

This is Sharpley

Sharpley is a Deed Restricted Community

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PDF copies of the documents in this handbook are available from our website, www.sharpleycivic.org, or your District Representative.

Sharpley Civic Association Deed Restrictions, Policy and Guidelines

Reviewed and Adopted by the Sharpley Civic Association, Board of Directors July 29, 2002

SHARPLEY CIVIC ASSOCIATION DEED RESTRICTIONS

The lands and premises herein described, but excluding that portion thereof known as "parcel A" of block R upon plat of section 1 of "Sharpley" as recorded in the office of the Recorder of Deeds, & c., in and for New Castle County and State of Delaware which has been heretofore conveyed by the party of the first part to the Catholic Foundation of the Diocese of Wilmington, known as "Sharpley" are conveyed subject to the following limitations, reservations, restrictions and conditions, during the term or terms hereinafter mentioned, which limitations, reservations, restrictions and conditions should be recited or referred to in every conveyance or conveyances of said land or any portion thereof during such time as they or any part of them shall continue.

Block letters and lot numbers as used herein refer to Block letters and Lot numbers as they appear on plots of "Sharpley" recorded in the office of the Recorder of Deeds, &c., in and for New Castle County and State of Delaware.

1. The lots, with the exception of Block R and except as hereinafter provide, shall be used for private residential purposes only, and no buildings of any kind shall be erected or maintained thereon except private dwelling houses and such outbuildings as are customarily appurtenant to residences, each house being detached and being designed for occupancy by a single family, together with a private garage for the exclusive use of the respective owner or occupant of the plot upon which each garage is erected.
2. Buildings to be used for schools, churches, libraries or for recreational, educational, religious or philanthropic purposes may be erected and maintained in locations approved by said Woodlawn Trustees, Incorporated, provided the design of such buildings be approved by said Woodlawn Trustees, Incorporated, and further provided there has been filed in the office of the Recorder of Deeds, in and for New Castle County, an Indenture or other Instrument of Writing executed by the said Woodlawn Trustees, Incorporated, approving the location, design and limiting the uses to which such buildings may be put.
3. No trade or business other than such as are above enumerated, nor any building designed or intended for such purpose or for industrial or manufacturing purposes, or for any dangerous or offensive trade or business whatsoever, shall be erected, permitted, maintained or operated on any of the land included in said tract; neither shall any nuisance, dangerous or offensive things, condition, trade or business whatsoever be permitted or maintained upon any of the said lands, nor any live poultry, pigeons, hogs, cattle, or other livestock be kept thereon.
4. No building, fence, wall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration therein be made, until plans and specifications, plot plan and grading plan, or satisfactory information shall have been submitted to and approved in writing by said Woodlawn Trustees, Incorporated. The said Woodlawn Trustees, Incorporated, shall have the right to refuse to approve any such plans or specifications which in its opinion are not suitable or desirable; and in so passing upon such plans and specifications the said Woodlawn Trustees, Incorporated, may take into consideration the suitability of the proposed building or other structure and of the materials of which it is to be built, to the site upon which it is proposed to erect same, the harmony thereof with the surroundings and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring properties.

There shall not be erected or permitted upon any of the lands or roadways within the boundaries of the land hereby conveyed any signs, notices or advertising matter of any description unless the written consent of Woodlawn Trustees, Incorporated, its successors or assigns, has been first obtained.

5. No building or part thereof shall be erected or maintained on any of said lots nearer to the front street or the side street than the set back line shown on said plots, excepting that steps, bay windows, open porches and other projections appurtenant to the front of a building may extend beyond the front set back line subject to the limitations that no projection other than open porches, and door steps and hand rails connected with such steps shall, except in its roof, extend more than four feet beyond the front set

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back line, nor exceed in any horizontal section, except in the horizontal section of its roof, forty square feet, and that no open porch shall, except in its roof, extend more than ten feet beyond such front set back line. No hedge shall be planted within eighteen inches of any front street line or side street line.

6. Open side yards extending the full depth of the lot shall be left on both sides of every residence. The aggregate width of such side yards shall not be less than thirty percent of the width of the lot measured on the front set back line thereof. The minimum width of such side yard to be left on either side shall be twelve feet. No building or structure or any part thereof (detached private garage excepted) shall encroach on any side yards.
7. Detached private garages may, with the approval of said Woodlawn Trustees, Incorporated, encroach upon said side yards, but shall not be erected or maintained within four feet of any side lot line. However, this clause shall not in any way be construed to alter the set back requirements provided for lots having side yards abutting on one or more streets.

The said Woodlawn Trustees, Incorporated, its successors or assigns, shall in all cases have the right to determine which are the front, side and rear lines of any lot.

8. Easements and rights of way in and over certain lots within the boundaries of the land hereby conveyed are hereby expressly reserved as follows:
 - (a) In and over the rear five feet of each lot in Blocks A, B, D, E, F, G, H, K, L, M, N, O, P, Q.
 - (b) In and over the rear ten feet of each lot in Block J and rear ten feet of Block R.
 - (c) In and over the side yard of Lot No. 19, Block G, for a distance of five feet Westerly from the easterly side property line.
 - (d) In and over the side yard of Lot No. 20, Block G, for a distance of five feet Easterly from the Westerly side property line.
 - (e) In and over the five feet adjacent to both the Easterly and Westerly side property lines of Lot No. 2, Block K.
 - (f) In and over the side yard of Lot No. 2, Block K, for a distance of five feet Northerly from the Southerly side property line.
 - (g) In and over the side yard of Lot No. 7, Block L, for a distance of five feet Northerly from the Southerly side property line.
 - (h) In and over the side yard of Lot No. 6, Block L, for a distance of five feet Southerly from the Northerly side property line.
 - (i) In and over the side yards of Lots Nos. 2 and 11, Block M, for a distance of five feet Northerly from the Southerly side property lines.
 - (j) In and over the side yards of Lots Nos. 2 and 14, Block N, for a distance of five feet Northerly from the Southerly side property lines.
 - (k) In and over the side yards of Lots Nos. 2 and 16, Block O, for a distance of five feet Northerly from the Southerly side property lines.
 - (l) In and over the side yards for a distance of four feet on each side of property lines dividing: Lots Nos. 24 and 25 in Block A; Lots Nos. 11 and 12, 30 and 31, 36 and 37 in Block B; Lots Nos. 14 and 15, 34 and 35 in Block D; Lots Nos. 16 and 17 in Block E; Lots Nos. 6 and 7, 11 and 12 in Block G; Lots Nos. 2 and 3 in Block P
 - (m) In and over the side yards of Lots Nos. 6 and 7 and Lots Nos. 18 and 19, Block K, for a distance of seven feet Southerly from the Northerly property line of Lot No. 6; for a distance of three feet Northerly from the Southerly property line of Lot No. 7; for a distance of three feet southerly from the Northerly property line of Lot No. 18; and for a distance of seven feet Northerly from the southerly property line of Lot No. 19.

Easements and rights of way are also expressly reserved in and over the land indicated as reservation on such recorded plots.

Such easements and rights-of-way shall be used for the following purposes:

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For the erection, construction and maintenance of poles, wires and conduits, and the necessary or proper attachments in connection therewith for the transmission of electricity and for telephone and other purposes. For the construction and maintenance of storm water drains, land drains, public and private sewers, pipe lines for supplying gas, water and heat, and for any other public or quasi-public utility or function conducted, maintained, furnished or performed by or in any method above or beneath the surface of the ground, and the said Woodlawn Trustees, Incorporated, shall have the right to enter upon said reserved strips of land for any purposes for which said easements and rights of way are reserved, including the right to trim and keep trimmed in a workmanlike manner all trees and growing things, within said easements and rights of way so as to provide proper clearance for the safety of operation and maintenance of the aforesaid facilities.

9. All construction, building and plumbing work must be performed in accordance with the applicable existing construction, building and plumbing regulations and be subject to inspection and approval by properly authorized inspectors.
10. Abutting property owners are to be solely responsible for grading, seeding, care and maintenance of ground between the curb and property line and also for the maintenance and care of the sidewalk, curb and trees.

11. All the above recited conditions and restrictions shall be binding upon the said Woodlawn Trustees, Incorporated, its successors and assigns, until the first day of January, A.D. 1976, and shall automatically continue thereafter for periods of ten years each unless and so far as at least two years before the first day of January, A.D. 1976, or two years before the expiration of any subsequent period of ten years, as aforesaid, the owners of sixty per centum of the frontage of each street as shown on said plots shall execute and acknowledge a declaration or declarations releasing, after such period or periods, all or any part of the land affected by any of the several restrictions contained in this deed from any or all of them, and record the same in the office of the Recorder of Deeds, &c., in and for New Castle County and State of Delaware.

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SHARPLEY CIVIC ASSOCIATION BOARD OF DIRECTORS POLICY

1. **Purpose:** The Deed and Agreement Between Woodlawn Trustees, Incorporated And Reuben Satterthwaite, Jr. Containing Restrictions, Covenants, Conditions, Etc. Relating to Sharpley (the Deed Restrictions) dated October 15, 1956, and assigned to the Sharpley Civic Association (the Association) on September 22, 1972 requires that the Association enforce the various restrictions, covenants, and conditions of the Deed Restrictions, and that certain changes to private property be submitted to the Association for approval. The Association's Board of Directors publishes these policies and guidelines in order to establish procedures to administer and enforce the Deed Restrictions, to notify the community of those procedures, and to ensure their fair and consistent application and enforcement. Although the Association has no authority to enforce any other building code and regulations, the New Castle County Unified Development Code (the NCCo Code) is cited in this document because its provisions and those of the Deed Restrictions are so closely related in many matters affecting Sharpley.
2. **Zoning:** The homes in Sharpley are zoned NC 10 (single family 10,000 sq ft).
3. **Procedures for Requesting Exterior Changes or Additions to Sharpley Properties:** Paragraph 4 of the Deed Restrictions requires that all alterations, additions, appurtenances, fences, walls or other structures (any exterior modifications) erected on the property or to the exterior of the home **MUST** be approved by the Sharpley Civic Association. Included in all deeds is a covenant that requires all residents to submit plans and specifications or satisfactory information to the Association for review and approval. In reviewing such proposals, the Association may take into consideration the suitability of the changes and materials to be used, the harmony of the proposal with the surrounding area and the effect the proposal will have on the appearance to the adjacent and surrounding area. For any such proposal, the following procedures **MUST** be followed:
 - a. The homeowner must prepare a clear and complete description of proposed changes or additions, including the materials to be used. This shall include:
 - i. A hand written or typed letter containing:
 1. A description of the proposal,
 2. A statement indicating that the plans or proposals have been reviewed and approved (or disapproved) with the neighbors listed below, and
 3. The written or typed names of the adjacent or abutting neighbors with spaces for their signatures and for their approval or disapproval of the proposal.
 - ii. A drawing (not required to be to scale) of the addition or alteration showing its planned location on the property. The drawing must clearly show the Sharpley Deed Restriction setback distances affected by the proposed changes or additions. (See paragraph 4.d, below.)
 - b. The above shall be submitted to all adjacent and abutting neighbors for their review. The resident shall obtain each neighbor's approval or disapproval. If any neighbor is unavailable or refuses to sign, the letter must so state.
 - c. The proposal/plans along with the evidence of the neighbors' review shall be submitted to the Association via the Deed Chairperson. Check the most recent Sharpley Newsletter for that person's address and telephone number.
 - d. The Association shall not approve any proposal that does not meet the criteria of paragraphs 3.a-c, above.
 - e. When considering whether to approve or disapprove a proposal the Association shall give due consideration to the neighbor's approval or disapproval, but shall only be bound by the Sharpley Deed Restrictions and these policy guidelines.

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- f. Construction shall not begin until the Association's written notice of approval is delivered to the homeowner.
- g. Approval by the Sharpley Civic Association does not mean that the proposal meets the requirements of New Castle County's Unified Development Code, or any other county or state laws, regulations or licenses.

4. Policy and Guidelines Pertaining to External Property Changes

- a. **Detached buildings**, including outbuildings, garages or storage sheds, **shall not** be approved.
- b. **Fences:** The Association discourages fence construction, but realizes that many people need fences in order to protect small children or pets. The Board will, therefore, consider requests that meet the following criteria:
 - i. Fences shall not exceed 48" in height, except that posts may extend up to 12" above the top of the fence. Fences with scalloped or otherwise uneven tops shall be measured from the highest point between posts.
 - ii. **Split rail fences** are recommended. Vinyl coated wire may be attached to the inside of the fence to prevent small children and pets from wandering.
 - iii. **Picket Fences**
 - 1. Pickets shall not be more than 5 ½" in width.
 - 2. Space between pickets shall be not less than 2 ½" and not more than 3 ½" in width.
 - iv. **Front Yard Fences Shall Not Be Approved:** Fences that extend in front of the midline of either side of a home shall not be approved.
 - v. Fences on corner lots shall not be approved if, on the section facing the side street, the fence extends toward the street beyond the front edge of the adjacent home facing that street.
 - vi. **Privacy fences and chain link fences** shall not be approved, except as described in paragraph 4.b.vii, below.
 - vii. **Exception to Fence Restrictions:** Homeowners of those properties bordering commercial or school property and for those properties only, the Association will consider proposals for privacy fences provided that:
 - 1. All the requirements of paragraph 3 above are met,
 - 2. The proposed privacy fence is to be constructed only along the edge of the property adjacent to commercial property, and
 - 3. The proposed privacy fence meets all NCCo Code requirements for residential fences.
- c. **Swimming Pools:** Above ground swimming pools shall not be approved.
- d. **Setback requirements** set forth in paragraph 5-7 of the Sharpley Deed Restrictions may be more restrictive than those contained in the NCCo Code. The Code states that more restrictive setback requirements contained in deed restrictions take priority over those contained in the Code.

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- i. Construction requests that do not comply with Sharpley setback requirements shall not be approved.
 - ii. Construction that violates any setback requirement or violates any governmental/utility easement or regulation could operate as impediment to transferring or refinancing your property.
 - e. **Easements:** Paragraph 8 of the Deed Restrictions discusses the locations and purposes of easements within Sharpley.
 - i. No structure that encroached on an easement except fences will be approved.
 - ii. The Association and its contractors and utility providers and their contractors may enter upon the easements at any time to conduct necessary work cited in the Deed Restrictions. They have the right to remove or alter any plant, tree, or structure on the easement that is an impediment to their work.
 - f. The Board may negotiate deviations from these policies for persons with disabilities, or for lots with non-standard layouts that cannot comply with certain policies.
- 5. **Conditions Which May Violate Deed Restrictions:** In addition to its more specific restrictions, paragraph 3 of the Deed Restrictions states "... neither shall any nuisance, dangerous or offensive things, condition, trade or business whatsoever be permitted or maintained upon any of the said lands..." The following policies shall be enforced by the Association:
 - a. Homes and structures shall be maintained in a good state of repair.
 - b. No commercial vehicle shall be parked on any street or driveway except at an active worksite.
 - c. Parking is permitted only on streets, on paved driveways or in garages.
 - d. Inoperable or unregistered vehicles shall only be parked in a garage.
 - e. Boats, trailers and recreational vehicles, as defined in the New Castle County Code, Chapter 7 (Land Use Code), Section 202, shall not be stored or parked in the open on any driveway or yard in Sharpley. Recreational vehicles may be parked on the street in front of the owner's or host's home for up to two weeks, provided that the vehicle owner obtains a permit required by New Castle County Code, Chapter 7, Section 302, Paragraph 8.5.
 - f. No signs shall be erected without Association approval. Exceptions are real estate signs where property is for sale and contractor signs at active work sites.
 - g. **Hedges:** Paragraph 5 of the Deed Restrictions prohibits hedges within 18" of a front or side street line. This is the property line on the street side of your property. In effect it means that hedges cannot be planted within 18" of your sidewalk.
 - h. **Trash and Debris**
 - i. Residents must ensure that trash and debris stored or placed for pick-up does not become an eyesore or spill from its containers and litter the neighborhood.
 - ii. Trash containers must be constructed for that purpose and be equipped with a lid.
 - iii. Trash containers must be stored in an area not visible from the street.

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- iv. Trash containers and debris must be moved to the curb no earlier than the evening before trash pick-up and removed from the curb by the end of pick-up day.
 - v. Debris may not be stored outdoors.
 - vi. Debris must be placed in trash containers, or bound or bagged in a manner prescribed by the garbage contractor.
6. **Enforcement:** Failure to comply with the Deed Restrictions and with these guidelines will lead to legal action to enforce compliance. Enforcement action in the form of a civil suit may be instituted either by the Association or by any Sharpley property owner acting independently.
7. **Common Areas Between Streets and Property Lines:** Most street rights-of-way in Sharpley are 55' wide, including the streets, curbs, sidewalks and the grassy areas and trees between the curbs and sidewalks. Paragraph 10 of the Deed Restrictions requires homeowners to maintain the area between the street and their property line, including the curb, sidewalk, trees and grass.
 - a. Street trees are pruned, and if necessary removed and replanted by the Association within our budget restrictions. No street trees may be pruned, removed, or planted without the prior approval of the Civic Association Board. Contact your District Representative if you have any questions, or to report the need for either routine or emergency tree maintenance.
 - b. Keep street trees and grass watered, especially during drought. Because street trees are partially surrounded by pavement, they are more liable to succumb to disease or drought if not properly watered and fertilized. Not only is tree replacement very expensive, it takes decades for new trees to grow large enough to restore the beauty of a mature tree.
 - c. **Visibility at corners:** The NCCo Code requires that on any corner lot, there shall be no building, structure, shrubbery or planting that can block street traffic visibility within the triangle formed at the intersection. Measuring 25 feet back along the property lines from the intersection of the two property lines forms the triangle.
 - d. **Responsibility to Keep Trees and Shrubs Trimmed:** The NCCo Code requires that it shall be the duty of the owner or occupant of a residentially zoned property to keep shrubbery trimmed so that it does not encroach upon or extend beyond the line of any sidewalk and to trim trees so that no branch extends below a height of seven feet above the width of any sidewalk.
8. **Snow Plowing**
 - a. The Association shall contract for snow removal for the streets within Sharpley.
 - b. Homeowners or occupants are responsible for removing snow from their driveways and sidewalks.
9. **New Castle County Code Violations:** While the Association does not have the authority to take legal action against violators of the Code, it will report all violations to the NCCo Office of Code Enforcement. Examples of the most common Code violations include:
 - a. Miscellaneous property maintenance violations.
 - b. High weeds and grass.
 - c. Unregistered/inoperable motor vehicles.
 - d. Improperly stored trash.
 - e. Stored debris.
 - f. Parking on grass.
 - g. Restricted or prohibited signs.
 - h. Building without permits.

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- i. Unauthorized home-based business.
- j. Vacant or unsecured homes.

10. Advice to Homeowners

- a. **Survey Your Property:** To ensure that you do not inadvertently violate setback and easement requirements, the Association recommends that you have a survey conducted before you begin any kind of construction.
 - b. **Before you dig:** Before you or your contractor begins construction or planting, you must first check the location of underground utility lines or cables. If you or your contractor hit any of these lines, the results can be costly to you – and dangerous to everyone. Call the **Underground Line Locating Service** at **1 (800) 282-8555**.
 - c. Homeowners are responsible for maintaining the backsides of fences approved by the Association. This includes mowing, trimming, painting and cleaning. When you plan your construction, leave enough room between the fence and your property line to enable you to maintain the fence without infringing on your neighbors property.
 - d. When you sell your property make certain that real estate agents and prospective buyers are aware of the Sharpley Deed Restrictions.
11. Sharpley is an attractive neighborhood and a very desirable place to live and raise a family, but its safety, livability, and property value can be affected by the thoughtless conduct of only a few people. The Association invites you to help us keep Sharpley a great place to live.

CHECKLIST FOR NEW STRUCTURES OR MODIFICATION OF EXISTING STRUCTURES
Sharpley Civic Association

To be used by the Sharpley Civic Association Board of Directors in reviewing any request for approval of new structures or modification of existing structures in Sharpley.

1. Background

Homeowner's Name: _____

Address: _____

Phone: _____

Date of request: _____

Date of Board action: _____

Is a quorum present? _____

Board members present:

2. Does this request fall under any of the following prohibited categories?

- a. _____ Is this request for any purpose other than for use as a private dwelling?
- b. _____ Detached building or structure?
- c. _____ A structure, other than a fence, that encroaches on an easement?
- d. _____ Front yard fence?
- e. _____ Any side yard fence that extends toward the street beyond the midline of the house?
- f. _____ For a corner lot; a side yard fence on the side of the house nearest the corner that extends beyond the front setback line of the adjacent lot?
- g. _____ Privacy fence, other than those on Halstead and Foulkstone Roads that are adjacent to commercial or school property? (Approved December 8, 2008)
- h. _____ Chain link fence?
- i. _____ Above ground swimming pool?

3. Does the request include?

- a. A hand written or typed letter containing,
 - i. _____ A description of the proposal,
 - ii. _____ A statement indicating that the plans or proposals have been reviewed by all the abutting property owners, and
 - iii. _____ The written or typed names of the abutting property owners with their signatures indicating that they acknowledge receipt of a copy of the proposal?
 - iv. _____ If any of the abutting property owners are not available, has the requestor included copies of first class pre-paid letters to those property owners showing the addresses to which they were mailed?
 - v. _____ Are spaces included indicating each abutting property owner's approval or disapproval of the proposal?
 - vi. _____ A drawing showing the information required below.

4. If this is for a modification to the home, does the request include?

- a. _____ Plans and specifications, including floor plans and elevations,
- b. Copy of Plot plan including:
 - i. _____ Front set back line and, for corner lots, the side set back line,
 - ii. _____ Front and side street names, as applicable,
 - iii. _____ Lot boundaries,

- iv. _____ Lot easements,
- c. _____ Does the home addition extend beyond setback?
- d. _____ Do bay windows extend more than 4' beyond set back line?
- e. _____ Do open porches extend more than 10' beyond set back line?
- f. _____ Width of lot at front set back line,
- g. _____ Width of open side yards, (aggregate width not less than 30% of lot width at front set back line, minimum 12' side yards),
- h. _____ Rear set back (40' from rear boundary as per NCCo Building Code)
- i. _____ Driveway set back (2' from side boundary as per NCCo Building Code)
- j. _____ Grading plan,
- k. _____ Exterior materials,
- l. _____ Exterior color scheme,

5. If this is for a fence, does the request include?

- a. _____ Are all setback lines and easements described in paragraph 4 above included in this request?
- b. Description of the proposed fence including;
 - i. _____ Height between posts (max. 48"),
 - ii. _____ Height of posts (max. 58"),
 - iii. _____ Type,
 - 1. **Pool fence:** The fence must conform to the height and construction requirements of the NCCo Building Code.
 - 2. **Picket fence**
 - a. _____ Picket width (max. 5 1/2"),
 - b. _____ Space between pickets (max. 3 1/2", min. 2 1/2"),
 - 3. **Privacy fence** bordering commercial or school property, and only those properties,
 - a. _____ Is the proposed fence located only along the property line adjacent to the aforementioned properties?
 - b. _____ Height of the fence (6' max. as per NCCo Building Code)
 - c. _____ Are all setback lines and easements described in paragraph 4 above included in this request?
- c. Materials/color _____

6. In-ground swimming pools

- a. _____ Do construction documents submitted to the board accurately show dimensions and construction of the pool and appurtenances and properly established distances to lot lines, buildings, walks and fences, as well as details of the water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed construction documents of structures, vertical elevations and sections through the pool showing depth shall be included. (This requirement is identical to that of the NCCo Building Code.)
- b. _____ Width of lot at front set back line,
- c. _____ Width of open side yards, (aggregate width not less than 30% of lot width at front set back line, minimum 12' side yards),
- d. _____ Does any part of the pool and appurtenances extend into the open side yards?
- e. _____ Does any part of the pool and appurtenances encroach on any easement?
- f. _____ Do any parts of the pool and appurtenances planned for a corner lot extend beyond the side street setback line?
- g. _____ Does the pool and its appurtenances conform to the setback requirements of the NCCo Building Code?

7. **Exceptions:** The Board may, under special circumstances, negotiate deviations from these policies. Such circumstances could include, but are not limited to, special needs for persons with disabilities, or lots with non-standard layouts that cannot comply with certain policies. When such circumstances arise, the Board will attempt to meet the homeowner's needs with the least possible deviation from the established policies. (Board approved Nov. 10, 2008)

SHARPLEY CIVIC ASSOCIATION

Association Objective and Activities

Your Association was formed in 1966 to help make Sharpley a better place to live and to maintain property values. Each year the Association solicits dues from the Sharpley community in accordance with the by-laws so that we can:

- administer deed restrictions,
- contract for snow removal from our neighborhood streets,
- contract for street tree maintenance, removal and replacement,
- contract for street sign maintenance and fire hydrant painting,
- contract for speed limit signs in critical areas,
- coordinate support with other Civic Associations when faced with common problems,
- conduct liaison with select civic organizations including the Council of Civic Organizations of Brandywine Hundred, the Civic League for New Castle County and other nearby civic associations,
- research and create position papers concerning new public proposals that affect our development, e.g., use of Whitby Drive for school bus traffic,
- publish a handbook and directory containing important information about the Association and Sharpley, and
- publish a periodic community newsletter in which to communicate information regarding issues, problems, and opportunities facing the Sharpley community.

Each spring the Association Board of Directors proposes a budget and conducts the Association's Annual Meeting at which the budget is approved and officers are elected for the coming fiscal year. However, this is not the only opportunity for members of the community to make their voices heard. The District Representatives and Officers of the Board are available and can be reached by phone, email or by mail at your convenience, so do not hesitate to speak up when the need arises.

The Board of Directors also needs your suggestions, cooperation and financial support, but more importantly, the community needs your active participation in the Association. Please volunteer your time and effort to help make Sharpley a better place to live. Contact your District Representative to find out how you can help.

Frequently Asked Questions About Sharpley

1. What Sharpley District do I live in?

Look up your address under the “Address List” section of this directory. The left hand column is your Sharpley District number.

2. Who is my Sharpley District Representative?

Sharpley District Representatives and their phone numbers are listed on the first page of every quarterly Sharpley Newsletter.

3. I want to build on or remodel on my property. Who do I call?

Check your most recent newsletter and look for the District Representative responsible for “Deed Restrictions and Architecture”. Make a copy of the Architectural Checklist in this handbook or download it from our website at www.sharpleycivic.org, fill out the appropriate sections, and submit it with all required documentation to the Deed Restrictions and Architecture Representative. Incomplete requests will be returned without action. The board of directors meets on the second Monday of each month to conduct business. Submit your request early enough for the board to consider your request and respond to you before you begin construction.

4. I have a question or problem with my street trees. Who do I call?

Refer to the first page of the current newsletter. If you have an emergency call the person listed under “Emergency Tree Removal”. For all other questions call the President of the civic association.

5. When do I have to pay dues each year?

The association’s fiscal year runs from April 1st to March 31st each year. Dues are due and payable annually by August 1st.

6. If I don’t pay dues and join the association, who cares?

The association needs your support to pay for snow removal and for street tree maintenance. Association members are eligible to have their street trees pruned if their dues are paid up for the last five years, or for as long as you have owned your home if you have lived here for less than five years. When necessary, the association defends our deed restrictions against infractions in court. Legal fees are paid for out of your dues. The deed restrictions, the condition of our streets and the beauty of our trees affect the value of our homes. We are a community that cares about keeping Sharpley one of the best neighborhoods in Brandywine Hundred. Do your part to keep Sharpley beautiful.

7. How can I volunteer to help the association?

If you are interested in volunteering to work with the civic association just call the president. We always need enthusiastic volunteers.

8. Can I put a shed on my property?

All types of sheds and outbuildings are prohibited in Sharpley. This includes, but is not limited, to, such things as detached garages, sheds, and playhouses on permanent foundations. Small playhouses without foundations may be permitted, but require approval of the Sharpley Board of Directors. Use the procedures outlined in question 3 above to request approval for a non-permanent playhouse.

9. Can I put a fence around my property?

Certain kinds of fences are permitted. Refer to paragraph 4.b. of Sharpley Civic Association Board of Directors Policy and Guidelines in this handbook for restrictions and procedures you must follow. The civic association must approve every fence in Sharpley. Failure to follow request procedures and get approval could expose you to legal action. Use the procedures outlined in question 3 above to request approval for a fence.

10. Can I install a swimming pool on my property?

In ground swimming pools that meet Sharpley requirements may be approved. Requests must be submitted in accordance with Sharpley Civic Association Policy and Guidelines in this handbook. Civic association board approval is required before construction can begin. Above ground pools will not be approved. Use the procedures outlined in question 3 above to request approval for an in-ground pool.

11. I want to make changes to the external appearance of my home. What must I do before beginning?

Before beginning construction, fill out the applicable sections of the Architectural Checklist and submit it to the civic association for approval. Page 1 of the association newsletter lists a District Representative responsible for “Deed Restrictions and Architecture”. Contact that person for assistance with the checklist and any questions you may have. That representative will also see that your request is properly submitted to the board and that prompt action is taken.

12. How do I file a property code violation complaint?

Anyone can file a property code violation by calling New Castle County Code Enforcement at 395-5555. Inspectors will check the violation and, if necessary, cite the offender. Your name will be kept private.

13. Where can I park my boat or RV?

Boats and RVs may only be parked inside a garage. Parking is not permitted on the street, in the driveway or in the front or back yard of your home. NCCo grants permits to park RVs on residential streets for up to two weeks. If such a permit is granted to a homeowner, the association will allow that person to park an RV on the street in front of their home for the specified time only.

14. How does the association enforce deed restrictions and policies?

Diplomacy is always the best way to resolve a deed restriction dispute, but in the rare circumstance requiring legal action, the association may file suit in Chancery court. Individual residents also have the right to file suit if they believe that any deed restrictions are being violated. House Bill 454 signed into law by Governor Minner in 2006 created a mediation process that can be used to resolve deed restriction disputes before the parties resort to court action. It also seeks to reduce the time necessary to resolve such disputes and stipulates that the loser in court pays all fees.

**BY-LAWS
OF
SHARPLEY CIVIC ASSOCIATION**

- I. TITLE: The name of this corporation is “Sharpley Civic Association.”
- II. INCORPORATION AND ASSIGNMENT:
- a. Sharpley Civic Association was incorporated in the State of Delaware on the twenty-fourth day of February, A.D. 1966.
 - b. On the twenty-second day of September, A.D. 1972, Woodlawn Trustees, Incorporated sold, assigned and transferred all of its rights and powers, including the Deed and Agreement between Woodlawn Trustees, Incorporated and Reuben Satterthwaite, Jr. (Sharpley Deed Restrictions) dated October 15, 1956, to the Sharpley Civic Association.
- III. OBJECTIVES AND PURPOSE:
- a. The objectives and purposes of this corporation as set forth in the Sharpley Certificate of Incorporation are:
 - i. To promote discussion and improvement of conditions and affairs in the community of Sharpley, located in the County of New Castle, State of Delaware;
 - ii. To participate in such activities as will promote the welfare of the residents of Sharpley; and
 - iii. To engage in programs of civic improvement and advancement.
 - b. As assigned by Woodlawn Trustees, Incorporated, Sharpley Civic Association is bound by the Sharpley Deed Restrictions.
 - i. The Sharpley Civic Association Board of Directors administers the Sharpley Deed Restrictions in accordance with state and county laws and ordinances.
 - ii. From time to time the Board publishes policy guidelines to ensure that the Sharpley Deed Restrictions are administered in a fair and equitable manner, consistent with the original intent of the restrictions.

IV. FISCAL YEAR: The fiscal year for this corporation shall run from the first day of April to the last day of March.

V. MEMBERSHIP

- a. All adult property owners or residents of Sharpley shall be eligible for membership in this corporation.
- b. The first members shall be the members of the unincorporated voluntary association known as the Sharpley Civic Association as of the date of the adoption of these By-Laws. Other eligible persons may acquire membership by payment of annual dues for the member's residential unit and enrollment on the corporation's membership books.
- c. Each member shall have to right to vote so long as the dues are paid for the residential unit in which he resides.
- d. Membership shall be terminated when a member resigns, or ceases to be a property owner or resident of Sharpley, or by nonpayment of dues within a grace period of thirty days from the due date.

VI. DUES AND ASSESSMENTS

- a. The annual dues per residential unit shall be determined by the Board of Directors annually at the first meeting of the Board following the Annual Meeting of the members.
- b. Dues shall be due and payable annually, in advance, by August 1 of each year.

VII. DISTRICT REPRESENTATION AND ELECTIONS

- a. The community of Sharpley is divided into nine representative districts as drawn on a plot plan of the community attached hereto and made a part hereof.
- b. Members residing in each representative district shall be entitled to elect a member, as defined in paragraph V. above, from that district as the District Representative from that district.
- c. Vacancies in the office of District Representative created by resignation or loss of membership shall be filled by a majority vote of the remaining members of the Board of Directors.
- d. If at least one nominee from within a district cannot be found to stand for election or to fill a vacancy, the remaining Board of Directors may elect a nominee from another Sharpley district to serve until a nominee from within the district can be found or until the next election.

- e. The District Representatives and its elected officers shall serve as the Board of Directors of the corporation.
- f. Except as otherwise provided, each District Representative shall be elected for a term of three years.
- g. The first District Representatives shall be the representatives of the Sharpley Civic Association, an unincorporated association of the residents of Sharpley, as of the date of adoption of these By-Laws. The terms of those first District Representatives shall expire as follows:

<u>District</u>	<u>Term Expires</u>
1	Annual Meeting 1967
2	Annual Meeting 1968
3	Annual Meeting 1966
4	Annual Meeting 1966
5	Annual Meeting 1966
6	Annual Meeting 1967
7	Annual Meeting 1968
8*	Annual Meeting 1968
9	Annual Meeting 1967

* Vacancy

- h. The offices of those District Representatives whose terms expire at the 1966 Annual Meeting shall be filled for a term of three years by those District Representatives elected in the March 1966 district elections of the Sharpley Civic Association, an unincorporated association of the residents of Sharpley.
- i. Commencing in 1967, following the cycle established in paragraph VII, g above, an election shall be held each year to fill the offices of those District Representatives whose terms expire during that year
- j. Also, commencing with the 1967 election, and for all subsequent elections:
 - i. The President shall appoint a nominating committee to recommend to him candidates for nomination for the office of District Representative from those districts in which a vacancy shall exist by reason of the expiration of the term of the District Representative.
 - ii. The President shall report the recommendations of the nominating committee to the interested electorate at least thirty days prior to an election.

- iii. No person shall be nominated for office who has not expressed a willingness to serve.
- iv. Candidates selected by the nominating committee shall be placed on the ballot for the district involved.
- v. Any other member may be placed on the ballot for the office of District Representative from his district provided he shall file with the President, at least twenty days prior to an election, a petition so requesting and signed by ten other voters of his district.
- vi. All elections shall be held in such manner as to insure that each voter is given a reasonable opportunity to vote.
- vii. The Board of Directors shall issue such rules for the conduct of elections as it shall deem proper.

VIII. BOARD OF DIRECTORS

- a. The affairs of this corporation shall be governed by a Board of Directors consisting of from nine to thirteen members.
- b. The Board shall be composed of:
 - i. The District Representative from each of the representative districts, each of whom shall serve on the Board for the term for which elected, which term shall commence at the annual Meeting of the Membership; and
 - ii. The Officers of the Corporation, who may be elected from among the District Representatives or from the Sharpley Community as specified in paragraph IX, below.
- c. The Board of Directors shall govern the corporation in all operations within the objectives and purpose of the corporation.
- d. If more than one-half of the members of the Board are present for any official meeting, a majority vote of those present shall decide any question, except as stated in paragraph IX. f below.
- e. Any action of the Board of Directors may be rescinded by an affirmative vote of two-thirds of the membership of the corporation present at any Special Meeting called for this purpose.

IX. OFFICERS

- a. The officers of the corporation shall be four in number:

- President
 - Vice-President
 - Secretary
 - Treasurer

- b. The officers shall be elected by the Board of Directors at a Special meeting of the Board to be held within two weeks following the Annual Meeting of the membership.
- c. The President shall be elected from among the District Representatives. All other officers may be elected from among the District Representatives or from among the dues paying members of the Sharpley community.
- d. The election shall be by secret ballot with separate balloting for each of the four offices. The individual receiving the greater number of votes shall be named to the office for which voting was held.
- e. Officers so elected shall serve for a term of one year, or until their successors are elected and installed.
- f. For purposes of this special meeting of the Board, two-thirds of the members of the Board must be present and voting.

X. DUTIES OF OFFICERS

- a. President: The President shall be the chief executive officer of the corporation; shall preside at all meetings; shall see that all orders and resolutions are carried into effect; and shall execute all contracts and agreements authorized by the corporation or by the Board of Directors.
- b. Vice-President: The Vice-President shall perform the duties of the President in the absence or disability of the President or, in special circumstances, at the request of the President.
- c. Secretary: The Secretary shall keep an accurate record and minutes of all proceedings of the corporation, shall attest all properly authorized contracts and agreements executed by the President, and shall be responsible for all written communications to the membership.
- d. Treasurer:
 - i. The Treasurer shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation, and shall deposit and record all dues collected by the Association.

- ii. All funds deposited are to be placed in a bank approved by the Board of Directors and are to be deposited in the name of the corporation.
- iii. All checks withdrawing funds are to be signed by the Treasurer or such other officer as is authorized by the Board of Directors.

XI. MEETINGS

a. Annual Meetings:

- i. The Annual Meeting of the corporation membership shall be held during the month of March of each year for the seating of the newly elected District Representatives as members of the Board of Directors and for such new business as may have been determined by the Board for submission for consideration and/or vote of the members present at said annual Meeting.
- ii. The order of business shall be:
 - 1. Reading of the minutes of the previous annual Meeting and the minutes of intervening Board meetings and special meetings, if any.
 - 2. Reports of officers.
 - 3. Reports of committees.
 - 4. Unfinished business.
 - 5. New business.
- iii. The date of said Annual Meeting shall be selected by the incumbent Board and written notice given to all members by delivery to each residential unit of the time, date and place of said meeting, together with an agenda listing all items to be presented for consideration and/or vote of the members and such written notice shall be delivered at least two weeks in advance of said date.

b. Special Meetings: Special meetings of the membership may be called by:

- i. The President at any time on two weeks' written notice delivered to the residence of each person residing in Sharpley having membership in the corporation, or

- ii. At any time, on two weeks' written notice to the membership, by the Board of Directors as a result of a directive vote of the majority of said Board, or
 - iii. By petition of the membership over the written signatures of a majority of said membership directing the President to call a Special meeting.
- c. Board of Directors Meetings: The Board of Directors shall meet at least twice during the fiscal year:
 - i. At the direction of the President, or
 - ii. By a directive vote of the majority of the Board,
 - iii. Such meetings to be in addition to the annual Meeting.
 - iv. At least two weeks' written notice shall be given to each member of the Board prior to the date selected.

XII. QUORUM: For any official meeting of the membership of the corporation, attendance of one or more members from ten percent of the residential units for which current dues are paid shall be construed as a quorum.

XIII. COMMITTEES

- a. Committees may be appointed as necessary to assist the Board of Directors in the discharge of its obligations.
- b. All appointments shall be made by the President with the approval of the Board.

XIV. SHARPLEY CIVIC ASSOCIATION HANDBOOK, "THIS IS SHARPLEY"

- a. The Board of Directors shall cause to be published from time to time a handbook for Sharpley homeowners and members of the Sharpley Civic Association.
- b. The handbook shall contain:
 - i. A current copy of these By-laws;
 - ii. A copy of the Assignment from Woodlawn Trustees, Incorporated to Sharpley Civic Association;
 - iii. A copy of the Certificate of Incorporation of Sharpley Civic Association;
 - iv. A copy of the Sharpley Deed Restrictions;

- v. A copy of the current policy guidelines approved by the Board of Directors for administering the Sharpley Deed Restrictions; and
- vi. A current telephone directory of all Sharpley residents.

XV. SHARPLEY NEWSLETTER: The Board of Directors shall publish a newsletter to the residents of Sharpley for the following purposes:

- a. To announce dates and agendas of Annual and Special Meetings of the Sharpley Civic Association;
- b. To announce dates, and requirements for annual District Representative elections and to request nominees for the same;
- c. To announce vacancies in District Representative seats;
- d. To announce changes to dues, these By-laws, and to deed restriction policies;
- e. To announce changes to the membership or officers of the Board of Directors;
- f. To announce any association action which may impact Sharpley residents; and
- g. To announce civic and social events sponsored by the association.

XVI. AUDIT OF ACCOUNTS

- a. A committee on audit consisting of three members not on the Board of Directors shall be appointed by the Board at its last regular meeting prior to the Annual Meeting, and this committee shall make a complete audit of the books and records of the corporation and make its report to the membership at the Annual Meeting.
- b. If volunteers are not available among the non-Board membership to conduct the audit, the President may appoint two members of the Board, other than those authorized to sign checks, who will conduct the audit and report to the Annual Meeting.

XVII. SEAL: The corporation seal shall have inscribed thereon the name of the corporation, the year of its incorporation (1966) and the words "Seal," "Incorporated," and "Delaware."

XVIII. AMENDMENTS: These By-laws may be amended by:

- a. The affirmative vote of two-thirds of the membership present at the Annual Meeting, or at any special meeting called for that purpose, or
- b. By the affirmative vote of three-fourths of the members of the Board of Directors.

THIS INFORMATION IS TAKEN FROM A BOOKLET PUBLISHED BY THE NEW CASTLE COUNTY RECORDER OF DEEDS.

DEED RESTRICTIONS

Deed restrictions are limits on how you can use, maintain or transfer your property. You almost always become subject to some type of deed restriction as a condition of purchasing property.

Deed restrictions are generally private agreements between the buyer and seller and can only be enforced through a civil court action brought by one or more property owners against another. Some restrictions contain provisions allowing the county government to enforce common maintenance obligations, as well as development limitations and improvements, by civil court action.

Deed restrictions in residential areas are usually imposed by the developer or owner of the property which is subdivided into individual lots for houses. Such deed restrictions are commonly labeled a Declaration of Restrictions and recorded in the Recorder of Deeds Office. This declaration is usually referenced in the deed for each home purchased in the subdivision. Declarations usually transfer authority for enforcement to the individual lot owners or local civic organization once a majority of lots in the subdivision are sold to individuals.

Deed restrictions recorded by the developer or subdivision owner are often times imposed for a specified period of time. At the end of this period, the restrictions might be subject to revision or removal in accordance with the procedures set out in the original declaration. If no action is taken concerning the restrictions they may automatically renew for a predetermined period of time.

Typically, a declaration of restrictions requires that the owners of a majority of the lots in a subdivision agree in writing to modify the restrictions. The size of the majority may vary from one declaration to another. Some declarations require a simple majority, while others may require a super majority or unanimous approval to modify the restrictions.

Deed restriction modifications are often called amendments and must be in the form of a typed declaration. The form may vary but should contain (Whereas) clauses which recite the following:

- **The name of the subdivision to be affected by the amendment.**
- **The Deed Record, Volume, or Book and Page # and date of recording of the original declaration and/or subdivision plan.**
- **The desire of the property owners to modify or continue the deed restrictions.**
- **The procedure used to advise property owners of the proposed modifications and to gather signatures.**
- **The size of the majority signing the declaration of amendment.**

To be effective, deed restriction amendments or modifications must be recorded in the Recorder of Deeds Office. The Recorder requires such a document to be an original, to contain original signatures of the parties to be charged, and for each signature to be acknowledged before a Notary Public. Acknowledgement by a Notary Public requires that the notary identify each person who signs the document, witness each signature, sign a notarial clause and affix his/her notarial seal for each signature.

.... We recommend that the preparation of any original declaration of restrictions or amendment be reviewed by an attorney to be sure the form is correct, that the amendment procedure in the existing recorded restrictions is followed and that consent of the county government is obtained if required.

If you aren't sure whether your development is subject to deed restrictions, the Recorder of Deeds can supply copies of any restrictions and /or subdivision plans on record in this office for a small copying fee. Please feel free to contact the Recorder of Deeds office by mail at:

**Recorder of Deeds
800 French Street
Wilmington, Delaware 19801**

Or by phone at **571-7550** if you have any questions or require further instructions.

Statutory Procedures for Suits Enforcing Deed Covenants or Restrictions

If a dispute over the enforcement of the Sharpley Deed Restrictions should arise, and if that dispute cannot be resolved in negotiations between the Sharpley Civic Association and the homeowner, the dispute will be brought before the Court of Chancery where the procedures detailed in the following pages will be followed.

These procedures provide for dealing with both complaints alleging violation of the deed restrictions and complaints by homeowners that deed restrictions are being unfairly enforced.

Disputes over deed restrictions are always best resolved without resorting to the courts, but, if that is not possible, these procedures permit either the association or an aggrieved homeowner to bring their complaint before the Court of Chancery. If both parties agree, the court will attempt to resolve a dispute in a mandatory mediation hearing. This hearing does not require a lawyer and offers one last opportunity to resolve a dispute before an expensive and time-consuming trial before a Master of Chancery.

A powerful incentive to resolve any such dispute before going to trial is the requirement that the losing party must pay the winning party's attorney fees and court costs.

Sharpley Civic Association has successfully defended its deed restrictions for over 40 years, and only on rare occasion has it been forced to resort to Court of Chancery. Quiet diplomacy and negotiations almost always successfully resolve such disputes. Only when all else has failed have we taken legal action. We strongly believe that the Sharpley Deed Restrictions protect both property value and the quality of life in Sharpley, and we will continue to defend those restrictions just as we have in the past.