

**City of New Castle Delaware  
Board of Adjustment Public Hearing  
Community Room-NCC Police Dept  
1 Municipal Blvd, New Castle, DE 19720  
Monday, September 30, 2024  
6:30 p.m.**

**Agenda**

**1. Roll Call**

**2. Public Hearing Comments** (concerning agenda items)

**3. New Business:**

- 1. BOA- 2024-04: An application has been filed by Ward and Taylor, LLC Ryan D. Jornlin, Esq, (Applicant), and John DiMondi Enterprises, LLC (Owner), for properties located in the DG Zoning District at 428, 430, 432, 434, 438, 440 and 442 W. 7th St, New Castle, DE 19720, Tax Parcel Nos. 21-014.00-566 through 572, seeking a Special Exception per Section 230-21.1B.(2) of the City Zoning Ordinance for religious institutions and their ancillary uses and a Variance to Section 230-28.A.(15)(c)[4][c] of the City Zoning Ordinance to allow 4,000 feet of walking distance to the off-street parking spaces in lieu of the required 1,200 feet maximum distance.**
- 2. BOA- 2024-05: An application has been filed by Freedom Development, LLC. (Applicant) and J H Fisher Inc., (Owner), for properties located in the DG Zoning District at 610 W 7th St & 700 Larkin St, New Castle, DE 19720, Tax Parcel Nos. 21-014.00-132 & 21-017.00-127, seeking a Special Exception per Section 230-21.1B. (2) of the City Zoning Ordinance for multi-family dwellings.**

**4. Adjournment**

**Posted: 9/11/2024**

Note: This agenda as listed may not be considered in sequence, including executive sessions.

\*You can also view the meeting online at the address below. A clickable link is available on the City website at [www.newcastlecity.delaware.gov/events](http://www.newcastlecity.delaware.gov/events).

There will be no comments taken from the Zoom audience; comments may be submitted via email up to **3:00 p.m. on Monday, September 30, 2024** at [info@newcastlecity.delaware.gov](mailto:info@newcastlecity.delaware.gov)

**Meeting Link:**

<https://us02web.zoom.us/j/81586954586?pwd=ZbevnUT9QI0ZVcFjvs6fMpWH8cSo3E.1>  
Enter Password: **924560**

You can also listen to the meeting via telephone by calling one of the phone numbers below and entering the meeting ID and password when prompted. (Long distance rates may apply.)  
(301) 715-8592 or (646) 558-8656.

Webinar ID: 825 7597 4112 Passcode: **924560**

**CITY OF NEW CASTLE  
BOARD OF ADJUSTMENT  
NOTICE OF PUBLIC HEARINGS**

**Monday, September 30, 2024  
6:30 p.m.**

**EACH APPLICATION IS A SEPARATE PUBLIC HEARING**

The agenda items listed may not be considered in sequence.

1. **BOA- 2024-04**: An application has been filed by Ward and Taylor, LLC Ryan D. Jornlin, Esq, (Applicant), and John DiMondi Enterprises, LLC (Owner), for properties located in the DG Zoning District at 428, 430, 432, 434, 438, 440 and 442 W. 7th St, New Castle, DE 19720, Tax Parcel Nos. 21-014.00-566 through 572, seeking a Special Exception per Section 230-21.1B.(2) of the City Zoning Ordinance for religious institutions and their ancillary uses and a Variance to Section 230-28.A.(15)(c)[4][c] of the City Zoning Ordinance to allow 4,000 feet of walking distance to the off-street parking spaces in lieu of the required 1, 200 feet maximum distance.
  
2. **BOA- 2024-05**: An application has been filed by Freedom Development, LLC. (Applicant) and J H Fisher Inc., (Owner), for properties located in the DG Zoning District at 610 W 7th St & 700 Larkin St, New Castle, DE 19720, Tax Parcel Nos. 21-014.00-132 & 21-017.00-127, seeking a Special Exception per Section 230-21.1B. (2) of the City Zoning Ordinance for multi-family dwellings.

**For the purpose of considering this application, the Board of Adjustment will hold a Public Hearing on Monday, September 30, 2024 at 6:30 p.m. at the Community Room of the New Castle Police Department, located at 1 Municipal Blvd., New Castle, DE 19720.**

**Valarie Leary, Mayor  
Chairman - Board of Adjustment  
City Of New Castle  
Posted – 9/11//2024**

**BOA 2024-04– Ward and Taylor, LLC Ryan D. Jornlin, Esq, 428, 430, 432, 434, 438, 440 and 442 W. 7th St, New Castle, DE 19720, Tax Parcel No. 21-014.00-566 through 572.**



CITY OF NEW CASTLE
BOARD OF ADJUSTMENT
APPLICATION FOR HEARING

Freedom Development, LLC
Name of Applicant
1580 Gravenor Lane
Address
Newark, DE 19711

J H Fisher Inc.
Name of Owner (if different)
1580 Gravenor Lane
Address
Newark, DE 19711

Subject property: 610 W. Seventh St. & 700 Larkin St. / Downtown Gateway
Location/Address Zoning Classification

Tax parcel Number: 21-014.00-132 & 21-017.00-127
(found on Property Tax Bill or by calling City Tax Office at 322-9804)

Attach copy of the plot plan for the subject property showing the layout of structures or improvements on the lot, location of the subject property and the size and location of any structures proposed; include present and proposed use of the property.

Attach a copy of any Deed Restrictions which may apply to the subject property.

Attach the appropriate filing fee, payable to the City of New Castle, as shown on the fee schedule. (the current fee schedule may be obtained by calling the Mayor's Office at 322-9801.)

Has a previous application for this property for any action been filed with the Board?

Yes [ ] No [x] If yes, Application No. \_\_\_\_\_, Hearing Date \_\_\_\_\_

Has any prior action of the Board of Adjustment for this property been appealed to the Superior Court?

Yes [ ] No [x]

If yes, give Superior Court case number and status: \_\_\_\_\_

CHECK THE APPROPRIATE SECTION AND FILL IN THE REQUIRED INFORMATION PERTAINING TO THE TYPE OF RELIEF REQUESTED (USE ADDITIONAL SHEETS AS NECESSARY)

A. [ ] Appeal from Administrative Official's order, requirement, decision or determination, or

[ ] Appeal from Historic Area Commission's order, requirement, decision or determination

(summarize or attach written decision) \_\_\_\_\_

Dated: \_\_\_\_\_ For the following reasons (attach additional sheets as necessary.)

B. [x] Special Exception for the following use: See Attached Letter

State under what section of the City's ordinance this special exception is sought and the grounds on which it is requested. Include a plan for the proposed development showing location of buildings, parking areas, traffic access, open spaces and any other pertinent information necessary to determine if the proposal meets the City's Zoning Ordinance requirements. (Requests for Special Exception must be endorsed by the Planning Commission and/or the Historic Area Commission as appropriate. Letter(s) of endorsement must accompany this application at the time of filing this request to the Board of Adjustment

for consideration.) (Attach additional sheets as necessary.) See attached letter  
\_\_\_\_\_  
\_\_\_\_\_

The applicant must provide testimony at the public hearing in support of the following standards: (a) that there is a need for this use in the community; (b) that the use will not be detrimental or injurious to the neighborhood or City and (c) any additional standards imposed by the Zoning Code.


C.  Variance from Code requirements relating to: Lot Area  ; Front Setback  ;  
Side Yard  ; Rear Yard  ; Bulk  . State size of the variance being requested: (Attach additional sheets as necessary.) \_\_\_\_\_

Demonstrate (1) that special conditions/circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; (2) that literal interpretation of the provisions of the City's Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; (3) that the special conditions/circumstances do not result from actions of the owner or applicant; (4) that granting the variance requested will not confer on you any special privilege that is denied by the City Zoning Ordinance to other lands, structures or building in the same zoning district. (Attach additional sheets as necessary.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The standards the Board must apply in making its determination with respect to this variance request are: (a) the dimensional change being requested is minimal; (b) the effect of granting the requested relief upon neighboring properties; and (c) the harm to the applicant if the relief is not granted. The applicant must be prepared to present testimony and other evidence on these points to the Board at the public hearing.

D.  Approval of structural alterations resulting in an enlargement or extension of a nonconforming structure or use. State under what section of the Code approval is sought and the grounds on which it is requested. Include a plan for the proposed development showing location of buildings, parking areas, traffic access, open spaces and any other pertinent information. (Requests for enlargement of nonconforming uses must be endorsed by the Planning Commission and/or the Historic Area Commission as appropriate. Letter(s) of endorsement must accompany this application at the time of filing this request to the Board of Adjustment for consideration.) (Attach additional sheets as necessary.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE UNDERSIGNED HEREBY CERTIFIES THAT AS LEGAL OWNER OF THE SUBJECT PROPERTY THE INFORMATION CONTAINED HEREIN IS CORRECT. (If the applicant is not the legal owner of the property, the legal owner or his authorized representative must sign this form).

  
\_\_\_\_\_  
Signature of Owner

Date: 7.10.24  
Telephone Number 302-300-3533

**BOARD OF ADJUSTMENT USE ONLY:**

File Number \_\_\_\_\_  
Date Application Received \_\_\_\_\_  
Date Fee Paid \_\_\_\_\_  
Date Notice Published \_\_\_\_\_  
Date of Hearing \_\_\_\_\_  
Disposition \_\_\_\_\_

**MAILING ADDRESS**

Board of Adjustment  
City of New Castle  
220 Delaware Street  
New Castle, Delaware 19720  
Phone - 322-9801 FAX - 322-9814



222 Delaware Avenue  
Suite 1200  
Wilmington, DE 19801  
(302) 300-3478

[www.btlaw.com](http://www.btlaw.com)

Michael DeNote, Esquire  
Attorney  
302-300-3433  
[Michael.Denote@btlaw.com](mailto:Michael.Denote@btlaw.com)

July 10, 2024

New Castle City Board of Adjustment  
220 Delaware Street  
New Castle, DE 19720  
Attn: Jeffrey A. Bergstrom

RE: ***Freedom Development, LLC – 610 W. Seventh Street & 700 Larkin Street, New Castle Tax Parcel Nos. 21-014.00-132 & 21-017.00-127 (the “Property”)***

To Members of the City of New Castle Board of Adjustment:

Enclosed herein is an Application for Hearing before the City of New Castle Board of Adjustment (the “Board”) wherein Freedom Development, LLC, as developer of the above described Property, requests a Special Use Exception to construct residential apartments on land in the Downtown Gateway District. Section 230-21.1(B)(2) of the City of New Castle Municipal Code permits multi-family residential use in the DG District upon approval of the Board of a special exception.

We would like to schedule the Hearing as soon as possible. If you should have any question, please do not hesitate to reach out to me by phone or email.

Respectfully submitted,

/s/Michael DeNote

Michael DeNote

Encl.

**Parcel # 2101700127**

Property Address: 700 LARKIN ST  
NEW CASTLE, DE 19720-

Subdivision: ABEX CORPORATION

Owner: NOTE: No ownership updates will occur during the month of July 2024.

J H FISHER INC  
1580 GRAVENOR LA

Owner Address:  
NEWARK, DE 19711

Municipal Info: Incorporated in NEWCASTLE PROPERTY TAX AREA

Lot #: 1B	Property Class: INDUSTRIAL
Location:	Lot Size: 1.49
Map Grid: 10003380	Lot Depth: 0
Block:	Lot Frontage: 0
Census Tract: 162	Street Finish:
Street Type:	
Water:	
Microfilm #: 200805230035585	

**District & Zoning Info**

Districts

- **COUNCIL 12 - JAMES W BELL**
- **FIRE/RESCUE - GOODWILL**
- **COLONIAL SCHOOL DIST-TRES**
- DE REP 17-MELISSA MINOR-BROWN
- HARRIET TUBMAN UNDERGROUND
- NORTH OF C&D CANAL
- COASTAL ZONE DISTRICT-ASMT
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 2 - NEW CASTLE
- THE DELAWARE VALLEY BAYSHORE
- FLOODPLAIN
- DE SEN 12-NICOLE POORE

Zoning

- 21DG - DOWNTOWN GATEWAY

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
J H FISHER INC	1855 332	Y	12/21/1994	\$10.00

**Tax/Assessment Info**

Assessment

Land: 29800  
Structure: 94000  
Homesite: 0  
Total: 123800  
County Taxable: 123800  
School Taxable: 123800

**Tax Bills as of 7/9/2024 3:01:20 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$331.13	\$0.00	\$0.00	\$1,897.86
2011A	\$0.00	\$0.00	\$340.10	\$0.00	\$0.00	\$1,865.67
2012A	\$0.00	\$0.00	\$336.44	\$0.00	\$0.00	\$1,827.29
2013A	\$0.00	\$0.00	\$336.36	\$0.00	\$0.00	\$2,297.73
2014A	\$0.00	\$0.00	\$339.79	\$0.00	\$0.00	\$2,338.96
2015A	\$0.00	\$0.00	\$336.05	\$0.00	\$0.00	\$2,341.06
2016A	\$0.00	\$0.00	\$330.99	\$0.00	\$0.00	\$2,345.15
2017A	\$0.00	\$0.00	\$352.52	\$0.00	\$0.00	\$2,891.33
2018A	\$0.00	\$0.00	\$357.81	\$0.00	\$0.00	\$2,916.72
2019A	\$0.00	\$0.00	\$417.18	\$0.00	\$0.00	\$2,926.43
2020A	\$0.00	\$0.00	\$397.07	\$0.00	\$0.00	\$2,926.63
2021A	\$0.00	\$0.00	\$389.38	\$0.00	\$0.00	\$2,900.01
2022A	\$0.00	\$0.00	\$432.98	\$0.00	\$0.00	\$2,905.58
2023A	\$0.00	\$0.00	\$461.05	\$0.00	\$0.00	\$2,773.12

**Tax Payments as of 7/9/2024 3:01:20 AM**

Date Paid	Amt Paid
9/29/2010	\$2,228.99
9/29/2011	\$2,205.77
10/2/2012	\$2,163.73

9/30/2013	\$336.36
9/30/2013	\$2,297.73
9/26/2014	\$339.79
9/26/2014	\$2,338.96
9/23/2015	\$2,677.11
9/14/2016	\$2,676.14
10/6/2017	\$3,243.88
4/5/2018	\$27.28
9/7/2018	\$3,247.25
9/12/2019	\$3,343.61
9/22/2020	\$3,323.70
9/14/2021	\$3,289.39
9/13/2022	\$3,338.56
9/6/2023	\$3,234.17

County Balance Due: \$0.00

School Balance Due: \$0.00

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

### Commercial Structure Characteristics

**Building #: 00**

Occupancy: 430 # of Stories: 1 Year Built: 1924  
 Struct Class: C Quality: C Condition: VP  
 Floor Level: F Grnd Flr Area: 2976 Total Flr Area: 4092  
 Ext Wall Type: 01 Wall Height: 14 Perimeter: 220  
 AC %: 0 Heat %: 0 Rentable Units: 1  
 Bsmt: 8 Bsmt Util: 0  
 Year Renov: 0 Renov Rtng: 0 Eff. Yr Built: 1933

**Building #: 09**

Occupancy: 311 # of Stories: 2 Year Built: 1913  
 Struct Class: C Quality: C Condition: P  
 Floor Level: A Grnd Flr Area: 1664 Total Flr Area: 4160  
 Ext Wall Type: 01 Wall Height: 10 Perimeter: 168  
 AC %: 0 Heat %: 100 Rentable Units: 1  
 Bsmt: 90 Bsmt Util: 3  
 Year Renov: 0 Renov Rtng: 0 Eff. Yr Built: 1933

**Building #: 11**

Occupancy: 441 # of Stories: 1 Year Built: 1913  
 Struct Class: C Quality: C Condition: VP  
 Floor Level: F Grnd Flr Area: 3840 Total Flr Area: 3840  
 Ext Wall Type: 01 Wall Height: 19 Perimeter: 248  
 AC %: 0 Heat %: 100 Rentable Units: 1  
 Bsmt: 0 Bsmt Util: 0  
 Year Renov: 0 Renov Rtng: 0 Eff. Yr Built: 1933

**Parcel # 2101400132**

Property Address: 610 W SEVENTH ST  
NEW CASTLE, DE 19720-

Subdivision: ABEX CORPORATION

Owner: NOTE: No ownership updates will occur during the month of July 2024.  
J H FISHER INC  
1580 GRAVENOR LA

Owner Address:  
NEWARK, DE 19711

Municipal Info: Incorporated in NEWCASTLE PROPERTY TAX AREA

Lot #: 1A	Property Class: INDUSTRIAL
Location:	Lot Size: 15.16
Map Grid: 10003380	Lot Depth: 0
Block:	Lot Frontage: 0
Census Tract: 162	Street Finish:
Street Type:	
Water:	
Microfilm #: 200805230035585	

**Related Project Plans**

Details	A/P No.	Project Name	Work Type	Status
	20240305			ACTIVE

**District & Zoning Info**

Districts

- **COUNCIL 12 - JAMES W BELL**
- **FIRE/RESCUE - GOODWILL**
- **COLONIAL SCHOOL DIST-TRES**
- DE REP 17-MELISSA MINOR-BROWN
- NORTH OF C&D CANAL
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 2 - NEW CASTLE
- STATE WETLANDS
- FLOODPLAIN
- DE SEN 12-NICOLE POORE
- HARRIET TUBMAN UNDERGROUND
- COASTAL ZONE DISTRICT-ASMT
- WETLANDS-LU
- THE DELAWARE VALLEY BAYSHORE

Zoning

- 21DG - DOWNTOWN GATEWAY

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
AMERICAN MANGENESE STEEL CO	0 0	Y	Not Available	\$0.00
ABEX CORPORATION	P40 323	N	10/8/1937	\$1.00
AMALLOY CORP	1029 245	Y	5/7/1990	\$350,000.00
J H FISHER INC	1855 332	Y	12/21/1994	\$10.00

**Tax/Assessment Info**

Assessment

Land: 106500  
Structure: 0  
Homesite: 0  
Total: 106500  
County Taxable: 106500  
School Taxable: 106500

**Tax Bills as of 7/9/2024 3:01:20 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$380.61	\$0.00	\$0.00	\$2,181.46
2011A	\$0.00	\$0.00	\$390.93	\$0.00	\$0.00	\$2,144.46
2012A	\$0.00	\$0.00	\$386.72	\$0.00	\$0.00	\$2,100.35
2013A	\$0.00	\$0.00	\$386.63	\$0.00	\$0.00	\$2,641.09
2014A	\$0.00	\$0.00	\$390.57	\$0.00	\$0.00	\$2,012.12
2015A	\$0.00	\$0.00	\$289.10	\$0.00	\$0.00	\$2,013.92
2016A	\$0.00	\$0.00	\$284.74	\$0.00	\$0.00	\$2,017.43
2017A	\$0.00	\$0.00	\$303.27	\$0.00	\$0.00	\$2,487.31
2018A	\$0.00	\$0.00	\$307.81	\$0.00	\$0.00	\$2,509.15
2019A	\$0.00	\$0.00	\$358.89	\$0.00	\$0.00	\$2,517.67



2020A	\$0.00	\$0.00	\$341.59	\$0.00	\$0.00	\$2,517.67
2021A	\$0.00	\$0.00	\$334.97	\$0.00	\$0.00	\$2,494.77
2022A	\$0.00	\$0.00	\$372.47	\$0.00	\$0.00	\$2,499.56
2023A	\$0.00	\$0.00	\$396.63	\$0.00	\$0.00	\$2,385.60

Tax Payments as of 7/9/2024 3:01:20 AM

Date Paid	Amt Paid
9/29/2010	\$380.61
9/29/2010	\$2,181.46
9/29/2011	\$2,535.39
10/2/2012	\$2,487.07
9/30/2013	\$3,027.72
9/26/2014	\$390.57
9/26/2014	\$2,012.12
9/23/2015	\$2,303.02
9/14/2016	\$2,302.17
10/6/2017	\$2,790.58
4/5/2018	\$23.47
9/7/2018	\$2,793.49
9/12/2019	\$2,876.56
9/22/2020	\$2,859.26
9/14/2021	\$2,829.74
9/13/2022	\$2,872.03
9/6/2023	\$2,782.23

County Balance Due: \$0.00

School Balance Due: \$0.00

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

Sewer History as of 7/9/2024 3:01:34 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/1/2007	\$32.54
2007S2	\$0.00	\$0.00	5/16/2007	\$32.54
2007S3	\$0.00	\$0.00	7/27/2007	\$32.54
2007S4	\$0.00	\$0.00	11/15/2007	\$32.54
2008S1	\$0.00	\$0.00	2/7/2008	\$32.54
2008S2	\$0.00	\$0.00	5/1/2008	\$32.54
2008S3	\$0.00	\$0.00	7/25/2008	\$32.54
2008S4	\$0.00	\$0.00	11/19/2008	\$32.54
2009S1	\$0.00	\$0.00	2/26/2009	\$37.18
2009S2	\$0.00	\$0.00	5/5/2009	\$37.18
2009S3	\$0.00	\$0.00	7/29/2009	\$40.90
2009S4	\$0.00	\$0.00	11/16/2009	\$40.90
2010S1	\$0.00	\$0.00	2/9/2010	\$12.50
2010S2	\$0.00	\$0.00	5/6/2010	\$12.50
2010S3	\$0.00	\$0.00	7/22/2010	\$12.50
2010S4	\$0.00	\$0.00	11/15/2010	\$12.50
2011S1	\$0.00	\$0.00	6/8/2011	\$13.50
2011S2	\$0.00	\$0.00	6/8/2011	\$12.50
2011S3	\$0.00	\$0.00	11/7/2011	\$13.36
2011S4	\$0.00	\$0.00	11/7/2011	\$12.50
2012S1	\$0.00	\$0.00	2/16/2012	\$0.12
2012S2	\$0.00	\$0.00	Not Available	\$0.00

Balance Due: \$0.00

These amounts are valid through the last day of the month. Statutory penalty will accrue on the first day of next month.

133423

BK 1855 PG 0332

TAX PARCEL NOS. 21-014.00-132  
21-017.00-126  
PREPARED BY: JAMES F. BARKER  
HERLITZ, BARKER & KAVANAUGH  
1300 N. MARKET STREET, #600  
WILMINGTON, DELAWARE 19801



THIS DEED, Made

21st day of December in the year of our LORD  
one thousand nine hundred and NINETY-FOUR (1994)

BETWEEN, AMALLOY CORP., a New Jersey corporation, party of  
the first part, GRANTOR,

- AND -

J.H. FISHER INCORPORATED, a Delaware corporation,  
party of the second part, GRANTEE.

WITNESSETH, That the said party of the first part, for  
and in consideration of the sum of \$10.00, and other good and  
valuable consideration, lawful money of the United States of  
America, the receipt whereof is hereby acknowledged, hereby  
grants and conveys unto the said party of the second part,

ALL those two (2) certain lots,  
pieces or parcels of land, situate in the City of New Castle, New  
Castle County and State of Delaware, as shown on the Minor  
Subdivision Plan for Lands of Abex Corporation (formerly known as  
The American Brake Shoe and Foundry Company), prepared by Tetra  
Tech Richardson, RCN 3212, File No. E-001, dated March 4, 1990  
and recorded in the Office of the Recorder of Deeds in and for  
New Castle County and State of Delaware at Microfilm No. 10393,  
and being more particularly bounded and described as follows, to-  
wit:

TRACT A: ALL that certain lot, piece or parcel of land  
known as Parcel One (Abex), with the improvements erected  
thereon, as shown on the aforesaid Minor Subdivision Plan for  
Lands of Abex Corporation, and being more particularly bounded  
and described as follows to-wit:

BEGINNING at the point (PK Na.1) of intersection of the  
northerly side of 7th Street (Delaware Route 9) with the  
centerline of Larkin Street (not yet opened) at 60' wide, said  
point being a common corner for the lands herein being described  
and lands now or late of Wilmington Fiber Specialty Company (Deed  
Record U, Volume 23, Page 406 and Deed Record W, Volume 23, Page  
177), said northerly side of 7th Street being distant 35' in a

NOV 04 17 10 1994 \$2200 00 ST

91 DEC 21 P 4: 25.0

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57/6111

BK 1855 PG 0333

northerly direction from the centerline thereof when measured at right angles thereto, and further located along the said northerly side of 7th Street, S 69° 30' 00" W, 330.67' from the point of intersection formed by the said northerly side of 7th Street with the westerly side of Washington Avenue at 80' wide;

THENCE from the said point of Beginning, continuing along the said northerly side of 7th Street, S 69° 30' 00" W, 917.22' to a point (chiseled "X" mark in concrete);

THENCE along lands now or late of Florence F. Tressler (Deed Record N, Volume 109, Page 49), the two (2) following described courses and distances:

1. N 20° 22' 12" W, and passing near or along the easterly face of a one-story garage, parallel with Clark Street, a distance of 45.00' to a point (concrete monument), the last described course and distance being along the westerly side of a 30' wide alley;
2. S 69° 30' 00" W, parallel with 7th Street, a distance of 135.00' to a point (concrete monument) in the easterly side of Clark Street at 60' wide;

THENCE by the same, N 20° 22' 12" W, 306.62' to a point (concrete monument) in the northerly side of 8th Street at 50' wide;

THENCE by the same, S 69° 32' 10" W, 30.00' to a point (concrete monument) in the extension of the centerline of Clark Street;

THENCE by the same, N 20° 22' 12" W, 565.43' to a point (concrete monument) in the southerly right-of-way line of the Delaware Division of the Philadelphia, Baltimore and Washington Railroad Company (Conrail) (reference plan: drawing V-1/97 Right-of-Way and Track Map correct as of December 31, 1982), said point being located a distance of 43.06' in a southerly direction from the centerline of the existing mainline tracks, when measured at right angles thereto;

THENCE along the said southerly right-of-way of the Delaware Division of the Philadelphia, Baltimore, and Washington Railroad Company (Conrail), the two (2) following described courses and distances:

1. S 87° 27' 16" E, 431.61' to a point (railroad spike in railroad tie), said point being located a distance of 40.29' in a southerly direction from the centerline of the existing mainline tracks, when measured at right angles thereto; and
2. Along the arc of a circle curving to the right (radius) = 9,804.83'; chord = 917.43'; chord bearing = S 84° 46' 22" E), an arc distance of 917.77' to a point (concrete monument), said point

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being located a distance of 42.79' in a southerly direction from the centerline of the existing mainline tracks, when measured along radial lines thereto, said point being in the northerly right-of-way line of 8th Street at 50' wide;

THENCE along the said northerly side of 8th Street, S 69° 32' 10" W, 142.34' to a point (PK Nail) in the centerline (extended) of Larkin Street at 60' wide, a corner for said lands now or late of Wilmington Fiber Specialty Company;

THENCE by the same, along the said centerline (extended) of Larkin Street, S 20° 18' 27" E, 349.97' to a point, the first mentioned point and place of Beginning.

Containing within said described metes and bounds 16.6514 acres of land, be the same more or less.

TRACT B: ALL that certain lot, piece or parcel of land known as Parcel Three, with an existing parking lot and fence improvements thereon, as shown on the aforesaid Minor Subdivision Plan for Lands of Abex Corporation, and being more particularly bounded and described as follows, to-wit:

BEGINNING at a point in the southerly side of 7th Street, Delaware Route 9 at varying widths as shown on the aforesaid Plan, said point being in a new division line between Parcel 2 (residue) and the lands herein being described, said southerly side of 7th Street being distant 50.00', in a southerly direction, from the centerline thereof when measured at right angles thereto, said point of Beginning being further located the three (3) following described courses and distances from the point of intersection formed by the said southerly side of 7th Street, with the westerly side of Washington Avenue at 80.00' wide:

1. Along the said southerly side of 7th Street, said southerly side of 7th Street being distant 30.00' in a southerly direction from the centerline of 7th Street when measured at right angles thereto, S 69° 30' 00" W, 458.00' to a point;
2. At right angles to the centerline of 7th Street, S 20° 30' 00" E, 20.00' to a point; and
3. Along the said southerly side of 7th Street, said southerly side of 7th Street being distant 50.00' in a southerly direction from the centerline of 7th Street when measured at right angles thereto, S 69° 30' 00" W, 20.00' to a point;

THENCE passing through Parcel No. 2, the three (3) following described courses and distances:

1. Along a new line set 6.4', more or less, in an easterly direction from an existing fence line when measured at right angles thereto, S 20° 30'

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00° E, 113.00' to a point;

2. Along a new line set 1.9', more or less, in a southerly direction from an existing fence line when measured at right angles thereto, S 69° 30' 00" W, 322.00' to a point; and
3. Along a new line set 2', more or less, in a westerly direction from an existing fence line when measured at right angles thereto, N 20° 30' 00" W, 133.00' to a point in the said southerly side of 7th Street at varying widths as shown on the aforesaid Plan;

THENCE by the said southerly side of 7th Street, to six (6) following described courses and distances;

1. N 69° 30' 00" E, 20.00' to a point;
2. S 20° 30' 00" E, 20.00' to a point;
3. N 69° 30' 00" E, 20.00' to a point;
4. N 20° 30' 00" W, 20.00' to a point (concrete monument);
5. N 69° 30' 00" E, 282.00 to a point; and
6. S 20° 30' 00" E, 20.00' to a point, the first mentioned point and place of beginning.

Containing within said described metes and bounds 0.8261 acres of land, be the same more or less.

TOGETHER with all the right, title, and interest in and to any streets, roads, avenues, lanes or alleys bounding, abutting or intersecting the above described premises. SUBJECT, however, to the opening of streets as depicted on "The Plan of the Town of New Castle."

SUBJECT to utility agreements with Delaware Power & Light Company and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware (1) dated February 11, 1948, in Deed Record X, Volume 47, Page 330; and (2) dated June 22, 1953, in Deed Record Y, Volume 53, Page 300.

SUBJECT to an Agreement by and between American Manganese Steel Company and Wilmington Fibre Specialty Company, dated May 23, 1917 and recorded in the Office aforesaid in Deed Record W, Volume 26, Page 353.

SUBJECT to rights-of-way as contained in the Deed, dated October 8, 1937 and recorded in the Office aforesaid in Deed Record P, Volume 40, Page 323, as said rights-of-way are more particularly described in an Indenture, dated June 8, 1910 and recorded in the Office aforesaid in Deed Record T, Volume 22, Page 274.

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BEING the same lands and premises which Abex Corporation, a Delaware corporation, did by deed dated May 7, 1990 and recorded in the Office of the Recorder of Deeds in and for New Castle County at Wilmington, Delaware at Deed Book 1029, Page 245, grant and convey unto Amalloy Corp., in fee.

IN WITNESS WHEREOF, the said AMALLOY CORP. has caused its name by Arthur A. Borin its President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

Sealed and Delivered in the Presence of

AMALLOY CORP.

Charles V. Infante, Vice President BY: Arthur A. Borin PRESIDENT (SEAL)  
WITNESS

ATTEST: F. J. C. Loda

STATE OF New York }  
ORANGE COUNTY, } ss.

19th day of December BE IT REMEMBERED, That on this thousand nine hundred and NINETY-FOUR (1994), personally came before me, a Notary Public for the State of New York, Arthur J.A. Borin, President of AMALLOY CORP., a corporation existing under the laws of the State of New Jersey, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and Deed and the act and Deed of said corporation, that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

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

Margaret Andryshak  
Notary Public

MARGARET ANDRYSHAK  
Notary Public, State of New York  
No. 488-8248  
Qualified in Orange County  
Commission Expires November 30, 1996



(REV. 10-8)

CORPORATE DEED-TYPEWRITER

Printed and Sold by Hugh George Co., Stationers, Wilmington, DE

**This Deed, Made this**

7th day of May

our LORD one thousand nine hundred and ninety (1990)

**BETWEEN,** ABEX CORPORATION, a Delaware corporation, formerly known as The American Brake Shoe and Foundry Company, party of the first part,



- A N D -

AMALLOY CORP., a New Jersey corporation, party of the second part;

	AMT. \$ <u>3500</u>
	DATE <u>5/19/90</u>
	SERIAL N.O. <u>1</u>

RENTY TRANSFER TAX

**Witnesseth,** That the said party of the first part, for and in consideration of the sum of THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS - - - - - (\$350,000.00) - - - - - lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns, in fee,

**ALL**

those two (2) certain lots, pieces or parcels of land, situate in the City of New Castle, New Castle County and State of Delaware, as shown on the Minor Subdivision Plan for Lands of Abex Corporation (formerly known as The American Brake Shoe and Foundry Company), prepared by Tetra Tech Richardson, RCN 3212, File No. E-001, dated March 4, 1990 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware at Microfilm No. 10393, and being more particularly bounded and described as follows, to-wit:

**TRACT A:** ALL that certain lot, piece or parcel of land known as Parcel One (Abex), with the improvements erected thereon, as shown on the aforesaid Minor Subdivision Plan for Lands of Abex Corporation, and being more particularly bounded and described as follows, to-wit:

**BEGINNING** at the point (PK Nail) of intersection of the northerly side of 7th Street (Delaware Route 9) with the centerline of Larkin Street (not yet opened) at 60' wide, said point being a common corner for the lands herein being described and lands now or late of Wilmington Fiber Specialty Company (Deed Record U, Volume 23, Page 406 and Deed Record W, Volume 23, Page 177), said northerly side of 7th Street being distant 35' in a northerly direction from the centerline thereof when measured at right angles thereto, and further located along the said northerly side of 7th Street, S 69° 30' 00" W, 330.67' from the point of intersection formed by the said northerly side of 7th Street with the westerly side of Washington Avenue at 80' wide;

**THENCE** from the said point of Beginning, continuing along the said northerly side of 7th Street, S 69° 30' 00" W, 917.22' to a point (chiseled "X" mark in concrete);

**THENCE** along lands now or late of Florence F. Tressler (Deed Record N, Volume 109, Page 49), the two (2) following described courses and distances:

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1. N 20° 22' 12" W, and passing near or along the easterly face of a one-story garage, parallel with Clark Street, a distance of 45.00' to a point (concrete monument), the last described course and distance being along the westerly side of a 30' wide alley; and
2. S 69° 30' 00" W, parallel with 7th Street, a distance of 135.00' to a point (concrete monument) in the easterly side of Clark Street at 60' wide;

THENCE by the same, N 20° 22' 12" W, 306.62' to a point (concrete monument) in the northerly side of 8th Street at 50' wide;

THENCE by the same, S 69° 32' 10" W, 30.00' to a point (concrete monument) in the extension of the centerline of Clark Street;

THENCE by the same, N 20° 22' 12" W, 565.43' to a point (concrete monument) in the southerly right-of-way line of the Delaware Division of the Philadelphia, Baltimore and Washington Railroad Company (Conrail) (reference plan: drawing V-1/97 Right-of-Way and Track Map correct as of December 31, 1982), said point being located a distance of 43.06' in a southerly direction from the centerline of the existing mainline tracks, when measured at right angles thereto;

THENCE along the said southerly right-of-way of the Delaware Division of the Philadelphia, Baltimore, and Washington Railroad Company (Conrail), the two (2) following described courses and distances:

1. S 87° 27' 16" E, 431.61' to a point (railroad spike in railroad tie), said point being located a distance of 40.29' in a southerly direction from the centerline of the existing mainline tracks, when measured at right angles thereto; and
2. Along the arc of a circle curving to the right (radius = 9,804.83'; chord = 917.43'; chord bearing = S 84° 46' 22" E), an arc distance of 917.77' to a point (concrete monument), said point being located a distance of 42.79' in a southerly direction from the centerline of the existing mainline tracks, when measured along radial lines thereto, said point being in the northerly right-of-way line of 8th Street at 50' wide;

THENCE along the said northerly side of 8th Street, S 69° 32' 10" W, 142.34' to a point (PK Nail) in the centerline (extended) of Larkin Street at 60' wide, a corner for said lands now or late of Wilmington Fiber Specialty Company;

THENCE by the same, and along the said centerline (extended) of Larkin Street, S 20° 18' 27" E, 349.97' to a point, the first mentioned point and place of Beginning.

Containing within said described metes and bounds 16.6514 acres of land, be the same more or less.

**TRACT B:** ALL that certain lot, piece or parcel of land known as Parcel Three, with an existing parking lot and fence improvements thereon, as shown on the aforesaid Minor Subdivision Plan for Lands of Abex Corporation, and being more particularly bounded and described as follows, to-wit:

BEGINNING at a point in the southerly side of 7th Street, Delaware Route 9 at varying widths as shown on the aforesaid Plan, said point being in a new division line between Parcel 2 (residue) and the lands herein being described, said



southerly side of 7th Street being distant 50.00', in a southerly direction, from the centerline thereof when measured at right angles thereto, said point of Beginning being further located the three (3) following described courses and distances from the point of intersection formed by the said southerly side of 7th Street, with the westerly side of Washington Avenue at 80.00' wide:

1. Along the said southerly side of 7th Street, said southerly side of 7th Street being distant 30.00' in a southerly direction from the centerline of 7th Street when measured at right angles thereto, S 69° 30' 00" W, 458.00' to a point;
2. At right angles to the centerline of 7th Street, S 20° 30' 00" E, 20.00' to a point; and
3. Along the said southerly side of 7th Street, said southerly side of 7th Street being distant 50.00' in a southerly direction from the centerline of 7th Street when measured at right angles thereto, S 69° 30' 00" W, 20.00' to a point;

THENCE passing through Parcel No. 2, the three (3) following described courses and distances:

1. Along a new line set 6.4', more or less, in an easterly direction from an existing fence line when measured at right angles thereto, S 20° 30' 00" E, 113.00' to a point;
2. Along a new line set 1.9', more or less, in a southerly direction from an existing fence line when measured at right angles thereto, S 69° 30' 00" W, 322.00' to a point; and
3. Along a new line set 2', more or less, in a westerly direction from an existing fence line when measured at right angles thereto, N 20° 30' 00" W, 133.00' to a point in the said southerly side of 7th Street at varying widths as shown on the aforesaid Plan;

THENCE by the said southerly side of 7th Street, the six (6) following described courses and distances:

1. N 69° 30' 00" E, 20.00' to a point;
2. S 20° 30' 00" E, 20.00' to a point;
3. N 69° 30' 00" E, 20.00' to a point;
4. N 20° 30' 00" W, 20.00' to a point (concrete monument);
5. N 69° 30' 00" E, 282.00' to a point; and
6. S 20° 30' 00" E, 20.00' to a point, the first mentioned point and place of Beginning.

Containing within said described metes and bounds 0.8261 acres of land, be the same more or less.

TOGETHER with all the right, title, and interest in and to any streets, roads, avenues, lanes or alleys bounding, abutting or intersecting the above described premises. SUBJECT, however, to the opening of streets as depicted on "The Plan of the Town of New Castle."

SUBJECT to utility agreements with Delaware Power & Light Company and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware (1) dated February 11, 1948, in Deed Record X, Volume 47, Page 330; and (2) dated June 22, 1953, in Deed Record Y, Volume 53, Page 300.

SUBJECT to an Agreement by and between American Manganese Steel Company and Wilmington Fibre Specialty Company, dated May 23, 1917 and recorded in the Office aforesaid in Deed Record W, Volume 26, Page 353.

SUBJECT to rights-of-way as contained in the Deed, dated October 8, 1937 and recorded in the Office aforesaid in Deed Record P, Volume 40, Page 323, as said rights-of-way are more particularly described in an Indenture, dated June 8, 1910 and recorded in the Office aforesaid in Deed Record T, Volume 22, Page 274.

BEING A PART OF the same lands and premises which American Manganese Steel Company, formerly known as Edgar Allen American Manganese Steel Company, a Maine corporation, by Deed dated October 8, 1937 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware in Deed Record P, Volume 40, Page 323, did grant and convey unto The American Brake Shoe and Foundry Company, a Delaware corporation, its successors and assigns. And the said The American Brake Shoe and Foundry Company, by amendment to its Charter, changed its name and is now known as the Abex Corporation.

GRANTEES ADDRESS

PARCEL NUMBER

202 Route 207  
P.O. Box 90  
Goshen, New York 10924

P/O 21-014.00-132

**In Witness Whereof.** The said **ABEX CORPORATION** (fka The American Brake Shoe and Foundry Company) both ceased its name by **Dexter L. Kenfield** its **Assistant Secretary** ~~Secretary~~ to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its **Assistant Secretary**, the day and year first above written.

Executed and Delivered in the Presence of

BY:

*[Signature]*  
Assistant Secretary

*[Signature: Margaret A. Hoag]*

ATTEST:

*[Signature]*  
Assistant Secretary

State of MASSACHUSETTS }  
MIDDLESEX County, } ss.

7th day of May

Be It Remembered, That on this in the year of our LORD one thousand

nine hundred and ninety (1990),

personally come before me, the Subscriber,

a Notary Public for the State of Massachusetts, **Dexter L. Kenfield,**  
Assistant Secretary  
Resident of ABEX CORPORATION,

a corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the **Assistant Secretary** thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

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

*[Signature]*  
Notary Public  
MAY 9 1990  
RECORD FOR RECORD

MAY 9 1990 3:29 RECD FOR RECORD  
EVELYN J. ALEMARI, Recorder