

RESOLUTION NO. R 022 08

A RESOLUTION TO EXTEND THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT (LNSSD) TO INCLUDE LANDS SITUATED NORTH OF BAY FARM ROAD (CR 299) PRIMARILY FROM ROUTE 24 TO ROUTE 298, BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY DELAWARE

WHEREAS, Sussex County has established the Long Neck Sanitary Sewer District (LNSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County southwest of the LNSSD, 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 Lora Hudson, 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 LNSSD to include lands North of Bay Farm Road (CR 299), primarily from Route 24 to Route 298, as follows:

PART A

BEGINNING at a point, said point being the northeasternmost corner of lands now or formerly (N/F) of Margie D. Zettlemoyer and a point on the LNSSD Boundary, thence proceeding by and with said LNSSD Boundary in a southwesterly direction ± 165 feet to a point, said point being a point on the centerline of County Road (CR) 299 ± 130 feet from the intersection of CR 299 and CR 298, thence proceeding by and with said centerline in an northwesterly direction ± 1100 feet to a point, said point being a point on the centerline

of CR 299, thence proceeding in a northeasterly direction ± 30 feet to a point, said point being on the northern Right Of Way (ROW) of CR 299 and the southeasternmost corner of lands N/F of Robert Davis; thence proceeding by and with said lands of Davis in the following directions and distances; northeasterly ± 115 feet; southeasterly ± 150 feet to a point, said point being the northwesternmost corner of lands N/F of Catherine Jenkins; thence proceeding by and with said lands of Jenkins in a southeasterly direction ± 150 feet to a point, said point being the northwesternmost corner of the lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of lands N/F of Scott Gregory & Theresa Biener, thence proceeding by and with said lands of Biener in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands of Scott Gregory & Theresa Biener, thence proceeding by and with said lands of Biener in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of lands N/F of Margie D. Zettlemoyer; thence proceeding by and with said lands of Zettlemoyer in a southeasterly direction ± 150 feet to a point, said point being that of the Beginning.

PART B

BEGINNING at a point, said point being a point on the centerline of (CR) 299 ± 790 feet from the intersection of CR 299 & Route 24 (John J. Williams Highway), point also being a point on the LNSSD Boundary, thence in a northeasterly direction ± 30 feet to a point, said point being a point on the northern ROW of CR 299 and the southeasternmost corner of lands N/F of Burr D. & Ralph G. Monroe; thence proceeding by and with said lands of Monroe in the following directions and distances; northeasterly ± 130 feet, northwesterly ± 75 feet to a point, said point being the northeasternmost corner of lands N/F of Claudia Monroe; thence proceeding with said lands of Claudia Monroe in the following directions and distances; northeasterly ± 75 feet; southwesterly ± 130 feet to a

point, said point being the southwesternmost corner of said lands and a point on the northern ROW of CR 299, thence in a southwesterly direction ± 30 feet to a point, said point being a point on the centerline of CR 299, point also being a point on the LNSSD Boundary; thence proceeding by and with said boundary in a southwesterly direction ± 150 feet to a point, said point being that of the BEGINNING.

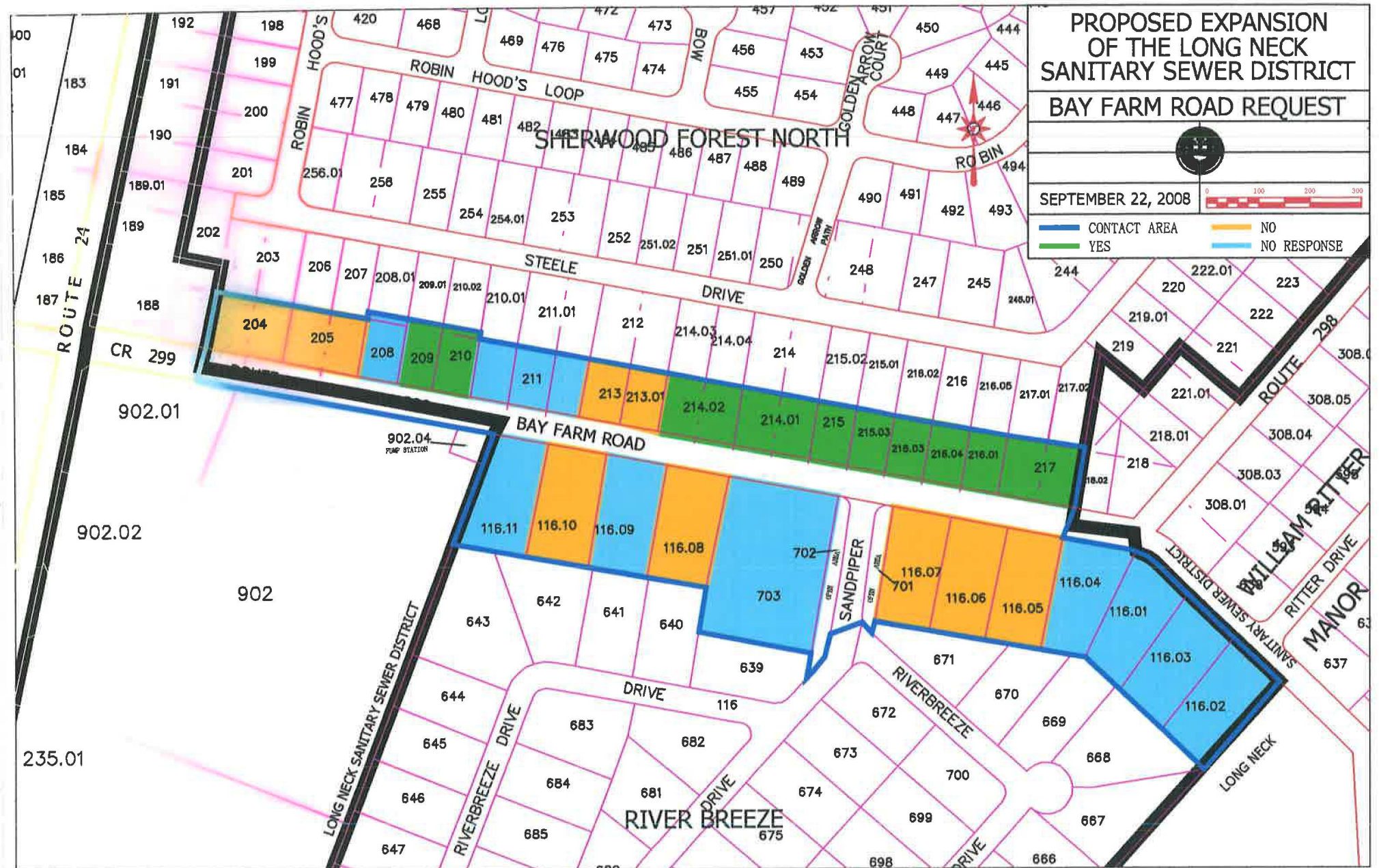
BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

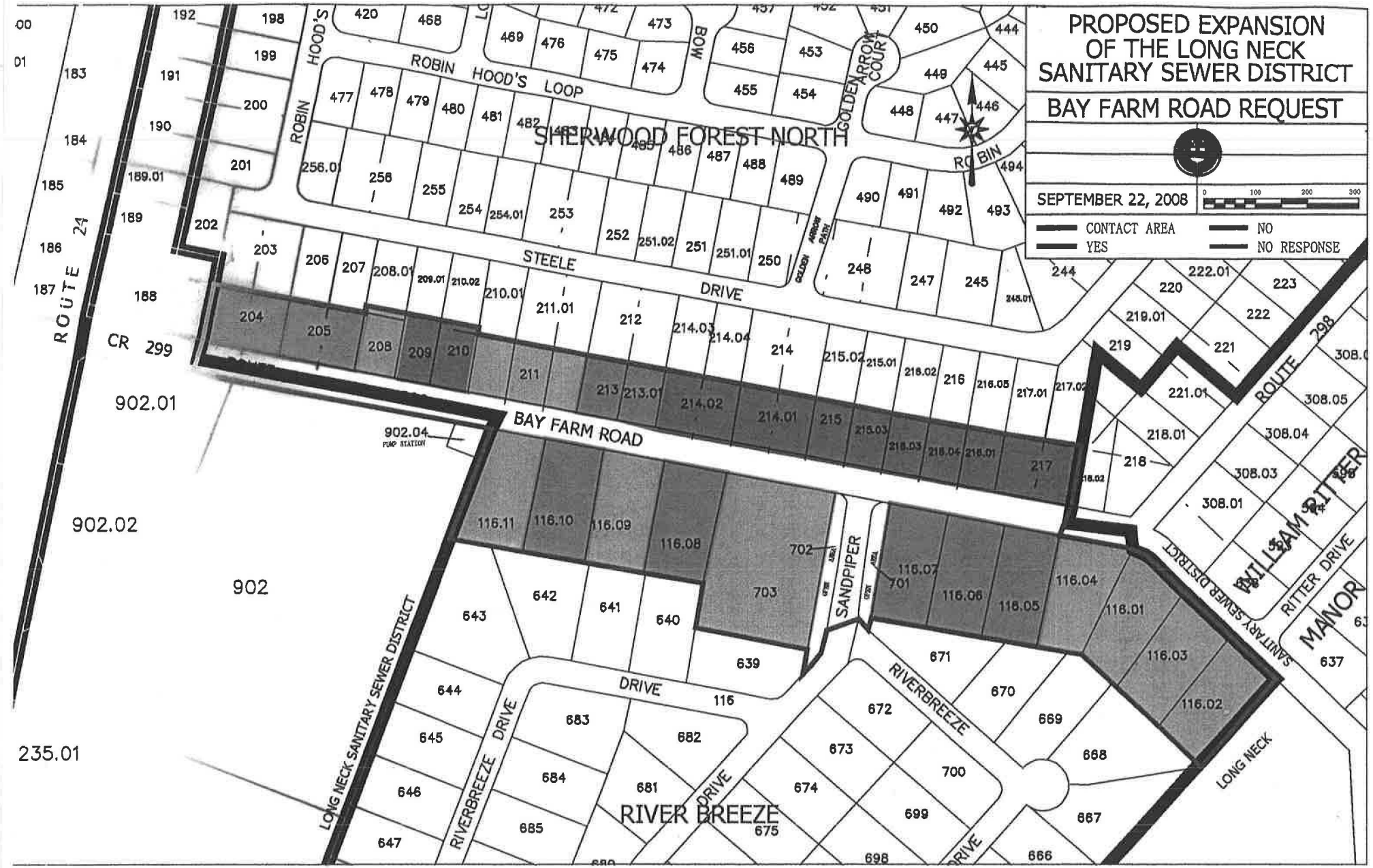
BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 022 08 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF SEPTEMBER 2008.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL





LONG NECK SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, LORA HUDSON, 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 August 25, 2008 she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On August 25, 2008 she did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On the bulletin board in lobby of Laundromat, Bay Farm Road, Route 24 Back Bay Center, Long Neck, Delaware
 - 2. On the bulletin board in the café of the Super Giant, Route 24, Long Neck, Delaware
 - 3. On the front windows of the Back Bay Tobacco, 26396 Bay Farm Road, Unit 6, Long Neck, Delaware
 - 4. On the bulletin board of Casella's, Route 24, Back Bay Center, Long Neck, Delaware
 - 5. On the area of land being considered for the proposed extension of the Long Neck Sanitary Sewer District, in four locations as follows:
 - (1) On a stake located near the area's southeastern corner;
 - (2) On a telephone pole #114889 located along Bay Farm Road;
 - (3) On a stake near the area's southwestern corner;
 - (4) On a telephone pole #26556 located along Bay Farm Road;

Lara Hudson
LORA HUDSON

SWORN TO AND SUBSCRIBED before me on this 26th day of August A.D., 2008.

Jayne E. Dickerson
NOTARY PUBLIC

My Commission Expires _____
Jayne E. Dickerson
Notary Public
Commission Expires 4/7/2011

PROPOSED EXPANSION OF THE
LONG NECK SANITARY SEWER DISTRICT
BAY FARM ROAD EXPANSION

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on Tuesday, July 29, 2008 to consider extending the Long Neck Sanitary Sewer District (LNSSD) to include all those certain lots, pieces or parcels of land, situated, North and South of Bay Farm Road (CR 299), primarily from Route 24 to Route 298 and located in Indian River Hundred, Sussex County, Delaware.

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

A description of the area, which is contiguous to and to be added to the Long Neck Sanitary Sewer District is described as follows:

BEGINNING at a point, said point being a point the northeasternmost corner of lands now or formerly (N/F) of Margie D. Zettlemoyer, point also being on the LNSSD Boundary, thence proceeding by and with said LNSSD Boundary in the following directions and distances, southwesterly direction ± 165 feet, easterly ± 150 feet, southerly ± 75 feet, southeasterly ± 375 feet, southwesterly ± 225 feet respectively to a point, said being the southernmost corner of the lands N/F of Kristopher S Williams and a point on the LNSSD boundary; thence proceeding by and with said lands of Williams in a northwesterly direction ± 113 feet to a point, said point being the southernmost corner of lands of N/F of Robert C & Marietta Giles; thence proceeding by and with said lands of Giles in a northwesterly direction ± 113 feet to a point, said point being the southernmost corner of lands of N/F of Harry C & Marion Wright; thence proceeding by and with said lands of Wright in a northwesterly direction ± 90 feet to a point, said point being the southeasternmost corner of lands N/F of Keith E & Jeanne S Mack; thence proceeding by and with said lands of Mack in a northwesterly direction ± 90 feet to a point, said point being the southeasternmost corner of lands N/F of William & Linda A Farley; thence proceeding by and with said lands of Farley in a northwesterly direction ± 115 feet to a point, said point being the southeasternmost corner of lands N/F of Rite M Kilby; thence proceeding by and with said lands of Kilby in a northwesterly direction ± 116 feet to a point, said point being the southeasternmost corner of lands N/F of Michael W & Barbara Minich; thence proceeding by and with said lands of Minich in a northwesterly direction ± 116 feet to a point, said point being on the eastern border of open area lands N/F of River Breeze Property Owners Association; thence proceeding by and with said lands of River Breeze in the following directions and distances, southerly ± 25 feet, then northwesterly ± 40 feet respectively to a point, said point being on the eastern Right Of Way (ROW) of Sandpiper Drive; thence proceeding in a southwesterly direction ± 30 feet to a point, said point being the centerline of Sandpiper Drive in River Breeze Development; thence proceeding in a southwesterly direction ± 115 feet along said centerline to a point, said point being a point on the centerline of Sandpiper Drive; thence crossing Sandpiper Drive in a northwesterly direction ± 30 feet to a point, said point being the southwesternmost corner of other open area lands N/F of River Breeze Property Owners Association; thence proceeding by and with said lands in a northerly direction ± 42 feet to a point, said point being the southeasternmost corner of lands N/F of Keith Tester; thence proceeding by and with said lands of Tester in the following directions and distances northwesterly ± 218 feet, then northerly ± 85 feet respectively to a point, said point being the

southeasternmost corner of lands N/F of Sidney H & Linda J Argo; thence proceeding by and with said lands or Argo in a northwesterly direction ± 115 feet to a point, said point being the southeasternmost corner of lands N/F of Kosta Tsoukalas; thence proceeding by and with said lands of Tsoukalas in a northwesterly direction ± 115 feet to a point, said point being the southeasternmost corner of lands N/F of Trula V Jordan; thence proceeding by and with said lands of Jordan in a northwesterly direction ± 115 feet to a point, said point being the southeasternmost corner of other lands N/F of Tsoukalas; thence proceeding by and with said lands of Tsoukalas in a northwesterly direction ± 115 feet to a point, said point being a point the southwesternmost corner of said lands of Tsoukalas and a point on the LNSSD boundary; thence proceeding by and with said LNSSD Boundary in the following directions and distances, northeasterly direction ± 265 feet, then northwesterly direction ± 600 feet, then northerly ± 160 feet respectively to a point, said point being the northwesternmost corner of lands N/F of Edward J & Geraldine C Esser; thence proceeding by and with said lands of Esser in a southeasterly direction ± 150 feet to a point, said point being the northwesternmost corner of lands N/F of Robert N & Patricia Ann Tice; thence proceeding by and with said lands of Tice in a southeasterly direction ± 150 feet to a point, said point being a point on the boundary of lands N/F of Richard A & Susanna M Leister; thence proceeding by and with said lands of Leister in the following directions and distances, northerly ± 25 feet, then southeasterly ± 75 feet to a point, said point being the northwesternmost corner of lands N/F of Claudia Monroe; thence proceeding by and with said lands of Monroe in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of Claudia Monroe; thence proceeding by and with said lands of Monroe in the following directions and distances, southeasterly direction ± 75 feet, then southerly ± 25 feet respectively to a point, said point being the northwesternmost corner of lands N/F of Paul E & Joanne L Mayer; thence proceeding by and with said lands of Mayer in a southeasterly direction ± 225 feet to a point, said point being the northwesternmost corner of lands N/F of Charles W & Maureen S Gundlach; thence proceeding by and with said lands of Gundlach in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of Gundlach; thence proceeding by and with said lands of Gundlach in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of lands N/F of Robert Davis; thence proceeding by and with said lands of Davis in a southeasterly direction ± 150 feet to a point, said point being the northwesternmost corner of lands N/F of Catherine Jenkins; thence proceeding by and with said lands of Jenkins in a southeasterly direction ± 150 feet to a point, said point being the northwesternmost corner of lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR, LLC in a southeasterly directions ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR, LLC in a southeasterly directions ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of DKR, LLC; thence proceeding by and with said lands of DKR, LLC in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of lands N/F of Scott Gregory & Theresa Biener; thence proceeding by and with said lands of Beiner in a southeasterly direction ± 75 feet to a point, said point being the northwesternmost corner of other lands N/F of Scott Gregory & Theresa Biener; thence proceeding by and with said lands of Beiner in a southeasterly direction ± 75 feet to a point; said point being the northwesternmost corner of lands N/F of Margie D Zettlemoyer; thence proceeding by and with said lands of Zettlemoyer in a southeasterly direction ± 150 feet to a point, said point being the northeasternmost corner of Zettlemoyer and a point on the LNSSD boundary, point also being that of the BEGINNING.

The proposed expansion of the LNSSD is within these boundaries and said to contain 15.00 acres, more or less. The boundary description has been prepared using Sussex County Tax Map 234-23.00 and Sussex County property assessment records.

A map outlining and describing the extension to the Long Neck Sanitary Sewer District is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, September 16, 2008 in the Sussex County Council Chambers, County Administrative Office, 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 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.

Michael A. Izzo, P.E.
County Engineer