

RESOLUTION NO. R 016 25

A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE HERONWOOD CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT

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 community amenities 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 Heronwood, as represented on Sussex County Tax Map 235 - 22.00 Parcels 425.00 - 430.00, 430.01, 431.00 - 437.00, 467.00 - 480.00, and on Recorder of Deeds Plot Book 29 - Page 298, Plot Book 34 -Page 13, and Plot Book 42 - Page 146; located off Cave Neck Road, south of Milton, DE, within the Braodkill Hundred, requested petition forms be provided from the Sussex County Engineering Department to determine if there was adequate 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 Heronwood 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 Heronwood 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 Heronwood on October 11, 2024 in accordance with the Sussex County Code, along with a project boundary map and project preliminary cost estimate, with estimated charges to each property owner; and

WHEREAS, an adequate number of valid petition forms were returned to the Sussex County Engineering Department and verified to represent greater than fifty percent (50%) representation from assessable properties within the proposed project as requirement in § 96-5 of the Sussex County Code; and

WHEREAS, on March 18, 2025, the Sussex County Engineering Department mailed to all Heronwood property owners of record within the proposed project area a Notice of a Public Meeting to be held at the Milton Library in the Town of Milton on May 12, 2025; as required by § 96-5 of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department held the Public Meeting on May 12, 2025 to discuss the Chapter 96 community improvements proposal and receive comments, at the Milton Library with Heronwood 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 Heronwood into the Sussex County Chapter 96 Sussex Community Improvement Program; and


BE IT FURTHER RESOLVED, that Sussex County Council approves for Heronwood proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$1,162.00 for a ten (10) year time period, or an estimated lump sum payment cost of \$8,756.00 for each assessable property located within the boundary of the Heronwood proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

BE IT FURTHER RESOLVED, that Sussex County Council does establish Tuesday August 26, 2025 from 10 am to 4 pm., on the third floor of the Sussex County Administration Building located at 2 The Circle, Georgetown, DE 19947, as the date, time, and place for the Election to determine whether the property owners of Heronwood are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the May 12, 2025 Public Meeting. A provision for Absentee Ballots shall also be provided as part of the Election process; and

BE IT FURTHER RESOLVED, that Sussex County Council appoints J. Mark Parker, P.E., of the Sussex County Engineering Department, or his designee, to be the judge of said official 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 Heronwood 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 016 25 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JULY 2025.


Tracy N. Torbert
Clerk of the Council