

file

January 22, 1969

TO: Members of the Kennett Pike Association,
The Service Corporation of Westover Hills
and other interested parties.

SUBJECT: "Columbia Gas System, Inc." - Rezoning Ordinance

The matter of Columbia Gas and the rezoning of the "Rokeby" tract has now come to an end as you have read in the newspapers. For those to whom we have communicated in the past and to answer many questions directed to us, we felt a final word of explanation and summary would be appropriate and helpful to future thinking and action on related matters.

In September and October, 1968, the County Council passed an ordinance to rezone the "Rokeby" tract from R-1-A (Residential) to O-2 (General and Research Offices) and an accompanying ordinance to make the Comprehensive Development Plan of the County not inconsistent with the rezoning ordinance above. During the hearings on the rezoning ordinance, Columbia, in response to objections, agreed to place upon the land certain restrictions as to use, summarized below:

- (a) No use other than for an office building and accessory uses.
- (b) Minimum lot size to be the entire tract of land (i.e., no subdivision).
- (c) Total ground floor area of the building not to exceed 1.7 acres.
- (d) Height of building not to exceed two stories or forty feet.
- (e) Restrictions enforceable only by New Castle County Council.

In November, a lawsuit was filed by a group of landowners challenging the validity of the "rezoning" and "Plan amending" ordinances and certain other actions and requesting a temporary restraining order until these matters could be clarified by the Court. (Mrs. Gordon did not participate in this action.)

Last week the parties to the lawsuit agreed to dismiss the suit in return for the tightening of the restrictions on Columbia's use of the land in that in addition to the New Castle County Council, the Kennett Pike Association and the Eleutherian Mills-Hagley Foundation are given the right to enforce the deed restrictions. The preamble to the restriction was also expanded to state that Columbia intends to use the land for the foreseeable future as its executive headquarters office building with open landscaping and wishes to maintain the area immediately surrounding the land as primarily low density residential land so far as it is practicable.

The decision for settlement was made with several factors in mind:

(a) The Kennett Pike Association has recently begun a vigorous effort in cooperation with County Officials to plan for the orderly development and preservation of its area as essentially a low density residential area. In this connection, a prominent land use planner, who is well acquainted with the area, has been retained, and a close working relationship has been established with the County Planning Department. Columbia itself has expressed its firm support of the purposes and goals of the Kennett Pike Association.

(b) Since it was the will of our County Government that this land be rezoned, the continued division of the community would serve no useful purpose if adequate and enforceable safeguards could be obtained to guarantee the character and stability of the area. We believe that granting the power of enforcement to the two non-governmental organizations will strengthen the deed restrictions as desired.

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As you know, we have never opposed Columbia itself. Our primary concern has been to maintain the proper and appropriate land use and general zoning stability for the area. There is no doubt that, without the tremendous interest and support of the community, these deed restrictions would not be in effect today. Apathy on this issue would have been an open invitation to others to take advantage of our division. It has been vividly demonstrated that if we are not willing to fight for what we value and wish to preserve, no one else will carry the fight for us.

An effort such as was mounted in this cause between last March and October takes much energy, time and money. The energy and time have come from all quarters. Because of the necessity of obtaining the best legal and planning advice, organizing the opposition in a minimum amount of time and moving rapidly as the situation dictated, it was not feasible to broaden the financial participation intelligently at that time. Many people have expressed their desire to support this effort financially, but we have suggested that they wait until the matter and costs were finally determined.

The bills for our activities up to and including the last Council hearing in October have been filed with Isaacson, Stolper and Company, Certified Public Accountants, 825 Washington Street, Wilmington, Delaware. Anyone wishing to contribute at this stage will be most welcome and appreciated, and we suggest a call to Mr. Bernard B. Isaacson (655-5571) for the desired details.

In closing, we would like to thank you for your continued support of this case. There were many times when we questioned the wisdom of proceeding, but the overwhelming expressions of confidence from so many made the course quite clear. We believe our cause was right and was presented in a manner of which we were proud. We look forward to welcoming the personnel of Columbia to Delaware, and know that they will want to join us in active support of the planning efforts of the Kennett Pike Association.

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Again, thank you for your support of this most worthwhile project.

Very truly yours,

Martha F. Gordon

Martha Fogg Gordon

Robert H. Bolling, Jr.

Robert H. Bolling, Jr.

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