

SCTM NOS.: 3-35-8.14-50-88 and Savannah Circle  
PREPARED BY AND RETURN TO:  
BAIRD MANDALAS, LLC  
103 S. BRADFORD STREET, DOVER, DE 19904

**SECOND AMENDMENT TO SAVANNAH  
PLACE ANNEXATION AGREEMENT**

**THIS IS AN AMENDMENT TO THE ANNEXATION AGREEMENT** made the 16 day of August, 2010, by and between **THE CITY OF LEWES**, a municipal corporation of the State of Delaware, ("City"), P.O. Box 277, 114 East Third Street, Lewes, Delaware 19958, the **BOARD OF PUBLIC WORKS OF THE CITY OF LEWES**, ("BPW"), 107 Franklin Street, Lewes, Delaware 19958 and **SAVANNAH PLACE HOMEOWNERS ASSOCIATION, INC.**, a Delaware corporation, its successors and assigns, ("Association"), c/o A. Wallace Evans, President, 2051 Savannah Circle, Lewes, DE 19958.

**RECITALS**

**WHEREAS**, the Savannah Place Annexation Agreement ("Agreement") provides in Section 3. Water Improvements, Subsection 3.5. Existing Wells, Subsection 3.5.1.(a), that the functioning well on lands now or formerly of Richard and Anna Kroon, on Lot 9, Tax Map No. 3-35-8.14-58, is a well to be discontinued when the City/BPW's public water system becomes operational; and

**WHEREAS**, Richard and Anna Kroon have requested that the private well be permitted to continue as an irrigation well; and

**WHEREAS**, the City of Lewes and the Board of Public Works have no objection to the reclassification of said well; provided, however, that the well is properly licensed by the State of Delaware.

**NOW THEREFORE, WITNESSETH**, in consideration of the mutual covenants contained herein and other valuable consideration, the parties agree that the above referenced clauses are incorporated into this Amendment, and the parties further agree to strike Subsection 3.5. Existing Wells, in its entirety and substitute in lieu thereof the following:

PF  
FD

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3.5. *Existing wells.*

3.5.1. There is one (1) water well within the Property; a communal well no longer in use. The location of the well is shown on a drawing attached as *Exhibit A* and identified as:

(a) Nonfunctioning well for Savannah Place community on lands now or formerly of Charles and Frances Smith, on Lot 18, Tax Map # 3-35-8.14-68.

The well shall be disconnected upon connection of the lot to the BPW water system and the well shall be abandoned, capped, and plugged according to existing regulations, unless otherwise exempted.

3.5.2. There are four (4) irrigation wells within the Property. The location of each well is shown on a drawing attached hereto as *Exhibit A* and identified as:

(a) Private Irrigation Well on lands now or formerly of George and Kathryn Pepper, on Lot 11, Tax Map # 3-35-8.14-61, licensed by the State of Delaware.

(b) Private Irrigation Well on lands now or formerly of Jonathan and Gwyneth Sharp, on Lot 13, Tax Map # 3-35-8.14-63, licensed by the State of Delaware.

(c) Private well on lands now or formerly of Don Johnson, Trustee, on Lot 20, Tax Map #3-35-8.14-70. Such private well shall be licensed by the State of Delaware.

(d) Private Irrigation Well on lands now or formerly of Richard and Anna Kroon, on Lot 9, Tax Map #3-35-8.14-58.

These irrigation wells may continue to be used solely for irrigation purposes and only to serve the lots on which they are located. If a well fails or is not licensed by the State of Delaware, it shall not be modified or redrilled but rather said well shall lose its exempted status under this Agreement.

**IT IS MUTUALLY AGREED** by the parties hereto that, except as amended and revised herein, all other terms and conditions of the said Annexation Agreement dated January 13, 2010, as amended, are hereby ratified, confirmed, and incorporated herein by reference as though fully set out.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their proper corporate officers and their corporate seals to be hereunto affixed, on this 16 day of September A.D. 2010.

THE CITY OF LEWES

(Municipal Seal)

BY: *James L. Ford III*  
MAYOR

ATTEST: *Buckeye W. Vaughan*  
SECRETARY

STATE OF DELAWARE :  
:  
COUNTY OF SUSSEX :

ss.

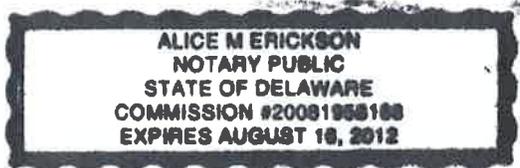
BE IT REMEMBERED, that on this 16 day of Sept, A.D. 2010, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, James L. Ford III, Mayor of The City of Lewes, a municipal corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed, and the act and the deed of the said municipal corporation; that the signature of the Mayor is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said municipal corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the City Council of the said municipal corporation.

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

*Alice M. Erickson*  
Notary Public

My Commission Expires: 8/16/12

Alice M. Erickson  
Print or Type Name of Notary





SAVANNAH PLACE HOMEOWNERS ASSOCIATION, INC.

BY: A. Wallace Evans  
PRESIDENT

(Corporate Seal)

ATTEST: [Signature]  
SECRETARY

STATE OF DELAWARE :  
: ss.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 1 day of Nov, A.D. 2010, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, A. WALLACE EVANS, President of **Savannah Place Homeowners Association, Inc.**, a corporation 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 the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of the said corporation.

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

BARBARA CATTS  
NOTARY PUBLIC  
STATE OF DELAWARE  
COMMISSION EXP 8-16-2011

[Signature]  
Notary Public

My Commission Expires: 8-16-2011

BARBARA CATTS  
Print or Type Name of Notary

**RECEIVED**

NOV 08 2010

ASSESSMENT DIVISION  
OF SUSSEX COUNTY

Recorder of Deeds  
John F. Brady  
Nov 08, 2010 12:17P  
Sussex County  
Doc. Surcharge Paid

