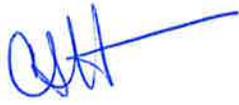


TOWN OF OCEAN VIEW
DELAWARE

August 6, 2020

TO: Mayor and Council

FROM: Carol S. Houck, Town Manager 

SUBJECT: Research Findings for Tingle Street Right of Way (ROW), Boat Ramp/Dock

Background

For reasons related to the deterioration of the dock at the end of Tingle Street and complaints of improper parking in the same vicinity the Town undertook an effort to determine responsibility for the ramp and dock as well as that of the right-of-way (ROW).

In 2007, the Town first investigated the ownership of Tingle Street when the owners of Lots 35 and 36 asked the Town Council to convey to them the arcs that were the cul-de-sac at the end of the street. This was agreed to and the conveyances made by the Town. Later, in 2013, during the repaving of Tingle Street, the issue of its length, ownership of the dock, ramp, and marshland were again raised in connection with the Town's repaving project. At that time, it was concluded that the dock, ramp, and marshland were not in the Town's right of way and belonged to others. [See references to Mr. McMullen's email below.] Various highlighted maps created to depict findings and correspondence with and between consultants are also shared for awareness.

Since the outcome of this research would likely involve the Town providing notice of responsibility for the dock and limitations to usage of land adjacent a certain property, we engaged our Town Engineer and another land use firm assist us. The Town Solicitor has also been involved and has provided assistance and direction.

DNREC was also contacted as it provided the original permit for the construction of the boat ramp and dock however they would not participate until current ownership was determined. It is not clear if DNREC will need to be engaged further unless to assist with citing for dock condition, but it is thought to be unlikely.

Of specific interest are the properties bordering the boat ramp and dock with the address No. 4 and No. 1 Tingle Street and further identified as lots 37 and 35, respectively. The home at 4 Tingle changed ownership during our engagement.

Findings

On December 6, 1961, Hattie Tingle deeded to the Town of Ocean View Tingle Street, being 50' wide and 400' long, 'to the marsh land'. [Deed Book, 542 at page 138.]

On July 30, 1966, Hattie E. Tingle conveyed to Clifton Sanford Justice and Margaret K. Justice, his wife, three tracts of land, excepting Lots 1 through 5 shown on a plot drawn by Isaac Bennett, dated December 1, 1961 "not yet of record" and making no reference to Tingle Street. No further recorded deed of dedication has been found.

Later, the subject properties were depicted in a plat entitled 'Kelley Estates' at Plot Book 13, page 189, recorded November 21, 1977, which shows Tingle Street (50' wide and 400' in length from its intersection with Hudson Avenue) as dedicated to the Town of Ocean View and having a cul-de-sac. The dedication did not extend to the lagoon nor include the area where the subject dock is located. This plot shows Lot 36 generally to the west, lot 35 generally to the east, and the marshland generally to the north. The arcs of the cul-de-sac, as noted above, were later conveyed by the Town to the respective owners of Lots 35 and 36.

In 1983, Clifton S. Justice and David J. Long obtained approval for a dock and ramp from DNREC located at the "end of Tingle Street". The accompanying survey prepared by Lowenstein and Associates, dated October 1982, identifies C.S. Justice, the applicant, as the owner of Lots 35 and 36 with David J. Long as owning the adjacent property on the opposite bank of the lagoon.

In November 1985, a survey entitled "Study of Lands of Clifton S. & Margaret K. Justice & Lands of David J. & Betty Jean Long", prepared by Land Tech Inc., was recorded at Plot Book 55, page 159, depicting the marshlands at the end of Tingle Street as the lands of Clifton S. and Margaret K. Justice.

A year later, in November 1986, Clifton Sanford Justice and Margaret K. Justice, his wife, recorded at Deed Book 1452, page 178, a "Declaration of Restrictive Covenants for Kelley Estates". This Declaration refers to Plot Book 13, page 189, describes Tingle Street as a public street, but does not specifically grant to the owners of Kelley Estates access to the dock and ramp even though it states, "No cars or boat trailers may be parked near the boat ramp or boat launch."

Notwithstanding the 1961 Hattie Tingle deed, which limits Tingle Street to 400' in length, several surveys, particularly those for lots 35, 36 and 37, do not show the northern terminus of Tingle Street. See Plot Books 65, page 311 and 79, page 196.

Clearly, the Town's 50-foot ROW on Tingle from the corner of Hudson is 400' long to the northerly corners of Lots 35 and 36, as originally configured and shown in Plot Book 13, at page 189. This places the end of the Town's ROW around the middle of the current driveway of 4 Tingle.

The later conveyances of Lots 35, 36, and later of 37, creates a 50' wide strip of land running from the northern terminus of Tingle Street to the lagoon which has not been conveyed by Clifton S. Justice and Margaret K. Justice, or their heirs, to either adjacent property owner nor has the strip been dedicated to the Town.

This finding results in ownership/responsibility of the boat ramp, dock, and open space to the original owner, Clifton S. Justice and Margaret K. Justices, or their heirs.

In an email dated May 6, 2013, to Dennis Schrader, Dianne Vogel, Alan Kercher, et al., Charles McMullen reported that he had been contacted by the daughter of Clifton S. Justice who stated that her father owned the boat ramp, that they were adamant that the Town not pave the ramp, but were now realizing it was in their best interests to pave the area. No mention of dedication to the Town is made in the email.

These findings confirm that the area to the left of the boat ramp and adjacent 4 Tingle is not owned or available for use by the previous or current owner of 4 Tingle (see photo with vehicle attached).

The residents of Kelly Estates also appear to bear no responsibility for the dock or ramp nor has anyone made efforts to maintain, monitor or make the Town aware of its state of disrepair or safety concerns. As noted above, they are also not specifically granted access for use of the boat ramp or dock.

Options for Moving Forward

With the status of ownership and deeded ROW determined the Town of Ocean View has the option to do the following:

1. Inform the heir(s) of C. S. Justice of their responsibility for both the boat ramp and the dock which is in disrepair and cite them for its repair, replacement, or removal. Failure to do so would then result in the Town undertaking the effort to remove the dock pursuant to OV Code Chapter 88 as a Dangerous Building (Structure), or
2. Request the heirs(s) of C.S. Justice to dedicate the area not included in the Tingle dedication, the boat ramp and dock to the Town. Doing so would result in the Town acquiring responsibility for the ramp, dock, and control of the extension of the 50-foot right of way and,
3. If the Town is successful in acquiring by dedication the additional right of way, we then would be in the position to remove the dock, properly sign and chain off the ramp for improved safety or eliminate the ramp in its entirety and, or light the area for safety and properly sign the ROW for no parking.

Recommendation

It is therefore recommended that the Town Manager be authorized to move forward to facilitate Options 2 and 3 as stated above reverting to 1 if the heir(s) of C. S. Justice are not interested in deeding the area to the end of Tingle Street to the Town.

Further, if we are successful in achieving dedication of the extended ROW the town shall proceed with removal of the dock and boat ramp following notification to the property owners of Kelly Estates thereby eliminating safety concerns and future maintenance responsibility.

Carol Houck

From: Jim Lober <jlober@kerchergroup.com>
Sent: Monday, July 20, 2020 8:55 AM
To: Carol Houck
Cc: Kenneth Cimino
Subject: RE: Update on 4 Tingle matter

Good Morning Carol,

Correct, a wetland buffer is not a wetland. It's a designated buffer to protect the wetlands starting at the wetland boundary and extending 25 ft. out. The first 10 ft. are considered zone A of the wetland buffer and there is very little that is allowed to be done within that first 10 ft. The next 15 ft. are considered zone B of the buffer and there are slightly more things that are permitted in that area, but it's still pretty restricted.

If the existing buffer had native trees, they would be required to remain in Zone A. They could be "selectively cleared" for maintenance in Zone B.

If we're specifically talking about the 25 ft. buffer I showed on my sketch, we can debate whether the Town owns that piece or not, but it definitely doesn't belong to the owner of lot 37. So regardless of whether the trees were native and which zone they were in, he would have no right to cut down trees off of his property.

James H. Lober, P.E.
254 Chapman Road - Suite 202 - Newark, DE 19702
O (302) 781-4343 | M (302) 383-8803

THE KERCHER GROUP, INC.

Strategic Infrastructure and Transportation Asset Management
Consulting | Systems | Engineering

www.kerchergroup.com

From: Carol Houck <chouck@oceanviewde.com>
Sent: Monday, July 20, 2020 8:36 AM
To: Jim Lober <jlober@kerchergroup.com>
Cc: Kenneth Cimino <admintov@oceanviewde.com>
Subject: RE: Update on 4 Tingle matter

Thanks again Jim - for my understanding - with the wetland buffer line in place - would that mean that no one should have been able to cut down trees in that orange highlighted section 25' of wetland buffer? And - a wetland buffer is not a wetland?

Please advise. Carol

From: Jim Lober <jlober@kerchergroup.com>
Sent: Friday, July 17, 2020 4:41 PM
To: Carol Houck <chouck@oceanviewde.com>

Cc: Kenneth Cimino <admintov@oceanviewde.com>

Subject: RE: Update on 4 Tingle matter

Appendix A page 2

Carol,

I've attached a revised version of my previous sketch. I hope it makes sense. It's hard to squeeze everything in to one small area.

I've only shown the 25' wetland buffer in the ROW because I don't believe the lot has a wetland buffer along the front of the house due to the variance that was granted.

I've also included a screen shot of the tax map below showing that the Town ROW goes all the way across the frontage of lots 35 and 37 to Dave Long's property. There is no recognized parcel separate from the ROW, 35, 37 or Dave.

Also below is a quick screen shot of the current deed for lot 37. You can see in the description in the first paragraph that the entire 111.24 feet of property along the front of his lot is described as being from Dave Long's property along the westerly side of the Tingle ROW. Also in this shot is the easement I referred to across lot 37 for use of the lagoon. It specifically notes Dave Long, Clifton Justice and at the end specifically notes that the parties shall not grant any use in the water to the public at large.

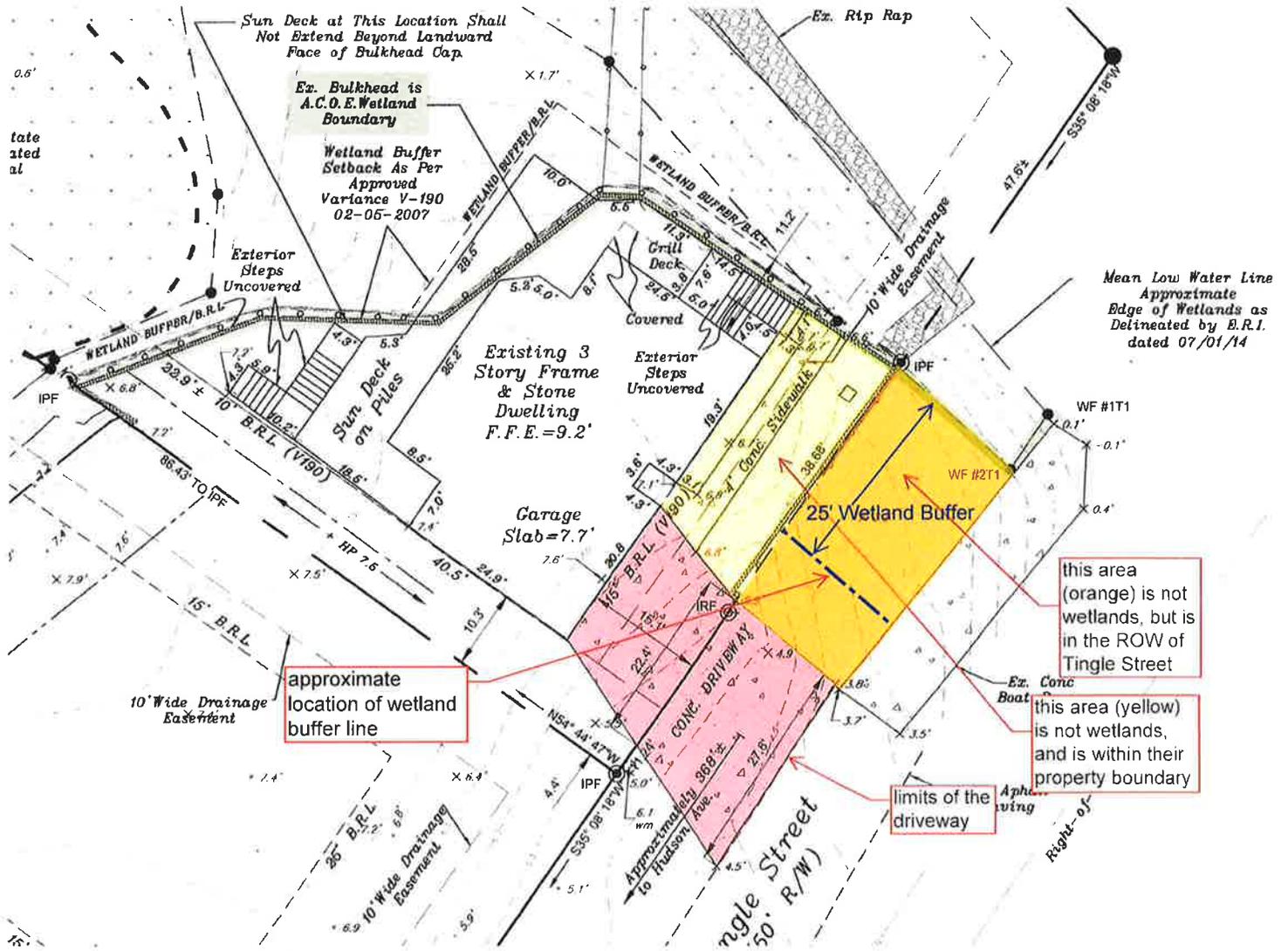
I hope that was helpful in some way.

Good luck!

Have a good weekend,

Jim

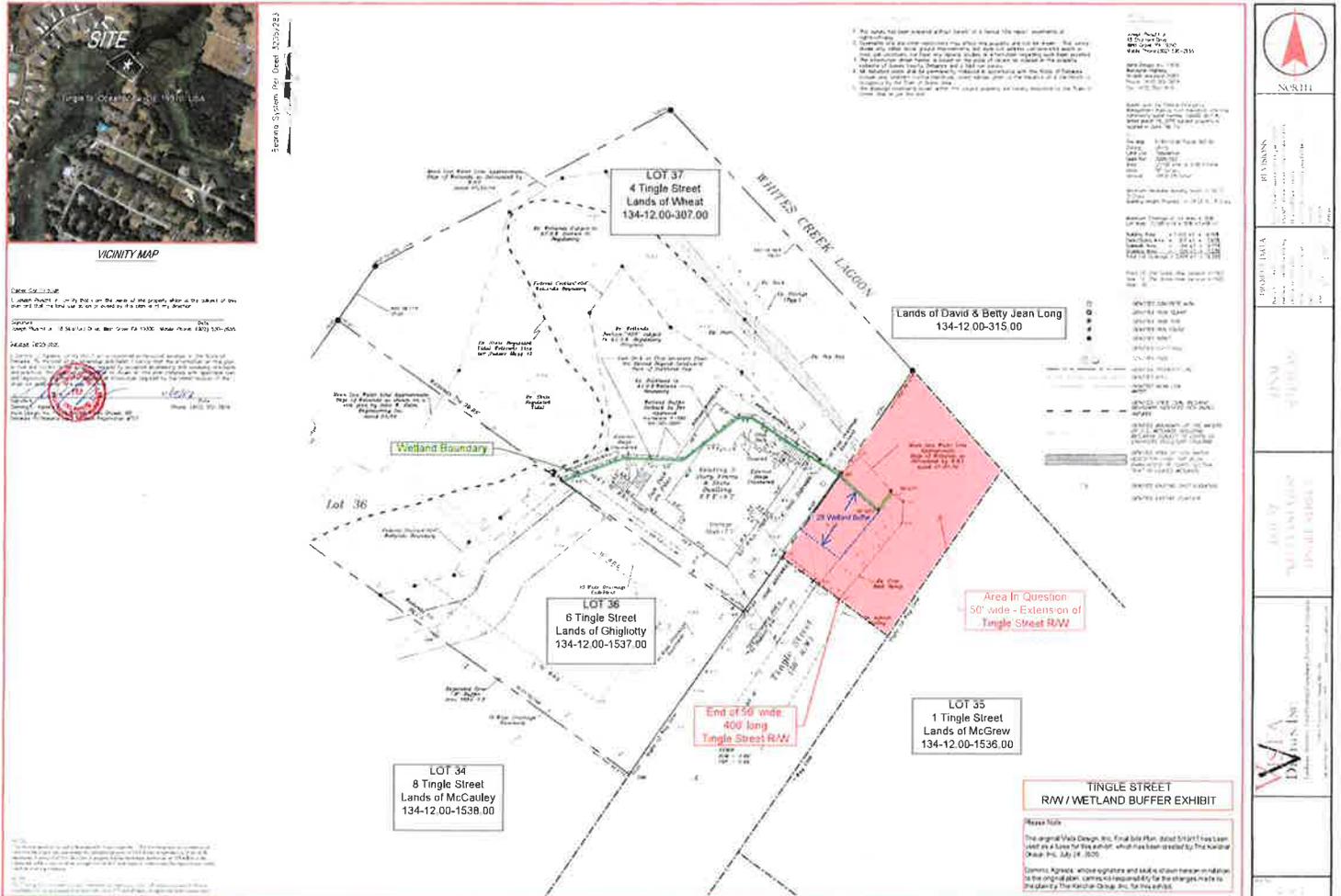
Wetlands and Row Identified



Appendix B

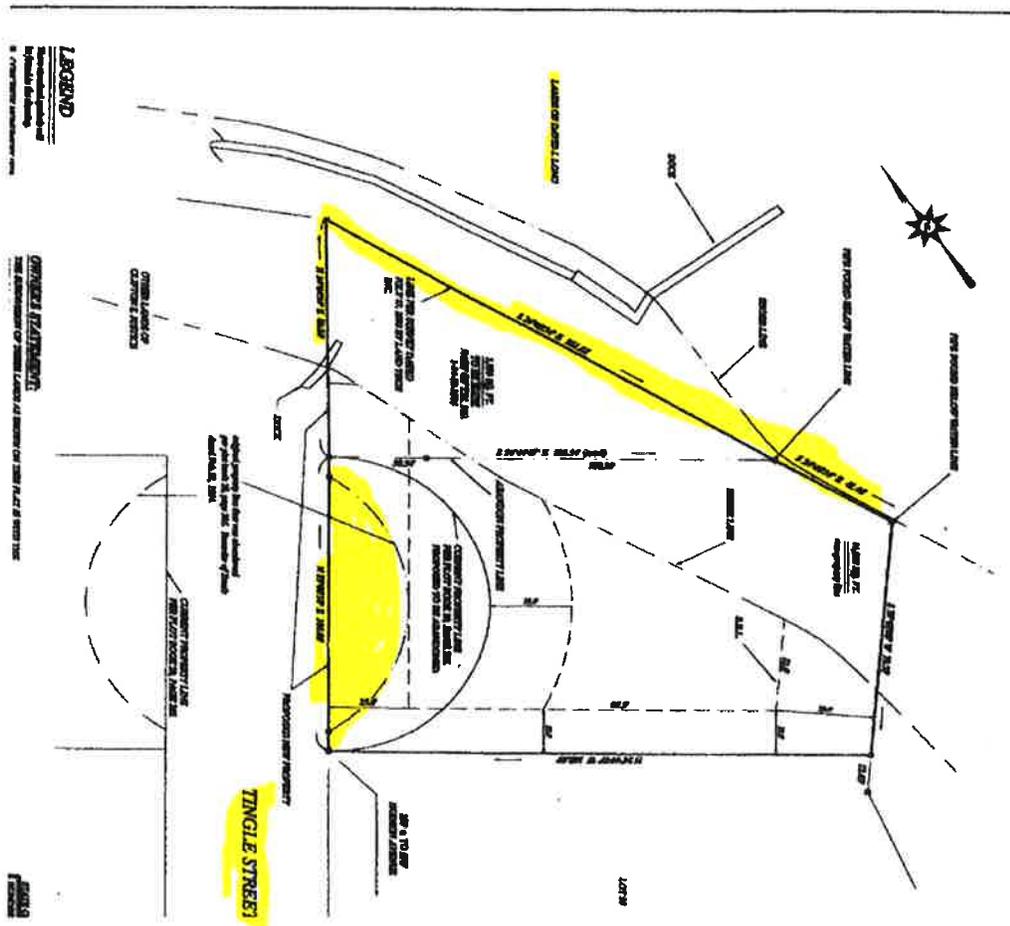
Showing Wetland

Boundary in Green.

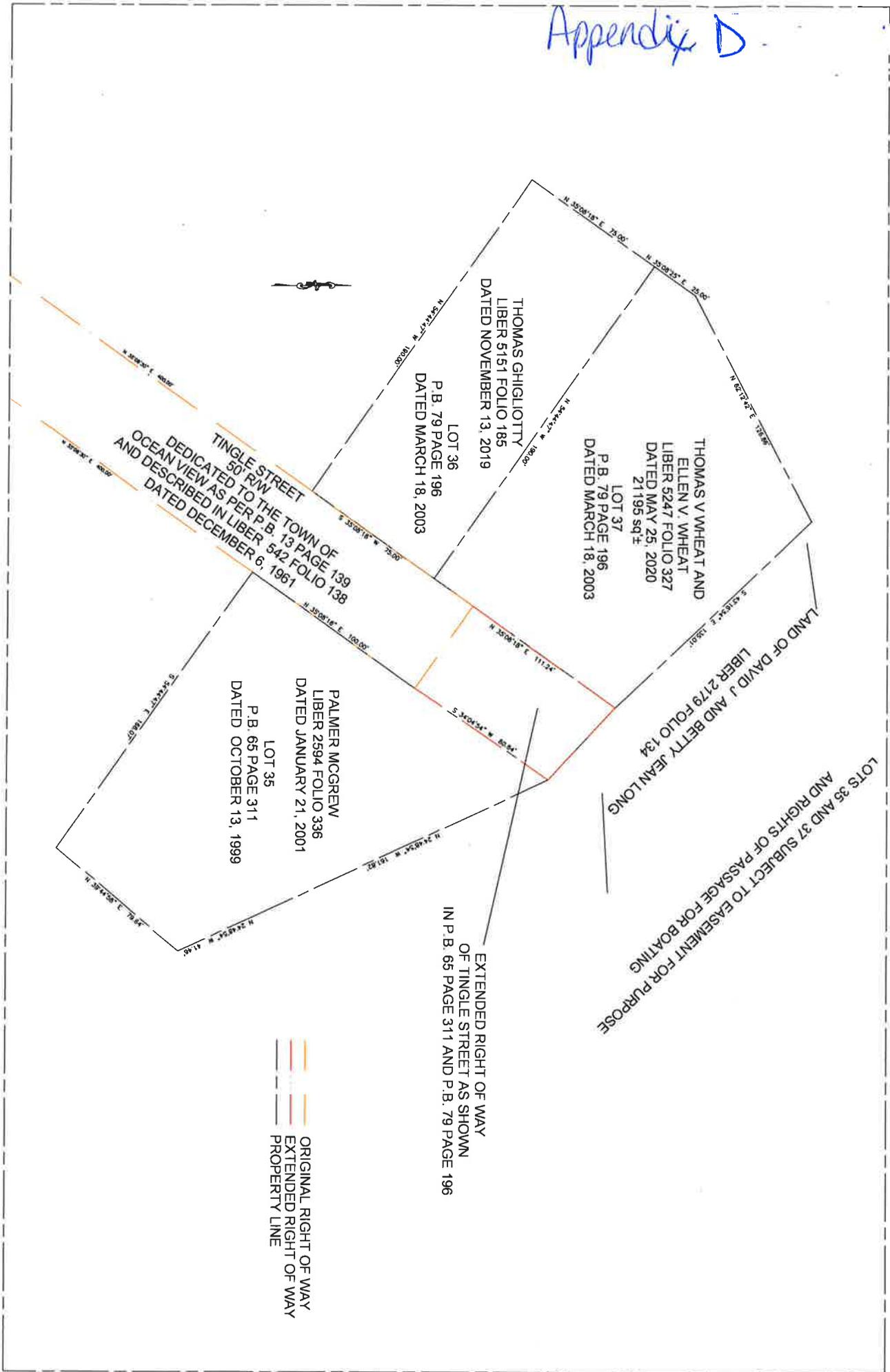


Appendix C

Liber 2594 folio 336 dated January 31, 2001, by and between Palmer McGrew and Ceda J McGrew (Grantors) and Palmer McGrew and Ceda J McGrew, Co-trustees of the McGrew Revocable Trust. Deed conveys all of Lot 35 shown on Plot Book 65 Page 311 dated October 13, 1999 and the 1535 sq. ft. of land originally dedicated to the town of Ocean View on Plot Book 13 Page 139 for what appears to be for a cul-de-sac that was never constructed (highlighted below). The Northern 2 lines of aforementioned Plot Book 65 Page 311 bound on the Lands of David L Long (Highlighted below) and the Westerly 2 calls of said plat bound on the right of way for Tingle Street (Highlighted Below).



Appendix D



TINGLE STREET
50' RW
DEDICATED TO THE TOWN OF
OCEAN VIEW AS PER P.B. 13 PAGE 139
AND DESCRIBED IN LIBER 542 FOLIO 138
DATED DECEMBER 6, 1961

THOMAS GHIGLIOTTI
LIBER 5151 FOLIO 185
DATED NOVEMBER 13, 2019
LOT 36
P.B. 79 PAGE 196
DATED MARCH 18, 2003

THOMAS V. WHEAT AND
ELLEN V. WHEAT
LIBER 5247 FOLIO 327
DATED MAY 25, 2020
21,195 SQ. FT.
LOT 37
P.B. 79 PAGE 196
DATED MARCH 18, 2003

PALMER MCGREW
LIBER 2594 FOLIO 336
DATED JANUARY 21, 2001
LOT 35
P.B. 65 PAGE 311
DATED OCTOBER 13, 1999

LAND OF DAVID J. AND BETTY JEAN LONG
LIBER 2179 FOLIO 134
LOTS 35 AND 37 SUBJECT TO EASEMENT FOR PASSAGE
AND RIGHTS OF PASSAGE FOR BOATING

EXTENDED RIGHT OF WAY
OF TINGLE STREET AS SHOWN
IN P.B. 65 PAGE 311 AND P.B. 79 PAGE 196

ORIGINAL RIGHT OF WAY
EXTENDED RIGHT OF WAY
PROPERTY LINE

Appendix E
page 1-3

TAX MAP # 1-34-12.00-1537.00

PREPARED BY & RETURN TO:
Parsons & Robinson, P.A.
118 Atlantic Avenue, Suite 401
Ocean View, DE 19970
File No. 33300/lmg

NO LIEN OR TITLE SEARCH REQUESTED OR PERFORMED

THIS DEED, made this 5th day of November, 2019,

- BETWEEN -

THOMAS S. GHIGLIOTTY, of 6 Tingle St., Ocean View, DE 19970, party of the first part,

- AND -

THOMAS GHIGLIOTTY, TRUSTEE, of THE THOMAS GHIGLIOTTY REVOCABLE TRUST, dated November, 2019, of 6 Tingle St., Ocean View, DE 19970, party of the second part.

WITNESSETH that for estate planning purposes and for no monetary consideration, the GRANTORS, parties of the first part, do hereby give, grant and convey unto the GRANTEES, parties of the second part, all their right, title and interest in that certain lot or parcel of land, held by said Grantors, together with improvement thereon, located in Baltimore Hundred, Sussex County, State of Delaware, and more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of Ocean View, Baltimore Hundred, Sussex County, State of Delaware, being known and designated as **Revised Lot 36, Kelly Estates**, as show on that certain plot prepared by Land Tech, LLC, Registered Surveyors, dated March 18, 2003, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 79, Page 196, as follows, to wit:

BEGINNING at a concrete marker situate on the westerly right of way of Tingle Street, said marker being a corner for these lands and Lot 34; thence, by and with Lot 34, North 54 degrees 44 minutes 47 seconds West, 190.00' to a point situate in White's Creek; thence, by and with White's Creek, North 35 degrees 08 minutes 17 seconds East, 75.00' to a point, said point being a corner for these lands and Lot 37; thence, leaving White's Creek and by and with Lot 37, South 54 degrees 44 minutes 47 seconds East, 190.00' to a point situate on the westerly right of way of Tingle Street, said point being a corner for these land and Lot 37; thence, by and with the

aforesaid westerly right of way of Tingle Street, South 35 degrees 08 minutes 18 seconds West, 75.00' to the point and place of beginning, being and containing 14,200 square feet of land, more or less.

TO FURTHER HAVE AND TO HOLD the property with full power, right and authority hereby granted unto Grantees, and their successors in trust (without joinder of any beneficiary), to sell, lease, exchange, encumber and/or convey the said property, either in whole or in part, upon such terms and conditions and for such consideration, or no consideration, as Grantees may in the discretion of Grantees deem advantageous, with the further right to subdivide and re-subdivide said property and to dedicate such portions thereof for public use as Grantees shall deem desirable, together with the right to grant licenses and easements for utility or other purpose across, over and under said property, and Grantees are hereby empowered to execute, acknowledge and deliver such deed, deeds of trust, leases and other instruments necessary to carry out the foregoing powers, and there shall be no obligation or liability upon any purchaser or purchasers, lessee or lessees of said property, or any part thereof, or upon any party or parties making any loans secured by mortgages upon said property, or any part thereof, to see to the proper application of the proceeds of such sale, lease or loan.

BEING the same lands conveyed unto Thomas S. Ghigliotty and Susan G. Ghigliotty, husband and wife, by Deed of Dirickson Landing Associates Limited Partnership dated April 13, 2012 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2826, Page 96. **THE SAID SUSAN G. GHIGLIOTTY** died on or about March 20, 2016 and by operation of law the above mentioned property passed solely to her husband, Thomas S. Ghigliotty.

THIS CONVEYANCE IS MADE SUBJECT TO the Declaration of Restrictive Covenants for Kelley Estates dated November 5, 1986, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 1452, Page 178.

SUBJECT, FURTHER, to that certain Easement by and between David J. Long and Betty Jean Long, his wife, and Clifton Sanford Justice and Margaret K. Justice, his wife, their heirs or assigns, dated October 25, 1995, and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2086, Page 248, as follows, to wit: **TOGETHER WITH** an easement in the Northeasterly portion of said lagoon for navigation purposes and rights of passage for boating, said easement to run from the centerline of said lagoon, the now determined mutual boundary to the mean low water line, to utilize the waterway from the mutual boundary line to the low water mark. Notwithstanding the grant of this easement, neither party is responsible for maintenance of said waterway, but either party has the right to dredge the centerline. Further, the parties do not and shall not grant any use in the water to the public at large.

IN WITNESS WHEREOF, the parties of the first part have hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:



 (SEAL)
Thomas S. Ghigliotti

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 5 day of November, 2019, personally came before me, the subscriber, Thomas S. Ghigliotti, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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



Notary Public
Printed Name: _____
My Commission Expires: _____

MANAEN S. ROBINSON, IV, ESQ.
ATTORNEY AT LAW-DELAWARE
NOTARY PURSUANT TO
29 DEL.C., SEC. 4323(a)(3)

Appendix F
pgs 1-3

TAX MAP AND PARCEL #:
1-34-12.00-307.00
PREPARED BY & RETURN TO:
Bonnie M. Benson, P. A.
33718B Wescoats Road
Lewes, DE 19958
File No. 20-1685/CJ

THIS DEED, made this 25th day of May, 2020,

- BETWEEN -

CARL DALLMEYER and MOLLY DALLMEYER, of 111 Fairfax Drive, York, PA 17403-5007, parties of the first part,

- AND -

THOMAS V. WHEAT and ELLEN V. WHEAT, of 4 Tingle Street, Ocean View, DE 19970, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Seven Hundred Seventy-Five Thousand and 00/100 Dollars (\$775,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, as tenants by the entirety and 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 situate, lying and being in the Town of Ocean View, Baltimore Hundred, Sussex County, Delaware, being known and designated as Lot No. 37, Kelley Estates, as shown on the certain Plot prepared by Land Tech, LLC Registered Surveyors, dated March 18, 2003, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Plot Book 79, Page 196, as follows to wit:

BEGINNING at a point situate on the Westerly right of way of Tingle Street, said point being a corner for these lands and Revised Lot No. 36; thence, by and with Revised Lot No. 36,

North 54 degrees, 44 minutes, 47 seconds West, 190.00 feet to a point situate in White's Creek; thence, by and with White's Creek, the following two courses and distances, North 35 degrees, 08 minutes, 17 seconds East, 25.00 feet to a point; thence North 62 degrees, 12 minutes, 42 seconds East, 126.86 feet to a point, said point being a corner for these lands and lands now or formerly of David J. Long and Betty Jean Long, thence, by and with lands now or formerly of David J. Long and Betty Jean Long, South 43 degrees, 16 minutes, 54 seconds East, 135.01 feet to a point situate on the Westerly right of way of Tingle Street; thence, leaving lands now or formerly of David J. Long and Betty Jean Long, South 43 degrees, 16 minutes, 54 seconds East, 135.01 feet to a point situate on the Westerly right of way of Tingle Street; thence, leaving lands now or formerly of David J. Long and Betty Jean Long and by and with the aforesaid Westerly right of way of Tingle Street, South 35 degrees, 08 minutes, 18 seconds West, 111.24 feet to the point and place of Beginning, being and containing 21,195 square feet of land, more or less.

THIS CONVEYANCE is made subject to the Declaration of Restrictive Covenants for Kelly Estates, dated November 5, 1986 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 1452, Page 178.

SUBJECT, FURTHER, to that certain Easement by and between David J. Long and Betty Jean Long, his wife, and Clifton Sanford Justice and Margaret K. Justice, his wife, their heirs and or assigns, dated October 25, 1995, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 2085, Page 248, as follows, to wit:

TOGETHER with an easement in the Northeasterly portion of said lagoon for navigation purposes and rights of passage for boating, said easement to run from the centerline of said lagoon, the now determined mutual boundary to the mean low water mark. Notwithstanding the grant of this Easement, neither party is responsible for maintenance of said waterway, but either party has the right to dredge the lagoon to the low water mark as it exist as of the date of this grant on either side of the centerline. Further, the parties do not and shall not grant any use in the water to the public at large.

BEING the same lands conveyed to Carl Dallmeyer and Molly Dallmeyer from Joseph Pluscht, Jr. and Wendy G. Pluscht, by Deed, dated February 21, 2020, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 25, 2020, in Deed Book 5204, Page 269.

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 parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Jacqui Gross

Carl Dallmeyer (SEAL)
Carl Dallmeyer

Jacqui Gross

Molly Dallmeyer (SEAL)
Molly Dallmeyer

STATE OF Pennsylvania, COUNTY OF York : to-wit

BE IT REMEMBERED, that on May 26th, 2020, personally came before me, the subscriber, Carl Dallmeyer and Molly Dallmeyer, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

Sherri Kauffman
Notary Public

My Commission Expires: Oct 7th 2022

Commonwealth of Pennsylvania - Notary Seal
Sherri Kauffman, Notary Public
York County
My commission expires October 7, 2022
Commission number 1258421
Member, Pennsylvania Association of Notaries

25869 #02086 248

1-34 12.00 307.00 & 1536.00

THIS QUIT-CLAIM DEED, MADE this 25th day of October, in the year of our Lord one thousand nine hundred and ninety-five (1995)

BETWEEN: DAVID J. LONG AND BETTY JEAN LONG, his wife, of R.D.#1, Box 379, Ocean View, Delaware, 19970, parties of the first part,

-AND-

CLIFTON SANFORD JUSTICE AND MARGARET E. JUSTICE of 6 Tingle Street, Ocean View, Delaware, 19970, parties of the second part;

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) Lawful Money of the United States of America and other good and valuable considerations, the receipt whereof is hereby acknowledged, do hereby grant, convey, release, remise and quit-claim all of their right, title, interest, claim and demand unto the said parties of the second part, their heirs or assigns, in and to:

ALL those certain lands located in the Town of Ocean View, Baltimore Hundred, Sussex County, State of Delaware, being any and all lands located to the Southwest of the centerline of a lagoon more particularly shown and described on a Plot prepared by Land Tech, Inc., dated July 27, 1992 and filed for record in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware, in Plot Book 55, page 69, from the point where said lagoon adjoins White's Creek to the North to a point where the lagoon meets the line of Lot Nos. 27 and 26, "Kelly Estates".

TOGETHER WITH an easement in the Northeasterly portion of said lagoon for navigation purposes and rights of passage for boating, said easement to run from the centerline of said lagoon, the now determined mutual boundary to the mean low water line, to utilize the waterway from the mutual boundary line to the low water mark. Notwithstanding the grant of this easement, neither party is responsible for maintenance of said waterway, but either party has the right to dredge the lagoon to the low water mark as it exists as of the date of this grant on either side of the centerline. Further, the parties do not and shall not grant any use in the waterway to the public at large.

1635 333 11/ 8/95 TX-EX ST .00

4325 111 11/ 8/95 CTX-EX SU .00

PREPARED BY:
SCHOVIC & ELLO, P.A.
9 North Front Street
P.O. Box 888
Georgetown DE 19947

THE TOWN OF OCEAN VIEW
REALTY TRANSFER TAX

Serial No. 35-416
Amount Collected 11-8-95
Date Received 11-8-95
Received by [Signature]

DLM

02086 2249

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED AND DELIVERED, IN THE PRESENCE OF:

John C. Andrada
Witness
John C. Andrada
Witness

David J. Long (SEAL)
David J. Long

Betty Jean Long (SEAL)
Betty Jean Long

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.

BE IT REMEMBERED, That on this 25th day of October, in the year of our LORD, one thousand nine hundred and ninety-five, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, DAVID J. LONG AND BETTY JEAN LONG, parties to this Indenture known to me personally to be such, and acknowledged this Indenture to be their Deed.

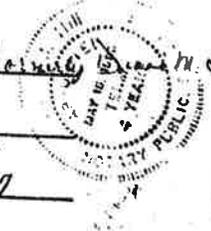
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

RECORDER OF DEEDS
FRANCIS M. PASKAUSKAS

95 NOV -8 AM 9:37

SUSSEX COUNTY
DOC. SURCHARGE PAID

Diane M. Weller
Notary Public
DIANE M. WELLER
Print or Type Name
Comm. Expires: 5/15/97



Received

NOV 8 1995

ASSESSMENT DIVI
OF SUSSEX CTY

SEBORG & ELLIS, PA
8 NORTH FRONT STREET
P.O. Box 266
Georgetown, DE 19847

1-17-96
Clyde Justice
6 Temple St
Georgetown, DE
19970

District 1-34, Map 12.00, Parcel 1536.00
 Prepared by I. J. Crickenberger, VSB 6465
 Crickenberger & Associates, P.C.
 Fairfax Commons, Suite 71-A
 3921 Old Lee Highway, Fairfax, VA 22030

8/10/01

QUITCLAIM DEED

THIS QUITCLAIM DEED is dated January 31, 2001, by and between PALMER McGREW and CEDA J. McGREW, his wife, 9498 Harrowhill Lane, Burke, Virginia 22015, Grantors, and PALMER McGREW and CEDA J. McGREW, CO-TRUSTEES OF THE MCGREW REVOCABLE TRUST, 9498 Harrowhill Lane, Burke, Virginia 22015, Grantees.

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantors do remise, release and forever quitclaim unto PALMER MCGREW AND CEDA J. MCGREW, CO-TRUSTEES OF THE MCGREW REVOCABLE TRUST, dated January 31, 2001, all of the interest which they have in and to the real property located in the Town of Ocean View, Baltimore Hundred, Sussex County, State of Delaware, and more particularly described as follows:

Parcel 1:

ALL that certain lot, piece or parcel of land known and designated as LOT NO. 35, as shown on a plot entitled LOT 35, KELLY ESTATES & PART OF LANDS OF CLIFTON S. JUSTICE & MARGARET K. JUSTICE, as surveyed by Simpler Surveying & Associate, dated October 13, 1999 and filed in the Office of the Recorder of Deeds, at Georgetown, Delaware in Plot Book 65, Page 311.

Parcel 2:

Beginning at an iron pipe located on the southeasterly right-of-way of Tingle Street, said iron pipe located North 35 degrees 07 minutes 56 seconds East, 306.70 feet northeasterly from Hudson Avenue; thence North 35 degrees 07 minutes 56 seconds East, by and with a new right-of-way line for Tingle Street, a distance of 86.60 feet to an iron pipe; thence along a curve to the right, by and with the abandoned right-of-way, having a radius of 50.00 feet, a central angle of 119 degrees 59 minutes 12 seconds, an arc length of 104.71 feet, and a chord which bears South 35 degrees 07 minutes 56

*JK
mw*

*JK
mw*

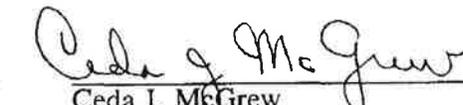
seconds West to the point of beginning, said right-of-way contains 1,535 square feet of land, being the same more or less, as surveyed and shown on a plot prepared by Land Tech, LLC, dated July 19, 2000, and recorded in Deed Book 2512, at page 30, in the Office of the Recorder of Deeds, Georgetown, Delaware.

AND BEING the same property conveyed to the Grantors by Deed dated June 3, 2000, and recorded in Deed Book 2493, at page 119, as to Parcel 1, and by Deed dated July 31, 2000, and recorded in Deed Book 2512, at page 28, as to Parcel 2.

To have and to hold the property, together with the tenements, hereditaments and appurtenances thereunto belonging, or appertaining, and the rents, issues, and profits thereof unto PALMER MCGREW AND CEDA J. MCGREW, AS CO-TRUSTEES OF THE MCGREW REVOCABLE TRUST and assigns of the trust forever.

And the Grantors do hereby acknowledge that it is the intention of this instrument to convey not only their entire present interest in the above-described property, but also all right, title and interest after-acquired by them or their successors or assigns, through and by operation of law.

IN WITNESS WHEREOF, the Grantors have signed this instrument.

<u>Helen S. May</u> Witness	 Palmer McGrew {SEAL}
<u>Helen S. May</u> Witness	 Ceda J. McGrew {SEAL}

Commonwealth of Virginia,
County of Fairfax, to wit:

I hereby certify that on April 25, 2001, before me, the subscriber, a Notary Public of the Commonwealth of Virginia at Large, personally appeared Palmer McGrew and Ceda J. McGrew, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that the same was their acts and deeds executed for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal:

Helen S. May
Notary Public
My commission expires: July 31, 2005

* After recording, return to:
Crickenberger & Associates, PC
Fairfax Commons, Suite 71-A
3921 Old Lee Highway
Fairfax, VA 22030-2401

Received

JUN 01 2001

ASSESSMENT DIVISION
OF SUSSEX CTY.

THE TOWN OF OCEAN VIEW
REALTY TRANSFER TAX
Serial No. 35-113
Amount Of Town Tax Exempt
Date Recorded 5/19/01
Received By C. Workman

RECORDS OF DEEDS
01 MAY 31 AM 11:10
SUSSEX COUNTY
DOC. SURCHARGE PAID

County	State	Total
.00	.00	.00
Date: 5/31/2001		
Consideration: .00		

Carol Houck

Appendix G pages 1-3

From: Jim Lober <jlober@kerchergroup.com>
Sent: Thursday, July 23, 2020 4:07 PM
To: Kenneth Cimino; Good, Lauren E.
Cc: Carol Houck; Moravec, Raymond L.; Schrader, Dennis L.
Subject: RE: Tingle Street Property Determinations [EXTERNAL]

I tracked all of the deeds for lot 37 from the current owners in May of this year back to the original transfer of the lot from Justice to Dirickson Landing Associates in April 2003. The April 2003 deed describes tract no. 2 (aka lot 37) as being bounded by the westerly ROW of Tingle Street for the entire 111.24' but it references the original deed from 1966 when Justice purchased the property from Hattie Tingle. This is the first time this parcel was sold after Justice purchased it in 1966. There is no reference to any other document.

As much as all of these documents have recognized an "extension" of the ROW of Tingle street, and the land doesn't belong to either lot 35 or 37, there doesn't appear to be a document conveying the land from Justice to anyone else.

James H. Lober, P.E.
254 Chapman Road - Suite 202 - Newark, DE 19702
O (302) 781-4343 | M (302) 383-8803

THE KERCHER GROUP, INC.

Strategic Infrastructure and Transportation Asset Management
Consulting | Systems | Engineering

www.kerchergroup.com

From: Kenneth Cimino <admintov@oceanviewde.com>
Sent: Thursday, July 23, 2020 3:26 PM
To: Good, Lauren E. <lgood@wallacemontgomery.com>; Jim Lober <jlober@kerchergroup.com>
Cc: Carol Houck <chouck@oceanviewde.com>; Moravec, Raymond L. <RMoravec@wallacemontgomery.com>; Schrader, Dennis L. <DSchrader@morrisjames.com>
Subject: RE: Tingle Street Property Determinations [EXTERNAL]

Lauren,

Is a field visit with your survey group next week possible? I would like to meet with them in the field so they get a better understanding of what we are asking?

Thank you,

Kenneth L. Cimino
Town of Ocean View
Director of Planning, Zoning & Development
201 Central Ave. - 2nd Floor
Ocean View, DE 19970
Office: 302-539-1208 ext. 113

Extended
ROW
in Question

Tree
Removed

APPENDIX
I