Appendix E  Commercial Entrance Applications and Forms

Commercial Entrance Permit Process

- Applicant submits the following:
  - Application for commercial entrance permit
  - Proof of ownership from local land use agency
  - Power of Attorney form, if necessary
  - Copy of the recorded record plan
  - Approved construction drawings
  - Itemized construction cost estimate
  - Security
  - Approval letter from DNREC or the DNREC approved delegated agency
  - Executed construction agreement, if necessary
  - Construction schedule
  - Copy of material sources

- After review and approval of the documentation and security, the Public Works Engineer may issue a permit for entrance construction. The permit shall serve as the Notice to Proceed.
  - Note: The Public Works Engineer may request a preconstruction meeting prior to issuance of a permit.

Applications and Forms

Electronic versions of the following forms may be located in the Development Coordination Portal within the “Doing Business with DelDOT” portion of the DelDOT website (http://deldot.gov/information/business/).
DelDOT Permit Application

Property Owner’s Name: ___________________________ Date: ____________
Mailing Address: ____________________________________________________________
City ___________________ State ___________ Zip Code __________
Telephone No.: _______________ Cell No.: _____________________________
Fax No.: ___________________ E-mail Address: ___________________________
Tax Map/ Parcel I.D.: (NCC Ex: 00-000.00-000; KC Ex: 00 000 00 00 00 000; SC Ex: 0-00 00.00 00.00)

Applicant Name: ___________________________ Point of Contact (Name): ______________
Mailing Address: ____________________________________________________________
City ___________________ State ___________ Zip Code __________
Telephone No.: _______________ Cell No.: _____________________________
Fax No.: ___________________ E-mail Address: ___________________________

Proposed/Existing entrance/project location (Mailing Address, Road Name, or Road Number): ___________________________
Nearest intersecting road (Name): ______________________________________________
Distance from entrance/project to nearest intersecting road:
Subdivision Name (if applicable): ___________________________ Lot Number(s): __________
Existing and proposed entrance location shall be physically staked in field with property owner’s name, as a condition of this application. Date when stakes will be placed at entrance: ____________ mm/dd/yyyy
If stakes are not in place, a permit will NOT be issued.

Are you requesting a permit for an existing entrance or a proposed entrance? Existing ______ or Proposed ______ (Check one)

If applying for a permit for existing entrance:
* Will you be modifying or relocating the existing entrance? Yes ______ No ______
* Was the existing entrance constructed within the past three years? Yes ______ No ______

Proposed site/right-of-way modifications (check all that apply): Single Family Dwelling ______
Mobile Home ______; ECHO Unit ______; Building Addition ______; Outbuilding Construction ______;
Chicken House ______; Farm Entrance ______; Additional Entrance ______; Entrance Widening ______;
Entrance Relocation ______; Other (Please describe) ___________________; Roadside Stand (From): _____ (To): _____
### DelDOT Permit Application (Continued)

**For Commercial Entrances and Permit Applications Only:**

**Prior use of property** (describe the type of business previously operating on the property and the name of the business):

________________________

________________________

________________________

**Proposed use of property** (describe the type of business operation proposed on the property and the name of the business):

________________________

________________________

________________________

**Present** square footage of each building (facility):

________________________

**Proposed** square footage of each building (facility):

________________________

**Number of Customers** (daily average):

________________________

**Number of Employees** (daily average):

________________________

**Off street parking spaces (required by local code):**

Required: __________ Provided: __________

**Average Daily Traffic (ADT) of entrance(s):**

A) Total vehicles entering daily: __________

B) Total vehicles exiting daily: __________

Total A + Total B = daily ADT: __________

**Federal Tax I.D. No.:**

________________________

(For Escrow Deposits ONLY)

<table>
<thead>
<tr>
<th>New Castle County (Canal District)</th>
<th>Kent County (Central District)</th>
<th>Sussex County (South District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DelDOT Public Works Engineer</td>
<td>DelDOT Public Works Engineer</td>
<td>DelDOT Public Works Engineer</td>
</tr>
<tr>
<td>250 Bear-Christiana Road</td>
<td>930 Public Safety Blvd.</td>
<td>23697 DuPont Boulevard</td>
</tr>
<tr>
<td>Bear, DE 19701</td>
<td>Dover, DE 19901</td>
<td>Georgetown, DE 19947</td>
</tr>
<tr>
<td>(302) 326-4679</td>
<td>(302) 760-2433</td>
<td>(302) 853-1340</td>
</tr>
</tbody>
</table>

### For Internal Use by DelDOT Public Works Office Only:

**Permit type:** Residential [ ] Commercial [ ] Safety [ ] Other [ ]

**Internal Notes:**

________________________

________________________

________________________

________________________

________________________

________________________
POWER OF ATTORNEY

KNOW ALL PERSONS by these presents that___________________ (Property Owner)

[_____] a corporation/partnership (for commercial only) duly organized under the laws of the State of ____________________________, OR

[_____] an Individual (for residential permits only) who is a resident of the State of ____________________________, whose address is__________________________________________, has made, constitutes and appoints ____________________________________________, whose address and telephone number is: ____________________________________________, Phone No. (_____)___________________

to represent the aforesaid corporation/partnership/individual (circle which applies) before the State of Delaware for the purpose of obtaining the requisite permit for the establishment and construction of access to a State maintained highway to serve the following Land Development Project:

______________________________________________________________

located at:

____________________________________________________________________

This Power of Attorney and the authority granted herein hereby binds the undersigned to perform as agreed upon by its agent, named herein, and shall continue to be in full force and effect until such time as the aforesaid entrance/access has been completed and accepted by representatives of the State of Delaware.

BY: ______________________________________

(Signature)

TITLE: ______________________________________

Sworn and subscribed before me this______ day of ______________________, 20______.

Notary Public Signature_________________________________________________________
SAMPLE LETTER OF CREDIT

FOR

COMMERCIAL ENTRANCE CONSTRUCTION

Address to the appropriate District, as follows:

<table>
<thead>
<tr>
<th>New Castle County:</th>
<th>Kent County:</th>
<th>Sussex County:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Engineer</td>
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<td>(302) 853-1340</td>
</tr>
</tbody>
</table>

RE: Irrevocable Commercial Letter of Credit No. _______________________________________,

____________________________________________________________ (name of Development),

Tax Parcel No.______________________________________________________.

Property location: __________________________________________, in _________________ County

Dear Sir or Madam:

We hereby establish our Irrevocable Commercial Letter of Credit in favor of the State of Delaware,
Department of Transportation as beneficiary at the request of and for an account of

____________________________________________________________ (applicant),

for an amount or amounts not to exceed _______________________________________$ _________________).
This Letter of Credit is subject to the following terms and conditions:

Effective Date: ________________

This credit is to be available by sight draft being presented to

_________________________ (Name of Bank)
at its main office at ___________________________________________ (Address).

All drafts so drawn must bear the clause “Drawn Under” and the following information: Bank Name, Letter of Credit Number, and date.

The sight draft must be signed by the Director of the Division of Maintenance and Operations stating that “_________________________ (applicant) has failed to perform construction of the site entrance, in accordance with the entrance construction permit and the Irrevocable Letter of Credit in favor of the State of Delaware, Department of Transportation, pertaining thereto. Demand is hereby made in the amount of the enclosed draft.”

This Letter of Credit will expire on ________________.
The Bank agrees to notify the State sixty (60) calendar days prior to expiration to permit a request for an extension or to permit the State to draw thereon. The Bank agrees that such notice will be sent by registered mail to the appropriate Public Works Engineer as indicated in the table below and shall contain the Development name, applicant name, and County where the property is located.

<table>
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<th>Kent County:</th>
<th>Sussex County:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works Engineer DelDOT Canal District 250 Bear-Christiana Road Bear, DE 19701 (302) 326-4679</td>
<td>Public Works Engineer DelDOT Central District 930 Public Safety Blvd. Dover, DE 19901 (302) 760-2433</td>
<td>Public Works Engineer DelDOT South District 23697 DuPont Blvd. Georgetown, DE 19947 (302) 853-1340</td>
</tr>
</tbody>
</table>
The Bank agrees that such notice would be effective only if it is sent by registered mail. In the event such notice is not given, this Letter of Credit shall automatically renew until such notice is received. It shall then expire sixty (60) calendar days from the receipt of such notice. This credit will automatically terminate as of the date the State of Delaware, Department of Transportation, notifies the Bank that it has accepted the entrance and exit appurtenances.

Except as otherwise stated herein, no modification or revocations may be made by the undersigned to the irrevocable credit created hereby, without the express written approval of the Public Works Engineer, Delaware Department of Transportation.

All bank charges connected with this Letter of Credit are for the account of the applicant.

This Letter of Credit is neither negotiable nor assignable.

Very Truly Yours,

____________________________
(Signature)

__________________________________
(Printed Name)
SURETY AGREEMENT
FOR
COMMERCIAL ENTRANCE CONSTRUCTION

KNOW ALL PERSONS BY these presents that: ______________________________ (applicant)
whose address is: ______________________________
hereinafter called “Developer” and ______________________________
as surety legally authorized to do business in Delaware,
whose address is: ______________________________
hereinafter called “Surety” are held firmly bound unto the State of Delaware in the sum of
______________________________ ($ ____________) (said sum
being 150 percent of the total price agreed upon by DelDOT and the Developer for the construction of the
entrance and exit appurtenances as set forth in this Agreement), to be paid to the State of Delaware for the
use and benefit of DelDOT if the Developer fails to meet the conditions of this obligation.

SEALED with our seals and dated this _________ day of _________________, _______.

NOW THE CONDITIONS OF THIS OBLIGATION ARE SUCH that if the Developer, who is
responsible for the construction of the entrance and exit appurtenances set forth in this Agreement for the
property located at: ______________________________,
known as____________________________,
DelDOT Project Number ____________, fails to construct such entrance and exit appurtenances in
accordance with the provisions of the fully executed permit for entrance construction, as determined by
DelDOT, the bond shall be forfeited in favor of the State of Delaware. Bond forfeiture shall occur within
sixty (60) days of receipt of written notification by DelDOT. Should the Developer complete all
construction in accordance with the aforesaid permit, then this obligation shall be void and of no effect, or
else shall be and remain in full force and virtue until such entrance and exit appurtenances are accepted by
DelDOT.

EXECUTED by the parties hereto the day and year first herein written.
For Surety Company:

Attest: ________________________________
(Signature)

______________________________
(Typed Name)

______________________________
(Position Title)

For Developer:

Attest: ________________________________
(Signature)

______________________________
(Typed Name)

______________________________
(Position Title)
ESCROW AGREEMENT

FOR

COMMERCIAL ENTRANCE CONSTRUCTION

KNOW ALL PERSONS by these presents that: ______________________________ (Property Owner) whose address is: ____________________________________________________________ and whose Employer Federal Identification Number is: _______________________, hereinafter called “Developer” having furnished DelDOT a certified check in the amount of ________________________________$___________ ($ __________ ) (said sum being 150 percent of the total price agreed upon by DelDOT and the Developer for the construction of the entrance and exit appurtenances as set forth in this Agreement), to be deposited into DelDOT’s Escrow Account, does hereby relinquish said amount to the State of Delaware for the use and benefit of DelDOT, to which payment will and truly be made we bind ourselves, our successors and assigns, firmly by these presents.

SEALED with our seals and dated this _________ day of ________________, ________.

NOW THE CONDITIONS OF THIS OBLIGATION are such that if the Developer, who is responsible for the construction of the entrance and exit appurtenances set forth in this Agreement for the property known as ________________________________, fails to construct such entrance and exit appurtenances in accordance with the provisions of the fully executed permit for entrance construction, as determined by DelDOT, the funds shall be forfeited in favor of the State of Delaware. Forfeiture shall occur within sixty (60) days of receipt of written notification by DelDOT. Should the Developer complete all construction in accordance with the aforesaid permit, then this obligation shall be void and of no effect, or else shall be and remain in full force and virtue until such entrance and exit appurtenances are accepted by DelDOT. Upon completion of all work to the satisfaction of DelDOT the funds held in escrow shall be released by DelDOT.
EXECUTED by the parties hereto the day and year first herein written.

Attest: DelDOT

______________________________
(Signature)

______________________________
(Typed Name)

______________________________
(Position Title)

Attest: Owner/Developer

______________________________
(Signature)

______________________________
(Typed Name)

______________________________
(Position Title)

Sworn and subscribed before me this ____ day of __________, 20____

Notary Public Signature __________________________________________________________