

July 17, 2023

ERI Project No. 1081#1262

Mr. Matthew Jones, Program Manager
Delaware Department of Natural Resources and Environmental Control
Division of Water Resources
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901

**RE: Subaqueous Lands Permit
Walden Community Kayak Launch Dock
Tax Map Parcel 234-11.00-98.00
Indian River Hundred, Sussex County, Delaware
Waterway: Burtons Pond
Applicant: Burtons Pond, LLC.**

Dear Mr. Jones,

Environmental Resources, Inc. (ERI) is writing you on behalf of the applicant, Burtons Pond, LLC. regarding a proposed kayak launch dock for the existing Walden residential community. The project site is located on Tax Map Parcel 234-11.00-98.00, Indian River Hundred, Sussex County, Delaware. That tax parcel includes Burtons Pond which is private subaqueous lands owned by the applicant.

Upon your review of these materials, please let me know if you or your staff need any additional information in support of this request. On behalf of Burtons Pond, LLC., thank you in advance for your time and attention to this request.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.


Edward M. Launay, Principal

WETLANDS AND SUBAQUEOUS LANDS SECTION PERMIT APPLICATION FORM

**For Subaqueous Lands, Wetlands, Marina and
401 Water Quality Certification Projects**

**State of Delaware
Department of Natural Resources and Environmental Control
Division of Water**

Wetlands and Subaqueous Lands Section



APPLICATION FOR APPROVAL OF
SUBAQUEOUS LANDS, WETLANDS, MARINA
AND WATER QUALITY CERTIFICATION PROJECTS

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY**Application Instructions:**

1. Complete each section of this basic application and appropriate appendices as thoroughly and accurately as possible. Incomplete or inaccurate applications will be returned.
2. All applications must be accompanied by a scaled plan view and cross-section view plans that show the location and design details for the proposed project. Full construction plans must be submitted for major projects.
3. All applications must have an original signature page and proof of ownership or permitted land use agreement.
4. Submit an original and two (2) additional copies of the application (total of 3) with the appropriate application fee and public notice fee* (prepared in separate checks) to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

*Application and public notice fees are non-refundable regardless of the Permit decision or application status.

5. No construction may begin at the project site before written approval has been received from this office.

Helpful Information:

1. Tax Parcel Information:

New Castle County	(302) 395-5400
Kent County	(302) 736-2010
Sussex County	(302) 855-7878
2. Recorder of Deeds:

New Castle County	(302) 571-7550
Kent County	(302) 744-2314
Sussex County	(302) 855-7785
3. A separate application and/or approval may be required through the Army Corps of Engineers. Applicants are strongly encouraged to contact the Corps for a determination of their permitting requirements. For more information, contact the Philadelphia District Regulator of the Day at (215) 656-6728 or visit their website at: <http://www.nap.usace.army.mil/Missions/Regulatory.aspx>.
4. For questions about this application or the Wetlands and Subaqueous Lands Section, contact us at (302) 739-9943 or visit our website at: <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>. Office hours are Monday through Friday 8:00 AM to 4:30 PM, except on State Holidays.

APPLICANT'S REVIEW BEFORE MAILING

DID YOU COMPLETE THE FOLLOWING?

- | | | |
|--------------|-----|--|
| <u> X </u> | Yes | BASIC APPLICATION |
| <u> X </u> | Yes | SIGNATURE PAGE (Page 3) |
| <u> X </u> | Yes | APPLICABLE APPENDICES |
| <u> X </u> | Yes | SCALED PLAN VIEW |
| <u> X </u> | Yes | SCALED CROSS-SECTION OR ELEVATION VIEW PLANS |
| <u> X </u> | Yes | VICINITY MAP |
| <u> X </u> | Yes | COPY OF THE PROPERTY DEED & SURVEY |
| <u> X </u> | Yes | THREE (3) COMPLETE COPIES OF THE APPLICATION PACKET |
| <u> X </u> | Yes | APPROPRIATE APPLICATION FEE & PUBLIC NOTICE FEE
(Separate checks made payable to the State of Delaware) |

Submit 3 complete copies of the application packet to:

**Department of Natural Resources and Environmental Control
Wetlands and Subaqueous Lands Section
89 Kings Highway
Dover, Delaware 19901**

Before signing and mailing your application packet, please read the following:

The Department requests that the contractor or party who will perform the construction of your proposed project, if other than the applicant, sign the application signature page along with the applicant in the spaces provided. When the application is signed by the contractor as well as the applicant, the Department will issue the Permit to both parties. For Leases, the contractor will receive a separate construction authorization that will make them subject to all of the terms and conditions of the Lease relating to the construction

Section 1: Applicant Identification

1. Applicant's Name: Burton's Pond, LLC. Telephone #: 302-542-8349
 Mailing Address: 18949 Coastal Highway, Unit 301 Fax #: _____
Rehoboth Beach, DE 19971 E-mail: tgreen@schellbrothers.com
Attn: Tim Green
2. Consultant's Name: Edward M. Launay Company Name: Environmental Resource Insights
 Mailing Address: P.O. Box 169 / 38173 DuPont Blvd. Telephone #: 302-436-9637
Selbyville, Delaware 19975 Fax #: 302-436-9639
 E-mail: elaunay@ericonsultants.com
3. Contractor's Name: Unknown Company Name: _____
 Mailing Address: _____ Telephone #: _____
 _____ Fax #: _____
 _____ E-mail: _____

Section 2: Project Description

4. Check those that apply:
 New Project/addition to existing project? Repair/Replace existing structure? (If checked, must answer #16)
5. Project Purpose (attach additional sheets as necessary):
Install a 35 ft. section of pile supported 4 ft. wide pier, 4 ft. x 16 ft. aluminum ramp, 8 ft. x 20 ft. floating dock with 6 ft. x 6 ft. tee fitted with a 4 ft. by 5 ft. Yakport kayak launch extending 65 ft. into Burtons Pond over the applicants private subaqueous lands for a community kayak launch amenity.
6. Check each Appendix that is enclosed with this application:

<input checked="" type="checkbox"/>	A. Boat Docking Facilities		G. Bulkheads		N. Preliminary Marina Checklist
	B. Boat Ramps		H. Fill		O. Marinas
	C. Road Crossings		I. Rip-Rap Sills and Revetments		P. Stormwater Management
	D. Channel Modifications/Dams		J. Vegetative Stabilization		Q. Ponds and Impoundments
	E. Utility Crossings		K. Jetties, Groins, Breakwaters		R. Maintenance Dredging
	F. Intake or Outfall Structures		M. Activities in State Wetlands		S. New Dredging

Section 3: Project Location

7. Project Site Address: _____ County: N.C. Kent Sussex
Walden Drive and Dagsworthy Street Site owner name (if different from applicant): _____
Harbeson, DE 19951 Address of site owner: 18949 Coastal Highway, Unit 301
Rehoboth Beach, DE 19971
8. Driving Directions: From intersection of State Route 24 and Hollymount Road (CR46) proceed east 400 feet, turn right on Walden Road and proceed to lake front.
 (Attach a vicinity map identifying road names and the project location)
9. Tax Parcel ID Number: 234-11.00-98.00 Subdivision Name: Walden

WSLS Use Only:		Permit #s: _____							
Type	SP <input type="checkbox"/>	SL <input type="checkbox"/>	SU <input type="checkbox"/>	WE <input type="checkbox"/>	WQ <input type="checkbox"/>	LA <input type="checkbox"/>	SA <input type="checkbox"/>	MP <input type="checkbox"/>	WA <input type="checkbox"/>
Corps Permit:	SPGP 18 <input type="checkbox"/> 20 <input type="checkbox"/>		Nationwide Permit #: _____		Individual Permit # _____				
Received Date:	_____		Project Scientist: _____						
Fee Received?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Amt: \$ _____	Receipt #: _____					
Public Notice #:	_____		Public Notice Dates: ON _____		OFF _____				

Section 3: Project Location (Continued)

10. Name of waterbody at Project Location: Burtons Pond waterbody is a tributary to: Burton Prong

11. Is the waterbody: Tidal Non-tidal Waterbody width at mean low or ordinary high water 575 feet

12. Is the project: On public subaqueous lands? On private subaqueous lands?*

In State-regulated wetlands? In Federally-regulated wetlands?

*If the project is on private subaqueous lands, provide the name of the subaqueous lands owner:
Applicant - Burton's Pond, LLC.

(Written permission from the private subaqueous lands owner must be included with this application)

13. Present Zoning: Agricultural Residential Commercial Industrial Other

Section 4: Miscellaneous

14. A. List the names and complete mailing addresses of the immediately adjoining property owners on all sides of the project (attach additional sheets as necessary):

Frank & Angela Dimara Burton's Pond, LLC.
32023 Hollymount Road 18949 Coastal Hwy, Suite 301
Harbeson, DE 19951 Rehoboth Beach, DE 19971

B. For wetlands and marina projects, list the names and complete mailing addresses of property owners within a 1,000 foot radius of the project (attach additional sheets as necessary):

Not Applicable

15. Provide the names of DNREC and/or Army Corps of Engineers representatives whom you have discussed the project with:

A. Have you had a State Jurisdictional Determination performed on the property? Yes No

B. Has the project been reviewed in a monthly Joint Permit Processing Meeting? Yes No

*If yes, what was the date of the meeting? _____

16. Are there existing structures or fill at the project site in subaqueous lands? Yes No

*If yes, provide the permit and/or lease number(s): _____

*If no, were structures and/or fill in place prior to 1969? Yes No

17. Have you applied for or obtained a Federal permit from the Army Corps of Engineers?

No Pending Issued Denied Date: 1/7/2020

Type of Permit: SPGP-20 Federal Permit or ID #: SPGP-20

18. Have you applied for permits from other Sections within DNREC?

No Pending Issued Denied Date: _____ Permit or ID #: _____

Type of permit (circle all that apply): Septic Well NPDES Storm Water

Other: _____

Section 5: Signature Page

19. Agent Authorization:

If you choose to complete this section, all future correspondence to the Department may be signed by the duly authorized agent. In addition, the agent will become the primary point of contact for all correspondence from the Department.

I do not wish to authorize an agent to act on my behalf

I wish to authorize an agent as indicated below

I, Tim Green, Burtons Pond, LLC., hereby designate and authorize Edward M. Launay
 (Name of Applicant) (Name of Agent)
 to act on my behalf in the processing of this application and to furnish any additional information requested by the Department.

Authorized Agent's Name: Edward M. Launay, ERI Telephone #: 302-436-9637
 Mailing Address: P.O. Box 169 / 38173 DuPont Blvd. Fax #: 302-436-9639
Selbyville, Delaware 19975 E-mail: elaunay@ericonsultants.com

20. Agent's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Agent's Signature

Date

21. Applicant's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application. I grant permission to authorized Department representatives to enter upon the premises for inspection purposes during working hours.

Applicant's Signature

Date

Tim Green, Burtons Pond, LLC.
 Print Name

22. Contractor's Signature:

I hereby certify that the information on this form and on the attached plans are true and accurate to the best of my knowledge, and that I am required to inform the Department of any changes or updates to the information provided in this application. I further understand that the Department may request information in addition to that set forth herein if deemed necessary to appropriately consider this application.

Contractor's Name

Date

Print Name

BOAT DOCKING FACILITIES

Any boat docking facility for more than four (4) vessels is considered a marina facility (see definitions and explanations section) and requires the applicant to complete Appendices N and O, and make application to the U. S. Army Corps of Engineers for approval.

Please make sure answers to all of the questions in this appendix correspond with information on the application drawings.

- Briefly describe the project. (Attach additional sheets as necessary.)
 Install a 35 ft. section of pile supported 4 ft. wide pier, 4 ft. x 16 ft. aluminum ramp, 8 ft. x 20 ft. floating dock with 6 ft. x 6 ft. tee fitted with a 4 ft. by 5 ft. Yakport kayak launch extending 65 ft. into Burtons Pond over the applicants private subaqueous lands for a community kayak launch amenity.

2. Please provide numbers and dimensions as follows:

Structure Type	Number of Support Pilings	Dimensions (Channelward of MHW or OHW)		Dimensions (Channelward of MLW- n/a for non-tidal water)		New, repair or maintain
		Width _____ ft.	Length _____ ft.	Width _____ ft.	Length _____ ft.	
DOCK, PIER, LIFT, GANGWAY						
PIER	10	4	35			NEW
METAL RAMP	0	4	16			NEW
FLOATING DOCK WITH 6'X6' TEE	2	8	20			NEW
YAKPORT KAYAK LAUNCH	0	4	5			NEW
Freestanding Pilings	Number 0					

Moorings Buoy: How many moorings will be installed? _____
 What will be used for the anchor(s)? _____
 Anchor/Moorings Block Weight _____
 Anchor Line Scope (Length or Ratio) _____
 Water Depth at Mooring Location _____

- Approximately how wide is the waterway at this project site? 575 ft. (measured from MLW to MLW)
- What will be the mean low water depth at the most channelward end of the mooring facility? 3.1 ft.
- What type of material(s) will be used for construction of the mooring facility (e.g. salt treated wood, aluminum, fiberglass floats, etc.) Use of creosote-treated wood is prohibited.
 salt treated timber & pilings, aluminum ramp, pvc floats for dock and HDPE kayak launch port.
- Circle any of the following items that are proposed over subaqueous lands:
 Fish Cleaning Stations/Benches/Ladders/Water Lines/ Satellite/Electric Lines/ **Handrails**/ Other (Describe)
 handrail on ramp
 If any of the items are circled above, include their dimensions and location on the application drawings.

7. What will be the distance from the most channelward end of the docking facility to the edge of any natural or man-made channel? 160 ft.

8. Describe the vessels that will be berthed at the docking facility. Please draw proposed vessel locations on plans and drawings.

Make/model	<u>kayak</u>	length	<u>+/- 16</u>	width	<u>3.5</u>	draft	<u>0.5</u>
Make/model	<u> </u>	length	<u> </u>	width	<u> </u>	draft	<u> </u>
Make/model	<u> </u>	length	<u> </u>	width	<u> </u>	draft	<u> </u>
Make/model	<u> </u>	length	<u> </u>	width	<u> </u>	draft	<u> </u>

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above. Not Applicable.

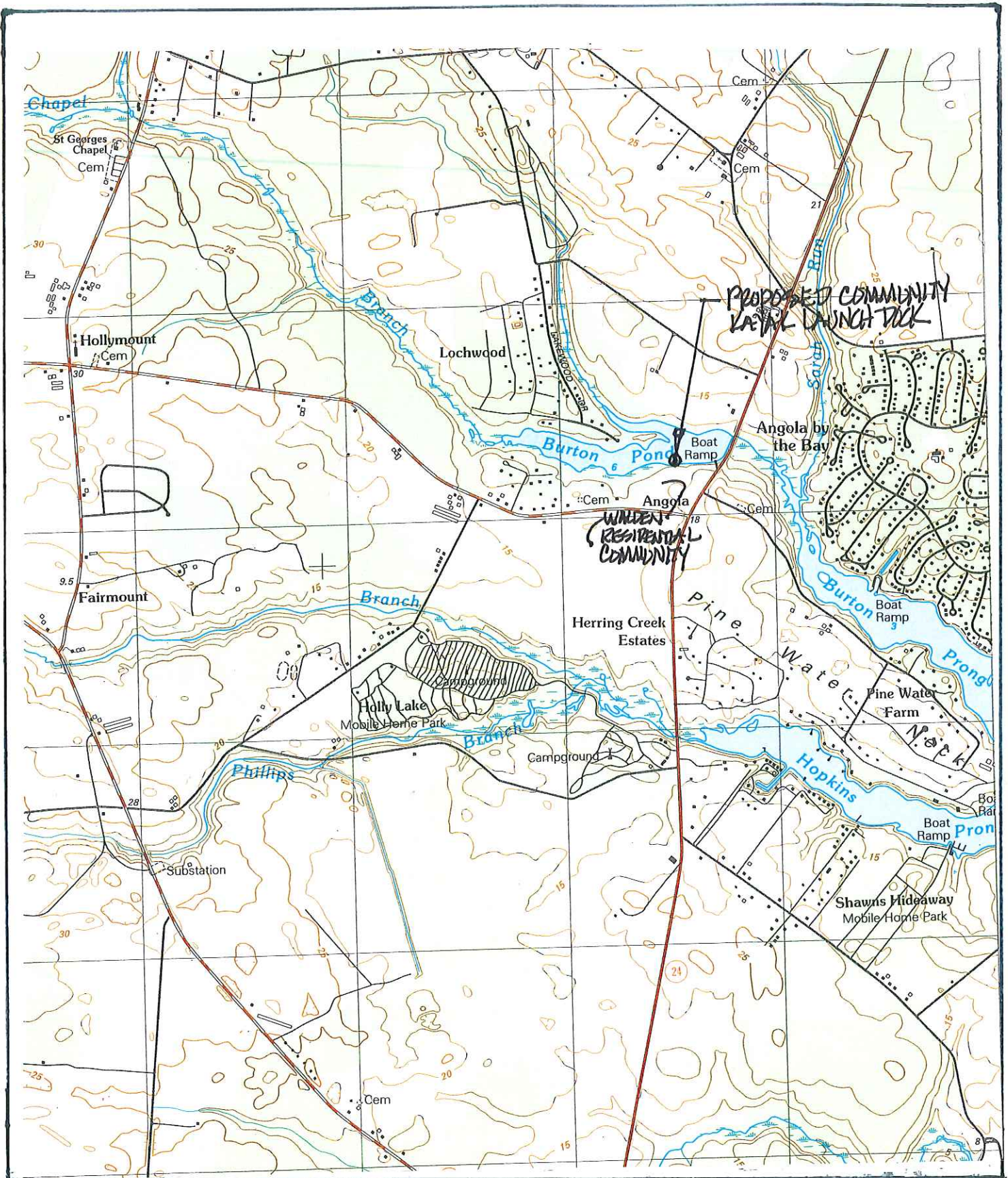
10. Give the number and type of each Marine Sanitation Device (e.g. MSD III, Portable toilet) that will be used on vessels to be docked at the facility. None

11. Is there currently a residence on the property? Yes No

12. Do you plan to reach the boat docking facility from your own upland property? Yes No If "No", explain your proposed means of access and provide documentation of easement or documentation authorizing access if you intend to cross someone else's property.

13. Will any portion of the structure be located in privately owned underwater land (such as a pond or lagoon) owned by someone other than the applicant? Yes No.
If yes, written permission of the underwater land owner must be provided with this application.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? ft.
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?
 Yes No
If yes, a letter of no objection from the adjacent property owner must be included with this application.



SCALE: 1" = 2000 FEET
 FAIRMONT DECADRANGLE

LOCATION MAP
 USGS TOPOGRAPHIC

WALDEN KAYAK LAUNCH DICK
 TAX MAP 234-11.00 - 98.00
 INDIAN RIVER HUNDRED, SUSSEX CO
 DELAWARE

ERI ENVIRONMENTAL
 RESOURCES, INC.

Date: July 11 2023
 Revisions:

Dwn. By: JRW
 Proj. No.: 1081 # 1262

SHEET:

1

BURTON POND (WATER EL. ± 5.47 FT.)

T.M. # 234-11.00-98.00

-2.92
NAVD88



X-2.93

± 5.75'
TO OPPOSITE O.H.W.L.

"KAYPORT" KAYAK LAUNCH

X-3.24

X-2.97

X-2.85

-2.99 X

8' x 20'
FLOATING DECK

X-2.13

X-2.27

RAMP

PILE SUPPORTED
FIXED PIER 4' WIDE
(SEE DETAIL SHEET 3)

X-1.73

X-2.12

At ordinary high water line

UPLANDS

existing
stormwater
outfall

gravel
path

T.M. # 234-11.00-97.02

BOUNDARY OF
EFFECTIVELY
(CORP) REGULATED
WETLANDS

T.M. #
234-11.00-97.00

COMMUNITY
PARKING
LOT

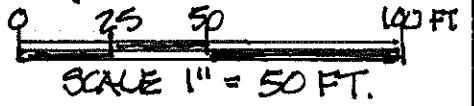
LOT 1
234-11.00-1479

LOT 2
234-11.00-1480

DAGSUNDRY
DRIVE

SITE PLAN

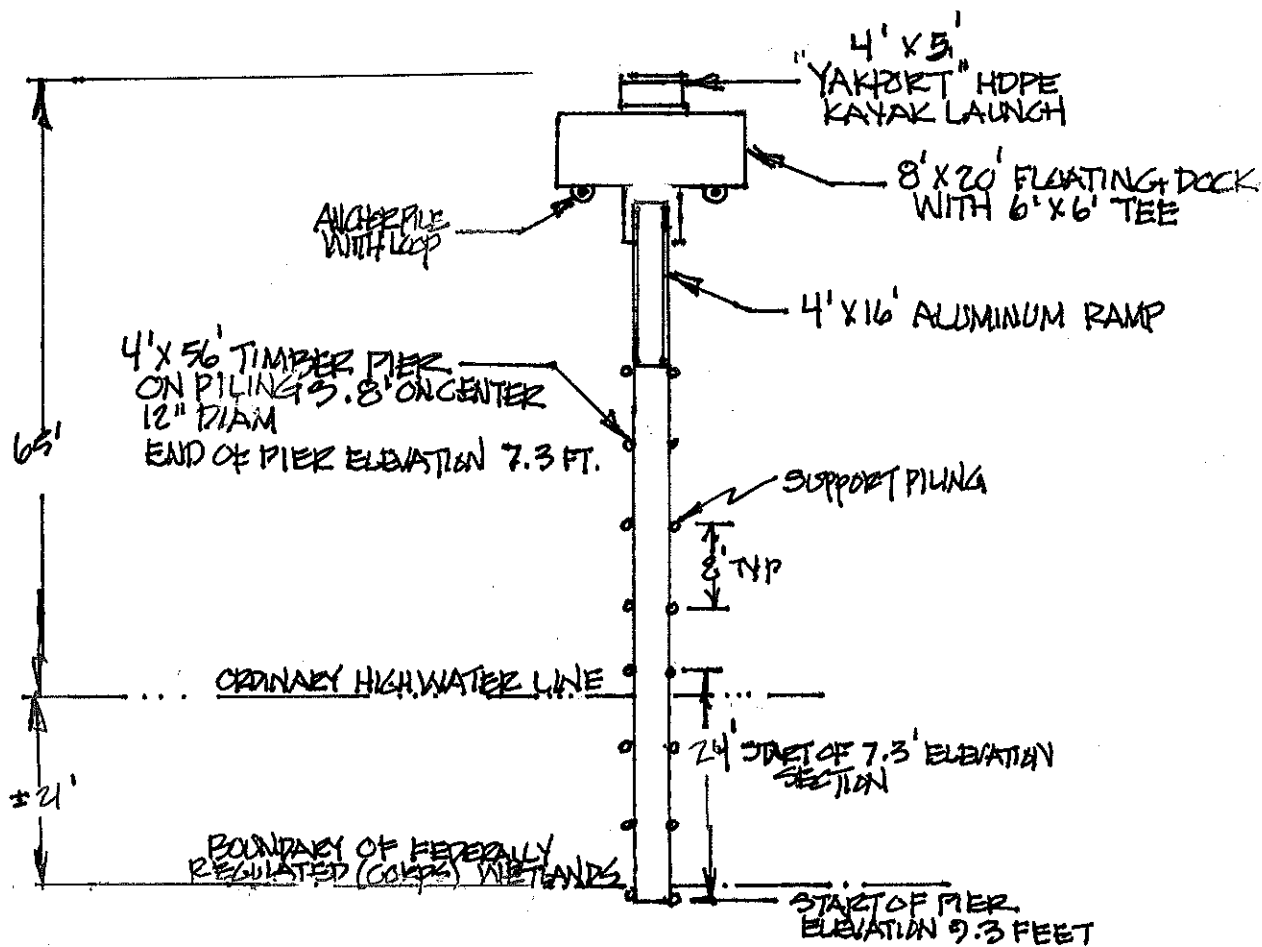
PROPOSED KAYAK LAUNCH DOCK
WALDEN RESIDENTIAL COMMUNITY
TAX MAP PARCEL 234-11.00-98.00
INDIAN RIVER HUNDRED SUSSEX CO., DE
BURTON'S POND LLC.



JULY 11 2023

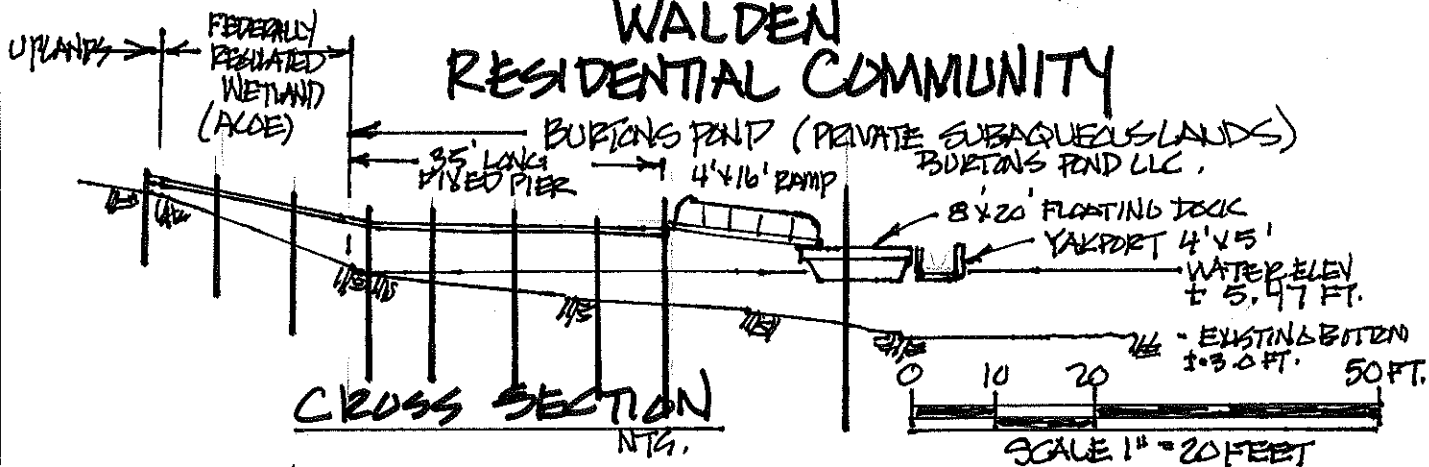
SHEET 2

BURTON POND



EX UPLANDS

WALDEN RESIDENTIAL COMMUNITY



DETAIL

PROPOSED KAYAK LAUNCH DOCK
 WALDEN RESIDENTIAL COMMUNITY
 TAX MAP PARCEL 234-11.00-98.00
 INDIAN RIVER HUNDRED SUSSEX CO. DE
 BURTON POND LLC,

JULY 11, 2023

SHEET 3

TAX MAP #: 2-34 17.00 17.00 & p/o 2-34 17.00 29.00, 2-34 11.00, 2-34 11.00 57.00, 2-34 11.00 97.00 & 2-34 11.00 98.00

PREPARED BY & RETURN TO:

Tunnell & Raysor, P.A.
770 Kings Highway
Lewes, DE 19958
File No. HD22679/KJM

THIS DEED, made this 13th day of March, 2019,

- BETWEEN -

BURTON BRAY PROPERTIES, L.L.C., a Florida limited liability company,
of 16211 Marilea Place, Naples, FL 34110, party of the first part,

- AND -

BURTON'S POND, LLC, a Delaware limited liability company, of 20184
Phillips Street, Rehoboth Beach, DE 19971, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL THOSE CERTAIN tracts, pieces and parcels of land, situate, lying and being in Indian River Hundred, Sussex County, State of Delaware, and being more particularly described as follows, to wit:

Parcel One:

ALL that certain tract, piece or parcel of land, with a dwelling house and other buildings thereon, situated in Indian River Hundred, Sussex County, Delaware, at

Angola, lying on the public road leading from Millsboro to Rehoboth, known as State Highway Road No. 24, bounded by the said State Highway and the road leading to Pinewater Farms, consisting of approximately five and three-quarters (5 3/4) acres of land; being the same land and premises which were devised to the grantor in and by the Last Will and Testament of Clifford E. Burton duly probated and of record in the Office of the Register of Wills for Sussex County, Delaware.

Parcel Two:

ALL that certain lot or lots of land situated in Indian River Hundred, Sussex County, Delaware, and being all the lands, tenements and hereditaments of which Clifford E. Burton, late of Angola, Delaware, died seized and possessed except a parcel of five and three-quarters (5 3/4) acres devised in fee simple to Nora Townsend Burton in and by the Last Will and Testament of Clifford E. Burton, deceased; and including the remainder interest in what is known as the Red House Field devised to the said Nora Townsend Burton for and during the term of her natural life, and including also a tract of land containing twenty-six (26) acres, more or less, also a part of Red House Field, devised to William E. Ricketts, Sr., for and during the term of his natural life: the said tract including all that land lying on the East side of the highway leading from Millsboro to Rehoboth known as State Route No. 24 known as the Mill House Tract or Deep Hole Lot; and all the lands lying on the West side of the road leading from Rehoboth to Millsboro and containing approximately one hundred twenty-five (125) acres, more or less.

EXCEPTING AND RESERVING THEREFROM the following parcel of land that was conveyed onto U.S. Home Corporation, a Delaware Corporation, D/B/A Lennar by a Deed from Burton Bray, Properties, L.L.C., a Florida limited liability company, dated the 13th day of March, 2019 and files for record in the Office of the Recorder's of Deeds, in Deed Book 5031, Page 166

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the easterly side of John J. Williams Highway, State Route 24, and being located in the Indian River Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the westerly line of Tax Parcel 2-34-17.00-662.00 and the realigned southerly right-of-way line of Sloan Road, thence,

1) leaving said realigned Sloan Road and running by and with said Tax Parcel 662.00 and also running by and with Tax Parcels 663.00, 664.00, 665.00, 666.00, 667.00 and 668.00, South 28 degrees 35 minutes 05 seconds West 1,352.70 feet to a point, thence,

2) continuing by and with said Tax Parcel 2-34-17.00-668.00 and also running by and with said Tax Parcel 2-34-17.00-202.00, South 30 degrees 14 minutes 08 seconds West 94.74 feet to a point on the northerly line of Tax Parcel 2-34-17.00-201.00, thence,

- 3) leaving said Tax Parcel 202.00 and running by and with said Tax Parcel 201.00 and also running by and with Tax Parcels 200.00, 199.00, 198.00 and 197.00, North 60 degrees 10 minutes 22 seconds West 528.15 feet to a point on the easterly line of Tax Parcel 2-34-17.00-191.00, thence,
- 4) leaving said Tax Parcel 197.00 and running by and with said Tax Parcel 191.00 and also running by and with Tax Parcels 190.00, 189.00, 188.00 and 187.00, North 28 degrees 34 minutes 48 seconds East 636.93 feet to a point, thence,
- 5) continuing by and with said Tax Parcel 187.00 and also running by and with Tax Parcels 186.00, 185.00 and 184.00, North 59 degrees 19 minutes 47 seconds West 661.00 feet to a point on the easterly right-of-way line of John J. Williams Highway, State Route 24, thence,
- 6) leaving said Tax Parcel 184.00 and running by and with said John J. Williams Highway, with the arc of a curve deflecting to the right having an arc length of 501.23 feet, a radius of 2,804.79 feet and a chord bearing and distance of North 19 degrees 10 minutes 31 seconds East 500.57 feet to a point on the southerly right-of-way line of the aforesaid realigned Sloan Road, thence,
- 7) leaving said John J. Williams Highway and running by and with said realigned Sloan Road, the following six courses and distances, North 62 degrees 19 minutes 35 seconds East 92.19 feet to a point, thence running,
- 8) South 80 degrees 33 minutes 56 seconds East 13.96 feet to a point, thence running,
- 9) by and with the arc of a curve deflecting to the left having an arc length of 306.15 feet, a radius of 1,530.00 feet and a chord bearing and distance of South 86 degrees 17 minutes 52 seconds East 305.64 feet to a point, thence running,
- 10) North 87 degrees 58 minutes 11 seconds East 155.67 feet to a point, thence running,
- 11) by and with the arc of a curve deflecting to the right having an arc length of 829.00 feet, a radius of 770.00 feet and a chord bearing and distance of South 61 degrees 11 minutes 14 seconds East 789.54 feet to a point, thence running,
- 12) South 30 degrees 20 minutes 39 seconds East 9.39 feet to the point and place of beginning; **CONTAINING** 30.686 acres of land, more or less.

This property is 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 this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

Parcel 1:

BEING the same lands conveyed unto Charlotte T. Burton and Leland S. Burton, Jr. by Deed of Nora Townsend Burton, widow, dated September 19, 1958, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 494, Page 500.

Parcel 2:

BEING a portion of the same lands conveyed to Burton Bray Properties, LLC, a Delaware limited liability company from Charlotte T. Burton Bray and Leland S. Burton, Jr., by Corrective Deed dated November 17, 2016, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on December 1, 2016, in Deed Book 4630, Page 155. Whereas, the said Burton Bray Properties, LLC did convert from a Delaware limited liability company to a Florida limited liability company pursuant to a Certificate of Conversion and Articles of Organization filed with the Florida Secretary of State on December 31, 2013.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said Burton Bray Properties, L.L.C., a Delaware limited liability company, has caused its name to be hereunto set under seal by Leland S. Burton, III, Manager of Burton Bray Properties, L.L.C., the day and year first above written.

BURTON BRAY PROPERTIES, L.L.C.

Sharon Longo
Witness
Sharon Longo

By: *Leland S. Burton III* (SEAL)
Leland S. Burton, III, Manager

STATE OF FLORIDA, COUNTY OF *Collier* : to-wit

BE IT REMEMBERED, that on this *13* day of March, A.D. 2019, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Leland S. Burton, III, Manager of Burton Bray Properties, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Manager is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.



Lisa S. Rose
Notary Public
Lisa S. Rose

My Commission Expires: _____