

## *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**

ADC Map \_\_\_\_\_  
Grid \_\_\_\_\_

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: 0 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:** \_\_\_\_\_  
**If stakes are not in place, a permit will NOT be issued.** mm/dd/yyyy  
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   
If yes (explain): \_\_\_\_\_  
\* 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)**

Re-use of existing Commercial Entrance(s) requires a Letter of No Contention. Please e-mail a completed copy of this form to [Subdivision@state.de.us](mailto:Subdivision@state.de.us) with your request.

**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)

**New Castle County** (Canal District)  
DelDOT Public Works Engineer  
250 Bear-Christiana Road  
Bear, DE 19701  
(302) 326-4679

**Kent County** (Central District)  
DelDOT Public Works Engineer  
930 Public Safety Blvd.  
Dover, DE 19901  
(302) 760-2433

**Sussex County** (South District)  
DelDOT Public Works Engineer  
23697 DuPont Boulevard  
Georgetown, DE 19947  
(302) 853-1340

**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**

Bank Letterhead

Address to the appropriate District, as follows:

<b>New Castle County:</b>  Public Works Engineer DelDOT Canal District 250 Bear-Christiana Road Bear, DE 19701 (302) 326-4679	<b>Kent County:</b>  Public Works Engineer DelDOT Central District 930 Public Safety Blvd. Dover, DE 19901 (302) 760-2433	<b>Sussex County:</b>  Public Works Engineer DelDOT South District 23697 DuPont Blvd. Georgetown, DE 19947 (302) 853-1340
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**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 \_\_\_\_\_

(\$ \_\_\_\_\_).

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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.

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

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(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 resents 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.

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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 \_\_\_\_\_