

## Section 1: Applicant Identification

1. Applicant's Name: TODD SMITH Telephone #: 817-991-6846  
 Mailing Address: 3610 LANTERN CT. Fax #: —  
DUNKIRK MD 20754 E-mail: toddsmithterp@gmail.com
2. Consultant's Name: \_\_\_\_\_ Company Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
 \_\_\_\_\_ Fax #: \_\_\_\_\_  
 \_\_\_\_\_ E-mail: \_\_\_\_\_
3. Contractor's Name: JUSTIN WELSH Company Name: JBS BULKHEADING  
 Mailing Address: \_\_\_\_\_ Telephone #: 302-436-2800  
PO BOX 600 Fax #: —  
SELBYVILLE DE 19975 E-mail: jwb@jandjbulkheading.com

## 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):  
REMOVE EXISTING 4' X 10' PIER AND 5' X 17' DOCK AND  
INSTALL NEW 4' X 13' PIER AND 5' X 25' DOCK TO MATCH HEIGHT OF NEIGHBOR'S.
6. Check each Appendix that is enclosed with this application:

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

## Section 3: Project Location

7. Project Site Address: 38377 BAYBERRY LANE County: ☐ N.C. ☐ Kent ☒ Sussex  
SELBYVILLE DE 19975 Site owner name (if different from applicant): \_\_\_\_\_  
 Address of site owner: \_\_\_\_\_
8. Driving Directions: INC.

(Attach a vicinity map identifying road names and the project location)

9. Tax Parcel ID Number: 533-20.13-60.00 Subdivision Name: KEENWIK

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: ASSAWOMAN BAY waterbody is a tributary to: ATLANTIC OCEAN

11. Is the waterbody: ☒ Tidal ☐ Non-tidal Waterbody width at mean low or ordinary high water 1400'

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:

ADKINS LAGOON, 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):

38371 BAYBERRY PATRICIA ANN HALSEY TRUSTEE 38371 BAYBERRY LN, SELBYVILLE DE 19975

38385 BAYBERRY CAROLYN TINA MCBRIDE TRUSTEE 38385 BAYBERRY LN SELBYVILLE DE 19975

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):

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: \_\_\_\_\_

Type of Permit: \_\_\_\_\_

Federal Permit or ID #: \_\_\_\_\_

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, TODD SMITH, hereby designate and authorize J&J BULKHEADING  
(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: JUSTIN WELSH  
Mailing Address: PO BOX 600  
SELBYVILLE DE 19975

Telephone #: 302-436-2800  
Fax #: —  
E-mail: jib@jandjbulkheading.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.

[Signature]  
Agent's Signature

11/22/24  
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

TODD SMITH  
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.

[Signature]  
Contractor's Name

11/22/24  
Date

JUSTIN WELSH  
Print Name

# **Adkins Lagoon L.L.C.**

37232 Lighthouse Road  
Selbyville, DE 19975  
302.436.5904

## **LICENSE AGREEMENT**

MADE this 1<sup>st</sup> day of February 2025 by and between Adkins Lagoon L.L.C., a Delaware corporation, with its registered office at - 37232 Lighthouse Road, Selbyville, Delaware, 19975 ("Licensor") and Todd A. Smith 38377 Bayberry Lane (P/O Lot 33 Subdivision 3) Keen-Wik on the Bay, Selbyville, DE 19975 ("Licensee").

Tax Map # 533-20.13-60.00

### **Section One Grant of License**

Licensor hereby grants to licensee and licensee hereby accepts from licensor a license to occupy, use and maintain subject to the conditions stated herein, all that certain parcel of property situated in Baltimore Hundred, Sussex County, Delaware.

### **Section Two Use of Licensed Land**

The premises shall be used for purposes of the installation and use of a mechanical boatlift and/or the mooring of a boat and all incidental uses thereto. This will include the installation of a bulkhead/riprap, a walkway and a dock. This shall include, Davit lifts, and PWC floating docks.

### **Section Three**

Licensee shall pay to the licensor the sum of \$1,500.00 dollars for

- (1) NEW Dock 25' L x 5' W
- (1) NEW Pier 13' L x 4' W

### **Section Four Term and transferability**

This Agreement is intended to create a non-transferable license in real property binding on and terminable by either party, their heirs, executors, administrators and assigns, and personal to each, and shall not be construed as a grant of any permanent or temporary easement of any nature. Licensee claims no right, title or interest by adverse possession or otherwise in Licensor's property. This license shall be non-transferable by Licensee.

# Adkins Lagoon L.L.C.

37232 Lighthouse Road

Selbyville, DE 19975

302-436-5904

County — Sussex Delaware

Name and property address- Todd A. Smith

38377 Bayberry Lane (P/O Lot 33 Subdivision 3) Keen-Wik on the Bay, Selbyville, DE 19975  
("Licensee").

Tax Map No: 533-20.13-60.00

Applicant has (2) Impacts on the subaqueous lands of Adkins Lagoon L.L.C.

New Dock 25' L x 5' W

New Pier 13' L x 4' W

APPROVED- by Adkins Lagoon L.L.C. -Andrew Adkins and documents attached and signed.

State of: Delaware

County: Sussex

BEFORE ME, the Subscriber, a Notary Public of the State of Delaware personally appeared a principal in the licenses agreement described in the Certificate, who, having first been sworn by me according to law did depose and say as follows:

1. He/She is the primary landowner.
2. That the foregoing information provided in the application for license is true, correct, and complete.

Affiant: Nichelle C. Ewing

Title: Notary

SWORN AND SUBSCRIBED ON 14 day of March, 2025



Nichelle C. Ewing  
Notary

## 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.

1. Briefly describe the project. (Attach additional sheets as necessary.)

REMOVE EXISTING 4' X 16' PIER + 5' X 17' DOCK

INSTALL NEW 4' X 13' PIER + 5' X 25' DOCK

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
Dock, Pier, Lift, gangway		Width _____ ft.	Length _____ ft.	Width _____ ft.	Length _____ ft.	
PIER	8	4'	X 13'			NEW SIZE
DOCK	12	5'	X 25'			NEW SIZE
Freestanding Pilings	Number					

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

3. Approximately how wide is the waterway at this project site? 1400 ft. (measured from MLW to MLW)
4. What will be the mean low water depth at the most channelward end of the mooring facility? 3 ft.
5. 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. SALTTREATED WOOD
6. 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)

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? 50 ft.

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

Make/model	_____	length	_____	width	_____	draft	_____
Make/model	_____	length	_____	width	_____	draft	_____
Make/model	_____	length	_____	width	_____	draft	_____
Make/model	_____	length	_____	width	_____	draft	_____

9. Please provide a copy of the current state registration or Coast Guard Certificate of Documentation for each motorized vessel listed above.

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.

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

12. Do you plan to reach the boat docking facility from your own upland property? X 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? X Yes \_\_\_\_\_ No.

If yes, written permission of the underwater land owner must be provided with this application.

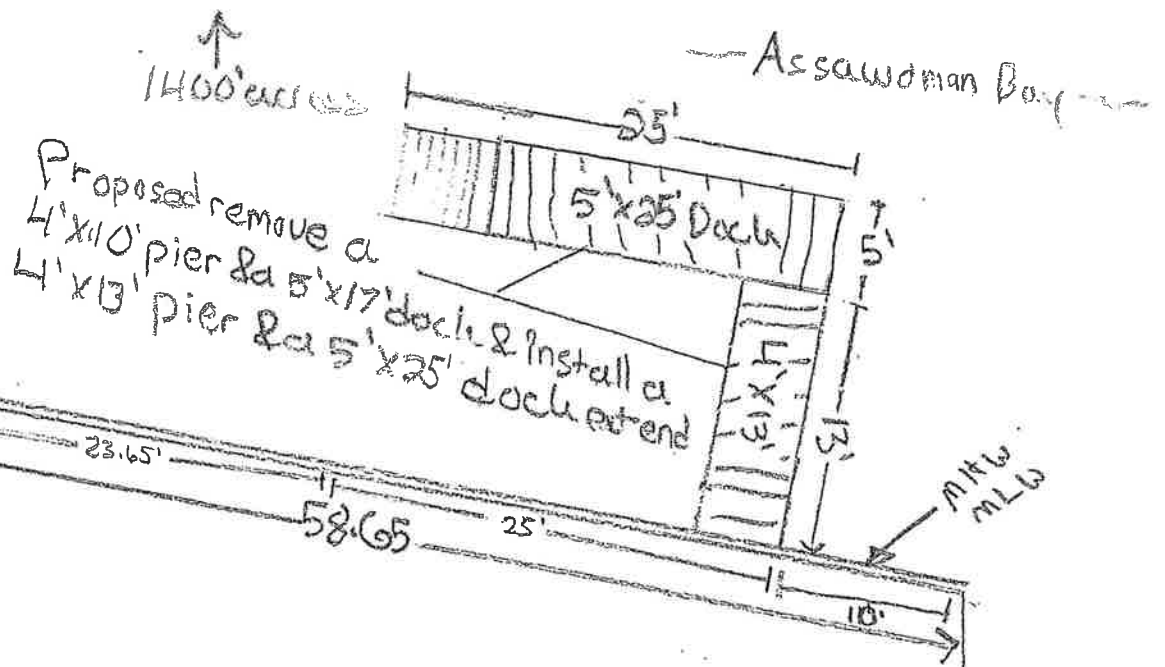
INC.

14. What is the width of the waterfront property frontage adjacent to subaqueous lands? 58.65 ft.

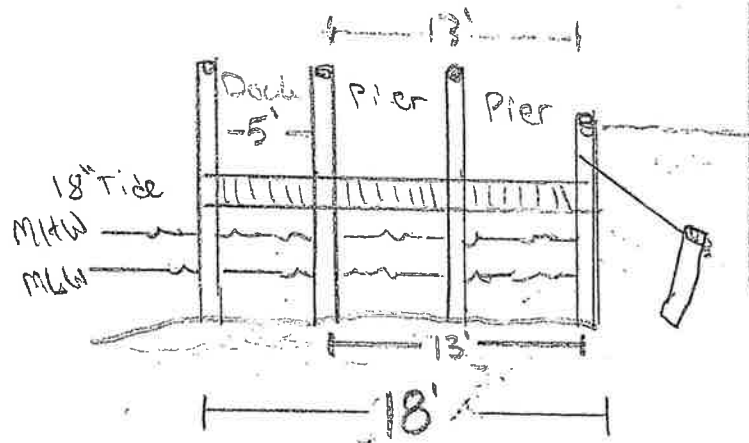
Will any portion of the structure or any vessel be placed within 10 feet of your neighbor's property line?

\_\_\_\_\_ Yes X No

If yes, a letter of no objection from the adjacent property owner must be included with this application.



House



SMITH Job

38377 Bayberry

Lane Selbyville, DE

Scale 1" = 10'

Bayberry Lane





Layers



Search



Basemaps



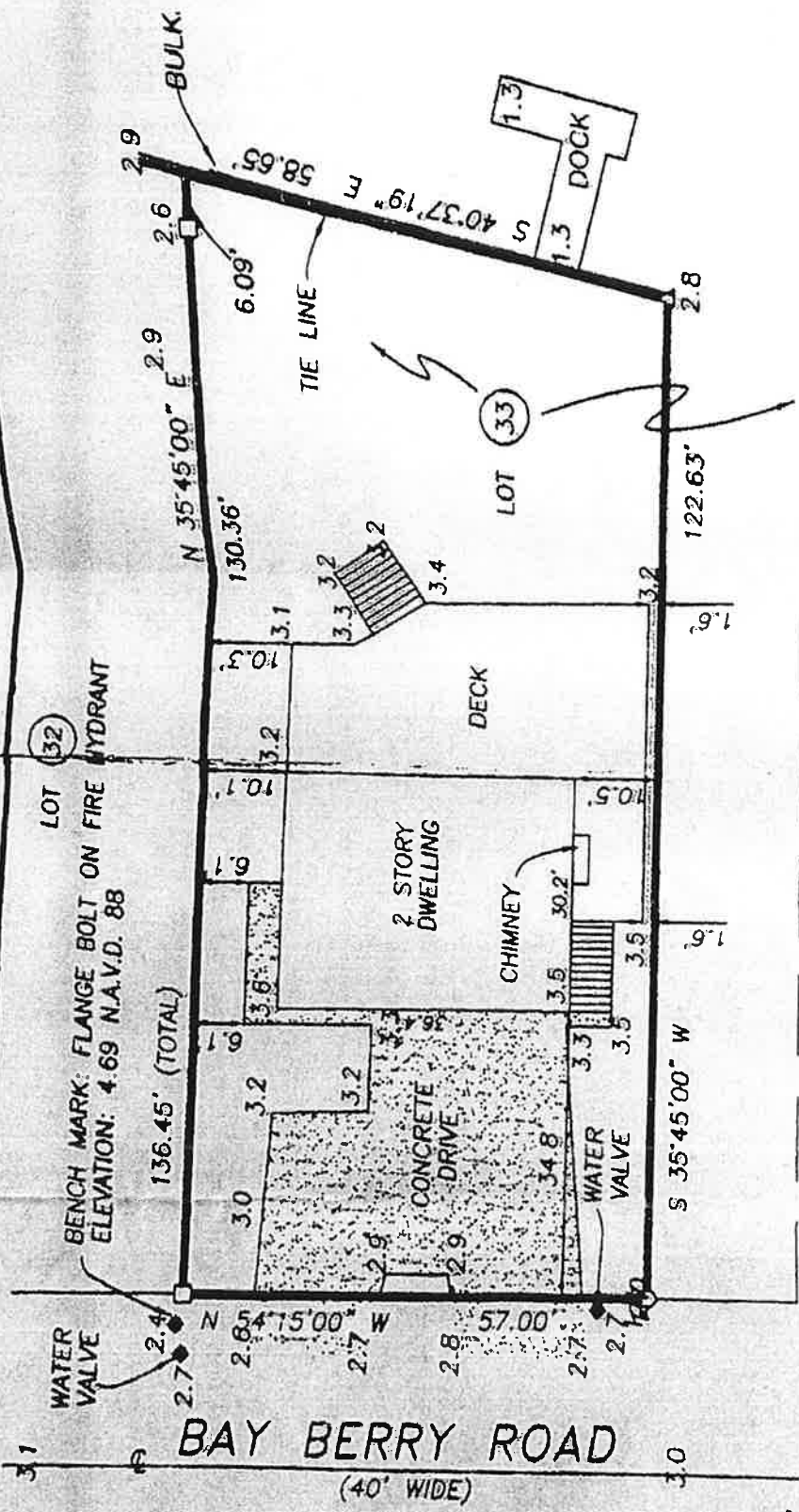
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Show Search Results/Eaglesview

Eaglesview



TAX MAP NO.



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) BY GRAPHIC SCALING AND PLOTTING, THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "AE" ELEVATION 5' AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 10005C0655-J, EFFECTIVE DATE: JANUARY 6, 2005

LOT & LOCATION

PREPARED FOR

LEGEND:

- FOUND IRON PIPE
- △ SET MAG NAIL IN BULKHEAD
- FOUND CONCRETE MONUMENT

Prepared By  
 ADAMS-KEMP ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 AND PLANNERS  
 217 SOUTH RACE STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6669

SPOT ELEVATION CHARLES E. ADAMS, JR. PLS 506 DATE: JULY 6, 2006 REV. JULY 1

JAMES & SHERON

FOR PROPERTY KNOWN AS  
 NORTHWESTERLY 57' OF LOT 33, B  
 SUBDIVISION NO. 3, PLOT BOOK 3  
 SITUATED IN  
 BALTIMORE HUNDRED, SUSSEX COU  
 AREA: 7,384 SQ. FT. ±  
 SCALE: 1" = 20'  
 DATE: JULY 6, 2006 REV. JULY 1

TAX MAP NO. 533-20.13.60.00  
PREPARED BY/RETURN TO:  
Scott and Shuman, P.A.  
33292 Coastal Highway, Suite 3  
Bethany Beach, DE 19930  
File No. 24-20969/CA

### DEED

**THIS DEED** is made as of the 15th day of November, 2024, between, **James Jordan and Sheron Jordan**, of 11206 Lilac Lane, Perry Hall, MD 21128, parties of the first part, and **Todd A. Smith and Mary J. Smith, husband and wife, Tenants by the Entirety**, of 3610 Lantern Court, Dunkirk, MD 20754, parties of the second part.

**WITNESSETH**, that the said parties 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 grant and convey unto the said parties of the second part, their heirs and assigns, in fee simple, the following-described lands, situate, lying and being in **Sussex County**, State of Delaware:

**ALL** that certain lot, piece or parcel of land, with the improvements thereon erected, lying and being in Baltimore Hundred, Sussex County, and State of Delaware and being known and designated as **Lot Number Thirty-Three (33), Block H**, as shown on a plot of lots known as Keen Wik Subdivision No. 3, in Baltimore Hundred, Sussex County, Delaware, as surveyed by George B. Cropper, said plot being of record in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, in Plot Book 3, Page 19, and being more particularly described as follow to wit:

**BEGINNING** at a concrete monument located on the northeasterly right of way line of Bay Berry Road, said monument being a corner for this lot and Lot 32; thence along Lot 32 North 35°45' East 130.34', more or less (record plat shows 130' +/-) to a concrete monument; thence continuing a distance of 6.06' to a wooden bulkhead along Assawoman Bay; thence by and with said bulkhead South 40°53' East 58.6' to a point; thence turning and running South 35°45' West 1.9' to an iron pipe; thence continuing a distance of 121.00' to an iron pipe located along the Northeasterly right of way line of Bay Berry Road; thence along the Northeasterly right of way line of Bay Berry Road; thence along Bay Berry Road North 54°15' West 57.00' to a concrete monument the point and place of beginning. Be the contents thereof what thy may, together with all improvements thereon, as survey by Charles L. Coffman, II, Registered Surveyors dated February 15, 1999.

**BEING** the same property conveyed unto James Jordan and Sheron Jordan by Deed dated March 8, 1999, from Thomas Okinsky and Susan D. Okinsky, as filed for record in the Office of the Recorder of Deed, in and for Sussex County, at Georgetown, Delaware in Deed Book 2368, Page 120.


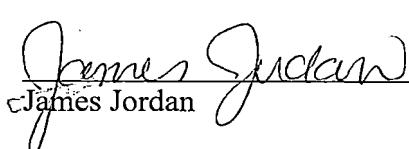

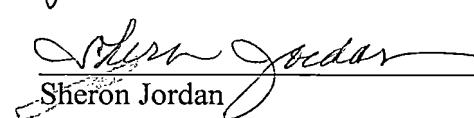
**THIS CONVEYANCE IS FURTHER SUBJECT TO** any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware.

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.*

*SIGNATURE PAGE FOLLOWS.*

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their Hands and Seals the 15th day of November, 2024.

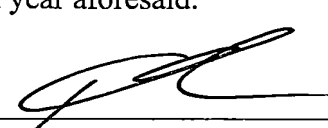
WITNESS:

	 (SEAL)
	 (SEAL)

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 15th day of November, 2024, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, James Jordan and Sheron Jordan, parties to this Deed, known to me personally to be such, and acknowledged this Deed to be their act and deed.

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

  
Notary Public

[Notary Seal]

My commission expires: N/A

**DANIEL T. CONWAY**  
Delaware Attorney at Law with  
Power to Act as Notary Public  
29 Del.C. § 4323(a)(3)  
Notarial Officer