

EXHIBIT  
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16-18 A



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805  
Phone (302) 998-2215 Fax (302) 998-9920

### Application for Hearing

- Board of Adjustment
- Planning Commission

Petition # 16-18 Filing Fee: \$300 Date Received 10/14 Received by: Cyp

Subject Property: 504 KIRKWOOD HIGHWAY, WILMINGTON, DE 19805

Property is:  Residential  Commercial

Tax Parcel # 1900500104 Zoning District: CC

Applicant name: Delaware Offices LLC

Address: 219 W. 9th St. Telephone # 302-295-1214

City: Wilmington State: DE Zip Code: 19801

Application for Zoning Variance Related to: \_\_\_\_\_

- Front yard setback
- Rear yard setback
- Side yard setback
- Lot Area
- Lot Coverage
- Fencing
- Parking requirements
- Signage

Application for Special Exception Use Permit for the following use: \_\_\_\_\_

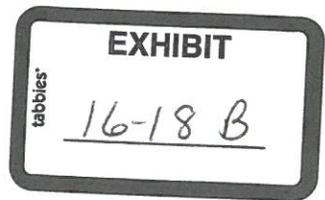
AUTOMOTIVE REPAIR

Application for Appeal of an Administrative decision: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

For the following reasons: \_\_\_\_\_

\_\_\_\_\_



Application for relief other than above: \_\_\_\_\_

State reasons for this request: PROPERTY ZONED "CC"  
REQUESTING AUTOMOTIVE REPAIR  
AS PERMITTED USE

Has a previous application for this property been filed with the Town?  Yes  No

If yes, Petition # \_\_\_\_\_

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: DRLBLS, LLC

Address: 408 MARY ANN DRIVE Telephone # 302-996-0740

City: WILMINGTON State: DE Zip Code: 19804

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property.
- A copy of any deed restrictions on the property.  
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

NOTE: The legal owner and his/her authorized representative must sign this form.

Applicant's Signature: [Signature] Date: 10/14/16

Legal Owner's Signature: Sylvia Joswick for Date: 10/14/16  
DRLBLS, LLC

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Name of person representing applicant (if applicable):  
DELAWARE OFFICES

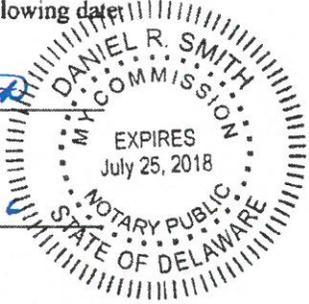
Address: 219 W. 9TH Telephone # 302 295 1215  
City: WILMINGTON State: DE Zip Code: 19801

I, SILVIA JOSWICK FOR DRLBLS LLC as owner of the property listed on this application, authorize the above named representative to act on my behalf during any proceedings pertaining to this application.

Silvia Joswick Legal Owner Signature OCTOBER 14, 2016 Date

Subscribed and sworn to before me on the following date:

Daniel R. Smith Notary Public Signature  
OCT. 14, 2016 Date



In addition to the persons listed above please send copies of all correspondence to:

Name: Becky Harrington  
Address: 10 Corporate Circle, #100 Telephone # 302-981-9404  
City: New Castle State: DE Zip Code: 19720



Site Analysis  
Petition 16-18

**Property Owner:** DRLBLS LLC  
**Zoning District:** CC  
**Address:** 504 Kirkwood Hwy, Elsmere, DE 19805  
**Primary Use:** Commercial  
**Parcel No.:** 19-00500-104

LOT COVERAGE CALCULATIONS

**Lot Area in Sq. Ft.:** 15,681 Sq. Ft.  
**Allowable Lot Coverage:** 2,352 Sq. Ft. or 15%

**Total Coverage:**

❖ Building = 1,260 Sq. Ft.  
❖ Impervious Pave = 7,874 Sq. Ft.

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**Proposed Addition:** 0 Sq. Ft.  
**Proposed Total:** 9,134 Sq. Ft. or 58%

**\*Conclusion:** There are no proposed additions to the existing buildings or paving.

**Required Setbacks:** Front: 20' Rear: 20'  
Side: 0' Both Sides: 20'

**Existing Setbacks:** Front: 42' Rear: 54'  
Side: 14' Both Sides: 52'

**Proposed Setbacks:** Front: 42' Rear: 54'  
Side: 14' Both Sides: 52'

**Conclusion:** There are no proposed changes to the existing setbacks.



### STATEMENT OF FACT

1. The subject parcel is existing legal non-conforming in regard to the following:
  - a. The lot coverage exceeds the allowable amount of 15% as indicated in Section 225 Attachment 3 of the Code of the Town of Elsmere.

### REQUEST BY THE APPLICANT

1. The applicant seeks to open and run a “motor vehicle service station.”

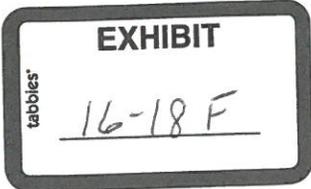
### ISSUE(S)

1. Under Section 225-28 of the Code of the Town of Elsmere “motor vehicle service stations” are only permitted as a special exception.
2. Under Section 225-28D.(2) of the Code of the Town of Elsmere, motor vehicle service stations are not allowed to be closer than 100 feet from the intersection of two streets.

### GRANTING OF THE PETITION

Should the Planning Commission of the Town of Elsmere grant Petition 16-18, the following must occur:

1. The Planning Commission of the Town of Elsmere shall determine that the proposed use meets the harmonious development intent of Section 225-9 of the Code of the Town of Elsmere.
2. The Board of Adjustment of the Town of Elsmere shall grant a special exception for the proposed use in accordance with Section 225-28 of the Code of the Town of Elsmere.
3. The Board of Adjustment shall grant a variance from Section 225-28D.(2) of the Code of the Town of Elsmere to allow for use as a motor vehicle service station within 100 feet of two intersecting roads.
4. The applicant shall be instructed to maintain minimum parking facilities of 13 spaces in accordance with Section 225-28D.(5) of the Code of the Town of Elsmere.



**VARIANCE HARDSHIP WORKSHEET**

Town of Elsmere Petition Number: 16-18

Property Owners Name: DRLBLS LLC

Person(s) Representing the Property Owner: \_\_\_\_\_

Additional page(s) attached

**Applicants, please be aware that the following are the prerequisites to the granting of a variance:**

A variance may be granted when it will not be contrary to the public interest where, owing (due) to special conditions, a literal enforcement of the provisions of the Code of The Town of Elsmere will result in unnecessary and undue hardship.

The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations.

Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance.

Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to recommend the approval of or authorize any variance from the terms of the code, the Planning Commission or Board of Adjustment must find all of the following factors to exist:

- (1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification.

Please explain how this applies:

THERE ARE AUTOMOTIVE REPAIR FACILITIES IN CLOSE PROXIMITY OF PROPERTY

- (2) That the special conditions and circumstances do not result from the actions of the applicant.

Please explain how this applies:

NOT CURRENTLY BEING USED FOR AUTOMOTIVE REPAIR EXCLUSIVELY, PROPERTY IS A USED CAR LOT

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of the code to other lands, buildings or structures in the identical zoning classification.

Please explain how this applies:

USE IS SIMILAR TO THAT OF  
SEVERAL OTHER SURROUNDING  
PROPERTIES

- (4) That literal enforcement of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of the code and will constitute unnecessary and undue hardship on the applicant.

Please explain how this applies:

BUSINESS CANNOT OPERATE WITHOUT  
VARIANCE

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

Please explain how this applies:

FACILITY IS CURRENTLY  
SET UP FOR AUTOMOTIVE  
REPAIR

- (6) That the granting of the variance will be in harmony with the general intent and purpose of the code and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please explain how this applies:

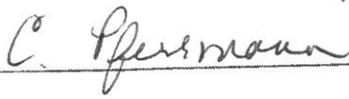
USE IS SIMILAR TO  
OTHER PROPERTIES IN AREA

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I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all of the aforementioned criteria.

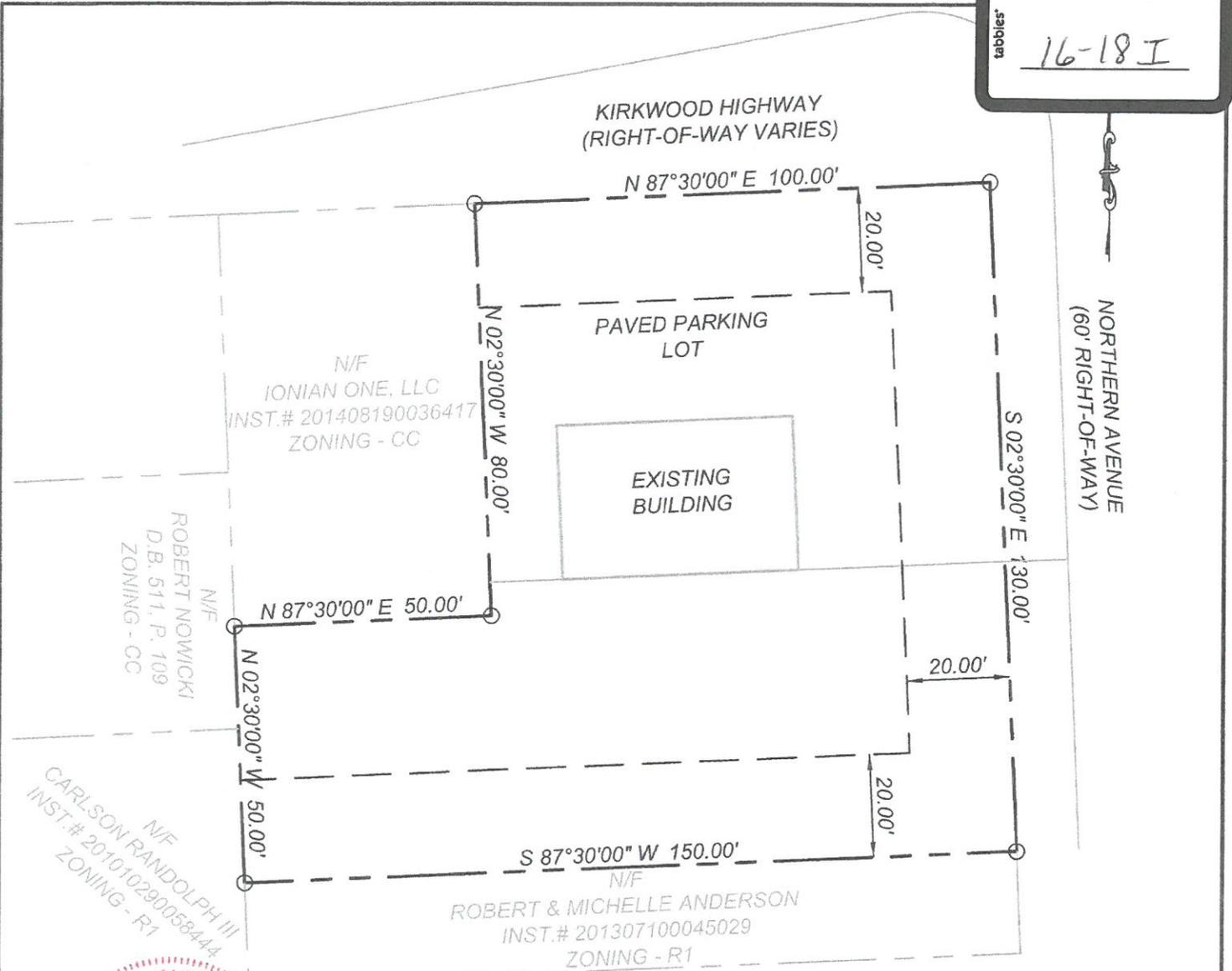
Signature of applicant: 

Date: 10/14/16

Signature Code Department Representative: 

Date: 10/14/2016

**EXHIBIT**  
 16-18 I



**SITE DATA:**

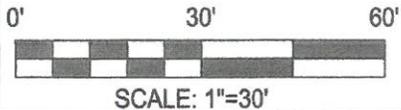
**ADDRESS:** 504 KIRKWOOD HIGHWAY WILMINGTON, DE 19804  
**ZONING:** CC (TOWN OF ELSMERE)  
**BUILDING SETBACKS:**  
 FRONT/STREET YARD - 20 FEET  
 SIDE YARD - 0 FEET  
 REAR YARD - 20 FEET

**TAX PARCEL ID:** 1900500104  
**DEED REF:** INST.# 201005240025454

**TOTAL AREA:** 15,500.0 S.F.± (0.36 AC.±)

*Professional Engineer Signature*  
 RONALD H. SUTTON  
 DELAWARE PROFESSIONAL ENGINEER  
 NO. 13220

GRAPHIC SCALE



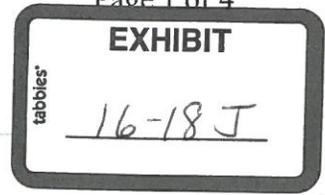
DATE: OCTOBER 19, 2016	
DESIGNED BY:	APPROVED BY:
FILE:	
REVISIONS	

**EXHIBIT PLAN**  
 FOR  
**504 KIRKWOOD HIGHWAY**  
 TOWN OF ELSMERE  
 NEW CASTLE COUNTY, DELAWARE

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**CEA CIVIL ENGINEERING ASSOCIATES, LLC**  
 ● ENGINEERING ● SURVEYING ● CONSTRUCTION SERVICES

55 WEST MAIN STREET  
 MIDDLETOWN, DE 19709  
 (302) 376-8833  
 FAX (302) 376-8834  
 CEA-DE.COM



**Parcel # 1900500104**

Property Address: 504 KIRKWOOD HY  
WILMINGTON, DE 19805-

Subdivision: ELSMERE

Owner: DRLBLS LLC

408 MARY ANN DRIVE

Owner Address:

WILMINGTON, DE 19804

Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: P124-26	Property Class: COMMERCIAL
Location:	Lot Size: 0.36
Map Grid: 09403560	Lot Depth: 150
Block:	Lot Frontage: 130
Census Tract: 124.00	Street Finish:
Street Type:	
Water:	
Microfilm #: 000215	

**District & Zoning Info**

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- NORTH OF C&D CANAL
- COUNCIL 1 - KENNETH R WOODS
- ADD REQ PER SEC 10.3.4.4 DSSR
- SEWER DISTRICT NORTHERN-ASMT
- TRAFFIC ZONE T083 (YR2000)
- DE SEN 07-PATRICIA M BLEVINS
- PLANNING 8 - LOWER CHRISTINA
- DE REP 13-JOHN L MITCHELL JR

Zoning

- 19CC - COMMUNITY COMMERCIAL

**Sales History**

Owner	Deed	Current Owner?	Multi?	Sale Date	Sale Amount
CASALE DONATA	WR067946	N	Y	6/1/1976	\$0.00
CASALE HOLDING COMPANY	1449 160	N	N	12/9/1992	\$10.00
DRLBLS LLC	20100524 0025454	Y	N	5/18/2010	\$10.00

**Tax/Assessment Info**

Assessment

Land: 78400  
Structure: 16700  
Homesite: 0  
Total: 95100  
County Taxable: 95100  
School Taxable: 95100

**Tax Bills as of 10/19/2016 3:03:23 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
1998A	\$0.00	\$0.00	\$275.11	\$0.00	\$0.00	\$1,512.90
1999A	\$0.00	\$0.00	\$249.07	\$0.00	\$0.00	\$1,902.33
2000A	\$0.00	\$0.00	\$216.55	\$0.00	\$0.00	\$1,796.11
2001A	\$0.00	\$0.00	\$353.23	\$0.00	\$0.00	\$1,862.06
2002A	\$0.00	\$0.00	\$327.19	\$0.00	\$0.00	\$1,836.20
2003A	\$0.00	\$0.00	\$301.15	\$0.00	\$0.00	\$1,795.91
2004A	\$0.00	\$0.00	\$278.17	\$0.00	\$0.00	\$1,803.18
2005A	\$0.00	\$0.00	\$244.97	\$0.00	\$0.00	\$1,912.25
2006A	\$0.00	\$0.00	\$239.22	\$0.00	\$0.00	\$1,921.99
2007A	\$0.00	\$0.00	\$271.15	\$0.00	\$0.00	\$2,058.98
2008A	\$0.00	\$0.00	\$283.30	\$0.00	\$0.00	\$2,235.07
2009A	\$0.00	\$0.00	\$323.63	\$0.00	\$0.00	\$2,231.65
2010A	\$0.00	\$0.00	\$380.47	\$0.00	\$0.00	\$2,081.46
2011A	\$0.00	\$0.00	\$352.07	\$0.00	\$0.00	\$1,851.83
2012A	\$0.00	\$0.00	\$326.90	\$0.00	\$0.00	\$1,694.68
2013A	\$0.00	\$0.00	\$325.03	\$0.00	\$0.00	\$1,798.34
2014A	\$0.00	\$0.00	\$326.26	\$0.00	\$0.00	\$1,830.01
2015A	\$0.00	\$0.00	\$325.10	\$0.00	\$0.00	\$2,115.74
2016A	\$0.00	\$0.00	\$324.31	\$1,542.32	\$92.55	\$675.69

**Tax Payments as of 10/19/2016 3:03:23 AM**

Date Paid

Amt Paid

7/26/2000	\$740.73
12/5/2000	\$400.00
2/21/2001	\$400.00
4/17/2001	\$400.00
6/30/2006	\$1,000.00
8/2/2006	\$1,000.00
9/6/2006	\$170.00
10/2/2006	\$180.00
11/1/2006	\$2,700.00
12/5/2006	\$750.00
1/24/2007	\$500.00
5/2/2007	\$500.00
9/12/2007	\$200.00
2/26/2008	\$128.85
2/26/2008	\$71.15
3/31/2008	\$3,600.00
5/5/2008	\$800.00
7/11/2008	\$500.00
8/22/2008	\$500.00
9/26/2008	\$500.00
10/24/2008	\$250.00
12/1/2008	\$500.00
12/29/2008	\$500.00
2/3/2009	\$500.00
3/3/2009	\$500.00
3/31/2009	\$500.00
5/1/2009	\$500.00
6/2/2009	\$450.00
7/1/2009	\$400.00
8/3/2009	\$342.05
9/8/2009	\$400.00
10/29/2009	\$300.00
1/4/2010	\$500.00
2/2/2010	\$500.00
3/8/2010	\$255.78
4/5/2010	\$450.00
1/5/2011	\$1,200.00
2/2/2011	\$500.00
3/4/2011	\$500.00
4/6/2011	\$250.00
5/6/2011	\$250.00
6/6/2011	\$250.00
8/10/2011	\$250.00
10/14/2011	\$250.00
12/27/2011	\$482.54
12/27/2011	\$5,076.10
10/2/2012	\$2,021.58
10/1/2013	\$2,123.37
10/1/2014	\$2,156.27
10/1/2015	\$1,000.00
10/22/2015	\$1,440.84
9/26/2016	\$1,000.00
10/19/2016	\$1,634.87

County Balance Due: \$0.00

School Balance Due: \$1,634.87

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

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Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
1993S3	\$0.00	\$0.00	12/6/2000	\$7.38
1993S4	\$0.00	\$0.00	12/6/2000	\$43.94
1994S1	\$0.00	\$0.00	12/6/2000	\$24.93
1994S2	\$0.00	\$0.00	12/6/2000	\$24.51
1994S3	\$0.00	\$0.00	12/6/2000	\$24.01
1994S4	\$0.00	\$0.00	12/6/2000	\$23.59
1995S1	\$0.00	\$0.00	12/6/2000	\$34.07
1995S2	\$0.00	\$0.00	12/6/2000	\$33.47
1995S3	\$0.00	\$0.00	12/6/2000	\$32.90
1995S4	\$0.00	\$0.00	12/6/2000	\$32.30
1996S1	\$0.00	\$0.00	12/6/2000	\$26.61
1996S2	\$0.00	\$0.00	12/6/2000	\$26.10
1996S3	\$0.00	\$0.00	12/6/2000	\$25.60
1996S4	\$0.00	\$0.00	12/6/2000	\$25.09
1997S1	\$0.00	\$0.00	12/6/2000	\$24.58
1997S2	\$0.00	\$0.00	12/6/2000	\$24.07
1997S3	\$0.00	\$0.00	12/6/2000	\$23.60
1997S4	\$0.00	\$0.00	12/6/2000	\$23.09
1998S1	\$0.00	\$0.00	12/6/2000	\$22.58
1998S2	\$0.00	\$0.00	12/6/2000	\$22.24
1998S3	\$0.00	\$0.00	12/6/2000	\$22.43

**EXHIBIT**

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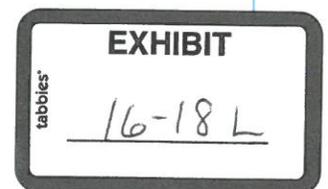
1998S4	\$0.00	\$0.00	12/6/2000	\$21.92
1999S1	\$0.00	\$0.00	12/6/2000	\$25.61
1999S2	\$0.00	\$0.00	12/6/2000	\$25.01
1999S3	\$0.00	\$0.00	12/6/2000	\$24.50
1999S4	\$0.00	\$0.00	12/6/2000	\$23.90
2000S1	\$0.00	\$0.00	12/6/2000	\$11.65
2000S2	\$0.00	\$0.00	12/6/2000	\$11.35
2000S3	\$0.00	\$0.00	12/6/2000	\$11.07
2000S4	\$0.00	\$0.00	12/6/2000	\$10.26
2001S1	\$0.00	\$0.00	6/2/2006	\$25.27
2001S2	\$0.00	\$0.00	6/2/2006	\$28.14
2001S3	\$0.00	\$0.00	6/2/2006	\$27.60
2001S4	\$0.00	\$0.00	6/2/2006	\$27.09
2002S1	\$0.00	\$0.00	6/2/2006	\$21.47
2002S2	\$0.00	\$0.00	6/2/2006	\$21.05
2002S3	\$0.00	\$0.00	6/2/2006	\$20.69
2002S4	\$0.00	\$0.00	6/2/2006	\$20.27
2003S1	\$0.00	\$0.00	6/2/2006	\$14.68
2003S2	\$0.00	\$0.00	6/2/2006	\$14.38
2003S3	\$0.00	\$0.00	6/2/2006	\$14.17
2003S4	\$0.00	\$0.00	6/2/2006	\$13.87
2004S1	\$0.00	\$0.00	6/2/2006	\$13.57
2004S2	\$0.00	\$0.00	6/2/2006	\$13.27
2004S3	\$0.00	\$0.00	6/2/2006	\$12.93
2004S4	\$0.00	\$0.00	6/2/2006	\$12.63
2005S1	\$0.00	\$0.00	6/2/2006	\$12.33
2005S2	\$0.00	\$0.00	6/2/2006	\$12.03
2005S3	\$0.00	\$0.00	6/2/2006	\$16.28
2005S4	\$0.00	\$0.00	8/24/2006	\$15.95
2006S1	\$0.00	\$0.00	8/24/2006	\$15.86
2006S2	\$0.00	\$0.00	8/24/2006	\$15.44
2006S3	\$0.00	\$0.00	8/24/2006	\$14.77
2006S4	\$0.00	\$0.00	11/30/2006	\$14.77
2007S1	\$0.00	\$0.00	2/28/2007	\$12.50
2007S2	\$0.00	\$0.00	6/1/2007	\$12.50
2007S3	\$0.00	\$0.00	9/5/2007	\$12.50
2007S4	\$0.00	\$0.00	12/3/2007	\$12.50
2008S1	\$0.00	\$0.00	2/29/2008	\$64.01
2008S2	\$0.00	\$0.00	6/6/2008	\$64.01
2008S3	\$0.00	\$0.00	9/3/2008	\$64.01
2008S4	\$0.00	\$0.00	12/12/2008	\$64.01
2009S1	\$0.00	\$0.00	3/4/2009	\$54.16
2009S2	\$0.00	\$0.00	8/4/2009	\$57.95
2009S3	\$0.00	\$0.00	3/10/2010	\$66.51
2009S4	\$0.00	\$0.00	3/10/2010	\$64.74
2010S1	\$0.00	\$0.00	3/10/2010	\$62.97
2010S2	\$0.00	\$0.00	1/5/2011	\$66.51
2010S3	\$0.00	\$0.00	1/5/2011	\$67.60
2010S4	\$0.00	\$0.00	1/5/2011	\$65.74
2011S1	\$0.00	\$0.00	12/27/2011	\$116.65
2011S2	\$0.00	\$0.00	12/27/2011	\$113.62
2011S3	\$0.00	\$0.00	12/27/2011	\$114.91
2011S4	\$0.00	\$0.00	12/27/2011	\$111.76
2012S1	\$0.00	\$0.00	3/5/2012	\$12.50
2012S2	\$0.00	\$0.00	5/22/2012	\$12.50
2012S3	\$0.00	\$0.00	7/18/2012	\$12.50
2012S4	\$0.00	\$0.00	11/14/2012	\$12.50
2013S1	\$0.00	\$0.00	2/11/2013	\$23.43
2013S2	\$0.00	\$0.00	5/29/2013	\$23.43
2013S3	\$0.00	\$0.00	12/27/2013	\$25.83
2013S4	\$0.00	\$0.00	4/14/2014	\$25.84
2014S1	\$0.00	\$0.00	6/30/2014	\$71.05
2014S2	\$4.06	\$1.12	6/30/2014	\$66.91
2014S3	\$66.95	\$20.77	Not Available	\$0.00
2014S4	\$66.95	\$18.76	Not Available	\$0.00
2015S1	\$152.15	\$38.01	Not Available	\$0.00
2015S2	\$152.15	\$33.45	Not Available	\$0.00
2015S3	\$152.15	\$28.89	Not Available	\$0.00
2015S4	\$152.15	\$24.33	Not Available	\$0.00
2016S1	\$60.86	\$7.92	Not Available	\$0.00
2016S2	\$60.86	\$6.09	Not Available	\$0.00
2016S3	\$60.86	\$4.26	Not Available	\$0.00

Balance Due: \$1,112.74

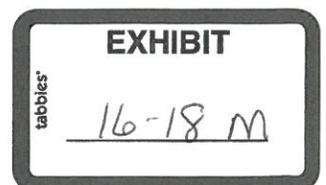
These amounts are valid through the last day of the month. Statutory penalty will accrue on the first day of next month.

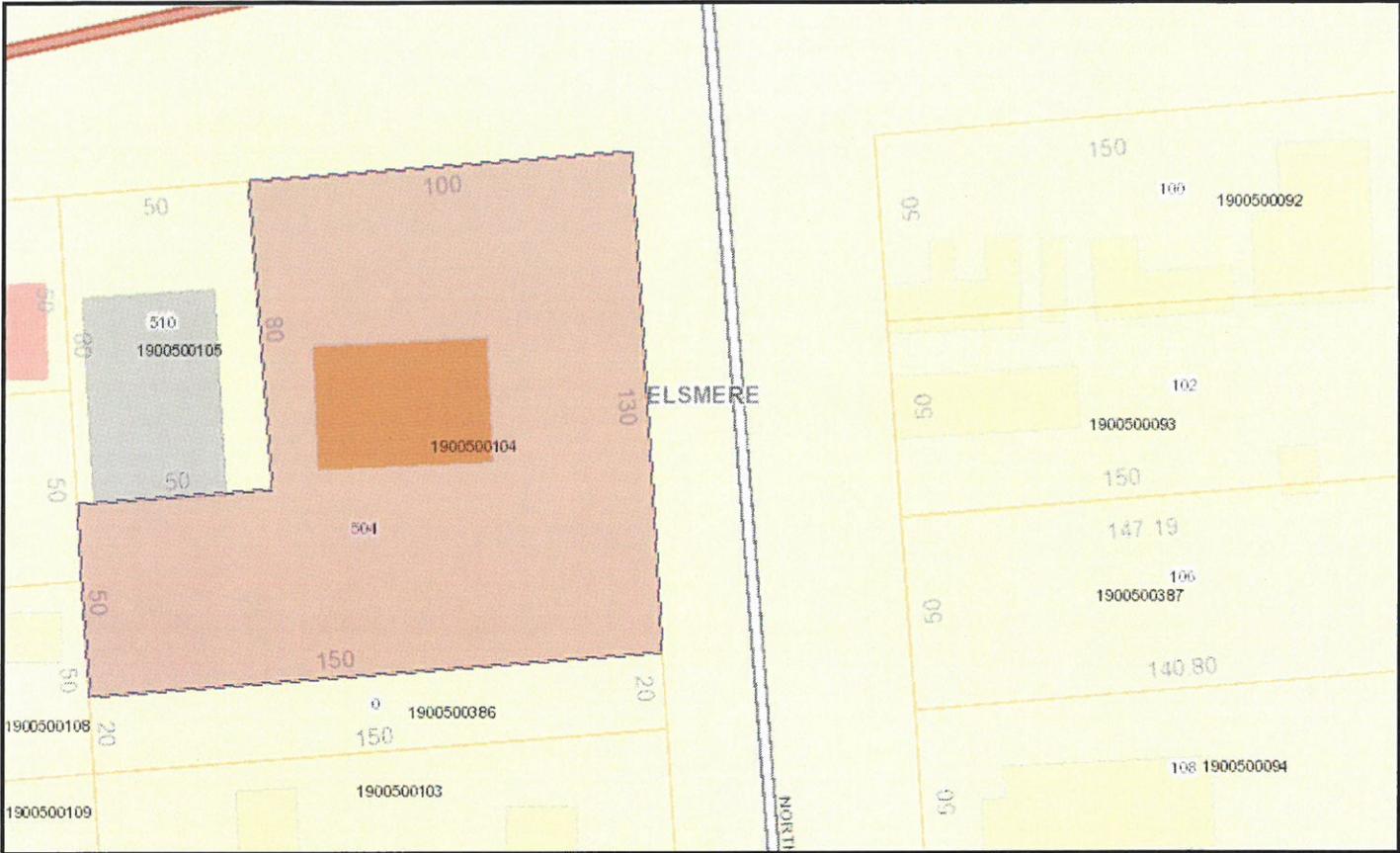
**Commercial Structure Characteristics**

Building #: 01  
 Occupancy: 251 # of Stories: 1 Year Built: 1955  
 Struct Class: C Quality: C Condition: AV  
 Floor Level: F Grnd Flr Area: 1380 Total Flr Area: 1380  
 Ext Wall Type: 11 Wall Height: 14 Perimeter: 152



AC %: 0	Heat %: 90	Rentable Units: 1
Bsmt: 0	Bsmt Util: 0	
Year Renov: 0	Renov Rtnng: 0	Eff. Yr Built: 1958





# 504 Kirkwood Highway

Author:

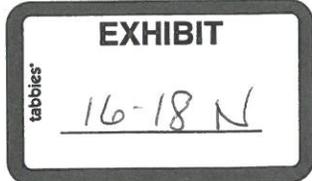


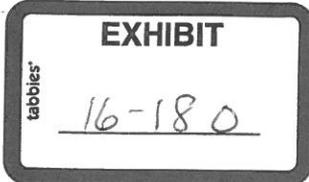
New Castle County Delaware GIS: <http://gis.nccde.org>

Disclaimer: For informational purposes only - not to be used as official documentation.



Date: 10/14/2016





20100524-0025454  
Pages: 2 F: \$56.00  
05/24/10 02:52:39 PM  
T20100015521  
Michael E. Kozikowski  
New Castle Recorder DEE

Parcel No.: 19-005.00-104  
Prepared by, Recorded by  
and Return to:  
Michael A. Poppiti, P.A.  
301 Old duPont Road  
Suite C  
Wilmington, Delaware 19804

Mailing Address:  
408 Mary Ann Drive  
Wilmington, Delaware 19804

**DEED**

**THIS DEED**, made this eighteenth day of May, 2010, between **CASALE HOLDING COMPANY**, a Delaware corporation, of New Castle County and State of Delaware, party of the first part,

AND

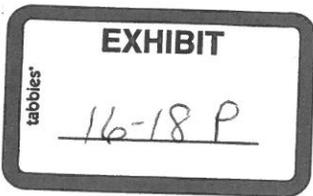
**DRLBLS, LLC**, a limited liability company, of New Castle County and State of Delaware, party of the second part,

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of **TEN DOLLARS, (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part ,

**ALL** that certain lot, piece or parcel of land with the dwelling thereon erected, situate in the Town of Elsmere, Christiana, New Castle County and State of Delaware, known as 504 Kirkwood Highway, and being parts of Lots Nos. 124, 125 and 126 as shown on the plan of **ELSMERE** or record in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Microfilm No. 215, and being more particularly bounded and described as follows:

**BEGINNING** at a corner formed by the intersection of the Southerly side of Wilmington Avenue, at sixty feet wide, with the Westerly side of Northern Avenue, at sixty feet wide, (Wilmington Avenue being parallel with New Road and distant four hundred feet Southerly therefrom and Northern Avenue, running at right angles to New Road and being distant three hundred feet Westerly from the Westerly side of DuPont Road); thence Southerly along the said Westerly side of Northern Avenue, one hundred thirty feet to a point; thence Westerly and through Lot No. 124 and parallel with Wilmington Avenue, one hundred and fifty feet to a point; thence Northerly and along the division line between Lots Nos. 124, 125, 128 and 129, fifty feet to a point in line of land conveyed to Henry J. DiDonato and Gloria C. DiDonato, his wife (Deed Record C, Volume 64, Page 539); thence thereby the following two courses and distances: (1) Easterly and parallel with Wilmington Avenue, fifty feet to a point; (2) Northerly and parallel with Northern Avenue, eighty feet to a point in the said Southerly side of Wilmington Avenue; thence thereby one hundred feet to the point and place of Beginning.

2'



**SUBJECT** to the regulations and restrictions that (1) no building shall be erected on said lot of land at a less distance than twenty feet Southerly from the said Southerly side of Wilmington Avenue or Westerly from the said Westerly side of Northern Avenue; (2) the whole front on said Avenues, twenty feet wide shall be kept an open ornamental space for the free passage of air and light forever (3) no malt or spirituous liquors shall be sold on the land and premises hereby conveyed forever.

**BEING** the same lands and premises which Donata Casale, by Deed dated December 9, 1992, and of record in the Office of the aforesaid in Deed Book 1449, Page 160, granted and conveyed to Casale Holding Company, a Delaware Corporation.

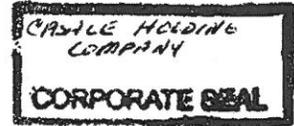
**IN WITNESS WHEREOF**, the said party of the first part, being duly authorized by its stockholders, has hereunto set its hand and seal, the day and year first above written.

SEALED AND DELIVERED  
IN THE PRESENCE OF:

CASALE HOLDING COMPANY

[Signature]

[Signature]  
Donato Casale, President



[Signature]

[Signature]  
Silvia Joswick, Secretary



STATE OF DELAWARE )  
: SS.  
NEW CASTLE COUNTY )

No. 10-50  
Amount \$ EXEMPT  
Date 5-24-10  
[Signature]  
Notary Tax Collector

**BE IT REMEMBERED**, that on this eighteenth day of May, 2010, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Donato Casale and Silvia Joswick, respectively, President and Secretary of Casale Holding Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed and the act and deed of said Corporation.

**GIVEN** under my hand and seal of Office the day and year aforesaid.

[Signature]  
Notarial Officer

CIRO C. POPPITI, III  
ATTORNEY-AT-LAW  
DELAWARE  
SUPREME COURT NO. 4905  
INDEFINITE TERM

**NO TITLE SEARCH PERFORMED**