

**RESOLUTION R 026 09**

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS PORTIONS OF (2) PARCELS OF LAND ALONG COUNTY ROAD 361 (MUDDY NECK ROAD), WEST OF THE ASSAWOMAN CANAL, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTHEAST OF THE TOWN OF OCEAN VIEW AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.**

**WHEREAS, Sussex County has established the South Bethany 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 southeast of the Town of Ocean View, the inclusion of this parcels would 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 are 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,**

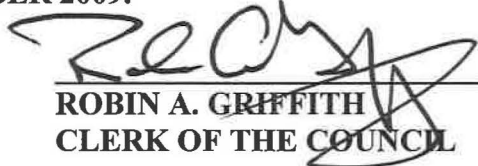
**NOW, THEREFORE, BE IT RESOLVED the Sussex County Council hereby revises the boundary of the South Bethany Sanitary Sewer District to encompass portions of (2) parcels of land along County Road 363 (Double Bridges Road), west of Ocean Farm, southeast of the Town of Ocean View as follows:**

**BEGINNING at a point situate on the northerly right of way (ROW) of Muddy Neck Road, said point being  $\pm 111.59$  feet southeast of the southeasternmost corner of lands, now or formerly (N/F) of Rancel C. and Joy R. Evans, point also being on the boundary of the South Bethany Sanitary Sewer District (SBSSD), and the southwesterly property line of lands N/F of Joseph A. and Jane E. Phillips, thence by and with said lands N/F of Joseph A. and Jane E. Phillips  $\pm 856.72$  feet in a southeasterly direction to a point, said point being the southeasternmost corner of said lands and a point along the lands N/F of the State of**

Delaware; thence by and with said lands ±441.49 feet in a northwesterly direction to a point, said point being a point along the boundary of the SBSSD; thence by and with said SBSSD boundary and crossing the lands N/F of Joseph A. and Jane E. Phillips in a westerly direction ±489.19 feet to a point, said point being that of the BEGINNING.

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 026 09 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF DECEMBER 2009.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

PROPOSED EXPANSION OF THE  
SOUTH BETHANY SANITARY SEWER DISTRICT  
JOSEPH A. AND JANE E. PHILLIPS  
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 November 9, 2009, she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 9, 2009 she did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a wooden stake located near the STOP sign at the entrance to Bethany Meadows subdivision on Foxfire Drive
  - 2. On a wooden stake located near the STOP sign at the intersection of Beaver Dam and Muddy Neck Roads
  - 3. On a wooden stake located near the STOP sign at the entrance of Clearwater subdivision on Oceanside Parkway
  - 4. On a wooden stake located near the STOP sign at the entrance of Waterside subdivision on Waterside Drive
  - 5. On a wooden stake located at the southeast corner of property of Joseph A. and Jane E. Phillips being annexed into sewer district
  - 6. On a wooden stake located across from the intersection of Double Bridges and Muddy Neck Roads along the property line of Joseph A. and Jane E. Phillips being annexed into sewer district
  - 7. On a wooden stake located near the direction road sign situated along the property line of Joseph A. and Jane E. Phillips being annexed into sewer district
  - 8. On a wooden stake located near the fire hydrant situated

along the property line of Joseph A. and Jane E. Phillips  
being annexed into the sewer district

9. On a wooden stake located near the northwestern corner of  
the property of Joseph A. and Jane E. Phillips being  
annexed into the sewer district

  
PENNY MASSEY

SWORN TO AND SUBSCRIBED before me on this 10 day of November A.D., 2009.

  
NOTARY PUBLIC

My Commission Expires 3-20-11.

**NOTICE  
PROPOSED EXPANSION TO THE  
SOUTH BETHANY SANITARY SEWER DISTRICT  
TO INCLUDE A PORTION OF LANDS OF JOSEPH A. AND JANE E. PHILLIPS**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 13, 2009, to consider extending the boundary of the South Bethany Sanitary Sewer District (SBSSD) to include a portion of lands being part of tax map and parcel 134-17.00-15.00 and a portion of 134-17.00-14.00 along Muddy Neck Road, west of the Assawoman Canal, being in Baltimore Hundred, Sussex County, Delaware, File number OM-3.12.

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 SBSSD is described as follows:

BEGINNING at a point situate on the northerly right of way (ROW) of Muddy Neck Road, said point being  $\pm 111.59$  feet southeast of the southeasternmost corner of lands, now or formerly (N/F) of Rancel C. and Joy R. Evans, point also being on the boundary of the South Bethany Sanitary Sewer District (SBSSD), and the southwesterly property line of lands N/F of Joseph A. and Jane E. Phillips, thence by and with said lands N/F of Joseph A. and Jane E. Phillips  $\pm 856.72$  feet in a southeasterly direction to a point, said point being the southeasternmost corner of said lands and a point along the lands N/F of the State of Delaware; thence by and with said lands  $\pm 441.49$  feet in a northwesterly direction to a point, said point being a point along the boundary of the SBSSD; thence by and with said SBSSD boundary and crossing the lands N/F of Joseph A. and Jane E. Phillips in a westerly direction  $\pm 489.19$  feet to a point, said point being that of the BEGINNING.

The proposed expansion of the SBSSD is within these boundaries and said to contain 3.10 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Number 134-17.00, and Sussex County property assessment records.

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

The public hearing will be held on this issue at 3:30p.m. on Tuesday, December 1, 2009 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

