

RESOLUTION NO. R 006 20

A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE NEW ROAD ESTATES CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT AS AMMENDED WITH PROPER NOTIFICATION OF ANY DATE, TIME AND PLACE CHANGES

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other construction designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as New Road Estates, as represented on Sussex County Tax Map 335 - 8.00 Parcels 589 - 597, and on Recorder of Deeds Plot Book 43 - Page 174; located south of New Road (#266), just west of the intersection with Lynn Road (#266A), near Lewes, DE, within the Lewes & Rehoboth Hundred, requested petition forms be provided from Sussex County Engineering Department to determine if there was enough interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of New Road Estates to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

WHEREAS, it was determined by the Sussex County Engineering Department that New Road Estates meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within New Road Estates on October 4, 2019, in accordance with the Sussex County Code, along with a project boundary map and project cost estimate, with estimated charges to each property owner; and

WHEREAS, 6 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 66% of the 9 assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5 of the Sussex County Code; and

WHEREAS, on November 21, 2019 and on January 14, 2020, the Sussex County Engineering Department mailed to all New Road Estates property owners of record within the proposed project area a Notice of a Public Meeting to be held in the community on February 13, 2020; as required by §96-5 of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department held the Public Meeting to discuss the Chapter 96 community improvements proposal on Thursday, February 13, 2020, at 5 New Lane, Lewes, in the community with New Road Estates property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.

NOW, THEREFORE, BE IT RESOLVED, Sussex County Council hereby formally accepts the community of New Road Estates into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED, that Sussex County Council approves for New Road Estates proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$ 831.21 for a ten (10) year time period, or an estimated lump sum payment cost of \$ 6,826.58 for each assessable property located within the boundary of the New Road Estates proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

BE IT FURTHER RESOLVED, that the Sussex County Council does establish Tuesday, April 21, 2020, during the hours of 3:30 p.m. – 6:30 p.m., at the Lewes Public Library located at 111 Adams Avenue, Lewes, Delaware, as the date, time, and place for the Election to determine if the property owners of New Road Estates are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the February 13, 2020 Public Meeting. A provision for Absentee Ballots will be provided; and

BE IT FURTHER RESOLVED, Sussex County Council appoints Patrick J. Brown, PE, of the Sussex County Engineering Department, or his designee, to be the judge of the April 21, 2020 Election; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in the New Road Estates proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code, and to provide proper notification of any necessary changes to date, time and location of the Election.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 006 20 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF MARCH 2020.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**