

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|---------------------------------------|---|----------------------------------|
| CAPE SHORES ASSOCIATES, a | § | |
| general partnership of the State of | § | |
| Delaware, | § | |
| | § | No. 405, 1999 |
| Plaintiff Below, | § | |
| Appellant, | § | Court Below: Superior Court of |
| | § | the State of Delaware in and for |
| v. | § | Sussex County |
| | § | |
| CITY OF LEWES, a municipal, | § | C. A. No. 99C-06-016 |
| corporation of the State of Delaware, | § | |
| | § | |
| Defendant Below, | § | |
| Appellee. | § | |

Submitted: March 14, 2000

Decided: March 20, 2000

Before **VEASEY**, Chief Justice, **HARTNETT** and **BERGER**, Justices.

ORDER

This 20TH day of March 2000, upon consideration of the briefs of the parties, it appears to the Court that the judgment of the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated August 10, 1999.

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

AFFIRMED.

BY THE COURT:

/s/ E. Norman Veasey _____
Chief Justice