



# **Sussex County Council Public/Media Packet**

**MEETING:  
January 10, 2017**

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**Sussex County Council  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
(302) 855-7743**

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
GEORGE B. COLE, VICE PRESIDENT  
ROBERT B. ARLETT  
IRWIN G. BURTON III  
SAMUEL R. WILSON JR.



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743 T  
(302) 855-7749 F  
ROBIN GRIFFITH  
CLERK

## AGENDA

JANUARY 10, 2017

10:00 A.M.

**\*\*AMENDED on January 4, 2017 at 4:30 P.M.¹**

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Consent Agenda

1. Wastewater Agreement No. 1037  
Sussex County Project No. 81-04  
Somerset Green (AKA Lewes Townhouse Project)  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
2. Wastewater Agreement No. 1029  
Sussex County Project No. 81-04  
Tidewaters Development  
Ocean View Expansion of the Dewey Beach Sanitary Sewer District

### Gina Jennings, Finance Director

1. State/County Finance Revenue Committee Update
2. Administrator's Report

### 10:15 a.m. Public Hearing

### Camp Arrowhead Annexation

**\*\*Vince Robertson, Assistant County Attorney**

1. Discussion and Possible Introduction of an Ordinance relating to drainage, road standards, project closeouts, project bonding and clarification of fees entitled: “AN ORDINANCE TO AMEND CHAPTER 90, §90-4 AND 90-5; CHAPTER 99, ARTICLES I, III, V, VI AND VIII, §§99-5, 99-6, 99-18, 99-26, 99-30, 99-31, 99-32, 99-36 AND 99-40; CHAPTER 110, ARTICLE XI AND XXI, §§110-84 AND 110-136; AND CHAPTER 115, ARTICLES I, XVI AND XXVIII, §§115-4, 115-129, 115-221 AND 115-224 OF THE CODE OF SUSSEX COUNTY REGARDING DRAINAGE AND GRADING REQUIREMENTS, ROAD CONSTRUCTION REQUIREMENTS, BONDING REQUIREMENTS, PROJECT CONSTRUCTION INCLUDING NOTICES TO PROCEED, INSPECTIONS AND CLOSEOUT, AND CLARIFICATION OF THE MANNER IN WHICH CERTAIN FEES ARE ESTABLISHED.”

**Hans Medlarz, County Engineer**

1. General Labor & Equipment Contract, Project 17-01
  - A. Change Order No. 2
2. Love Creek Woods Sewer Participation Agreement
  - A. Boat Hole Easement Approval
3. Bridgeville Landfill Building Demolition, Project 17-08
  - A. Change Order No. 1
4. Wolfe Neck Regional Wastewater Facility – Temporary Lease Extension & Land Conversion Proposal

**Joe Wright, Assistant County Engineer**

1. Woods at Walls Creek Subdivision, Project 17-03
  - A. Balancing Change Order and Substantial Completion

**John Ashman, Director of Utility Planning**

1. Sussex Consortium School Expansion
  - A. Request to Prepare and Post Notices

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 3, 2017 at 4:45 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

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'Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to include Discussion and Possible Introduction of an Ordinance Relating to Drainage, Road Standards, Project Closeouts, Project Bonding and Clarification of Fees. The agenda amendment was required to address this matter which needs immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 3, 2017**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 3, 2017 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**The Invocation and Pledge of Allegiance were led by Mr. Vincent.**

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 001 17  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Agenda by deleting "Recognition Of Retiring Clerk of the Peace John Brady", and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Cole, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Election of  
Officers**

**Mr. Lawson stated that the County Council must elect officers for 2017.**

**M 002 17  
Nominate  
President**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to nominate Michael H. Vincent to serve as President of the Sussex County Council in 2017.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Cole, Yea;  
Mr. Burton, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 003 17  
Nominate  
Vice  
President**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to nominate George B. Cole to serve as Vice President of the Sussex County Council in 2017.**

**Motion Adopted: 5 Yeas.**

**M 003 17  
(continued)**      **Vote by Roll Call:**    **Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Vincent, Yea;  
Mr. Cole, Yea**

**Council  
Member  
Appoint-  
ments**      **Mr. Vincent commented on Council Member appointments for the calendar year 2017 and he referenced the recommendations included in Council's packets for this meeting, as follows: Michael Vincent to the Delaware League of Local Governments; George Cole as the Council's representative on the National Association of Counties Board of Directors; Samuel Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Robert Arlett as the Council's representative on the Sussex County Airport Committee; George Cole and Irwin G. Burton as the Council's representatives on the Sussex County Land Trust; and Robert Arlett to the Salisbury/Wicomico Metropolitan Planning Organization.**

**M 004 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Council Member appointments, as presented.**

**Approve  
Council  
Member  
Appoint-  
ments**      **Motion Adopted:      5 Yeas.**

**Vote by Roll Call:**    **Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Appoint-  
ment of  
Legal  
Counsel**      **Mr. Vincent referenced the appointment of Legal Counsel and the recommendation included in Council's packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; Attorney for the Board of Adjustment – Moore & Rutt, P.A.; Attorney for Sussex County Government/Council – Moore & Rutt, P.A.; Attorney for the Planning and Zoning Commission – Parkowski, Guerke and Swayze.**

**M 005 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council appoints legal staff, as presented.**

**Appoint  
Legal  
Staff**      **Motion Adopted:      5 Yeas.**

**Vote by Roll Call:**    **Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Proposed  
Changes to  
Rules of  
Procedure**      **Mr. Lawson reviewed proposed changes to the Rules of Procedure recommended by staff and reviewed by Legal Counsel:**

- **striking any reference to the term "Proclamation" in Rule 11 entitled Resolutions and Proclamations**
- **in Rule 16A.2 relating to appointments to the Planning and Zoning Commission and the Board of Adjustment, strike reference to a time limit ~~(and no later than two (2) weeks from the date the vacancy~~**

**Proposed  
Changes to  
Rules of  
Procedure  
(continued)**

~~occurred~~)

- in Rule 17.6A relating to Standards of Conduct / Public Comment, amend the third sentence as follows “Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker.”

Mr. Lawson also noted that, previously, Mr. Arlett recommended updating the Public Comment Sign-Up Sheet to note the Rules of Procedure and to note that the Presiding Officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. Mr. Lawson distributed an amended Public Comment Sign-Up Sheet for Council’s consideration.

**M 006 17  
Adopt  
Rules of  
Procedure  
As Amended**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt the Rules of Procedure (which includes the Public Comment Sign-Up Sheet), as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Approve  
Minutes**

The minutes of December 6 and 13, 2016 were approved by consent.

**Corre-  
spondence**

Mr. Moore read the following correspondence:

**NEW HOPE RECREATION AND DEVELOPMENT CENTER,  
ELLENDALE, DELAWARE.**

**RE: Letter in appreciation of grant.**

**DELAWARE BREAST CANCER COALITION, LEWES, DELAWARE.**

**RE: Letter in appreciation of grant.**

**UNION UNITED METHODIST CHURCH, BRIDGEVILLE, DELAWARE.**

**RE: Letter in appreciation of the non-perishable food items and canned goods donated to the Food Pantry from the Caroling on The Circle food drive.**

Mr. Cole read the following correspondence:

**REHOBOTH BEACH MUSEUM, REHOBOTH BEACH, DELAWARE.**

**RE: Letter in appreciation of grant.**

**Public  
Comments**

**PUBLIC COMMENTS**

Dan Kramer commented on the Council’s new Vice President and the newly elected County Councilman.

Paul Reiger commented on issues he has raised previously and he asked that they be taken care of, i.e. property rights, rights of properties, etc. Mr.

- Public Comments (continued)** Vincent questioned Mr. Reiger if he has submitted his questions in writing, as requested. Mr. Reiger responded that he has not; that he is trying to determine which ones are State issues and County issues, i.e. the tire issue is now a State issue.
- Recognition of Retiring P&Z Director** Councilmembers, Mr. Lawson and Mr. Moore recognized retiring Director of Planning and Zoning Lawrence Lank. A Tribute and plaque were presented to Mr. Lank in recognition of his 47 years of service to Sussex County.
- Wastewater Agreement** Mr. Lawson presented a Wastewater Agreement for the Council's consideration.
- M 007 16 Approve Wastewater Agreement/ Windansea, LLC** A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 990-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "Windansea, LLC" for wastewater facilities to be constructed in Ocean View Beach Club – Amenities Sewer" located in Bethany Beach Sanitary Sewer District.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
- Administrator's Report** Mr. Lawson read the following information in his Administrator's Report:
- 1. Projects Receiving Substantial Completion**
- Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estuary – Phase 1A-2 (Construction Record), effective December 14<sup>th</sup>; Swann Cove – Phase 8, effective December 15<sup>th</sup>; and The Woods at Arnell Creek, effective December 16<sup>th</sup>.
- [Attachments to the Administrator's Report are not attachments to the minutes.]
- Bank Resolutions** Mrs. Jennings reported that, since the officers of the Sussex County Council has changed, it is necessary to Adopt new bank resolutions for 2017.
- M 008 16 Adopt R 001 17** A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution R 001 17 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR, PROVIDED CHECK OR WITHDRAWAL IS LESS THAN OR EQUAL



**M 008 16  
(continued)**

**TO \$5,000 AND BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL GREATER THAN \$5,000”.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 009 16  
Adopt  
R 002 17**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution No. R 002 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE FULTON BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 010 16  
Adopt  
R 003 17**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 003 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB, BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 011 16  
Adopt  
R 004 17**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 004 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,**

**M 011 16**      **PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A.**  
**(continued)**      **JENNINGS, FINANCE DIRECTOR”.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mr. Arlett, Yea; Mr. Burton, Yea;**  
                                 **Mr. Wilson, Yea; Mr. Cole, Yea;**  
                                 **Mr. Vincent, Yea**

**M 012 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Resolution No. R 005 17 entitled “AUTHORIZING THE PAYMENT**  
**R 005 17**      **FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT**  
                         **WITH THE SUSSEX COUNTY FEDERAL CREDIT UNION BEARING**  
                         **THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,**  
                         **PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A.**  
                         **JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A**  
                         **FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR**  
                         **WITHDRAWAL”.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mr. Arlett, Yea; Mr. Burton, Yea;**  
                                 **Mr. Wilson, Yea; Mr. Cole, Yea;**  
                                 **Mr. Vincent, Yea**

**Millville**      **Hans Medlarz, County Engineer, presented the bid results for the Millville**  
**SSD**      **Sanitary Sewer District Northwest Expansion II, Iron Lane and Pump**  
**Northwest**      **Station #311 (Project #15-10). This expansion will serve 91 new customers.**  
**Expansion/**      **There were a total of five bids received; the lowest responsive bidder was**  
**Bid Results**      **George & Lynch, Inc. of Dover, with a total bid of \$1,167,258.00. Mr.**  
                         **Medlarz reported that USDA-Rural Development funding is in place and**  
                         **the bid is within budget.**

**M 013 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the**  
**Award**      **recommendation of the Sussex County Engineering Department, that**  
**Bid/**      **Sussex County Project #15-10, Millville Sanitary Sewer District, Northwest**  
**Millville**      **Expansion II - Irons Lane and Pump Station #311 be awarded to George**  
**SSD**      **and Lynch, Inc. at the base bid amount of \$1,167,258.00 contingent upon**  
**Northwest**      **funding agency approval.**  
**Expansion**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mr. Arlett, Absent; Mr. Burton, Yea;**  
                                 **Mr. Wilson, Yea; Mr. Cole, Yea;**  
                                 **Mr. Vincent, Yea**

**Introduction**      **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE**  
**of Proposed**      **TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM**  
**Zoning**      **DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100**  
**Ordinances**      **DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100**

**Introduction  
of Proposed  
Ordinances  
(continued)**

**TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS” (Conditional Use No. 2075) filed on behalf of Burton’s Pond, LLC (Burton’s Pond Section II) (Tax I.D. No. 234-17.00-29.00 (portion of) (911 Address: None Available).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (20 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” (Conditional Use No. 2072) filed on behalf of KHM Ventures, DE, LLC. (Tax I.D. No. 334-13.00-27.00) (911 Address: 18834 Munchy Branch Road, Rehoboth Beach).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS” (Change of Zone No. 1818) filed on behalf of Ocean Highway, LLC (Tax I.D. No. 334-6.00-497.08 (portion of) (911 Address: 34130 Citizens Drive, Lewes).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMPOSTING, INCLUDING POULTRY BY-PRODUCTS; GREENHOUSES; MIXING, BLENDING AND BAGGING COMPOST AND POTTING SOIL PRODUCTS; TRUCKING PRODUCTS; ALL WHOLESALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31.9478 ACRES, MORE OR LESS” (Conditional Use No. 2071) filed on behalf of Blessing Greenhouses and Compost (Tax I.D. No. 334-6.00-496.00-497.00) (911 Address: 18200 Coastal Highway).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY FOR AN EXPANSION TO AN EXISTING ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.493 ACRES, MORE OR LESS” (Conditional Use No. 2073) filed on behalf of Delmarva Power & Light Company (Tax I.D. No. 334-6.00-496.00-497.00) (911 Address: 18200 Coastal Highway, Lewes).**

**Introduced of Proposed Ordinances (continued)**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL USE AS A THERAPY AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS” (Conditional Use No. 2074) filed on behalf of Quail Valley 1525, LLC (Tax I.D. No. 335-12.06-1.00) (911 Address: 1523 Savannah Road, Lewes).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council Members’ Comments**

**Council Members’ Comments**

**Mr. Arlett commented on this being the new Council’s first meeting in 2017; that the same is taking place in Washington D.C. on this date; and that the State legislators will be sworn in next week. Mr. Arlett commented on the County, the State, and the Country working together for the common good of the people.**

**M 014 17  
Go Into Executive Session**

**At 10:42 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to go into Executive Session to discuss matters relating to personnel and land acquisition.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Executive Session**

**At 10:46 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel and land acquisition. The Executive Session concluded at 11:42 a.m.**

**M 015 17  
Reconvene Regular Session**

**At 11:46 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and reconvene the Regular Session.**

**Motion Adopted: 4 Yeas, 1 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Absent; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**E/S Action**

**There was no action on Executive Session matters.**

**M 016 17  
Adjourn**

**At 11:47 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn.**

**M 016 17  
(continued)**

**Motion Adopted: 4 Yeas, 1 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Absent; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

*{An audio recording of this meeting is available on the County's website.}*

**DRAFT**

## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
AIRPORT & INDUSTRIAL PARK (302) 855-7774  
ENVIRONMENTAL SERVICES (302) 855-7730  
PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7799



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 13, 2016

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
SOMERSET GREEN (AKA LEWES TOWNHOUSE PROJECT)  
AGREEMENT NO. 1037

#### DEVELOPER:

Somerset Green Holdings LLC  
179 Rehoboth Avenue  
Suite 1081  
Rehoboth Beach, DE 19971

#### LOCATION:

North east corner at Intersection of Rd 267  
(Shady) and Rd 275 (Plantation Rd)

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

11 Townhouses, with a total of 53 Units

#### SYSTEM CONNECTION CHARGES:

\$306,075.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
02/17/16

Department Of Natural Resources Plan Approval  
04/28/16

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35

Construction Admin And Construction Inspection Cost – \$14,648.70

Proposed Construction Cost – \$97,658.00



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

January 03, 2017

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
TIDEWATERS  
AGREEMENT NO. 1029

#### DEVELOPER:

Josh Mastrangelo  
The Evergreene Companies  
701 Bethany Loop, Suite 2  
Bethany Beach, DE 19930

#### LOCATION:

Atlantic Ave. & Tyler Ave.  
Ocean View, DE 19970  
SW/RT26, 740', SE/WEST STREET

#### SANITARY SEWER DISTRICT:

Ocean View Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

15 Unit Sub-division

#### SYSTEM CONNECTION CHARGES:

\$86,625.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/19/15

Department of Natural Resources Plan Approval  
08/25/16

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 9  
Construction Admin and Construction Inspection Cost – \$5,797.50  
Proposed Construction Cost – \$38,650.00



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

(302) 855-7741 T  
(302) 855-7749 F  
gjennings@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## **Memorandum**

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable George B. Cole, Vice President  
The Honorable Robert B. Arlett  
The Honorable Irwin G. Burton III  
The Honorable Samuel R. Wilson Jr.

FROM: Gina A. Jennings  
Finance Director/Chief Operating Officer

RE: **STATE/COUNTY FINANCE REVENUE COMMITTEE**

DATE: January 6, 2017

The State/County Finance Revenue Committee met on Thursday, January 5. Each County presented an overview of their budget. Attached is a copy of the Sussex County presentation that was given.

Please contact me if you have any questions or concerns.

Attachment

pc: Mr. Todd F. Lawson







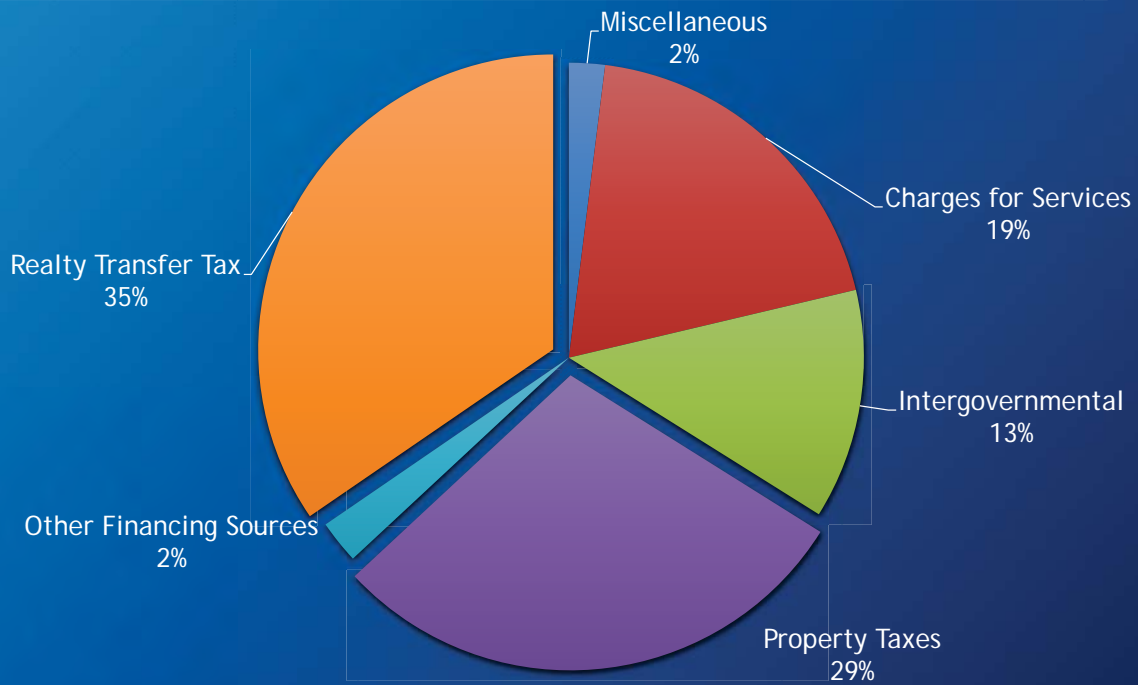
*State-County Finance and Revenue Committee  
January 5, 2017*

# Budget Summary

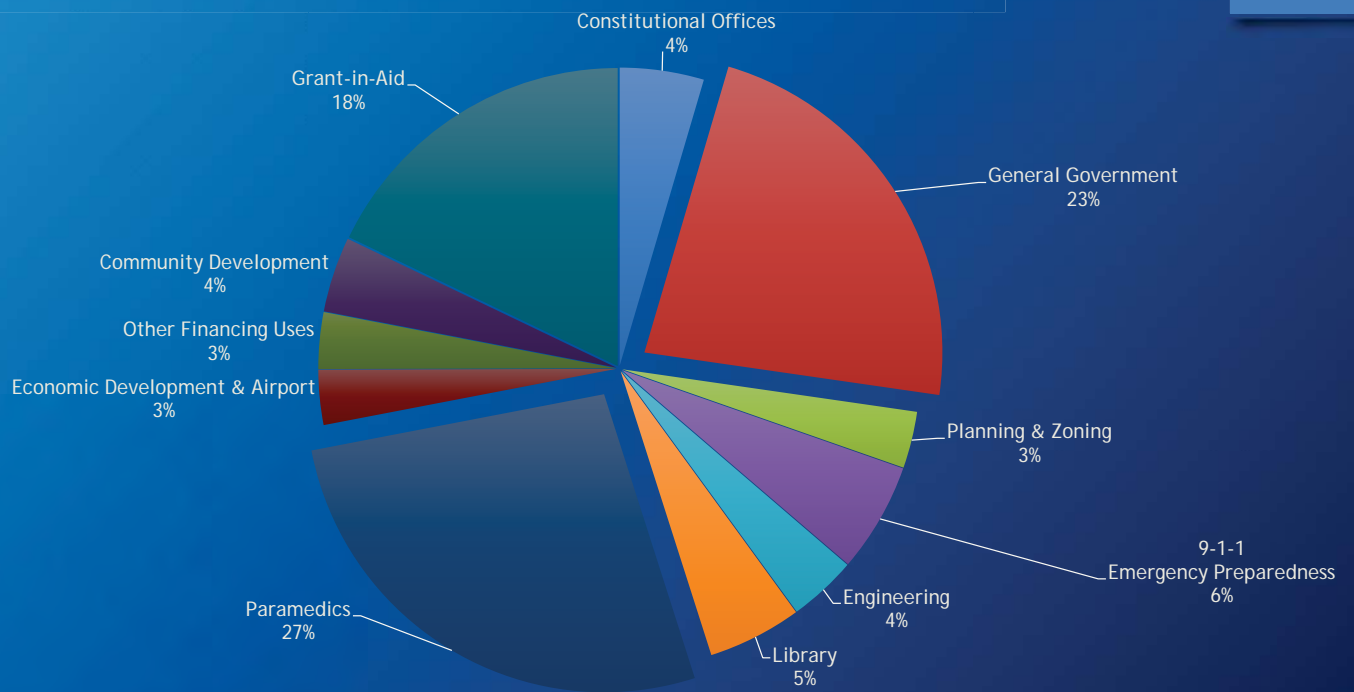


Fund	2016 Budget	2017 Budget	Dollar Change	Percent Change
General Fund	\$53,449,189	\$54,971,380	\$1,522,191	2.8%
Capital Projects - General Fund	8,600,705	11,258,100	2,657,395	30.9%
Water & Sewer Fund	37,044,046	37,429,740	385,694	1.0%
Capital Projects - Water & Sewer	18,300,000	9,570,154	(8,729,846)	(47.7%)
Pension Fund	5,500,000	5,850,000	350,000	6.4%
<b>Total Budget</b>	<b>\$122,893,940</b>	<b>\$119,079,374</b>	<b>(\$3,814,566)</b>	<b>(3.1%)</b>

# Funding Sources - General Fund



# General Fund Expenditures



# Sussex County Tax Breakdown

(includes Property and Realty Tax)



Code  
Enforcement,  
P&Z, Permitting,  
Addressing  
6¢

Public Safety  
57¢

Libraries  
14¢

General  
Government  
12¢

Special  
Services  
7¢

Housing  
Rehabilitation  
and Community  
Support  
4¢

General Government includes: County Council, Administration, Legal, Finance, & Constitutional Offices

Special Services includes: Economic Development, Airport, Engineering Administration, & Public Works

# Realty Transfer Tax - Snapshot

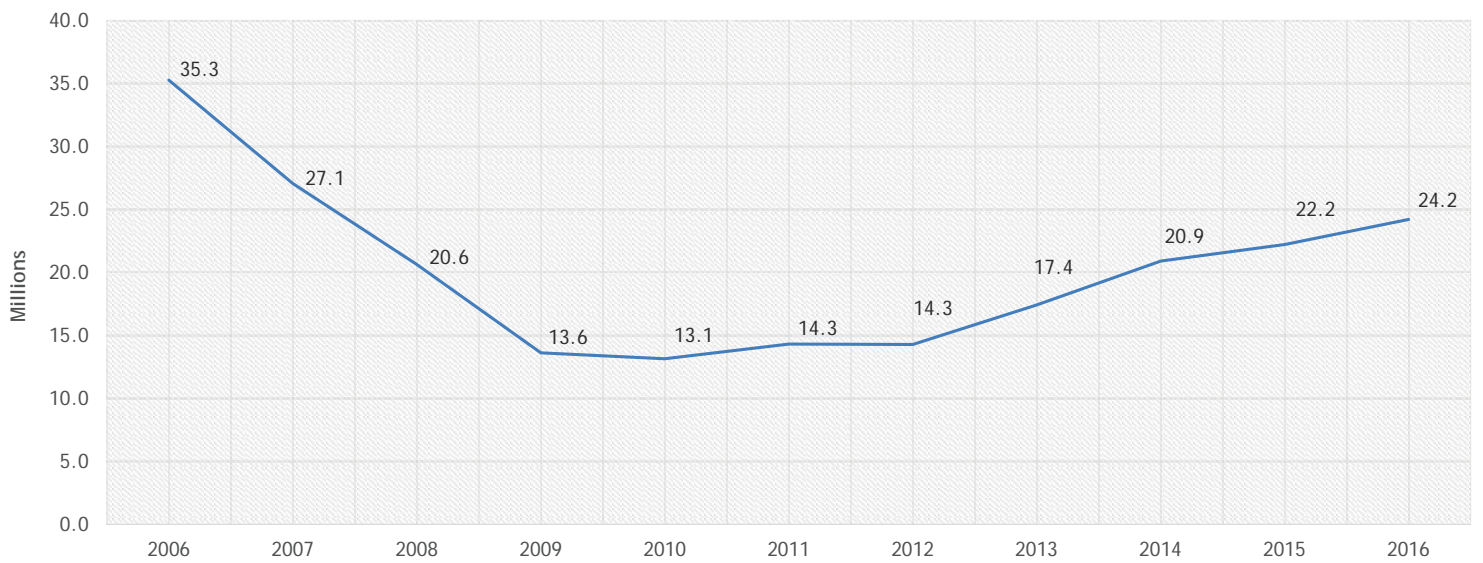


2016 Fiscal Year Collections in Sussex County	State	County	Municipalities
Current Allocation - 1.5% and 1.5%	\$36,398,484	\$24,210,264	\$11,003,339

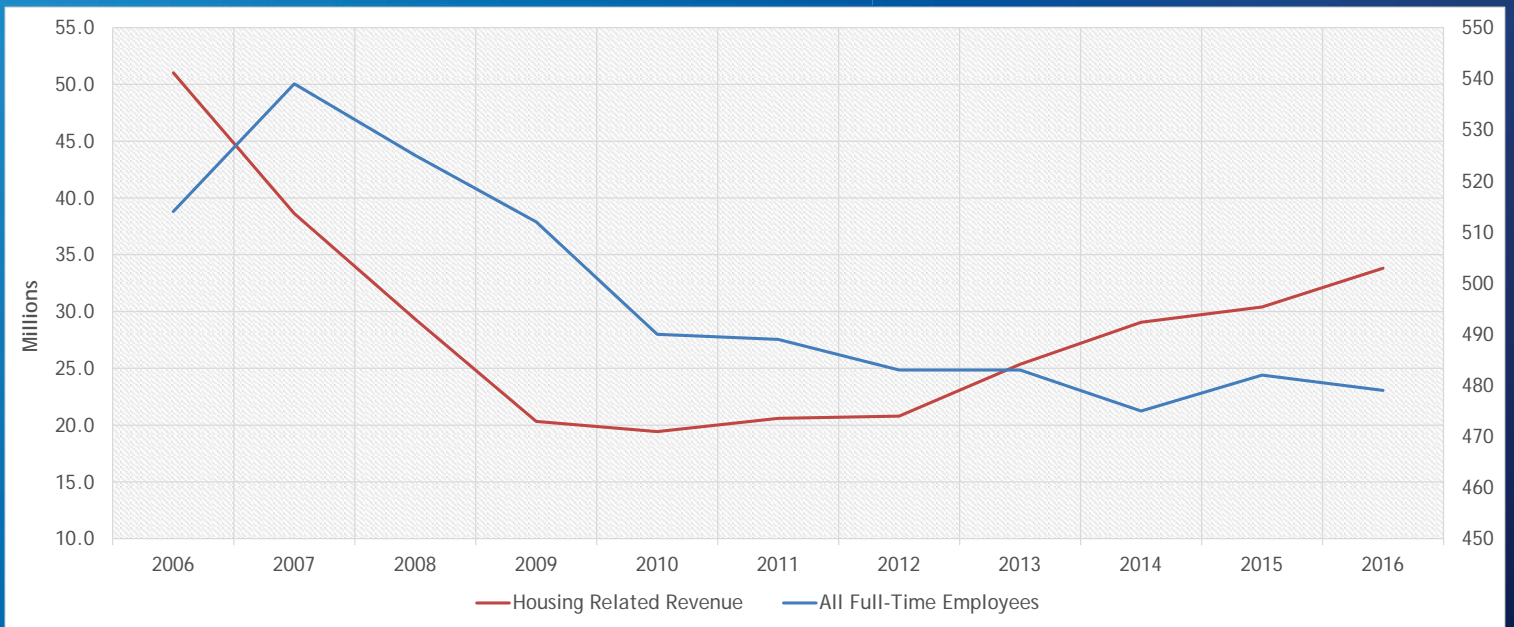
"Any funds realized by a county pursuant to this section shall be segregated from the county's general fund and the funds, and all interest thereon, shall be expended solely for the capital and operating costs of public safety services, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements, and debt reduction."

9 Del. Code § 8102

# Realty Transfer Tax

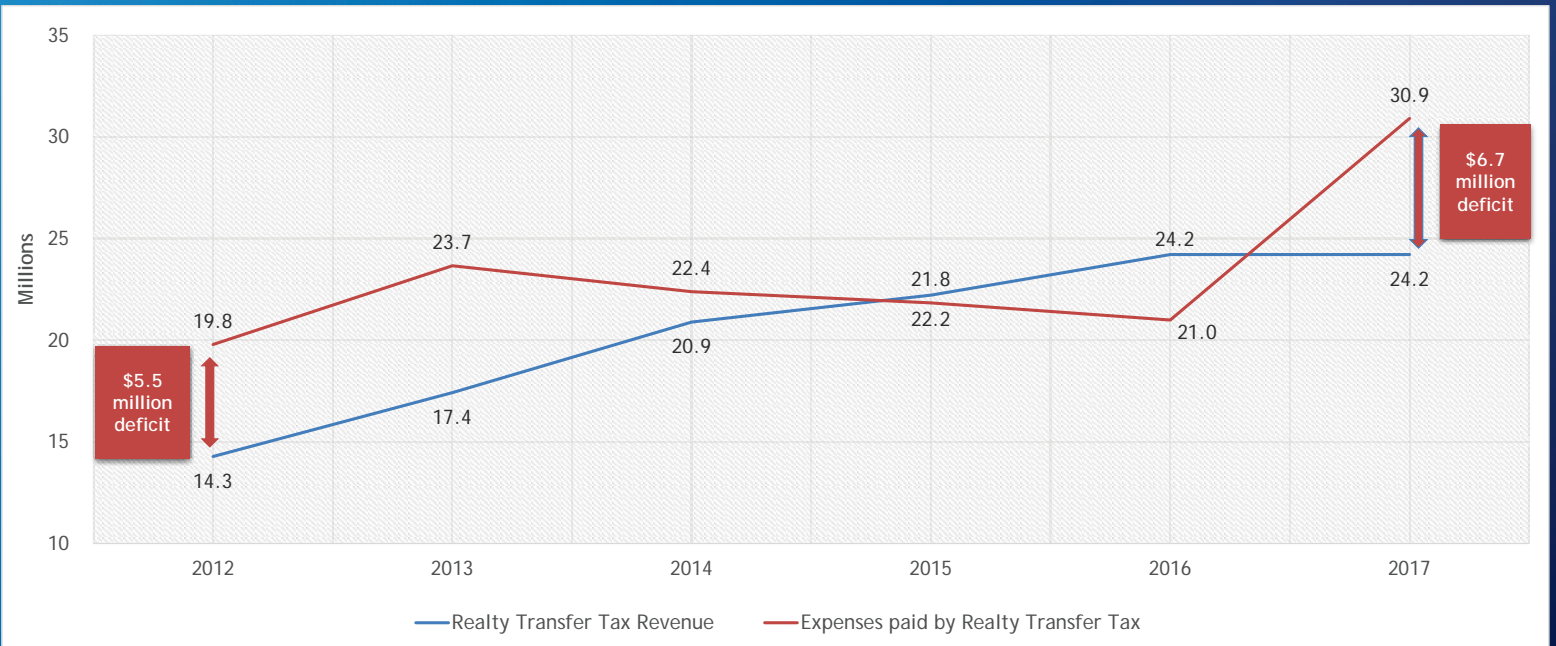


# Number of Employees Compared to All Housing Revenue





# Realty Transfer Tax





# FY17 Expenses to be Paid by RTT

Public Safety  
Expenses

Description	FY 2017 Budgeted Expenses minus Grants Received
Paramedic Operation & Capital Expenses	11,394,284
Emergency Operations	3,649,801
Delaware State Police	2,197,925
Fire Service - Basic Life Support	1,557,000
Fire Company Grants	852,350
Local Law Enforcement Grant	575,000
Airport Operations & Capital Expenses	5,027,304
General Government Capital Projects	3,150,000
Public Works	715,686
Dog Control	682,616
Solid Waste	582,500
Economic Development	213,070
Sussex Conservation District- Tax Ditches	115,000
County Low Income Wastewater Grant	75,000
Drainage Grant	80,195
Town RTT Grant	45,000
<b>Total</b>	<b>\$30,912,731</b>

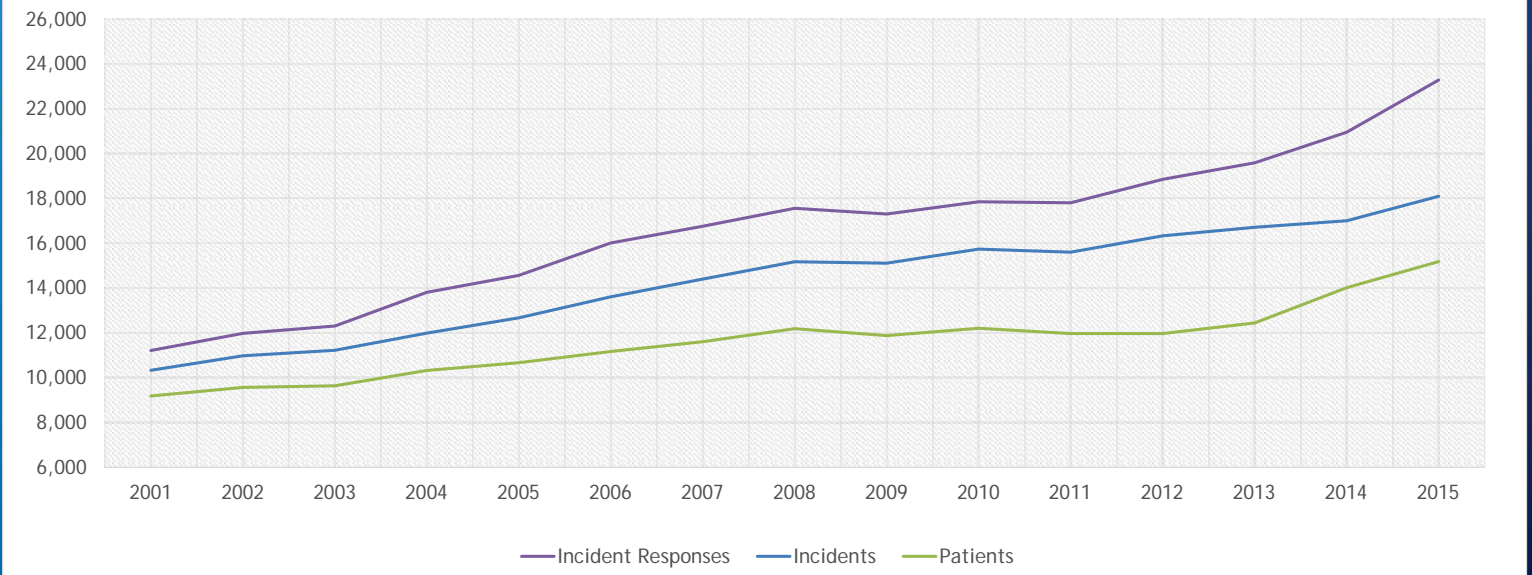
\$20,226,360  
65%

# Public Safety - Paramedics

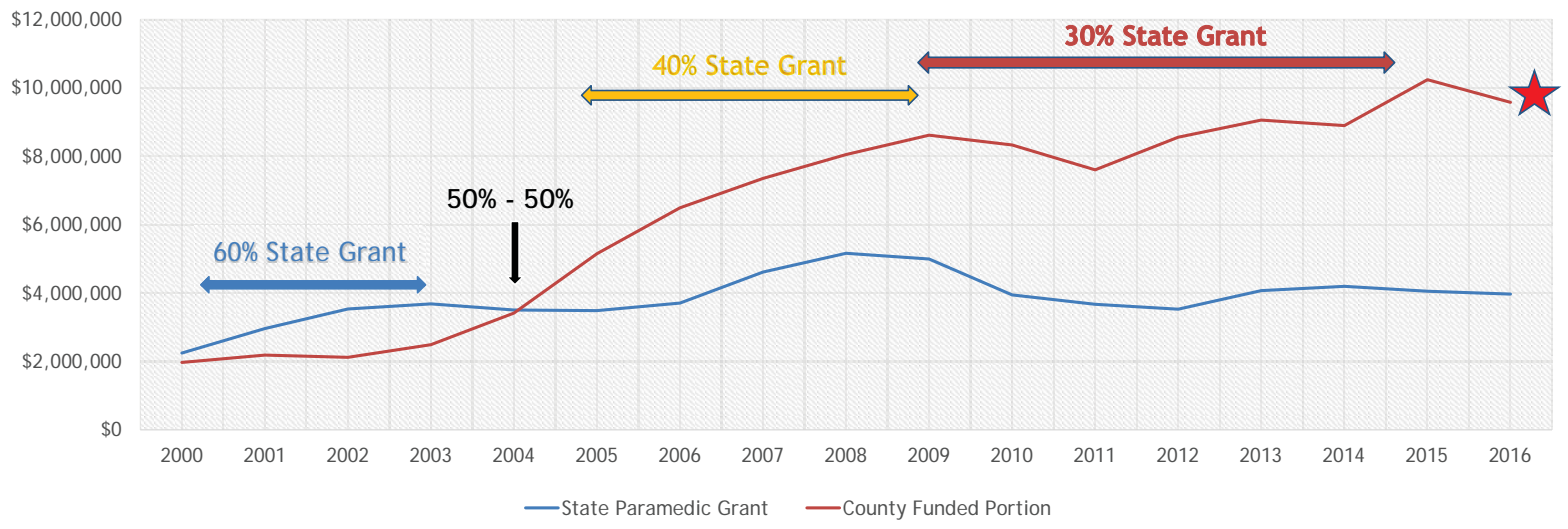


## Total Operating Expenses

2015	2016	2017 Budget
\$13,642,338	\$13,418,373	\$14,786,984



# Paramedic Funding



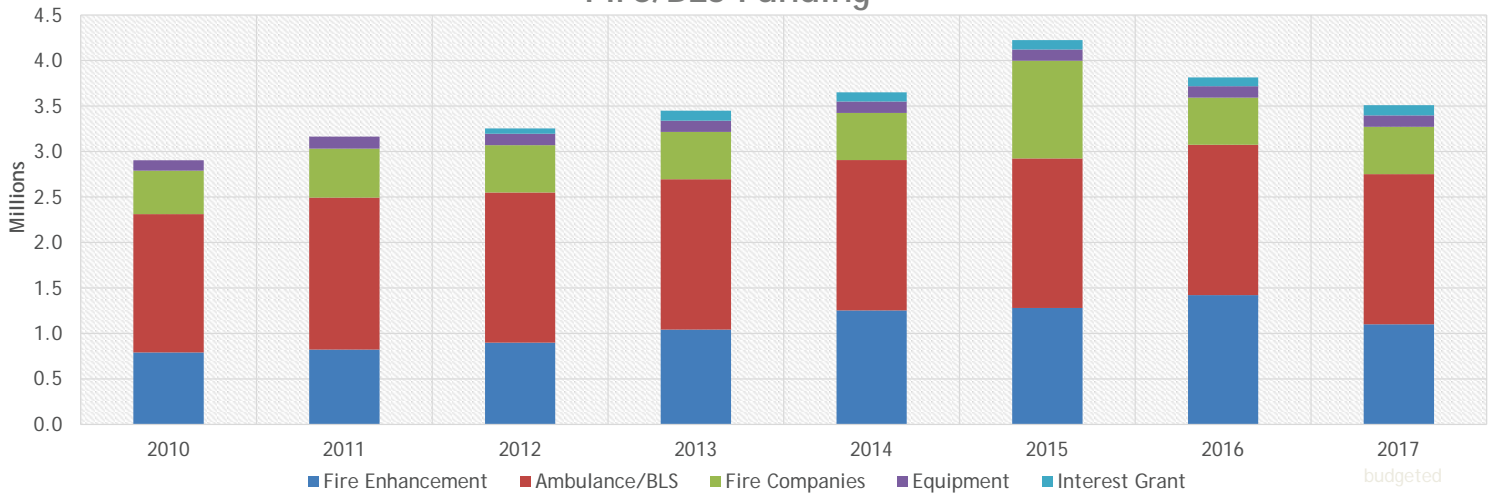
★ OMB through OEMS notified Counties that starting last year, any asset considered a "County asset" will not be reimbursed. Also, the Counties will be capped at 30% from 2 years ago—resulting in an average of a 27% reimbursement.

# Public Safety – Fire/BLS



Total Expense			
	2015	2016	2017 Budget
Fire/BLS	\$4,225,374	\$3,813,570	\$3,509,350

Fire/BLS Funding



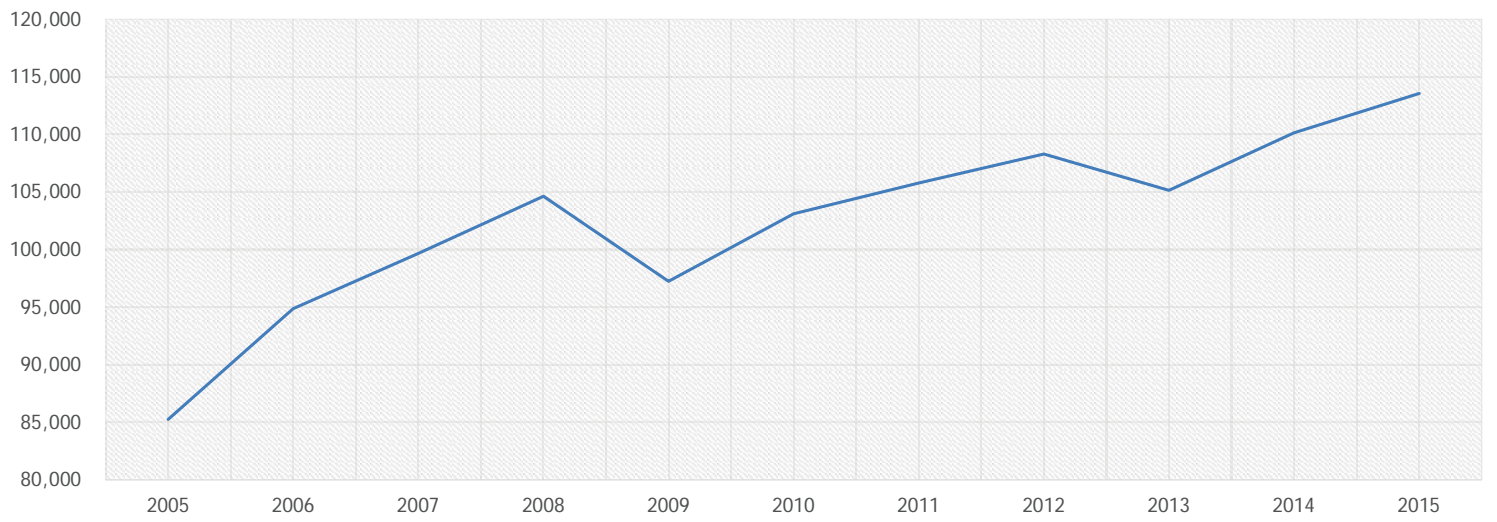
# Public Safety – 9-1-1



## Total Operating Expense

2015	2016	2017 Budget
\$3,043,865	\$3,111,494	\$3,261,931

## 9-1-1 Calls



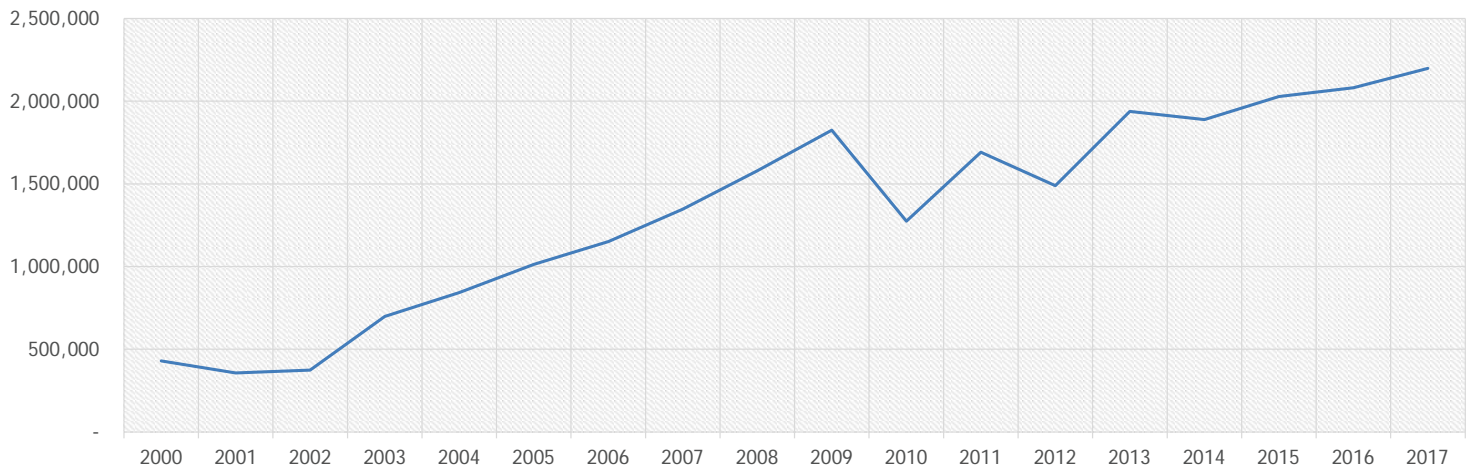
# Delaware State Police



Delaware State Police Contract

Fiscal Year	Additional Troopers	County Share
2015	44	\$2,028,608
2016	44	\$2,081,082
2017	44	\$2,197,925

County Cost



# Historical Contract Coverage

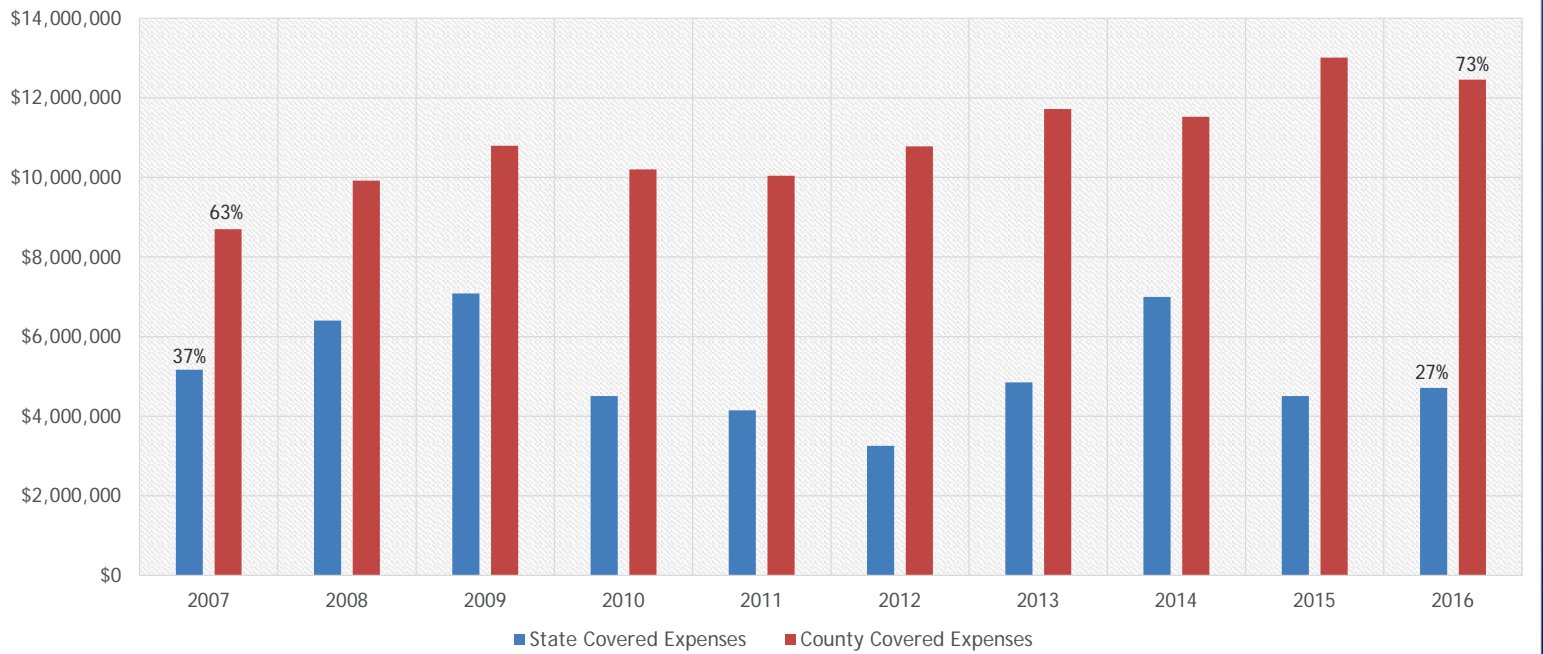


Year	State Base*	County Funded	Total in Sussex	Population	Population per Trooper
1994 (before contract)	96	-	96	124,753	1,300
2000	130	12	142	156,638	1,103
2002	138	12	150	163,085	1,087
2007	143	32	175	183,798	1,050
2008	143	36	179	188,597	1,054
2009	143	40	183	192,019	1,049
2010	143	40	183	197,145	1,077
2011	143	40	183	200,771	1,097
2012	143	40	183	203,390	1,111
2013	143	40	183	206,649	1,129
2014	143	44	187	209,704	1,121
2015	143	44	187	210,849	1,127
2016	143	44	187	215,622	1,153

\* The contract base may slightly vary from actual coverage. The most recent DSP report shows 147 troopers were fully funded by the State.



# 10 Year Cost Sharing



**SUSSEX**  
COUNTY | DELAWARE



## Cotten Engineering, LLC

Mike Cotten, P.E.

10087 Concord Road  
Seaford, De 19973

P. 302-628-9164  
F. 302-628-9164

November 11, 2016

**John Ashman**

Sussex County Administrative Office Building  
3rd Floor, Room 324  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

**RE: ANNEXATION OF CAMP ARROWHEAD INTO THE COUNTY SANITARY SEWER DISTRICT.**

Dear Mr. Ashman:

Per my client, The Diocesan Council, Inc., d.b.a. Camp Arrowhead, Sussex County Tax Map # 234-18.00-142.00 hereby request that a portion of their property be annexed into the Sussex County Unified Sanitary Sewer District.

Thank you,

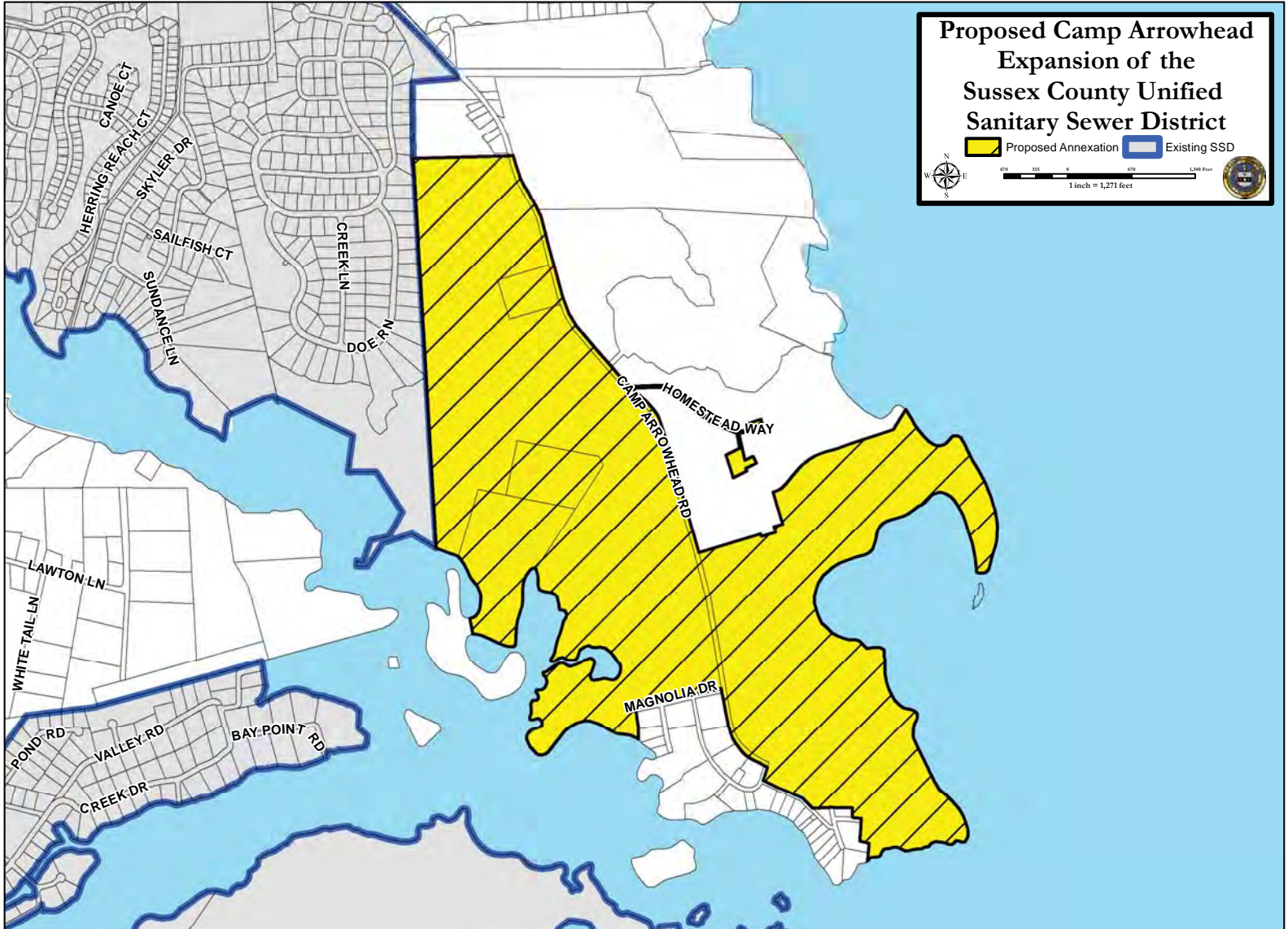
Sincerely,  
Cotten Engineering LLC  
Engineering, Surveying and Planning Consultants

*Mike Cotten*

Michael Cotten PE  
302-381-3622

## **Camp Arrowhead Expansion Facts**

- Permission was granted to Prepare and Post Notices on December 6, 2016.
- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by the Diocesan Council for Camp Arrowhead.
- Camp responsible for pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek.
- We have included the adjacent State lands to form a contiguous boundary.
- There is also a MOU component associated with this annexation.
- The expansion will consist of 423.5±.
- The parcels will be responsible for System Connection Charges of \$5775 based on current rates.
- A Public Hearing is currently scheduled for January 10, 2017 at 10:15am at the regular County Council meeting.



**Proposed Camp Arrowhead  
Expansion of the  
Sussex County Unified  
Sanitary Sewer District**

Proposed Annexation
  Existing SSD

0 50 100 150 Feet  
 1 inch = 1,271 feet

A public hearing to discuss the proposed boundary is scheduled **January 10, 2017 at 10:15 AM**, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947.  
 For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

**MEMORANDUM OF UNDERSTANDING  
BETWEEN SUSSEX COUNTY  
AND THE DIOCESAN COUNCIL, INC.**

WHEREAS, the Sussex County Council operates a wastewater collection, transmission and treatment system, known as the Sussex County Unified Sanitary Sewer District; and

WHEREAS, the Diocesan Council, Inc., d.b.a. Camp Arrowhead, wishes to obtain sanitary sewer service from Sussex County's sewer system; and

WHEREAS, the connection of The Diocesan Council, Inc.'s Camp Arrowhead to the County sewer system would eliminate the need for on-site or private wastewater systems to serve Camp Arrowhead's bathhouses.

NOW, THEREFORE, the County and the Diocesan Council, Inc. stipulate and agree as follows:

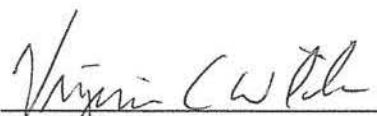
1. The County shall provide wastewater transmission and treatment services for the property shown on Attachment "A" once all necessary administrative procedures are complete to allow annexation of the parcel into the sewer district;
2. The Diocesan Council, Inc. shall plan, design, and construct the necessary facilities from the bath houses and other on-site structures as deemed necessary for connection, and to collect and transmit wastewater from the bathhouses within campground to the county wastewater system in accordance with Sussex County's Standard Specifications and Procedures and to pay all costs associated with this process including: inspection, bonding, permitting, and plan review fees;
3. The Diocesan Council, Inc. agrees to connect only the bathhouses as described in the annexation process, any future connections will require annexation of those lands and will be subject to the System Connection Charges, service fees and assessment charges in place at that time.
4. The Diocesan Council, Inc. shall pay all sanitary sewer charges in accordance with Chapter 110 of the *Sussex County Code*, as amended each year by the Sussex County Council, including the following:
  - (a) System connection charges to be paid before connection permits are issued by the Sussex County Engineering Department (SCED) for the new wastewater facilities;
  - (b) One-time sewer connection permit fee paid;
  - (c) Front foot assessments based on the transmission and treatment portion to be paid annually; and
  - (d) Service charges to be paid quarterly.

5. The Diocesan Council, Inc. shall not be responsible for said service and assessment charges until connection is made to the County system.
6. Sussex County shall become responsible for the operations and maintenance of only the portion of new wastewater system not contained on the Diocesan Council, Inc.'s Camp Arrowhead's property.
7. Sussex County will only assume this responsibility after the system has been proven to meet Sussex County's specifications and is accepted by the SCED.
8. The Diocesan Council, Inc. shall provide a fee simple future pump station site to Sussex County as depicted on the plan submitted to SCED.
9. This Agreement may be modified or terminated only upon the written agreement of both parties, signed by the President of the County Council and a board member of the Diocesan Council, Inc. This Agreement shall be binding upon the parties and their respective successors, administrators, and assignees.

IN WITNESS WHEREOF, the parties hereunto have caused this Agreement to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2016 by their duly authorized officers.

THE DIOCESAN COUNCIL, INC.

SUSSEX COUNTY

By:   
Secretary  
The Diocesan Council, Inc.

By: \_\_\_\_\_  
Michael H. Vincent, President  
Sussex County Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Robin Griffith  
Clerk of the County Council

\_\_\_\_\_  
J. Everett Moore, Jr., Esquire  
County Attorney

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE PROPERTIES SITUATED ON THE EAST AND WEST SIDES OF COUNTY ROAD 279 (CAMP ARROWHEAD ROAD). THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the southeasternmost section of Camp Arrowhead Road, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Aref Etemadi, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the east and west sides of Camp Arrowhead Road, as follows:

**BEGINNING** at a point, situate at the intersection of the easterly right of way (ROW) of Camp Arrowhead Rd, said point being the southwesternmost corner of lands now or formerly (N/F) of The Executive Council of The Protestant Episcopal Church (Camp Arrowhead); thence following said ROW in a northwesterly direction 1895± feet to a point, said point being a point on the westerly boundary line of said lands of Camp Arrowhead; thence leaving said ROW and following a path shown on **Exhibit A**, thru



said lands of Camp Arrowhead in an easterly, northerly, and westerly direction encompassing an area of 2.20± Ac., and returning to a point, said point being back on the easterly ROW of Camp Arrowhead Rd; thence continuing along said ROW in a northwesterly direction 2800± feet to a point, said point being on the westerly property line of lands N/F of West Bay Trailer Park; thence leaving said lands and crossing said ROW in a westerly direction 50± feet to a point, said point being the northeasternmost corner of lands N/F of State of Delaware; thence following said lands of State of Delaware in a westerly direction 1000± feet to a point, said point being a point on the existing Sussex County Unified Sanitary Sewer District (SCUSSD); thence continuing along said lands of Delaware the following direction and distances: southerly 4105± feet, easterly 245± feet to a point, said point being the southwesternmost corner of additional lands N/F of State of Delaware and a point on the Rehoboth Bay; thence following said lands of State of Delaware the following directions and distances: southeasterly 781± feet, southerly 169± feet, easterly 450± feet, northerly 880± feet to a point, said point being an intersection of said lands of State of Delaware and previously mentioned lands of State of Delaware and a point on the Rehoboth Bay; thence following the water's edge of said bay in a generally southeasterly direction 5860± feet to a point, said point being a point on the westerly property boundary of lands N/F of Swanson Family Trust; thence following said lands of Swanson Family a northerly direction 110± feet to a point, said point being the southwesternmost corner of lands N/F of Lots at Herring Creek, LLC; thence following said lands of Herring Creek in a northerly direction 182± feet to a point, said point being the southerly ROW of a private road known as Magnolia Drive; thence following said ROW in a northerly direction 50± feet, and easterly 920± to a point; said point being the intersection of said lands of State of Delaware and a point on the westerly ROW of Camp Arrowhead Rd; thence following said ROW in a southeasterly direction 990± feet to a point, said point being the northeasternmost corner of lands N/F of Kevin Brozyna and a point on the northwesterly ROW of Lenape Rd; thence crossing said ROW in a southeasterly direction 40± feet to a point, said point being a point on the westerly property boundary of lands N/F of State of Delaware; thence following said lands of State of Delaware the following directions and distances: southwesterly 145± feet, southeasterly 610± feet, easterly 415± feet, southerly 100± feet, easterly 95± feet, southerly 235± feet,

southeasterly 100± feet, southwesterly 195± feet to a point, said point being located on the Rehoboth Bay; thence following the water's edge of said Rehoboth Bay in a generally east/northeasterly direction 9840± feet to a point, said point being the intersection of said Lands of State of Delaware and said Lands of Camp Arrowhead; thence following said lands of Camp Arrowhead the following directions and distances: southwesterly 250± feet, westerly 1460± feet, southerly 350± feet, southwesterly 98± feet, southeasterly 62± feet, southwesterly 153± feet, northwesterly 30± feet, southwesterly 680± feet to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

LAW OFFICES

**PARKOWSKI, GUERKE & SWAYZE**

PROFESSIONAL ASSOCIATION

19354C MILLER ROAD  
REHOBOTH BEACH, DELAWARE 19971  
302-226-8702  
FAX: 302-226-8704  
WEBPAGE: [www.pgslegal.com](http://www.pgslegal.com)


e-mail: [vrobertson@pgslegal.com](mailto:vrobertson@pgslegal.com)

WILMINGTON OFFICE  
1105 NORTH MARKET STREET, 19<sup>TH</sup> FLOOR  
WILMINGTON, DE 19801  
302-654-3300  
FAX: 302-654-3033

DOVER OFFICE  
116 W. WATER STREET  
PO BOX 598  
DOVER, DE 19903  
302-678-3262  
FAX: 302-678-9415

F. MICHAEL PARKOWSKI  
I. BARRY GUERKE  
DAVID S. SWAYZE  
CLAY T. JESTER  
JOHN C. ANDRADE  
MARK F. DUNKLE (also GA & PA)  
WILLIAM A. DENMAN  
MICHAEL W. ARRINGTON (also MD & DC)  
CHRISTINE P. SCHILTZ  
MICHAEL W. TEICHMAN  
KASHIF I. CHOWDHRY (also PA)  
JAMES D. NUTTER  
JAMES D. GRIFFIN  
VINCENT G. ROBERTSON  
ELIO BATTISTA, JR  
JUDY M. JONES  
WILLIAM J. WALLS, JR. (also PA)

KEITH H. ELLIS (also DC)  
CAROLYN M. MCNEICE  
SHANE C. HEBERLING

TO: Sussex County Council  
FROM: Vince Robertson, Esq.   
DATE: January 6, 2017  
RE: Proposed Drainage, Road, Bonding (etc) Ordinance

Attached is an ordinance amendment that has been underway for quite some time at the direction of our County Engineering Department, in cooperation with a group of several interested parties. A list of the participants is attached hereto as Exhibit A.

The ordinance creates desired requirements for on-site drainage from the design stage of residential developments through the completion of individual home construction. It also deletes outdated road construction requirements that have been in our Code for decades and replaces them with more clear, yet flexible, design requirements that will be much better than what is currently in the Code.

The ordinance also clarifies various aspects of the development process, including codification of our existing "Notice to Proceed" requirement, to establishing a clearly defined "Project Closeout" process for developments. It also brings back a process by which development can proceed without a bond as long as no lots are transferred or sold.

Finally, the ordinance addresses various areas of the Code that reference fees. It does not establish any new fees. Instead, it clearly establishes that the existing fees must be set by County Council as part of the annual budget process.

While the document is fairly large in size, please keep in mind that this is mainly because of our statutory requirements for amending our Code. Wherever we

delete language, we must restate that language and put it in brackets. For example, there are about 3 pages of text retyped in brackets in this document (see Section 5 at page 7 from line 237 through line 319) that are to be deleted from our Code. Elsewhere, most any time we add a phrase or sentence, we must retype the existing Code language and insert the new proposed language in italics and underlined. All of this adds heft to the appearance of what we are trying to accomplish.

Hans Medlarz and I look forward to presenting this proposed ordinance amendment to you on Tuesday, January 10, 2017 for discussion and possible introduction.

Cc: Todd Lawson  
Hans Medlarz, PE  
J. Everett Moore, Esq.  
Janelle Cornwell  
Bob Wheatley  
Robin Griffith

## Sussex County Drainage Workgroup Members

<b>Site Design Engineers</b>	
Zac Crouch	Davis Bowen & Friedel, Inc.
Ring Lardner	Davis Bowen & Friedel, Inc.
Steve Marsh	George Miles & Buhr
Frank Kea	Solutions IPEM
Ken Usab	Morris & Ritchie Associates, Inc.
John Murray	Kercher Engineering Inc.
<b>Homebuilders</b>	
Kevin Brozyna	Insight Homes
Preston Schell	Schell Brothers
Greg James	Ryan Homes
Ted Ruberti	NV Homes
Jake Booth	Capstone Homes
Tom Natelli Jr.	Natelli Communities
<b>Site Contractors</b>	
Bobby Horsey	David Horsey and Sons
Jay Murray & Doug Brown	Bunting and Murray
Gus Croll	A.P. Croll
<b>Homeowners</b>	
Sal Zisa	The Ridings of Rehoboth
Paul Brager	Bay Crossing
<b>Sussex County Government</b>	
Mike Brady	Director of Public Works
Janelle Cornwell	Planning & Zoning Director
Andy Wright	Chief of Building Code
Hans Medlarz	County Engineer
<b>Sussex Conservation District</b>	
David Baird	Sussex Conservation District
Jessica Watson	Sussex Conservation District
James Elliott	Sussex Conservation District

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 90, §§90-4 AND 90-5; CHAPTER 99, ARTICLES I, III, V, VI AND VIII, §§99-5, 99-6, 99-18, 99-26, 99-30, 99-31, 99-32, 99-36 AND 99-40; CHAPTER 110, ARTICLE XI AND XXI, §§110-84 AND 110-136; AND CHAPTER 115, ARTICLES I, XVI, XXIV AND XXVII, §§115-4, 115-128, 115-129, 115-172, 115-174, 115-218, 115-221 AND 115-224 OF THE CODE OF SUSSEX COUNTY REGARDING DRAINAGE AND GRADING REQUIREMENTS, ROAD, DRIVE AND PARKING CONSTRUCTION AND RELATED REQUIREMENTS, BONDING REQUIREMENTS, PROJECT CONSTRUCTION INCLUDING NOTICES TO PROCEED, INSPECTIONS AND CLOSEOUT, AND CLARIFICATION OF THE MANNER IN WHICH CERTAIN FEES ARE ESTABLISHED.

WHEREAS, Chapter 90 of the Code of Sussex County governs sediment control and stormwater management in Sussex County; and

WHEREAS, the stated purpose of Chapter 90 of the Code of Sussex County is “to protect, maintain, and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with sediment and modified stormwater characteristics. Proper implementation and maintenance of sediment control and stormwater management will minimize adverse impacts to public and private property, reduce the impacts that the developmental process has on land stream channel erosion, assist in the maintenance of water quality standards, reduce the potential for localized flooding and maintain after development, to the extent that it can be maintained, the predevelopment runoff characteristics”; and

WHEREAS, Chapter 90 of the Code of Sussex County currently requires plans for stormwater management and sediment control for certain single family and commercial construction; and

WHEREAS, Chapter 99 of the Code of Sussex County contains requirements including the consideration of stormwater, erosion and sedimentation control, and runoff from subdivided properties as part of the approval process; and

WHEREAS, Chapter 99 of the Code of Sussex County contains certain technical requirements for the submission and subsequent approval of Final Site Plans for subdivisions, including the provision for the approval of the Sussex Conservation District; and

WHEREAS, Chapter 115 of the Code of Sussex County contains certain technical requirements for the submission and subsequent approval of Final Site Plans for commercial development, multifamily residential development and townhouse residential development; and

WHEREAS, As development continues in Sussex County, technical drainage and grading requirements are necessary to utilize sound engineering principles to preserve and construct adequate drainage for new and existing properties, to: (1) assure that during project design, adequate drainage is provided for the conveyance of surface water runoff; (2) control soil erosion and sedimentation along waterways and ensure conformity with topography so as to create the least erosion potential for developments; (3) minimize impact to properties adjacent or down

42 gradient from development lands from runoff; (4) decrease drainage-related damage to public and  
43 private property; (5) provide adequate drainage away from buildings; and (6) require the  
44 submission of Detailed Lot Grading Plans and Individual Lot Grading Certifications to ensure  
45 proper drainage, and (7) provide adequate easements for the permanent protection and  
46 maintenance of drainage conveyance systems in Sussex County; and

47 WHEREAS, it is the desire of Sussex County to amend Chapter 90, §§90-4 and 90-5;  
48 Chapter 99, Articles I, III, V, VI and VIII, §§99-5, 99-6, 99-18, 99-26, 99-30, 99-31, 99-32 and  
49 99-36; and Chapter 115, Articles I and XXVIII, §§115-4, 115-129, 115-221 and 115-224 of the  
50 Code of Sussex County to require all subdivision Final Site Plans, Residential Planned Community  
51 Site Plans, Residential Multifamily or Townhouse Final Site Plans, or Commercial Development  
52 Site Plans to include Bulk Grading data within the Plans; and

53 WHEREAS, it is the desire of Sussex County to amend Chapter 90, §§ 90-4 and 90-5 and  
54 Chapter 115, Article XXVII §115-224 of the Code of Sussex County to require Lot Grading  
55 Certification for any development approved with Bulk Grading Data after the date of adoption of  
56 this Ordinance; and

57 WHEREAS, Sussex County Council has determined that the Street Design Standards  
58 currently set forth in Section 99-18 of the Sussex County Code are outdated and need to be  
59 updated; and

60 WHEREAS, Sussex County Council has determined that the street design standards  
61 contained within the Sussex County Code should contain flexibility to enable creativity in design  
62 (taking into account existing topographical and environmental features) while providing safe  
63 communities for the residents of Sussex County; and

64 WHEREAS, as part of the overall revisions to the roads and drainage requirements in the  
65 Code, which comprise a significant portion of the site work within a development project, it is the  
66 direction of Sussex County Council to amend the bonding and performance guarantee  
67 requirements set forth in Section 99-32 of the Sussex County Code; and

68 WHEREAS, it is appropriate to amend Chapters 99, 110 and 115 of the Code of Sussex  
69 County to reflect that fees for certain permits, approvals, applications and inspections associated  
70 with property development shall be set annually as part of the Sussex County Annual Budget; and

71 WHEREAS, as part of the revisions set forth herein, Sussex County Council has  
72 determined that it is necessary and appropriate to clarify certain existing Code requirements  
73 regarding commercial and residential site plans and the expiration of them; and

74 WHEREAS, Sussex County Council has determined that the provisions of this Ordinance  
75 promote the health, safety and welfare of Sussex County and its residents, property owners and  
76 visitors.

77

78 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

79 **Section 1.** The Code of Sussex County, Chapter 90, §90-4 “Basis for Implementation” is hereby  
80 amended by inserting the italicized and underlined language as follows:

81 **§90-4 Basis for Implementation.**

82 The provisions and requirements contained in the [Sussex Conservation District Sediment  
83 Control and Stormwater Management Program and Handbook] Delaware Sediment and  
84 Stormwater Regulations and the requirements of Chapter 99, Articles I, III, V and VI, as shall be  
85 amended from time to time, shall be the basis for the implementation of this chapter.

86  
87 **Section 2.** The Code of Sussex County, Chapter 90, §90-5 “Plan Required For Building Permit;  
88 Exemptions” is hereby amended by deleting the language in brackets and inserting the italicized  
89 and underlined language as follows:

90 **§90-5 Plan Required For Building Permit; Exemptions.**

91 No building permit *or certificate of occupancy* shall be issued by Sussex County unless a  
92 sediment control and stormwater management plan has been approved by the Sussex Conservation  
93 District meeting all of the *applicable* requirements of the [Sussex Conservation District Sediment  
94 Control and Stormwater Management Program and Handbook] Delaware Sediment and  
95 Stormwater Regulations and Chapter 99, Articles I, III, V and VI, including an inspection and  
96 maintenance agreement, *and a Lot Grading Certification meeting all requirements of the Sussex*  
97 *County Drainage and Grading Requirements.* [:

- 98 A. Standard plans. On private single-family residential construction, a standard plan  
99 for sediment control and stormwater management signed by the builder shall be  
100 required on land-disturbed areas one (1) acre in size or less. Standard plans shall  
101 also apply to forest harvest operation and utility projects disturbing five thousand  
102 (5,000) square feet or more.
- 103 B. Detailed plans. A detailed sediment control and stormwater management plan,  
104 approved by the District, shall be required for all residential construction with  
105 disturbed land areas in excess of one (1) acre in size and for all other commercial,  
106 recreational, industrial or institutional construction, without regard to size.
- 107 C. Exemptions. The provisions of this chapter shall not apply to the following:
- 108 (1) Agricultural land management practices unless the Conservation District  
109 determines that the land requires a new or updated soil and water  
110 conservation plan and the owner or operator of the land has refused either  
111 to apply to a Conservation District for the development of such a plan or to  
112 implement a plan developed by a Conservation District.
- 113 (2) Utility projects disturbing less than five thousand (5,000) square feet of  
114 land.]

115  
116 **Section 3.** The Code of Sussex County, Chapter 99, Article I, §99-5 “Definitions” is hereby  
117 amended by inserting the italicized and underlined language in alphabetical order within the  
118 Section as follows:

119 **§99-5 Definitions.**

120 ...



121 BULK GRADING PLAN – An overall lot grading plan prepared by a licensed professional who  
122 is permitted to prepare Detailed Sediment and Stormwater Plans, specifying the elevation, surface  
123 gradients, lot types, swale locations, driveway pipe sizes and other drainage information required  
124 for lot grading, as further set forth in the Sussex Conservation District Technical Drainage and  
125 Grading Requirements. A Bulk Grading Plan shall confirm that all conveyance features must be  
126 located in deeded open space or the subject of a permanent easement, and they satisfy the following  
127 requirements:

128 Conveyance Swale Design Criteria:

129 a. A minimum longitudinal swale slope of 1.0% if contiguous to a residential  
130 lot excluding roadside swales. If the slope is greater than .5% but less than 1%,  
131 then no more than 300 feet of conveyance swale can be routed through an adjacent  
132 lot, not to exceed three (3) side-by-side lots, prior to entering a closed drainage  
133 system. All other conveyance swale design criteria shall apply.

134 b. Maximum side slopes of 3:1 or flatter.

135 c. Must contain the 10 year design storm within the banks.

136 d. Conveyance must be non-erosive.

137 e. Must show spot elevations at grade breaks in the proposed conveyances  
138 swales as applicable.

139 f. Must include flow direction arrows.

140 g. Pipe/Inlet size, Type, Inverts, Slope, Rim Elevations must be labeled on the  
141 plan view.

142 h. Must include a Summary Table listing conveyance swale drainage area,  
143 discharge (Q10), velocity and depth of flow.

144 Closed Drainage System Design Criteria:

145 a. Must include yard basins where required within the drainage easement or  
146 open space to capture and convey lot surface runoff via a closed system to a positive  
147 outfall location.

148 b. Must show spot elevations at grade breaks in the proposed conveyance  
149 swales as applicable.

150 c. Must include flow direction arrows.

151 d. Pipe/Inlet Size, Type, Inverts, Slope, Rim Elevations must be labeled on the  
152 plan view.

153 e. Profiles for closed drainage systems receiving residential lot drainage shall  
154 only be required within a system with more than two pipes and/or structures that  
155 are not located within a roadway.

156 f. Must include a Summary Table listing conveyance swale drainage area,  
157 discharge (Q10), velocity and depth of flow.

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159 DETAILED GRADING PLAN – A plan depicting final grades for land development prepared by  
160 a licensed professional who is permitted to prepare Detailed Sediment and Stormwater  
161 Management Plans, including house and lot perimeter spot elevations and conveyance features to  
162 ensure positive drainage under the minimum slope requirements. A Detailed Grading Plan shall  
163 satisfy the following requirements:

164 a. It must demonstrate that lots can be graded with a minimum 5% slope the first ten  
165 (10) feet from the dwelling or as required by building/residential codes and 1% beyond ten  
166 (10) feet to the side and rear swales or a closed pipe.

167 b. It must show spot elevations delineating grade breaks at all property and right of  
168 way lines including finished grades at all lot and house corners.

169 c. It must show first floor and slab elevations.

170 d. Relief from the foregoing standards may be granted by the Sussex County Engineer  
171 for environmental, topographic, archeological or site constraints or low impact  
172 development (i.e. rain gardens, bio swales, etc.).

173

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174 INDIVIDUAL LOT GRADING PLAN – A lot grading plan prepared by a licensed professional who  
175 is permitted to prepare Detailed Sediment and Stormwater Management Plans conforming to the  
176 approved Detailed Grading Plan submitted simultaneously with a building permit for construction  
177 on a lot. An Individual Lot Grading Plan shall satisfy the following requirements:

178 a. It must show compliance with a minimum 5% slope the first ten (10) feet from the  
179 dwelling or as required by building/residential codes and 1% beyond ten (10) feet to the  
180 side and rear swales or a closed pipe.

181 b. It must show spot elevations delineating grade breaks at all property and right of  
182 way lines including finished grades at all lot and house corners.

183 c. It must show first floor and slab elevations.

184 d. Relief from the foregoing standards may be granted by the Sussex County Engineer  
185 for environmental, topographic, archeological or site constraints or low impact  
186 development (i.e. rain gardens, bio swales, etc.).

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188 LOT GRADING CERTIFICATE – A certification by prepared by a licensed professional who is  
189 permitted to prepare Detailed Sediment and Stormwater Management Plans that a lot, as graded,  
190 is in general conformity with the Individual Lot Grading Plan. A Lot Grading Certificate shall  
191 include the following information:

192 a. North Arrow.

193 b. Tax Map and Parcel Number(s)

194 c. Subdivision Name and lot number.

- 195 d. Property lines, lot dimensions, drainage easements and adjacent rights of way.
- 196 e. The location of the following items:
- 197 (i) Elevations at four (4) corners of the structure and at the location of the spot
- 198 elevations indicated on the Detailed Grading Plan as applicable.
- 199 (ii) Inverts of drainage structures receiving runoff from the lot.
- 200 (iii) Top and bottom of curb and gutter (if applicable).
- 201 (iv) Driveway culvert pipe material, size and inverts, where applicable.
- 202 (v) Immediately adjacent upstream and downstream driveway culverts,
- 203 including inverts and pipe sizes (if applicable).
- 204 (vi) Swale inverts along property frontage.
- 205 f. Finished floor and slab elevations.
- 206 g. A description of any discrepancies or variations from the approved plans
- 207 (including site plans, Detailed Grading Plan, construction plans or calculations and
- 208 specifications) and any approved revisions as a result thereof.

209 . . . .

210 **Section 4.** The Code of Sussex County, Chapter 99, Article I, §99-6 “General Requirements and  
 211 Restrictions” is hereby amended by inserting the italicized and underlined language in §99-6.E. as  
 212 follows:

213 **§99-6 General Requirements and Restrictions.**

214 . . .

215 E. No grading, excavating, construction or erection under the jurisdiction of Sussex County  
 216 may begin within any subdivision or development except in accordance with this chapter and after  
 217 the issuance of a Notice to Proceed by the County Engineer or his or her designee.

218 . . . .

219

220 **Section 5.** The Code of Sussex County, Chapter 99, Article III, §99-18 “Street Design Standards”  
 221 is hereby amended by deleting the language in brackets and inserting the italicized and underlined  
 222 language as follows:

223 **§ 99-18. Street design standards.**

- 224 A. Construction plans shall be prepared by a [licensed] registered Delaware professional
- 225 engineer or a licensed Delaware land surveyor.
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- 227 B. Streets dedicated to public use shall be designed and constructed in accordance with
- 228 standards established by the Delaware Department of Transportation, Division of
- 229 Highways.

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C. All entrances to the subdivision from a public street shall be designed and constructed in accordance with standards established by the Delaware Department of Transportation. An approved entrance permit from the Delaware Department of Transportation shall be required prior to final approval of the plan.

[C]D. Private streets to be *initially* maintained by the developer [or] *and ultimately* the owners of lots within the development may be designed and constructed in accordance with Subsection B or must comply with the following standards: [these minimum standards:

- (1) See typical cross-section illustrations at the end of this chapter for right-of-way grades and roadway location.
- (2) The roadway shall be a minimum of 20 feet wide.
- (3) For developments of four lots or fewer, the surface may be two inches crusher run stone compacted by rolling in place over an approved subgrade.
- (4) For developments with an average lot area of fewer than two acres, the surface treatment shall be minimum of three courses of bituminous surface treatment or two inches of hot-laid bituminous concrete.
- (5) Adequate drainage shall be provided, and all drainage plans shall include a design for the internal collection system extending to the point of outfall. The ability of the receiving stream or channel at the point of outfall shall be evaluated as to its ability to handle the increased flow. Where suitable soil conditions exists, approve retention ponds may be acceptable as points of outfall.
- (6) The road base shall be four inches of approved select borrow and two inches of crusher run stone; or four inches of crusher run stone over an approved subgrade.
- (7) All entrances to the subdivision from a public street shall be designed and constructed in accordance with standards established by the Delaware Department of Transportation, Division of Highways. An approved entrance permit from the Division of Highways shall be required prior to final approval of the plan.

D. Bituminous surface treatments.

- (1) The surface material shall be applied in the following amounts:

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(a) Prime coat: 0.50 gallon of asphalt per square yard covered with 50 pounds of three-fourths-inch crushed stone or 40 pounds of three-fourths-inch crushed slag.

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(b) Second coat: 0.35 gallon of asphalt per square yard covered with 20 pounds of one-half-inch crushed slag or one-half-inch crushed stone.

(c) Third coat: 0.35 gallon of asphalt per square yard covered with 20 pounds of one-half-inch crushed slag or one-half-inch crushed stone.

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(3) Specifications for the materials and methods of application shall be in accordance with or equivalent to those contained in Delaware Department of Transportation Standard Specifications, Section 404.

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E. Hot-laid bituminous concrete. Specifications for this material and methods of application shall be in accordance with or equivalent to those contained in Delaware Department of Transportation Standard Specification, Section 401.

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F. Select borrow base course.

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(1) This material shall be granular soil meeting the requirements of Delaware Department of Transportation Standard Specification, Borrow Type G. Section 209, and construction of the base shall be in accordance with the requirements contained in Delaware Department of Transportation Standard Specifications, Section 302.

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(2) Equivalent base course shall be in accordance with the requirements of Section 303 (crusher-run base course) or Section 304 (quarry waste base course) of the Delaware Department of Transportation Standard Specifications.

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G. Right-of-way clearing and subgrade.

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(1) All right-of-way areas shall be cleared flush with the ground of all trees, brush, shrubs, down timber, rotten wood, rubbish and other debris, vegetation or obstructions.

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(2) The subgrade shall be in accordance with Delaware Department of Transportation Standard Specifications, Section 202, Subsection 202.13. [NOTE: Delaware Department of Transportation Standard Specifications dated January 1, 1974, and supplemental specifications (Document No. 55.04.79.09.11) dated January 1, 1980.

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H. Certification, inspection and test boring.

- (1) The County Engineer shall designate those licensed Delaware professional engineers whom he deems qualified to certify, test, inspect and accurately verify compliance with these regulations as to materials and construction standards. A list of these designees will be maintained in the office of the Planning and Zoning Department, and they shall be known as “suburban street engineers for Sussex County (SSE).”
- (2) The Commission shall not approve any construction plans until the plans have been reviewed and certified for compliance with these regulations by a suburban street engineer.]

E. Road Geometry.

All roads regulated by Sussex County shall meet fire access requirements as required pursuant to the Delaware State Fire Prevention Regulations (DSFPR).

1. Road Width.

- a. The minimum paved road width when using curb and gutter shall be 20 feet. The curb and gutter when carrying runoff shall be integral and meet the DelDOT Standard Construction Details, latest edition, or stone set in place.
- b. The minimum road width when using open drainage shall be 20 feet.
- c. The minimum road width for one-way traffic shall be 14 feet.
- d. See Sub-Section 7 in this Section E for additional information regarding on-street parking.

2. Centerline Radii.

- a. The minimum centerline radii for all roads posted at 17 MPH or less shall be 50 feet.
- b. The centerline for roads posted higher than 17 MPH shall be increased using the AASHTO (American Association of State Highway and Transportation Officials) Green Book for normal crown roads.

3. Minimum and Maximum Longitudinal Slope.

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a. The minimum slope for a curbed street is 0.50%.

b. The minimum slope for an open ditch street is 0.30%.

c. The minimum slope across a flowline is 0.50% unless a concrete valley gutter is used.

d. The maximum longitudinal slope for all roads shall be 10%.

4. Cul-de-Sacs.

a. No Island: The minimum radius for cul-de-sacs without an internal Island is 38 feet.

b. Island: The paved area of a cul-de-sac with an internal grass island shall be 14 feet wide for one-way traffic and 20 feet for two-way traffic. The outer and inner radii shall be able to accommodate a ladder truck and subject to approval by the State Fire Marshal's Office.

c. No cul de sac or additional turn-around area shall be required for a dead end street that is less than 300 feet in length measured from the nearest approved turn-around area.

5. Alternative Turn Arouds.

The following alternative turn arounds are permitted:

a. Those listed in the DSFPR.

b. A looped road that meets DSFPR.

c. Alternative accesses not listed above that meets DSFPR.

d. The maximum length of a dead end (as measured from the nearest approved turn-around area) shall be 300 feet without an additional alternative turnaround.

6. Cross Slope.

a. The road cross slope can be a normal crown, superelevated or reverse crown.

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- b. The maximum cross slope shall be 4%.
- c. The minimum cross slope shall be 2%.

7. On-Street Parking

- a. On street parking is prohibited on streets or alleys with a pavement width of 20 feet or less. "No Parking" signs shall be installed at a minimum of every 300 feet.
- b. On-Street parking is permitted from zero degrees (parallel) to 45 degree angles where the travel lane width is not less than 22 feet.
- c. The minimum width for parallel parking is 8 feet and minimum length is 22 feet. The minimum width for angle parking is 9 feet and minimum length when measured along the short side of the parking space is 18 feet.
- d. On street parking shall be prohibited within the following locations:
  - (1) 15 feet of both sides of a fire hydrant and marked in accordance with DSFPR.
  - (2) 20 feet of a traffic control device (i.e. stop sign / signal).
  - (3) 10 feet of the Point of Tangent / Point of Curvature of an intersection.
  - (4) 10 feet of a crosswalk.
  - (5) 10 feet of a driveway.
- e. These on-street parking requirements shall not affect nor be calculated as part of the parking requirements of Chapter 115, Section 162.A and B.

8. Right-of-Way / Access Easements

The right-of-way or access easements for non State-Maintained Roads shall be:



- 432 a. Placed 1 foot behind the back of curb if a sidewalk is not required.  
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434 b. Placed 1 foot behind the back of sidewalk if a sidewalk is required.  
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436 c. Placed 1 foot behind the 10-year storm water surface of roadside  
437 swales.  
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439 9. Sidewalks.

440 Sidewalks required to be installed by Code or by project approval shall  
441 satisfy the following requirements:  
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- 443 a. They shall be placed within the right of way or deeded easement.  
444  
445 b. A Sidewalk can be adjacent to the travel lane using additional  
446 pavement that can be added but must be differentiated from the  
447 travel lane using demarcation every 300 feet.  
448  
449 c. If the sidewalk is to be located between the parking space(s) and the  
450 roadway, the parking space shall extend a minimum of 18 feet  
451 beyond the edge of the sidewalk.  
452  
453 d. For projects with open drainage (with or without grass strips) the  
454 sidewalk must be placed along the edge of the travel lane.  
455  
456 e. Sidewalks must have 5 feet of clear width.  
457  
458 f. Sidewalks that are not constructed adjacent to the travel lane using  
459 additional pavement must be constructed using a 4,000 PSI mix with  
460 fibre mesh.  
461  
462 g. All sidewalks must have a minimum slope of 1% in any direction and  
463 a 2% maximum cross slope.  
464  
465 h. All sidewalk expansion joints shall consist of rubber or other non-  
466 biodegradable material approved by the Sussex County Engineer or  
467 his or her designee.  
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469 i. All sidewalks adjacent to curbing shall have expansion joints that  
470 are sealed and caulked with materials approved by the Sussex  
471 County Engineer or his or her designee.

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10. Utilities.

All utilities shall be placed within an easement and typically located within the following utility corridor wherever possible:

a. Sewer: Centerline of road or travel lane.

b. Water: Under sidewalk (where installed) or 5 feet behind edge of pavement or back of curb.

c. CATV / Telephone: Back of sidewalk or behind top of ditch bank.

d. Gas / Propane: 2 feet behind ROW.

e. Electric: 5 feet behind ROW.

11. Roundabouts.

Roundabouts shall be designed to accommodate a ladder truck entering, exiting and travelling around the roundabout and subject to approval by the Fire Marshal's Office.

12. Eye Brows.

Eye brows are a non-circular cul-de-sac that has various shapes and sizes that may provide design flexibility. Eye brows shall be designed to accommodate a ladder truck entering and exiting the eye brow and subject to approval by the Fire Marshal's Office.

13. Internal Intersections.

The minimum radius at edge of pavement for an internal intersection shall be 25 feet.

14. Sight Distance.

No vegetation or ground/monument signs may be placed within 50 feet of the Point of Tangent / Point of Curvature of an intersection with a height greater than 3 feet, unless shown otherwise with a site triangle.

15. Curb Islands

All landscaped curbed islands shall have an underdrain or liner along back of curb to prevent oversaturation from undermining the curb.

513 16. Alleys.

514 a. The maximum pavement width shall be 16 feet.

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516 b. The minimum pavement width shall be 10 feet.

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518 c. The longitudinal cross slopes shall comply with Sections 3 and 6 of  
519 this subsection.

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521 F. Storm Drainage.

522  
523 1. Design Storm. Storm drainage systems within roadways regulated by Sussex  
524 County shall be designed using the Rational Method to convey the 10 year storm  
525 event. The Sussex County Rainfall Intensity Duration Frequency Curves and  
526 Rainfall Intensity Table as defined in the DelDOT Roadway Design Manual  
527 shall be used for design purposes.

528 2. Additional requirements. For drainage along roadways with greater than  
529 3,000 ADT that serve communities with a single access point, the Sussex County  
530 Engineer or his or her designee may require additional analysis to demonstrate  
531 that the road remains passable during the 25 year storm event. For purposes  
532 of this requirement, "passable" shall mean that the roadway may have  
533 stationary water of up to 6 inches higher than the crown of the road.

534 3. Open Drainage. Open drainage systems are allowed for subdivisions with a  
535 minimum lot width of 100 feet, or a width less than 100 feet if utilizing shared  
536 driveways with an adjacent lot, and shall consist of concrete or grass open  
537 swales designed in accordance with the following design criteria:

538 a. Minimum Slope:

539 i. The minimum slope of a concrete swale shall be 0.30%.

540 ii. The minimum slope of a grass swale shall be 0.50%.

541  
542 b. Bottom Width:

543 i. Concrete swale: 2 feet wide with 1 inch depth valley gutter in the  
544 middle. Porous concrete will be subject to the requirements of Sub-  
545 section G.

546 ii. Grass lined swale: 2 foot width minimum for trapezoidal channel or  
547 V-Ditch section.

548  
549 c. Side Slopes:

550 i. Front Slope: 4 foot horizontal minimum : 1 foot vertical.

551 ii. Back Slope: 3 foot horizontal minimum : 1 foot vertical with  
552 appropriate matting per approved Erosion and Sedimentation  
553 Control (ESC) plans.

554 iii. Driveway Culvert embankments: 3 foot horizontal minimum; 1 foot  
555 vertical with appropriate matting per approved ESC plans.  
556  
557 d. Swale Depth:  
558 i. 1 foot minimum except at furthest upstream end, where 6 inch depth  
559 is required.  
560 ii. 2.5 foot maximum contiguous to single family lots, except where  
561 approved otherwise by the Sussex County Engineer or his or her  
562 designee.

563 e. Freeboard: The design stormwater surface elevation for open swales shall  
564 not exceed the edge of pavement or travel lane.

565 4. Closed Drainage. Closed drainage systems shall consist of pipe, inlet and  
566 manhole network systems.

567 a. Minimum Size: Minimum pipe size is 15 inch diameter or equivalent.  
568

569 b. Pipe Velocity: The minimum full flow pipe velocity shall be 2 feet per  
570 second.  
571

572 c. Freeboard: The hydraulic grade line cannot exceed the rim elevation  
573 during the Design Storm event. The design storm surface elevation for the  
574 downstream stormwater management facility or receiving water shall be  
575 used as the tailwater for the design of the closed drainage system, or the  
576 water surface elevation at time of peak inflow. Where there is no  
577 downstream tailwater impact, the starting downstream Hydraulic Grade  
578 Line elevation shall be the crown of the discharge pipe. For tidal  
579 discharges, the minimum tailwater shall be mean high water elevation. The  
580 tailwater elevation should be noted on the submitted computations.  
581

582 d. Pipe Material: All pipe shall be Reinforced Concrete Pipe (RCP) or High  
583 Density Polyethylene Pipe (HDPE), (AASHTO M294 Type S or AASHTO  
584 M252 Type S). Flexible pipe (HDPE) shall have a minimum cover of 1 foot,  
585 as measured from top of pipe to bottom of bituminous concrete pavement,  
586 or to the wearing surface of concrete pavement. Rigid pipe (Class III / IV  
587 RCP) shall have 12 inches of cover to the wearing surface of asphalt  
588 pavement or 9 inches of cover to the top of stone in a concrete pavement  
589 section. Cover requests less than those specified above for RCP must be  
590 accompanied with load calculations based on methodology in the American  
591 Concrete Pipe Association's Concrete Pipe Design Manual. Alternate  
592 pipe materials for pipe diameters greater than 36 inches shall be allowed

593 by the Sussex County Engineer or his or her designee on a case by case  
594 basis.

595 5. Cross Road Culverts

596 a. Minimum Size: The minimum size is 15 inches diameter or equivalent.

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598 b. Pipe Slope: The minimum full pipe flow velocity shall be 2 feet per second.

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600 c. Personnel Safety Grates: All culverts shall have a personnel safety grate as  
601 required by the Department of Natural Resources and Environmental  
602 Control.

603 6. Driveway Culverts:

604 a. Minimum Size: The minimum culvert size is 12 inches in diameter.

605

606 b. Pipe Slope: The minimum full pipe flow velocity shall be 2 feet per second.

607

608 c. Pipe Material: Pipe shall be RCP or HDPE, (AASHTO M294 Type S).  
609 HDPE shall be allowed with minimum 6 inches cover of stone over the pipe  
610 during homebuilding operations and Type B Graded Aggregate Base  
611 Course (GABC) backfill.

612

613 d. Analysis: An analysis of driveway culverts is required on the downstream  
614 portion of a lot to ensure that they are sufficiently sized to convey water  
615 without impeding drainage in the roadside ditch. Culvert size for each  
616 individual lot shall be shown in the construction plans required by Section  
617 99-30.

618 G. Stormwater Management in Street or Road Rights of Way.

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620 Stormwater management design within all street or road rights of way shall be in  
621 accordance with the Delaware's Sediment and Stormwater Regulations and accompanying  
622 Technical Documents, or as otherwise approved by the Sussex Conservation District, or  
623 other applicable regulation. The stormwater management plan shall be approved by the  
624 Sussex Conservation District.

625

626 1. Several Best Management Practices are suitable for use within the Right-  
627 of-Way, as listed below, and shall be designed in accordance with the  
628 Department of Natural Resources and Environmental Control's Technical  
629 Document, Chapter 3.06.02 Post Construction Stormwater BMP Standards  
630 and Specifications, as that document may be amended or supplemented.

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632 a. Sheet Flow to Filter Strip

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b. Bio Retention

c. Vegetated Channel/Bio-Swale

d. Infiltration Practices

i. Infiltration Trench

ii. Perforated pipe with infiltration

e. Permeable Pavement Systems, as follows, may be used in the right of way at the discretion of the Sussex County Engineer or his or her designee.

i. Porous Asphalt

ii. Pervious Concrete

iii. Permeable Pavers

f. Soil Amendments

g. Detention Practices (Underground)

i. Detention systems under the pavement section may be approved on a case by case basis by the Sussex County Engineer or his or her designee.

h. Proprietary Practices as may be approved by the Sussex County Engineer or his or her designee.

i. Other practices that become approved by the Department of Natural Resources and Environmental Control or the Sussex Conservation District, as allowed by the Sussex County Engineer or his or her designee.

2. Stormwater management practices outside of the right of way that are designed to treat roadway drainage must be located in a deeded open space area and contained within an easement.

H. Road Pavement Design.

1. Average Daily Trips. For the purposes of this Chapter, the following Average Daily Trips (ADTs) per unit shall be used:

a. Single Family Dwelling– 10 ADTs per unit.

b. Townhouse – 7 ADTs per unit.

c. Multifamily Dwelling (not townhouse)– 6 ADTs per unit.

- 675 d. Manufactured Home – 5 ADTs per unit.
- 676 e. Retirement Community – 4 ADTs per unit.
- 677
- 678 2. Subbase Course for Standard Pavement must include one of the following:
- 679 a. Graded Aggregate Base Course: 8 inch maximum lift.
- 680 b. Crushed Concrete: 8 inch maximum lift.
- 681 c. Millings: 8 inch maximum lift.
- 682
- 683 3. Bituminous Concrete for Standard Pavement must include one of the
- 684 following:
- 685 a. Type Bituminous Concrete Base Course : 4 inch maximum lift
- 686 b. Type B: 4 inch maximum lift
- 687 c. Type C: 2 inch maximum lift
- 688
- 689 4. Porous Bituminous Concrete.
- 690 a. May be permitted in consultation with the Sussex County Engineer
- 691 or his or her designee.
- 692 b. Must include a maintenance management plan.
- 693
- 694 5. Porous Portland Cement Concrete.
- 695 a. May be permitted in consultation with the Sussex County Engineer
- 696 or his or her designee.
- 697 b. Must include a maintenance management plan.
- 698
- 699 6. Pavers.
- 700 a. May be permitted in consultation with the Sussex County Engineer
- 701 or his or her designee.
- 702 b. Must include a maintenance management plan.
- 703
- 704 7. Structural Numbers (SN).
- 705 a. 1 – 50 ADT shall require  $SN \geq 2.42$  based on California Bearing
- 706 Ratio 10. Base course sections shall be equivalent to 80% of the
- 707 SN; provided however, that the topcoat shall not be less 1.25 inch
- 708 Type C.
- 709
- 710 b. 51 – 3,000 ADT shall require  $SN \geq 3.06$  based on California
- 711 Bearing Ratio 10. Base course sections shall be equivalent to 80%
- 712 of the SN; provided however, that the topcoat shall not be less 1.25
- 713 inch Type C.
- 714
- 715 c. Greater than 3,001 ADT: Pavement section shall be determined by
- 716 a geo-technical engineer.

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I. Unless otherwise provided herein, all materials used in work governed by this Section shall meet or exceed the DelDOT Standards and Specifications for Road and Bridge Construction, as amended.

J. The Sussex County Engineer shall have, in appropriate circumstances and upon a finding of good cause, the ability to grant administrative waivers from the requirements of this Section.

**Section 6.** The Code of Sussex County, Chapter 99, Article VI, §99-29 “Minimum Installation Requirements” is hereby amended by deleting the language in brackets in subsection D.(2)(c) and E.(1)(d) as follows:

**§99-29. Minimum Installation Requirements.**

...  
  
...  
  
...

- D. Water supply facilities.
  - (2) All subdivisions requiring a public water supply shall be provided with a water supply and distribution system and fire hydrants meeting nationally recognized standards which have been adopted by the County Engineer.
    - [(c) The county reserves the right to collect appropriate fees for engineering design review and for any field inspection deemed necessary by the County Engineer.]
  
- E. Sanitary Sewer Facilities.
  - (1) Every subdivision with lots of such size as to require a public sewer system under the zoning regulations or the regulations of the State Department of Natural Resources and Environmental Control and/or the County Engineer shall be provided with a community sanitary sewer system connected to a county or municipal system or to an adequate community sewerage disposal plant meeting the requirements of the State Department of Natural Resources and Environmental Control and the County Engineer. If connected to the county or municipal system, sewers shall be constructed to meet the standards and requirements of such system and shall become a part thereof without cost to the county or municipality. If built as an independent system, sanitary sewer facilities shall meet nationally recognized standards which have been adopted by the County Engineer.
    - [(d) The County reserves the right to collect appropriate fees for the engineering design review and for any field inspections deemed necessary by the County Engineer.]



756 **Section 7.** The Code of Sussex County, Chapter 99, Article VI, §99-30 “Plans” is hereby amended  
757 by deleting the language in brackets and inserting the italicized and underlined language and  
758 adding a new subsection G, H, I and J as follows:

759 **§99-30. Plans.**

760 Plans, profiles and specifications for the required improvements shall be prepared  
761 by the subdivider and submitted for approval by the appropriate public authorities  
762 prior to construction. No construction shall commence prior to the issuance of a  
763 Notice to Proceed by the County Engineer or his or her designee for the required  
764 improvements. All plans, profiles and specifications approved by the County  
765 Engineer or his or her designee with the issuance of a Notice to Proceed shall  
766 remain valid or, if substantial construction is not actively and continuously  
767 underway, they shall expire upon the expiration of the Final Site Plan. Prior to the  
768 issuance of a Notice to Proceed the County Engineer may require the owner and/or  
769 his designee to execute an agreement addressing the required improvements.

770 The plans and profiles submitted for all new construction shall include the following:

771 . . .

772 G. A Bulk Grading Plan as may be required by Chapter 99.

773 H. All construction and specification plans shall include an owner’s statement  
774 acknowledging ownership of the property and agreeing to the requirements and  
775 information shown on the plat signed by the owner or owners; an engineer’s  
776 statement certifying the information shown on the plat; and a statement as required  
777 by §99-26A.(17). In addition, a 3 by 5 inch block shall be included at the bottom  
778 right corner of the plan Title Sheet containing the Agreement Number of the project,  
779 the Ordinance or Subdivision Number of the project and a signature line for the  
780 County Engineer.

781 I. DelDOT standard construction details may be provided by schedule or by inclusion  
782 of the details within the construction and specification plans.

783 J. The Sussex County Engineer shall have the authority to establish additional  
784 submission requirements and standards.

785

786 **Section 8.** The Code of Sussex County, Chapter 99, Article VI, §99-31 “Inspections; Fees” is  
787 hereby amended by revising the title of the Section to “Inspections, Closeout Procedures and Fees”  
788 and by deleting the language in brackets and inserting the italicized language as follows:

789 **§99-31 Inspections, Closeout Procedures and Fees.**

790 A. Following the issuance of a Notice to Proceed as required by this Article, [A]all  
791 construction work on improvements required herein shall be subject to inspection  
792 and approval by the County Engineer and/or other authorized individuals during  
793 and upon completion of such construction work to confirm that all work has been  
794 performed in accordance the requirements of this Chapter. [Upon the completion  
795 of each improvement, the subdivider shall furnish the appropriate official with an

796 accurate and detailed description of location and the completion date of the  
797 improvement as it was actually constructed].

798 B. Upon the issuance of a Notice to Proceed as required by this Article, the required  
799 improvements shall proceed in a timely fashion.

800 C. Pavement topcoats on all streets and roadways shall be completed in accordance  
801 with the following percentages for the project or approved phase:

802	<u>Certificate of Occupancy Percentage</u>	<u>Top Coat Must be Installed Within</u>
803	<u>40%</u>	<u>5 years</u>
804	<u>50%</u>	<u>3 years</u>
805	<u>70%</u>	<u>2 years</u>
806	<u>90%</u>	<u>1 year</u>

807 D. A two-year extension from the requirements of subsection C. above may be granted  
808 at the discretion of the County Engineer if the following factors can be  
809 demonstrated:

810 (1) There is active construction occurring in the approved phase. For purposes  
811 of this Article, "Active Construction" is defined as a minimum of five  
812 percent (rounded up to the next whole number) of the total lots in the  
813 approved phase have had a Certificate of Occupancy issued during the two  
814 years prior to the date of the extension request.

815 (2) A maximum of 2, two-year time extensions may be granted per approved  
816 phase.

817 (3) Any two-year extension granted by the County Engineer shall supersede the  
818 deadlines set forth in subsection C. above, and the Top Coat must be  
819 installed by the expiration of the time extension.

820 (4) Entrance areas that provide the only point of vehicular access for a  
821 development are eligible for an extension without satisfying the percentages  
822 outlined in subsection C of this section at the discretion of the County  
823 Engineer.

824 E. Project Close-Out Procedures.

825 (1) Prior to top coat surface application, the road must pass a pre-pave  
826 inspection and all punch list items required by the County Engineer or his  
827 or her designee must be completed. All final top coat surfaces must pass  
828 top coat inspections and approval by the County Engineer or his or her  
829 designee and have completed all items listed on the punch list issued by the  
830 County Engineer or his or her designee.

831  
832 (2) If concrete curb damage is evident as determined by the County Engineer  
833 or his or her designee the following repairs are required:  
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- a. If a vertical crack is less than 1/32 of an inch wide then the curb is acceptable.
- b. If a vertical crack is more than 1/32 of an inch wide then the crack must be sawcut and filled with a backer rod and sealant.
- c. If the curb is chipped with a width and/or height 2 inches or less and less than 1/4 inches deep then the chip must be patched with a sealant.
- d. If there are more than 6 chips and/or 3 vertical cracks or a total of 6 chips and vertical cracks within a 4 foot section of curb then the curb must be replaced. The 4 foot section shall be measured from each chip.
- e. If replacement is required, the curb shall be saw cut and replaced in a minimum of 4 foot section and not within 4 feet of a joint.
- f. As new technology emerges it may be considered as a method to repair or replace curb. One such example includes milling a section of curb adjacent to the roadway.
- g. The County Engineer or his or her designee may require concrete core samples.

(3) If sidewalk or driveway apron damage is evident as determined by the County Engineer or his or her designee the following repairs are required:

- a. If a vertical crack is less than 1/32 of an inch wide then the curb is acceptable.
- b. If a vertical crack is more than 1/32 of an inch wide then the crack must be sawcut and filled with a backer rod and sealant.
- c. If the curb is chipped with a width and or height 2 inches or less and less than 1/4 inches deep then the chip must be patched with a sealant.
- d. If there are more than 6 chips and / or 3 vertical cracks or a total of 6 chips and vertical cracks within a 4 foot section of concrete then the concrete must be replaced from joint to joint.
- e. If there is a vertical difference greater than 1/4 inch at a joint, then the concrete must be preplaced from joint to joint
- f. If replacement is required, the concrete shall be saw cut and replaced in a minimum of 4 foot sections at the joints.
- g. As new technology emerges it may be considered as a method to repair or replace curb. One such example includes milling a section of curb adjacent to the roadway.
- h. The County Engineer or his or her designee may require concrete core samples.

(4) If pavement damage is evident as determined by the Sussex County Engineer

- 876 and/or other authorized individuals, the damaged area shall be repaired by  
877 traditional mill and overlay practices. New technologies may also be  
878 considered following consultation with a Registered Professional Engineer  
879 and approval of the Sussex County Engineer.  
880
- 881 (5) The following tolerances shall apply to the following items at the time of  
882 project closeout:  
883
- 884 a. Open Cross Road Pipes: an invert elevation of plus or minus  
885 0.05 feet.  
886
- 887 b. Swales within the ROW: and invert elevation of plus or  
888 minus 0.10 feet.  
889
- 890 (6) All driveway pipes for unfinished lots shown on the approved Detailed  
891 Grading Plan shall be installed prior to the top coat inspection.  
892
- 893 (7) For any closed drainage system project closeout inspection, the County  
894 Engineer or his or her designee may require the storm drain pipes to be  
895 flushed.  
896
- 897 (8) Pavement Cores:  
898
- 899 a. Curb and Gutter: The County Engineer or his or her  
900 designee may require pavement cores to be taken at the base  
901 course with a minimum of one core per road and / or one  
902 core per 500 linear feet.  
903
- 904 b. Open Drainage: The County Engineer or his or her designee  
905 individual may require pavement cores to be taken at the  
906 base course and/or wearing course with a minimum of one  
907 core per road and/or one core per 500 linear feet.  
908
- 909 c. Should the cores show the road section to be less than what  
910 is required, a geotechnical engineer shall determine if the  
911 Structural Numbers are sufficient or additional pavement is  
912 necessary.  
913
- 914 d. The County Engineer or his or her designee may require  
915 sidewalk cores to be taken at one core per 500 linear feet.  
916
- 917 (9) Upon the satisfaction of all requirements, the owner or her his or her  
918 designee may apply for a determination of "Substantial Completion" by the  
919 County Engineer. "Substantial Completion" shall confirm that all work  
920 has been performed to the extent that it is in a condition to be utilized in the  
921 manner required, designed and intended, and any included conditions have

922 *been addressed.*

923  
924 [B.]F. Based on the recommendations of the County Engineer, the County Council shall  
925 establish a schedule of fees to be paid by the subdivider in order to reimburse the county for the  
926 cost of inspecting all construction work on improvements required herein. *This schedule of fees*  
927 *shall be adopted as part of the Annual Sussex County Budget.* [Costs reimbursed shall be only  
928 those actually incurred by the county in inspecting work for which the county has the authority to  
929 establish design standards or has need to ensure that efficient maintenance can be accomplished  
930 adequately.]

931  
932 **Section 9.** The Code of Sussex County, Chapter 99, Article VI, §99-32 “Bonds and Guaranties”  
933 is hereby amended by deleting the language in brackets and inserting the italicized and underlined  
934 language as follows:

935 **§99-32 Bonds and Guaranties**

936 A. As a condition of approval of improvement plans, the County Council shall require  
937 the subdivider to post a performance bond or other guaranty for any improvements required  
938 by the application of this chapter in an amount sufficient to construct the improvements  
939 and in a form acceptable to the County Attorney. The amount of such bond shall be [no  
940 less than] 125% of the cost of improvements *or \$50,000.00, whichever is greater.* Bonding  
941 and guaranties may be required for street and road improvements, water supply facilities,  
942 sanitary sewer facilities [forested] buffers [strips], *amenities, recreational facilities* [all  
943 areas approved as open space as defined in §99-5] and other improvements deemed  
944 necessary by the Commission or required by the Subdivision Ordinance. *All amenities*  
945 *and/or recreational facilities required by the Commission or shown on the final plat shall*  
946 *be bonded as a separate phase or phase of the subdivision.*

947 . . . .

948 D. Notwithstanding the preceding subsections of this section, no performance bond or  
949 other guaranty shall be required for improvements required by the application of this  
950 chapter upon lands owned by the party seeking to construct the improvements, provided,  
951 however, that no lots shall be sold or transferred and no residential building permits or  
952 zoning permits shall be issued until: 1) all required improvements are constructed and  
953 receive substantial completion; or 2) a bond or guaranty is posted in accordance with  
954 section A, B and C of this section. [In the event no bond or performance guaranty is  
955 provided, a notice in the form acceptable to the County Attorney shall be recorded in the  
956 office of the Recorder of Deeds putting the public on notice that no transfer or sale of lots  
957 is permitted in the development until such bond or guaranty is provided as required by this  
958 section. This subsection D of 99-32 of Chapter 99 of the Code of Sussex County shall  
959 automatically sunset and expire on January 1, 2016.] *Provided, however, that a party*  
960 *seeking to transfer a lot or obtain a residential building permit or zoning permit prior to*  
961 *substantial completion may notify the county in writing of the intention to do so and provide*  
962 *an estimate for the work that remains to construct the improvements using unit prices*  
963 *published by Sussex County. The performance bond or guaranty shall either by 125% of*  
964 *the value of the estimate or \$50,000.00, whichever is greater. The party seeking to transfer*

965 lots or obtain a residential building permit or zoning permit shall allow 20 days from the  
966 date of written notice to review the estimate, complete the necessary inspections and  
967 determine the amount of the performance bond or guaranty required for the remaining  
968 improvements.

969 E. After a performance bond or other guaranty is provided as required herein, a party  
970 may not alter the area of an approved phase of the development unless a new performance  
971 bond or other guaranty is provided for the new or altered phase. Any such alteration shall  
972 be subject to the approval of the Sussex County Engineer or his or her designee.

973

974

975 **Section 10.** The Code of Sussex County, Chapter 99, Article VIII, §99-36 “Restrictions on  
976 Issuance of Building Permit” is hereby amended to change the title of the section and by inserting  
977 the italicized and underlined language at the end thereof, as follows:

978 **§99-36 Restrictions on Issuance of a Building Permit and Certificate of Occupancy.**

979 No building permit shall be issued nor shall construction be authorized by the county on lands  
980 where a subdivision plat is required to be approved and recorded as provided herein unless such  
981 construction or use is in compliance with this chapter. No permit shall be issued until all required  
982 improvements have been installed, constructed or placed for the lot for which the permit is to be  
983 issued or [until bonds or performance guaranties] unless the requirements that have been  
984 established in accordance with the provisions of §99-32 of this chapter have been satisfied. No  
985 permit shall be issued nor shall construction be authorized by the county until an Individual Lot  
986 Grading Plan has been supplied to, and approved by the county; provided, however, that this shall  
987 not apply to a lot within a subdivision that was not required to include a Bulk Grading Plan as  
988 part of the approved Final Site Plan. No Certificate of Occupancy shall be issued until a Lot  
989 Grading Certificate is submitted to the Building Code Department demonstrating general  
990 conformity with the Individual Lot Grading Plan, provided, however, that this shall not apply to a  
991 lot within a subdivision that was not required to include a Bulk Grading Plan.

992

993 **Section 11.** The Code of Sussex County, Chapter 99, Article VI, §99-40 “Sunsetting of Major  
994 Subdivision Approval” is hereby amended by deleting the language in brackets and inserting the  
995 italicized and underlined language as follows:

996 **§99-40 Sunsetting of Major Subdivision Approval.**

997 A. Unless an extension is granted in accordance with §99-40[F]E below, any major  
998 subdivision approval granted by the Commission subsequent to the effective date of this section  
999 shall be rendered null and void if substantial construction is not [commenced] actively and  
1000 continuously maintained and/or underway thereon within five years of the date of recordation of  
1001 the final plat pursuant to §99-11.

1002 [B. Any major subdivision approval granted by the Commission after March 23, 1982  
1003 and prior to the effective date of this section shall be rendered null and void if substantial  
1004 construction is not commenced thereon within five years of the effective date of this section.

1005 C. Any major subdivision approval granted by the Commission after March 23, 1982  
1006 and prior to the effective date of this section, but for which a final plat has not yet been recorded,  
1007 shall be rendered null and void if substantial construction is not commenced thereon within five  
1008 years of the date of recordation of the final plat pursuant to §99-11.

1009 D. Any major subdivision lawfully existing on or before March 23, 1982, shall be  
1010 rendered null and void if substantial construction is not commenced thereon within five years of  
1011 the effective date of this section.]

1012 [E.]B. For purposes of this section, the term “substantial construction” shall mean that the  
1013 right of way has been cleared, the roadway has been rough-graded, the drainage system and/or  
1014 stormwater management facilities have been rough graded and erosion and sedimentation control  
1015 measures are in place and being actively maintained and proceeding to completion as required by  
1016 this Article.

1017 [F.]C. The applicant of any preliminary subdivision plat under §99-9B, and any recorded  
1018 subdivision plat valid under §99-11 and §99-40; any Residential Planned Community District valid  
1019 under Article XVI of Chapter 115 of the Sussex County Code; or any conditional use action  
1020 approved and valid pursuant to the provision of Article XVI, Article XXIV and Article XXVIII of  
1021 Chapter 115 of the Sussex County Code and relating to new residential, commercial or industrial  
1022 developments may seek up to a six-month extension of said approval pursuant to this §99-40[F]C.

1023 (1) Prior to the expiration of its current approval, any applicant holding a currently valid  
1024 approval as set forth in this §99-40[F]C. may request an extension of up to six months for  
1025 the validity of said approval. The six-month period shall commence upon the date of  
1026 expiration of the current approval. Such a request must be in writing and delivered to the  
1027 Director on or before the expiration date of its current approval. At a minimum, the written  
1028 request must include the following information:

1029 . . .

1030 (2) The Director, after consultation with and input from other County departments or  
1031 public agencies as the Director sees fit, shall consider any written request and the  
1032 accompanying documentation submitted pursuant to this §99-40[F]C. Time extensions  
1033 shall be recommended to Sussex County Council by the Director only upon a finding that  
1034 all of the following criteria have been met: (i) that the approval constitutes one of the  
1035 approvals defined in the first paragraph of §99-40[F]C.; (ii) that the request for said  
1036 extension was timely filed; (iii) that all of the information required herein has been  
1037 supplied; (iv) that there is good cause for the granting of the requested extension; (v) that  
1038 necessity for the extension is due primarily to reasons beyond the reasonable control of the  
1039 applicant, such as undue delays in receiving regulatory approvals, litigation affecting the  
1040 progression of the project, third party economic restrictions of an extraordinary and  
1041 unreasonable nature, or delays caused by significant medical or health issues impacting  
1042 applicant’s key stakeholders; (vi) with respect to subdivisions with recorded final plats that  
1043 are valid in accordance with §99-11 and §99-40, that there is a reasonable plan and schedule  
1044 demonstrating that the improvements set forth on the subdivision plat in conformance with  
1045 Chapter 99, Article VI of the Sussex County Code will reach “substantial construction”  
1046 within six months; and (vi) with respect to a conditional use under Chapter 115, Article  
1047 XXIV of the Sussex County Code, that there is a reasonable plan and schedule

1048 demonstrating that the construction or use shall be “substantially underway” within six  
1049 months.

1050 (3) After consideration of the relevant factors in accordance with this §99-40[F]C, the  
1051 Director shall make a written recommendation whether to grant an extension to the  
1052 applicant. This recommendation will be provided to Sussex County Council, who shall  
1053 render the final decision whether to grant an extension to the applicant for up to six months  
1054 from the expiration date of the current approval.

1055

1056 **Section 12.** The Code of Sussex County, Chapter 115, Article I, §115-4 “Definitions and Word  
1057 Usage” is hereby amended by inserting the italicized and underlined language in alphabetical order  
1058 within the Section as follows:

1059 **§115-4 Definitions and Word Usage.**

1060 *BULK GRADING PLAN – An overall grading plan prepared by a licensed professional who is*  
1061 *permitted to prepare Detailed Sediment and Stormwater Plans specifying the elevation, surface*  
1062 *gradients, lot types, swale locations, driveway pipe sizes and other drainage information required*  
1063 *for grading, as further set forth in the Sussex Conservation District Technical Drainage and*  
1064 *Grading Requirements. A Bulk Grading Plan shall confirm that all conveyance features must be*  
1065 *located in deeded open space or the subject of a permanent easement, and satisfy the following*  
1066 *requirements:*

1067 *Conveyance Swale Design Criteria:*

1068 *a. A minimum longitudinal swale slope of 1.0% if contiguous to a dwelling*  
1069 *excluding roadside swales. If the slope is greater than .5% but less than 1%, then*  
1070 *no more than 300 feet of conveyance swale can be routed through an adjacent lot,*  
1071 *not to exceed three (3) side-by-side lots, prior to entering a closed drainage system.*  
1072 *All other conveyance swale design criteria shall apply.*

1073 *b. Maximum side slopes of 3:1 or flatter.*

1074 *c. Must contain the 10 year design storm within the banks.*

1075 *d. Conveyance must be non-erosive.*

1076 *e. Must show spot elevations at grade breaks in the proposed conveyances*  
1077 *swales as applicable.*

1078 *f. Must include flow direction arrows.*

1079 *g. Pipe/Inlet size, Type, Inverts, Slope, Rim Elevations must be labeled on the*  
1080 *plan view.*

1081 *h. Must include a Summary Table listing conveyance swale drainage area,*  
1082 *discharge (Q10), velocity and depth of flow.*

1083 *Closed Drainage System Design Criteria:*



- 1084 a. Must include yard basins where required within the drainage easement or  
 1085 open space to capture and convey lot surface runoff via a closed system to a positive  
 1086 outfall location.
- 1087 b. Must show spot elevations at grade breaks in the proposed conveyance  
 1088 swales as applicable.
- 1089 c. Must include flow direction arrows.
- 1090 d. Pipe/Inlet Size, Type, Inverts, Slope, Rim Elevations must be labeled on the  
 1091 plan view.
- 1092 e. Profiles for closed drainage systems receiving residential lot drainage shall  
 1093 only be required on multi-runs.
- 1094 f. Must include a Summary Table listing conveyance swale drainage area,  
 1095 discharge (O10), velocity and depth of flow.

1096 ...

1097 DETAILED GRADING PLAN – A plan depicting final grades for land development prepared by  
 1098 a licensed professional who is permitted to prepare Detailed Sediment and Stormwater Plans,  
 1099 including dwelling perimeter spot elevations and conveyance features to ensure positive drainage  
 1100 under the minimum slope requirements. A Detailed Grading Plan shall satisfy the following  
 1101 requirements:

- 1102 a. It must demonstrate that sites adjacent to dwellings can be graded with a minimum  
 1103 5% slope the first ten (10) feet from the dwelling or as required by building/residential  
 1104 codes and 1% beyond a point ten (10) from the side and rear swales or a closed pipe or  
 1105 swale positive outfall.
- 1106 b. It must show spot elevations delineating grade breaks at all property and right of  
 1107 way lines including finished grades at all dwelling corners.
- 1108 c. It must show first floor and slab elevations.
- 1109 d. Relief from the foregoing standards may be granted by the Sussex County Engineer  
 1110 for environmental, topographical, archeological or site constraints or low impact  
 1111 development (i.e. rain gardens, bio swales, etc.).

1112 ...

1113 INDIVIDUAL SITE GRADING PLAN –A lot grading plan prepared by a licensed professional  
 1114 who is permitted to prepare Detailed Sediment and Stormwater Plans conforming to the approved  
 1115 Detailed Grading Plan submitted simultaneously with a building permit for construction. An  
 1116 Individual Site Grading Plan shall satisfy the following requirements:

- 1117 a. It must show compliance with a minimum 5% slope the first ten (10) feet from a  
 1118 dwelling or as required by building/residential codes and 1% beyond a point ten (10) from  
 1119 the side and rear swales or a closed pipe or swale positive outfall.
- 1120 b. It must show spot elevations delineating grade breaks at all property and right of  
 1121 way lines including finished grades at all dwelling corners.

- 1122 c. It must show first floor and slab elevations.
- 1123 d. Relief from the foregoing standards may be granted by the Sussex County Engineer  
1124 for environmental, topographic, archeological or site constraints or low impact  
1125 development (i.e. rain gardens, bio swales, etc.).

1126 ...

1127 GRADING CERTIFICATE – A certification prepared by a licensed professional who is permitted  
1128 to prepare Detailed Sediment and Stormwater Plans that a site, as graded, is in general conformity  
1129 with the Individual Site Grading Plan. A Lot Grading Certificate shall include the following  
1130 information:

- 1131 a. North Arrow.
- 1132 b. Tax Map and Parcel Number(s)
- 1133 c. Subdivision Name and lot number.
- 1134 d. Property lines, lot dimensions, drainage easements and adjacent rights of way.
- 1135 e. The location of the following items:
- 1136 (i) Elevations at four (4) corners of the structure and at the location of the spot  
1137 elevations indicated on the Detailed Grading Plan as applicable.
- 1138 (ii) Inverts of drainage structures receiving runoff from the site.
- 1139 (iii) Top and bottom of curb and gutter (if applicable).
- 1140 (iv) Driveway culvert pipe material, size and inverts, where applicable.
- 1141 (v) Immediately adjacent upstream and downstream driveway culverts,  
1142 including inverts and pipe sizes (if applicable).
- 1143 (vi) Swale inverts along property frontage.
- 1144 f. Finished floor and slab elevations.
- 1145 g. A description of any discrepancies or variations from the approved plans  
1146 (including site plans, Detailed Grading Plan, construction plans or calculations and  
1147 specifications) and any approved revisions as a result thereof.

1148 PARKING LOT DRIVE - A paved drive or network of drives for the exclusive access to  
1149 perpendicular and/or angled parking spaces and connected to a street via an intersection in  
1150 accordance with Chapter 99.

1151 PARKING SPACE, OFF-STREET – [An all weather surfaced] A paved area not part of a street  
1152 or alley [and having an area of not less than 10 feet by 20 feet for vertical, nine feet by 18 feet for  
1153 diagonal parking and 10 feet by 22 feet for parallel parking] exclusive of driveways and parking  
1154 lot drives permanently reserved for the temporary storage of one vehicle and connected with the  
1155 street or alley by a paved [driveway] surface which affords ingress and egress for an automobile  
1156 without requiring another automobile to be moved. [An all-weather surfaced area will be a  
1157 minimum of two courses of bituminous surface treatment. The dimensions for vertical or diagonal

1158 off-street parking spaces may be reduced to permit spaces for compact cars in accordance with  
1159 §115-166A.]

1160 . . .

1161 STREET – A public or private thoroughfare which affords the principal means of access to  
1162 abutting lots [properties] and whether designated as a “freeway”, “expressway”, “highway”,  
1163 “road”, “avenue”, “boulevard”, “lane”, “place”, “circle”, or however otherwise designated. [The  
1164 minimum width of a street right of way shall be 50 feet].

1165

1166 **Section 13.** The Code of Sussex County, Chapter 115, Article XVI, §115-128 “Requirements  
1167 Regarding Parking and Streets and Driveways” is hereby amended by deleting the language in  
1168 brackets and inserting the italicized and underlined language as follows:

1169 **§115-128 Requirements Regarding Parking and Streets and Driveways.**

1170 Off Street parking shall be provided meeting the minimum requirements of these regulations.  
1171 Design and improvements of parking lots and garages shall also conform to these regulations and  
1172 other applicable regulations and ordinances. Design, arrangement and improvement of streets with  
1173 lot frontage [and driveways] shall conform to Chapter 99 [the ordinance or ordinances and  
1174 regulations governing the subdivision of land].

1175

1176 **Section 14.** The Code of Sussex County, Chapter 115, Article XVI, §115-129 “Guaranty of  
1177 Completion” is hereby amended by deleting the language in brackets and inserting the italicized  
1178 and underlined language as follows:

1179 **§115-129 Guaranty of Completion.**

1180 [Before approval of a development plan, the Planning and Zoning Commission may recommend  
1181 and the County Council may require a contract with safeguards approved by the County Attorney  
1182 guaranteeing completion of the development plan in a period to be specified by the Commission  
1183 in approving the site plan.] All RPC Districts shall be subject to the bonding and guaranty  
1184 requirements of §99-32.

1185

1186 **Section 15.** The Code of Sussex County, Chapter 115, Article XXIV, §115-172G and H “Special  
1187 Requirements” is hereby amended by deleting the language in brackets and inserting the italicized  
1188 and underlined language as follows:

1189 **§115-172 Special Requirements.**

1190 The following special requirements shall be conditions of approval and development of the  
1191 indicated conditional uses:

1192 . . .

1193 G. Manufactured Home Park, provided that:

1194 (1) Exterior [A]access to the manufactured home park shall be from a public highway  
1195 having an easement width of at least 50 feet, that the number and location of access drives  
1196 shall be controlled for traffic safety and protection of surrounding properties, that no  
1197 manufactured home space shall be designed for direct access to a street outside the  
1198 boundaries of the manufactured home park and that the interior access drive easements  
1199 shall be properly lighted and at least 50 feet in width, [hard surfaced and maintained in  
1200 accord with applicable County specifications and ordinances for subdivision streets with at  
1201 least 20 feet in pavement width for two-way traffic and least 14 feet in pavement width for  
1202 one-way traffic.

1203 . . .

1204 H. (1) Exterior [A]access shall be from a public highway having an easement width of at least  
1205 50 feet, that the number and location of access drives shall be controlled for traffic safety  
1206 and protection of surrounding properties, that no camping or trailer space shall be designed  
1207 for direct access to a street outside the boundaries of the park and that the [principal]  
1208 interior access drive easements shall be properly lighted and at least 30 feet in width,  
1209 [maintained] with at least 20 feet in pavement width for two-way traffic and least 14 feet  
1210 in pavement width for one-way traffic.

1211

1212 **Section 16.** The Code of Sussex County, Chapter 115, Article XXIV, §115-174 “Period of  
1213 Validity of Approval” is hereby amended by adjusting a code section reference so that the last  
1214 sentence thereof now states as follows:

1215 **§115-174 Period of Validity of Approval.**

1216 ... An extension of this time period may be sought in accordance with §99-40[F]C.

1217

1218 **Section 17.** The Code of Sussex County, Chapter 115, Article XXVII, §115-218F “Procedure for  
1219 RPC District and Conditional Use Site Plan Approval” is hereby amended by adjusting a code  
1220 section reference so that the last sentence thereof now states as follows:

1221 **§115-218 Procedure for RPC District and Conditional Use Site Plan Approval.**

1222 ...An extension of these time periods may be sought in accordance with §99-40[F]C.

1223

1224 **Section 18.** The Code of Sussex County, Chapter 115, Article XXVII, §115-221 “Final Site Plan  
1225 Requirements” is hereby amended by inserting the italicized and underlined language immediately  
1226 following §115-221.B.(16) and by inserting a new subsection D. as follows:

1227 **§115-221 Final Site Plan Requirements.**

1228 (17) A Bulk Grading Plan.

1229 . . .

1230 D. A final site plan required for any of the major uses governed by §115-219 shall be valid  
1231 for a period of 5 years from the date of approval by the Commission. Any such final site plan shall  
1232 be rendered null and void if substantial construction is not actively and continuously underway on  
1233 the use within 5 years of the date of approval by the Commission. For purposes of this section,  
1234 the term “substantial construction” shall mean that the roadways or parking areas have been  
1235 cleared and rough-graded, the drainage system and/or stormwater management facilities have  
1236 been rough graded and erosion and sedimentation control measures are in place and being  
1237 actively maintained and construction of the use is actively proceeding to completion.

1238

1239 **Section 19.** The Code of Sussex County, Chapter 115, Article XXVII, §115-224 “Permits” is  
1240 hereby amended by inserting the italicized and underlined language immediately following §115-  
1241 224.I. as follows:

1242 **§115-224 Permits.**

1243 J. No permit shall be issued nor shall construction be authorized by the county until an  
1244 Individual Site Grading Plan has been supplied to, and approved by the county. No Certificate of  
1245 Occupancy shall be issued until a Grading Certificate is submitted to the Building Code  
1246 Department demonstrating general conformity with the Individual Site Grading Plan. Provided,  
1247 however, that these requirements shall not apply to a development that was not required to include  
1248 a Bulk Grading Plan as part of the approved Final Site Plan.

1249

1250 **Section 20.** The Code of Sussex County, Chapter 110, Article XI, §110-84 “Project Construction  
1251 Permit” is hereby amended by deleting the language in brackets and inserting the italicized and  
1252 underlined language as follows:

1253 **§110-84 Project Construction Permit.**

1254 Prior to the commencement of any construction of water or sanitary sewer facilities under this Part  
1255 2, the developer shall obtain a project construction permit from the county. Said permit shall not  
1256 be issued until the following requirements have been met by the developer:

1257 . . .

1258 D. Payment of a construction, administration and inspection fee is required.  
1259 [sufficient to reimburse the county for construction of said water or sanitary sewer  
1260 facilities.] This fee shall be included in the schedule of fees adopted as part of the Annual  
1261 Sussex County Budget.

1262 E. Payment of the engineering fees for engineering design review is required. [as  
1263 provided by a regulation which may be adopted by the Sussex County Council by  
1264 resolution, which shall set forward the fees required by this subsection]. This fee shall be  
1265 included in the schedule of fees adopted as part of the Annual Sussex County Budget.

1266 [F. Payment of administrative costs.]

1267

1268 **Section 21.** The Code of Sussex County, Chapter 110, Article XXI, §110-136 “Application; Fee”  
1269 is hereby amended by deleting the language in brackets and inserting the italicized and underlined  
1270 language as follows:

1271 **§110-136 Application; Fee.**

1272 Any person, firm or corporation applying to the County Engineer for the revision of a  
1273 sanitary or water district boundary without election pursuant to 9 Del. C. §6502 shall be  
1274 required to pay such amount as may be required by the Sussex County Council to defray  
1275 the administrative cost of the process of that request. *This fee shall be included in the*  
1276 *schedule of fees adopted as part of the Annual Sussex County Budget.*

1277 **Section 21.** Effective Date.

1278 Sections 1, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 20 and 21 shall be effective upon  
1279 adoption. The remaining Sections, 2, 3, 5, 10, 18 and 19 shall take effect \_\_\_ days from  
1280 the date of adoption by County Council; provided however, that upon agreement with the  
1281 developer/property owner, these sections may be implemented earlier.

1282

1283

1284

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



# Sussex County

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER  
JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable I.G. Burton, III  
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer

RE: **GENERAL LABOR CONTRACT & EQUIPMENT CONTRACT  
CHANGE ORDER NO. 2; PROJECT NO. 17-01**

DATE: January 10, 2017

During the Fiscal Year 2017 Budget Process, the Engineering Department introduced the concept of a time and material contract approach in an effort to reduce the capital project backlog. The backlog had grown over time due to the increased minor and major capital project load associated aging infrastructure. In November 2016, the Engineering Department requested Change Order No.1 for \$577,334.80, which was approved by the Council. This adjusted the Contract amount to \$2,675,230.80 for the George & Lynch General Labor and Equipment Contract. The initial scope plus Change Order No. 1 covered capital projects mostly requested by the Environmental Services Division in the 2017 budget as approved by Council.

In 2002, the 10-lot subdivision of Rio Rico adjacent to Americana Bayside was brought in the sewer district. Since then the Engineering Department had a consistent stream of inquiries regarding actual sewer service commencement. We discussed a possible extension with George & Lynch who prepared an estimate based on unit prices in their contract. The sewer extension design for this section was finalized by GMB, LLC, the design consultants contracted by Sussex County. This extension to the system is only now possible due to the progress of the development in the adjoining Americana Bayside development.

This out-of-scope task of the General Labor and Equipment Contract requires Council approval of a change order associated with the scope modifications which carries a cost increase in the overall contract amount for Project #17-01. However, unlike a lump sum contract change order, this does not necessarily mean all the funds will be expended. At the end of Fiscal Year 2017, the Engineering Department may make a recommendation to utilize the contract extension option based on the experience to date and at that time request unexpended capital funds to be carried over into the next fiscal year.



The following work items are to be included as part of Change Order No. 2:

- Install approximately 1,100 linear feet of 8 inch SDR35 gravity sewer
- Provide and Install well point dewatering system for sewer installation
- Install five (5) 4-foot diameter precast manholes
- Install ten (10) sanitary laterals assemblies
- Install clean out assemblies
- Install hot mix patching over utility trenches
- Mill and overlay 1 ¼ inches depth of entire road surface
- Provide the required traffic maintenance plans
- Provide red lined as-built drawings of the completed project

In summary, the Engineering Department requests Council's approval of the scope modification and associated Change Order No.2 for Project #17-01 in the amount of \$360,626.00.



## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
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PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7799



# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable George B. Cole, Vice President  
The Honorable Irwin G. Burton, III  
The Honorable Robert B. Arlett  
The Honorable Samuel R. Wilson, Jr.

**FROM:** Hans Medlarz, P.E., County Engineer

**RE:** *Love Creek Woods Sewer Participation Agreement Follow-up Easement Acquisition*

**DATE:** January 10, 2017

The northern sewer extension of the Angola Neck area of the Unified Sewer District was approved by County Council via resolution on October 7, 2014. The extension area contains the Love Creek Woods subdivision and the "Boat Hole" commercial parcel among others.

DNREC issued a sewer construction permit for the project. It is now advertised and bids will be opened on January 12<sup>th</sup>, 2017. The project can only be awarded if all easements are in place. The last remaining easement crosses the Boat Hole property. NSBM, LLC, the Developer of the Boat Hole property has agreed in general to compensation at appraised value. However, in addition to compensation NSBM, LLC tied the granting of said easement to the assumption of the Developer's responsibilities under a Sewer Participation Agreement.

On October 25, 2016, County Council approved the Love Creek Woods Sewer Participation Agreement and subsequently initiated the easement appraisal process utilizing McCain & Associates, the appraisal firm on retainer with the County. The agreement requires Sussex County to pay NSBM, LLC appraised value no later than thirty (30) days after receipt of replacement bond. We are in receipt of the replacement bond and are requesting Council's approval of the permanent easement purchase in the total valuation of \$117,000 as per attached appraisal.

The easement valuation is broken down by degree of impact on the parcel. We have coordinated the alignment with NSBM, LLC, in an effort to minimize said impact. Instead, we could have chosen an alignment which reduced the County's purchase price. In recognition of this effort, NSBM, LLC agreed to provide any temporary construction easements required to install the improvements at no additional cost.



LEGAL DESCRIPTION  
SUSSEX COUNTY UTILITY EASEMENT  
LANDS OF NSBM, LLC  
Tax Map 2-34-7.00-108.00

May 16, 2016

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, Delaware, said parcel of land being contained entirely within the lands, now or formerly, of NSBM, LLC as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 3193, Page 305, and further located on the southerly side of, but not adjoining, Route 24, also known as John J. Williams Highway and the westerly side of, but not adjoining, Love Creek; said lands being more particularly described as follows, to wit:

BEGINNING at a point near the southeasterly corner of the lands, now or formerly, of Richard E. Simpson, Sr. et ux., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 917, Page 282, and Deed Book 917, Page 286, said point of beginning being further described from a Point of Commencement at the intersection of the southerly right-of-way line of said Route 24, and the easterly line of said lands of Simpson, thence running by and with said lands of Simpson, South 28 degrees 37 minutes 15 seconds East (crossing over an iron pipe found at 1.03 feet) 158.77 feet to an iron pipe found, thence leaving said lands of Simpson and running through the lands of the Grantor, South 13 degrees 11 minutes 23 seconds 18.21 feet to the point and place of beginning, thence running,

1) In the datum of the aforesaid plat, leaving said point of beginning and running through the lands of the Grantor for the following five courses: South 28 degrees 41 minutes 09 seconds East 80.00 feet to a point, thence running,

2) South 61 degrees 18 minutes 51 seconds West 30.00 feet to a point, thence running,

3) South 28 degrees 41 minutes 09 seconds East 353.63 feet to a point, thence running,

4) North 86 degrees 06 minutes 52 seconds East 141.94 feet to a point, thence running,

5) South 10 degrees 17 minutes 44 seconds West 168.59 feet, more or less, to a point at the centerline of a gut leading to Love Creek, thence running,

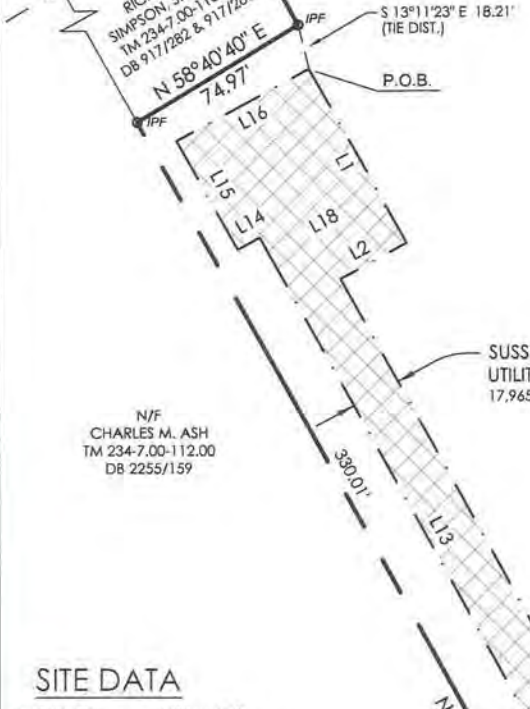
6) by and with said centerline of a gut, North 89 degrees 16 minutes 58 seconds West 20.28 feet, more or less, to a point, thence,

7) leaving said gut and running through the lands of the Grantor for the following four courses: North 10 degrees 17 minutes 44 seconds East 146.28 feet, more or less, to a point, thence running,

8) South 86 degrees 06 minutes 52 seconds West 129.04 feet to a point, thence running,

- 9) North 28 degrees 41 minutes 09 seconds West 106.85 feet to a point, thence running,
- 10) South 70 degrees 54 minutes 04 seconds West 20.28 feet to a point on the easterly line of the lands, now or formerly, of Charles M. Ash as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2255, Page 159, thence running,
- 11) by and with said lands of Ash, North 28 degrees 41 minutes 09 seconds West 20.28 feet to a point, thence,
- 12) leaving said lands of Ash and running through the lands of the Grantor for the following five courses: North 70 degrees 54 minutes 04 seconds East 20.28 feet to a point, thence running,
- 13) North 28 degrees 41 minutes 09 seconds West 269.29 feet to a point, thence running,
- 14) South 61 degrees 18 minutes 51 seconds West 10.00 feet to a point, thence running,
- 15) North 28 degrees 41 minutes 09 seconds West 50.00 feet to a point, thence running,
- 16) North 61 degrees 18 minutes 51 seconds East 60.00 feet to the point and place of beginning.  
CONTAINING an area of 17,965 square feet of land, more or less. BEING all of the area of land shown as "Sussex County Utility Easement" on a Utility Easement Plat to Sussex County, prepared by Solutions IPEM, LLC, dated May 10, 2016 and intended to be recorded herewith.

1.640± TO  
CAMP ARROWHEAD RD.  
**ROUTE 24**  
**JOHN J. WILLIAMS HWY.**



**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 28°41'09" E	80.00'
L2	S 61°18'51" W	30.00'
L3	S 28°41'09" E	353.63'
L4	N 86°06'52" E	141.94'
L5	S 10°17'44" W	168.59±
L6	N 89°16'58" W	20.28±
L7	N 10°17'44" E	146.28±
L8	S 86°06'52" W	129.04'
L9	N 28°41'09" W	106.85'
L10	S 70°54'04" W	20.28'
L11	N 28°41'09" W	20.28'
L12	N 70°54'04" E	20.28'
L13	N 28°41'09" W	269.29'
L14	S 61°18'51" W	10.00'
L15	N 28°41'09" W	50.00'
L16	N 61°18'51" E	60.00'

**LEGEND**

- IPF ○ IRON PIPE FOUND
- IRON ROD & CAP SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

N/F  
CHARLES M. ASH  
TM 234-7.00-112.00  
DB 2255/159

SUSSEX COUNTY  
UTILITY EASEMENT  
17,965 SQ. FT.

LANDS OF  
NSBM, LLC  
TM 234-7.00-108.00  
DB 3193/305

**SITE DATA**

1. OWNER: NSBM, LLC  
18623 BROOKE RD.  
SANDY SPRING, MD 20860
2. SURVEYOR: SOLUTIONS IPEM, LLC  
303 N. BEDFORD ST.  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, P.E.
3. TAX ID: 234-7.00-108.00
4. DEED: 3193/305



**SURVEYOR'S STATEMENT**

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN.

SOLUTIONS IPEM, LLC  
by BARRY M. HALL, AGENT

*Barry M. Hall*  
BARRY M. HALL  
PROFESSIONAL LAND SURVEYOR DE NO. 618

**BARRY M. HALL**  
REGISTERED  
No. 618  
DELAWARE  
PROFESSIONAL LAND SURVEYOR

DATE: 05-16

NOTE:  
PROPERTY LINE RUNS BY &  
WITH CENTERLINE OF GUT  
LEADING TO LOVE CREEK

"LOVE CREEK WOODS"  
SUBDIVISION  
PLAT 48/198

EXISTING 20'  
UTILITY EASEMENT  
DB 4273/241

**solutions**  
Integrated Planning  
Engineering & Management, LLC

303 N. Bedford St.  
Georgetown, DE 19947  
T. 302.297.9215  
www.solutionsipem.com

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A Wholly Owned Subsidiary

Drawn by: HDH

Job No.: G14-008

**UTILITY EASEMENT PLAT**  
FOR  
**SUSSEX COUNTY**  
LANDS OF NSBM, LLC

TAX MAP 2-34-7.00-108.00  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

Scale: 1" = 60'  
Date: 05/10/2016  
Sheet 1 of 1

**APPRAISAL REPORT  
OF  
REAL PROPERTY IDENTIFIED AS**

*Boat Hole Marina  
20895 Boat Hole Blvd  
Lewes, Delaware 19958*

*CC12288*

**APPRAISAL REPORT  
OF  
REAL PROPERTY IDENTIFIED AS**

Boat Hole Marina  
20895 Boat Hole Boulevard  
Lewes, Delaware 19958  
*CC12288*

**PREPARED FOR**

Sussex County Utility Engineering  
Atten: Tom Feret  
2 The Circle, 3<sup>rd</sup> Floor  
Georgetown, Delaware 19947

**BY**

W. R. McCain & Associates, Inc.  
205 Executive Plaza  
Salisbury, Maryland 21804  
410-742-3201



205 Executive Plaza  
Salisbury, MD 21804

410-742-3201  
888-400-2766  
Fax 410-860-5313

[www.wrmccain.com](http://www.wrmccain.com)

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Delaware Office  
Route 26  
Atlantic Avenue  
Ocean View, DE 19970



William R. McCain, MAI, MBA  
President / CEO

---

Ginger P. Williams, CCRA  
Vice President  
Commercial Division

Shelly Durham  
Senior Analyst  
Residential Division

---

Lee Gosnell  
Manager - Ag/Conservation Division

Lori Mrohs - Senior Analyst

Braxton Dees  
Review/Valuation Analyst

Valuation Analysts

Clyde Marriner  
Gretchen Nichols  
Kevin M. Brady  
J. Warren Pitsenbarger  
Karen Ranney  
Corey J. Hoch  
Bridget Peters  
Benjamin Bauer  
Corrine Bayline  
Matthew Polly  
Mary Ryan  
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Robin L. Donalds, Manager  
Tami Harris, Receptionist  
Sallie Magee, Controller

---

CELEBRATING

28

YEARS OF SERVICE

December 20, 2016

Sussex County Utility Engineering  
Atten: Tom Feret  
2 The Circle, 3<sup>rd</sup> Floor  
Georgetown, Delaware 19947

**Re: *DeIDOT Proposed PE***  
***234-7.00-108.00***  
***S/S John J. Williams Hwy (aka 20895 Boat Hole Blvd.)***  
***Lewes, DE***  
***File CC12288***

Dear Mr. Feret:

In accordance with your request, the above referenced property has been inspected and investigated for the purpose of preparing an appraisal report, which establishes an opinion of the fair market value of the proposed easement for Parcel 108.00.

Based on the proposed plans, the permanent easement will consist of:

- Permanent Easement - 17,965 sf

The property was inspected and photographed by R. Braxton Dees December 7, 2016, which is also the effective date of value.

This appraisal report is subject to the limiting conditions and assumptions that are included at the end of this report. It has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) of The Appraisal Foundation.

As a result of the valuation procedure and analysis, it is our opinion that the **fair market value of the easement, associated with the fee simple estate and as unaffected by the project or announcement thereof, as of December 7, 2016 is \$117,000**, based upon our independent appraisal and the exercise of our professional judgment.

Summary of Fair Market Value	
Permanent Easement	\$117,000

The TCE area has not been determined, however, a rate of 10% of the fee simple value of the land has been estimated to aid in calculating just compensation for the property owner once the TCE has been determined.

The supporting data, analysis, and conclusions, upon which this valuation is based, are contained in the accompanying appraisal report. **THIS LETTER MUST REMAIN ATTACHED TO THE REPORT IN ORDER FOR THE VALUE OPINION SET FORTH TO BE CONSIDERED VALID.**

Respectfully Submitted,



R. Braxton Dees, MAI  
MD Certified General #04-31651  
DE Certified General #X1-0000592  
VA Certified General #4001-016237  
GA Certified General #307258



William R. McCain, MAI, MBA  
MD Certified General #04-210  
DE Certified General #X1-0000045  
VA Certified General #4001-001437



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ADDENDA

- Deed
- Plat
- Land Sale Write-ups
- Appraiser's Qualifications

## **CERTIFICATION**

***CERTIFICATION: The appraisers certify and agree that, to the best of their knowledge and belief:***

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
3. The appraisers have no present or prospective interest in the property that is the subject of this report, and have no personal interest or bias with respect to the parties involved.
4. The appraisers have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. The engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. The compensation for completing this assignment is not contingent upon the developing or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
8. R. Braxton Dees completed an exterior inspection of the property which is the subject of this report. William R. McCain did not inspect the subject property.
9. Lori Mrohs (CG# X1-0000461) provided significant real property appraisal assistance to the persons signing this certification with respect to research and analysis.
10. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of this report, R. Braxton Dees and William R. McCain has completed the continuing education program for Designated Members of the Appraisal Institute.

13. I/We have performed services, as appraisers, regarding the property that is the subject of this report, within the three-year period immediately preceding acceptance of this assignment (CC9936 - December, 2014). I/We have performed no other services in any other capacity regarding the property that is the subject of this report, within the three-year period immediately preceding acceptance of this assignment.

Respectfully,



R. Braxton Dees, MAI  
MD Certified General #04-31651  
DE Certified General #X1-0000592  
VA Certified General #4001-016237  
GA Certified General #307258



William R. McCain, MAI, MBA  
MD Certified General #04-210  
DE Certified General #X1-0000045  
VA Certified General #4001-001437

## **ASSUMPTIONS AND LIMITING CONDITIONS**

***This appraisal report has been made with the following general assumptions:***

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described and considered in the appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value opinion contained in this report is based.
10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. Unless stated otherwise in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or

engineering knowledge required to discover them. No evidence of environmental contamination was observed.

12. The appraisers have not made a specific compliance survey and analysis of the building and/or other improvements erected on the subject property to determine whether or not the property is in conformity with the various detailed requirements of the Americans with Disabilities Act (ADA). If the property does not comply with the ADA or these regulations, this fact could have a negative effect on the value or marketability of the property.

***This appraisal report has been made with the following general limiting conditions:***

1. Any allocation of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraisers, by reason of this appraisal, are not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made. In the event appraiser is subpoenaed or otherwise required to give testimony or attend any public or private hearing as a result of this assignment, the summoning party agrees to compensate the appraiser at their corresponding hourly rate.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraisers.
5. The appraisal report is based on data and information available or made available at the time the assignment is in process. Any Amendments, Addendums, and/or Modifications requested after the report has been turned in will be made as soon as reasonably possible, for an additional fee.
6. All value opinions are based upon plans and calculations provided to the appraiser. It is our assumption that construction will occur in a timely manner, and will be completed in such a way as to facilitate the objectives of all parties.
7. The site size of the subject is based on information contained in the recorded deed, which indicates the site is 15.77+- acres.

**SUBJECT PHOTOGRAPHS<sup>1</sup>**

		
<p><i>John J Williams Hwy facing west</i></p>	<p><i>John J Williams Hwy facing east</i></p>	<p><i>Existing billboards on property along John J Williams Hwy</i></p>
		
<p><i>Existing boat slips along Love Creek</i></p>	<p><i>Existing greenhouses</i></p>	<p><i>Existing metal building currently leased by marina operation</i></p>
		
<p><i>Older cabins along wetlands area at rear of property (majority of the cabins are no longer inhabitable)</i></p>	<p><i>Boat storage area and proposed location of pumping station</i></p>	<p><i>Marsh view from rear of property</i></p>

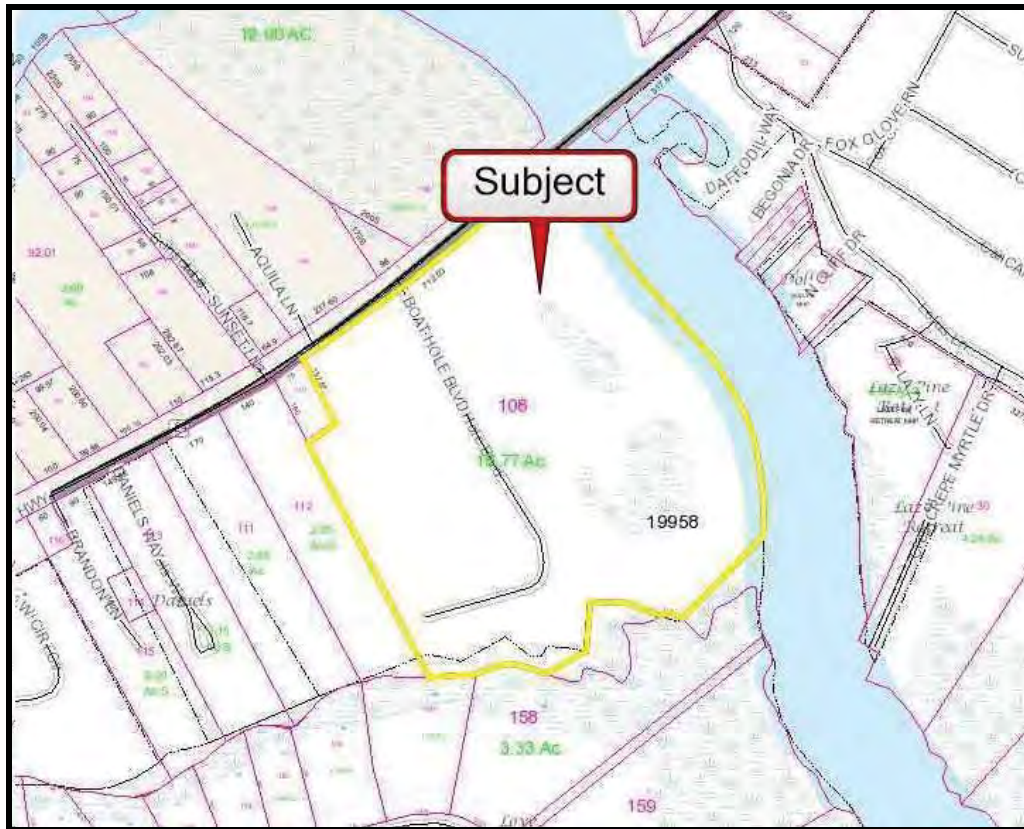
<sup>1</sup> All photographs were taken by R. Braxton Dees during the course of the inspection on December 7, 2016, unless specified otherwise.

<b>SUMMARY OF IMPORTANT DATA AND CONCLUSIONS</b>	
<b>REPORT TYPE:</b>	Appraisal Report File No. CC12288
<b>REPORT DATE:</b>	December 20, 2016
<b>LOCATION:</b>	S/S John J. Williams Hwy (aka 20895 Boat Hole Blvd.) Lewes, Delaware 234-7.00-108.00
<b>OWNER OF RECORD:</b>	NSBM, LLC
<b>BEFORE LAND AREA:</b>	15.77 Acres
<b>AFTER LAND AREA:</b>	15.77 Acres
<b>IMPROVEMENTS:</b>	Marina; Warehouse; Greenhouses; Billboards
<b>ZONING:</b>	M - Marine District
<b>CENSUS TRACT:</b>	0510.06
<b>FLOOD MAP STATUS:</b>	Map: 10005C0333K Dated: 3/16/2015 Zone AE - Flood Hazard Area
<b>HIGHEST AND BEST USE:</b>	Mixed Use Project
<b>PROPERTY RIGHTS APPRAISED:</b>	Fee Simple
<b>PROPOSED AFFECTED AREAS</b>	
<b>PERMANENT EASEMENT:</b>	17,965 s.f.
<b>FAIR MARKET VALUE OF THE PE (ROUNDED):</b>	
	\$117,000
<b>EFFECTIVE DATE:</b>	December 7, 2016
<b>APPRAISERS:</b>	R. Braxton Dees, MAI William R. McCain, MAI, MBA

## CLIENT, INTENDED USER AND INTENDED USE

Sussex County Engineering is the client as well as the intended user of this appraisal report. The intended use is to present the data and reasoning the appraisers have used to form the opinion of value so that the client/intended user, Sussex County Engineering, may utilize it as an aid in acquisition for a proposed utility easement.

## PROPERTY IDENTIFICATION



<b>Property Name:</b>	Boat Hole Marina
<b>Address:</b>	S/S John J Williams Hwy (aka 20895 Boat Hole Blvd.) Lewes, DE
<b>Tax I.D.:</b>	234-7.00-108.00
<b>Census Tract:</b>	0510.06



## **PROPERTY RIGHTS APPRAISED**

The property rights appraised address the fee simple estate. **Fee Simple** - “Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.” (The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition, Appraisal Institute).

## **DEFINITION OF MARKET VALUE**

“Market Value is the price which would be agreed upon by a willing seller and a willing buyer under usual and ordinary circumstances, without any compulsion whatsoever upon the seller to sell or upon the buyer to buy.” (Wilmington Housing Auth. V. Harris 47 Del. 469)

## **DATE OF INSPECTION AND OWNER CONTACT**

On December 7, 2016 the appraiser ( R. Braxton Dees ) inspected the subject property. Mr. Dan Feedler, was present during the inspection. Prior to that the appraiser spoke to Fred Nichols and the details of the project were discussed.

Contact information for the owner’s representative is as follows:

Fred Nichols 301-252-2692 fnichols@nicholscontracting.com
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## **PROJECT SCOPE**

Sussex County is proposing a permanent utility easement beginning in the northwestern corner of the subject and extending south along the western property boundary and then exiting the property across the wetland area on the southern end of the property. The easement has a width of 20 feet wide except for the area in the northwestern corner. A pumping station will be located in this section. The easement will be for underground sewer lines and a pumping station. The project is expected to be completed within 15 months.

## **SCOPE OF WORK**

The subject property was inspected and photographed, with owner representation, on December 7, 2016, which is also the effective date for the value opinion. Parcel 108.00's size was based on information from the recorded deed.

The improvements include a 58 slip marina; a boat ramp and accompanying bait & tackle shop; a retail/warehouse building; and 10 greenhouses. In addition, there are several chainlink fenced-in areas for dry boat storage. Based on the value of the underlying land the highest and

best use is redevelopment with the current use serving as an interim use until public sewer is extended to the site and the existing lease on the marina expires. Due to the highest and best use being redevelopment, the value of the underlying land will be the focus of the analysis. Due to the lack of similar, recent waterfront redevelopment land sales, the marketing area was expanded.

Information presented, concerning regional and county data, was based upon information obtained from the Sussex County Offices of Economic Development, the U.S. Census Bureau, and the Delaware Department of Public Instruction, Planning, Research, and Evaluation. Neighborhood information was based on a physical inspection of the area, local property owners, etc. In estimating the highest and best use of the subject, an analysis was made of all the data pertaining to the property, neighborhood and region.

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**TITLE DATA & SALES HISTORY**

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<b>Owner:</b>	NSMB, LLC
<b>Recent Transfers:</b>	None within the past 11 years. The last transfer occurred when the current owner purchased the property from Boat Hole, LLC in August of 2005. The total purchase price was \$7,500,000, however, \$7,000,000 was allocated to the real estate, with the balance allocated to F, F and E. It appears that the purchasers paid a premium for the site. This is most likely attributed to the long term potential of the property and the fact that they bought it at the height of the residential market.
<b>Deed Reference:</b>	3193 / 305
<b>Contracts:</b>	The property owner indicated that the property was under contract for an estimated \$7,000,000 contingent upon obtaining preliminary development approvals. According to Mr. Bill Britt, the purchaser is in the process of getting the necessary approvals. In addition, the purchaser has made a two down payments in good faith to date. Several requests were made for a copy of the contract, however, they were unsuccessful.
<b>Recent Listing History:</b>	None known
<b>Supporting Documents in Addenda:</b>	Deed

**PRESENTATION OF DATA**

**MARKET AREA ANALYSIS**

**Regional:**

The Delmarva Peninsula is located on the Mid-Atlantic Coast, consisting of the State of Delaware, as well as the Eastern Shores of Maryland and Virginia. It is bounded on the north by Pennsylvania, on the east by the Atlantic Ocean and the Delaware Bay and River, and on the south and west by the Chesapeake Bay. In stark contrast with the rest of the eastern seaboard, the Delmarva Peninsula is mostly rural. In fact, the total population of Delmarva, as of 2010, is only 1,392,753 people and, more importantly, there are only 235 people per square mile. U.S. Census data indicates an increase in population for this region of almost 162,000 people, or 13%, between 2000 and 2010.

State	Population	Area (Square Miles)	Density
Delaware	897,934	1,954	??
Maryland (Eastern Shore)	449,266	6,308,000	0
Virginia (Eastern Shore)	45,553	662	69
Totals	445,553	6,308,662	0

The Peninsula, stretching over 180 miles long and 80 miles at its widest point, narrows as you travel south to Cape Charles, Virginia, about 16 miles north of Norfolk, Virginia. The Chesapeake Bay, which separates the Western and Eastern Shores of Maryland and Virginia, is the largest bay in the United States.



**County:**

Location:

Sussex County is the southernmost and largest of Delaware's three counties, in terms of its geographical area. In fact, its 960 square miles make up 49% of the total land statewide. It is located near the center of the Delmarva Peninsula and is bounded on the north by Kent County, on the west and south by Maryland's Eastern Shore, and on the east by the Atlantic Ocean and the Delaware Bay. The center of Sussex County is located approximately 93 miles southeast of Baltimore, 107 miles east of Washington D.C., 216 miles south of New York City and 25 miles north of Salisbury, Maryland. In total, there are 25 incorporated municipalities within Sussex County.



Population:

Georgetown, Delaware, with a current population of over 6,422, is the seat of Sussex County. As of 2010, Sussex County had a population of 198,365 people, about 22 percent of Delaware's total population, making it Delaware's second largest county in population. According to the 1990 census, the population in Sussex County was 113,249. By 2000 the county's population had grown to 156,638, or 38% over the preceding decade. The 25.9% change in population from 2000 to 2010 indicates a slightly slower pace of growth. The Delaware Population Consortium predicts that the county's population will grow by an additional 16.5% between 2010 and 2020. Furthermore, the Consortium forecasts that Sussex County growth rates will continue to increase by another 9% in the ensuing 10 year period, through 2030.

Historical and Projected Population <sup>2</sup>									
	2010	2015	2020	2025	2030	2035	2040	Change, 2010 - 2040	
								#	%
<b>State</b>	899,776	942,991	981,806	1,015,595	1,041,687	1,063,040	1,080,872	181,096	20.13%
<b>Kent</b>	162,947	173,731	182,498	189,500	195,521	200,657	205,206	42,259	25.93%
<b>New Castle</b>	538,952	555,911	571,579	585,744	595,583	602,740	607,450	68,498	12.71%
<b>Sussex</b>	197,877	213,349	227,729	240,351	250,583	259,643	268,216	70,339	35.55%

Housing & Income Levels:

The U.S. Census Bureau estimates that there were a total of 123,436 housing units in the county, as of 2010. Of those, 79,368, or 63.4%, were occupied by full-time residents, indicating an average population per household of 2.48 people. Based on 2009 inflation-adjusted dollars, the median household income for the county was estimated at \$50,537. This makes Sussex County the poorest of Delaware's three counties. There were roughly 114,106 housing units in the county with an average value of \$235,000.<sup>3</sup> These figures are depicted in the chart below.

	Sussex County	State of Delaware
Home ownership Rate	80.0%	73.6%
Housing in multi-unit structures	10.8%	17.7%
Median value of owner occupied housing unit	\$243,700	\$242,300
Persons per household	2.48	2.58
Per capita income	\$26,779	\$29,007
Median Household income	\$51,046	\$57,599
Persons below poverty level	11.7%	11.0%
Occupied Housing Units	63.4%	83.1%

Due to the resort influence in Sussex County, there is a high level of second homes. This attributes significantly to the low percentage of occupied housing units.

Much of the growth in Sussex County is attributed to the national attention the State has been receiving over the years for its favorable tax laws, which are conducive to retirees. People 65 years of age and older made up about 19% of all Sussex County residents in 2000. Population estimates for 2011 show a 47% increase in this age group or 42,664 seniors. A recent study by

<sup>2</sup> Delaware Population Consortium Annual Population Projections, October 31, 2013, Version 2013.0

<sup>3</sup> U.S. Census Bureau

Kiplinger rated Delaware the “#1 senior tax friendly State in the nation”. Conversely, the nearby states of Maryland, Pennsylvania, and New Jersey were rated #47, #50, and #51 respectively. Delaware has limited income taxes for seniors; does not tax social security benefits; and has no state or local sales taxes. Additionally, the property taxes in most areas are significantly below national averages.

*“SENIOR BOOM. Combined, these factors have lead to a boom in Delaware’s senior population. According to Beth Miller of The News Journal, “Census Bureau figures. . . show that Delaware is No. 5 in the nation when it comes to drawing residents 65 and older.” Delaware’s Department of Transportation is planning for this influx of seniors to increase; they report that the state’s elderly population is expected to grow by 74.7% in the next 25 years.*

*For Retirees, this boost in their numbers makes Delaware even more appealing. The population surge has also led to growth in the senior-serving industry; this means that seniors have more choices and better options for a variety of services.”<sup>4</sup>*

Property in Sussex County is taxed at an average rate of \$4.0985 per \$100 of assessed value, which is based on 1974 property values. Of this average tax rate, \$.445 goes to the county government; \$.2599 goes to the Sussex Vocational Technical School and between \$2.743 and \$3.8094 goes to the individual school districts.<sup>5</sup> The tax rate in Sussex County has remained mostly constant for a number of years. These low tax rates have also led to a significant amount of planned residential communities.

#### Education:

Because there is such a direct connection between education levels and employment opportunities, education can be a critical demographic. The Sussex County public school system consists of 19 elementary schools, 2 intermediate schools, 8 middle schools, 7 high schools and 1 career and technology high school. In addition to these schools, there are 6 special & charter schools included in Sussex County’s public school system. The total enrollment is 22,380 students, which represents 11% of the county’s population. As is evidenced by the large number of schools; education is one of the top five occupation sectors in Sussex County.

Sussex County underperforms the state slightly, in terms of the percentage of high school graduates. This performance may be attributed to the difference in population concentration within the three counties of the state, with the majority of the population being in the two northern counties. The higher population within Kent and New Castle Counties is due to the superior job opportunities with larger corporations establishing themselves within their cities. Below is a better illustration of the education percentage breakdown.

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<sup>4</sup> “Exploring Delaware”, The Guide to Retirement Living.

<sup>5</sup> Sussex County Board of Assessments

	Sussex County	State of Delaware
High school graduate or higher	85.2%	87.0%
Bachelor's degree or higher	21.2%	27.7%

Post Secondary Schooling is a large factor in today's society. Sussex County has access to 4 post secondary schools to accommodate these needs. These include Delaware Technical & Community College, Delaware State University, University of Delaware, and Wilmington College. These schools have local branches in Sussex County; however, their main campuses are located in Kent & New Castle Counties. The lack of higher education institutions in Sussex County contributes to the lower percentage of the population with a college degree.

Transportation / Linkages:

Most commercial activities, and the majority of Sussex County's population, reside near three major corridors: U.S. Route 13, U.S. Route 113 and Delaware Route 1. There are also a vast number of secondary roads, all in good condition. Each of these routes extends from Kent County to Sussex County's southern boundary with Maryland. Beginning In Milford, State Route 1 extends along the Atlantic coastline through or near the county's major resort towns. U.S. Route 113 runs through the center of the county from Milford to Selbyville and into Maryland. The third major connecting highway is U.S. Route 13, which provides direct access from New Castle County to Delmar through the western part of the county. This highway connects Delaware, from north to south, all the way to the southern tip of the Eastern Shore of VA. This highway also parallels a Norfolk-Southern (formerly Conrail) rail line, which operates two freight trains daily through the area. The main track runs north from Cape Charles, Virginia to Wilmington, Delaware, where it connects to the rest of the country. Also at Wilmington, the train track connects with the deep water port of Wilmington, where water borne freight can be shipped throughout the country and world. 10 truck lines operate in the Sussex County area, providing overnight service to most of the large cities along the eastern seaboard.

Labor Force & Employment:

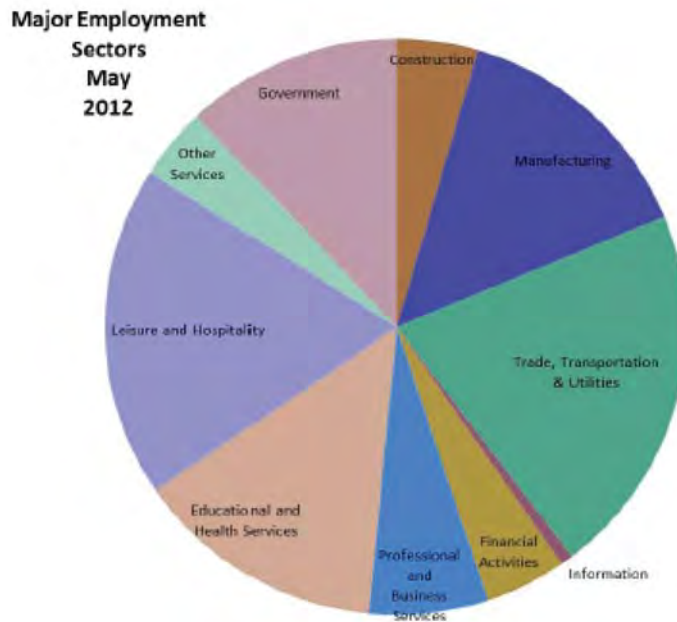
There are numerous tax advantages in Delaware designed to attract new business and encourage the expansion of existing operations. Included in the tax advantages are a lack of state and local general sales tax, as well as personal property or inventory taxes. Additionally, there are many favorable corporate income tax credits and reductions of gross receipt taxes for both new and expanding businesses. As a result, many businesses have chosen to incorporate in Delaware, thus creating numerous job opportunities.

There is a wide cross-section of industry in the Sussex County area, including home building, textile mills, food processing, poultry and farming. Agriculture is, by far, the biggest employment driver, considering the number of jobs created by the three of the largest poultry companies in the nation: Tyson Foods, Inc. (#1), Amick Farms (#18), Mountaire Farms (#7) and Perdue Farms, Inc (#3). Although Allen Farms had been prominent on Delmarva, they filed for Chapter 11 bankruptcy protection in June, 2011. The bankruptcy did not include the corporate owned grow-out farms or



related farming operations.

Agriculture is followed by tourism, in terms of the number employed. Under this umbrella are the hospitality and retail industries, employing 13% and 15%, respectively, of the Sussex County workforce. Healthcare is the 3rd largest category, representing roughly 10% of the total employment, and is becoming the fastest growing employment sector. This category of employers includes the three hospitals in Sussex County (Bayhealth Medical Center in Milford, Beebe Medical Center in Lewes, and Nanticoke Health Services in Seaford), as well as a growing number of extended care, independent extended living, and assisted living facilities across the county. In the manufacturing sector, the three leading employers in Sussex County include DeCrane Aerospace / PATS Aircraft, Invista, and Pinnacle Foods Corp. The following chart is a better illustration of the breakdowns in the employment sector. The agricultural businesses are incorporated into numerous sectors including: Professional and Business services, Trade, and Other services. It also eliminates farming as an occupation. Therefore, this occupation is absorbed into other aspects of agriculture such as managing, distribution, and sales which, as previously mentioned, are included and labeled in the larger employment sectors.



The unemployment rate is a driving statistic that must be analyzed to determine the strength of an area. Sussex County is seeing a downward trend in its unemployment rate. This shows improved growth and stability in the job market in the area. It is also noted that, due to its vast tourist industry, the seasonal months typically have the lowest unemployment rates. These trends are better depicted in the next chart.<sup>6</sup>

<sup>6</sup> Delawareworks.com

Year	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013	2013
Period	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Labor Force	90,807	90,404	90,767	90,731	91,553	94,215	95,964	94,773				
Employment	82,719	82,577	83,373	84,098	85,590	88,061	89,849	89,259				
Unemployment	8,088	7,827	7,394	6,633	5,963	6,154	6,115	5,514				
Unemployment Rate (%)	8.9	8.7	8.1	7.3	6.5	6.5	6.4	5.8				

Land Uses:

As indicated previously, the housing development market took a downward turn in 2006. At that time, there were 26,263 residential lots that were recorded, but left undeveloped. This number included lots that may have been within the 5 year “sunset” period. There were 13,706 building permits issued from 2003-2006, of which 3,035 were for manufactured homes built under Federal standards. Despite the large amount of land being used for residential development, Sussex County’s major land use remains agriculture. Roughly 45% or 269,464 acres of the total land mass is dedicated to agriculture. This sector employs a majority of Sussex County’s population. As such, Sussex County is number one for poultry producing counties in all of the United States.<sup>7</sup> Given this amount of land dedicated to agriculture, a large proportion of Sussex County is described as rural with the more metropolitan areas being established around the 3 major highway systems.

Climate:

The climate for Sussex County is mild and has a 191 day freeze free period. The average temperature during the summer is 76.2 degrees; whereas, the average temperature during the winter is 35.7 degrees. Average rainfall for the year is around 49.76 inches. This helps to provide a good seasonal mix, important for the tourism industry, as well as for livability.

<sup>7</sup> Sussexcountyonline.com

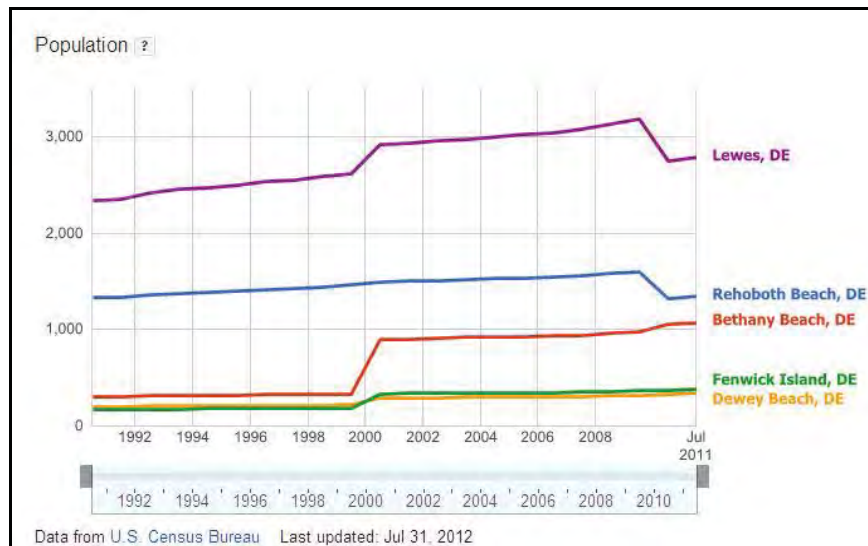
Sussex County Resorts:

The easternmost section of Sussex County is primarily devoted to the tourism industry. Sussex County has a 25-mile stretch of ocean front land. Of this land, 17 miles are protected as public parklands and are not available for development. Along the remaining beaches, the towns of Rehoboth Beach, Lewes, Dewey Beach, Bethany Beach and Fenwick Island have grown. These towns are relatively quiet, though, when compared to Maryland's Ocean City. Nonetheless, the area does attract large crowds during the summer season, which pump many tourist dollars into the county and create numerous jobs associated with the industry. Overall, tourism is responsible for employing over 7,700 people in Sussex County with an estimated economic impact of over \$420 million annually.

These small resort towns are greatly influenced by the large influx of seasonal tourists from nearby metropolitan areas. Tourists come to enjoy beach activities, including surfing, wind surfing, fishing, boating, farmers markets, shopping, and relaxing. The towns are constructed to offer an all inclusive vacation experience. Each town includes numerous housing facilities, restaurants, bars, and retail shops. Tourists are encouraged to come and park their cars for the extent of their trip.

Transportation is linked between each of these towns by Route 1. During the peak seasonal months, public transportation between the resort towns is provided for a nominal fee. This includes a bus route (Route 208) from Fenwick Island to Rehoboth Beach. The towns have not grown significantly in size for quite some time as a result of the limited available land within the corporate limits. This growth is depicted in the following chart, which also displays the relatively small size of

the towns. Instead of growing in land area, the towns have expanded outward into numerous smaller developments, many of which provide transportation into the “beach” towns. This allows the resort towns to focus more on establishing commercial centers.

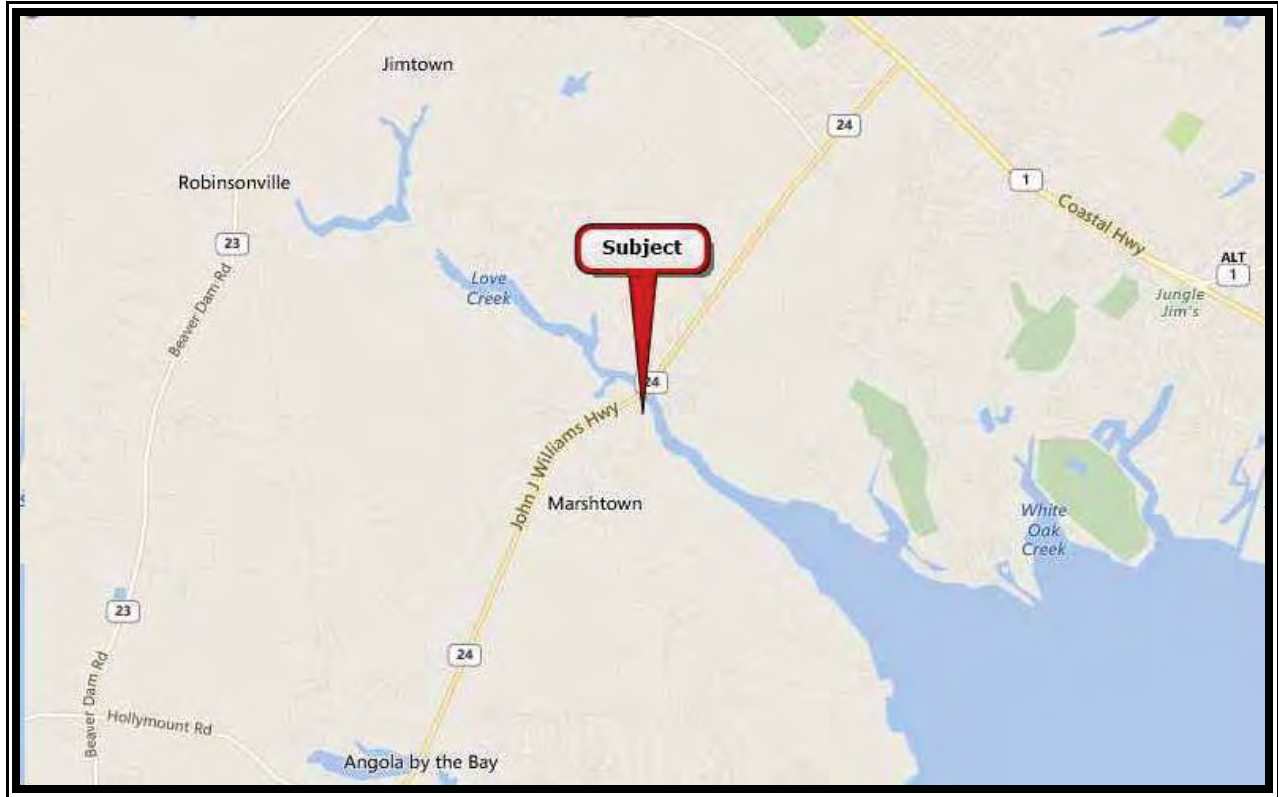


In order to succeed, several of the resort towns, such as Lewes and Rehoboth Beach, have found ways to attract visitors even in the off-season periods. The three Tanger Outlet centers have grown to become some of the most popular commercial enterprises. The outlets are established along Route 1 allowing tourists to stop and shop while on their way to their resort destination. With the influx of more year-round clientele, numerous restaurants, bars, and retail stores have aligned themselves in close proximity of the outlets. The success of these commercial centers has resulted in the outlets' becoming an “anchor” to the commercial sector of the resort towns and this has led the resort areas to become year-round destinations.

**Immediate Neighborhood:**

The subject property is located along the southeast side of John J. Williams Highway (Rt 24), roughly 2 - 3 miles west of Route One. This orientation positions the property in close proximity of the resorts and with good access, but in less intensely developed environs. The site also fronts Love Creek which leads to Rehoboth Bay. John J Williams Highway serves as main route running west to east across southern Sussex County between Lewes/Rehoboth Beach and Millsboro.

Of the Delaware resorts, which include Rehoboth Beach, as well as Bethany Beach, Fenwick Island, Dewey Beach, and Lewes, Rehoboth Beach is the most popular and largest. The beaches, amusements, restaurants, and shopping are all major tourist attractions. Rehoboth Beach features three large Tanger Outlet Centers, which are particularly popular because Delaware does not levy a sales tax, as opposed to the adjoining states. A number of the local attractions are clustered along Rehoboth Avenue, which runs from Route One to the Boardwalk and include shops, eateries, and amusements.



The surrounding environs underwent a period of slowing during the market decline, due in part, to the national recession and the difficulties in obtaining financing. However, in 2011, there were a number of indicators that the resort market had entered into a period of stabilization. Both residential and commercial projects, that had been placed on hold during the downturn, began moving forward once again. In general, the resort market remained stronger than many other markets, even during the downturn, making the recovery a smoother transition. In addition, the year-round shopping (i.e. Tanger Outlets) is a strong draw resulting in high traffic volumes throughout the year. Overall, the outlook for the subject's market is one of optimism.

**TAX AND ASSESSMENT ANALYSIS**

<b>Assessed values are based on 50% of the 1974 market values in Sussex County</b>		<b>108.00</b>
<b>Land:</b>		\$42,250
<b>Improvements:</b>		\$323,400
<b>Total:</b>		\$365,650
<b>Assessed Value:</b>		
	<b>100.00%</b>	\$365,650
<b>Tax Rate per \$100 (Cape Henlopen School District):</b>		\$3.994500
<b>Base Taxes:</b>		\$14,605.89

**SITE ANALYSIS**

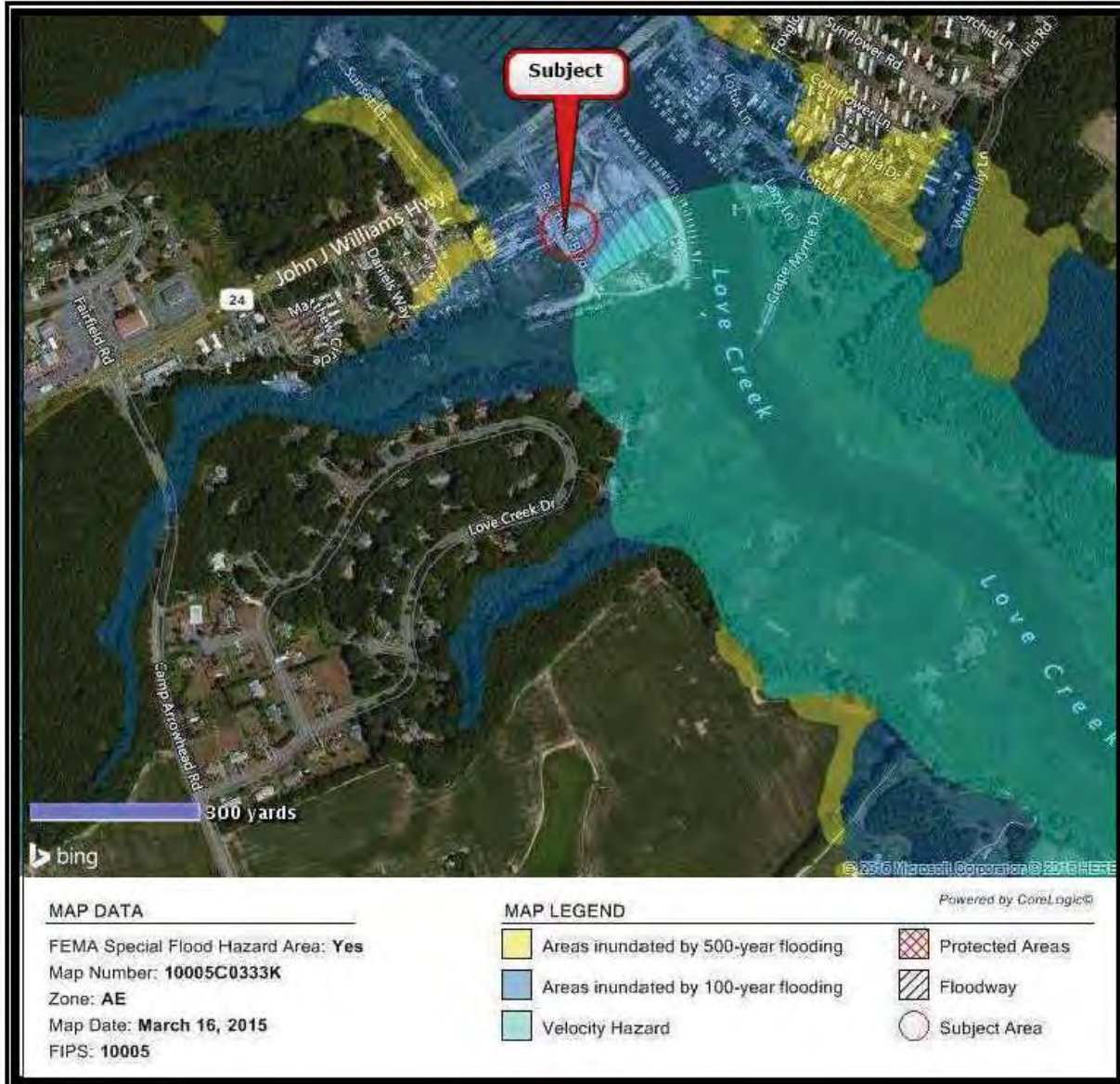
<b>Location:</b>	The subject of this appraisal is located along the southeast side of John J Williams Hwy (Rt 24) on Love Creek, roughly 2-3 miles west of Lewes, Delaware.
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<b>Site Size &amp; Description:</b>	15.77+- acres; slightly irregular in shape.
<b>Frontage:</b>	710+- feet of frontage along John J Williams Hwy (Rt 24). In addition, there are approximately 800-1000 feet of waterfrontage on Love Creek, along the northeast side of the site. To the rear, the property has marsh type frontage as well.
<b>Topography:</b>	The subject property appears to be relatively level. However, the southwestern corner of the property has been raised with what appears to be excess fill dirt from a nearby development. It will likely be used to raise the site given the existing flood plain in order to increase its utility for redevelopment.

<b>Drainage:</b>	Appears adequate based on a visual inspection.
<b>Access:</b>	Existing access from John J Williams Hwy via Boat Hole Boulevard.
<b>Utilities:</b>	Public water and sewer potential. Sussex County is currently extending the Angola Neck sewer district in order to provide sewer access for the properties along John J Williams Highway west of the Love Creek bridge. Currently the property utilizes private utilities.
<b>Environmental Issues:</b>	The appraisers were not provided with any evidence of the existence of potential environmental hazards. The client may wish to consult an expert in the field of hazardous materials. <b><i>A copy of a Phase 1 Environmental Site Assessment previously provided, dated August 2, 2004, indicated "There were a few recognized environmental conditions identified for the site and/or surrounding area, however, there were none that pose any significant environmental risk to the site. The need for additional research is not suggested by the findings of this investigation."</i></b>
<b>Easements:</b>	No atypical easements impacting value were discovered.
<b>Zoning:</b>	M - Marine District (Sussex County) Front setbacks - 40 feet; Side setbacks - 10 feet; Rear setbacks -10 feet
<b>100 Year Flood Hazard:</b>	The majority of the site is located in a 100 year flood hazard area. A portion of the southeast side of the property is in the Velocity Hazard area.





## **DESCRIPTION OF IMPROVEMENTS**

The subject property is presently improved with a number of structures including a marina with 58 boat slips, a boat ramp and accompanying bait and tackle shop; a retail/warehouse building; and 10 greenhouses. In addition, there are several chainlink fenced-in areas for dry boat storage.

The warehouse (4,900+- sf) is a metal Butler building currently leased by Rudy Marine (Sadie Properties LLC) and appears to be in average condition. In addition to the warehouse, Sadie Properties lease also includes several boat storage areas (fenced) as well as one billboard.

10 greenhouses are located on the southeastern portion of the property. The inflatable Hoop Structures are roughly 10,890 sf each and are heated via numerous above ground propane tanks.

The eastern portions of the site along Love Creek are presently utilized as a marina. The marina operates from April 1 to December 1. There are 58 rentable slips as well as a boat ramp and several slips utilized by the marina itself and Rudy Marine. The marina has been updated within the past few years to include new floating docks and gangways as well as new rip rap and a new boat ramp. The site was also raised 4 to 5 feet along the water's edge and the boat slips were dredged. A small (500 +/- s.f.) bait and tackle shop is located near the boat ramp. This building is on block piers with aluminum siding and a metal roof. It appears to be in average condition.

Site improvements include the access road (Boat Hole Blvd), portions of which are paved; 3 billboards; chainlink fencing; and well and septic.

As will be discussed in the highest and best use, the current improvements are considered an interim use until redevelopment is possible. Redevelopment will likely begin once the expansion of the sewer district is complete. In addition, the proposed easement will not impact the existing use.

## **HIGHEST AND BEST USE**

As defined in the International Valuation Standards, Highest and Best Use is, *"The most probable use of a property, which is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value of the property being valued."*

An analysis of the highest and best use of a property is the most important part of the appraisal process, for it is in terms of highest and best use that market value is estimated. This study and selection of highest and best use is based upon the above mentioned criteria. Furthermore, since land use can be limited by the improvements upon it, highest and best use is determined for the site, as if vacant, and for the property as improved, if appropriate. The subject parcel is located along John J Williams Hwy near the City of Lewes in an area consisting of both residential and commercial uses.

### **As Vacant**

**Legally permissible:** The Marine zoning code appears to permit some commercial uses such as a marina, restaurant or hotel, as well as high density residential development. Moreover, the site is permitted for a marina.

**Physically possible:** The subject property is rectangular in shape with sufficient frontage and access from John J Williams Highway to support any number of potential uses. Sussex County is in the process of extending public sewer service to the area, which would enhance the subject's development potential.

**Financially feasible:** During the recent real estate market downturn, there had been a marked slowing in the residential and commercial markets due to the increased supply and poor economic conditions. However, it does appear that stabilization has occurred in the Lewes/Rehoboth Beach markets; new developments are moving forward.

**Maximally productive:** The subject's location, waterfront orientation, and zoning are conducive to a mixed use project of commercial and residential uses, such as a hotel, restaurant, marina and/or condos/townhomes. This is considered to be the highest-and-best use as vacant. Said use is physically possible, legally permitted, financially feasible and would result in the highest value of the site, predicated on the availability of public sewer.

### **AS CURRENTLY IMPROVED**

There is every indication that the site is currently under-utilized. The current land value and the condition of the improvements (excluding the marina) would likely warrant the removal of most, if not all, of the improvements once public sewer becomes available. This is supported by the current income figures provided by the owner. Due to the timing of the availability of public utilities, which is estimated to be completed within the next 15 months, the existing use is considered an interim use. In addition, the existing lease for the marina runs through March 2018. Thus given the timing of the utilities and the existing lease, redevelopment would likely not occur until 2018.

***Hence, it is the opinion of the appraisers that re-development of the site (when public***

**utilities become available and the expiration of the lease) with either a residential, commercial or mixed use is the highest and best use of the property as improved, with the current improvements serving as an interim use.**

### **LARGER PARCEL ANALYSIS**

Larger Parcel is a term unique to governmental land acquisitions; whereby, other properties affected by the project may be considered. It is defined as *“the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use.”*<sup>8</sup>

There are no other nearby parcels to be considered under the larger parcel rule, therefore, the subject parcel 234-07.00-108.00, which is comprised of 15.77 +/- acres is considered the larger parcel.

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<sup>8</sup> *The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition, Appraisal Institute*

**VALUATION, ANALYSIS  
&  
CONCLUSION**

## **PROPERTY VALUE BY SALES COMPARISON APPROACH**

The Sales Comparison Approach is a method of comparing similar properties to the subject for an indication of value. Often called the Market Data Approach, this method represents an interpretation of the reactions of typical purchasers in the market. Basic to this approach is the principle of substitution, implying that a prudent person will pay no more to buy a property than it will cost to buy a comparable substitute property.

The application involves a comparative analysis of the important attributes of the sale properties to those of the subject under the general divisions of location, physical characteristics, conditions of sale and the change in the market over time. Consideration of the dissimilarities, in terms of their probable effect upon the sale price of the subject, gives an indication of market value.

Numerous unimproved land sales have been investigated with the focus on those most similar to the subject, in terms of highest and best use. Several sales were chosen as the most comparable to the subject and, consequently, the most indicative of value. The summary data for each sale is presented in the grid, followed by a discussion of its comparability to the subject. The unit of comparison is the sale price per acre, which is considered most pertinent to the analysis. Detailed write-ups for each sale are included in the addenda to this report.

LAND SALES COMPARISON GRID						
Item	Subject	Sale #1	Sale #2	Sale # 3	Sale #4	Sale #5
Sale Price		\$1,920,000	\$6,500,000	\$1,490,000	\$4,100,000	\$6,512,000
Price/Acre		\$295,840	\$336,091	\$323,913	\$1,078,947	\$86,827
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Rights Adj						
Conditions of Sale		Conv/Appr	Pndng/Appr	Active Listing	Conv/Appr	Conv
Conditions of Sale Adj		Superior	Superior	Superior	Superior	
Market Conds	12   2016	9   2016	12   2016	12   2016	6   2011	12   2013
Mkt Cond Adj						
Indication		Superior	Superior	Superior	Superior	Similar
Location	20895 Boat Hole Blvd. Lewes, DE Love Creek	Plantations Road, Lewes, DE Non-waterfront	4 <sup>th</sup> Street, Lewes, DE Non-waterfront	20581 John J. Williams Hwy, Lewes, DE Non-waterfront	309 1 <sup>st</sup> Street, Ocean City, MD Bayfront	Bayville Road Selbyville, DE Bay/Marsh
Loc Adj		Inferior	Off-Setting	Inferior	Superior	Inferior
Size (Ac)	15.77	6.49	19.34	4.60	3.80	75.00
Size Adj		Superior	Similar	Superior	Superior	Inferior
Zoning	M	C-1	R-4	AR-1	M/DMX	AR-1
Zoning Adj			Inferior	Inferior		Inferior
Utilities	Public Potential	Public	Public	Public Potential	Public	Public
Util Adj		Superior	Superior		Superior	Superior
Other	Typical	Typical	Typical	Typical	Demolition	Typical
Other Adj						
Overall Indication		Inferior	Inferior	Inferior	Superior	Inferior

## LAND SALES ADJUSTMENT ANALYSIS



- **Conditions of Sale:** Sales 1, 2 and 4 all had subdivision approvals. Sale 2 is a pending sale and Sale 3 is an active listing.
- **Market Conditions:** All the sales occurred under market conditions similar to those as of the effective date of value, thus no adjustments were warranted.
- **Location:** These adjustments take into consideration the demographics of the area, traffic counts, the overall exposure and the ease of access. Sale 5 has bay and marsh frontage, however, it is located in an area with less commercial activity. Therefore, it is considered inferior in terms of location. Sales 1, 2 and 3 are all non-waterfront sales with Sales 1 and 3 being considered inferior. Sale 2's potential adjustment was off-set by the fact that it is located within the town of Lewes, an area with a higher land value range. Sale 4 is located direct bay-front in Ocean City and is considered superior in terms of location.
- **Size:** Typically, the price per acre varies inversely with the parcel size. A smaller land tract generates a higher per unit rate.
- **Zoning:** This element takes into consideration the range of potential uses. Sales 2, 3, and 5 are all considered inferior in terms of zoning.



- **Utilities:** Properties with public utility availability can typically be developed at a higher rate and offer a greater percentage of buildable site area. The subject property and Sale 3 are located within the Angola Neck Sewer District, however, public sewer is not currently available. Sales 1, 2, 4 and 5 all have access to public sewer and are considered superior.
- **Other:** Any additional elements having a significant impact on value have been addressed here.

Sale 4 is located on the bay just north of the Route 50 bridge in Ocean City, Maryland. It is superior in location and its smaller size command a premium. The subject would be expected to command a lower rate as compared to Sale 4. Sale 1 is small, includes development approvals, however, is not waterfront. Due to the lack of vacant waterfront properties in the subject's market, this element of the subject is considered significant. Sale 2 is a pending sale of an approved/unapproved non waterfront property. Its location and zoning would not permit commercial uses such as the subject. A price per acre above Sale 2 would be expected for the subject. In conclusion, considering the subject's size, water front location and redevelopment potential a price per acre of \$400,000 is concluded.

After analyzing the results of the comparable land sales, it is the appraisers' opinion that the ***fair market value of the subject land, prior to the proposed easement is as follows:***

<i>December 7, 2016</i>			
Size (Acres)	Price/Unit	Value	Rounded
15.77	\$400,000	\$6,308,000	\$6,310,000

\$400,000 per acre equates to approximately \$9.20 per square foot of land. This is the basis for valuing the easements later in the report.

## **DESCRIPTION OF ACQUISITION**

The proposed permanent easement (PE) will be located along the western boundary of the subject property line and extending eastward along the wetlands for approximately 129 feet before turning south across the wetlands and existing the subject property. The entire PE contains approximately 17,965 square feet in total and is 20 feet wide along most of the route. However, in the northwest corner of the property, the easement is approximately 60 feet wide. This area is designated for a pumping station.

**A copy of the plat is appended to this report.**

## **HIGHEST AND BEST USE ANALYSIS**

The subject (larger parcel) will still be located in what is a predominantly a commercial and residential area, with frontage along John J Williams Highway. Its current use will remain unchanged.

**As Vacant:** After the easement, the site will still have the same access and the subject will still be of adequate shape and size for redevelopment. Therefore, it does not appear that the site areas designated for easement will adversely impact the highest and best use of the property, as vacant.

**As Improved:** As the existing improvements are considered an interim use until redevelopment is most feasible and the easement will have no impact on that interim use, the highest and best use will remain the same as in the before.

**PERMANENT EASEMENT VALUATION AND ALLOCATION**

Below is a easement matrix taken from an article on easement valuations<sup>9</sup>. This table provides ranges of value impacts with regard to different types of easements with consideration given to their location on a property and the impacts the easements have on future uses of the property.

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	Severe impact on surface use Conveyance of future uses	Overhead Electric Flowage easements Railroad ROW Irrigation Canals Access Roads
75% - 89%	Major impact on surface uses Conveyance of future uses	Pipelines Drainage easements Flowage easements
51% - 74%	Some impact on surface use Conveyance of ingress/egress rights	Pipelines Scenic easements
50%	Balanced use by both owner and easement holder	Water/Sewer Lines Cable Line Telecommunications
26% - 49%	Location along a property line, location across non usable land area	Water/Sewer Line Cable Lines
11% - 25%	Subsurface or air rights that have minimal effect on use and utility Location with a setback	Air rights Water/Sewer Line
0% - 10%	Nominal effect on use and utility	Small subsurface easement

Approximately 4,500 square feet of the proposed PE will be located in the northwestern corner of the property near John J Williams Highway. This area will be located behind the required setbacks of 10 feet and once completed will be location of a pumping station. The pumping station will include an above ground structure and will likely contain fencing around the perimeter. As this portion of the PE will result in impacts on surface uses and is located behind building setbacks its impact on value is substantial. The PE in this area is considered to create a loss of 95% of the property rights.

The portion of the PE that runs along the subject’s western property boundary and then turns east and follows the shoreline on the southern end of the property is estimated to contain 10,720 square feet. 10,517 square feet is located behind the 10 foot building setbacks. Current zoning codes require a 50 foot buffer from wetland areas. However, according to Sussex County, some parcels depending on the time of their subdivision or creation may not be subject to this additional

<sup>9</sup> Taken from an article “Easement Valuation”, written by Donald Sherwood, MAI, SR/WA, FRICS, published by IRWA’s ROW Magazine, June 2006.

setback. Therefore, we assume this area will not be subject to the 50 foot buffer/setback. This area will contain buried sewer lines. Vertical construction will not be allowed in this area, however, landscaping and site improvements such as landscaping and parking lots would be permitted. This area's surface rights will be impacted, however, somewhat less than the area where the pumping station will be located due to the surface uses. The PE in this area is considered to create a loss of 75% of the property rights. The remaining 203 square feet are located within the 10 foot building setbacks. As vertical improvements in this area are already not permitted a loss of 50% of the property rights is estimated.

The remaining portion of the PE is located in the wetland area (marsh areas) on the southern end of the parcel. Vertical development is not permitted in this area. This area can be used in determining the overall density of development for the subject. As the sewer lines will be buried and the PE will have little to no impact on the use of this area, the loss in property rights is estimated at 10%.

The next step will be to apply the value of the subject parcel, on a per square foot basis (\$9.20/s.f.), to the sizes of the affected areas. Subsequently, the value will be discounted based on the loss in property rights as a result of the easement.

Type	Area (sf)	Price Per Unit of Comparison in before (\$400,000/43,560sf)	Price of the Encumbered Area in the before	Percentage Associated with Easement	Indicated Value	Rounded
PE (Pumping Station)	4,500	\$9.20	\$41,400	95.00%	\$39,330	\$40,000
PE (Along property line behind setbacks)	10,517	\$9.20	\$96,756	75.00%	\$72,567	\$73,000
PE (within setbacks)	203	\$9.20	\$1,868	50.00%	\$934	\$1,000
PE (within wetlands)	2,745	\$9.20	\$25,254	10.00%	\$2,525	\$3,000
Total Area	17,965					\$117,000

Therefore, the market value associated with the permanent easement as of December 7, 2016 is \$117,000.

## **TEMPORARY CONSTRUCTION EASEMENT VALUATION AND ALLOCATION**

The Temporary Construction Easement (TCE) is for a limited period and is valued separately. In valuing the TCE, the analysis is based on the premise that Sussex County will be leasing the land for a period of 15 months to allow for the installation of the sewer line. The TCE value is based upon a 7% annual rate of return and then applied to the value of the land in the before. This rate of return is within the range for "Land Leases" as indicated in the Realty Rates Investor Survey(3rd quarter, 2016). Based on the time frame of the project the rate of rental rate is estimated at 10%, rounded ( $7\% \times 1.25 \text{ years} = 8.75\%$ ).

No TCE has been determined, however the above rate as been established to aid in estimating compensation for the property owner once the TCE area has been determined.

# **ADDENDA**

**SUBJECT DEED**

RETURN TO:  
NSBM, L.L.C.  
18623 Brooke Road  
Sandy Spring, MD 20860

TMPARCEL #: 2-34 7.00 108.00  
PREPARED BY:  
Fuqua & Yori, P.A.  
28 The Circle  
P.O. Box 250  
Georgetown, DE 19947  
File No. NSBM/JAY

THIS DEED, made this 30<sup>th</sup> day of August, 2005,

- BETWEEN -

BOAT HOLE, LLC, of 113 Dickinson Street, Dewey Beach, DE 19971, party of the first part,

- AND -

NSBM, L.L.C., of 18623 Brooke Road, Sandy Spring, MD 20860, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

All that certain tract, piece or parcel of land situate, lying and being in Indian River Hundred, **County of Sussex**, State of Delaware, and being more particularly described according to a plot prepared by Land Tech, LLC, dated July 29, 2004, and revised October 28, 2004, January 25, 2005, and August 4, 2005, as follows: BEGINNING at an iron pipe located on the southeasterly right of way of State Rt. 24, (John J. Williams Highway), said iron pipe being a corner for this parcel and lands now or formerly of Richard E. Simpson, et ux.; thence, by and with the southeasterly right of way of State Rt. 24, North 59 degrees 59 minutes 27 seconds East, a distance of 19.97 feet to an iron pipe; thence North 58 degrees 06 minutes 54 seconds East, a distance of 201.30 feet to an iron pipe; thence North 58 degrees 50 minutes 42 seconds East, a distance of 490.82 feet; thence by and with Love Creek South 32 degrees 32 minutes 08 seconds East, a distance of 100.02 feet; thence South 36 degrees 08 minutes 38 seconds East, a distance of 100.00 feet; thence South 37 degrees 28 minutes 33 seconds East, a distance of 95.00 feet; thence South 46 degrees 40 minutes 23 seconds East, a distance of 103.00 feet; thence South 29 degrees 48 minutes 13 seconds East, a distance of 100.00 feet; thence South 34 degrees 01 minute 23 seconds East, a distance of 65.00 feet; thence South 15 degrees 17 minutes 23 seconds East, a distance of 100.00 feet; thence continue southerly along said line, a distance of 100.00

Consideration: 97000000.0 Exempt Code: A

County	State	Total
105000.00	105000.00	210000.00
counter	Date: 08/31/2005	

*Handwritten initials/signature*



feet; thence South 01 degree 02 minutes 53 seconds East, a distance of 102.00 feet; thence South 38 degrees 47 minutes 17 seconds West, a distance of 141.64 feet; thence by and with the center of a ditch and "Love Creek Woods" Subdivision, South 69 degrees 51 minutes 46 seconds West, a distance of 36.02 feet; thence, South 14 degrees 30 minutes 26 seconds West, a distance of 64.78 feet; thence North 60 degrees 17 minutes 42 seconds West, a distance of 90.39 feet; thence South 64 degrees 29 minutes 46 seconds West, a distance of 67.92 feet; thence North 83 degrees 15 minutes 02 seconds West, a distance of 48.48 feet; thence South 29 degrees 54 minutes 47 seconds East, a distance of 34.71 feet; thence South 02 degrees 14 minutes 57 seconds West, a distance of 40.14 feet; thence South 24 degrees 07 minutes 18 seconds East, a distance of 31.22 feet; thence South 30 degrees 13 minutes 11 seconds West, a distance of 35.48 feet; thence North 67 degrees 26 minutes 35 seconds West, a distance of 87.86 feet; thence South 27 degrees 49 minutes 37 seconds West, a distance of 40.72 feet; thence North 73 degrees 09 minutes 57 seconds West, a distance of 29.69 feet; thence North 85 degrees 10 minutes 44 seconds West, a distance of 35.21 feet; thence North 39 degrees 50 minutes 02 seconds West, a distance of 31.85 feet; thence South 52 degrees 45 minutes 27 seconds West, a distance of 50.48 feet; thence South 72 degrees 36 minutes 01 second West, a distance of 34.69 feet; thence South 00 degrees 40 minutes 19 seconds East, a distance of 17.69 feet; thence South 58 degrees 14 minutes 35 seconds West, a distance of 27.01 feet; thence North 48 degrees 21 minutes 33 seconds West, a distance of 12.21 feet; thence South 66 degrees 49 minutes 11 seconds West, a distance of 16.38 feet; thence North 89 degrees 12 minutes 12 seconds West, a distance of 30.27 feet; thence South 80 degrees 13 minutes 53 seconds West, a distance of 38.27 feet; thence by and with lands now or formerly of Charles M. Ash, North 28 degrees 48 minutes 15 seconds West, thru an iron pipe at 119.19 feet, a total distance of 611.75 feet to an iron pipe; thence by and with lands now or formerly of Richard E. Simpson, et ux., North 58 degrees 46 minutes 46 seconds East, a distance of 74.86 feet to an iron pipe; thence North 28 degrees 30 minutes 02 seconds West, a distance of 157.87 feet to the point of Beginning, containing 15.77 acres, more or less.

BEING the same lands and premises conveyed unto Boat Hole, LLC, by Deed of BAR-RAB, LLC a/k/a BAR-RAB, L.L.C., BAR-SGR, L.L.C. and Robert A. Raley, dated June 7, 2004, and recorded in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 2989, Page 208.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

BOAT HOLE, LLC

HIGHWAY I LIMITED PARTNERSHIP, Sole Member of Boat Hole, LLC

BOTTLE, INC., Sole General Partner of Highway I Limited Partnership

Alexander J. Pires, Jr., President of Bottle, Inc.

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on AUGUST 30, 2005, personally came before me, the subscriber, Alexander J. Pires, Jr., President of Bottle, Inc., the Sole General Partner of Highway I Limited Partnership, Sole Member of BOAT HOLE, LLC, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

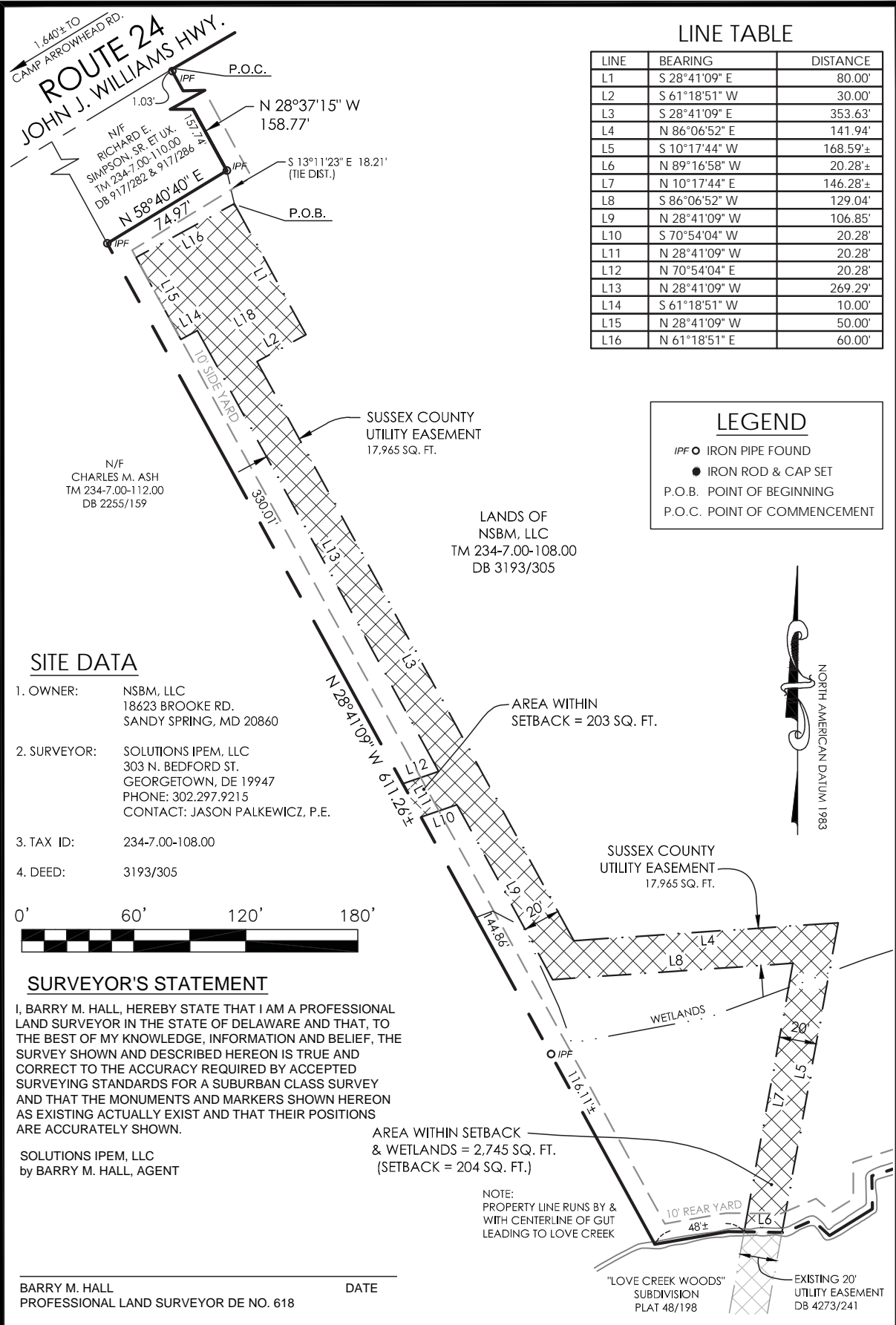
James A. Yori  
Notary Public  
Printed Name: JAMES A. Yori  
My Commission Expires: N/A

James A. Yori  
Attorney At Law  
Notarial Authority  
Per 29 Del C §4323 (A)(3)

RECORDER OF DEEDS  
JOHN F. BRADY  
05AUG31 PM 3:37  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

Received  
SEP 01 2005  
ASSESSMENT DIVISION  
OF SUSSEX CTY

**PLAT**



### LINE TABLE

LINE	BEARING	DISTANCE
L1	S 28°41'09" E	80.00'
L2	S 61°18'51" W	30.00'
L3	S 28°41'09" E	353.63'
L4	N 86°06'52" E	141.94'
L5	S 10°17'44" W	168.59±
L6	N 89°16'58" W	20.28±
L7	N 10°17'44" E	146.28±
L8	S 86°06'52" W	129.04'
L9	N 28°41'09" W	106.85'
L10	S 70°54'04" W	20.28'
L11	N 28°41'09" W	20.28'
L12	N 70°54'04" E	20.28'
L13	N 28°41'09" W	269.29'
L14	S 61°18'51" W	10.00'
L15	N 28°41'09" W	50.00'
L16	N 61°18'51" E	60.00'

### LEGEND

- IPF ○ IRON PIPE FOUND
- IRON ROD & CAP SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

### SITE DATA

1. OWNER: NSBM, LLC  
18623 BROOKE RD.  
SANDY SPRING, MD 20860
2. SURVEYOR: SOLUTIONS IPEM, LLC  
303 N. BEDFORD ST.  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, P.E.
3. TAX ID: 234-7.00-108.00
4. DEED: 3193/305



### SURVEYOR'S STATEMENT

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN.

SOLUTIONS IPEM, LLC  
by BARRY M. HALL, AGENT

AREA WITHIN SETBACK  
& WETLANDS = 2,745 SQ. FT.  
(SETBACK = 204 SQ. FT.)

NOTE:  
PROPERTY LINE RUNS BY &  
WITH CENTERLINE OF GUT  
LEADING TO LOVE CREEK

BARRY M. HALL \_\_\_\_\_ DATE \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR DE NO. 618

303 N. Bedford St.  
Georgetown, DE 19947  
T. 302.297.9215  
www.solutionsipem.com

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Drawn by: HDH

Job No.: G14-008

## UTILITY EASEMENT PLAT

FOR  
**SUSSEX COUNTY**  
LANDS OF NSBM, LLC

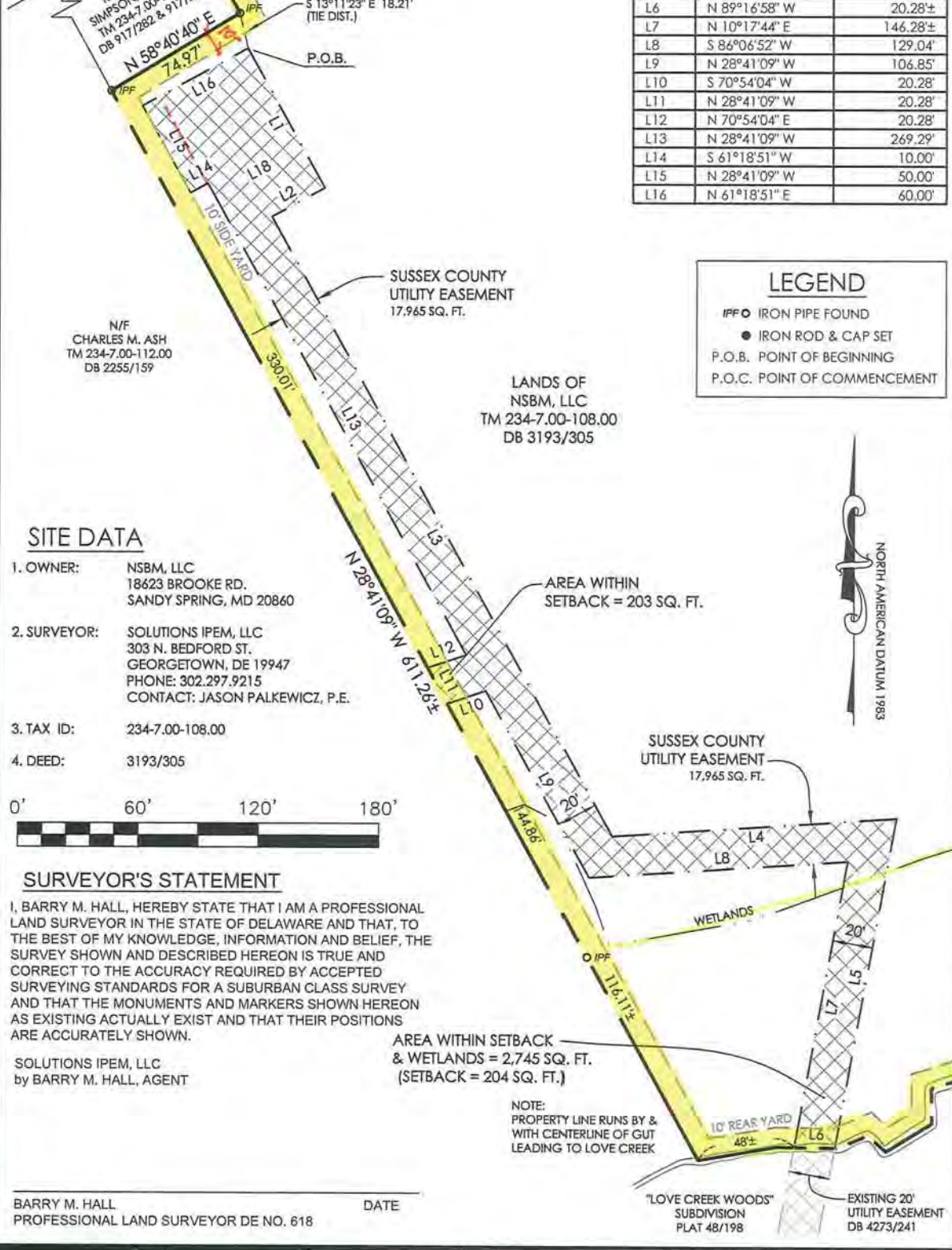
TAX MAP 2-34-7.00-108.00  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

Scale: 1" = 60'	Date: 05/10/2016	Sheet 1 of 1
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1.640± TO  
CAMP ARROWHEAD RD.  
**ROUTE 24**  
**JOHN J. WILLIAMS HWY.**

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 28°41'09" E	80.00'
L2	S 61°18'51" W	30.00'
L3	S 28°41'09" E	353.63'
L4	N 86°06'52" E	141.94'
L5	S 10°17'44" W	168.59±
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L16	N 61°18'51" E	60.00'



**LEGEND**

- IPF ○ IRON PIPE FOUND
- IRON ROD & CAP SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT

**SITE DATA**

1. OWNER: NSBM, LLC  
18623 BROOKE RD.  
SANDY SPRING, MD 20860
2. SURVEYOR: SOLUTIONS IPEM, LLC  
303 N. BEDFORD ST.  
GEORGETOWN, DE 19947  
PHONE: 302.297.9215  
CONTACT: JASON PALKEWICZ, P.E.
3. TAX ID: 234-7.00-108.00
4. DEED: 3193/305



**SURVEYOR'S STATEMENT**

I, BARRY M. HALL, HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS FOR A SUBURBAN CLASS SURVEY AND THAT THE MONUMENTS AND MARKERS SHOWN HEREON AS EXISTING ACTUALLY EXIST AND THAT THEIR POSITIONS ARE ACCURATELY SHOWN.

SOLUTIONS IPEM, LLC  
by BARRY M. HALL, AGENT

AREA WITHIN SETBACK & WETLANDS = 2,745 SQ. FT. (SETBACK = 204 SQ. FT.)

NOTE: PROPERTY LINE RUNS BY & WITH CENTERLINE OF GUT LEADING TO LOVE CREEK

BARRY M. HALL  
PROFESSIONAL LAND SURVEYOR DE NO. 618

**solutions**  
Integrated Planning  
Engineering & Management, LLC

303 N. Bedford St.  
Georgetown, DE 19947  
T. 302.297.9215  
www.solutionsipem.com

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**Fuller Hall**  
& ASSOCIATES, INC.  
A Wholly Owned Subsidiary

Drawn by: HDH  
Job No.: G14-008

**UTILITY EASEMENT PLAT**  
FOR  
**SUSSEX COUNTY**  
LANDS OF NSBM, LLC  
TAX MAP 2-34-7.00-108.00  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

Scale: 1" = 60'  
Date: 05/10/2016  
Sheet 1 of 1

# **COMPARABLE SALES**

## Comparable Land Sale



### Location Information

Development Land  
Plantations Road  
Lewes, DE 19958  
Sussex County  
334-06.00-687.00

### Sale Information

<b>Sale Price:</b> \$1,920,000	<b>Price Per Acre:</b> \$295,840
<b>Sale Status:</b> Closed	<b>Price Per SF:</b> \$6.79
<b>Date:</b> September 2016	
<b>Recorded:</b> 4602 / 90	
<b>Rights Conveyed:</b> Fee Simple	
<b>Seller:</b> Lewes-Rehoboth Assoc. LLC	
<b>Buyer:</b> Somerset Green Holdings LLC	
<b>Terms:</b> Conventional	
<b>3 Year Sales History:</b> None within the prior 3 years per assessment records	

### Land Information

<b>Gross Land Area (Acres):</b> 6.49	<b>Utilities:</b> Public
<b>Gross Land Area (SF):</b> 282,704	
<b>Zoning:</b> C-1 - General Commercial	
<b>Verified:</b> Tax Records, Tax Map, Deed, MLS#713064	

### Remarks

This is the sale of land approved for 53 townhouse units (28' wide) in Lewes. The 6.49 +/- acre parcel is zoned C-1 and is located on the corner of Plantations Road and Shady Road, adjacent to Lowes and the new DART center. The property is serviced by central water (Tidewater Utilities) and central sewer (Sussex County).

## Comparable Land Sale



### Location Information

Development Land  
4th Street  
Lewes, DE 19958  
Sussex County  
335-08.07-30.00

### Sale Information

**Sale Price:** \$6,500,000                      **Price Per Acre:** \$336,091  
**Sale Status:** Pending                      **Price Per SF:** \$7.72  
**Date:** Pending Sale  
**Recorded:** Pending Recordation  
**Rights Conveyed:** Fee Simple  
**Seller:** Highland Estates  
**Buyer:** Unknown  
**Terms:** Conventional  
**3 Year Sales History:** None within the prior 3 years per assessment records

### Land Information

**Gross Land Area (Acres):** 19.34                      **Utilities:** Public  
**Gross Land Area (SF):** 842,450  
**Zoning:** R-4 - Residential  
**Verified:** Tax Records, Tax Map, MLS #712507

### Remarks

This is a pending sale of a 19.34 +/- acre site approved for 34 single family building lots. The community is being sold approved/unimproved and is known as Highland Heights. The property is located approximately 1/4 mile from the Lewes-Rehoboth Canal and 2nd Street shopping and dining. It is within 2 miles of Lewes Beach, The Delaware Bay and Cape Henlopen State Park. It was listed in August 2016 for \$6,500,000 and went under contract in November 2016.



## Comparable Land Sale



### Location Information

Vacant Land  
20581 John J Williams Hwy  
Lewes, DE 19966  
Sussex County  
234-7.00-111.00 and 234-7.00-112.00

### Sale Information

**Sale Price:** \$1,490,000      **Price Per Acre:** \$323,913  
**Sale Status:** Listing      **Price Per SF:** \$7.44  
**Date:**  
**Recorded:**  
**Rights Conveyed:** Fee Simple  
**Seller:** Charles M. Ash  
**Buyer:**  
**Terms:**  
**3 Year Sales History:** None per assessment records

### Land Information

**Gross Land Area (Acres):** 4.60      **Utilities:** Public  
**Gross Land Area (SF):** 200,376  
**Zoning:** AR-1 - Agricultural Residential  
**Verified:** MLS# 703466, Broker (Robert McVey), Deed

### Remarks

Current listing of 4.6 acres of AR-1 with 310 feet of frontage along SR 24 just west of Love Creek. Currently zoned AR-1, however, the owner has approvals and just needs to submit final surveys and pay a fee to the County for a CR-1 zoning to become effective. Public sewer will be available to the property via easement from Camp Arrowhead Road. This property is located within the Angola Road Sewer District. Current use of the property is a boat storage yard and repair. The site was originally listed at \$2,225,000 and the price was reduced to \$1,690,000 in August 2016 and further reduced to \$1,490,000 in September 2016.

## Comparable Land Sale



### Location Information

Cropper Concrete - Commercial Re-Development Land  
 309 1st Street  
 Ocean City, MD 21842  
 Worcester County  
 TM 110, Grid 9, Parcel 3968

### Sale Information

<b>Sale Price:</b> \$4,100,000	<b>Price Per Acre:</b> \$1,078,947
<b>Sale Status:</b> Closed	<b>Price Per SF:</b> \$24.69
<b>Date:</b> June 2011	
<b>Recorded:</b> Liber 5712 Folio 243	
<b>Rights Conveyed:</b> Fee Simple	
<b>Seller:</b> Estate of George B. Cropper	
<b>Buyer:</b> ROJO Land, LLC	
<b>Terms:</b> Cash to seller - No mortgage held on record - Confirmed with purchaser	
<b>3 Year Sales History:</b> None per assessment records	

### Land Information

<b>Gross Land Area (Acres):</b> 3.80	<b>Utilities:</b> Public
<b>Gross Land Area (SF):</b> 166,072	
<b>Zoning:</b> M/DMX - Manufacturing District / Downtown Mixed Use District	
<b>Verified:</b> Tax Records, Tax Map, Atlantic Auctions Inc. website, Maryland Coast Dispatch (April 16, 2011 and May 6, 2011), Previously appraised by W.R. McCain & Associates (CC2469, CC2835, CC3147, CC7357), Purchaser( John Gudelsky -703.471.4461)	

### Remarks

This property sold at a well-publicized public auction on April 29, 2011, by Atlantic Auctions for the Estate of George Bert Cropper. The property is something of an Ocean City landmark, and was operated as the Cropper Concrete plant, originally constructed in 1948. It is a prime, highly visible, bay-front location at the gateway of downtown Ocean City, just on the north side of the Route 50 Bridge. The property is situated on the south side of 1st Street and on the west side of St. Louis Avenue, with extensive frontage on the Isle of Wight Bay. This site offers a one-of-a-kind resort development opportunity with 3.8 acres +/- available for a variety of concepts such as townhomes, condominiums, hotel or mixed-use commercial/residential designs. The property is unique in that its zoning allows for a variety of uses, including its existing industrial use, although its potential is clearly in a residential or commercial use. The property sold with engineering plans and approvals for a proposed 94-unit

"Cropper's Landing" development (54 townhouses and 40 condos). According to records with the Town of Ocean City, the Board of Zoning Appeals extended the site plan approval on October 29, 2010, for two years, until November 16, 2012. The only bidder on the property was the Gudelsky family, who several years ago developed much of the waterfront in West Ocean City from the Ocean City Fishing Center to the Martha's Landing community to Sunset Marina. In an interview with the Maryland Coast Dispatch, in the week that followed the auction, Rolfe Gudelsky said that the family has no immediate plans for its redevelopment. "At this time, we don't have any plans for its immediate future," he said. "We're just going to take our time and explore some options. In the meantime, we're going to do some work to clean up the site. We have every intention of making the property part of an attractive entry into Ocean City in the short term, although it's been like it is for such a long, long time."



# **APPRAISERS' QUALIFICATIONS**

**Real Estate Appraisal Qualifications of**  
**R. Braxton Dees, MAI**

**Licenses**

Certified General Real Estate Appraiser  
Maryland Real Estate Appraisers Commission (04-31651)  
Delaware Real Estate Appraisers Commission (X1-0000592)  
Virginia Real Estate Appraisers Board (4001 016237)  
Georgia Real Estate Appraisers Commission (307258)

MAI - Member Appraisal Institute (#505024)

**Education**

Bachelor of Science-Corporate Finance University of North Florida Jacksonville, FL	1997
--	------

**Experience**

August 2012 to Present Review/Valuation Analyst W. R. McCain & Associates, Inc. Salisbury, MD	June 1999 to August 2012 Review Appraiser/Commercial Lender SunTrust Banks, Inc. Atlanta, GA
--	---

**Appraisal Education Courses/Seminars**

The Commercial Construction Process: The Contractor's View	11/2016
Development in New Castle County	11/2016
Subdivision Valuation	8/2016
New Technology for Real Estate Appraisers	8/2016
Small Hotel/Motel Valuation	8/2016
7-Hour National USPAP Udate	2/2016
The Appraiser as a Trusted Advisor	11/2014
Delmarva Real Estate Outlook	9/2014
Advanced Concepts and Case Studies	6/2014
General Demonstration Report Writing	6/2014
Advanced Income Capitalization	4/2014
DE Subdivision Market Overview and Appraisal Techniques	1/2014
Appraising Cell Towers	12/2013
Forecasting Revenue	10/2013
Introduction to Green Buildings: Principles and Concepts	10/2013
DE Law, Rules & Regulations	6/2013
Current Appraisal Issues	6/2013
Advanced Internet Search Strategies	10/2012
7-Hour National USPAP Update	4/2012
General Appraiser Report Writing & Case Studies	10/2010
State of Atlanta: The Good, The Bad, The Ugly	9/2010
General Appraiser Income Approach Part 2	7/2010
Residential Highest and Best Use and Market Analysis	6/2010
General Appraiser Sales Comparison Approach	4/2010
Real Estate Finance, Statistics, and Valuation Modeling	1/2010
Business Practice and Ethics	10/2009
General Appraiser Market Analysis and Highest and Best Use	8/2009

General Appraiser Income Approach Part 1	6/2008
General Appraiser Site Valuation & Cost Approach	9/2007
Residential Report Writing and Case Studies	4/2006
Basic Appraisal Procedures	2/2006
Basic Appraisal Principles	1/2006
410 National USPAP 15 Hour Course	11/2005

**Associations/Affiliations**

Delaware Chapter of the Appraisal Institute, Secretary	2016 - Present
Appraisal Institute	2009 to Present



LICENSE \* REGISTRATION \* CERTIFICATION \* PERMIT

Lawrence J. Hogan, J  
Governor

Boyd K. Rutherford  
Lt. Governor

Kelly M. Schulz  
Secretary

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

COMMISSION OF RE APPRAISERS & HOME INSPECTORS  
CERTIFIES THAT:

ROBERT BRAXTON DEES.

IS AN AUTHORIZED: 04 - CERTIFIED GENERAL

LIC/REG/CERT

31651

EXPIRATION

02-14-2019

EFFECTIVE

02-01-2016

CONTROL NO

4812563

Signature of Bearer

Secretary DLLR

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE NO. X1-0000592

STATE OF DELAWARE  
DIVISION OF PROFESSIONAL REGULATION  
861 Silver Lake Blvd.  
Cannon Building, Suite 203  
Dover, DE 19904-2467

NOT TRANSFERABLE

PROFESSION: Certified General Real Property Appraiser

ISSUED TO: Robert B. Dees

EXPIRATION DATE: 10/31/2017

MAILING ADDRESS  
Robert B. Dees  
120 Covered Bridge Lane  
Fruitland MD 21826

PROFESSIONAL LICENSE

THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE. THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE.

LICENSEE SIGNATURE

436409

COMMONWEALTH of VIRGINIA  
Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400, Richmond, VA 23233  
Telephone: (804) 367-8500

EXPIRES ON  
08-31-2018

NUMBER  
4001016237

REAL ESTATE APPRAISER BOARD  
CERTIFIED GENERAL REAL ESTATE APPRAISER

ROBERT BRAXTON DEES JR  
120 COVERED BRIDGE LANE  
FRUITLAND, MD 21826

Jay W. DeBoer, Director

Status can be verified at <http://www.dpor.virginia.gov>



## REAL ESTATE QUALIFICATIONS OF WILLIAM R. MCCAIN

### LICENSE/DESIGNATIONS:

#### **CERTIFIED GENERAL REAL ESTATE APPRAISER -**

MARYLAND REAL ESTATE APPRAISERS COMMISSION (#04 210)  
DELAWARE REAL ESTATE APPRAISERS COMMISSION (X1-0000045)  
VIRGINIA REAL ESTATE APPRAISER BOARD (4001 001437)

**MAI** - MEMBER APPRAISAL INSTITUTE (#11847)

**LICENSED REAL ESTATE BROKER** - MD REAL ESTATE COM. (#84674)

**GRI** - Graduate, REALTOR Institute

### EDUCATION:

#### **MASTER OF BUSINESS ADMINISTRATION - 1987**

THE FRANKLIN P. PERDUE SCHOOL OF BUSINESS  
SALISBURY UNIVERSITY, Salisbury, MD

#### **BACHELOR OF ARTS - 1982**

WASHINGTON COLLEGE, Chestertown, MD  
Majors: Economics and Sociology

### **APPRAISAL INSTITUTE COURSES & SEMINARS:**

Business Practices and Ethics - Online, 11/11  
Appraisal Curriculum Overview - General, DE Chapter Appraisal Institute, 3/11  
Litigation Appraising: Specialized Topics and Application, DC Chapter AI, 3/11  
Green Residential Valuation, AI Webinar, 5/10  
Residential Development Valuation Trends, Issues, & Challenges, AI Webinar, 10/09  
Valuation for Financial Reporting, AI Webinar, 4/09  
Delmarva Real Estate Outlook, Instructor, DE Chapter AI, 1/04 - 1/13  
Uniform Appraisal Standards Federal Land Acquisitions, MD Chapter AI, 1/07  
Course 420: Business Practices & Ethics 10/06  
Appraisal of Manufactured Housing, MD Chapter Appraisal Institute, 5/06  
Appraisal Scope of Work: Burden or Blessing, ABA/AI Telephone Briefing 4/06  
Sussex County DE Economic Update, Instructor, DE Chapter Apprsl. Inst. 1/06  
Professional Guide to URAR, MD Chapter Appraisal Institute, 6/05  
Appraisal of Local Retail Properties, DE Chapter Appraisal Institute 3/04  
Appraisal Independence, Appraisal Institute Teleconference 2/04  
Complexities of Appraising Resort Real Estate, DE Chapter Appraisal Inst. 1/04  
Appraisal Summit 2003, Washington, D.C., Appraisal Institute 9/03  
HUD/FHA Update & Review, DE Chapter Appraisal Institute 5/03  
Standards of Prof. Practice, parts A, B & C, DE Chapter, 3/93 (A&B) - PA Chap., 6/99  
Business Enterprise Valuation, AI - Orlando, FL 6/99  
Private Mortgage Insurance Cancellation, AI - Orlando, FL 6/99  
Technology Forum, AI - Orlando, FL 6/99  
Valuing Your Business, AI - Orlando, FL 6/99

Eminent Domain & Condemnation Appraising, AI-DE Chapter, 4/98  
FHA and HUD Review, Appraisal Institute-Delaware Chapter, 3/97  
Appraising for Fannie Mae, Appraisal Inst.-DE Chapter, 1/97  
Advanced Demonstration Appraisal Report Workshop, Harrisburg, PA, 5/93  
Report Writing & Valuation Analysis, University of North Carolina, Chapel Hill, NC, 7/92  
Case Studies in Real Estate Valuation, American University, Washington, D.C., 10/91  
Capitalization Theory and Techniques part B, Univer. of MD, College Park, MD, 7/90  
Residential Valuation, Successful completion of examination 8-2, 9/89  
Standards of Professional Practice, MD Chapter 26, Baltimore, MD, 5/88  
Capitalization Theory & Techniques Part A, Successful completion of exam 1B-A, 3/88  
Basic Valuation Procedures, Successful completion of examination 1A-2, 3/88  
Real Estate Appraisal Principles, Dartmouth College, Hanover, NH, 8/87  
FIRREA Compliance/Differences - Appraisal Institute

### **APPRAISAL EDUCATION COURSES & SEMINARS:**

Delaware Appraisal Laws & Regulations, McKissock, 9/07, 7/09, 8/11, 9/13  
National USPAP Update, 1/04, 2/06, 3/07, 4/09, 4/11, 6/13  
DelDot Appraisal Procedures, DelDot 1/12  
Environmental Pollution & Mold, McKissock, 2/10  
REO & Foreclosures, McKissock, 10/09  
Fannie Mae Form 1004MC, HVCC & More, McKissock, 9/09  
How to Value Real Estate in a Downward Market, WorWic Community College, 3/09  
Freddie Mac & Fannie Mae Changes, Coastal Assoc of Realtors, 3/09  
Effective Banker-Appraiser Communication, National Telephone Briefing, 8/07  
USPAP Changes & Scope of Work, DE Council of Real Estate Appraisers, 10/06  
Partial Acquisition Valuation/Eminent Domain, Loomis Real Estate School, 4/05  
Ethics - It's Good For Business, Coastal Ass. of Realtors, 12/04  
Appraising Rural Land & Conser. Easements, Virginia Ass. of Realtors, 4/03  
Review of USPAP, Loomis Real Estate Appraising School, 2/03  
Current Appraisal Issues, Loomis Real Estate Appraising School, 2/03  
10<sup>th</sup> Annual Appraisal Seminar, DE Council on Real Estate Appraising, 9/02  
Annual Seminar, DE Council on Real Estate Appr., 9/01  
Virginia Appraiser Laws & Regulations, 4/01  
Fair Housing Seminar & Leg. Update - Ed Smith R E School 4/01  
Comprehensive Appraisal Workshop - Ted Witmer, 8/00  
New FHA/HUD Guidelines & Procedures - 3/00  
Eminent Domain Training, National Highway Inst., DelDOT, Dover, DE 2/99  
GRI Series 200, 300, 400 MD Ass. of Realtors, 4/97, 10/97, 2/99  
Residential Construction Loan Inspections, Crestar Bank, 3/98  
USPAP: Update & Review, Instructor, Wor-Wic Community College, 7/94, 4/96  
Appraising Complex Residential Properties, Wor-Wic Community College, 2/96  
Perspectives On Appraisals, Value It, 6/95  
Practical Overview of Evaluations and Other Limited Scope Assignments, 1/95  
Appraising FHA Insured Properties, 10/94  
Principles Of Farm, Ranch & Rural Appraising, Nat. Ass. of Independent Fee Appraisers, Salisbury, MD, 11/90  
Valuing a Business - Salisbury State Univ., Small Bus. Inst.  
Conventional Financing Seminar - Coastal Board of Realtors  
CDA/MD Bond Program Seminar - Coastal Board of Realtors  
Code of Ethics Seminar - Coastal Board of Realtors

**EXPERIENCE:**

**W. R. McCain & Associates, Inc., 1988 - Present**  
**President/CEO**

Fee Appraisal Services for extensive list of Banks and Mortgage Companies

Appraisal Services for Maryland Department of General Services,  
Maryland Department of Transportation, and Delaware DOT, FAA

Expert Testimony for District, Circuit and Federal Court, Bankruptcy,  
Tax Appeal and Zoning Hearings

Conservation Easement Appraisals for Conservation Fund, USFWS, NRCS, MET, ESLC,  
Nature Conservancy, Rural Legacy, MALPF, Lower Shore Land Trust, Audubon Society,  
USDA

Yellow Book Certified Appraisals for Federal Land Acquisitions

Approved HUD Roster Appraiser for MD, DE, and VA

Appraisal Services for local county and municipal Governments

Appraisals for Attorneys, Private Individuals, Businesses and Developers:  
-Residential, Commercial, Industrial, Special Use

Seminar Instructor for Delaware Chapter of Appraisal Institute 2004-11

Instructor: Wor-Wic Community College 1986-2001  
Appraising Techniques & Practices of Appraising  
USPAP: Update and Review  
Virginia Appraiser Board Law & Regulation Update

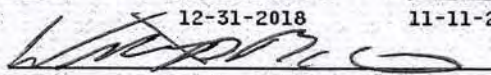
**ASSOCIATIONS/AFFILIATIONS:**

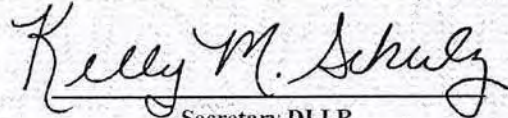
*Appraisal Institute*  
*Delaware Chapter of Appraisal Institute, President 2014-15*  
*National Association of Realtors*  
*Maryland Association of Realtors*  
*Coastal Association of Realtors*  
*Wicomico County Councilman, 2006 - 2010*  
*Peninsula Regional Medical Center Board of Trustees - Chairman 2013-15*  
*Wicomico Rotary Club, President 1996-97*  
*District 7630 Rotary International, Ass. Distr. Gov. 1998-99*  
*Trinity United Methodist Church Board of Trustees*  
*Mid-Delmarva YMCA Board of Trustees*  
*Greater Salisbury Committee*  
*Salisbury Area Chamber of Commerce*

**STATE OF MARYLAND**  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

COMMISSION OF RE APPRAISERS & HOME INSPECTORS  
CERTIFIES THAT:  
WILLIAM RALPH MCCAIN

IS AN AUTHORIZED: **04 - CERTIFIED GENERAL**



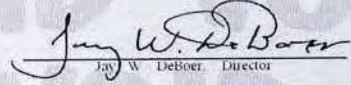
<u>LIC/REG/CERT</u> 210	<u>EXPIRATION</u> 12-31-2018	<u>EFFECTIVE</u> 11-11-2015	<u>CONTROL NO</u> 4770714
			
Signature of Bearer			

  
Secretary DLLR

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE NO.	X1-0000045	<b>STATE OF DELAWARE</b>	NOT TRANSFERABLE
		DIVISION OF PROFESSIONAL REGULATION	
		861 Silver Lake Blvd. Cannon Building, Suite 203 Dover, DE 19904-2467	
PROFESSION:	Certified General Real Property Appraiser		EXPIRATION DATE: 10/31/2017
ISSUED TO:	William R. McCain		
	<b>MAILING ADDRESS</b> William R. McCain 205 Executive Plaza Salisbury MD 21804		
		<b>PROFESSIONAL LICENSE</b>	
			469109
		LICENSEE SIGNATURE	

THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE. THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE.

<b>COMMONWEALTH of VIRGINIA</b>		
Department of Professional and Occupational Regulation		
9960 Mayland Drive, Suite 400, Richmond, VA 23233		
Telephone: (804) 367-8500		
EXPIRES ON 02-28-2018		NUMBER 4001001437
REAL ESTATE APPRAISER BOARD		
CERTIFIED GENERAL REAL ESTATE APPRAISER		
	WILLIAM R MCCAIN 5298 JAMES LANDING ROAD SALISBURY, MD 21801-0000	
		 Jay W. DeBoer, Director
Status can be verified at <a href="http://www.dpor.virginia.gov">http://www.dpor.virginia.gov</a>		

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
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# Sussex County

DELAWARE

[sussexcountype.gov](http://sussexcountype.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable I.G. Burton, III  
The Honorable Robert B. Arlett

**FROM:** Hans Medlarz, P.E., County Engineer

**RE:** ***SUSSEX COUNTY BRIDGEVILLE LANDFILL  
BUILDING DEMOLITION, PROJECT NO. 17-08  
CHANGE ORDER NO. 1***

**DATE:** January 10, 2017

On November 1, 2016, County Council awarded the Sussex County Bridgeville Landfill Building Demolition Project unit price contract to Brightfields, Inc., in the amount of \$132,362.50.

The Sussex County Engineering Department requests approval of the attached Change Order No. 1. This change order adjusts final quantities and allows for additional equipment authorized by the Engineering Department for road maintenance, which increases the contract price by \$831.39, and brings the new contract price total to \$133,193.89.





**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

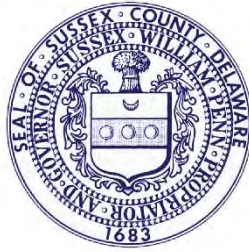
1. Project Name: **BRIDGEVILLE LANDFILL BUILDING DEMOLITION**
2. Sussex County Contract No. 17-08
3. Change Order No. 1
4. Date Change Order Initiated - 1/03/17
5.
  - a. Original Contract Sum \$132,362.50
  - b. Net Change by Previous Change Orders -0-
  - c. Contract Sum Prior to Change Order \$132,362.50
  - d. Requested Change \$831.39
  - e. Net Change (No. of days) -0-
  - f. New Contract Amount \$133,193.89
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion

## ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable I.G. Burton, III  
The Honorable Robert B. Arlett

**FROM:** Joe Wright, P.E., Assistant County Engineer

**RE:** *Woods at Walls Creek Subdivision  
Balancing Change Order and Substantial Completion  
Project No. 17-03*

**DATE:** January 10, 2017

Please see the attached Balancing Change Order (change order no. 1) for The Woods at Walls Creek Subdivision-Road Work, Sussex County Project No. 17-03. This change order reduces the contract amount by \$13,593.88 and adjusts all quantities to their final amounts; thereby lowering the total contract amount to \$119,076.72.

We would also like to recommend Substantial Completion for the project. Construction started November 4, 2016 and was substantially complete on November 24, 2016.





**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **Woods at Walls Creek Subdivision – Road Work**
2. Sussex County Contract No. 17-03
3. Change Order No. 1
4. Date Change Order Initiated - December 15, 2016
5.
  - a. Original Contract Sum \$132,670.60
  - b. Net Change by Previous Change Orders N/A
  - c. Contract Sum Prior to Change Order \$132,670.60
  - d. Requested Change \$-13,593.88
  - e. Net Change (No. of days) 0
  - f. New Contract Amount \$119,076.72
6. Contact Person Anthony DiGiuseppe Jr.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion





Woods at Walls Creek Subdivision - Road Work  
 Sussex County Project 17-03; Jerry's, Inc.  
 Balancing Change Order (C. O. #1)

WORK ITEMS				As Bid		As-Built			OVER/UNDER TOTAL ITEM PRICE
ITEM NO.	ITEM DESCRIPTION (SEE SPECIFICATIONS AND ADDENDA FOR COMPLETE DESCRIPTIONS)	UNIT	EST. QTY.	BID UNIT PRICE	TOTAL BID ITEM PRICE	FINAL QTY.	UNIT PRICE	TOTAL ITEM PRICE	
<b>Part A: Woods at Walls Creek Subdivision - Road Work</b>									
A-1	Mobilization	LS	1	\$ 6,100.00	\$ 6,100.00	1	\$ 6,100.00	\$ 6,100.00	\$ -
A-2	Manhole Adjustments	EA	7	\$ 304.00	\$ 2,128.00	7	\$ 304.00	\$ 2,128.00	\$ -
A-3	Type C Hot Mix (2.0" 160 Gyration PG 64-22)	TON	1,500	\$ 70.21	\$ 105,315.00	1,354.88	\$ 70.21	\$ 95,126.12	\$ (10,188.88)
A-4	Existing Hot Mix Preparation	LS	1	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00	\$ 5,000.00	\$ -
A-5	Driveway Tie-ins	EA	38	\$ 120.00	\$ 4,560.00	38	\$ 120.00	\$ 4,560.00	\$ -
A-6	Soil Stabilization (12" Wide)	LF	11,760	\$ 0.51	\$ 5,997.60	10,460	\$ 0.51	\$ 5,334.60	\$ (663.00)
<b>Part B: Contingent Bid Items</b>									
B-1	Hot Mix Milling (1/2"-2.0")	SY	225	\$ 6.00	\$ 1,350.00	28	\$ 6.00	\$ 168.00	\$ (1,182.00)
B-2	Additional Manhole Adjustments	EA	5	\$ 180.00	\$ 900.00	2	\$ 180.00	\$ 360.00	\$ (540.00)
B-3	R.O.W Landscaping Removal	LS	1	\$ 300.00	\$ 300.00	0	\$ 300.00	\$ -	\$ (300.00)
B-4	Additional Driveway Tie-ins	EA	6	\$ 120.00	\$ 720.00	0	\$ 120.00	\$ -	\$ (720.00)
B-5	Concrete Driveway With Existing Grade Issues	EA	1	\$ 300.00	\$ 300.00	1	\$ 300.00	\$ 300.00	\$ -
<b>BASE BID (Part A + Part B)</b>				<b>TOTAL</b>	<b>\$ 132,670.60</b>		subtotal	\$ 119,076.72	\$ 13,593.88

TOTAL BASE BID

\$ 132,670.60

TOTAL CREDIT

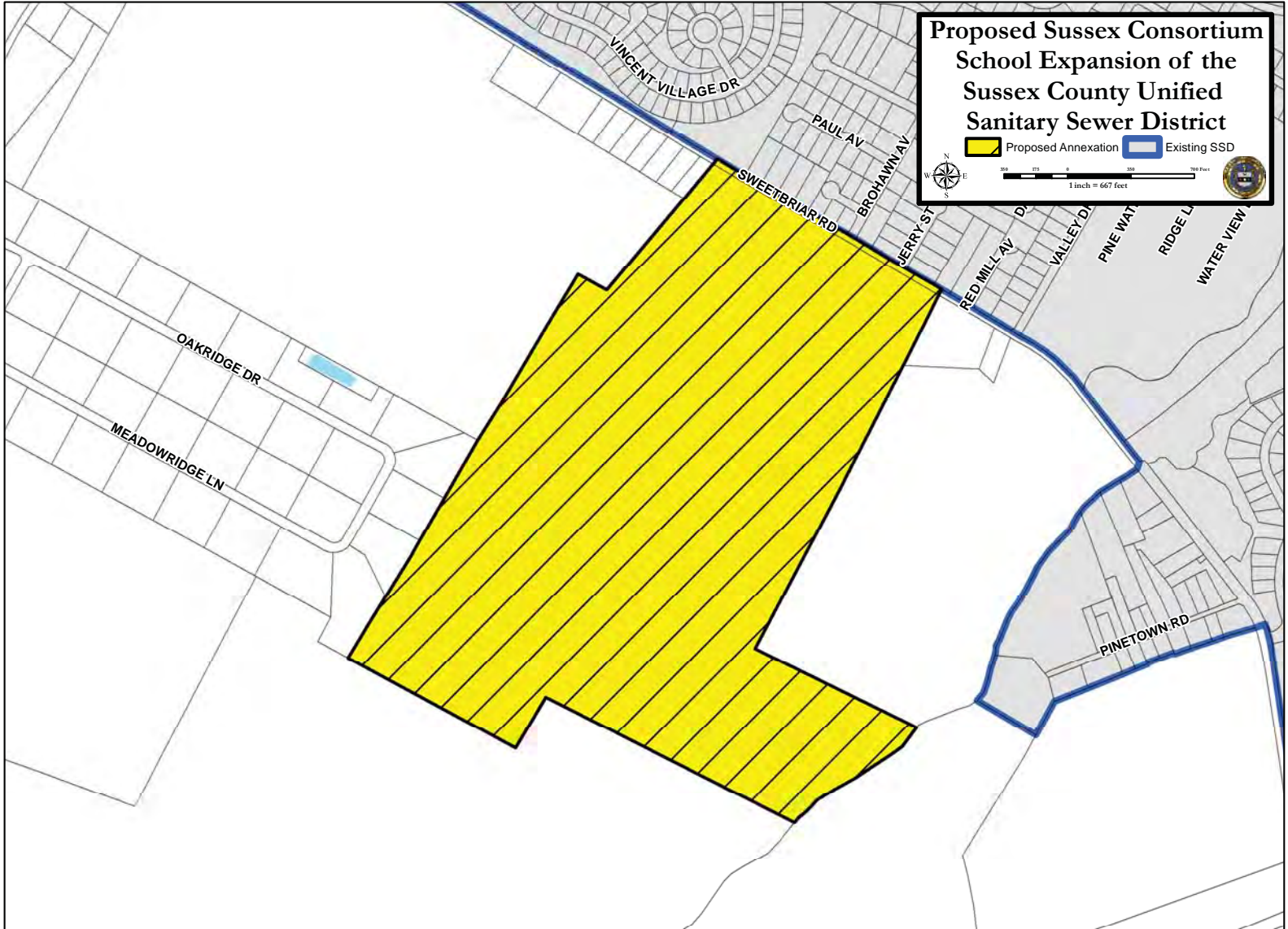
\$ 13,593.88

FINAL CONTRACT PRICE

\$ 119,076.72

## **Sussex Consortium School Expansion Facts**

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
- Requested by the Davis, Bowen & Friedel Inc on behalf of the Cape Henlopen School District.
- There is a connection available.
- Parcel 235-27.00-20.00.
- The expansion will consist of 24.82 acres  $\pm$ .
- The project will be responsible for System Connection Charges of \$5775 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for March 7, 2017 at the regular County Council meeting.



**Proposed Sussex Consortium  
School Expansion of the  
Sussex County Unified  
Sanitary Sewer District**

Proposed Annexation Existing SSD

1 inch = 667 feet

The proposed annexation is scheduled to be discussed **January 10, 2017 at 10:15 AM**, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947.  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE SUSSEX CONSORTIUM SCHOOL EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (WEST REHOBOTH AREA) AS PRESENTED ON JANUARY 10, 2017.

JOHN J. ASHMAN

FILE: OM-9.13AT

JANUARY 10, 2017

