

**MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF DELAWARE
AND
KENT COUNTY LEVY COURT
FOR
THE COMPREHENSIVE MASTER PLANNING OF THE
"SOUTH FREDERICA PLANNING AREA"**

THIS MEMORANDUM OF AGREEMENT (MOA) is hereby made and executed on this the 3 day of October in the year of 2019, by and between the State of Delaware ("the State") and Kent County Levy Court ("the County") the governing body of Kent County, a geopolitical subdivision of the State of Delaware; and,

WHEREAS, the County has completed a new Comprehensive Plan which was adopted by the County on October 23, 2018 and certified by Governor John C. Carney ("the Governor") on October 25, 2018; and,

WHEREAS, the newly adopted Comprehensive Plan has identified and delineated a specific portions of the unincorporated area of the County southeast of, and adjacent to the Town of Frederica, Delaware as areas for future Town/Employment Center and Commercial Area Development, a map of which is attached hereto as "Exhibit A"; and,

WHEREAS, in certifying the newly adopted Comprehensive Plan, the Governor has expressly conditioned certification upon the completion and adoption of a Master Plan for the South Frederica Town/Employment Center and Commercial Development Areas by the County prior to the consideration of any rezoning or site development proposals therein; and

WHEREAS, the County concurs with this condition to develop a Master Plan for the South Frederica Area in recognition of the high probability of development pressure and proposed land use changes in this Area, and endeavors to fully and completely comply with said condition of certification by initiating a Master Planning Process in the public interest; and,

WHEREAS, the Master Planning Process shall involve the cooperative and coordinated efforts of the County, the Town of Frederica, and agencies of the State of Delaware, including but not limited to, the Delaware Department of Transportation (DelDOT), the Delaware Department of Natural Resources and Environmental Control (DNREC), and the Office of State Planning Coordination (OSPC), along with the engagement of utility providers, stakeholders, and the general public; and,

WHEREAS, the County has established a fifteen (15) member Project Working Group to serve as the Master Plan Development Committee which includes representatives from

DelDOT, DNREC, OSPC, the County, the Town of Frederica, the Kent Economic Partnership, affected landowners; and,

WHEREAS, it is the objective of the Project Working Group to establish a Vision and Goals for the future of the South Frederica Town/Employment Center and Commercial Development Areas and to develop a Master Plan that sets forth a strategy for the orderly transition and growth of this Area in a manner that accomplishes the Project Vision and Goals.

NOW, THEREFORE, BE IT RESOLVED that the State, the County, and the Town of Frederica, intending to be legally bound, do hereby agree to:

1) Work cooperatively in a Planning Process through the Project Working Group to produce Master Plan for the South Frederica Town/Employment Center and Commercial Development Areas to include land use policies and the transportation, sanitary sewer, water, and other community facilities plans needed in order to best accommodate future transition in this portion of the unincorporated area of Kent County. The Scope of Work for this Master Plan is attached as "Exhibit B" and is hereby made a part of this Agreement.

2) Actively involve key stakeholders, land owners, and citizens in the preparation of the Master Plan for the South Frederica Area Area. The Master Plan is to be coordinated with these stakeholders to the maximum extent possible through their active participation as members of the Project Working Group in the planning process.

3) Work collaboratively to determine the needed transportation improvements necessary to serve the intended uses and travel demands in the Planning Area, and to integrate those necessary improvements in the Master Plan Document as a detailed circulation element. The State and County will work in cooperation with future developers and land owners to develop cost estimates, funding strategies, and implementation plans to ensure that new development activity is implemented in conjunction with necessary transportation improvements.

4) Identify and protect the important natural resources that may exist within the Planning Area, and to include strategies and implementation mechanisms in the Master Plan that foster the protection of natural resources.

5) Pursue the development of a new Zoning Districts for consideration of adoption by the County and the Town of Frederica that would enable the desired land uses and development patterns envisioned in the Master Plan.

6) Institutionalize a process of continual communication and monitoring of plan implementation that includes regular information sharing, developing a set of indicators for the timing of new infrastructure investment, and acting on such indicators in order to provide the infrastructure when needed.

7) Review together the provisions of this Agreement on an annual basis beginning one (1) year from the date of execution of this Agreement as indicated above, and every subsequent year during the build out of the Master Plan.

THIS MEMORANDUM OF AGREEMENT may be amended only by the mutual revision, consent, and execution of all Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date first written above.

KENT COUNTY LEVY COURT



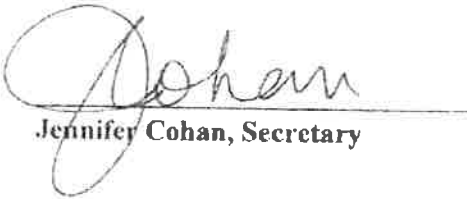
P. Brooks Banta, President

TOWN OF FREDERICA, DELAWARE



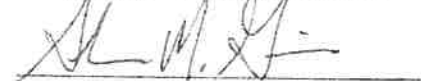
William "Chick" Glander

**DELAWARE DEPARTMENT
OF TRANSPORTATION**



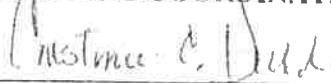
Jennifer Cohan, Secretary

**DELAWARE DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**



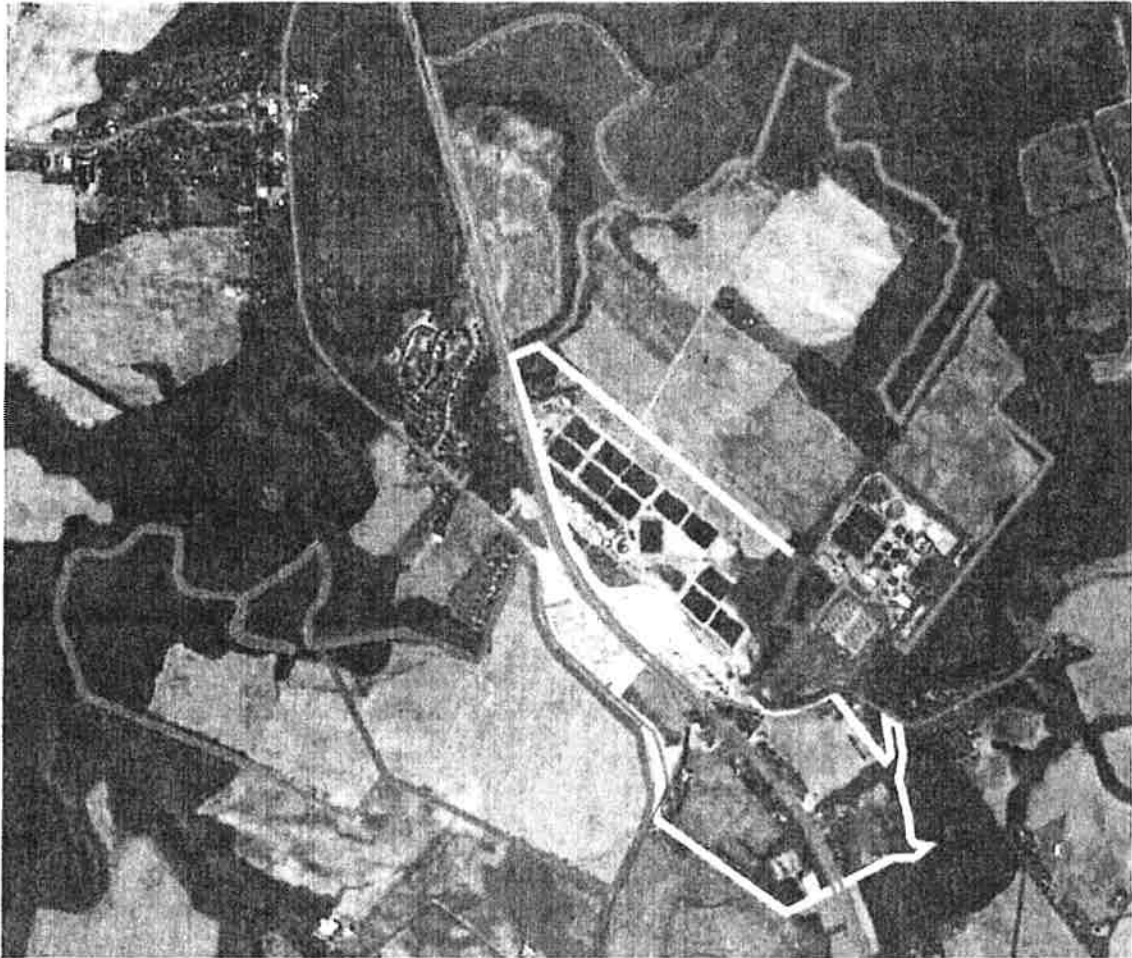
Shawn M. Garvin, Secretary

**DELAWARE OFFICE OF STATE
PLANNING COORDINATION**



Constance C. Holland, AICP

South Frederica Master Plan Area



**EXHIBIT B: Project Scope of Work
South Frederica Master Planning Area**

Scope of Work

- I. Formation of Working Group & Public Engagement**
- II. Project Area Base Mapping - Physical Characteristics, Natural Features, Opportunities & Constraints**
- III. Develop Vision & Goals Statement**
- IV. Establish Memorandum of Agreement with Parties at Interest**
- V. Document Existing and Planned Support Infrastructure**
- VI. Model Conceptual Build-Out Scenarios**
- VII. Model Future Transportation Support System**
- VIII. Develop Draft Zoning Ordinances & Regulatory Tools**
- IX. Master Plan Finalization & Adoption**
- X. Implementation - Guiding Future Development**