

RESOLUTION NO. R 007 24

A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT FOR WATERSIDE AS AMENDED 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 Waterside, as represented on Sussex County Tax Map 134 - 17.00 Parcel 14.00-1 through 14.00-80, and Recorder of Deeds Book 4931 - Page 96; located north of Muddy Neck Road (#361), just west of the intersection with Double Bridges Road (#363), near Ocean View, DE, within the Baltimore 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 Waterside 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 Waterside 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 Waterside on November 1, 2023, 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, 60 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 75% of the 80 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 January 17, 2024, the Sussex County Engineering Department mailed to all Waterside property owners of record within the proposed project area a Notice of Community Meeting to be held on February 16, 2024; as required by §96-5 of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department held the Community Meeting by virtual format to discuss the proposed Chapter 96 community improvements project as scheduled February 16, 2024, with Waterside 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 Waterside into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED that Sussex County Council approves for Waterside proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$ 803.00 for a ten (10) year time period, or an estimated lump sum payment cost of \$ 5,705.00 for each assessable property located within the boundary of the proposed Waterside 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 Thursday, May 16, 2024, during the hours of 9:00 a.m. – 4:00 p.m., within the Engineering Administration Offices located at 2 The Circle, Georgetown, Delaware, as the date, time, and place for the Election to determine if the property owners of Waterside are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the Community 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 Election on May 16, 2024; 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 Waterside 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 007 24 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9<sup>TH</sup> DAY OF APRIL 2024.

  
Tracy N. Torbert  
Clerk of the Council