

RESOLUTION NO. R 007 22

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE TWO TRACTS OF LAND ON BOTH SIDES OF MILLERS NECK ROAD LOCATED IN THE BALTIMORE 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 Bayard area, 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 Phillip C. Calio, 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 in the Miller Creek area and further described as follows:

Tract 1: 134-21.00-11.12

Beginning at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the westerly Right-Of-Way (ROW) of Millers Neck Road, approximately 725' southwest of the intersection with White Oak Drive; thence proceeding by and with said sewer district boundary and said ROW in a northeasterly direction a distance of 770'± to a point, said point being on the northerly ROW of Millers Neck Road, said point also being in the southerly property line Now-or-Formerly (N/F) of Christopher F. Neff; thence leaving said sewer district boundary and following said ROW in an easterly direction a distance of 1,100'± to a point, said point being the southeasternmost property corner of lands N/F of James M. & Kimberly D. Allison; thence leaving said ROW and proceeding in a southeasterly direction across Millers Neck Road a distance of 50'± to a point, said point being on the southerly ROW of Millers Neck Road, said point further being the northeasternmost property corner of lands N/F of Estuary Development, LLC; thence leaving said ROW and proceeding with said Estuary lands in a generally southerly direction a distance of 1,248'± to a point; thence continuing with said Estuary lands in a northwesterly, southwesterly and northwesterly direction respectively a total distance of 1,487'± to a point, said point being on the easterly ROW of Millers Neck Road; thence crossing Millers Neck Road in a northwesterly direction a distance of 50'± to a point, said point being that of the BEGINNING.

Tract 2: 134-21.00-10.00 & 10.01

Beginning at a point, said point being on the SCUSSD (Miller Creek Area) boundary, said point also being on the westerly ROW of Millers Neck Road, approximately 370' southwest of the intersection with Indian Cove Drive, said point further being a property corner of other lands N/F Estuary Development, LLC; thence leaving said ROW and proceeding by and with said sewer district boundary and other lands of Estuary in a northwesterly, northeasterly and southeasterly direction a distance of 835'± to a point, said point being on the westerly ROW of Millers Neck Road; thence leaving said ROW and other lands of Estuary and proceeding across Millers Neck Road a distance of 50'± to a point, said point

being on the easterly ROW of Millers Neck Road, said point also being on other lands of Estuary Development, LLC; thence proceeding by and with said Estuary Development lands, in a southeasterly, southwesterly and northwesterly direction respectively a total distance of 1,107'± to a point, said point being on the easterly ROW of Millers Neck Road; thence proceeding with said ROW in a southwesterly direction a distance of 361'± to a point said point being the westernmost property corner of lands N/F of Richard M. & Linda S. Ryan; thence leaving said ROW and crossing Millers Neck Road in a westerly direction a distance of 50'± to a point, said point being that of the BEGINNING.

NOTE: The above description has been prepared using Sussex County Tax Map 134-21.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 007 22 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 28TH DAY OF JUNE 2022.

TRACY N. TORBERT
CLERK OF THE COUNCIL

