

# Village of Ardentown

Established 1922  
Incorporated 1975

Ardentown, Del. 19810

March 18, 1998

Carmella Keener  
Rosenthal, Monhait, Gross, and Goddess  
P.O. Box 1070  
Wilmington, Delaware 19899

Dear Carmella Keener,

This letter is a followup to our conversation and will lay out the issues relating to the Village of Ardentown's setting up a nature preserve, with the assistance of the State Department of Natural Resources and Environmental Control (DNREC). I enclose a clipping from The News Journal, which sums up what is happening.

As you probably know, the State Department of Transportation (DelDOT) is trying to get rid of all the property it no longer needs. In November our village unanimously voted at a town meeting to seek DelDOT land bounded by Harvey Road, the CSX Railroad, Naamans Creek and Interstate 95, in the hopes of keeping it forever free of development. The land is not accessible by any road. (A letter with the original request to DelDOT is enclosed. A copy was sent at the time to Joe Rosenthal for your office's information.)

Ardentown is the logical guardian for this land, which is adjacent to a smaller also undeveloped and undevelopable tract of 6 acres that is under the trusteeship of the Trustees of Ardentown. It extends from Naamans Creek along the railroad tracks, but does not reach Harvey Road or the interstate.

DNREC agreed to work with the village and the agreement is apparently ready to be signed. DelDOT decided to keep about 2.5 acres adjacent to Harvey Road, apparently in the event it wishes to expand the present interstate intersection. The remaining 28.8 acres will become a nature preserve. A map is enclosed. We have not yet received a formal legal description of the area but have been assured by DelDOT this will be forwarded soon.

Both the state representatives whose districts are involved in this - Wayne Smith and David Brady - have been working with Ardentown and the others interested in getting this done. The residents of the neighboring areas - Arden, Ardencroft, Radnor Green, Indian Field and Claymont - will join Ardentown in serving as an informal governing group in assuring the preservation of this area.

The 28.8 acres will be added to the control of Village of Ardentown, not the Trustees of Ardentown, to assure that it will not be taxed. (A copy of a letter from New Castle County confirming this future tax-free status is enclosed.) The village currently "owns" only the roads. This transfer from the trustees that was accomplished some

years ago to assure the village would be eligible for the state's municipal street aid funds. The remainder of the village is still under the guardianship of the trustees. This, as you probably know, is somewhat different from the arrangement in the Village of Arden.

The village wants to make sure the agreements it is entering into will not expose it to any undue risk. Enclosed is correspondence from DNREC on the dedication document for the tract, which the village will be asked to sign after the deed transfer takes place. We would appreciate your review and advising us of any potential problems and possible changes.

We are told that the formal deed transfer could occur within a week to 10 days. We have not yet received this document, which we will ask you also to review before we sign it. The deed will include the formal description of the land for which you asked but which we have not seen. A map is enclosed of the area involved.

We have asked that DelDOT include some guarantee that no contamination or other problems exist on the tract for which the village might at some future date be involved in a legal action and possibly held liable. We have no specific knowledge of any such problem since the area involved was a working farm before it was bought for the construction of Interstate 95.

The second part of this matter involves the 6 acres now under the guardianship of the Trustees of Ardentown. When the village was incorporated in 1975, this tract was excluded from the description of the boundaries of the village in the legislature's act of incorporation. It was felt that the land could never be built upon. The tract was also singled out in the original 1922 purchase of the land used to establish Ardentown in 1922. I am enclosing a copy of that original deed. (Ignore the pencil markings on it.) The tract described is No. 5. You will note that the deed (pages 9-10) gives the trustees the discretion to do whatever they felt best with that tract.

The trustees have voted to deed this land to the Village of Ardentown with the understanding it will be kept as undeveloped as the adjacent nature preserve. This should be a separate transaction from what is happening with the state and will follow completion of the DelDOT matter.

We need your guidance on how this transfer is to be accomplished. We will also ask for assurance that this parcel will be off the current New Castle County tax/assessment rolls after the transfer is made.

Although most of this is being handled by the village and not the trustees, I have agreed to help the town chairman, Christopher Coburn, in some of the aspects of this transfer. If you have questions you may reach him at 475-5832. My phone number, and that of the trustees secretary, my wife Betty Ann, is 475-8193.

Sincerely,

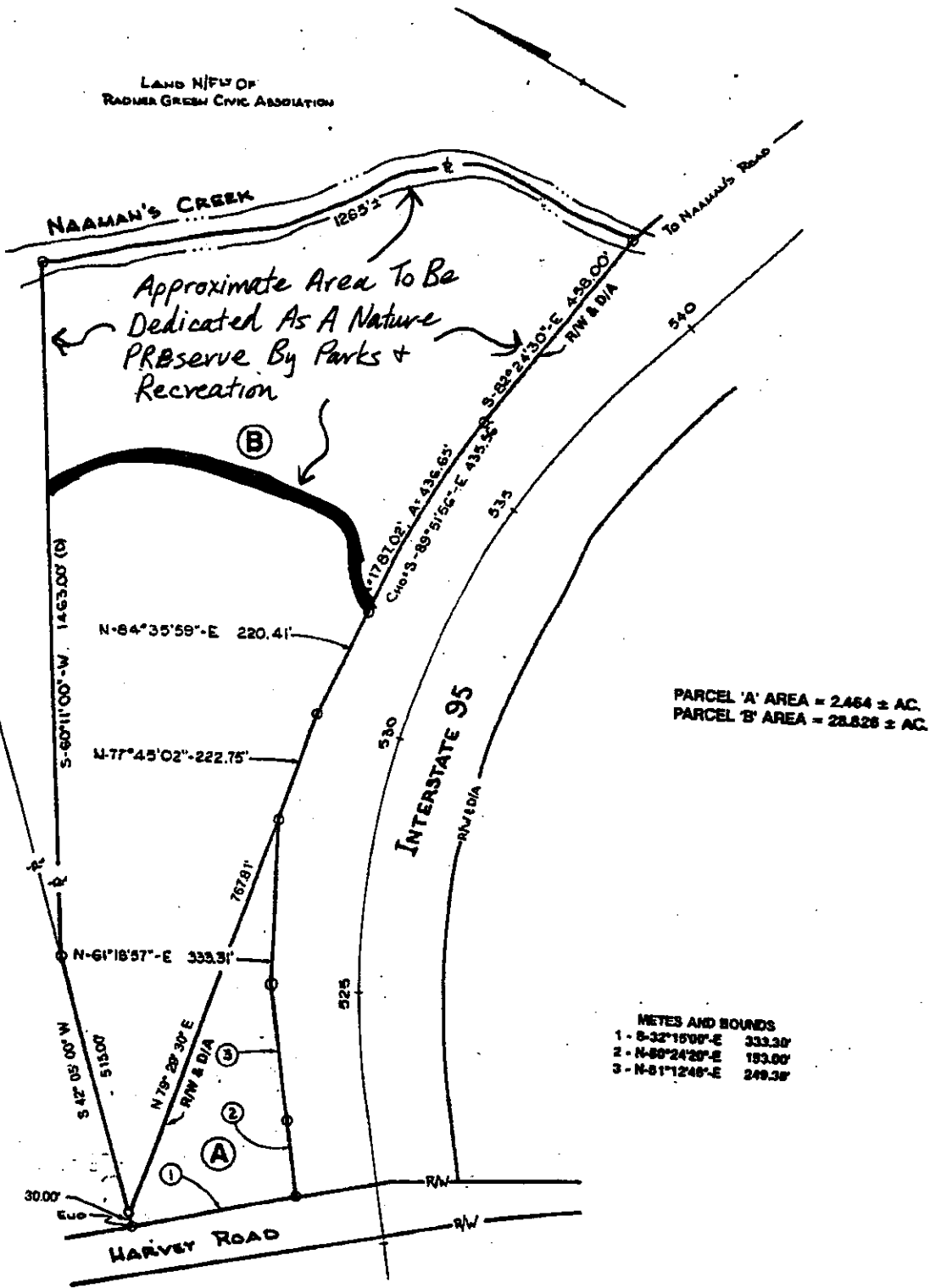
Harry Themal

CC: Chris Coburn, town chairman  
Lisa Riblett, town secretary

LAND N/FLY OF  
RADNER GREEN CIVIC ASSOCIATION

LAND N/FLY OF  
ARDEYTOVA TRUSTEES

LANDS N/FLY OF  
B & O RAILROAD



PARCEL 'A' AREA = 2.464 ± AC.  
PARCEL 'B' AREA = 28.828 ± AC.

METES AND BOUNDS  
1 - S-32°15'00"-E 333.30'  
2 - N-80°24'20"-E 193.00'  
3 - N-81°12'48"-E 248.38'

ALVIN L. RENTZ, HARRY E. RENTZ & ERNEST LODGE VAIL  
LANDS ACQUIRED FROM

|   |                                     |                                       |
|---|-------------------------------------|---------------------------------------|
| NEW CASTLE COUNTY   | BRANDYWINE HUNDRED                  | 06-070.00-001<br>TAX ASSESS. PAR. NO. |
| 04-023<br>CONTRACT NO.  | INTERSTATE 95 2(2)<br>PROJECT TITLE |                                       |
| 42<br>CONTRACT PARCEL NO.   | E-81-005<br>DEED RECORD             | 20DEC67<br>DEED DATE                  |
| SCALE: 1 INCH = 100 FEET / FULL SIZE DWG. IS 17" X 22" FOR 8 1/2" COPIES; SCALE X 2 |                                     | NOTED<br>AREA OF                      |
| REVISIONS: Added Parcels 'A' & 'B' on Jan. 15, 1997                                 |                                     |                                       |

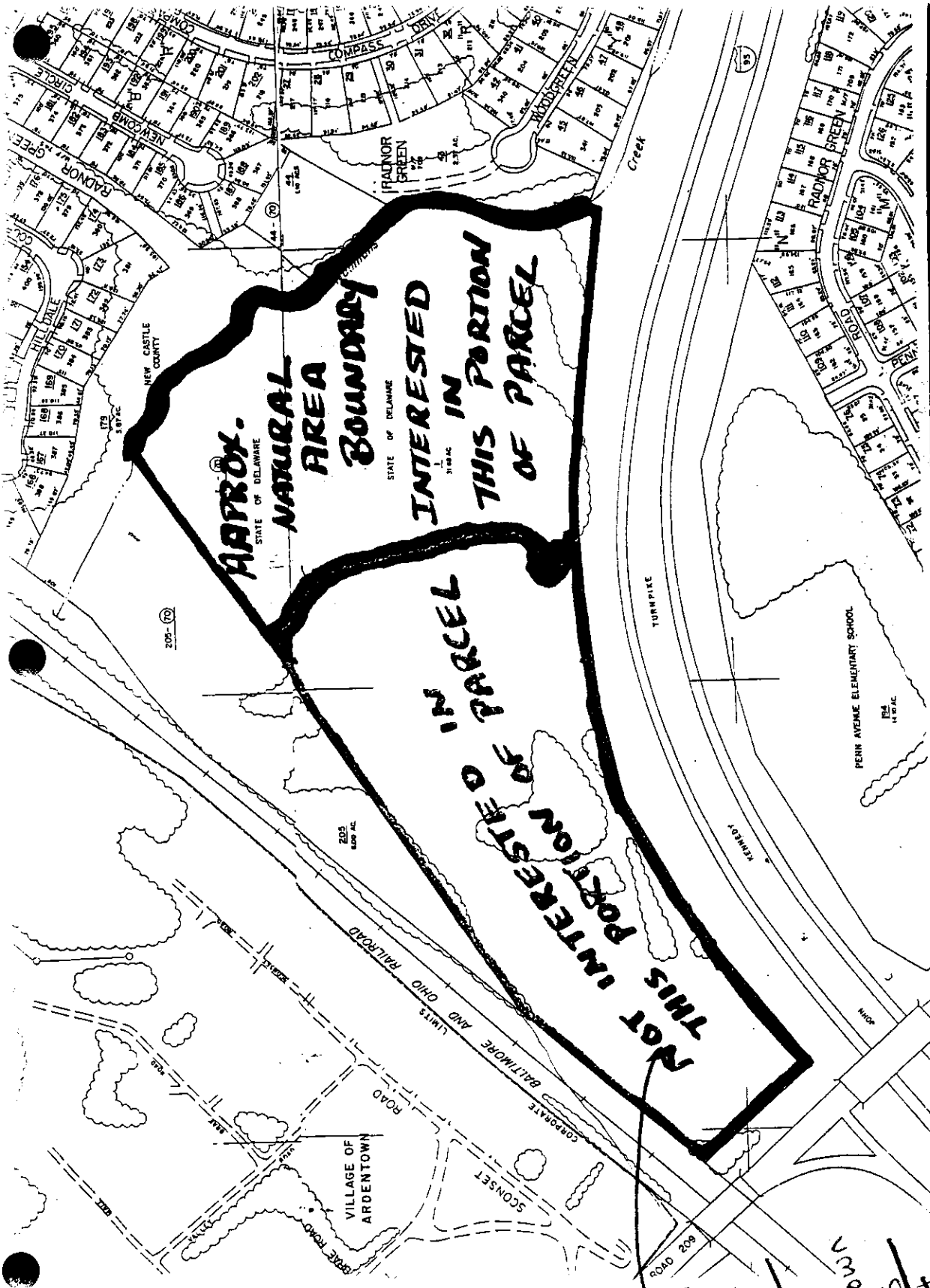


STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
P.O. Box 778  
DOVER, DELAWARE 19903



RIGHT OF WAY Engineering Section

DRAWN BY PHM DATE 13MAR86 PLOT NO. NC 248



**APPROX. NATURAL AREA BOUNDARY**  
 STATE OF DELAWARE  
**INTERESTED IN THIS PORTION OF PARCEL**

**NOT INTERESTED IN THIS PORTION OF PARCEL**

NOT  
 Ardentown  
 Notes  
 Printed  
 MOC'S  
 3-1-77-93  
 16/19/77