

AGREEMENT DECLARING RESTRICTIONS

THIS AGREEMENT by and between Dorcas Van Dyke Farquhar (owner) and Donald K. Farquhar, her husband, parties of the first part and Columbia Gas System Service Corporation, a Delaware corporation (Columbia) party of the second part;

WITNESSETH:

WHEREAS owner holds fee simple title to a certain parcel of land located in Christiana Hundred, New Castle County, Delaware consisting of 35.595 acres more or less (hereinafter referred to as "the land", a legal description of which is attached hereto and made a part hereof as Exhibit A);

WHEREAS the land is the subject matter of a certain option agreement under which owner is the optionor and Columbia is the beneficial optionee, and under which Columbia has an option to purchase the land provided, among other conditions, that there shall be a final rezoning of the land to a zoning classification suitable for Columbia's proposed use of the land;

WHEREAS Columbia presently intends to use the land for the foreseeable future as the executive headquarters office building of Columbia Gas System with open landscaping;

WHEREAS Columbia wishes, so far as is practicable, to maintain the area immediately surrounding the land as primarily low density residential land;

WHEREAS owner and Columbia desire voluntarily to place upon the land the restrictions hereinafter contained to be covenants running with the land, upon the effective date hereof as the same is hereinafter defined,

NOW, THEREFORE, in consideration of one (\$1.00) dollar and for other good and valuable consideration in hand paid by parties of the first part to party of the second part, receipt of which is hereby acknowledged, and for the mutual covenants and undertakings herein expressed, it is agreed as follows:

1. These restrictions shall become effective upon their filing in the Office of the Recorder of Deeds of New Castle County. These restrictions shall remain in effect as long as the land is zoned O-2 or its equivalent as the same may be constituted from time to time in the Zoning Code of New Castle County and as long as there shall be no additional restraint imposed upon such O-2 use except as provided herein.

2. The terms hereinafter referred to in these restrictions shall be the same as defined in the Code as of the effective date of these restrictions.

3. Notwithstanding any provision in the Code, no use shall be permitted on the land except an office building and accessory uses thereto; provided, however, nothing contained herein shall prohibit temporary buildings and temporary storage of materials during construction and vending machines inside the enclosed building for the convenience of the occupants thereof.

4. In addition to other restrictions and limitations imposed by the Code, the following restrictions shall be applied to the land:

(a) The minimum lot size shall be the entire acreage of the land (less any portion thereof which may at any time be condemned or acquired by public authority);

(b) The total ground floor area of the building shall not exceed 1.7 acres.

(c) The height of the building shall not exceed (exclusive of basement) either two stories or forty feet.

5. These restrictions shall be covenants running with the land. They are for the benefit of New Castle County, The Kennett Pike Association, Inc., a Delaware Corporation, and the lands and tenements of Elutherian Mills-Hagley Foundation, Inc., a Delaware Corporation, adjacent to the lands to which these restrictions apply. Such restrictions may be enforced by any one of the foregoing. No modification, revision or amendment of any of the foregoing restrictions may be made except with the approval of the beneficial owner of the land and the New Castle County Council after public notice and public hearing; provided, however, nothing contained herein shall be construed to require the approval of any other party for such modification, revision or amendment. Nothing contained herein shall preclude a rezoning of the land to another zoning classification in accordance with the then prevailing procedures for such rezoning, and in the event of any such rezoning these restrictions shall become void and of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 17<sup>th</sup> day of January, 1969.

Signed, Sealed and Delivered  
in the presence of

*Richard M. ...*  
*At to both*

*Dorcas Van Dyke Farquhar* (SEAL)  
Dorcas Van Dyke Farquhar

*Donald K. Farquhar* (SEAL)  
Donald K. Farquhar

*Richard L. ...*

COLUMBIA GAS SYSTEM SERVICE CORPORATION

By: *[Signature]*  
President

Attest: *[Signature]*  
Secretary




STATE OF DELAWARE :  
: SS.:  
COUNTY OF NEW CASTLE :

BE IT REMEMBERED, that on this 15<sup>th</sup> day of January, A.D. 1969,  
personally came before me, the Subscriber, a Notary Public for the State  
and County aforesaid, DONALD K. FARQUHAR and DORCAS VAN DYKE  
FARQUHAR, his wife, parties to the foregoing instrument of writing,  
personally known to me to be such, and acknowledged this instrument  
to be their deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

*E. Norman*  
Notary Public



STATE OF NEW YORK :  
                          : SS.:  
COUNTY OF NEW YORK :

BE IT REMEMBERED, that on this 17th day of January, A.D. 1969, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, John W. Partridge, President of COLUMBIA GAS SYSTEM SERVICE CORPORATION, a corporation existing under the laws of the state of Delaware, party to this instrument, known to me personally to be such, and acknowledged this instrument to be 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 instrument 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.

*Grace A. Sporrer*  
Notary Public

GRACE A. SPORRER  
Notary Public, State of New York  
No. 215914310  
Qualified in New York County  
Commission Expires March 30, 1970

