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T20080019360  
Michael E. Kozikowski  
New Castle Recorder MISC

Tax Parcel No. 06-11-00 - R/W  
Prepared By and Return To:  
Saul Ewing LLP (PJS)  
P.O. Box 1266  
Wilmington, DE 19899

### DECLARATION

This DECLARATION is made this 2<sup>nd</sup> day of May, 2008, by the State of Delaware ex. rel. the Department of Transportation (hereinafter "Declarant").

### WITNESSETH:

**WHEREAS**, Declarant is the owner of certain property being 0.94 acres, more or less, containing the William Murphy House (the "House") located at the intersection of Rockland Road and Children's Drive as more specifically described on the attached Exhibit "A" (the "Property"); and

**WHEREAS**, Declarant is desirous of putting certain restrictions in place to preserve the historical character of the House which is eligible for the National Register of Historic Places.

**NOW, THEREFORE**, in consideration of the covenants and promises contained herein and other good and valuable consideration, Declarant does hereby covenant and declare that it shall hold and stand seized of the Property under and subject to the following restrictions, covenants, agreements and conditions, which shall be covenants running with the Property and binding upon Declarant, its successors and assigns.

1. The exterior of the House shall be maintained and preserved in a manner consistent with its historical character and in good condition and repair.
2. Any exterior additions or alterations to the House or the addition of a building on the Property must first be reviewed and approved in advance by Declarant, in writing, and,

once approved, all construction shall be performed in compliance with all applicable federal, state or local statutes, ordinances, rules and regulations.

3. The provisions of this Declaration shall bind Declarant, its successors and assigns in perpetuity and shall run with the Property.
4. The foregoing covenants may not be modified, altered or amended, in whole or in part, without the prior approval of State which is the only approval or consent required.
5. If Declarant shall violate any of these restrictive covenants, the State of Delaware or its successor shall have the right to proceed at law or in equity to compel compliance with or prevent the violation or breach of the terms hereof.
6. Except as otherwise provided in this Declaration, Declarant, its successors and assigns, shall not seek to escape or circumvent these restrictions by obtaining a variance from the New Castle County Board of Adjustment or approval from the New Castle County Historic Review Board.
7. This Declaration shall be governed by Delaware law.
8. The Declaration and the restrictive covenants herein contained shall be effective only so long as the House continues to exist on the Property.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal the day  
and year aforesaid.

**SEALED AND DELIVERED  
IN THE PRESENCE OF:**

THE STATE OF DELAWARE ex. rel.  
The Department of Transportation

Sharon M. Wilkins

Carolann Wilks (SEAL)  
Name:

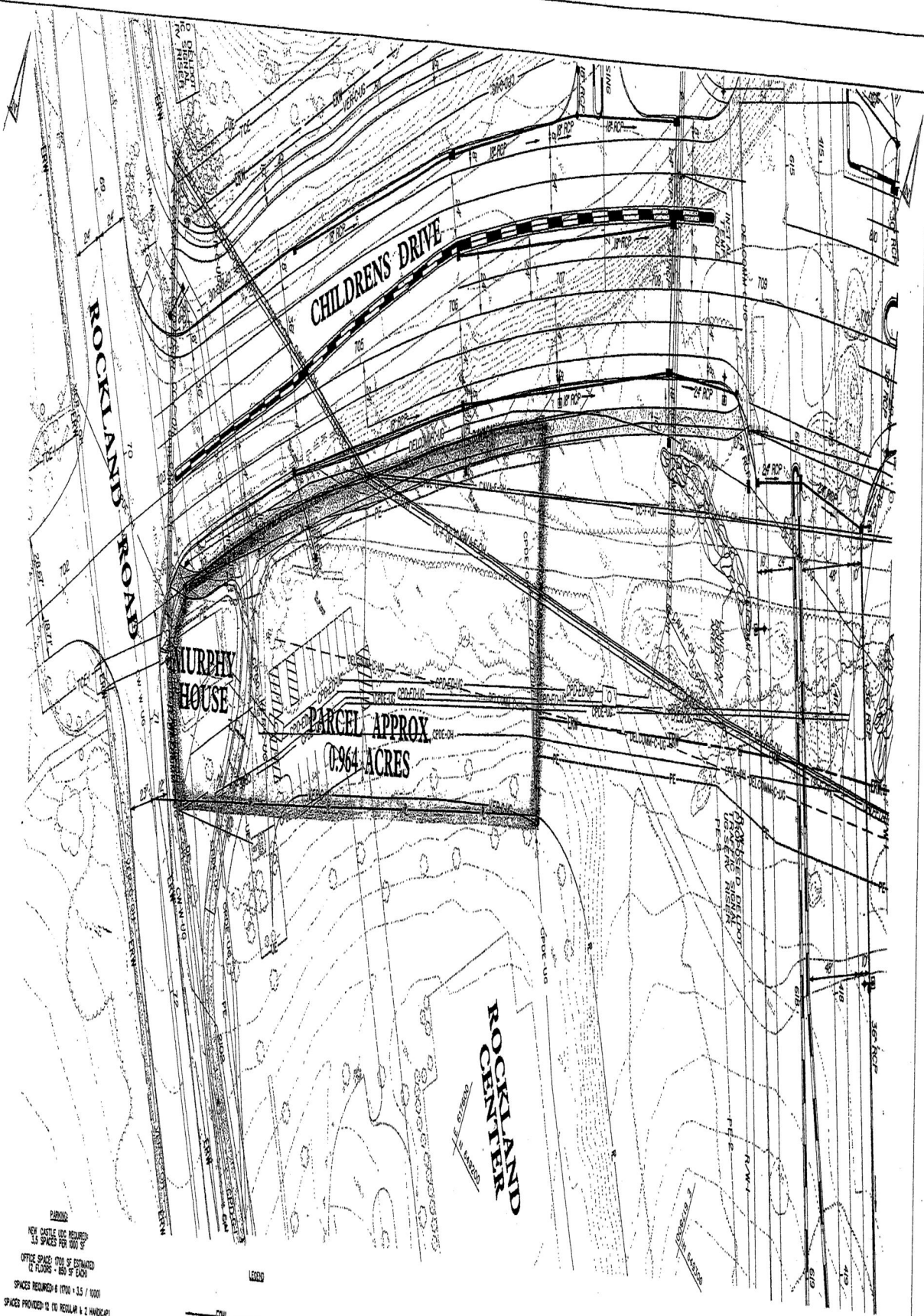
STATE OF DELAWARE :  
: ss.  
NEW CASTLE COUNTY :

This Instrument was acknowledged before me on this 2<sup>nd</sup> day of May, 2008, by  
Carolann Wilks as SECRETARY, of the State of Delaware ex. rel. The Department of  
Transportation, party to this instrument.

Pamela D. Watkins  
Notary Public PAMELA D. WATKINS  
Name typed:  
My commission expires: 03/12/09

<sup>45</sup>  
Approve to Form:

Fritz Schranck  
Fritz Schranck, Deputy Attorney General  
Frederick H.



**PARKING:**  
 NEW CASTLE LOC. REQUIRED  
 3.5 SPACES PER 1000 SF  
 OFFICE SPACE: 1700 SF ESTIMATED  
 12 FLOORS - 160 SF EACH  
 SPACES REQUIRED: 8 (7000 + 3.5 / 1000)  
 SPACES PROVIDED: 12 (70 REGULAR & 2 HANDICAP)

**OTHER REQUIREMENTS:**  
 TABLE ADAPTED NEW CASTLE LOC.  
 SITE: 2000 OFFICE, RESIDENTIAL, 1000  
 STREET YARD SETBACK: 40 FEET  
 SIDE YARD SETBACK: 15 FEET

- LEGEND**
- E— EXISTING DEEDOT RIGHT OF WAY LINE
  - P— EXISTING DEEDOT PERMANENT EASEMENT LINE
  - D— EXISTING DEEDOT DRAINAGE EASEMENT LINE
  - R/W— PROPOSED DEEDOT RIGHT OF WAY & DEEDOT ACCESS LINE
  - P— PROPOSED PROPERTY LINE
  - P— PROPOSED DEEDOT PERMANENT EASEMENT LINE
  - PROPOSED DRIVEWAY PATH
  - PROPOSED CURB
  - PROPOSED CURB AND GUTTER, TYPE 1



REQUIRED RIGHT-OF-WAY AT MURPHY HOUSE  
 PREPARED FOR  
 STATE OF DELAWARE  
 LANDS OF  
 DELAWARE DEPARTMENT OF TRANSPORTATION  
 (EXISTING LEGAL RIGHT OF WAY)

BRANDYWINE HUNDRED, NEW CASTLE COUNTY  
 STATE OF DELAWARE  
 DATE: SEPTEMBER 5, 2007 **NC-570**