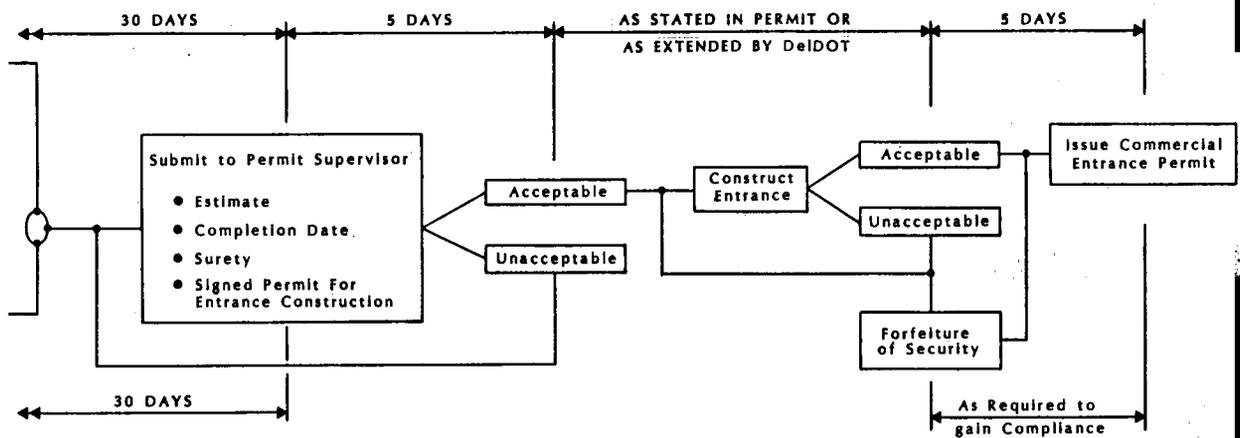
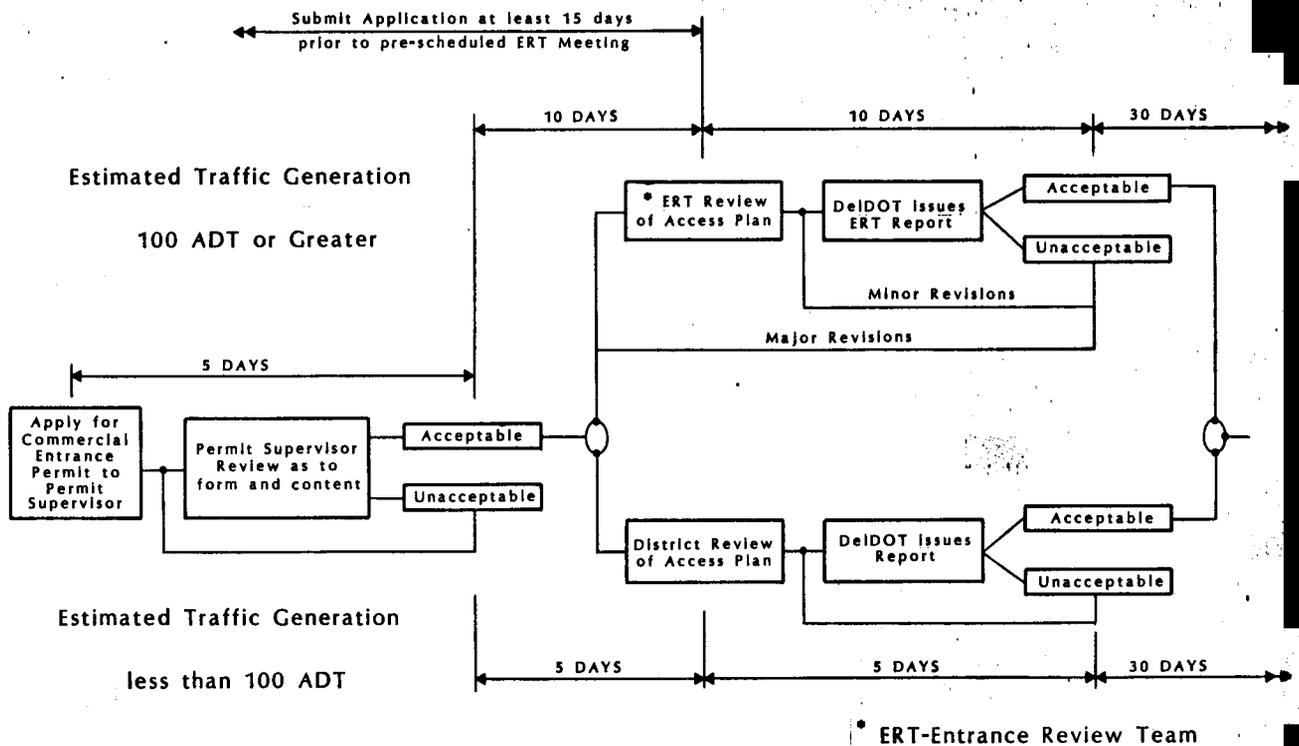


PART III
SAMPLE FORMS AND LETTERS



Time Periods are working days and are considered maximum

COMMERCIAL ENTRANCE PERMIT PROCESS

PLAN REQUIREMENTS FOR COMMERCIAL ENTRANCES

The plan for a commercial access to a State Maintained Highway shall contain the following minimum data:

1. A title block including:
 - a. Name of proposed business.
 - b. Name of the nearest town and county.
 - c. State Highway Maintenance number to which the entrance is required.
 - d. Graphic scale and date.
 - e. Name and address of engineer or surveyor who prepared plans.
 - f. Seal of engineer or surveyor.
2. The plan shall show property lines, names of abutting land owners, significant planimetric, existing and proposed finished grade contours, including location of any crossovers, roadway curves, existing entrances serving the adjacent property shoulder widths, and existing drainage features.
3. The plan shall show location of proposed or existing buildings, parking layout, proposed site drainage, entrance geometrics and construction details. Drainage calculations shall be furnished if requested.
4. Entrance geometrics and construction details drawn to a scale of 1"=20' or 1"=30' shall conform to the Division of Highways Policy and Standards for Access to State Highways and addendum thereto. For entrances serving less than 200 ADT the drawing may be drawn to a scale of 1"=50'.
5. North Arrow.
6. A key map, for the purpose of locating the property, drawn at a scale of one inch equals one mile, showing the relation of the property to adjoining property, and to all streets, roads and municipal boundaries within one thousand feet of any part of the property.
7. A data column containing:
 - a. Type of business
 - b. Gross acreage of property
 - c. Approximate gross leasable floor area
 - d. Traffic generation figures
 - e. Parking space required and parking spaces furnished
8. The maximum size plan sheet shall be 22" x 36". Drafting work shall be neat, legible and reflect actual locations of existing and proposed features based on field surveys as determined by the Department.
9. The drawing shall be prepared by an engineer or surveyor licensed to practice in Delaware and qualified to perform the design shown on the plan as determined by the Department. Exceptions may be permitted at the discretion of the Department where traffic generation of the proposed development use has an average daily traffic of less than 100 ADT (Note each vehicle is counted twice (in and out)).

APPLICATION FOR HIGHWAY

ENTRANCE PERMIT

Name of Property Owner _____

Address _____

_____ Ph. Number _____

Date of Request _____

Maintenance Road Number on which property is located _____

Distance from nearest highway intersection _____

Desired location of entrance/exit to be physically staked in field as a condition of this application.

Located in (name of Town, City or County) _____

Size of Property _____

Type of Access: Commercial____, Residential____, Farm____,

If Commerical Entrance (other than Residential or Farm) Continue with Form

Type of Commercial Business or Use: _____

Gross leasable floor area of existing and proposed building:

Existing GLFA _____ S.F.

Proposed GLFA _____ S.F.

Existing zoning _____ Proposed rezoning _____

Required off street parking required by local zoning code

Spaces required _____

Spaces provided _____

This application is to include 6 copies of a drawing prepared in accordance with Plan Requirements for Commerical Entrances showing the intended use of the Property. The application is to be submitted to the appropriate permit supervisor. This application is to include an executed power of attorney from owner of property should the owner desire the permit be issued to someone other than himself.

New Castle County
North of C&D Canal
North District
Permit Supervisor
Division of Highways
P.O. Box 8
Bear, DE 19701
Ph: 323-4470

Kent County
South of C&D Canal
Central District
Permit Supervisor
Division of Highways
P.O. Box 778
Dover, DE 19901
Ph: 736-4841

Sussex County

South District
Permit Supervisor
Division of Highways
P.O. Box 32
Georgetown, DE 19947
Ph: 856-5441

POWER OF ATTORNEY

KNOW ALL MEN by these presents that _____,
whose address is _____,
a corporation/partnership duly organized under the laws of the State
of _____, has made, constitute and appoint _____,
whose address and telephone number is _____

Ph. No. _____ (Area Code)

to represent the aforesaid corporation/partnership before the State of Delaware
for the purposes of obtaining the requisite permit and security for the
establishment and construction of access onto a State maintained highway to serve
the following land development project: _____

located at _____. This Power of
Attorney and the authority granted herein hereby binds the undersigned to perform
as agreed upon by it's agent, named herein, and shall continue to be in full force
and effect until such time as the foresaid entrance/access has been completed and
accepted by representatives of the State of Delaware at which time the monetary
security required hereby shall be released.

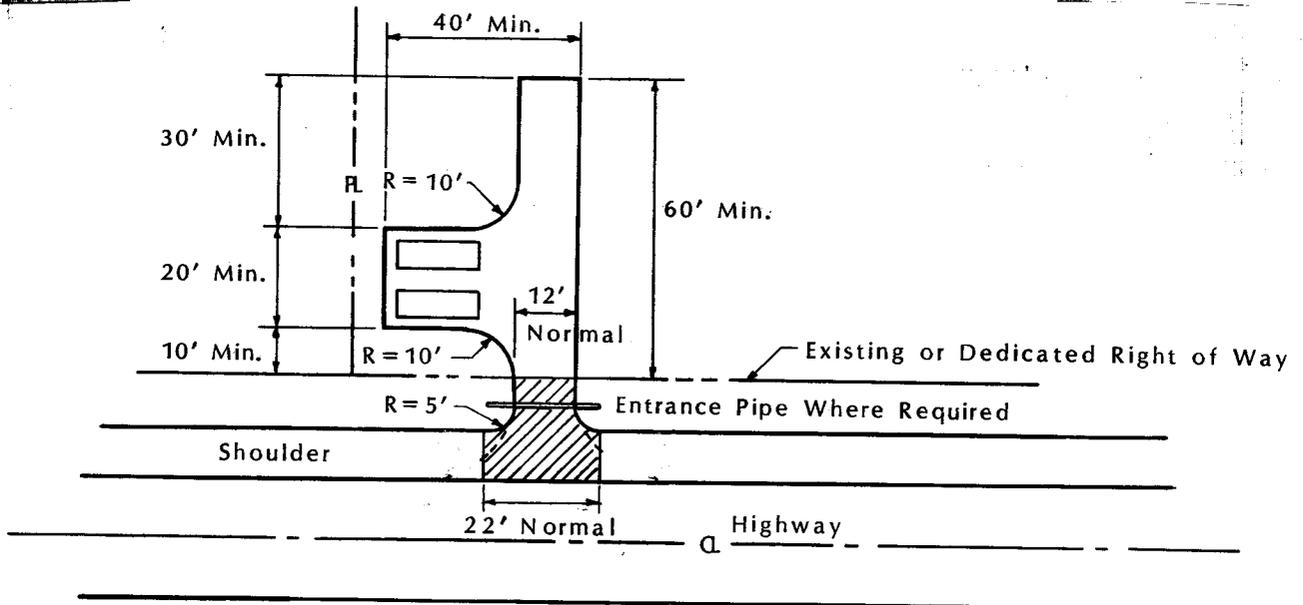
BY: _____
(Signature)

Title: _____

SWORN TO AND SUBSCRIBED before me this ____ day of
_____, 198__.

PLAN REQUIREMENT FOR RESIDENTIAL ACCESS

1. The Application for Highway Access is to be submitted to the permit supervisor.
2. These requirements for residential access will be attached to and made a part of the Permit for Entrance Construction.



TYPICAL
RESIDENTIAL ACCESS WITH TURNAROUND
Scale 1" = 30'

Notes:

1. Where driveway serves two adjacent residences (common driveway access) the driveway width at the right of way line may be increased to 20 feet.
2. Driveway widths may be increased with Division of Highway approval for special purpose vehicles i.e. farm vehicles.
3. Entrance Pipe furnished by the property owner will be installed by the Division of Highways on request.
4. Minimum residential pavement section shall extend to the existing or dedicated right of way or 20 feet from the edge of shoulder which ever is greater.

MINIMUM RESIDENTIAL PAVEMENT SECTION

Bituminous Surface Treatment
6" Select Borrow Base

5. Access to residential lots shall be limited to one access point.
6. Construction of entrance and appurtenances to be in accordance with DelDOT requirements.

The holder of this permit shall indemnify and save harmless the State of Delaware Department of Transportation, Division of Highways and its officers, employees and/or agents of and from all suits and damages arising from or on account of the above described construction herein permitted on State rights-of-way or the Division's acceptance thereof consistent with Section 107.14 of the Standard Specifications and all amendments thereto, incorporated herein by reference.

Traffic control and Utility alterations shall be in accordance with the current Division of Highways "Traffic Controls for Streets and Highways Construction Manual" and the Utilities Policy and Procedure Manual, incorporated herein by reference.

Permittee shall call the Division of Highways Permit Section (North: 323-4470; Central: 736-4841; South: 856-5441) and Miss Utility (1-800-282-8555) prior to any construction on State rights-of-way.

The Division of Highways may require revisions to the approved plans as required by field conditions.

The permittee shall request the Division of Highways to make final inspection of the construction when the work is completed and all work must be completed to the satisfaction of said Division of Highways.

This Permit shall be wholly conditional upon the satisfactory completion of all provisions set forth herein. If, upon expiration of this permit, work is incomplete or not performed according to the aforesaid plan and specifications, and no extension is applied for and issued, this Permit shall become null and void for all legal purposes and the entrance shall be considered illegal with reference to 17 Del. C. §146.

Authorized Representative of
Division of Highways

Property Owner

Property Owner Signature

(Name of Bank)

(Address)

Phone: _____

(Date)

State of Delaware
Department of Transportation
P.O. Box #778
Dover, DE 19901

RE: Irrevocable Commerical Letter of Credit Number _____

(Name of Business)
_____ County, Permit No. _____

Gentlemen:

We hereby establish our Irrevocable Commerical Letter of Credit in favor of the State of Delaware, Division of Highway, as beneficiary, at the request of and for the account of _____ (Property Owner), for an amount or amounts not to exceed _____ (Amount) available by your draft drawn at sight on us and accompanied by:

"A letter signed by the Director of the Division of Highways, Department of Transportation, State of Delaware, stating that _____ (Property Owner) has failed to complete the construction of the entrance and exit to _____ (Name of Business) in accordance with the terms of the permit for the aforesaid construction. Then and in such case _____ (Bank) is empowered to pay to State such portion or all of said sum of as may be necessary to secure completion."

All bank charges connected with this Letter of Credit are for the account of _____ (Property Owner).

All drafts drawn under this Letter of Credit must be marked: (DRAWN UNDER LETTER OF CREDIT NUMBER _____ (#)."

Except as otherwise expressly stated herein, this Letter of Credit is subject to the Uniform Commercial Code.

This Letter of Credit is neither negotiable nor assignable.

We hereby agree with the drawer that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored on due presentation and delivery of documents as specified to the drawee when presented.

This letter of Credit will expire on _____ (Construction Permit Completion Date), and no draft presented after that date will be honored, subject to the conditions stated herein. This Letter of Credit may be extended should the need arise or upon the request of any party. The _____ (Bank) agrees to notify the State thirty (30) days prior to expiration to permit a request for an extension or to permit the State to draw thereon.

Very truly yours,

(Signature)

(Typed Name)

(Title)

**ESCROW AGREEMENT
FOR
ENTRANCE CONSTRUCTION**

KNOW ALL MEN BY THESE PRESENTS THAT: _____
(Property Owner)

_____ whose address is _____ hereinafter call "Developer" hereby provide to the Division of Highways a certified check in the amount of _____ of (\$ _____) to be deposited in the Department Escrow Account (said sum being 150 percent of the total price agreed upon by the Division of Highways and the Developer for the construction of the entrance and exit appurtenances as set forth in this agreement,) to be paid to the said State of Delaware for the use and benefit of the Division of Highways of said State, to which payment will and truly to be made we bind ourselves, our successors and assigns, firmly by these presents.

SEALED with our seals and dated this _____ day of _____, 19__.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH THAT IF THE Developer, who is responsible for the construction of the entrance and exit appurtenances set forth in this agreement for the property known as _____ fails to construct such entrance and exit appurtenances in accordance with the provisions of the fully executed permit for entrance construction as determined within the sole discretion of the Director of Highways, the funds shall be forfeited in favor of the State of Delaware. Forfeiture shall occur within sixty (60) days of receipt of written notification by the Division of Highways. Should the DEVELOPER complete all construction in accordance with the aforesaid permit, then this obligation shall be void and of no effect, or else shall be and remain in full force and virtue until such entrance and exit appurtenances are accepted by the State. Upon completion of all work to the satisfaction of the Department the funds held in escrow shall be released by the Division of Highways.

EXECUTED by the parties hereto the day and year first herein written.

For Developer if a Corporation:

Attest

Secretary

BY

(Signature)

(Typed Name)

For Developer if a firm or individual:

(Position Title)

Signed, Sealed and Delivered

BY

(Signature)

(Typed Name)

(Position Title)

**SURETY AGREEMENT
FOR
ENTRANCE CONSTRUCTION**

KNOW ALL MEN BY THESE PRESENTS THAT: _____
(Property Owner)

whose address is _____ hereinafter called "Developer" and
_____ as surety legally authorized to do business in

Delaware whose address is _____
hereinafter called "Surety", are held firmly bound unto the State of Delaware in
the sum of _____ Dollars
(\$ _____) (said sum being 150 percent of the total price agreed upon by the
Division of Highways and the Developer for the construction of the entrance and
exit appurtenances as set forth in this agreement,) to be paid to the said State of
Delaware for the use and benefit of the Division of Highways of said State, to
which payment will and truly to be made we bind ourselves, our successors and
assigns, firmly by these presents.

SEALED with our seals and dated this _____ day of
_____, 19__.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the
Developer, who is responsible for the construction of the entrance and exist
appurtenances set forth in this agreement for the property known as
_____ fails to construct such entrance and
exit appurtenances in accordance with the provisions of the fully executed permit
for entrance construction as determined within the sole discretion of the Director
of Highways, the bond shall be forfeited in favor of the State of Delaware. Bond
Forfeiture shall occur within sixty (60) days of receipt of written notification by
the Division of Highways. Should the DEVELOPER complete all construction in
accordance with the aforesaid permit, then this obligation shall be void and of no
effect, or else shall be and remain in full force and virtue until such entrance and
exit appurtenances are accepted by the State.

EXECUTED by the parties hereto the day and year first herein written

For Surety Company: _____ BY _____
Attest: _____ (Signature)

(Typed Name)

(Position Title)

For Developer if a Corporation:
Attest: _____
Secretary

BY _____
(Signature)

(Typed Name)
For Developer if a firm or individual: _____
(Position Title)

Signed, Sealed and Delivered BY _____
(Signature)

(Typed Name)

(Position Title)

COMMERICAL ENTRANCE PERMIT

DISTRICT _____ PHONE NO. _____

ISSUED TO _____

BUSINESS NAME _____

APPROVED FOR AN ESTIMATED VOLUME OF TRAFFIC _____ ADT

LOCATION _____ horiz _____ vertical
Maintenance Road No. Delaware Grid Coordinate (6 places)

On _____ an inspection of the above entrance was made and the entrance was found to be in compliance with the Division of Highway Specifications, Traffic & Safety Standards, and (if applicable) according to plans approved by DelDOT on _____.

Should this property be sold, or the size or type of the business be changed to which there is an increase in volume of traffic, the entrance will require a review by the District Permit Office, (North District - 323-4470, Central District - 736-4841, South District - 856-5441). At such time a design change may be required, or a new permit will be issued accordingly.

By copy of this letter the 150% security offered to the Division of Highways to guarantee the construction of this entrance is hereby released.

- ___ Surety Bond
- ___ Irrevocable Commercial Letter of Credit
- ___ Certified Check
- ___ None Required

DATE APPROVED _____ APPROVED BY _____