

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NATHAN HAYWARD, III, Secretary of	§	
the Department of Transportation of the	§	No. 596, 2003
State of Delaware, and the DEPARTMENT	§	
OF TRANSPORTATION OF THE STATE	§	
OF DELAWARE,	§	
	§	
Defendants Below,	§	
Appellants,	§	
	§	
v.	§	Court Below: Court of Chancery
	§	of the State of Delaware
ALRO ASSOCIATES, L.P.,	§	in and for New Castle County
	§	C.A. No. 19544
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: April 27, 2004  
Decided: April 28, 2004

Before **HOLLAND, BERGER** and **STEELE**, Justices.

ORDER

This 28<sup>th</sup> day of April, 2004, the Court, having considered this matter on the arguments and briefs of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its memorandum opinion dated October 31, 2003, and its order dated November 19, 2003,

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Court of Chancery be, and the same hereby is

AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice