

**RESOLUTION NO. R 009 21**

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) DAGSBORO-FRANKFORD AREA, TO INCLUDE ONE PARCEL OF LAND ALONG THE WEST SIDE OF DUPONT BOULEVARD LOCATED IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE (BANKS PROPERTIES)**

**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 Dagsboro 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 Dagsboro-Frankford area and further described as follows:**

**BEGINNING at a point, said point being on the westerly Right-Of-Way (ROW) of DuPont Blvd (Rt. 113) said point also being a the northernmost property corner of lands Now-Or-Formerly (N/F) of David Allen Clogg & Paula Rae Clogg; thence following the property line of Banks Properties LLC the following 7 courses and distances, (1) S61°32'04"W 430.93', (2) N74°24'20"W 247.18', (3) S80°57'07"W 58.77', (4) N03°56'28"E 434.00', (5) N18°36'23"E 41.53', (6) N60°44'12"E 390.86', (7) S29°26'57"E 591.65 to a point, said point being the Point of BEGINNING.**

**NOTE: The above description has been prepared using Sussex County Tax Map 233-11.00 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 R 009 21 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF MAY 2021.**

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

Proposed Annexation  
Banks Properties, LLC

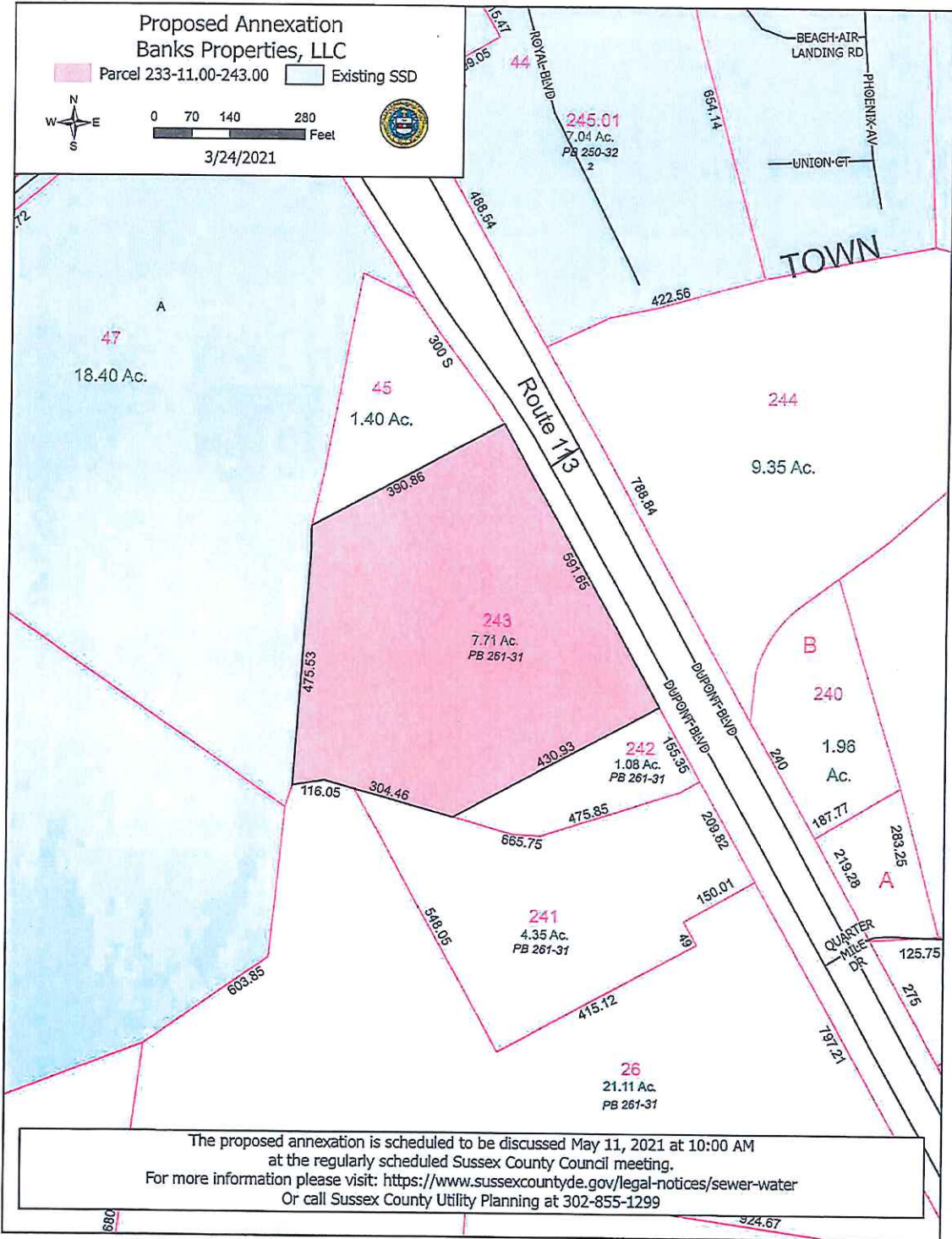
Parcel 233-11.00-243.00 Existing SSD



0 70 140 280 Feet



3/24/2021



The proposed annexation is scheduled to be discussed May 11, 2021 at 10:00 AM  
at the regularly scheduled Sussex County Council meeting.  
For more information please visit: <https://www.sussexcountysde.gov/legal-notices/sewer-water>  
Or call Sussex County Utility Planning at 302-855-1299

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT  
BANKS PROPERTIES EXPANSION  
AFFIDAVIT FOR PUBLIC HEARING

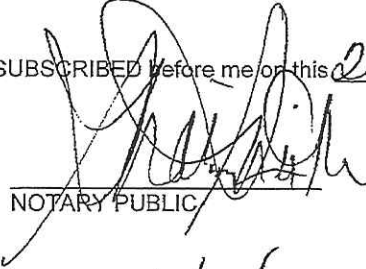
STATE OF DELAWARE )  
                                  :  
COUNTY OF SUSSEX )

BE IT REMEMBERED That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On April 20, 2021 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 20, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post 3' south of DPL Pole 56694/99462 in the westerly Right-Of-Way (ROW) of DuPont Blvd (Rt. 113),
  - 2. On a post in front of DPL Pole 56702/99446 in the westerly ROW of DuPont Blvd (Rt. 113),
  - 3. On a post in front of DPL Pole 56711/99428 in the westerly ROW of DuPont Blvd. (Rt 113),
  - 4. On a post in front of DPL Pole 56720/99413 in the westerly ROW of DuPont Blvd, (Rt. 113),
  - 5. On a bulletin board inside the U.S. Post Office 28290 Clayton St. (Rt. 26), Dagsboro, DE,
  - 6. On a post in the easterly ROW of DuPont Blvd (Rt. 113) at the exit of Royal Farms, Dagsboro DE,
  - 7. On a post in the easterly ROW of DuPont Blvd. (Rt. 113), in front of a stop sign at the exit from Savannah Square, Dagsboro, DE,
  - 8. On a post in front of Pole 56939/99912 in front of Bodies Market on Market Street, Dagsboro, DE.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 21<sup>st</sup> day of April A.D., 2021

  
NOTARY PUBLIC

SHARON E. SMITH  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

# **PUBLIC NOTICE**

## **PROPOSED BANKS PROPERTIES LLC EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (DAGSBORO/FRANKFORD AREA)**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on **March 23, 2021** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Dagsboro/Frankford Area, to include the Banks Properties, LLC on the west side of DuPont Blvd (Rt. 113) and west of the Town of Dagsboro, being situate in the Dagsboro Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del. C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

**Beginning** at a point, said point being on the westerly Right-Of-Way (ROW) of DuPont Blvd (Rt. 113) said point also being a the northernmost property corner of lands Now-Or-Formerly (N/F) of David Allen Clogg & Paula Rae Clogg; thence following the property line of Banks Properties LLC the following 7 courses and distances, (1) S61°32'04"W 430.93', (2) N74°24'20"W 247.18', (3) S80°57'07"W 58.77', (4) N03°56'28"E 434.00', (5) N18°36'23"E 41.53', (6) N60°44'12"E 390.86', (7) S29°26'57"E 591.65 to a point, said point being the **Point of Beginning**.

**NOTE:** The above description has been prepared using Sussex County Tax Map 233-11.00 and Sussex County property assessment records. The annexation contains 7.71 acres more or less.

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

**The public hearing will be held on this issue at 10:00 a.m. on May 11, 2021 at the regularly scheduled Sussex County Council meeting.** All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E.  
County Engineer