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February 17, 2026

Mayor and Commissioners
Town of Dewey Beach
105 Rodney Avenue
Dewey Beach, DE 19971

RE: The Lighthouse Temporary Beach Dining

Dear Mayor and Commissioners,

As you may recall, our firm provides legal representation to Dewey Beach Enterprises, Inc. (“DBE”). The Lighthouse Restaurant has been fully operational for several years now. It has become a successful business and amenity for the Town of Dewey Beach enjoyed by residents, their guests and visitors to the Town. In that regard, our client consistently receives inquiries and requests about the ability to dine on the beach – similar to the beach dining that was previously available at Que Pasa on the southern end of the property prior to the redevelopment of the site.

Please accept this letter as a request for approval of temporary dining on the beach area nearest the Lighthouse Restaurant. I have attached a diagram showing the proposed seating; it reflects only 10 tables with seating for 44 people. No other seating will occur and no patrons will be allowed to stand in this area. This area would be entirely temporary and would only be used for dining from May 1 until October 31 each year, weather permitting.

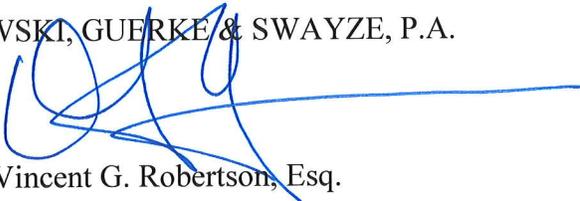
We have reviewed the 2019 Subaqueous Lands Lease between DNREC and DBE regarding this request and Paragraph 10 of that document permits such temporary dining if “a temporary permit and approval is received by the Town of Dewey Beach.” A copy of that recorded Lease is also attached hereto.

Finally, we recognize that this additional seating area will still require approval by the Office of the Alcoholic Beverage Control Commissioner. However, the OABCC will require approval of the Town prior to permitting this temporary seating. For that reason, we are starting this process with the Town now.

Please advise when and how you would like for us to present the details on this request. We look forward to the opportunity to explain it further. We believe that it will be a well-received addition to the Lighthouse Cove to be enjoyed by everyone.

Respectfully Submitted,

PARKOWSKI, GUERKE & SWAYZE, P.A.

A handwritten signature in blue ink, appearing to read "V. Robertson", with a long horizontal line extending to the right.

Vincent G. Robertson, Esq.

w/encl.

CC: Fred Townsend, Esq.
Bill Zolper, Town Manager
DBE



Document # 201900008363 BK: 5027 PG: 124
 On 3/14/2019 at 8:36:39 AM
 RECORDER OF DEEDS Scott Dailey
 Sussex County
 Consideration: \$0.00
 Doc Surcharge Paid

Prep by:
 STATE OF DELAWARE
 DEPARTMENT OF NATURAL RESOURCES &
 ENVIRONMENTAL CONTROL
DIVISION OF WATER
 89 KINGS HIGHWAY
 DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
 LANDS SECTION

TELEPHONE (302) 739-9943
 FAX (302) 739-6304

Dewey Beach Enterprises, Inc.
 C/o: E. Thomas Harvey III
 405 East Marsh Lane, Suite 1
 Newport, DE 19804
 Tax Parcel: 334-23.06-1.00

Subaqueous Lands Lease: SL-001/18
 Water Quality Certification: WQ-001/18
 Associated Lease: SL-440/18
 Date of Issuance: 3-11-2019
 Construction Expiration Date: 3-11-2022

SUBAQUEOUS LANDS LEASE

GRANTED TO:

Dewey Beach Enterprises, Inc.

TO INSTALL:

A 95 foot long by 21" RCP stormwater outfall pipe
 A 40 foot long extension on an existing 55 foot long 19" by 30" elliptical stormwater outfall
 A 12 by 18 foot long rip-rap splash apron at each of the stormwater outfalls
 Approximately 4,900 cubic yards of clean, suitable sand over a 24,360 square foot area for
 beach replenishment

TO CONSTRUCT:

A 16 foot wide by 415 foot long Public Baywalk
 An 8 foot wide by 40 foot long Public crabbing and fishing pier

OCCUPYING PUBLIC SUBAQUEOUS LANDS TOTALING:

32,155.75 square feet

LOCATED CHANNELWARD OF THE PROPERTY LINE:

In the Rehoboth Bay,
 At Ruddertown between Dickinson and Van Dyke Avenue
 Dewey Beach, Sussex County, Delaware

Pursuant to the provisions of 7 Del. C. §7205, and the Department's Regulations Governing the Use of Subaqueous Lands, 7 Del. C., Section 6003, the Department's Regulations Governing the Control of Water Pollution and Section 401 of the Clean Water Act, permission is hereby granted on this 11th day of March, A.D. 2019, to construct the above-referenced project in accordance with the approved plan for this Lease (3 sheets) as approved on February 4, 2019 and the application dated September 19, 2017 and received by this Department on January 2, 2018 with subsequent information received on July 6, 2018, August 3, 2018, October 26, 2018, January 16, 2019, and January 25, 2019.

Delaware's good nature depends on you!

WHEREAS, the State of Delaware is the owner of ungranted subaqueous lands lying beneath the Rehoboth Bay; and

WHEREAS, Dewey Beach Enterprises, Inc., has applied for permission to utilize approximately 32,155.75 square feet of public lands to install the indicated structures and beach for public use and

WHEREAS, pursuant to the provisions of 7 Del. C. §7203, the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

WHEREAS, in accordance with Section 401 of the Clean Water Act, 33 U.S.C. Section 1341 and 7 Del. C., Chapter 60, the State of Delaware, by and through the Department of Natural Resources and Environmental Control, certifies that the permitted activity will be conducted in a manner which will not violate the applicable water quality standards of the State of Delaware, subject to the terms and conditions of this approval.

This Lease shall be continued for a period of ten (10) years or so long as the conditions attached to the Lease are adhered to, whichever is the shorter in time. Upon the expiration of the ten-year term, this Lease shall expire and become null and void, unless prior thereto the lessee shall have applied for and received a renewal of this Lease. A renewal may be denied if the State determines that the Lease is no longer in the public interest.

NOW THEREFORE, this Lease is issued subject to the attached Subaqueous Lands Lease and Water Quality Certification General Conditions and the following special conditions:

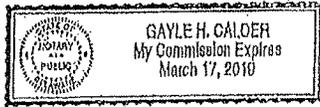
SPECIAL CONDITIONS

1. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
2. This Lease replaces all previously-issued subaqueous lands leases associated with this tax parcel which are hereby voided, with the exception of the pending commercial lease SL-440/18. Existing structures shall be removed prior to the construction of authorized structures granted by this lease, if not incorporated within the approved plans.
3. This Lease shall not be considered valid until it has been duly recorded in the office for the Recorder of Deeds in and for the appropriate County, and a copy of the recorded Lease is returned to, and has been received by, the Department.
4. This Lease is granted for the purpose of creating a public Baywalk, to install storm water sewers, and for shoreline stabilization and beach nourishment as indicated on the approved plans. Any other use without prior approval shall constitute reason for this Lease being revoked.

5. The authorized area of structure over public subaqueous lands is 32,155.75 square feet, represented by the 24,360 square feet of clean coarse sand fill, two (2) 12 by 18 foot long rip-rap splash aprons, a 95 foot long by 21" diameter stormwater outfall pipe, a 95 foot long 19" by 30" elliptical stormwater outfall pipe, a 16 by 415 foot long public baywalk, and an 8 by 40 foot long crabbing and fishing pier constructed and installed channelward of the mean low water line.
6. The authorized area of structure and fill in public subaqueous lands is 32,155.75 square feet; the area subject to annual Lease fees based on its designation as fill in public subaqueous lands, is 24,576 square feet. In accordance with 68 Delaware Laws, Volume 1, Chapter 86, Section 14, the Lease is subject to an annual lease fee at a rate of \$1.00/sqft/year for the sand fill material/rip-rap. The fill and structure subject to annual Lease fees include 24,360 square feet of clean coarse sand fill material authorized for beach re-nourishment and 216 square feet of rip-rap for the new storm sewer splash apron. This amounts to a total of \$245,760.00 over the ten-year term of this lease. During the term of this Lease, the lessee shall agree to pay the \$24,576.00 annual fee to the State of Delaware in September of each year. In the event the General Assembly establishes new lease fees for structures in public subaqueous lands the new and appropriate fee will be applied to the areas in public subaqueous lands.
7. This lease is granted for the installation of structures/fill intended for the sole purpose of increasing Public access, use, and benefit. The Public shall be granted access to the Public Baywalk, the crabbing and fishing pier, and the beach at all times, except as may be periodically necessary for repairs and maintenance, or to limit access during unsafe weather conditions, or as otherwise regulated by the Town. The Town of Dewey and the Wetlands and Subaqueous Lands Section shall be notified when Dewey Beach Enterprises Inc. intends to reduce the use of the said structures for the reasons listed.
8. The Declaration of Covenants and Grant of Public Easements as provided to the Department shall be recorded in the office for the Recorder of Deeds at the same time of this said lease. This lease shall not be valid until the Declaration of Covenant and Grant of Public Easements is executed by all parties and recorded in the office for the Recorder of Deeds.
9. Signs stating that the Public Baywalk and beach nourishment areas are open for public access shall be installed upon construction completion. The applicant shall notify the Wetlands and Subaqueous Lands Section to conduct an inspection of the sign locations prior to installation. The Wetlands and Subaqueous Lands Section shall have the ability to modify the location and number of signs to ensure public awareness of access to the Baywalk and beach nourishment area.
10. No organized activity, event, or concession undertaken by or approved by Dewey Beach Enterprises shall limit public use of, or access to, the area identified in the Grant of Public Easement. No permanent or temporary structures or items such as tables, chairs, benches, umbrellas, signs, kayaks, watercrafts, etc. shall be placed on the beach or the Public Baywalk and situated in a manner that restricts use of, or access to, the beach and Baywalk unless a temporary permit and approval is received by the Town of Dewey Beach.

11. Lease SL-440/18 referenced in this document, and the details of which are shown on the attached plans, is an independent action involving the proposed commercial use of the adjoining property consistent with the Consent Order issued on June 14, 1993 in The Court of Chancery of the State of Delaware. This lease only approves the structures and activities as listed on page one of this lease.
12. In order to protect spawning horseshoe crabs, no beach nourishment or construction activities shall be conducted in Rehoboth Bay from April 15-August 30th of any year within the authorized construction window without an inspection by the project scientist or a member of the Division of Fish and Wildlife to evaluate the site for the presence of horseshoe crabs. The project scientist shall be notified at least 14 days before the anticipated start of beach nourishment activities so that a site inspection can be performed. If horseshoe crabs are using the area then no work shall be conducted during the spawning window or until such time that the horseshoe crabs have stopped using the area. If the inspection confirms the fact that no horseshoe crabs are using the area then nourishment activities can be conducted during the spawning window.
13. No portion of the decking on the Baywalk or the crabbing and fishing pier authorized by this Permit shall exceed the width dimensions for that structure identified on Page One of this Permit.
14. The sand fill used for beach nourishment shall be derived from inland borrow sources and shall consist of clean sand fill that is consistent in overall composition and sand particle size with native beach sand found in this area. The sand fill must be free of debris, trash, or other unsuitable materials.
15. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook, so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
16. There shall be no movement of equipment within subaqueous lands and wetlands not specifically authorized by this Permit. Any areas disturbed pursuant to this authorization, other than the authorized permanent impact areas, shall be returned to pre-construction conditions/elevations and appropriately stabilized and/or vegetated. Disturbance of wetlands adjacent to the permitted construction by burning, cutting, herbicide treatments, mechanical methods or any other method is prohibited. There shall be no stockpiling of construction material in subaqueous lands or wetlands.
17. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
18. The work authorized by this Lease is subject to the terms and conditions of the appropriate Department of the Army Permit and/or real estate license.

IN WITNESS WHEREOF, I, E. Thomas Harvey III, a duly authorized representative of Dewey Beach Enterprises Inc., have caused this instrument to be executed on this 19th day of Feb., 2019.



By: [Signature]
E. Thomas Harvey III
Dewey Beach Enterprises, Inc. (Lessee)

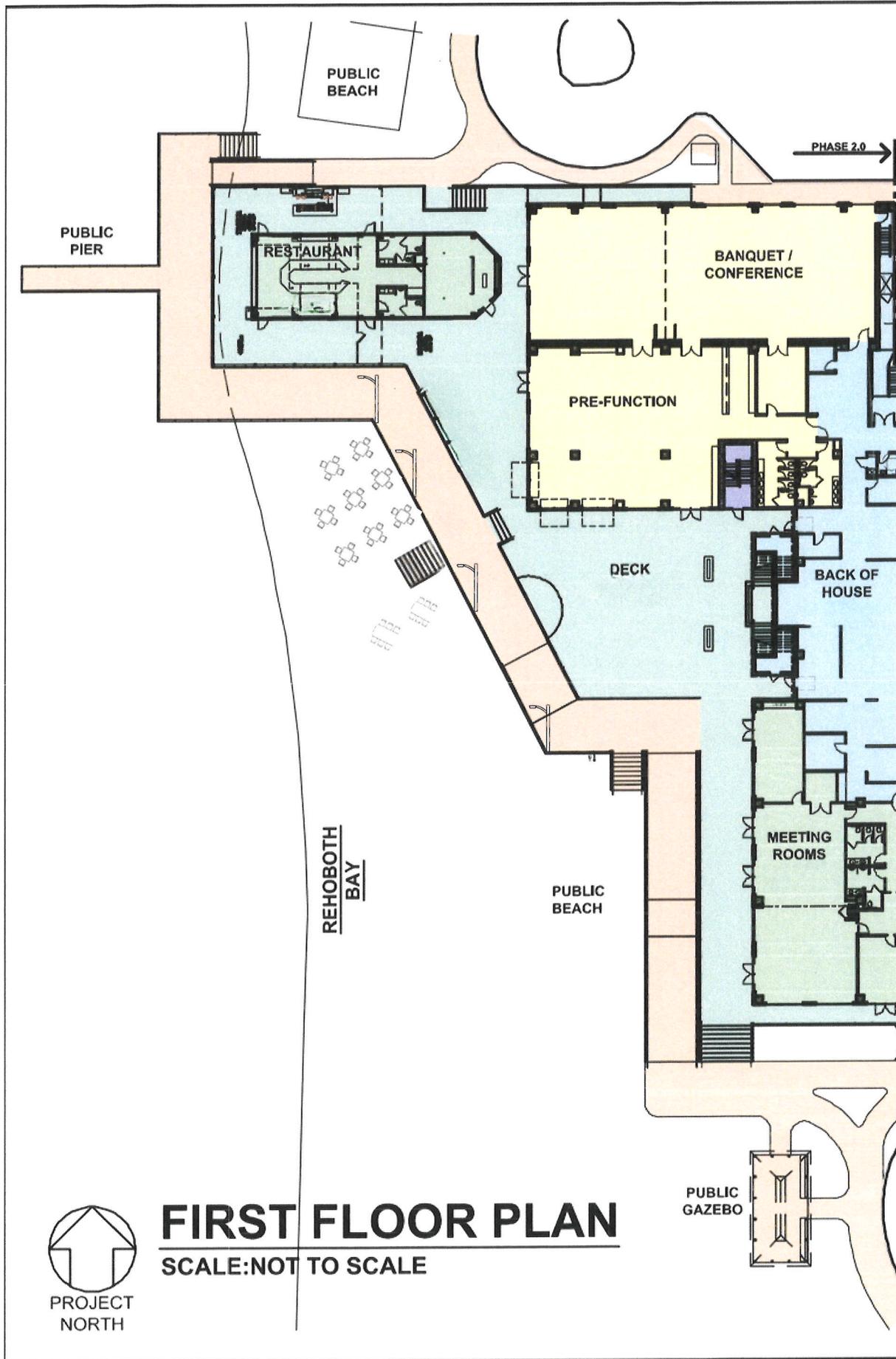
Sworn and Subscribed before me on
this 19th day of February, 2019

(Notary Seal)

[Signature]
Notary

IN WITNESS WHEREOF, I, Shawn M. Garvin, Secretary of the Department of Natural Resources and Environmental Control, have hereunto set my hand this 11th day of March, 2019.

[Signature]
Shawn M. Garvin, Secretary
Department of Natural Resources and Environmental Control



FIRST FLOOR PLAN

SCALE: NOT TO SCALE