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June 2, 2023

VIA EMAIL AND FIRST-CLASS MAIL

(nrodriguez@schmittrod.com)
Nicholas H. Rodriguez, Esq.
414 South State Street
P.O. Box 497
Dover, DE 19901

(mgray@dover.de.us)
Mary Ellen Gray, AICP
Director
Planning, Inspections, and Community Development
15 Loockerman Plaza
Dover, Delaware 19901

Re: College Road Apartments

Dear Mr. Rodriguez and Ms. Gray:

At the April 17, 2023 Planning Commission meeting there were comments made regarding the timing of when Mr. Rodriguez and the City of Dover first became aware of the Mishoe family's opposition to Patel College Properties' (hereinafter "PCP") Proposal (hereinafter the "Proposal"). Mr. Rodriguez stated that the first written opposition and ownership dispute claim he received was in my April 13, 2023 letter to the Planning Commission. Mr. Rodriguez appeared to support comments made by at least two Planning Commissioners who implied the Mishoe family's claim had an ulterior motive due to the "last minute" nature of the opposition. This was neither the first

notification nor the first written notice Mr. Rodriguez or the City had received regarding the Mishoes' position.

Upon hearing about a recommendation for approval after a Planning Commission meeting on March 21, 2022, Dr. Mishoe became aware that the Proposal would affect her property. Dr. Mishoe gathered and reviewed her property surveys and deeds from the Kent County Levy Court, to confirm her beliefs regarding her property rights. She also met in person with the Kent County Planner. Dr. Mishoe subsequently attended Dover City Council Committee of the Whole meetings on April 26, 2022, June 28, 2022, and again on July 26, 2022 to voice her opposition and claim ownership to portions of the effected property. After the July 26, 2022 City Council meeting, Nick Rodriguez called Dr. Mishoe and requested she meet with him. Dr. Mishoe agreed and attended the meeting with her sister, Rita Mishoe Paige, on or about August 18, 2022. Dr. Mishoe took copies of various deeds, surveys, and reports and presented them to Mr. Rodriguez. Mr. Rodriguez requested that he be allowed to make a copy of one of the deeds which Dr. Mishoe presented at this meeting. Dr. Mishoe complied with this request. She later learned that Mr. Rodriguez had shared the copied deed with the Dover City Planner.

On or about September 19, 2022, an additional meeting took place, upon Mr. Rodriguez's request. It was Dr. Mishoe's understanding that she would be meeting with Nick Rodriguez, Dawn Melson-Williams, and Mary Ellen Gray. Dr. Mishoe attended the meeting with her son, Dr. Travis Mishoe Sudler, and was surprised to find that about four or five representatives of PCP were also at the meeting. Dr. Mishoe was not aware that PCP would be present at the meeting, nor that it would be represented by counsel.

Dr. Mishoe and other property owners in her neighborhood also met with PCP representatives on at least two separate occasions, on site at the disputed property, to discuss the details of the proposal. When Dr. Mishoe disagreed with PCP's desired use of her property, PCP asserted it was City property which Dr. Mishoe did not own. Dr. Mishoe again stated her belief that she did own the property in question and did not understand how the property could have been annexed without a request from her. She further noted that she does not pay taxes to the City of Dover on the property, she pays them to Kent County.

On or about October 18, 2022, Dr. Mishoe and property owners from her neighborhood met with Nick Rodriguez in Dr. Mishoe's neighborhood. Mr. Rodriguez observed the neighborhood and stated that he understood the character of the neighborhood, primarily that it was a quiet, safe neighborhood and home to many senior residents and residents with physical disabilities. Mr. Rodriguez also commented to Dr. Mishoe that PCP should not come through the neighborhood through Raymond/Jason Street. On November 4, 2022, Shannon R. Owens, Esquire, an attorney with our firm, sent a letter to Mr. Rodriguez and the Dover City Council plainly stating our firm's representation of Dr. Mishoe and her opposition to the abandonment status/ownership matter and requesting additional time to solve this issue. A copy of the November 4, 2022 letter is attached hereto as Exhibit "1."

Dr. Mishoe eventually came to believe, due to Mr. Rodriguez's comments and various interactions with her, that PCP would take a different route to create access to the College Road Apartments. For this reason, until sometime shortly before the March 20, 2023 Planning Commission meeting, the Mishoe family took no further action in regard to the issue. Until the Mishoe family became aware that the Proposal still intended the road access for the College Road

Apartments to run through Raymond/Jason Street, Dr. Mishoe had no reason to think there was a need for any additional opposition to the Proposal. A written petition was submitted to the Dover Planning Commission on or about March 17, 2023 again opposing the Application.

Despite the multiple interactions between Mr. Rodriguez and Dr. Mishoe between July 2022 and November 2022, he failed to correct the Planning Commission members' statements at the April 17, 2023 Planning Commission meeting. He also failed to perform a deed search despite being on notice of the Mishoes' opposition to his position on ownership of Raymond/Jason Street and Dr. Mishoe providing him with copies of deeds, surveys, and reports for his review. An Affidavit of Dr. Wilma Mishoe verifying the details in this correspondence is attached hereto as Exhibit "2." I hope this letter informs the City Solicitor and Planning Commission of the inaccuracy of prior statements made regarding the history of this issue. Please contact me with any questions you may have.

Very truly yours,

*Tyler J. Friedman for
John A. Sergovic*

John A. Sergovic, Jr., Esquire

JAS/tjf

Enclosures.

cc: Dr. Wilma Mishoe (via email)
The Apartments at Mishoe Cove (via email)
Douglas D. Barry, PE, Pennoni (via email/dbarry@pennoni.com)
Brian T. Riggin, Esq. (via email/brian@parkway-law.com)
Dominic J. Balasico, Esq. (via email/dominic@parkway-law.com)



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George B. Smith, of Counsel

November 4, 2022

Sent via electronic mail

City Solicitor, Nick Rodriguez nrodriguez@schmittrod.com
Director of the Clerk's Office in care of City Council
Attention to Madam Clerk Andria Bennet (CityClerk@doover.de.us)

Re: Raymond Street a/k/a Jason Street

Dear Mr. Rodriguez and Ms. Bennet:

My law firm represents Wilma Mishoe. I am being retained to perform research concerning Ms. Mishoe's claims concerning Raymond Street a/k/a Jason Street. Please note that my client opposes the abandonment status/ownership matter; henceforth, we are respectfully requesting additional time to resolve this dilemma.

Very truly yours,

Shannon R. Owens, Esquire

SRO/aln

Cc: Wilma Mishoe

AFFIDAVIT OF DR. WILMA MISHOE

STATE OF DELAWARE :
 : ss.
COUNTY OF KENT :

BE IT REMEMBERED that on this 2 day of June, 2023, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, DR. WILMA MISHOE, who being by me duly sworn according to law, does depose and say as follows:

1. I am Dr. Wilma Mishoe and have been a resident of Dover, Delaware since 1960.

2. On or about March 21, 2022, I learned of a Dover City Planning Commission meeting and the Commission's recommended approval of a proposal from Patel College Properties, LLC ("PCP") which would allow access to connect the proposed College Road Apartments to Raymond/Jason Street.

3. On April 26, 2022, June 28, 2022, and July 26, 2022, I attended the Dover City Council Committee of the Whole meetings, at which time oppositions were voiced by myself, other property owners, neighbors, and a signed petition of opposition was presented.

4. On or about August 18, 2022, my sister, Reverend Rita Mishoe Paige, and I met with Nick Rodriguez, Esquire after he requested a meeting to discuss my opposition to PCP's proposal ("Proposal"). At that meeting I presented deeds, surveys, and reports to Mr. Rodriguez. Mr. Rodriguez copied at least one deed which I presented to him.

5. On or about September 19, 2022, I attending another meeting with Mr. Rodriguez, Dawn Melson-Williams, and Mary Ellen Gray along with my son, Travis Mishoe Sudler. PCP and its counsel were also present at this meeting. I was not informed prior to this meeting that PCP would be present, nor that they would be represented by counsel. The purpose of this meeting was to discuss PCP's Proposal regarding Raymond/Jason Street, per Mr. Rodriguez' request.

6. I, along with other property owners in my neighborhood, also met with representatives from PCP at Raymond/Jason Street. I stated my opposition to their position that Raymond/Jason Street is a public road. I informed them of my position that Raymond/Jason Street is located on land which belongs to my family.

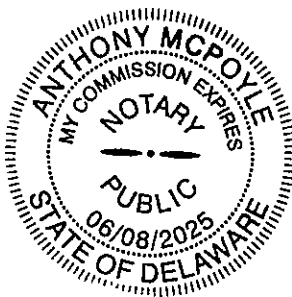
7. On or about October 18, 2022, I, along with property owners in my neighborhood, met with Mr. Rodriguez at Raymond/Jason Street. My understanding from Mr. Rodriguez was that he understood the importance of

the quiet nature of the neighborhood and safety concerns due to the presence of senior residents and those with physical disabilities. Mr. Rodriguez stated to me that the proposed road connecting to the College Road Apartments should not run through Raymond/Jason Street.

8. On November 4, 2022, my attorney, Shannon R. Owens, Esquire, sent a letter to Mr. Rodriguez and the Dover City Council, informing them of my opposition to ownership status of Raymond/Jason Street.

Wilma Mishoe
Dr. Wilma Mishoe

SWORN AND SUBSCRIBED before me this 2 day of
June, 2023.



[Signature]
Notary Public

ON THIS 2 DAY OF June, 2023
Wilma Mishoe APPEARED
BEFORE ME Anty McPoyle
A NOTARY PUBLIC FOR THE STATE OF DELAWARE,
COUNTY OF KENT.