objectives:

- Update the Guiding Principles for nonresidential development to designate Character Areas to Future Land Use Designations
- Provide limited use standards for heavy retail and service, vehicular sales, rental and service uses established within one hundred (100) feet of a residentially zoned parcel or use;
- Ensure that large industrial buildings are developed in a manner that is sensitive to surrounding communities, while expanding opportunities for public participation in the planning process

BACKGROUND

New Castle County has had regulations limiting the size of very large light industrial structures (450,000 SF) dating back to the adoption of the Unified Development Code (UDC) in 1997. It has also, since that time included the opportunity to construct larger buildings if the proposed structure is either; (1) in a large business park where there is a central area of the park that is at least two (2) lots from any boundary, or that (2) the design of the business park is such that a

variety of techniques are used to insure that the public neighboring property owners, or drivers on adjoining roads are not aware of the mass and provides building and site design improvements.[1] Over the past quarter of a century those provisions have remained unchanged. There have been, however a several revisions to the UDC that further expanded the locations that are permitted to establish industrial uses.

Ordinance 08-096 – Industrial Use Consolidation[2]

The 2007 Update to the Comprehensive Plan (and subsequently the 2012 Update to the New castle County Comprehensive Plan) recognized the importance of New Castle County's industrial and manufacturing base and made recommendations to incentivize and expand locations that permitted industrial uses. The 2007 update further recommended that the county re-evaluate the various office and industrial uses in the Office Regional (OR), Business Park (BP), and Industrial (I) zoning districts and potentially consolidate those districts into one single district focused on economic development opportunities. This was in part based on the 2005 Base Realignment and Closure Commission process that was envisioned to bring about 30,000 new jobs to Maryland and New Castle County. Ordinance 08-096, envisioned as the first step in the consolidation process brought more parody in the permitted industrial GFA in the OR district by increasing the permitted floor area ratio, and by reducing the minimum site area for industrial uses in the BP district by half (50 to 25 acres). The County adopted several ordinances seeking to better encourage and incentivize economic development including permitting industrial uses in the Extraction District and creating the Economic Empowerment District, however the three districts have not been consolidated.[3]

Over the last 18 years there have been significant changes to New Castle County's economy, with several key employers either leaving the county or reducing their workforce. Over that time the number of jobs by place of work has dropped from 289,730 to 277,832 (-11,898 jobs) while the labor force has risen from 280,650 to 293,836 (+13,186 people), indicating a shift towards being more of a bedroom community.[4] It is difficult to measure the impacts that the County's legislative efforts have had, considering the housing crash, COVID 19 and other unforeseen events, but it is evident that a significant shift in the economy has occurred.

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[1] UDC 40.26.260 - https://library.municode.com/de/new_castle_county/codes/code_of_ordinances?nodeId=CH40UNDECO_ART26MOST_S40.26.260VELALIINST

[2] Ord. 08-096 - https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D85BFB8AF53EDD17E8349C081B579095AB3&x=temp.pdf

[3] Ibid.

[4] Delaware Population Consortium: https://stateplanning.delaware.gov/demography/documents/dpc/DPC2010v0.pdf & https://stateplanning.delaware.gov/demography/documents/dpc/DPC2023v0.pdf

2022 New Castle County Comprehensive Plan (Ord. 22-024)

The 2022 Update to the New Castle County Comprehensive Plan (The Plan) was the product of more than 2 years of extensive public outreach. A common thread from the early Let's Talk Workshops (September 2020) through the Listening Sessions (Spring 2022) as well as the formal public hearing process was the importance and desire to strike a balance between encouraging and incentivizing economic development with the potential impacts that future development can have on residential communities. The Plan took an honest look at the impacts that intensive nonresidential uses, located in too close of a proximity to residential communities including on our most vulnerable residents living in Environmental Justice communities. It made important recommendations that attention be paid to buffering and transitioning from higher intensity nonresidential uses to existing and future residential communities. It also made recommendations for mitigating the visual impacts of those developments along street frontages, providing a more desirable and safer environment for residents to live work and play.

Ordinance 23-053 – Redevelopment and Large Industrial Buildings[5]

Ordinance 23-053 was introduced on April 25, 2023, proposing significant changes to the redevelopment provisions in the UDC, opening the opportunity for projects to benefit from the incentives under redevelopment even if they require a variance. It also included a re-evaluation of the existing regulations pertaining to very large light industrial structures that proposed reducing the size to 200,000 SF of GFA, clarifying existing requirements, requiring a noise study, as well as requiring a public hearing before the Planning Board. Additionally, the Ordinance included provisions to improve the building's façade mitigate the impacts of vehicular glare on adjacent residential properties. The Ordinance was heard and reviewed favorably at PLUS, however, was subsequently tabled to pursue two separate ordinances; (1) a redevelopment ordinance and (2) an ordinance to revise the provisions for large industrial structures.

Since last summer the Department of Land Use has conducted 3 Redevelopment Listening Sessions and are currently working with County Council to draft a redevelopment ordinance that further incentives context sensitive development. The Department has also worked with County Council building on the proposed changes in Ordinance 23-053 regarding large industrial buildings, while expanding protections to communities adjacent to future heavy retail uses.

Application 2023-0404-T, Ordinance 23-104[6]

Ordinance 23-104 was introduced on July 25, 2023, at County Council proposing the changes in Ordinance 23-053 with regards to large industrial buildings, nonconforming uses, the Guiding Principles, as well as the proposed code clarifications. The ordinance also includes important

[5] Ordinance 23-053/Application 2023-0213-T - https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=765165
[6] Ordinance 23-104/Application 2023-0404-T - https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=774574

changes to site design and plan submission requirements for heavy retail and services, vehicular sales, and service uses within 100 feet of a residentially zoned parcel such as a noise study, reduction of permitted illumination levels at the residential property line, as well as improved site design and buffering.

PLUS REVIEW (Preliminary Land Use Service)

The PLUS Report, dated September 21, 2023, contains comments from several State agencies. The Office of State Planning Coordination reiterated their support for the 2022 New Castle County Comprehensive Plan and its goals and strategies. It also noted the ordinance's intent of fostering context-sensitive development, consistent with the Comprehensive Plan and increased opportunities for public participation. All other agencies had no objection to the approval of the ordinance.

Planning Board Public Hearing - November 7, 2023

Matthew Rogers, Planner for the Department of Land Use presented Ordinance 23-0404 at the November 7th joint New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed how the ordinance was derived from recommendations of the New Castle County Comprehensive Plan. Mr. Rogers also discussed the proposed changes to the UDC and directly addressed specific comments provided by the Committee of 100 including:

1. Revise language to clarify that the role of the Planning Board is solely to hold a Public Hearing and elicit public comment and that the Planning Board does not have the authority to make any recommendations as a result of the Public Hearing.

2. Provide the reasoning why industrial buildings subject to these special requirements was reduced from 450,000 square feet to 200,000 square feet.

3. Add clarifying language regarding the application of guiding principles and the role of the NCC Land Use Dept. regarding these guiding principles and whether they are discretionary or mandatory.

4. Remove the requirement that heavy retail uses now be considered limited uses;

5. Add language to clarify that the Ordinance will only apply to applications submitted to the Land Use Department after the Ordinance has been adopted, and not to pending applications.

6. Add clarifying language that the Ordinance applies to newly built fully enclosed buildings but will not apply to expansions/renovations to existing buildings.

7. Provide for an exception for existing sites that are destroyed by fire or other casualty so that the rebuilding of such existing buildings does not require compliance with these new standards.

Mr. Rogers discussed potential amendments to the ordinance in response to other recommendations of the Committee of 100 including:

- Clarifying that the 100 feet measurement regarding heavy retail uses and residentially zoned land is to be measured from the property line.

- That the maximum building size limitation for industrial buildings only apply to proposed budlings or additions exceeding 200,000 SF of GFA, not to include renovations of existing buildings.
- That upgraded bufferyards, street trees, berming, and on-lot landscaping is only required where determined appropriate.

He also discussed several other potential changes to the ordinance that would bring consistency to residential protections with regards to adjacent industrial uses to the Office Regional and Business Park zoning districts.

Planning Board members had several questions and comments in response to the presentation. Ms. Gray inquired about when an application would be subject to the provisions of the ordinance. Mr. Rogers responded that it would be from the time that the application was submitted. Ms. Gray stated that she understood that the proposed provisions would not apply to renovations of existing gross floor area but also asked if the proposed clarifying language would apply to expansions. Mr. Rogers explained that small expansions that would not result in the need for a Planning Board public hearing.

Charuni Patibanda, General Manager for the Department of Land Use, clarified that the Department took a lot of time to work with the business community, hearing their input and trying to respond as pragmatically as possible, but wanted to highlight that no one have forgotten the atmosphere at the October Public Hearing specifically regarding large industrial structures located directly adjacent to residential properties is a reality in New Castle County and that this ordinance is intended to protect the residencies in those circumstances. Specifically looking at the BP zoning district, which is intended to be a transitional zone between heavy industrial uses, through a less intense use, buffering residential uses. To not further buffer the large industrial structures, which are permitted in the BP district would be a disservice from what we are trying to accomplish. She then stated that she looked forward to hearing the public comment, but wanted to remind the board that this specific issue has come up several times in public meetings and that the Department has worked very hard to creatively allow for economic development as much as possible, while striking the balance with protecting residential communities. She also stated that the Department finds these buffering efforts to be an appropriate measure.

Ms. Peterson inquired if the ordinance was clear enough on who had review and approval authority to grant Special Use Permits. Mr. Rogers explained that the UDC (Article 30) already specifically gives approval authority to the Board of Adjustment for Special Use Permits. She then inquired if there were specific standards for reviewing and approving Special Use Permit. Mr. Rogers explained that there are standards in Article 31 that include consistency with the Comprehensive Plan and impact on adjacent communities. Ms. Peterson asked Mr. Rogers to clarify the change the Department is proposing to the draft ordinance's provisions regarding Heavy Retail and Services. Mr. Rogers stated that the Department is proposing a revision that would clarify that the 100-foot measurement is to be taken from the parcel line, and that the limited use standards would apply to development within that 100-foot distance. Ms. Peterson then asked why the ordinance proposes to reduce glare from vehicles as opposed to eliminating glare. Mr. Rogers explained that achieving an elimination of glare is difficult. Ms. Peterson described the effectiveness of berming at the Amazon logistic center at the Boxwood site at eliminating glare. Mr. Rogers stated that while the additional berming requirements proposed by the ordinance would in many cases eliminate glare, but that in some cases complete elimination may not be possible. She then asked if it was possible to limit the hours of operation for logistic operations. Mr. Rogers said that at this time we don't have enough information as to the appropriate limitation to strike the correct balance, but that it is something that could be examined in future legislation. Ms. Patibanda remarked that the intent is to strike the correct balance with economic development and that limiting hours at this time may be overly burdensome, and that the ordinance, as written will permit the Department to work with the applicant bring berms and other amenities to hopefully eliminate glare. If it isn't possible to eliminate the glare, we'd look to reduce it as much as possible. Ms. Peterson then discussed concerns regarding truck traffic from manufacturing facilities on residential streets. Ms. Peterson then inquired if the noise study could extend to adjacent roadways. Mr. Rogers explained that noise studies are performed with regards to operations that occur, and that he was unsure what was possible in the DelDOT right of way. Land Use General Manager Patibanda agreed to investigate the potential to address roadway noise. Ms. Gray voiced her appreciation for the Chair's comments regarding access. Ms. Peterson inquired as to the utility of the noise study. Mr. Rogers explained that the noise study would provide the opportunity to demonstrate that a proposed development would meet the County's noise regulations. Ms. Patibanda further explained that the study would serve as a tool for the Department to more effectively work with the applicant to reduce noise on the site. Ms. Peterson inquired if an applicant proposes development that exceeds the levels permitted in the County Code, would it be enough to deny approval of an application. Mr. Rogers & Ms. Patibanda explained that the noise regulations are not zoning or subdivision regulations and would not be able to stop a plan in the review process but would need to operationally comply with the noise regulations. Mary Jacobson, attorney for the Board of Adjustment informed the Board that the Ordinance could be amended to require that sites be designed to minimize noise as well as glare. Ms. Jacobson also voiced curiosity as to the number of plans in the pipeline that propose large industrial buildings that exceed 200,000 SF of GFA. She also asked if the County had considered employing the penned ordinance doctrine to make the ordinance applicable to plans in the review process, that were submitted after the ordinance was adopted. Ms. Patibanda discussed the Department's relationship to measuring

noise and illuminations levels as well as the Department's stance that in order to provide predictability, ordinances such as Ord. 23-104 not be retroactive. Ms. Peterson inquired if the Board could recommend that the Ordinance be retroactive. Mary Jacobson later clarified that the employing the penned would not impact plans that have been submitted prior to the introduction of the ordinance (July 25, 2023).

Ms. Patibanda stated that the Board could recommend that the Ordinance be made to be retroactive. She also remarked that there have been several developers who have voluntarily included measures proposed by the ordinance, and that the Department supports proactive improvements to plans that are sensitive to neighboring communities. Ms. Peterson reiterated her concern over the potential impacts for neighboring communities from projects in the review pipeline. Ms. Drake expressed her support for regulating noise pollution and making it a standard that could impact a plan's approval. Mr. Snowden asked the Department to clarify the proposed amendment regarding screening along certain roadways.

Public Comment

At the Public Hearing one member of the public spoke in favor of the ordinance and four spoke in opposition to the ordinance as written.

Support

Bruce Winegartner, resident in the Whitehall Community, stated his support for reducing the maximum size of industrial buildings from 450,000 SF to 200,000 SF. He also stated that the proposed regulations aren't too onerous on the developer and that they give the Department important tools. He also voiced his concern pertaining to potential pollution from warehousing near residential development.

Opposition

Elizabeth Keller, representing the Committee of 100, reiterated the Committee's support for changes to the proposed ordinance. She also discussed the need for balance and the importance of potential job opportunities for county residents as well as revenue for the county. Ms. Keller also remarked that the ordinance will stifle development and that we should be taking steps to move the economy forward as opposed to creating additional regulations. Joe Fitzgerald representing the New Castle County Chamber of Commerce voiced support for the changes proposed by the Committee of 100. He also identified the provisions related to noise pollution and the County's ability to enforce noise pollution regulations.[7] He also remarked about potential that regulations can have an impact on development and the quality of life stating that "we don't want to just be a

[7] 7 Del. C. § 7108 assigns the enforcement responsibility to Department of Natural Resources and Environmental Control. It also permits Counties and Municipalities to enforce the noise regulations. (https://delcode.delaware.gov/title7/c071/sc01/index.html)

bedroom community for Philadelphia." Ms. Peterson clarified that the noise regulations only apply to established businesses, not those in the planning businesses. Mr. Fitzgerald said that engineers, typically during the planning process, evaluate the noise to make sure that they'll comply with State Code requirements. Kimberly Hoffman, Esq. discussed her experience using the existing provisions in the UDC for the Amazon Logistic Center at the Boxwood site, and her concern that the regulations in Ordinance 23-104 would either prevent such a development or significantly discourage such a development by requiring twice the buffer yard. She then stated that it is important to compare what is in the law today and what is being proposed before taking millions of dollars in tax revenue off the table (see the *Analysis* below). Ms. Hoffman concluded by stating that she didn't understand why the County is considering changing the current regulations. Antoni Sekowski, Assistant Land Use Manager for the Department of Land Use, asked Ms. Hoffman if she had attended the October 17, Planning Board Public Hearing, where considerable concern was voiced by community members regarding a potential logistic center adjacent to the Whitehall community. Ms. Hoffman stated that she was not in attendance. Wendie Stabler, Esq. discussed the need for a distinction between new development and existing industrial parks that had been in existence for a long time. She also stated that she believes that the ordinance goes too far in trying to govern established industrial land patterns that predate much of the surrounding residential development. She also stated her support for the ordinance being revised to support minor modifications to industrial buildings not being subject to the proposed regulations.

Comments received while the record was open

Prior to the public hearing the Department of Land Use received correspondence from the Committee of 100, as well as from 6 other business representatives voicing support for the recommended changes made by the Committee of 100. These comments were forwarded to the Planning Board prior to the hearing.

After the hearing, and while the record was open, the Department received correspondence from 4 individuals that have been entered into the record and forwarded to the Planning Board for review. These emails included a request that the record be further held open, as well as support for the recommended changes made by the Committee of 100. Kimberly Hoffman, Esq also wrote about her concerns and the potential impact that Ordinance 23-104 could have on future Boxwood like developments.

Analysis

Ordinance 23-104 (Application 2023-0404-T) is an implementation product of substantial outreach and public feedback received during the comprehensive planning process. The ordinance seeks to achieve the following primary objectives:

- Update the Guiding Principles for nonresidential development to designate Character Areas to Future Land Use Designations

- Provide limited use standards for heavy retail and service, vehicular sales, rental and service uses established within one hundred (100) feet of a residentially zoned parcel or use;

- Ensure that large industrial buildings are developed in a manner that is sensitive to surrounding communities, while expanding opportunities for public participation in the planning process

Ordinance 23-104 designates Type 1 & 2 Corridor Areas in the Future Land Use Element of the Comprehensive Plan as the Corridor Area Character Areas. It additionally designates Manufacturing and Business Flex areas in the Future Land Use Element of the Comprehensive Plan as the Commercial and Employment Centers Character Areas. These proposed changes will bring the nonresidential components of the Guiding Principles into consistency with the Goals, Objectives, and Strategies of the Future Land Use Element. It also removes potential subjectivity regarding the assignment of Character Area, by directly connecting the nonresidential Character Areas to Future Land Use Designations through an ordinance.

Ordinance 23-104 addresses the fact that heavy retail and service, vehicular sales, rental, and service uses, when established in very close proximity (100 feet from a residential parcel or use, as measured from the parcel line) can have adverse impacts on the quality of life for adjacent residents. This can be anecdotally observed by reviewing Code Enforcement violations. The Ordinance establishes Limited Use standards that will continue to permit the establishment of these types of businesses but will require site design improvements and additional documentation to verify that the proposed use will meet noise regulations and minimize the impact that onsite lighting and vehicular glare will have on adjacent residential properties.

Ordinance 23-104 further addresses the impact that large industrial buildings have on neighboring communities (residential and nonresidential). Since 1997, New Castle County has restricted Light Industrial Buildings to 450,000 SF of GFA (7.89 football fields) uniformly across all zoning districts that permit light industrial uses, consistent with 9 Del. C.§ 2602(b). As discussed above, the current regulations permitted developments such as the Amazon Logistic Center at the Boxwood site and the Logistic Center at the Tristate Mall. Objections were voiced regarding

concerns that buffering, masking noise and Guiding Principles concerns would prevent such development from occurring.

Gaging the potential impact of the legislation requires an understand what *new* regulations large light industrial buildings would be subjected to, looking at what requirements exist today and what is proposed for the future. The following standards are **existing requirements in Section 40.26.260 A & B for large light industrial buildings to exceed 450,000 SF in GFA:**

- The development has a common architectural design, including the use of common facade materials, window treatment, and roof lines.

- The building is designed to reduce its apparent mass by having building wings, articulated facade, a reduced height by setting the ground floor partially below grade or locating the building topographically so that it is better screened by surrounding buildings.

- The massing of buildings on the periphery of the development to screen the larger buildings.

- The bufferyards, street trees, berming, and on-lot landscaping is upgraded, to mask the development.

- The site plan must be designed so that the actual view of the larger building located down the street is such that the scale of the larger building is not apparent.

With regards to changes proposed above, Ordinance 23-104 merely consolidates 40.26.260 A & B to clarify existing requirements and reduce redundancy. The Ordinance proposes the additional plan submission requirements required for warehousing and logistic centers in the Commercial Regional (CR) district apply to all plans that propose large industrial buildings regardless of zoning district. These enhancements to Section 40.26.260 include the following:

- Where large industrial structures are proposed to be adjacent to an existing residential use or residential zoning district, lighting must be designed so that there is zero (0) foot candle at the property line of the residential area.

- A noise study must be submitted to evaluate potential noise impact on adjacent properties.

- The plan must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7. The Department may require specific improvements to the development where they are most needed, are appropriate, and can be physically accommodated.

These requirements were originally brought into the UDC with Ordinance 21-065, when expanding the permitted uses in the Commercial Regional (CR) district to permit warehousing and storage facilities, such as logistic centers. Jenifer Kmiec, representing and on behalf of the Committee of 100, supported the proposed requirements in Ordinance 21-065 as being appropriate for evaluating warehousing and storage facilities in the CR district. The Department argues that nearby communities are impacted by large industrial structures, and benefit from a 0.1 foot-candle reduction at the property line, enhanced design through including elements in the Guiding Principles, and a noise study to increase transparency as to future impacts of a development regardless of the underlying zoning district.

The Committee of 100 did request, at the public hearing for Ordinance 21-065, that warehousing and storage facilities in the CR be reviewed as Limited Uses as opposed to Special Uses, averting a Board of Adjustment review and approval. The County determined that the Special Use process was the appropriate public process to review those submissions due to their potential impact on the fabric of neighboring communities. The provisions that enable industrial structures to exceed 450,000 sf (200,000 sf proposed by Ord. 23-104) are in Article 26, a Subdivision Regulation (Article 40.33.300) and therefore the appropriate venue for a public hearing is at the Planning Board. The operative language in Ordinance 23-104, Section 40.26.260.F is consistent with Section 40.31.113 for Major Land Development Plans, and as such, for many plans would require no additional public hearings. Where Minor Land Development and Resubdivision Plans meet the threshold requirements of Article 40.26.260 the public would have an opportunity to provide input and feedback at a public hearing that they otherwise would not have. The Planning Board's role is consistent with their role in reviewing Major Land Development Plans; they hear, review, and comment as provided for in the UDC. They also can also make recommendations on actions that the Board determines to be appropriate consistent with Delaware State Law (Title 9, Chapter 13, §1304).

The final requirement for large industrial buildings proposed by Ordinance 23-104 is that the site be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties. Chairwoman Peterson specifically referenced berming and landscaping at the Boxwood Site as having effectively eliminated potential glare from the site. While the Department does not believe that elimination of glare is possible at all sites, we see the improvements at the Amazon Logistic Center at Boxwood to be the standard, with regards to minimizing glare through site design that all complicated redevelopments should aspire to.

Having considered the proposed regulations in Ordinance 23-104, the remaining consideration is whether 200,000 SF (just under 3.5 football fields in size) is a large building that can result in adverse impacts on adjacent communities (residential and nonresidential). Over the past 5 years, the Department of Land Use has reviewed a number of plans that would greatly benefit from a public process that would employ site and building design improvements on sites such as the Tristate Mall and the Boxwood Site. Ordinance 23-104 does not prevent or penalize good development; it calls for developers to follow in the footsteps of context sensitive development

that has already occurred in the county. It also gives the Department the necessary tools to engage in productive discussions with developers on utilizing massing, building and site design to minimize adverse impacts from noise pollution and glare neighboring residential communities. Furthermore, in addition to the provisions discussed above, development plans will still be required to meet traffic standards set by Article 11, as well as pollution standards set by DNREC. Requiring a public hearing for these applications will provide a valuable opportunity for residents to discuss these concerns with the developers and understand potential impacts of the development.

Potential Changes in a Substitute Ordinance

The Department of Land Use, has considered comments from the public as well as the Committee of 100 and other business groups and recommend that County Council consider a Substitute to Ordinance 23-104 that includes the following improvements:

1. Clarify that:
    - The 100 feet measurement regarding heavy retail uses and residentially zoned land is to be measured from the property line;
    - The maximum building size limitation for industrial buildings only apply to proposed buildings or additions exceeding 200,000 SF of GFA, not to include renovations of existing buildings; and
    - The upgraded bufferyards, street trees, berming, and on-lot landscaping is only required where determined appropriate.
2. Revise proposed sections 40.03.339 and 40.26.260 include a provision that read as follows:
    - The site is designed to minimize the noise impacts on neighboring residential properties.
3. Establish that Light Industrial Uses in the Business Park zoning district be considered Limited Uses consistent with less intense uses (restaurants and campgrounds) subject to:
    - Increased buffer of 0.3 opacity
    - Minimum 8 ft berm
    - 500 ft minimum distance from a Light Industrial use to a parcel with a residential use or school
4. Designate that in the Office Regional zoning district heavy industry, where the business is less than twenty thousand (20,000) square feet require a Special Use permit.

Standards of Review

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

The 2022 Comprehensive Development Plan recommends incentivizing strong economic development policies, including in emerging industries, as a means for achieving and maintaining economic stability for New Castle County residents, expanding access to living-wage jobs. The Comprehensive Plan also calls for economic development to occur in a manner sensitive to neighboring communities. These policy recommendations are not inherently in conflict with each other. Scenario planning that underpins the overall vision for the plan, that evaluated economic and community development, relies on achieving this balance for the county to achieve the economic development and quality of life that it aspires to.[8]

Ordinance 23-104 accomplishes balance by reducing the maximum large industrial building size from 450,000 sf (7.89 football fields) to 200,000 sf (3.45 football fields) of GFA, and only permitting buildings to exceed 200,000 sf of GFA if they meet existing site and building design standards that were used to evaluate projects such as the Amazon Logistic Center at Boxwood and the Logistic Center at the former Tristate Mall location. Enhancing this process and raising the bar for future developments, the ordinance includes the requirement that sites are designed to minimize glare on adjacent residential properties. This is, as Chairwoman Peterson remarked, a feat that the Boxwoods Site accomplished using the existing berming requirements of Section 40.26.260. The Ordinance also recognizes the importance of public participation in the planning process, especially with regards to development that has the potential to impact the character of their community, as large industrial buildings have the potential to do. Ordinance 23-104 requires that plans proposing large industrial buildings have a public hearing with the Planning Board, as opposed to just Major Land Development Plans.

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

Ordinance 23-104 is an important step in achieving several Goals of the 2022 New Castle County Comprehensive Development Plan, by requiring site design improvements already successful employed for warehousing in the CR zoning district and for industrial buildings >450,000 sf, applicable to plans proposing all new industrial buildings >200,000 sf of GFA. This will help the County achieve Goals 10 & 15:

> Goal 10 - <u>Land uses, transportation, and other infrastructure complement each other, and neighborhoods and areas across the county are distinctive, attractive, functional,</u>

[8] 2022 New Castle County Comprehensive Plan (pp. 15-16, 470-482)

> comfortable, and human scale. The physical environment is high quality, inclusively designed, retains value, and is fiscally sustainable.
>
> Goal 15 - New Castle County's infrastructure and economic and social systems are strong, and our communities are prepared for future climate-related and man-made/natural events; all residents will live in neighborhoods that are protected from negative impacts of incompatible non-residential land uses/ activity and other hazards such as flooding (discrete and cumulative); and economic growth, prosperity and change in New Castle County is equitable and accessible by all.

Much of the land zoned to permit large industrial buildings is near areas designated as Environmental Justice communities in the Comprehensive Plan. While site design will not eliminate risks /disparate impacts, it will be important in reducing adverse impacts on these communities helping the County achieve Objective 15.2:

> Objective 15.2 - Reduce risk/disparate impact on sub-populations.

Much of the Heavy Industry and Industrial development adjacent to Environmental Justice communities has long existed and is at a large scale overall, as such, in many instances can construct a large industrial building without needing a Major Land Development Plan Requiring that all plans proposing large industrial buildings have a public hearing at the Planning Board to solicit public participation will also importantly expand meaningful opportunities to participate in the planning process and help the County achieve Goal 16:

> Goal 16 - Participation in planning and development represents the full diversity of the county.

C. *Consistency with the provisions of this Chapter and the standards for similar uses.*

Ordinance 23-104 proposes to make existing site & building design requirements currently required for large industrial buildings (>450,000 sf) and warehouses (Section 40.03.339 & 40.26.260) applicable for industrial buildings >200,000 sf of GFA. It also proposes Limited Use standards for Heave Retail and Service uses that mirror those required for uses that have the potential to similarly impact neighboring residential communities (Section 40.03.339).

D. *Necessity to respond to State and/or Federal legislation.*

N/A

E. *Flexibility in meeting the objectives of this Chapter.*

The intent of the Unified Development Code, as stated in Section 40.01.015 is:

> "to protect the interests of both current and future County residents and neighbors from the potential adverse impacts of land uses…"
>
> "to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment…"

Section 40.01.015.A expands on these principles:

> Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts and providing suitable transitions between different community character areas to minimize the amount of incompatible land use and adverse impacts on property value;
>
> Providing protection from noise, glare, odor, or vibration through buffers and other regulations;

As discussed above Ordinance 23-104 will expand protections for adjacent residential properties that will minimize the amount of incompatible land use and adverse impacts on residents and neighbors and their property value by reducing the threshold for a building being considered a large industrial building to 200,000 sf of GFA. Additionally, the ordinance includes provisions to provide protection from glare associated with those operations.

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 23-104, with the condition that County Council consider amending the ordinance to:

1. Clarify that:

    - The 100 feet measurement regarding heavy retail uses and residentially zoned land is to be measured from the property line;

    - The maximum building size limitation for industrial buildings only apply to proposed buildings or additions exceeding 200,000 SF of GFA, not to include renovations of existing buildings; and

    - The upgraded bufferyards, street trees, berming, and on-lot landscaping is only required where determined appropriate.

2. Revise proposed sections 40.03.339 and 40.26.260 include a provision that read as follows:

    - The site is designed to minimize the noise impacts on neighboring residential properties.

3. Establish that Light Industrial Uses in the Business Park zoning district be considered Limited Uses consistent with less intense uses (restaurants and campgrounds) subject to:

    - Increased buffer of 0.3 opacity

    - Minimum 8 ft berm

    - 500 ft minimum distance from a Light Industrial use to a parcel with a residential use or school

4. Designate that in the Office Regional zoning district Heavy Industry, where the business is less than twenty thousand (20,000) square feet require a Special Use permit.

PLANNING BOARD RECOMMENDATION

At its business meeting held on November 28, 2023, the Planning Board considered the proposed application, public testimony provided at the November 7, 2023, public hearing, and the recommendation offered by the Department of Land Use. On a motion made by Mr. Cochran and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 23-104 subject to the conditions made by the Department of Land Use. The motion was amended on a motion made by Ms. Cahill-Krout, seconded by Ms. Visvardis to further define what the measurement of 500 ft from the property line is measured. The amended motion to recommend **CONDITIONAL APPROVAL** passed by a vote of 7-1-0-0 (Yes: Cahill-Krout, Cochran, Daigle, Drake, Gray, Snowden, Visvardis; No: Peterson; Abstain: none; Absent: none).

In discussion preceding the vote, the following comments were offered:

Ms. Peterson inquired as to the impact that Ordinance 23-104 would have on projects such as the proposed logistics center adjacent to Whitehall (Jamison Corner). Mr. Rogers explained that the large industrial building would have to be set further back from the residential neighborhood, as well as the requirement for berming and increased buffering. Mr. Sekowski clarified that if the conditions proposed by the Department were accepted the industrial use would have a 500 ft setback from the residential land. Mr. Rogers explained that this is a tenfold increase in setback from what is currently permitted in the Business Park district. Mr. Cochran asked if the 8 ft berm requirement was changed from another value. Mr. Rogers explained that under the current revisions of the UDC that light industrial uses are by-right use without a specific requirement for berming. He further explained that less intense uses such as campgrounds and restaurants have limited use standards when adjacent to residential uses. Mr. Cochran asked if 8 ft was too short of a height. Mr. Rogers explained the rationale for the 8 ft standard. Mr. Sekowski also clarified that th 8 ft requirement was a minimum and that higher berming could be added when appropriate. Mr. Snowden expressed that he was a little uncomfortable with the discretion with regards to screening, and that there is benefit to additional screening even when not adjacent to residential uses. Mr. Rogers explained that there is a prescriptive level of buffering and screening based on the use that is required in the UDC and that the standards in 40.26.260 are in excess of those requirements. He further explained that the negotiated improvements has been part of the planning process for more than 20 years. Mr. Sekowski added that the Department recognizes that the minimum standards, in the code today are not sufficient with regards to the Business Park district and that is why the Department has conditioned its recommendation on the additional limited standards. Ms. Patibanda stated that there is no on size fits all, and that the negotiation permits additional buffering and improvements to be tailored to best address sites on an individual basis. Mr. Rogers further explained that since the ordinance requires that all plans that propose a new large industrial structure, not just Major Land Development Plans will require a public hearing, that the improvements that are negotiated between the Department and

developers are brought before the Planning Board and public for scrutiny, allow for the public to provide input towards site improvements. Mary Jacobson, attorney asked the Department for clarification as to how the separation distance was measured. Mr. Sekowski and Mr. Rogers explained that the measurement was to the light industrial use, not improvements such as stormwater management. Ms. Patibanda explained that there isn't a set definition in the UDC for what a use entails with regards to measuring separation distances. Ms. Patibanda inquired if the board had any recommendations. The board discussed a number of potential considerations but did not have a specific recommendation but did agree that it shouldn't include buffering and stormwater management facilities. Ms. Patibanda stated that the Department recognizes that the e-commerce culture is not showing signs of dissipation, and that there is another aspect of large industrial buildings where they do not end up being used for e-commerce but for light manufacturing, creating very high paying jobs for New Castle County residents. She explained that there is a very delicate balance to support economic development, good and diverse job creation, which are one of the goals in the Comprehensive Plan, while protecting adjacent communities and addressing their concerns. She further expressed that the ordinance does more than what the code achieves today, while requiring that improvements be made to developments that good develop0ers have already volunteered in the past. Ms. Gray remarked that she was concerned that DelDOT would permit a logistic center to use a regular turnaround for truck traffic. Mr. Sekowski explained that the county does require traffic studies and sets a level of service requirement. He further explained that DelDOT requires a road network analysis to evaluate roadways and turnarounds to determine their ability to handle traffic.

Ms. Peterson expressed her concern that in some areas the ordinance did not go far enough and in others too far. She questioned the rationale for requiring a noise study being that noise levels aren't regulated during the planning process and is only addressed by calling the police after the use has been established. She further expressed concern that one size doesn't fit all, and that the ordinance is attempting to fit all of these applications into one set of standards. While there is discretion and negotiation built into the ordinance, it provides uncertainty for business looking to invest into the area. She expressed that she recommends the the ordinance be sent back to the drawing board and serious considerations be given to the Committee of 100 comments and those raised by Kim Hoffman. She further stated that she does not believe that the ordinance strikes its intended balance. She further expressed that we do need to prevent another Jamison's Corner from ever happening again, while recognizing that such a facility would be perfectly fine at another location without all of the restrictions set forth in this ordinance. She recommended that the ordinance may need a distance requirement that well exceeds 100 ft or 500 ft from a residential area drawing comparisons to how incinerators have been addressed (3-mile distance), stating that perhaps a quarter of a mile might be appropriate for separating logistic centers from residencies. She expressed that if the Department was willing to work on a substitute ordinance that further addressed the business community's concerns, she'd be willing to motion table the ordinance for later consideration.

Ms. Gray remarked that there were many comments that the ordinance would hinder development, but there were never any specifics, no one brought concrete examples of projects that would be hindered from the ordinance. As a result of that, she expressed skepticism over the legitimacy of the claims.

Mr. Snowden, remarked that any delay in controlling the development of large industrial buildings with the thoughtful provisions of the ordinance could result in additional projects like the Jamison Corner development.

Ms. Peterson reiterated her concerns regarding uncertainty and belief that there is a better way to address the problem.

Ms. Cahill-Krout expressed that with regards to concerns over one size fits all, the applicant has the opportunity through a public hearing to have the unique characteristics of the site to be considered.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code, Section 2603(a), the Department finds that this text amendment would promote the convenience, order, and welfare of the present and future inhabitants of this state.

12/15/23		Karen E. Peterson	12/13/23
Charuni Patibanda	date	Karen Peterson	date
General Manager		Chair	
Department of Land Use		Planning Board	

Prime Sponsor(s): Ms. Durham
Requested by: Administration/Finance
Date of introduction: November 28, 2023

ORDINANCE NO. 23-161

TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS AND THE OPTIONAL WADSWORTH 12' POLE IN THE DELAWARE NATIONAL SUBDIVISION LOCATED IN THE CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS

WHEREAS, a petition has been filed with the Clerk of New Castle County Council for the establishment of a street light tax district in the **DELAWARE NATIONAL SUBDIVISION** and for the installation of Granville street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole, therein.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The County Executive is hereby authorized to execute a contract, in accordance with 9 *Del. C.* Chapter 21, to provide GRANVILLE street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole, according to the standards established by the New Castle County Department of Land Use, to be erected along MERION DRIVE, COBBS CREEK WAY, MUIRFIELD WAY, SPYGLASS HILL WAY, PHALEN COURT, ROLLING OAKS WAY, SHINNECOCK DRIVE, PRAIRIE DUNES DRIVE, BETHPAGE DRIVE and SAWGRASS COURT as set forth in the petition.

Section 2. The properties set forth in the petition shall be subject to an annual tax based upon the full annual cost of the street lighting in an amount to be provided for in the Annual Revenue Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance approves the installation of GRANVILLE street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole in the DELAWARE NATIONAL SUBDIVISION.

FISCAL NOTE: This Ordinance provides for the installation of GRANVILLE street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these DELAWARE NATIONAL SUBDIVISION properties set forth in the petition filed with the Clerk of County Council will be billed in conjunction with the annual property tax billing. The increased expenditure to the County resulting from the installation and maintenance will be offset by the increased revenues realized from the light tax assessment.

Matthew Meyer
County Executive

23-161
Michael Smith
Chief Financial Officer

OFFICE OF FINANCE

BUILDERS PETITION FOR STREET LIGHTING

STATE OF DELAWARE :

SS :

NEW CASTLE COUNTY :

TO: The Honorable President and Members of County Council of New Castle County, Delaware

BE IT KNOWN, that on this 11 TH Day of NOVEMBER, A.D. 2023 personally appeared before me, the undersigned Notary Public, ANDREW FINEROSKY, AUTH AGENT PAR 1, INC

of the State of Delaware, known to me as such, and being first duly sworn by me according to law, stated and said as follows:

1. PAR 1, INC holds record title to DELAWARE NATIONAL

a subdivision located in CHRISTIANA / MILL CREEK HUNDREDS, New Castle County, Delaware, the metes and bounds for which are set forth in the Deed dated 6/9/2023, _____, between GOLF COURSE ASSOC, LLC

_____ as grantors, and PAR 1, INC

_____ as grantee, recorded in the Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument Number 20230612-0037703, a copy of which is attached hereto and made a part hereof as EXHIBIT A. A substantially reduced copy of the record subdivision plan for the portion of the lands known as DELAWARE NATIONAL

New Castle County, Delaware, being known as Subdivision Instrument No. 20200916-0079846, is attached hereto and made a part hereof as EXHIBIT B.

2. PAR 1, INC as sole owner of DELAWARE NATIONAL an unincorporated community in CHRISTIANA / MILL CREEK HUNDRED, New Castle County, Delaware, hereby petitions New Castle County pursuant to 9 Del. C. 2101 et seq. (Rev. 1974) to enter into a contract for the purpose of providing light for the streets running through and within DELAWARE NATIONAL, the boundary lines of which are set forth on EXHIBIT A attached hereto and made part hereof, and more visually represented in EXHIBIT B attached hereto and made part hereof.

3. The type of streetlight and wattage being requested – Select one…

- ☐ Traditionaire LED (70 watt HPS equivalent)
- ☐ Traditionaire LED (100 watt HPS equivalent)
- ☐ Granville LED (70 watt HPS equivalent)
- ☐ Granville LED (100 watt HPS equivalent)
- ☒ Granville LED (150 watt HPS equivalent) *
- ☐ Granville with Ribs LED (70 watt HPS equivalent)
- ☐ Granville with Ribs LED (100 watt HPS equivalent)
- ☐ Granville with Ribs LED (100 watt HPS equivalent

* SEE ATTACHED FOR OPTIONAL POLE - WADSWORTH, 12'

4. List names of all streets you wish to have lights installed on SEE ATTACHED

BY Andrea Finerosky AUTH AGENT
ANDREA FINEROSKY PAR 1, INC.

BY _____

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

Notary Public

My commission expires: 2-22-25

(Seal)

KATHERINE MARY COZZA
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES FEB. 22, 2025

Delaware National Street Names

Merion Drive

Cobbs Creek Way

Muirfield Way

Spyglass Hill Way

Bethpage Drive

Phalen Court

Rolling Oaks Way

Shinnecock Drive

Prairie Dunes Drive

Sawgrass Court

DELAWARE NATIONAL
STREET LIGHT SELECTION

10/13/2023

Granville Street Light - 100 HPS
Optional Pole - Aluminum / 12' High

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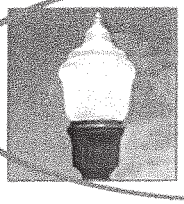


Granville
Combines the aesthetic appeal of early 20th century acorn lights with advanced optics for superior performance.

Wattages/Lighting Source:
50 - 100 HPS



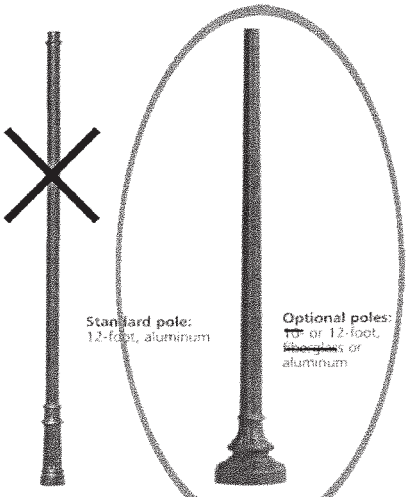
Granville With Ribs
Adds to the Granville's old-world elegance, enhancing the ambience of avenues, walk-ways & plazas.

Wattages/Lighting Source:
70 - 100 HPS



Arlington
Blends graceful octagonal symmetry with sleek design for parks, streets and open areas.

Wattages/Lighting Source:
100 - 150 HPS



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Prime Sponsor(s): Ms. Hartley-Nagle
Date of introduction: January 9, 2024

RESOLUTION NO. 24-017

RECOGNIZING JANUARY AS NATIONAL BLOOD DONOR MONTH

WHEREAS, for over five decades, January has been observed as National Blood Donor Month (NBDM), a time dedicated to celebrating voluntary blood donors and promoting blood donation, particularly during a period when blood supplies often diminish; and

WHEREAS, the Blood Bank of Delmarva has devoted sixty-nine (69) years to the collection and provision of life-saving blood and blood products, serving the communities of Delaware, as well as the Eastern Shores of Maryland and Virginia, and contributing significantly to local hospitals; and

WHEREAS, residents of New Castle County have the opportunity to contribute to this vital cause by donating blood at the Blood Bank of Delmarva in Christiana and at the American Red Cross in Wilmington; and

WHEREAS, the necessity for a diverse and consistent blood supply is a perpetual challenge, with volunteer blood donors being the cornerstone in maintaining a stable and safe blood product reserve for the national medical needs; and

WHEREAS, despite a transfusion occurring every two seconds in the U.S., only 3% of eligible individuals participate in blood donation, leading to persistent national blood shortages and highlighting the critical role of blood supply in emergency preparedness strategies; and

WHEREAS, the universal blood type, O negative, found in just 6% of the population, is crucial in emergency situations and thus is often the most in-demand and scarce during blood emergencies; and

WHEREAS, the New Castle County Paramedics have initiated a life-saving collaboration with the Blood Bank of Delmarva, providing pre-hospital, low titer O positive whole blood transfusions at accident and trauma scenes, thereby enhancing the chances of saving lives; and

WHEREAS, a broad spectrum of patients, including those with cancer, trauma victims, newborns and their mothers, organ transplant recipients, surgical patients, and individuals with chronic conditions like sickle cell disease or thalassemia, rely on blood transfusions; and

WHEREAS, notable New Castle County blood donors, such as U.S. Senator Thomas Carper, County Executive Matthew Meyer, Councilmen David Tackett, George Smiley, and Brandon Toole, exemplify the community's commitment to blood donation; and

NOW, THEREFORE, BE IT RESOLVED that County Council of New Castle County hereby acknowledges National Blood Donor Month locally, commending residents who participate in blood donation and encouraging businesses and organizations to organize blood drives in partnership with Blood Bank of Delmarva and other collection agencies; and

BE IT FURTHER RESOLVED that County Council of New Castle County officially recognizes January as National Blood Donor Month, underscoring the importance of this life-saving initiative within our community.

Adopted by County Council of
New Castle County on: 1/9/2024

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this resolution.