

RESOLUTION R 016 08

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BAYVIEW ESTATES SANITARY SEWER DISTRICT (BVESSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG AND EAST OF COUNTY ROAD 395, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Bayview Estates Sanitary Sewer District; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County west of Fenwick Island, which includes the certain lots, pieces or parcels of land situated along and east of County Road 395, the parcels are contiguous to the BVESSD, the inclusion of this property 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 Penny Massey, 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 thirty 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 BVESSD to encompass certain lots, pieces or parcels of land situated along and east of County Road 395, as follows:

BEGINNING at a point on the northeasterly right-of-way (ROW) of County Road 395 (Williamsville Road), said point being \pm 1,969 feet from the southeasterly ROW of State Route 54 (Lighthouse Road) and said point being the southeasternmost corner of the lands now or formerly (N/F) of James T. & Carolyn M. Brinker; thence with said

ROW in a Southeasterly direction \pm 410 feet to a point, said point being the southeasternmost corner for the lands now or formerly of Gladys M. Knox Trustee; thence with said lands of Knox the following courses and distances: Northeasterly \pm 49 feet, Northeasterly \pm 77 feet, Northeasterly \pm 58 feet, Northwesterly \pm 136 feet, Northeasterly \pm 106 feet, Southeasterly \pm 349 feet, Southeasterly \pm 419 feet respectively to a point, said point being on the western boundary of the Sea Country Estates Subdivision (PB 8/710); thence with the said boundary in a Northeasterly direction \pm 986 feet to a point, said point being the northwesternmost corner of the lands N/F of Ernestine A. & Edward D. Shanahan, thence in a northwesterly direction \pm 100 feet, then a northeasterly direction \pm 106 feet to a point, said point being on the Southwesterly ROW of County Road 394 (Sandy Cove Road); thence with said ROW in a Westerly direction, \pm 725 feet to a point, said point being the northeasternmost corner of lands N/F of Keith M. & Ivy J. Nauman, thence with said lands of Nauman the following courses and distances, Southwesterly \pm 235 feet and Northwesterly \pm 124 feet to point, said point being a point on the boundary of lands N/F of James T. & Carolyn M. Brinker, thence with said lands of Brinker in a Northeasterly direction \pm 200 feet to the point, said point being on the Southwesterly ROW of County Road 394 (Sandy Cove Road); thence with said ROW in a Northwesterly direction \pm 1,027 feet to a point, said point being the northwesternmost corner of said lands of James T. & Carolyn M. Brinker; thence with said lands of Brinker the following courses and distances, Southwesterly \pm 939 feet, Southeasterly \pm 63 feet, Southwesterly \pm 93 feet, Southeasterly \pm 261 feet, Northeasterly \pm 42 feet respectively to a point, said point being the southwesternmost corner of other lands of James T. & Carolyn M. Brinker, thence by and with said other lands of Brinker in the following courses and directions Southeasterly \pm 292 feet, Southwesterly \pm 200 feet to a point, said point being on the Northeasterly ROW of County Road 395 (Williamsville Road); thence with said ROW in a Southeasterly direction \pm 510 feet to a point, said point being that of the Beginning.

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;

BE IT FURTHER RESOLVED that the County Engineer is hereby directed 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 016 08 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF APRIL 2008.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

PROPOSED EXPANSION OF THE
BAY VIEW ESTATES SANITARY SEWER DISTRICT
GLADYS M. KNOX TRUSTEE/RITTER/BRINKER ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, that the subscriber, PENNY MASSEY 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 15, 2008 she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 15, 2008 she did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a wooden stake placed near the northwest corner of the Brinker property on Sandy Cove Road.
 - 2. On a wooden stake placed along the northern property line of the Knox property on Sandy Cove Road.
 - 3. On a wooden stake at the entrance to Brinker Mansion Road
 - 4. On Delaware Electric Cooperative pole number 27197 on Williamsville Road across from the Brinker property and along the property line of Bay View Estates
 - 5. On a wooden stake placed near Delaware Electric Cooperative pole number 27210 in the entrance island of Bay View Estates
 - 6. On Delaware Electric Cooperative pole number 27193 on Williamsville Road across from the Ritter property and along the property line of Bay View Estates
 - 7. On a wooden stake placed near the entrance to the Bay View Estates Community Center on Seagull Road
 - 8. On a wooden stake near the driveway to the Ritter property along Williamsville Road

Penny Massey
PENNY MASSEY

SWORN TO AND SUBSCRIBED before me on this 16 day of April A.D., 2008.

Beverly Mitchell
NOTARY PUBLIC

My Commission Expires 3-20-11.

**PROPOSED EXPANSION TO THE BAY VIEW ESTATES SANITARY SEWER DISTRICT
TO INCLUDE THE LANDS OF GLADYS M. KNOX TRUSTEE,
ERIC H. AND MICHELE D. RITTER AND JAMES T. AND CAROLYN M. BRINKER**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 1, 2008, to consider extending the Bay View Estates Sanitary Sewer District (BVESD) to include parcels of land along and east of Road 395 (Williamsville Road), being in Baltimore Hundred, Sussex County, State of Delaware. The parcels are comprised of tax map 533-19.00 parcels 287.00, 287.03, 56.02, 56.04, and 56.05.

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

A description of the areas, which are contiguous to and to be added to the BVESD is described as follows:

BEGINNING at a point on the northeasterly right-of-way (ROW) of County Road 395 (Williamsville Road), said point being $\pm 1,969$ feet from the southeasterly ROW of State Route 54 (Lighthouse Road) and said point being the southeasternmost corner of the lands now or formerly (N/F) of James T. & Carolyn M. Brinker; thence with said ROW in a Southeasterly direction ± 410 feet to a point, said point being the southeasternmost corner for the lands now or formerly of Gladys M. Knox Trustee; thence with said lands of Knox the following courses and distances: Northeasterly ± 49 feet, Northeasterly ± 77 feet, Northeasterly ± 58 feet, Northwesterly ± 136 feet, Northeasterly ± 106 feet, Southeasterly ± 349 feet, Southeasterly ± 419 feet respectively to a point, said point being on the western boundary of the Sea Country Estates Subdivision (PB 8/710); thence with the said boundary in a Northeasterly direction ± 986 feet to a point, said point being the northwesternmost corner of the lands N/F of Ernestine A. & Edward D. Shanahan, thence in a northwesterly direction ± 100 feet, then a northeasterly direction ± 106 feet to a point, said point being on the Southwesterly ROW of County Road 394 (Sandy Cove Road); thence with said ROW in a Westerly direction, ± 725 feet to a point, said point being the northeasternmost corner of lands N/F of Keith M. & Ivy J. Nauman, thence with said lands of Nauman the following courses and distances, Southwesterly ± 235 feet and Northwesterly ± 124 feet to point, said point being a point on the boundary of lands N/F of James T. & Carolyn M. Brinker, thence with said lands of Brinker in a Northeasterly direction ± 200 feet to the point, said point being on the Southwesterly ROW of County Road 394 (Sandy Cove Road); thence with said ROW in a Northwesterly direction $\pm 1,027$ feet to a point, said point being the northwesternmost corner of said lands of James T. & Carolyn M. Brinker; thence with said lands of Brinker the following courses and distances, Southwesterly ± 939 feet, Southeasterly ± 63 feet, Southwesterly ± 93 feet, Southeasterly ± 261 feet, Northeasterly ± 42 feet respectively to a point, said point being the southwesternmost corner of other lands of James T. & Carolyn M. Brinker, thence by and with said other lands of Brinker in the following courses and directions Southeasterly ± 292 feet, Southwesterly ± 200 feet to a point, said point being on the Northeasterly ROW of County Road 395 (Williamsville Road); thence with said ROW in a Southeasterly direction ± 510 feet to a point, said point being that of the Beginning.

A map outlining and describing the extension to the BVESD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. on April 29, 2008 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. 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 final decision on the boundary extension will be made by the Sussex County Council following the hearing at one of their regularly scheduled meetings.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7718.

Michael A. Izzo, P E.
County Engineer

PROPOSED EXPANSION OF THE
BAY VIEW ESTATES
SANITARY SEWER DISTRICT

KNOX/RITTER/BRINKER REQUEST



MARCH 31, 2008



