



November 13, 2024

ERI # 0004-0530

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 Land Lease Renewal SL-063/03  
Tax Map Parcel 134-12.00-280.01  
Town of Millville  
Baltimore Hundred, Sussex County, Delaware  
Leasee: Creekside Condominium Owners Association, Inc.**

Dear Mr. Jones,

Environmental Resource Insights (ERI) is writing to you on behalf of the applicant, Creekside Condominium Owners Association, Inc. (Creekside COA, TMP 134-12.00-280.01) in order to request renewal of the current Subaqueous Land Lease SL-063/03 for a community docking facility on the southerly bank of Whites Creek associated with the Creekside Residential Community. An application for lease renewal is enclosed.

I have reviewed the December 30<sup>th</sup>, 2003, lease document. I was in fact the agent for Caldera Properties – Baltimore II, LLC who was the developer/permittee who constructed the project prior to turning over the facility to the Creekside COA.

I recently visited the project site and took measurements of the existing facility and while I found the structure to be well within the parameters described in the lease document (not exceeding the lease area), in my opinion, the lease wording should be modified as noted below to more accurately describe the structure. In several instances, the lease did not describe the structure as dimensioned on the approved project plans and the lease describes the structure in its entirety, including areas overtop wetlands landward of the mean low water line. I continue to follow that approach.

In addition, the developer reduced the length of the dock that was actually constructed. Revised permit drawings are enclosed.

An improved and accurate description of the structure and ownership is as follows:  
“Subaqueous Lands Lease granted to the Creekside Condominium Association, Inc. to construct a 16 foot wide by 48 foot long concrete boat ramp enclosed with two vinyl sheet pile wing walls supporting two five foot wide by 48 foot long access piers, a five foot wide by 86 foot long dock,

and five foot wide by 30 foot long access pier opposite the boat ramp parking area in Whites Creek at the Creekside Residential Community east of Old Mill Road, Millville, Sussex County, Delaware."

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

Sincerely,

ENVIRONMENTAL RESOURCE INSIGHTS

Edward M. Launay

Cc: Jennifer Swieczkowski, COA President



## Lease Renewal Application

for Structures/Fill in Public Subaqueous Lands



In order to ensure that your lease renewal application is processed in a timely manner, please be sure to provide complete, accurate, and current information for each of the questions below. Incomplete applications may be returned for additional information which will delay the renewal process. This application will be placed on public notice with a 20 day public comment period following publication. Remember that a valid lease is required to continue to maintain your structures/fill on public land. If you need assistance or have any questions about this application or the renewal process, please don't hesitate to contact the Wetlands and Subaqueous Lands Section at 302/739-9943.

### 1. Applicant Information (mailing address and contact information)

Name: Creekside Condominium Owners Association, Inc. Attn: Jennifer Swieczkowski	Telephone: 302-645-2222 Seascape Property Management Attn: Tyler Nichols
Address: PO BOX 1399	
City/Zip: Ocean View, Delaware 19970	Email: <a href="mailto:jennifer.a.rogers@adp.com">jennifer.a.rogers@adp.com</a>

### 2. Existing Authorized Structures/Fill

Please fill in the dimensions for all of your leased structures/fill (i.e. docks, piers, boatlifts, boat ramps, etc.). The dimensions identified below should describe the structures/fill as they exist today. If the list below does not include your authorized structure, please identify the structure(s) in the blank space provided or on a separate page.

Object	Length	Width	Linear Object	Linear Feet	Diameter
Boat Ramp	48	16	Wingwall	48	NA
Ramp Pier	48	5	Wingwall	48	NA
Ramp Pier	48	5			
Dock Access Pier	30	5			
Dock	86	5			
Freestanding Piles	Quantity:		Boat/PWC Lifts	Quantity:	

3. Please provide the distance between the point on your structure which is the farthest channelward and the nearest navigation channel, whether the channel is marked or not:  
+/- 12 feet.

4. Project Location/Address (so that we can find the property)

Street Address Tax Parcel: 134-12.00-280.01 (Next to 37 Pier Point Dr)	
<i>(Please do not use a PO Box or Lot # unless that number is visible somewhere on the property.)</i>	
City/Zip: Millville, DE 19967	Subdivision: Creekside Condominium
Waterbody: White Creek	

5. Please provide directions from the nearest State or county roads (for example, 1.3 miles north of State Route 99 on county road 999). List a permanent landmark if one is nearby.

From the intersection of Atlantic Ave (Route 26) and Old Mill Rd, travel approximately 0.07 miles east and turn left onto Doc's Place Extension and travel north for about 0.22 miles to the existing docking facility.

6. Please list the name and complete mailing address of the adjacent property owners contiguous to your parcel on all sides (attach extra sheets if necessary).

Name: *SEE ATTACHED SHEET*	Name
Street Address:	Street Address
City/Zip:	City/Zip

7. Please describe the purpose/use of the structure. If it is a dock and/or pier, identify the number of vessels typically berthed there.

Community docking facility

8. Please fill in your County Tax Parcel Number. If you do not know the number contact your County's Recorder of Deeds at the phone numbers provided or find the information online from your counties website. See the example, below.

Example based on the fictitious tax parcel identification number “1-51-37-26.1” from Sussex County:

1	-	5	1	-	3	7	.	0	0	-	0	0	2	6	.	0	1	-	0	0	0	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

←---district---→ ←-----map-----→ ←-----parcel-----→ ←-----unit-----→

**New Castle County:** (302) 395-7700

<http://www.nccde.org/parcelview/>

**Kent County:** (302) 744-2300

<http://400.co.kent.de.us/PropInfo/PIMap.HTM>

**Sussex County:** (302) 855-7600

<http://www.sussexcountyde.gov/e-service/propertytaxes/>

1	-	3	4	-	1	2	.	0	0	-	0	2	8	0	.	0	1	-				
←---district---→				←-----map-----→				←-----parcel-----→				←-----unit-----→										
<i>required</i>				<i>required</i>				<i>required</i>				<i>if relevant</i>										

### 9. Applicant Signature and Certification

I hereby certify that the information on this form and the attached plans are true and accurate to the best of my knowledge. I understand that DNREC may request additional information as necessary to consider this application. I grant permission for the authorized DNREC representative(s) to enter upon the premises for the purpose of inspecting the leased structures during working hours. I will abide by all conditions of the reauthorized lease.

Jennifer Swieszkowski  
Applicant Signature

12/2/2024

Date

Jennifer Swieczkowski - COA President

Creekside Condominium Owners Association, Inc.

Applicant Name (Printed or Typed)

**Co-Applicant Signature**

Date

Co-Applicant Name (Printed or Typed)

## 10. Agent Authorization

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

I, Creekside Condominium  
Owners Association, Inc., hereby designate and authorize Edward M. Launay, ERI  
Applicant Name of Agent

to act on my behalf in the processing of the application and to furnish any information that is requested.

Jennifer Swiszczkowski

12/2/2024

Applicant Signature

Date

Agent Signature

Date

12/2/2024

## **FINAL CHECKLIST**

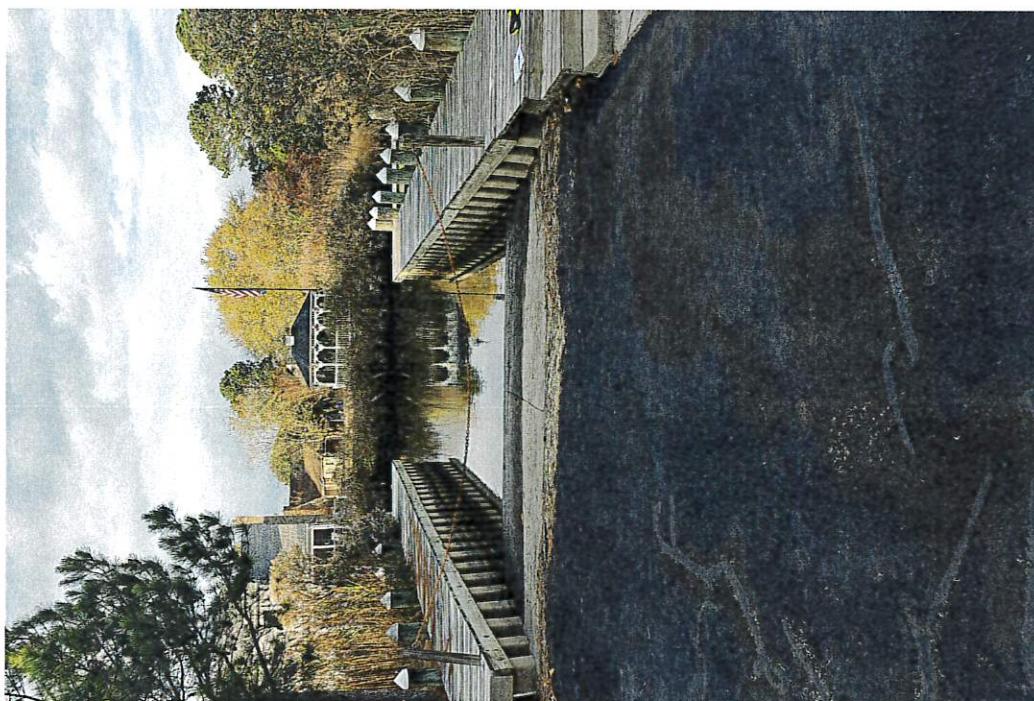
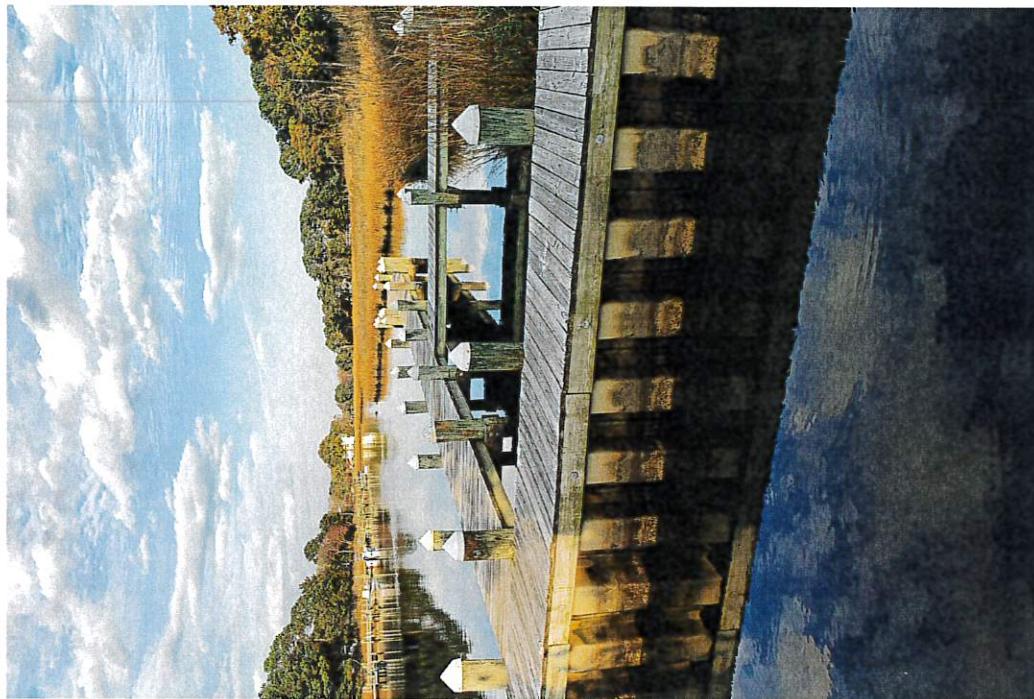
Please include 2 copies of the following items to complete your application:

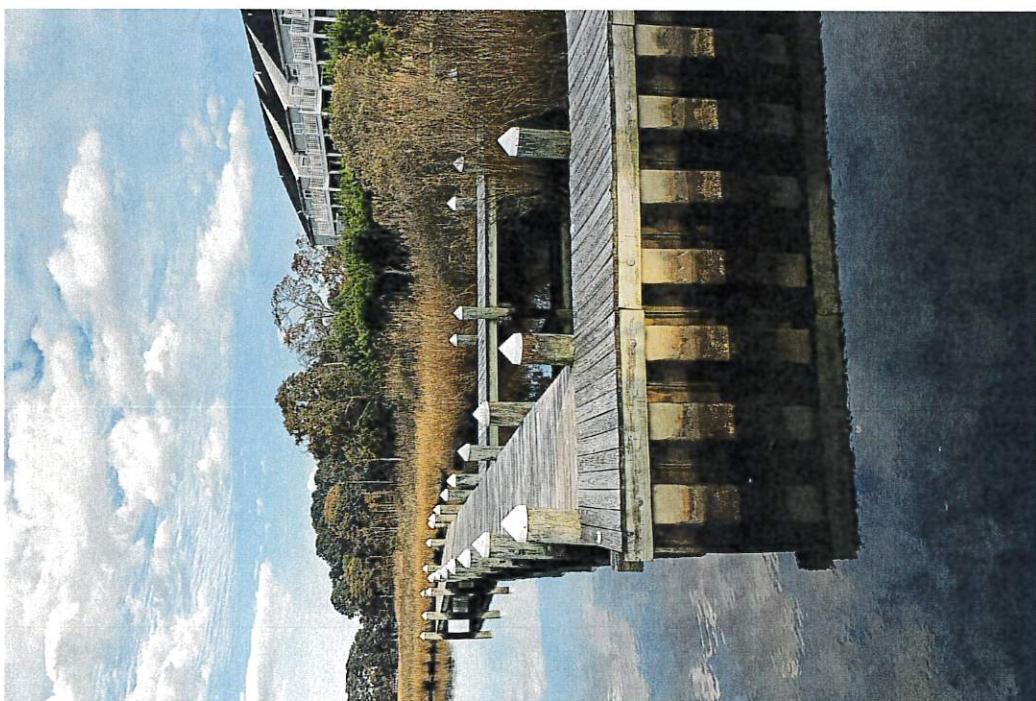
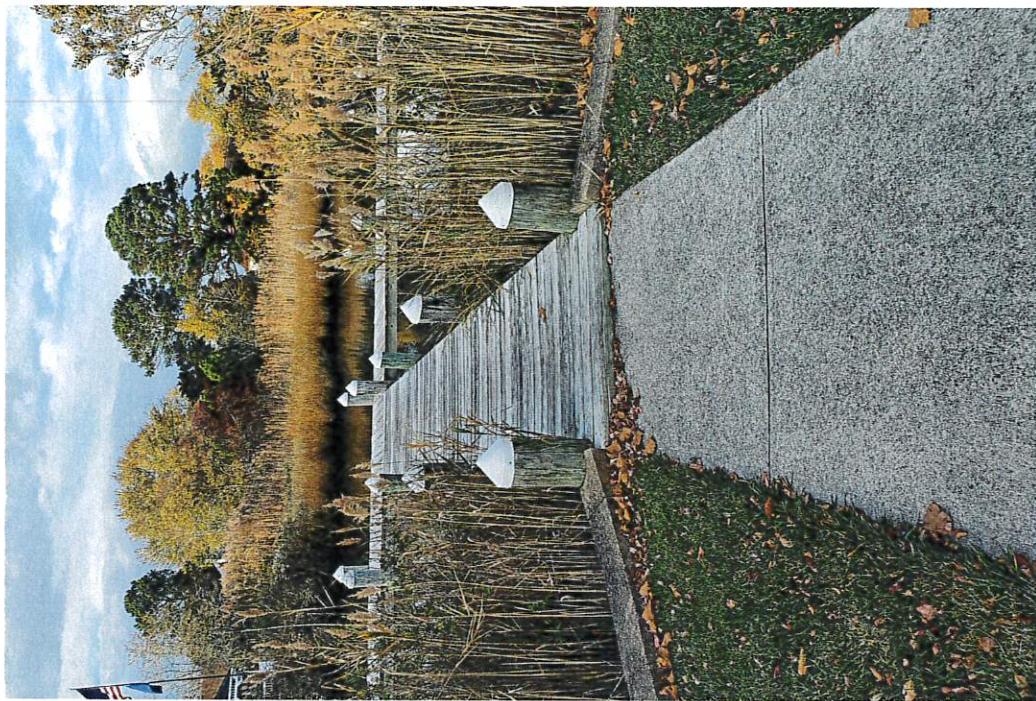
1. A copy of your property deed and property survey showing all legal boundaries that abut the leased structure(s)/fill.
2. A scaled drawing of the existing structure(s)/fill location. Include the current configuration with all dimensions, piling, and other significant features. Indicate the approximate location of the mean high tide line and the mean low tide line on your drawing.
3. All pages of this renewal form, after completing and signing (be sure to include the original form with original signatures and a copy).
4. The application fee of \$225.00. Checks should be made payable to the State of Delaware.

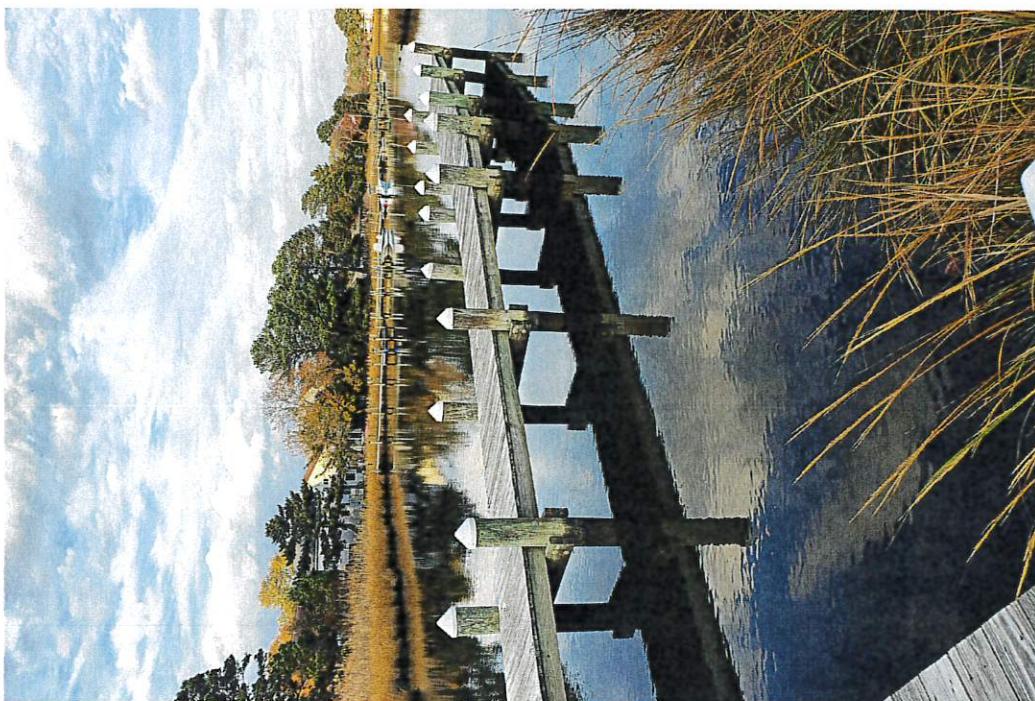
Return this application with the above information and fee to the following address:

**DNREC  
Wetlands and Subaqueous Lands Section  
89 Kings Highway  
Dover, Delaware 19901**

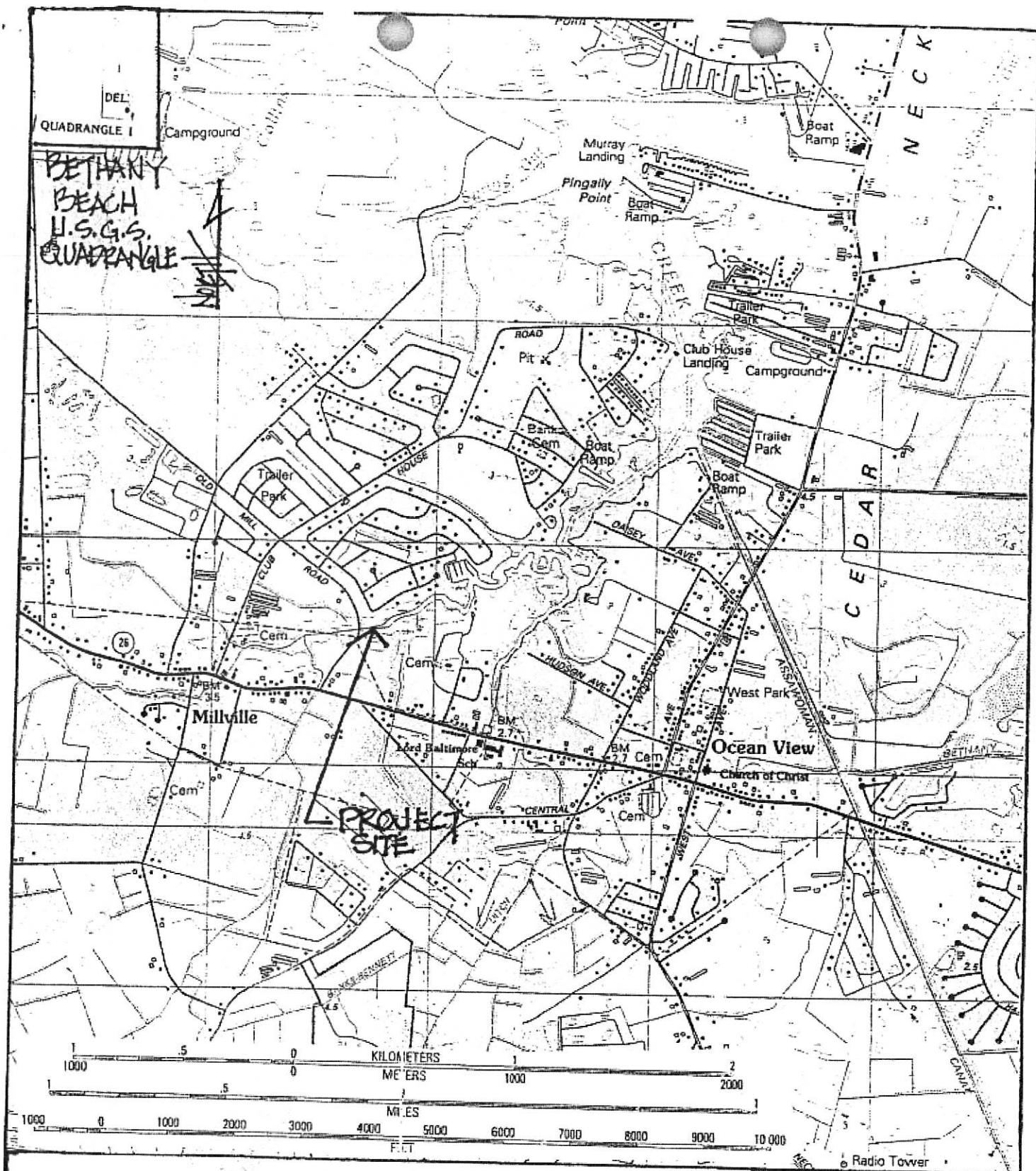
First Owner	Second Owner	Address Line 1	Address Line 2	Town	State	Zipcode
Creekside Condominium Owners	-	PO Box 309	32904 Coastal Hwy Unit 2	Bethany Beach	DE	19930
Didier M Perdu	-	105 Meadow Green Dr	-	Piedmont	SC	29673
Charles C Carr II	Anne Marie Brown	23 Indian Hill Ln	-	Ocean View	DE	19970
Frederick Vaeth	Grace R Vaeth	21 Indian Hill Ln	-	Millsville	DE	19970
Robert E Mitten JR *For life* then to	Stephen J Mitten	19 Indian Hill Ln	-	Ocean View	DE	19970
Randy E Sauble	Michelle G Sauble	17723 Daisy Dr	-	Hagerstown	MD	21740
Roger D Hanna TTEE REV TR	-	15 Indian Hill Ln	-	Ocean View	DE	19970
Donald Cervellini SR	Eileen Cervellini	13 Indian Hill Ln	-	Ocean View	DE	19970
Paul V Stafford Jr	Ann Marie Stafford	9 Indian Hill Ln	-	Ocean View	DE	19970
Joseph Charles Tyser Sr	Antoinette Anastasi Tyser	5 Indian Hill Ln	-	Ocean View	DE	19970
Robert G Argonish	Nada J	2 Flint Ct	-	Ocean View	DE	19970
Lynn A Dunnick TTEE REV TR	-	PO Box 383	-	Ocean View	DE	19970
Wendy L Murray	-	3 Flint Ct	-	Ocean View	DE	19970
Ruth E Davis Revocable Trust	-	PO Box 53	-	Ocean View	DE	19970
E. Gray Investments LLC	-	11010 Sunnyside Rd	-	Bridgeville	DE	19933
Marie Kenna Properties LLC	-	8 Caroline St	-	Ocean View	DE	19970
Creekside Plaza LLC	-	31331 Terry Cir	-	Bethany Beach	DE	19930
Beebe Medical Center Inc	-	431 Savannah Rd Bldg C	-	Lewes	DE	19958
Food Lion Inc	%Property Tax Dept #1321	PO Box 1330	-	Salisbury	NC	28145











# PROJECT LOCATION

## CREEKSIDE COMMUNITY BOAT RAMP

CREEKSIDE RESIDENTIAL COMMUNITY

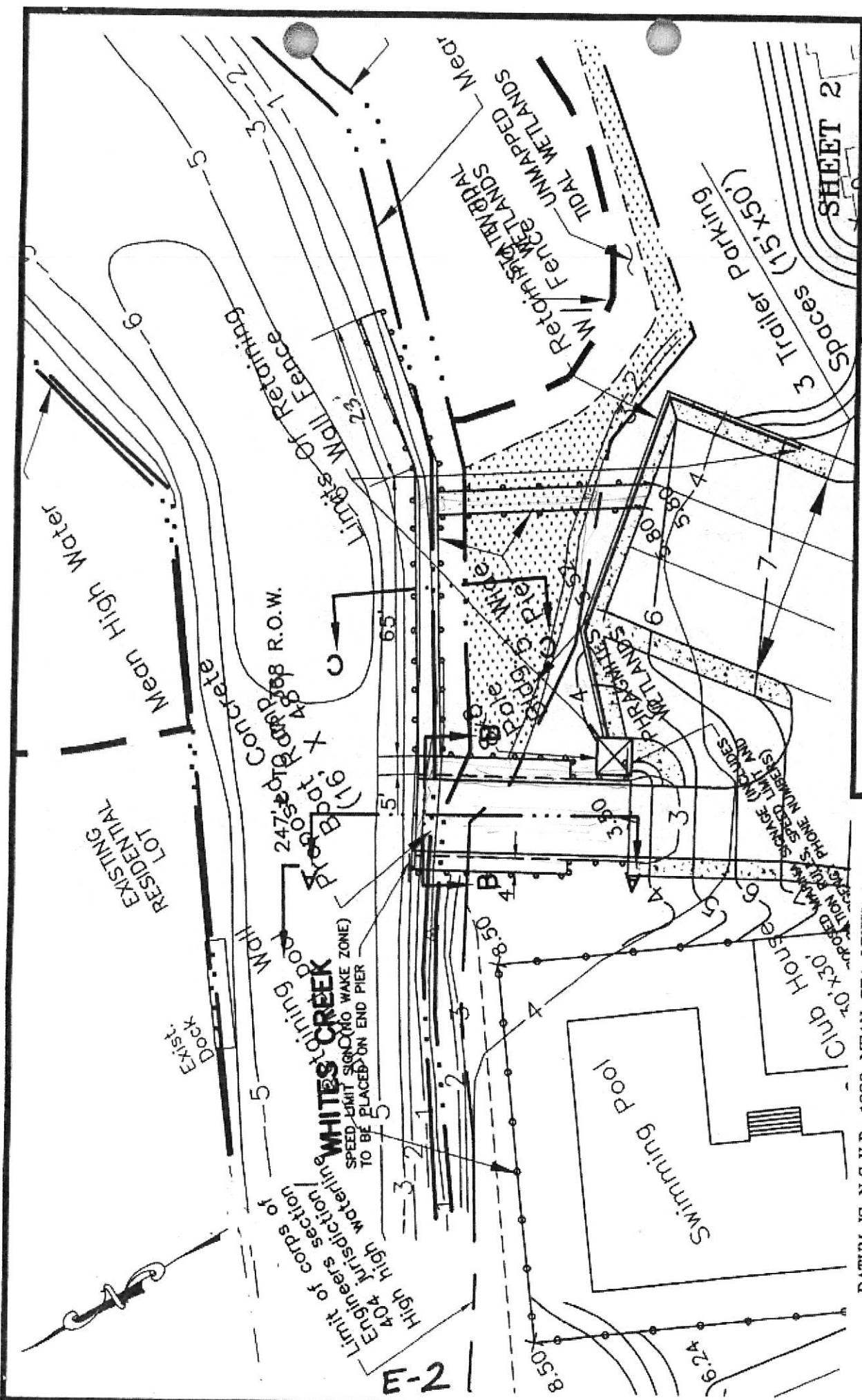
## CREEKSIDE RESIDENTIAL COMMUNITY

PARCELS 2228, 2229, 2230, 2254 & 2801 TAX MAP 1-34-12  
BALTIMORE HUNDRED, TOWN OF MILLVILLE, SUSSEX CO. DE.

APPLICANT : CALDERA PROPERTIES L. P.

DATE 2/27/03

E-1 REVISED 12-22-2024 SHEET 1 OF 9



**CREKSIDE  
DOCK PERMIT DETAILS**

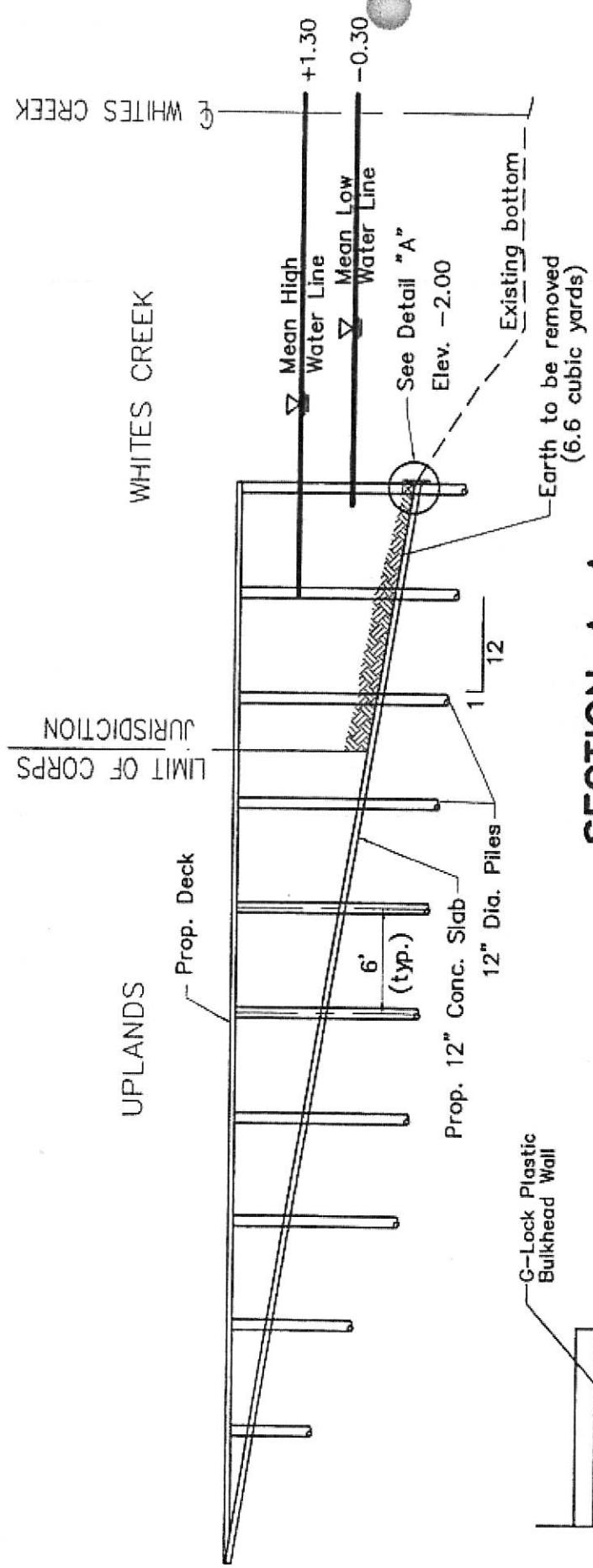
U. S. N. G. R. D. 1828 ALASKA SEA LEVEL  
GRAPHIC SCALE

Category	Value
1	15
2	30
3	60
4	120

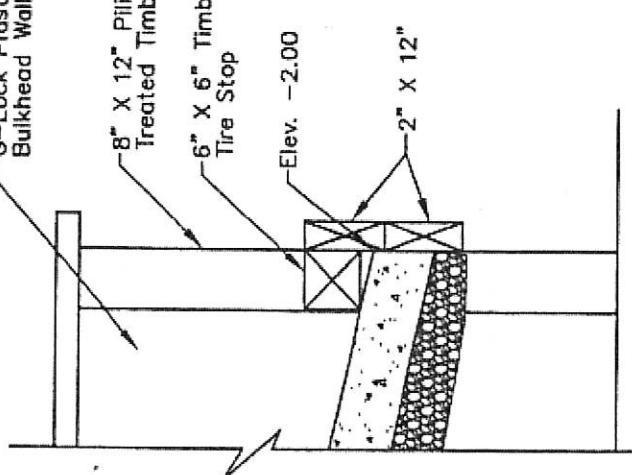
1 inch = 30 ft.

( IN FEET )

DRAWN BY ECI DATE 2/27/03  
REV. DATE 6/03/03  
P:\VPro\1\02-050\000\02-05000000.DWG



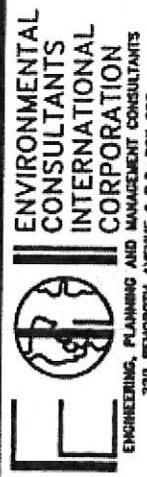
E-3



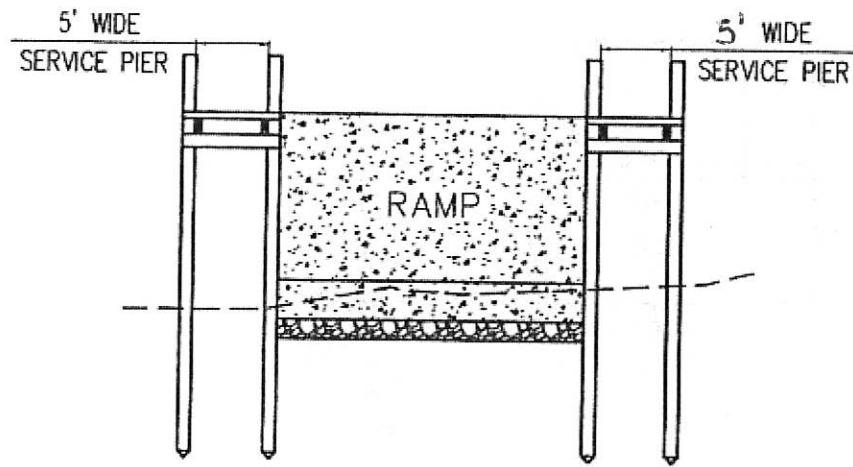
DETAIL A  
N.T.S.

SHEET 3

CREEKSIDE  
DOCK PERMIT DETAILS



ENVIRONMENTAL  
CONSULTANTS  
INTERNATIONAL  
CORPORATION  
ENGINEERING, PLANNING AND MANAGEMENT CONSULTANTS  
2210 REHOBOTH AVENUE • P.O. BOX 820  
REHOBOTH BEACH, DELAWARE 19971  
(302) 226-2844 • FAX (302) 226-2838  
DRAWN BY ECI DATE 2/27/03  
P:\Proj\02-050\02-050DOCK-DETAILS.dwg



## **SECTION B-B**

SCALE: 1"=10' Horizontal  
1"=5' Vertical

**SHEET 6**

**CREEKSIDER  
DOCK PERMIT DETAILS**

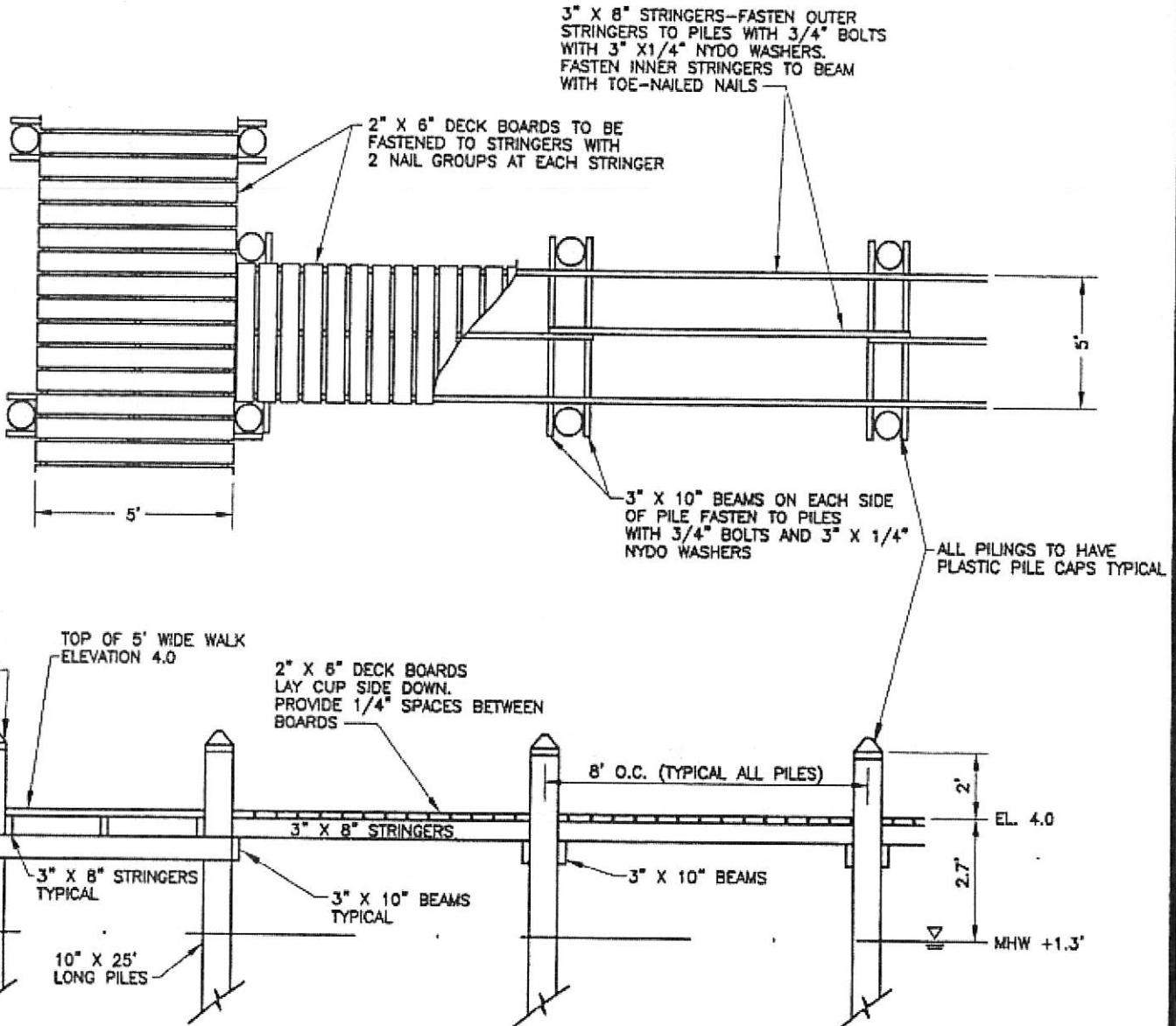
**E-4**



**ENVIRONMENTAL  
CONSULTANTS  
INTERNATIONAL  
CORPORATION**  
ENGINEERING, PLANNING AND MANAGEMENT CONSULTANTS  
220 REHOBOTH AVENUE • P.O. BOX 820  
REHOBOTH BEACH, DELAWARE 19971  
(302) 226-2844 • FAX (302) 226-2839

DRAWN BY ECI DATE 2/27/03

P:\Proj\02-050\02-050DOCK\_DETAILS.dwg



NOTES:  
 1. ALL HARDWARE TO BE NEW HOT DIPPED GALVANIZED MARINE GRADE.  
 2. ALL PILES AND LUMBER ARE PRESSURE TREATED WITH CCA

## TYPICAL DOCK PLAN AND ELEVATION CONSTRUCTION DETAIL

N.T.S.

SHEET 7

CREEKSIDER  
DOCK PERMIT DETAILS

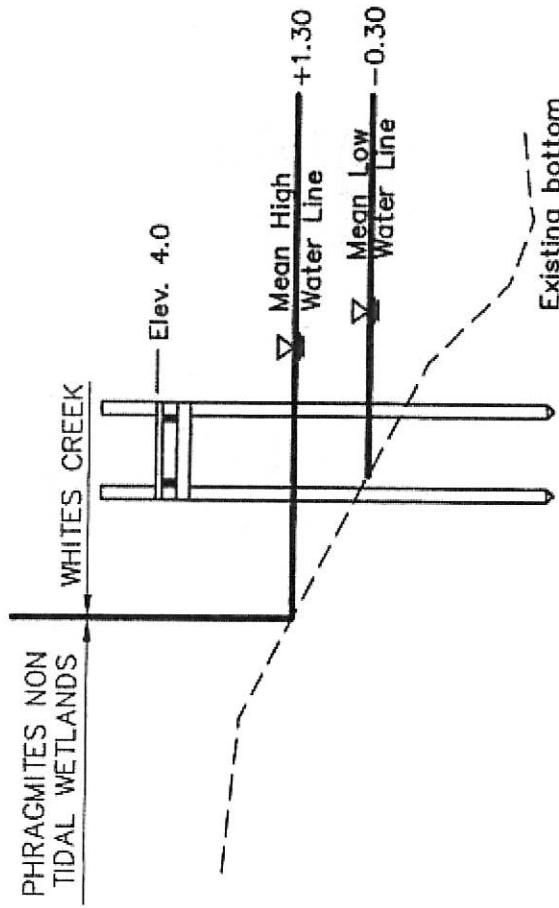
E-5



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CONSULTANTS  
INTERNATIONAL  
CORPORATION  
ENGINEERING, PLANNING AND MANAGEMENT CONSULTANTS  
220 REHOBOTH AVENUE • P.O. BOX 820  
REHOBOTH BEACH, DELAWARE 19971  
(302) 226-2844 • FAX (302) 226-2938

DRAWN BY ECI DATE 2/27/03

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### SECTION C-C

1"=10' Horizontal  
1"=5' Vertical

SHEET 8

### CREEKSIDE DOCK PERMIT DETAILS



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CONSULTANTS  
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CORPORATION

ENGINEERING, PLANNING AND MANAGEMENT CONSULTANTS  
220 REHOBOTH AVENUE • P.O. BOX 820  
REHOBOTH BEACH, DELAWARE 19971  
(302) 226-2844 • FAX (302) 226-2839

DRAWN BY ECI DATE 2/27/03  
F:\Proj\02-050\02-050DOCK\_DETAILS.dwg

TAX MAP AND PARCEL #:  
p/o 1-34 12.00 280.01;  
1-34 12.00 280.04 and 280.05  
PREPARED BY & RETURN TO:  
Steen, Waehler & Schrider-Fox, LLC  
P.O. Box 1398  
Ocean View, DE 19970  
MRSF:ljg

NO TITLE SEARCH PERFORMED,  
NONE REQUESTED,  
DEED PREPARATION ONLY

THIS QUITCLAIM DEED, made this 12<sup>th</sup> day of OCTOBER, 2009,

- BETWEEN -

CALDERA PROPERTIES – BALTIMORE II, LLC, a limited liability company of the State of Delaware, of 4590 Highway One, PMB 121, Rehoboth Beach, DE 19971, party of the first part,

- AND -

CREEKSIDE CONDOMINIUM OWNERS ASSOCIATION, INC., a Delaware corporation, governing organization of the Creekside Condominium community and trustee for all unit owners therein, c/o Wilgus Associates, Inc., 32904 Coastal Highway, Unit 2, P.O. Box 309, Bethany Beach, DE 19930, party of the second part.

WHEREAS, Caldera Properties – Baltimore II, LLC, a limited liability company of the State of Delaware, submitted the real property identified as Sussex County Tax Map & Parcel No. 1-34 12.00 280.01 to the Unit Property Act of the State of Delaware, as amended, Title 25, Delaware Code, Section 2201, et seq., by recording a Declaration Establishing a Plan for Condominium Ownership dated April 26, 2005, in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, in Deed Book 3134 at page 294, et seq., as amended; and a Code of Regulations dated April 26, 2005, recorded in the Office aforesaid in Deed Book 3135 at page 001, et seq.; and

WHEREAS, all units and their attendant percentage ownership of common elements were conveyed out by Caldera Properties – Baltimore II, LLC, to individual unit owners; and

WHEREAS, Caldera Properties – Baltimore II, LLC, retained no residual interest in the real property identified as Sussex County Tax Map & Parcel No. 1-34 12.00 280.01; and

WHEREAS, the Sussex County assessment office still reflects Caldera Properties – Baltimore II, LLC, as having some unidentified residual interest in and to the real property identified as Sussex County Tax Map & Parcel No. 1-34 12.00 280.01; and

**WHEREAS**, Caldera Properties – Baltimore II, LLC, desires to relinquish all unidentified residual interest that it may still have in the real property identified as Sussex County Tax Map & Parcel No. 1-34 12.00 280.01 to the Creekside Condominium Owners Association, Inc., as the governing organization of the Creekside Condominium community and trustee for all units owners therein; and

**WHEREAS**, Caldera Properties – Baltimore II, LLC, is also the owner of certain common wetlands areas in the Creekside Condominium community identified as Sussex County Tax Map & Parcel Nos. 1-34 12.00 280.04 and 280.05; and

**WHEREAS**, Caldera Properties – Baltimore II, LLC, having completed its development of the Creekside Condominium community, desires to convey any and all common wetlands areas in the Creekside Condominium community to the Creekside Condominium Owners Association, Inc., as the governing organization of the Creekside Condominium community and trustee for all unit owners therein;

**NOW THEREFORE**,

**WITNESSETH**, That the said party of the first part, Caldera Properties – Baltimore II, LLC, 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, does hereby remise, release and forever quitclaim unto the party of the second part, the Creekside Condominium Owners Association, Inc., and its heirs and assigns:

**ANY AND ALL** unidentified residual right, title and/or interest that Caldera Properties – Baltimore II, LLC, may have in the real property identified as Sussex County Tax Map & Parcel No. 1-34 12.00 280.01, which is a part of the Creekside Condominium community; and

**ANY AND ALL** right, title and/or interest that Caldera Properties – Baltimore II, LLC, has in the common wetlands areas identified as Sussex County Tax Map & Parcel Nos. 1-34 12.00 280.04 and 280.05, which are part of the Creekside Condominium community and which are more particularly described in Exhibits "A", "B", and "C" attached hereto and incorporated herein by reference;

**ALL OF THE ABOVE BEING** part of the same lands and premises conveyed unto Caldera Properties – Baltimore II, LLC, a limited liability company of the State of Delaware, by Deed of Jackie Hickman, Trustee Under Revocable Trust Agreement of Jackie Hickman Dated 9/19/97, Jackie Hickman, Substitute Trustee Under Revocable Trust Agreement of Naomi C. Hickman Dated 9/19/97, and J & N Hickman Family Limited Partnership, a Delaware limited partnership, dated March 15, 2005, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, in Deed Book 3114, Page 006, which said lands and premises were then reconveyed by Caldera Properties – Baltimore II, LLC, to Caldera Properties – Baltimore II, LLC, by a Deed dated November 4, 2005 and recorded in the Office of the Recorder of Deeds aforesaid in Deed Book 3263, Page 319; and

**SUBJECT** to the Wetlands' Protection Covenant Creekside Subdivision contained in the Deed dated November 4, 2005 from Caldera Properties - Baltimore II, LLC to Caldera Properties - Baltimore II, LLC, recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 3263, Page 319; and

**SUBJECT** to any and all other 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 party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

  
\_\_\_\_\_  
WITNESS

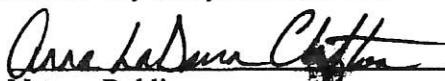
**CALDERA PROPERTIES - BALTIMORE II,  
LLC, a Delaware limited liability company**

By:   
\_\_\_\_\_  
Daniel A. McGreevy  
member

STATE OF Delaware :  
COUNTY OF Sussex :  
: ss  
:

BE IT REMEMBERED that on this 12 day of October, 2009, personally came before me, the subscriber, a Notary Public for the State and County aforesaid Daniel B. McGreevy, known to me (or satisfactorily proven) to be an authorized member of Caldera Properties - Baltimore II, LLC, a Delaware limited liability company and party to this Indenture, and that such person, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Given under my Hand and Seal of office the day and year aforesaid.

  
\_\_\_\_\_  
Notary Public  
Printed Name: Anna LaDawn Cather  
My Commission Expires: 2-20-2010

TOWN OF MILLVILLE  
REALTY TRANSFER TAX  
SERIAL # 2224  
AMOUNT OF TOWN TAX D  
DATE RECORDED 12/21/09  
CANCELLED BY Currie Jackson

**EXHIBIT "A"**

DESCRIPTION  
OF  
WETLANDS PROTECTION AREA  
"AREA A"  
FOR  
CREEKSIDER SUBDIVISION  
BALTIMORE HUNDRED, SUSSEX COUNTY  
DELAWARE

**BEGINNING** at a point on the easterly side of Sussex County Road 349 (50' wide), said point being formed by the southerly side of White Creek and the northern corner of Creekside Subdivision.

Thence from said Point of Beginning and running on the line by and with the low water line of White Creek the following three (3) tie lines,

- 1) S 75° 29' 07" E - 236.66' to a point
- 2) N 84° 47' 29" E - 465.92' to a point
- 3) S 81° 41' 41" E - 547.26' to a point

Thence along the lands now or formerly of Murray's Haven and Harmon lots the following two (2) courses and distances:

- 1) S 37° 37' 08" W - 5.80' to a point
- 2) S 37° 32' 11" W - 211.29' to a point.

Thence along the wetlands line and running through the lands now or formerly a subdivision known as "Creekside Subdivision", the following sixty-six (66) courses and distances:

- 1) N 80° 59' 49" W - 16.42' to a point
- 2) N 82° 22' 10" W - 40.35 to a point
- 3) S 79° 34' 24" W - 38.32' to a point
- 4) S 45° 36' 10" W - 41.49' to a point
- 5) S 30° 48' 05" W - 48.91' to a point
- 6) S 40° 14' 34" W - 50.89' to a point
- 7) S 52° 27' 15" W - 56.94' to a point
- 8) S 71° 46' 25" W - 73.91' to a point
- 9) N 65° 28' 09" W - 31.87' to a point
- 10) N 56° 54' 37" W - 26.86' to a point
- 11) N 47° 07' 53" W - 16.38' to a point
- 12) N 61° 22' 55" W - 14.65' to a point
- 13) N 70° 13' 03" W - 56.17' to a point
- 14) S 63° 01' 27" W - 47.29' to a point
- 15) S 46° 03' 21" W - 14.79' to a point
- 16) S 60° 31' 30" W - 38.38' to a point

- 17) S 20° 19' 16" W - 25.80' to a point
- 18) S 35° 41' 03" W - 85.18' to a point
- 19) S 10° 46' 53" W - 50.82' to a point
- 20) S 29° 03' 26" W - 35.93' to a point
- 21) S 31° 28' 16" W - 51.01' to a point
- 22) S 50° 19' 33" W - 57.99' to a point
- 23) N 88° 33' 39" W - 46.48' to a point
- 24) S 78° 51' 13" W - 32.08' to a point
- 25) S 26° 20' 35" W - 34.91' to a point
- 26) S 05° 08' 53" E - 55.12' to a point
- 27) S 13° 39' 27" W - 50.97' to a point
- 28) S 22° 32' 14" W - 20.21' to a point
- 29) S 74° 48' 06" W - 17.72' to a point
- 30) N 79° 36' 24" W - 41.04' to a point
- 31) N 18° 34' 01" W - 32.75' to a point
- 32) S 42° 13' 73" W - 8.14' to a point
- 33) N 31° 58' 31" W - 18.69' to a point
- 34) N 12° 39' 10" W - 46.45' to a point
- 35) N 05° 30' 46" W - 15.58' to a point
- 36) N 11° 51' 24" E - 40.74' to a point
- 37) N 45° 38' 31" E - 22.79' to a point
- 38) N 06° 54' 35" E - 20.58' to a point
- 39) N 10° 59' 19" E - 32.93' to a point
- 40) N 36° 28' 35" E - 32.61' to a point
- 41) S 89° 46' 54" E - 19.12' to a point
- 42) N 59° 59' 18" E - 28.79' to a point
- 43) N 89° 12' 17" E - 48.81' to a point
- 44) N 75° 18' 20" E - 33.89' to a point
- 45) N 07° 31' 36" W - 34.79' to a point
- 46) N 45° 45' 51" E - 43.13' to a point
- 47) N 08° 36' 57" E - 62.98' to a point
- 48) N 09° 05' 43" E - 50.30' to a point
- 49) N 47° 53' 03" E - 84.30' to a point
- 50) N 06° 44' 38" E - 22.01' to a point
- 51) N 22° 03' 05" E - 41.76' to a point
- 52) N 15° 42' 11" E - 36.08' to a point
- 53) N 18° 25' 34" E - 20.43' to a point
- 54) N 06° 51' 30" W - 43.63' to a point
- 55) N 67° 37' 45" W - 19.69' to a point
- 56) S 81° 50' 31" W - 17.29' to a point
- 57) S 76° 39' 24" W - 31.24' to a point
- 58) S 63° 22' 34" W - 19.92' to a point
- 59) N 37° 40' 46" W - 28.51' to a point
- 60) N 68° 43' 12" W - 28.76' to a point
- 61) S 89° 55' 50" W - 43.87' to a point
- 62) N 89° 55' 08" W - 37.71' to a point

- 63) N 30° 24' 39" W - 29.99' to a point
- 64) N 60° 31' 51" W - 44.82' to a point
- 65) N 45° 53' 47" W - 33.70' to a point
- 66) N 23° 11' 46" W - 11.16' to a point

Thence running through the lands or formerly known as "Creekside Subdivision" the following courses and distances:

- 1) N 68° 04' 34" W - 43.25' to a point
- 2) N 76° 30' 47" W - 28.10' to a point
- 3) N 71° 08' 41" W - 31.21' to a point
- 4) N 80° 27' 20" W - 33.47' to a point
- 5) N 68° 50' 36" W - 13.81' to a point
- 6) N 74° 14' 36" W - 35.05' to point
- 7) S 31° 47' 08" W - 19.47' to a point
- 8) N 64° 29' 47" W - 14.04' to a point
- 9) N 59° 30' 06" W - 43.69' to a point
- 10) N 84° 13' 18" W - 16.51' to a point

said point being located on the easterly side of Sussex County Road 349.

Thence along the easterly side of Sussex County Road 349, N 17° 01' 30" E - 11.01' to a point the first mentioned point and place of beginning.

Containing within said metes and bounds being what they may be.

This description is based partly upon a plan titled "**Limits of Waters of The United States, Including Wetlands, U.S. Army Corps of Engineering Regulatory Program and Limit of State of Delaware Tidal Wetlands**" prepared by Environmental Consultants International Corporation and is dated October 7, 2002.

Consideration:	.00
----------------	-----

County	.00
State	.00
Town	Total

Received: Kara S Oct 22, 2009

**EXHIBIT "B"**

DESCRIPTION  
OF  
WETLANDS PROTECTION AREA  
"AREA B"  
FOR  
CREEKSIDER SUBDIVISION  
BALTIMORE HUNDRED, SUSSEX COUNTY  
DELAWARE

**BEGINNING** at a point said point being a common corner for the subidivison now or formerly known as "Creekside Subdivision", the lands now or formerly of Murray's Haven and Harmon Lots, along with the lands now or formerly of Georgette S. Bryner.

Thence running along the common property line for the subdivision now or formerly known as "Creekside Subdivision" and Georgette S. Bryner the following two (2) courses and distance:

- 1) N 24° 45' 18" E - 91.36' to a point
- 2) N 55° 07' 46" W - 46.92' to a point

Thence running through the subdivision now or formerly known as "Creekside Subdivision" the following seventeen (17) courses and distance:

- 1) N 00° 54' 13" W - 3.99' to a point
- 2) N 15° 54' 02" W - 14.02' to a point
- 3) N 68° 48' 41" E - 8.61' to a point
- 4) N 47° 31' 18" E - 28.88' to a point
- 5) N 42° 25' 39" E - 25.85' to a point
- 6) N 24° 33' 27" E - 36.48' to a point
- 7) N 29° 22' 22" W - 23.61' to a point
- 8) N 64° 28' 29" E - 17.24' to a point
- 9) S 71° 37' 25" E - 39.23' to a point
- 10) S 76° 33' 42" E - 31.05' to a point
- 11) S 07° 24' 34" E - 21.86' to a point
- 12) S 22° 17' 03" W - 22.41' to a point
- 13) S 28° 13' 47" W - 43.79' to a point
- 14) S 42° 04' 23" W - 38.67' to a point
- 15) S 44° 02' 27" W - 47.34' to a point
- 16) S 28° 15' 58" W - 65.05' to a point
- 17) S 32° 38' 31" W - 15.56' to a point

said point being located along the common property line of the subdivision now or formerly known as "Creekside Subdivision" along with the lands now or formerly of Murray's Haven and Harmon Lots.

Thence continuing along said property line N 53° 14' 07" W – 5.95' to a point the first mentioned point and place of beginning.

Containing within said metes and bounds **11,878 square feet** (.027 ac) more or less. This description is based partly upon a plan titled "**Limits of Waters of The United States, Including Wetlands, U.S. Army Corps of Engineering Regulatory Program and Limit of State of Delaware Tidal Wetlands**" prepared by Environmental Consultants International Corporation and is dated October 7, 2002.

**EXHIBIT "C"**

DESCRIPTION  
OF  
WETLANDS PROTECTION AREA  
"AREA C"  
FOR  
CREEKDSIDE SUBDIVISION  
BALTIMORE HUNDRED, SUSSEX COUNTY  
DELAWARE

**BEGINNING** at a point on the located N 42° 54' 43" W – 79.66' from a point being formed by westerly side of Sussex County Road 349 (50' wide) with the southerly side of the lands Now or Formerly of Carroll Brent Clark.

Thence from said Point of Beginning along the lands Now or Formerly of Carroll Brent Clark N 42° 54' 43" W 0 83.03', to a point.

Thence along the Lands Now or Formerly of Mill Run Acres N 75° 29' 07" W – 636.01', to a point.

Thence along the Lands Now or Formerly of William and Donna Lord S 13° 03' 21" W – 138.92', to a point.

Thence along the Lands Now or Formerly of Ralph and Geraldine West the following four (4) courses and distances:

- 1) S° 58' 28" W – 84.64', to a point,
- 2) S 05° 38' 24" E – 49.16', to a point,
- 3) S 17° 39' 55" E – 120.69', to a point,
- 4) S 29° 24' 13" W – 129.68', to a point.

Thence along the Lands Now or Formerly of County Bank, the following three (3) courses and distances:

- 1) S 02° 37' 42" E – 13.71', to a point,
- 2) S 55° 53' 20" E – 79.56', to a found iron pipe,
- 3) N 59° 48' 04" E – 15.88', to a point

Thence along the wetlands line and running through the Lands Now or Formerly a subdivision known as "Creekside Subdivision", the following thirty-seven (37) courses and distances:

- 1) N 65° 53' 15" W – 40.40', to a point,
- 2) N 58° 31' 20" W – 39.49', to a point,
- 3) N 17° 28' 18" E – 18.95', to a point,
- 4) N 27° 58' 32" E – 14.59', to a point,

- 5) N 29° 26' 49" E - 96.21', to a point,
- 6) N 10° 49' 40" W - 42.98', to a point,
- 7) N 19° 45' 19" W - 51.65', to a point,
- 8) N 06° 01' 09" W - 91.67', to a point,
- 9) N 00° 15' 24" W - 65.54', to a point,
- 10) S 70° 26' 19" E - 17.10', to a point,
- 11) S 11° 41' 14" E - 47.11', to a point,
- 12) S 39° 07' 02" E - 24.72', to a point,
- 13) N 53° 40' 19" E - 35.44', to a point,
- 14) N 46° 42' 25" E - 32.90', to a point,
- 15) S 77° 50' 49" E - 46.30', to a point,
- 16) S 61° 31' 35" E - 44.08', to a point,
- 17) S 68° 01' 02" E - 34.79', to a point,
- 18) S 83° 54' 59" E - 13.17', to a point,
- 19) N 75° 01' 43" E - 43.03', to a point,
- 20) N 65° 35' 18" E - 30.66', to a point,
- 21) N 57° 26' 46" E - 41.14', to a point,
- 22) N 85° 58' 54" E - 57.88', to a point,
- 23) N 75° 50' 18" E - 56.94', to a point,
- 24) S 84° 42' 23" E - 31.77', to a point,
- 25) S 39° 11' 44" E - 30.27', to a point,
- 26) S 12° 52' 52" W - 66.98', to a point,
- 27) S 06° 15' 36" E - 34.61', to a point,
- 28) S 10° 14' 33" E - 31.06', to a point,
- 29) S 74° 34' 19" E - 36.37', to a point,
- 30) N 80° 29' 04" E - 46.19', to a point,
- 31) S 83° 55' 20" E - 48.50', to a point,
- 32) N 21° 57' 55" E - 25.49', to a point,
- 33) 04° 25' 49" W - 26.41', to a point,
- 34) N 23° 02' 48" E - 15.51', to a point,
- 35) S 83° 37' 13" E - 18.98, to a point,
- 36) N 38° 49' 57" E - 43.69', to a point,
- 37) N 81° 43' 09" E - 18.77, to a point the first mentioned point and Place of Beginning.

Containing within said metes and bounds 95,069 square feet or 2.18 acres more or less.

**RECEIVED**

OCT 22 2009

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**

Recorder of Deeds  
John F. Brady  
Oct 22, 2009 01:18P  
Sussex County  
Doc. Surcharge Paid



WETLANDS & SUBAQUEOUS  
LANDS SECTION

STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

TELEPHONE (302) 739-4691  
FACSIMILE (302) 739-6304

Subaqueous Lands Lease: SL-063/03  
Associated Permit No.: WQ-064/03  
Date of Issuance: 12/30/03  
Construction Expiration Date: 12/30/06  
Tax Parcel #: 1-34-12-2228, 2229, 2230, 2254, 2801

#### SUBAQUEOUS LANDS LEASE

**GRANTED TO THE CREEKSIDER HOMEOWNERS' ASSOCIATION TO CONSTRUCT A  
16 FOOT WIDE BY 48 FOOT LONG BOAT RAMP, A 5 FOOT WIDE BY 35 FOOT LONG  
ACCESS PIER, TWO SECTIONS OF WING WALLS WITH 4 FOOT WIDE BY 35 FOOT  
LONG AND 5 FOOT WIDE BY 35 FOOT LONG ACCESS PIERS, AND A 5 FOOT WIDE  
BY 90 FOOT LONG DOCK IN WHITE'S CREEK AT THE CREEKSIDER RESIDENTIAL  
COMMUNITY EAST OF OLD MILL ROAD, MILLVILLE, SUSSEX COUNTY,  
DELAWARE**

Creekside Homeowners' Association  
c/o Caldera Properties, L.P.  
800 West Germantown Pike, Suite 400  
Plymouth Meeting, PA 19462

Pursuant to the provisions of 7 Del. C. 7203, and the Department's Regulations Governing the Use of Subaqueous Lands, permission is hereby granted on this 30th day of December A.D. 2003, to construct the above-referenced project in accordance with the approved plans for this lease (2 Sheets), as approved on November 10, 2003; and the application dated February 27, 2003, and received by this Division on March 7, 2003, with additional information received April 8, 2003, May 1, 2003, June 4, 2003, June 5, 2003, August 7, 2003, and October 27, 2003.

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the waters of the White's Creek.

WHEREAS, Creekside Homeowners' Association, owner of certain adjoining lands to the White's Creek, has applied for permission to construct a 16 foot wide by 48 foot long boat ramp, a 5 foot wide by 35 foot long access pier, two sections wing walls with 4 foot wide by 35 foot long and 5 foot wide by 35 foot long access piers, and a 5 foot wide by 90 foot long dock, and

WHEREAS, pursuant to the provisions of 7 Del. C., 7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

This approval is in accordance with plans and application submitted to Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.

This lease shall be continued for a period of twenty (20) years or so long as the conditions attached to the lease are adhered to, whichever is the shorter in time. Upon the expiration of the twenty-year term this lease shall expire and become null and void, unless prior thereto the lessee shall have applied for and received a renewal of this lease. A renewal may be denied if the State determines that the lease is no longer in the public interest.

THIS lease is issued subject to the following conditions:

#### **SPECIAL CONDITIONS**

1. The conditions contained herein shall be incorporated into any and all construction contracts and other ancillary documents associated with earth disturbance and any other activities directly or indirectly associated with construction which may impact subaqueous lands associated with this project. The lessee and contractor are responsible to ensure that the workers executing the activities authorized by this Lease have full knowledge of, and abide by, the terms and conditions of this Lease.
2. **This Lease shall not be considered valid until it has been duly recorded in the office for the Recorder of Deeds in and for the appropriate County, and a copy of the recorded Lease is returned to, and has been received by, the Department.**
3. **This Lease shall not be considered valid until documentation showing the establishment of a Homeowners' Association has been submitted to this office.**
4. **This Lease shall not be considered valid until proof of ownership (i.e. a deed) showing Caldera Properties, LLC as the landowner.**
5. **No portion of the decking on any dock, pier, or bulkhead authorized by this Lease shall exceed the width dimensions for that structure identified on Page One of this Lease.**
6. **The remaining natural shoreline and tidal wetlands on the site shall be protected through the implementation of appropriate deed restrictions acceptable to the Department. A final copy of the deed restriction shall be submitted to this office prior to construction.**
7. **No vessels shall be berthed at the dock for longer than a 24-hour period.**

8. The number of square feet which will be located on public subaqueous lands is 572, which includes a 16 foot wide by 5 foot long section of boat ramp, a 5 foot wide by 1 foot long access pier, two sections of retaining wall wing walls with 4 foot wide by 3 foot long and 5 foot wide by 5 foot long access piers, and a 5 foot wide by 90 foot long dock channelward of the mean low water line.
9. Disturbance of wetlands and/or aquatic vegetation adjacent to the permitted construction by burning, cutting, herbicide treatments or other methods is prohibited. Disturbance of wetlands and/or aquatic vegetation in the path of construction shall be minimized.
10. A copy of this Lease must be available on-site during all phases of construction activity.
11. Construction shall be conducted so as not to violate the State of Delaware Department of Natural Resources and Environmental Control, "Surface Water Quality Standards" as amended, August 11, 1999.
12. The approved structures shall be constructed in a manner so as not to impair water access to the adjoining property and a minimum of ten (10) feet from the adjacent properties.
13. This Lease does not authorize any repairs, additions, or modifications to the existing structures authorized herein. Such activities require separate written authorization from the Department of Natural Resources and Environmental Control.
14. All construction debris, excavated material, brush, rocks, and refuse incidental to construction of the leased structure shall be placed above the influence of surface waters.
15. The structures on/or adjacent to subaqueous lands shall be for the explicit purpose of temporarily berthing three vessels and launching of vessels as stated in the application.
16. The work authorized by this permit is subject to the terms and conditions of the Department of the Army Individual Permit.

#### **GENERAL CONDITIONS**

1. The project is to be undertaken in accordance with the plans submitted and attached hereto. Any activities not specifically authorized herein may require a supplemental approval from this office prior to the initiation of construction. A determination on the need for a supplemental approval will be made by this office pursuant to the lessee submitting written notification and revised plans indicating project changes to this office.

2. Representatives of the Department of Natural Resources and Environmental Control may inspect such work during any phases of the construction and may collect any samples or conduct any tests that are deemed necessary.
3. This lease does not cover the structural stability of the project units.
4. Prior to the expiration of this lease, the lessee shall remove all structures covered under this lease unless the lease has been renewed in accordance with its terms.
5. Any actions, operations or installations which are considered by the Department to be contrary to the best interests of the public shall constitute reason for the discontinuance and/or removal of said action, operation or installation.
6. The lessee shall notify the Department of Natural Resources and Environmental Control within ten (10) days of the date work will be commenced.
7. The lessee shall maintain any structure on public subaqueous lands in good and safe condition and will protect and save the State of Delaware harmless from any loss, cost or damage by reason of said structures.
8. The issuance of this lease does not imply approval of any other part, phase, or portion of any overall project the lessee may be contemplating.
9. This lease shall not be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the State of Delaware other than that of a tenant.
10. This lease is subject to the terms and conditions contained in any easement, license or lease that may have been granted by the State or any political subdivision, board, commission or agency of the State in the vicinity of the leased premises.
11. This lease and authorization are granted for the purposes as stated herein. Any other use without prior approval shall constitute reason for this lease being revoked.
12. This lease shall expire if the project has not been completed within three (3) years from the date of issuance.
13. If the lessee considers three (3) years insufficient for completion of the project, the lessee may submit a project time schedule for consideration by the Department. If the time schedule is approved it shall be attached hereto and made a part hereof.

14. This lease is not assignable or transferable without the prior written consent of the Department. Prior to the transfer of the property, it is the responsibility of the lessee to provide the new owner with a copy of the lease or to remove all structures. Prior to property conveyance, the lessee must also notify the Department of the change in ownership.
15. The lessee shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
16. The issuance of this lease does not constitute approval for any of the activities as may be required by any other local, state or federal governmental agency.
17. Application for renewal must be submitted six (6) months prior to the expiration date of this lease.
18. This lease may be revoked upon violation of any of the above conditions.

IN WITNESS WHEREOF, We, the Creekside Homeowners' Association, have caused this instrument to be executed on this 11<sup>th</sup> day of December, 2003.

(Notary Seal)

Lessee

Notary

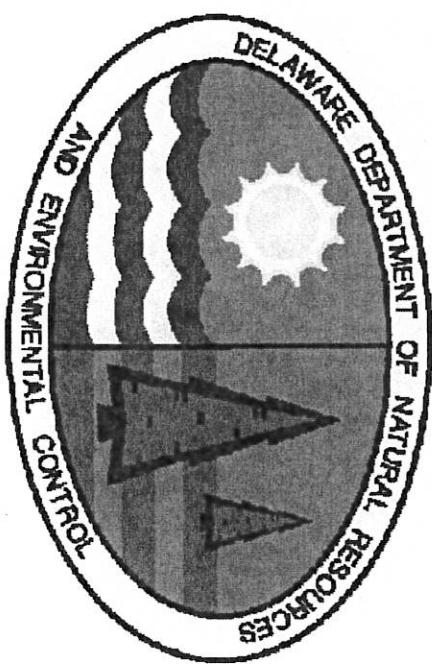
My commission expires:

SUSAN M. BROWN  
Commission Expires Nov. 4, 2005  
Notary Public

By the authority invested in me under 7 Del.C. §7203(a), I hereby grant this Lease for the use of the State owned subaqueous lands to the Lessee(s) by setting my hand on this 30<sup>th</sup> day of December, 2003.

John A. Hughes

Secretary, Department of Natural Resources  
and Environmental Control



**DEPARTMENT OF NATURAL RESOURCES  
AND  
ENVIRONMENTAL CONTROL**

**NOTICE OF AUTHORIZATION**

**Permit/Lease No. and Description:** SL-063/03 To construct a 16 foot wide by 48 foot long boat ramp, a 5 foot wide by 35 foot long access pier, two sections of wing walls with 4 foot wide by 35 foot long and 5 foot wide by 35 foot long access piers, and a 5 foot wide by 90 foot long dock in White's Creek at the Creekside Residential Community east of Old Mill Road, Millville, Sussex County, Delaware

**Issued to:** Creekside Homeowners' Association

**Location of Work:** Same as above

**Date of Expiration:** November , 2006

**DISPLAY THIS CERTIFICATE IN A  
HIGHLY VISIBLE LOCATION ON THE JOB SITE.**



William F. Moyer, Section Manager  
Wetlands & Subaqueous Lands Section



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES &  
ENVIRONMENTAL CONTROL  
DIVISION OF WATER RESOURCES  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS  
LANDS SECTION

TELEPHONE (302) 739-4691  
FACSIMILE (302) 739-6304

Creekside Homeowners' Association  
c/o Daniel McGreevy  
Caldera Properties, L.P.  
800 West Germantown Pike, Suite 400  
Plymouth Meeting, PA 19462

DEC 30 2003

**Re: Subaqueous Lands Lease (SL-063/03) granted to the Creekside Homeowner's Association to construct a 16 foot wide by 48 foot long boat ramp, a 5 foot wide by 35 foot long access pier, two sections wing walls with 4 foot wide by 35 foot long and 5 foot wide by 35 foot long access piers, and a 5 foot wide by 90 foot long dock.**

Dear Mr. McGreevy:

Enclosed is the Subaqueous Lands Lease Approval granted by the State of Delaware. Please read carefully all Special and General Permit Conditions. The Lessee is responsible to ensure that all conditions are strictly adhered to.

**Please note that this Lease is not considered valid until the Lease has been duly recorded in the office of the Recorder of Deeds for the appropriate County, and evidence of lease recordation has been received by this office.**

**Please also note, Special Conditions 3,4,5, and 6. The lease is not considered to be valid until the Homeowners' Association has been established (SC #3); proof of ownership of the property has been submitted to this office in accordance with Special Condition # 4; and until a final approved deed restriction has been submitted to this office (SC #6). The width of the decking of the structures approved by this lease shall not exceed the widths as described on Page One of the lease (SC #5)**

If you have any questions, please feel free to contact this office at (302) 739-4691.

Sincerely,

Laura M. Herr  
Program Manager  
Wetlands & Subaqueous  
Lands Section

LMH/jlj