

RESOLUTION R 024 07

A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED NORTHERLY AND SOUTHERLY OF COUNTY ROAD 336, PINEY NECK ROAD, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Dagsboro-Frankford 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 northeast of the Town of Dagsboro, which includes the certain lots, pieces or parcels of land situated northerly and southerly of County Road 366, Piney Neck Road, which is contiguous to the DFSSD, 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 Dagsboro-Frankford Sanitary Sewer District to encompass certain lots, pieces or the parcels of land situated northerly and southerly of County Road 366, Piney Neck Road.

BEGINNING at a point, said point lying on the northerly right-of-way (ROW) of Country Road (CR) 366 Piney Neck Road, said point also being a point on the lands now or formerly (N/F) of Edward J & Patricia Timmons; thence continuing with said ROW in a northeasterly direction ± 4076.50 feet to a point, said point being on said ROW, said point also being the southwesternmost corner of lands N/F of Sussex

County; thence proceeding by and with said lands in a northwesterly direction ± 1972.50 feet to a point, said point being the northwesternmost corner of said lands; thence proceeding in a easterly direction ± 394.50 feet to a common property corner of said lands and lands N/F Norman Edward Jr & Benita Davidson; thence by and with said lands in the following directions, northwesterly direction ± 657.50 feet, southwesterly direction ± 263 feet, northerly direction ± 1972.50 feet to a point, said point being the northwesternmost corner of said lands; thence proceeding in a easterly direction ± 394.50 feet to a point, said point being a point on the boundary of said lands and the southwesternmost corner of other lands N/F Sussex County; thence by and with said lands in the following directions; northerly direction ± 1315 feet, northeasterly direction ± 263 feet, easterly direction ± 1052 feet, southeasterly direction ± 723.20 feet to a point, said point being a point on the boundary of said lands and the northeasternmost corner of lands of N/F Norman Edward Jr & Benita Davidson, thence by and with said lands in the following directions, northeasterly direction ± 1972.50 feet, southeasterly direction ± 1315 feet to a point, said point being the northwesternmost corner of other lands N/F Sussex County, thence by and with said lands in the following directions, northeasterly direction ± 1446.50 feet, southeasterly direction ± 1117.75 feet, southwesterly direction ± 1446.50 feet, northwesterly direction ± 986.25 feet to a point, said point being the southeasternmost corner of lands N/F Norman Edward Jr & Benita Davidson; thence by and with said lands in a southwesterly direction ± 657.50 feet to a point, said point being the northeasternmost corner of other lands of N/F Sussex County, thence by and with said lands in the following directions; southeasterly direction ± 2301.25 feet, southwesterly direction ± 920.50 feet, southeasterly direction ± 789 feet to a point, said point being the northwesternmost corner of lands N/F Louis E Lynch, by and with said lands in a southeasterly direction ± 263 feet, to a point, said point lying on the northerly ROW of CR 366, thence continuing with said ROW in a northeasterly direction ± 5917.50 feet to a point, said point being a common corner of lands N/F Sussex County and lands N/F Gayle Derrickson-Steele; thence following said lands N/F of Sussex County in the following directions, northerly ± 526 feet, westerly direction ± 2301.25 feet, northwesterly direction ± 2893 feet, northeasterly direction ± 2367 feet, southeasterly direction ± 263 feet, southerly direction ± 526 feet to a point, said point being a common

corner of said lands and other lands N/F of Sussex County, thence proceeding by and with said lands in the following directions; northeasterly direction ± 2498.50 feet, southerly direction ± 394.50 feet to a point, said point being a common corner of said lands and other lands of N/F Sussex County, thence by and with said lands in a northeasterly direction ± 526 feet to a point, said point being the northeasternmost corner of said lands and the lands N/F of Roger Sexauer Inc; said point also lying on the westerly ROW of CR 335A, thence by and with said ROW in a southeasterly direction ± 1972.50 feet to a point, said point being the northeasternmost corner of lands N/F of Warren F & Sharon S Johnson, thence by and with said lands in a westerly direction ± 460.25 feet to a point, said point being a common corner of said lands and lands N/F Sussex County, thence by and with said lands in the following directions southeasterly direction ± 460.25 feet, southwesterly direction ± 2367 feet, southerly direction ± 394.50 feet to a point, said point being a common corner of said lands and lands N/F Brandon R & Holly L Donaway; said point also being on the northerly ROW of CR 336; thence proceeding by and with said ROW in a northeasterly direction ± 2235.50 feet to a point, said point being on the northerly ROW of CR 336, thence proceeding ± 50 feet crossing CR 336 in a southerly direction to a point, said point being a common corner of lands N/F Bonard B Timmons Jr & D Stephen Parsons and lands N/F of Craig E & Barbara J Phillips; thence by and with said lands of Bonard B Timmons Jr & D Stephen Parsons in the following directions; southerly direction ± 263 feet, easterly direction ± 657.50 feet, northerly direction ± 263 feet to a point, said point being a common corner of said lands and lands N/F Brian W & Stephanie C Raschka; said point also being on the southerly ROW of CR 336, thence proceeding ± 50 feet crossing CR 336 in a northerly direction to a point, said point being on the northerly ROW of CR 336; thence proceeding by and with said ROW ± 2104 feet in a northeasterly direction to a point; said point being on said ROW thence proceeding ± 50 feet crossing CR 336 in a southerly direction to a point, said point being on the southern ROW of CR 336 and a common corner of lands N/F Franklin J Timmons and property corner of The Landings at Pepper Creek subdivision (found in Plot Book 82, Page 42 in the Sussex County Recorder of Deeds Office); thence proceeding with the boundary line of said subdivision in the following directions; southeasterly direction ± 263 feet, northeasterly direction ± 657.50 feet,

northwesterly direction ± 263 feet to a point, said point being a common corner of lands N/F Raymond E Timmons and property corner of said subdivision; said point also lying on the southerly ROW of CR 366, thence proceeding ± 50 feet crossing CR 336 in a northerly direction to a point on the northerly ROW of CR 366, thence proceeding by and with said ROW ± 723.25 feet in a easterly direction, to a point, said point being a common corner of lands N/F ECS Realty Ventures LLC and lands N/F SK Pepper Creek LLC, thence proceeding by and with said lands N/F of SK Pepper Creek LLC, in the following directions, ± 657.50 feet in a northerly direction, ± 130 feet in an easterly direction, ± 1052 feet in a northwesterly direction, ± 1315 feet in a northeasterly direction, ± 1578 feet in a southerly direction, ± 920.50 feet in a westerly direction, ± 657.50 feet in a southerly direction to a point, said point being a common corner of said lands and lands N/F of Duane Denise Revel; said point also lying on the northerly ROW of CR 366, thence proceeding by and with said ROW ± 526 feet in a easterly direction, to a point, said point being a point on the northerly ROW of CR 366 thence in a southerly direction ± 50 feet crossing CR 366 to a point; said point being on the southern ROW of CR336 and a common corner of lands NF/ Diana Lewes and property corner of The Landings at Pepper Creek subdivision; thence proceeding with the boundary line of said subdivision ± 920.50 feet in a southeasterly direction, ± 591.75 feet in a northeasterly direction, ± 131.50 feet in an easterly direction, ± 1446.50 feet in a southerly direction, ± 263 feet in a westerly direction, ± 789 feet in a southeasterly direction, ± 197.25 feet in a westerly direction, ± 65.75 feet in a northwesterly direction, ± 197.25 feet in a westerly direction, ± 394.5 feet in a southerly direction to a point, said point being the southeasternmost corner of said subdivision, thence proceeding ± 660 feet southeasterly to a point, said point being that of the centerline of Pepper Creek, thence proceeding by and with said centerline of Pepper Creek $\pm 13,018.50$ feet in a southwesterly direction to a point, said point being on said centerline of Pepper Creek, and a point on the boundary of lands N/F HKS Properties LLC, thence by and with said lands in the following directions; ± 526 feet in a southeasterly direction, ± 1841 feet in a southwesterly direction, ± 263 feet in a southwesterly direction to a point, said point being the southwesternmost corner of said lands and the southeasternmost of other lands of HKS Properties LLC, thence by and with said land ± 2760 feet southwest to a

point, said point being a corner of said lands and the southeasternmost corner of lands N/F Kevin W & Laurie A Sagers, thence by and with said lands ± 591.75 feet in a southwesterly direction to a point, said point being the corner of said lands and the southeasternmost corner of lands N/F Carl W Sr & Linda L Thomas, thence by and with said lands in the following directions, ± 789 feet in a southwesterly direction, ± 1183.50 feet in a northwesterly direction to a point, said point being the southeasternmost corner of lands N/F of Mary "For Life" D'Orazio, thence by and with said lands ± 263 feet in a northwesterly direction to a point, said point being the southwesternmost corner of lands N/F Micheal S & Leah Garrett, thence by and with said lands in a westerly direction to a point, said point being the southeasternmost corner of lands N/F Wendy Michele Baker, thence by and with said lands in the following directions; ± 657.50 feet in a southwesterly, then ± 394.5 feet northwesterly direction to a point, said point being that of the BEGINNING; and

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 R 024 07 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF SEPTEMBER 2007.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

DAGSBORO-FRANKFORD 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 27, 2007 she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On August 27, 2007 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 U. S. Post Office, Clayton Street, Dagsboro, Delaware.
 - 2. In the lobby of Bank of Delmarva, Main and Clayton Streets, Dagsboro, Delaware.
 - 3. On the bulletin board of Frankford Library, Main Street, Frankford, Delaware.
 - 4. On the bulletin board of Frankford Town Hall, 5 Main Street, Frankford, Delaware.
 - 5. On the bulletin board in lobby of U. S. Post Office, Clayton Street, Frankford, Delaware.
 - 6. On bulletin board inside front door of Bailey's Seafood, 28653 Gum Tree Road, Frankford, Delaware.
 - 7. In the front lobby of Dagsboro Town Hall, 504 Main Street, Dagsboro, Delaware.
 - 8. On the bullentin board of Bodies Dairy Market, 912 Clayton Avenue, Dagsboro, Delaware.

9. On the area of land being considered for the proposed extension of the Dagsboro-Frankford Sanitary Sewer District, in four locations as follows:

- (1) On a telephone pole tag #Dec 20959 located on the north side of Piney Neck Road near the back entrance of the Piney Neck Treatment Facility;
- (2) On a telephone pole tag # DST Co 66, located on the south side of Piney Neck Road;
- (3) On a telephone pole tag # DST Co 59, located on the south side of Piney Neck Road;
- (4) On a telephone pole tag # DST Co 24, located on the south side of Piney Neck Road;
- (5) On a telephone pole tag # DST Co 10, located on the south side of Piney Neck Road;

Lora Hudson
LORA HUDSON

SWORN TO AND SUBSCRIBED before me on this ____ day of _____ A.D., 2007.

Jayne E. Dickerson
NOTARY PUBLIC

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

DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT
PROPOSED PINEY NECK PENINSULA EXPANSION

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on June 5, 2007, to consider extending the Dagsboro-Frankford Sanitary Sewer District (DFSSD) to include all those certain lots, pieces or parcels of land, situated northerly and southerly of Country Road 336, Piney Neck Road, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware and located in the Town of Dagsboro, 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 DFSSD is described as follows:

BEGINNING at a point, said point lying on the northerly right-of-way (ROW) of Country Road (CR) 366 Piney Neck Road, said point also being a point on the lands now or formerly (N/F) of Edward J & Patricia Timmons; thence continuing with said ROW in a northeasterly direction ± 4076.50 feet to a point, said point being on said ROW, said point also being the southwesternmost corner of lands N/F of Sussex County; thence proceeding by and with said lands in a northwesterly direction ± 1972.50 feet to a point, said point being the northwesternmost corner of said lands; thence proceeding in a easterly direction ± 394.50 feet to a common property corner of said lands and lands N/F Norman Edward Jr & Benita Davidson; thence by and with said lands in the following directions, northwesterly direction ± 657.50 feet, southwesterly direction ± 263 feet, northerly direction ± 1972.50 feet to a point, said point being the northwesternmost corner of said lands; thence proceeding in a easterly direction ± 394.50 feet to a point, said point being a point on the boundary of said lands and the southwesternmost corner of other lands N/F Sussex County; thence by and with said lands in the following directions; northerly direction ± 1315 feet, northeasterly direction ± 263 feet, easterly direction ± 1052 feet, southeasterly direction ± 723.20 feet to a point, said point being a point on the boundary of said lands and the northeasternmost corner of lands of N/F Norman Edward Jr & Benita Davidson, thence by and with said lands in the following directions, northeasterly direction ± 1972.50 feet, southeasterly direction ± 1315 feet to a point, said point being the northwesternmost corner of other lands N/F Sussex County, thence by and with said lands in the following directions, northeasterly direction ± 1446.50 feet, southeasterly direction ± 1117.75 feet, southwesterly direction ± 1446.50 feet, northwesterly direction ± 986.25 feet to a point, said point being the southeasternmost corner of lands N/F Norman Edward Jr & Benita Davidson; thence by and with said lands in a southwesterly direction ± 657.50 feet to a point, said point being the northeasternmost corner of other lands of N/F Sussex County, thence by and with said lands in the following directions; southeasterly direction ± 2301.25 feet, southwesterly direction ± 920.50 feet, southeasterly direction ± 789 feet to a point, said point being the northwesternmost corner of lands N/F Louis E Lynch, by and with said lands in a southeasterly direction ± 263 feet, to a point, said point lying on the northerly ROW of CR 366, thence continuing with said ROW in a northeasterly direction ± 5917.50 feet to a point, said point being a common corner of lands N/F Sussex County and lands N/F Gayle Derrickson-Steele; thence following said lands N/F of Sussex County in the following directions, northerly ± 526 feet, westerly direction ± 2301.25 feet, northwesterly direction ± 2893 feet, northeasterly direction ± 2367 feet, southeasterly direction

±263 feet, southerly direction ±526 feet to a point, said point being a common corner of said lands and other lands N/F of Sussex County, thence proceeding by and with said lands in the following directions; northeasterly direction ±2498.50 feet, southerly direction ±394.50 feet to a point, said point being a common corner of said lands and other lands of N/F Sussex County, thence by and with said lands in a northeasterly direction ±526 feet to a point, said point being the northeasternmost corner of said lands and the lands N/F of Roger Sexauer Inc; said point also lying on the westerly ROW of CR 335A, thence by and with said ROW in a southeasterly direction ±1972.50 feet to a point, said point being the northeasternmost corner of lands N/F of Warren F & Sharon S Johnson, thence by and with said lands in a westerly direction ±460.25 feet to a point, said point being a common corner of said lands and lands N/F Sussex County, thence by and with said lands in the following directions southeasterly direction ±460.25 feet, southwesterly direction ±2367 feet, southerly direction ±394.50 feet to a point, said point being a common corner of said lands and lands N/F Brandon R & Holly L Donaway; said point also being on the northerly ROW of CR 336; thence proceeding by and with said ROW in a northeasterly direction ±2235.50 feet to a point, said point being on the northerly ROW of CR 336, thence proceeding ±50 feet crossing CR 336 in a southerly direction to a point, said point being a common corner of lands N/F Bonard B Timmons Jr & D Stephen Parsons and lands N/F of Craig E & Barbara J Phillips; thence by and with said lands of Bonard B Timmons Jr & D Stephen Parsons in the following directions; southerly direction ±263 feet, easterly direction ±657.50 feet, northerly direction ±263 feet to a point, said point being a common corner of said lands and lands N/F Brian W & Stephanie C Raschka; said point also being on the southerly ROW of CR 336, thence proceeding ±50 feet crossing CR 336 in a northerly direction to a point, said point being on the northerly ROW of CR 336; thence proceeding by and with said ROW ±2104 feet in a northeasterly direction to a point; said point being on said ROW thence proceeding ±50 feet crossing CR 336 in a southerly direction to a point, said point being on the southern ROW of CR 336 and a common corner of lands N/F Franklin J Timmons and property corner of The Landings at Pepper Creek subdivision (found in Plot Book 82, Page 42 in the Sussex County Recorder of Deeds Office); thence proceeding with the boundary line of said subdivision in the following directions; southeasterly direction ±263 feet, northeasterly direction ±657.50 feet, northwesterly direction ±263 feet to a point, said point being a common corner of lands N/F Raymond E Timmons and property corner of said subdivision; said point also lying on the southerly ROW of CR 366, thence proceeding ±50 feet crossing CR 336 in a northerly direction to a point on the northerly ROW of CR 366, thence proceeding by and with said ROW ±723.25 feet in a easterly direction, to a point, said point being a common corner of lands N/F ECS Realty Ventures LLC and lands N/F SK Pepper Creek LLC, thence proceeding by and with said lands N/F of SK Pepper Creek LLC, in the following directions, ±657.50 feet in a northerly direction, ±130 feet in an easterly direction, ±1052 feet in a northwesterly direction, ±1315 feet in a northeasterly direction, ±1578 feet in a southerly direction, ±920.50 feet in a westerly direction, ±657.50 feet in a southerly direction to a point, said point being a common corner of said lands and lands N/F of Duane Denise Revel; said point also lying on the northerly ROW of CR 366, thence proceeding by and with said ROW ±526 feet in a easterly direction, to a point, said point being a point on the northerly ROW of CR 366 thence in a southerly direction ±50 feet crossing CR 366 to a point; said point being on the southern ROW of CR336 and a common corner of lands NF/ Diana Lewes and property corner of The Landings at Pepper Creek subdivision; thence proceeding with the boundary line of said subdivision ±920.50 feet in a southeasterly direction, ±591.75 feet in a northeasterly direction, ±131.50 feet in an easterly direction, ±1446.50 feet in a southerly direction, ±263 feet in a westerly direction, ±789 feet in a southeasterly direction, ±197.25 feet in a westerly direction, ±65.75 feet in a northwesterly

direction, ± 197.25 feet in a westerly direction, ± 394.5 feet in a southerly direction to a point, said point being the southeasternmost corner of said subdivision, thence proceeding ± 660 feet southeasterly to a point, said point being that of the centerline of Pepper Creek, thence proceeding by and with said centerline of Pepper Creek $\pm 13,018.50$ feet in a southwesterly direction to a point, said point being on said centerline of Pepper Creek, and a point on the boundary of lands N/F HKS Properties LLC, thence by and with said lands in the following directions; ± 526 feet in a southeasterly direction, ± 1841 feet in a southwesterly direction, ± 263 feet in a southwesterly direction to a point, said point being the southwesternmost corner of said lands and the southeasternmost of other lands of HKS Properties LLC, thence by and with said land ± 2760 feet southwest to a point, said point being a corner of said lands and the southeasternmost corner of lands N/F Kevin W & Laurie A Sagers, thence by and with said lands ± 591.75 feet in a southwesterly direction to a point, said point being the corner of said lands and the southeasternmost corner of lands N/F Carl W Sr & Linda L Thomas, thence by and with said lands in the following directions, ± 789 feet in a southwesterly direction, ± 1183.50 feet in a northwesterly direction to a point, said point being the southeasternmost corner of lands N/F Mary "For Life" D'Orazio, thence by and with said lands ± 263 feet in a northwesterly direction to a point, said point being the southwesternmost corner of lands N/F Micheal S & Leah Garrett, thence by and with said lands in a westerly direction to a point, said point being the southeasternmost corner of lands N/F Wendy Michele Baker, thence by and with said lands in the following directions; ± 657.50 feet in a southwesterly, then ± 394.5 feet northwesterly direction to a point, said point being that of the BEGINNING.

The proposed expansion of the DFSSD is within these boundaries and said to contain 841.29 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Numbers 233-7.00, 233-6.00, and 233-11.00 and Sussex County property assessment records.

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

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, September 18, 2007 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 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) 855-7719.

Michael A. Izzo, P.E.
County Engineer



