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Michael E. Kozikowski
New Castle Recorder MISC

Tax Parcel No.: 10-033.00-037

Prepared By & Return To: Larry J. Tarabicos, Esquire

Tarabicos Grosso, LLP

One Corporate Commons

100 West Commons Boulevard

Suite 415

New Castle, DE 19720

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (this "Declaration") is hereby made this 12th day of January, 2016, by **NEWTOWN SQUARE, LLC**, a Delaware limited liability company, (referred to herein as "Declarant"), and states as follows:

WHEREAS, Declarant is seized in fee simple of certain tracts of land situate in New Castle Hundred, New Castle County, State of Delaware, being located along the Westerly Side of Bear Christiana Road (Route 7), consisting of approximately 5.26 acres of land, more or less (the "Premises"). The Premises is more particularly bounded and described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Declarant desires to develop the Premises for a commercial retail center; and

WHEREAS, Declarant desires to provide for the orderly preservation of the property values of said Premises as well as for the property owners in the communities adjacent to the Premises; and

WHEREAS, Declarant desires to impose upon the Premises certain restrictions and to bind itself, its successors and assigns who may hereafter be the owners of all or part of the

Premises, which restrictions shall run in favor of, and inure to the benefit of, the Crossings at Christiana Maintenance Corporation (hereinafter "CCMC").

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Declarant does hereby covenant and declare for itself, its successors and assigns, that Declarant shall and does hereby stand seized of the Premises, which Premises shall henceforth be subject to the following agreements, covenants, conditions and restrictions ("real covenants"), which real covenants shall be deemed to run with the land in perpetuity and which real covenants are hereby imposed for the benefit of the CCMC, its successors and assigns:

1. The exterior appearance and construction of the buildings to be constructed on the Premises shall utilize a contemporary retail appearance and shall include some or all of the following features: stone, brick, decorative block, and stucco, and shall be substantially similar to the buildings reflected on Exhibit "B" attached hereto.
2. No "twenty-four hour" businesses shall be allowed to use or occupy the Premises, with the exception of an urgent medical care center.
3. The following uses shall be prohibited on the Premises: self-operated laundromat (this shall not be deemed to prohibit a dry cleaning business); payday title loan business; liquor store; tattoo parlor; adult uses; bar or taproom (this shall not be deemed to prohibit restaurants that include bar areas); drive-thru "fast food" restaurants (provided that this restriction shall not prohibit a coffee shop, bagel and/or donut shop, or café that include a drive-thru facility); automobile sales, storage, repairs, or service; and sales of gasoline or gasoline products.
4. The Declarant shall remove the existing wooden fence located along the Westerly common boundary of the property with the Crossings at Christiana. The Declarant shall erect and maintain fencing along the Westerly and Northerly boundaries of the Premises, as

follows: (a) along the common boundaries with the community of Crossings at Christiana, as shown on Exhibit "C" attached hereto, Declarant shall erect and maintain a six (6) foot high black, ornamental, faux wrought iron fence; and (b) along the remainder of the Westerly boundary of the Premises, also as shown on Exhibit "C", the Declarant shall erect and maintain a six (6) foot high vinyl clad, chain link fence. All fencing will be secured by concrete footings. Further, the Declarant, in consultation with CCMC, shall supplement and enhance the vegetation and landscaping along the common boundaries with the Crossings at Christiana.

5. Deliveries and trash pick-ups shall not be permitted on the Premises prior to 6:00 a.m. or after 9:00 p.m. Monday through Friday. Deliveries and trash pick-ups shall not be permitted on the Premises prior to 8:00 a.m. or after 9:00 p.m. on Saturday. There shall be no deliveries or trash pick-ups on Sunday.

6. Any trash dumpsters or trash disposal areas shall be enclosed and placed in locations on the Premises that will minimize the impacts on adjacent residences. Any exterior HVAC units shall also be screened from the view of adjacent residences.

7. Trash dumpsters shall be emptied and picked-up at least twice per week. Trash dumpsters for any restaurant or food operation shall be emptied and picked-up three times per week, if needed. Trash dumpsters and the areas immediately surrounding them shall be swept and maintained on a regular basis, and shall be power-washed on at least a quarterly basis.

8. No billboard or outdoor advertising shall be permitted on the Premises. Except for legally permitted (by variance or as allowed by the UDC) signage related to the uses operating on the Premises, there shall be no more than two (2) monument signs located on the Premises, and these signs shall have a maximum height of twenty-five (25) ft. and shall be substantially similar to the signs reflected in Exhibit "D" attached hereto.

9. All exterior lighting on the Premises shall be directed away from and shielded from adjacent properties.

10. Declarant shall provide security for the Premises twenty-four hours per day through the use of security cameras. The security cameras shall be installed throughout the Premises and shall be accessible by the New Castle County Police Department.

11. Declarant shall reimburse CCMC for any attorneys' fees, court costs and/or filing fees incurred by CCMC in any effort or efforts to enforce the terms of this Declaration, so long as such efforts or actions by CCMC are the result of a bona fide and legitimate violation of the same by Declarant and provided further, that CCMC shall prevail in any such action or efforts. It is expressly understood and agreed that Declarant's obligations hereunder are contingent upon and subject to CCMC first attempting (in good faith) to resolve any alleged violation directly with Declarant, its successors and/or assigns, prior to retaining legal counsel.


12. The foregoing real covenants are hereby imposed for the benefit of CCMC, its successors and assigns, and may not be altered, amended or modified, in whole or in part, without the approval of CCMC, in accordance with its By-Laws, voting at a regularly scheduled meeting, its successors and assigns.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed and sealed the day and year first above written.

Witness

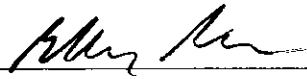


NEWTOWN SQUARE, LLC

By:  (Seal)
Anthony C. Vari, Manager

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY))

The foregoing instrument was acknowledged before me this 29th day of December 2015, by Anthony C. Vari, Manager of Newtown Square, LLC, a Delaware limited liability company, party to this Declaration, known to me personally to be such and acknowledge this Declaration to be his act and deed and the act and deed of the said company.

Notary Public 
Print name: _____
My Commission Expires: _____

GEOFFREY L. GROSSO
Attorney at Law - State of Delaware
Notarial Officer Pursuant to
29 Del.C. § 4323(a)(3)
Permanent Commission

Exhibit "A"



116 Middessa Drive
Middletown, DE 19709
Phone: (302) 983-7008
eFax: 1 (413) 215-4517
Email: JTraynor@TransitionES.com

TES Project No. 033.123.01

September 16, 2014

DESCRIPTION OF PROPERTY KNOWN AS seven parcels combined:

LOT NOS. 1, 2, 3 AND 4 COMBINED AS SHOWN ON THE RECORD PLAN FOR MINOR SUBDIVISION MAROUSEK SUBDIVISION (MICROFILM INSTRUMENT NUMBER 20090717-0047142) (LOT 3 SUPERSEDED PLAN – MICROFILM NUMBER 11104), ALSO KNOWN AS NOS. 488, 500, 504 AND 592 BEAR CHRISTIANA ROAD (TAX PARCEL NOS. 10-033.00-061, 10-033.00-039, 10-033.00-062 AND 10-033.00-063),

PARCEL B ("PIZZA PARCEL") (LANDS TO BE RETAINED BY ANNA KENDALL) AS SHOWN ON THE RECORD MAJOR SUBDIVISION PLAN FOR CROSSINGS AT CHRISTIANA RECORDED MAY 9, 2001 ON MICROFILM INSTRUMENT NUMBERS 20010509-0034612 AND 20030117-0007570, ALSO KNOWN AS #464 BEAR CHRISTIANA ROAD (SOURCE OF TITLE: PRIOR DEED INSTRUMENT NUMBER 20010925-0078856) (TAX PARCEL NO. 10-033.10-817, FORMERLY TAX PARCEL NO. 10-033.00-036),

PARCEL NO. 6 AS SHOWN ON THE RECORD MAJOR SUBDIVISION PLAN OF NEWTOWN VILLAGE SECTION II RECORDED MARCH 25, 1992 ON MICROFILM NUMBER 11180 ALSO KNOWN AS NO. 470 BEAR CHRISTIANA ROAD (SOURCE OF TITLE DEED BOOK 2303, PAGE 288) (TAX PARCEL NO. 10-033.00-037), AND

PARCEL NO. 5 AS SHOWN ON THE RECORD MAJOR SUBDIVISION PLAN OF NEWTOWN VILLAGE SECTION II RECORDED MARCH 25, 1992 ON MICROFILM NUMBER 11180 ALSO KNOWN AS NOS. 482 BEAR CHRISTIANA ROAD (SOURCE OF TITLE DEED RECORD E, VOLUME 100, PAGE 234) (TAX PARCEL NO. 10-033.00-038),

AND MORE PARTICULARLY SHOWN ON AN EXISTING CONDITIONS PLAN PREPARED BY TRANSITION ENGINEERING SURVEYING LLC FOR DUFFIELD ASSOCIATES INC., DATED AUGUST 20, 2014 (WITH PENDING REVISIONS), PROJECT NO. DAI: 033.123.01. SITUATED IN NEW CASTLE HUNDRED, NEW CASTLE COUNTY DELAWARE.

BEGINNING at the point of intersection (DeIDOT concrete monument found) formed by the northerly side of Newtown Road at varying widths with the westerly side of Bear Christiana Road Delaware Route 7 at varying widths.

THENCE from the said point of beginning, along the said northerly side of Newtown Road, S 78° 59' 47" W, 231.09' to a point, a corner for lands known as private open space in Newtown Village (Microfilm Number 11796 now or formerly of Newtown Village Service Corporation (Instrument Number 20020808-0076919) (Tax Parcel No. 10-033.30-476);

THENCE by the same, the six (6) following described courses and distances:

1. N 10° 59' 35" W, 291.92' to a point;
2. N 79° 04' 47" E, 4.29' to a point;
3. N 10° 55' 13" W, 100.50' to a point;
4. N 79° 04' 47" E, 189.85' to a point;
5. N 10° 55' 13" W, 99.33' to a point; and,
6. S 79° 02' 37" W, 145.85' to a point, a corner for other lands known as private open space in Crossings at Christiana (Microfilm Instrument Number 20030117-0007570) also known as #500 Abrams Court now or formerly of Crossings at Christiana Maintenance Group (Instrument Number 20050707-0067302) (Tax Parcel No. 10-033.10-818);

THENCE by the same, the two (2) following described courses and distances:

7. N 01° 17' 01" E, 224.90' to a point; and,
8. N 78° 50' 16" E, 413.28' to a point in the said westerly side of Bear Christiana Road;

THENCE by the same, the eight (8) following described courses and distances:

1. S 10° 31' 21" W, 237.78' to an angle point;
2. N 79° 02' 37" E, 10.75' to an angle point;
3. S 10° 32' 27" W, 185.38' to an angle point;
4. THENCE along the arc of a circle curving to the left (radius = 17,218.75') (chord = 29.48', chord bearing = S 10° 29' 30" W), an arc distance of 29.48' to an angle point;
5. S 79° 04' 47" W, 1.56' to an angle point (DeIDOT concrete monument found);
6. S 11° 01' 28" W, 130.89' to an angle point (DeIDOT concrete monument found);
7. S 14° 05' 04" W, 102.23' to an angle point (DeIDOT concrete monument found); and,
8. S 09° 43' 01" W, 82.85' to the aforesaid point of intersection formed by the said westerly side of Bear Christiana Road with the northerly side of Newtown Road, the first mentioned point and place of beginning.

CONTAINING with said described metes and bounds 5.2979 acres of land, be the same more or less.

SUBJECT, however, to any easements, agreements, and restrictions of record.

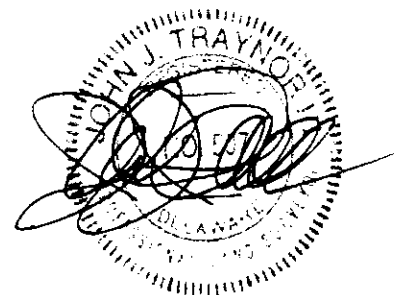


Exhibit "B"

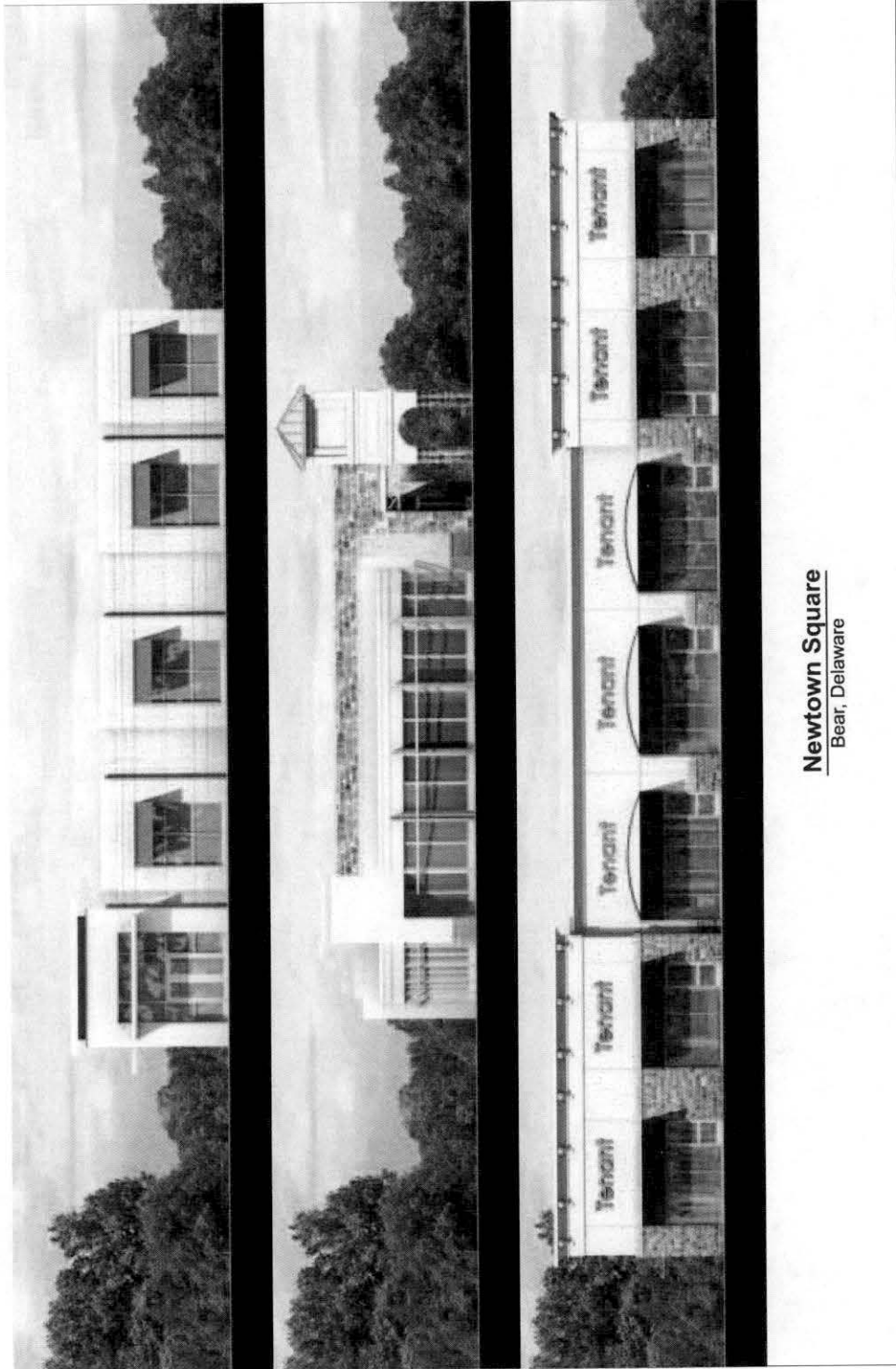


Exhibit "C"

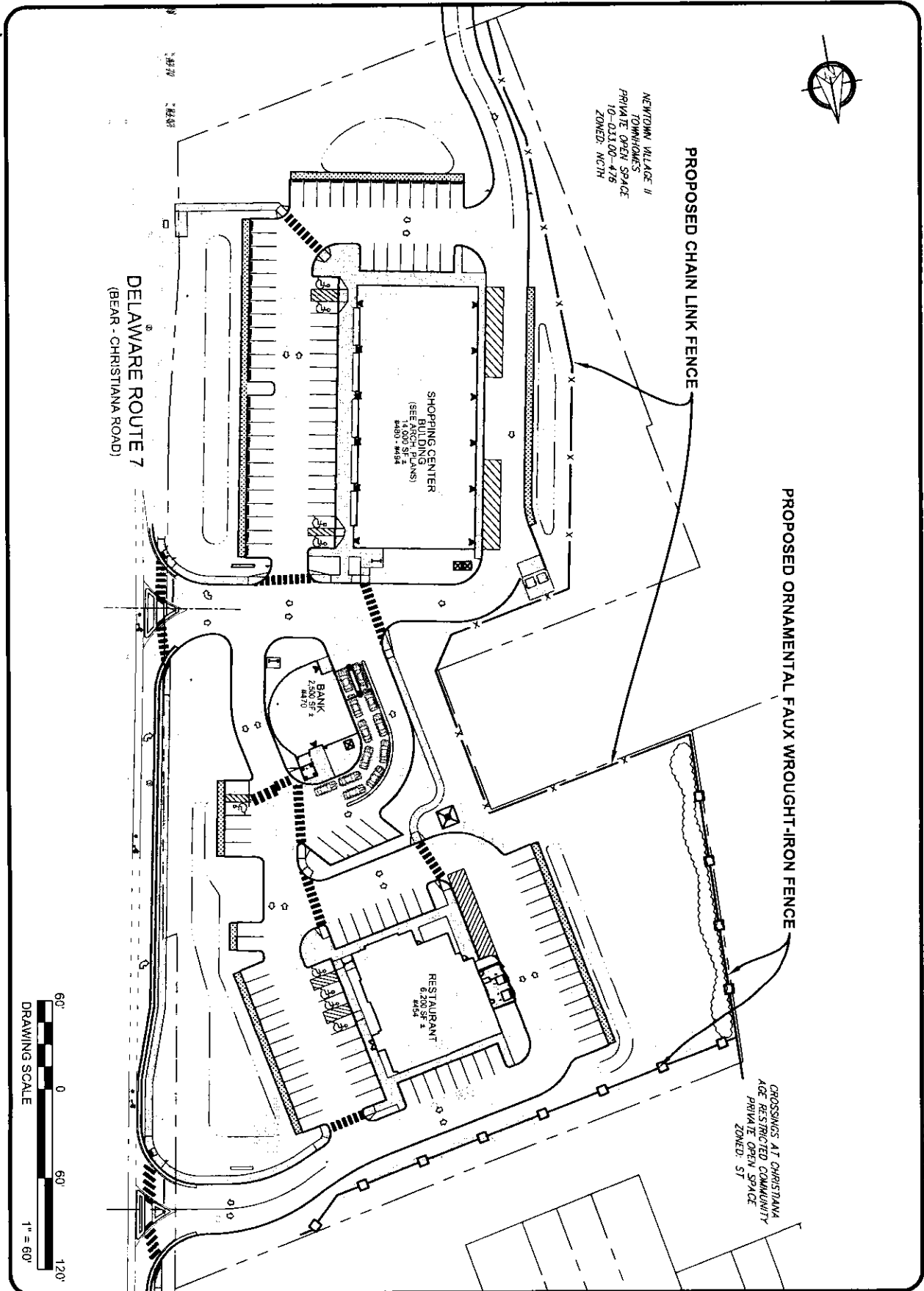



EXHIBIT C - FENCE EXHIBIT NEWTOWN SQUARE NEW CASTLE HUNDRED-NEW CASTLE COUNTY-DELAWARE		DESIGNED BY: SJG DRAWN BY: JJI/MH CHECKED BY: SJG FILE: B10162.CA-FenceExH	 <small> 6910 LIMESTONE ROAD WASHINGTON, DC 20006-1732 TEL: (202) 296-6654 FAX: (202) 296-6655 OFFICES IN DELAWARE, MARYLAND PENNSYLVANIA AND NEW JERSEY WWW.DUFFIELDASSOCIATES.COM </small>
DATE: 17 APRIL 2015 SCALE: 1" = 60' PROJECT NO. 10162.CA SHEET: FIGURE 1			

Exhibit "D"

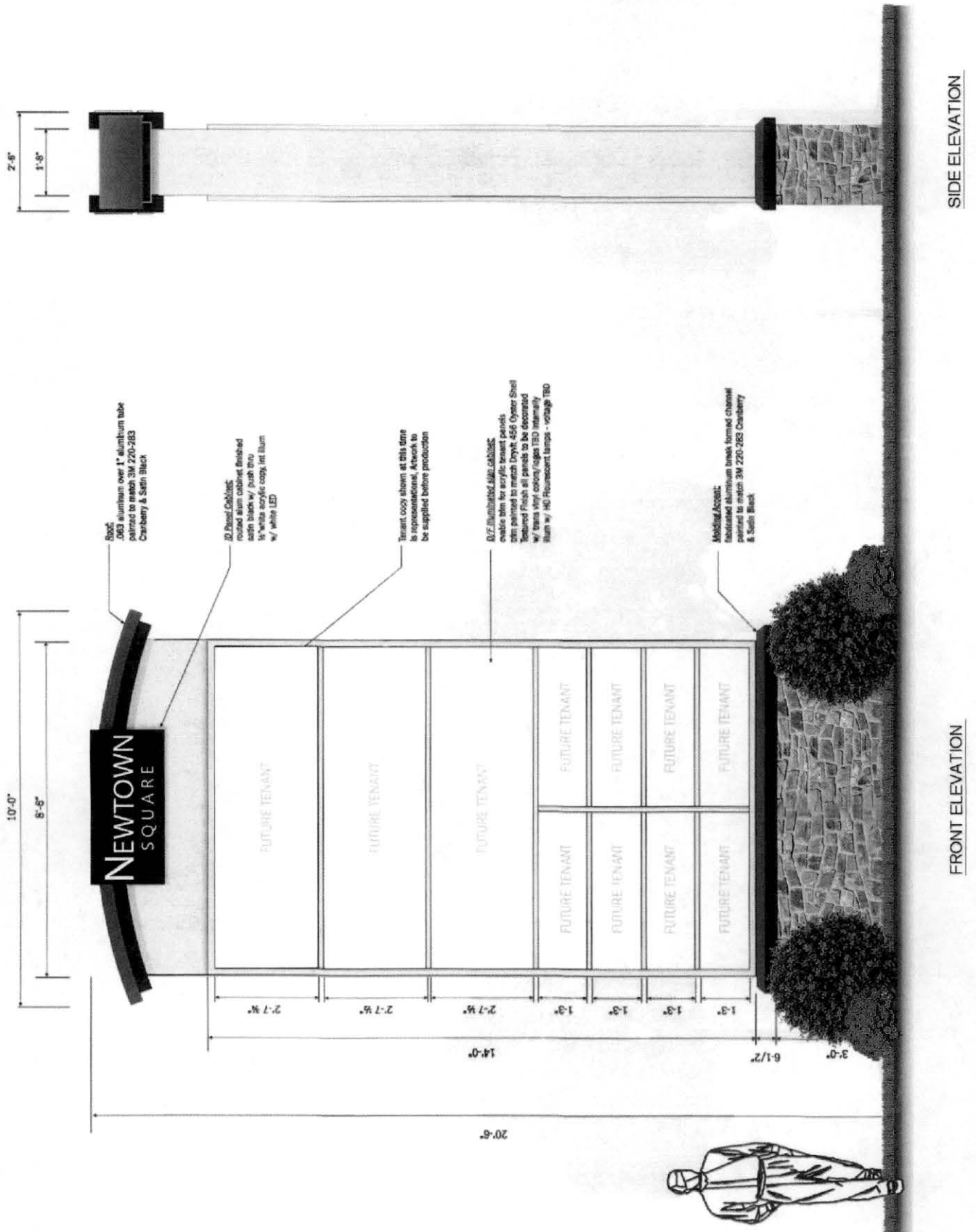


Exhibit "D"

