

RESOLUTION NO. R 033 06

A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE THE LANDS OF DAGSBORO PROPERTIES, LLC, SITUATE, LYING WEST OF MAIN STREET 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 north of the Town of Frankford, which includes the lands of Dagsboro Properties, LLC, which are 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 Rob Davis and 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 that the Sussex County Council hereby revises the boundary of the Dagsboro-Frankford Sanitary Sewer District to encompass the lands of Dagsboro Properties, LLC, as follows:

BEGINNING at a point, said point being on the DFSSD boundary, said point also being the westernmost property corner of lands now or formerly of (N/F) Ebe H. Chandler heirs, said point further being 773 feet more or less southwest of the right-of-way (ROW) of County Road 401, said point also being a property corner of lands N/F William S. and Marlene Y. D'Angelo; thence proceeding by and with said D'Angelo lands in a southwesterly direction a distance of 648 feet more or less to a point, said point being on the centerline of Pepper Creek Canal; thence leaving said D'Angelo lands and proceeding by

and with said Pepper Creek Canal in a northerly direction a distance of 1,375 feet more or less to a point, said point being the southwesternmost property corner of lands N/F Helen I. Turner; thence leaving said centerline and proceeding by and with said Turner lands in a northeasterly direction a distance of 520 feet more or less to a point; said point being on the DFSSD boundary; thence leaving said Turner lands and proceeding by and with said DFSSD boundary in a southerly direction a distance of 1,325 feet more or less to the point and place of 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, elect 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 033 06 ADOPTED BY THE SUSSEX COUNTY COUNCIL ADOPTED ON THE 5TH DAY OF DECEMBER 2006.


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, ROB DAVIS and 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 November 14, 2006 he was a Senior Planner and she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 14, 2006 they 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 Jay's Market, Route 113 & Hickory Street, 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. Left with manager to post on the employee bulletin board of Royal Farms, 701 Dupont Boulevard, Dagsboro, Delaware.

10. On the bulletin board of Whistle Stop Deli, 698 Main Street, Dagsboro, Delaware.
11. 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 stake located near the area's southeastern corner;
 - (2) On a stake located along the area's eastern edge, 503 feet more or less northwesterly of the areas southeastern corner;
 - (3) On a stake located along the area's eastern edge, 868 feet more or less northwesterly of the areas southeastern corner;
 - (4) On a stake located along the area's eastern edge, 1288 feet more or less northwesterly of the areas southeastern corner, said stake also located near the area's northeastern corner;


ROB DAVIS


LORA HUDSON

SWORN TO AND SUBSCRIBED before me on this 16th day of Nov. A.D., 2006.


NOTARY PUBLIC

My Commission Expires _____
Jayne E. Dickerson
Notary Public
Commission Expires 4/7/07

PROPOSED EXPANSION TO THE
DAGSBORO-FRANKFORD
SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 24, 2006 to consider extending the Dagsboro-Frankford Sanitary Sewer District (DFSSD) to include the lands of Dagsboro Properties, LLC, situate, lying west of Main Street, and being in 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 being on the DFSSD boundary, said point also being the westernmost property corner of lands now or formerly (N/F) Ebe H. Chandler heirs, said point further being 773 feet more or less southwest of the right-of-way (ROW) of County Road 401, said point also being a property corner of lands N/F William S. & Marlene Y. D'Angelo; thence proceeding by and with said D'Angelo lands in a southwesterly direction a distance of 648 feet more or less to a point, said point being on the centerline of Pepper Creek Canal; thence leaving said D'Angelo lands and proceeding by and with said Pepper Creek Canal in a northerly direction a distance of 1375 feet more or less to a point, said point being the southwesternmost property corner of lands N/F Helen I. Turner; thence leaving said centerline and proceeding by and with said Turner lands in a northeasterly direction a distance of 520 feet more or less to a point, said point being on the DFSSD boundary; thence leaving said Turner lands and proceeding by and with said DFSSD boundary in a southerly direction a distance of 1325 feet more or less to the point and place of BEGINNING.

The proposed expansion of the DFSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 2-33-11:00, 2-33-16:00 and a deed provided by Kercher Engineering, Inc. and found in Deed Book 2261 Page 219 in the Sussex County Recorder of Deeds office.

A map outlining and describing the expansion of the DFSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 A.M. on December 5, 2006 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 expansion are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary expansion 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.

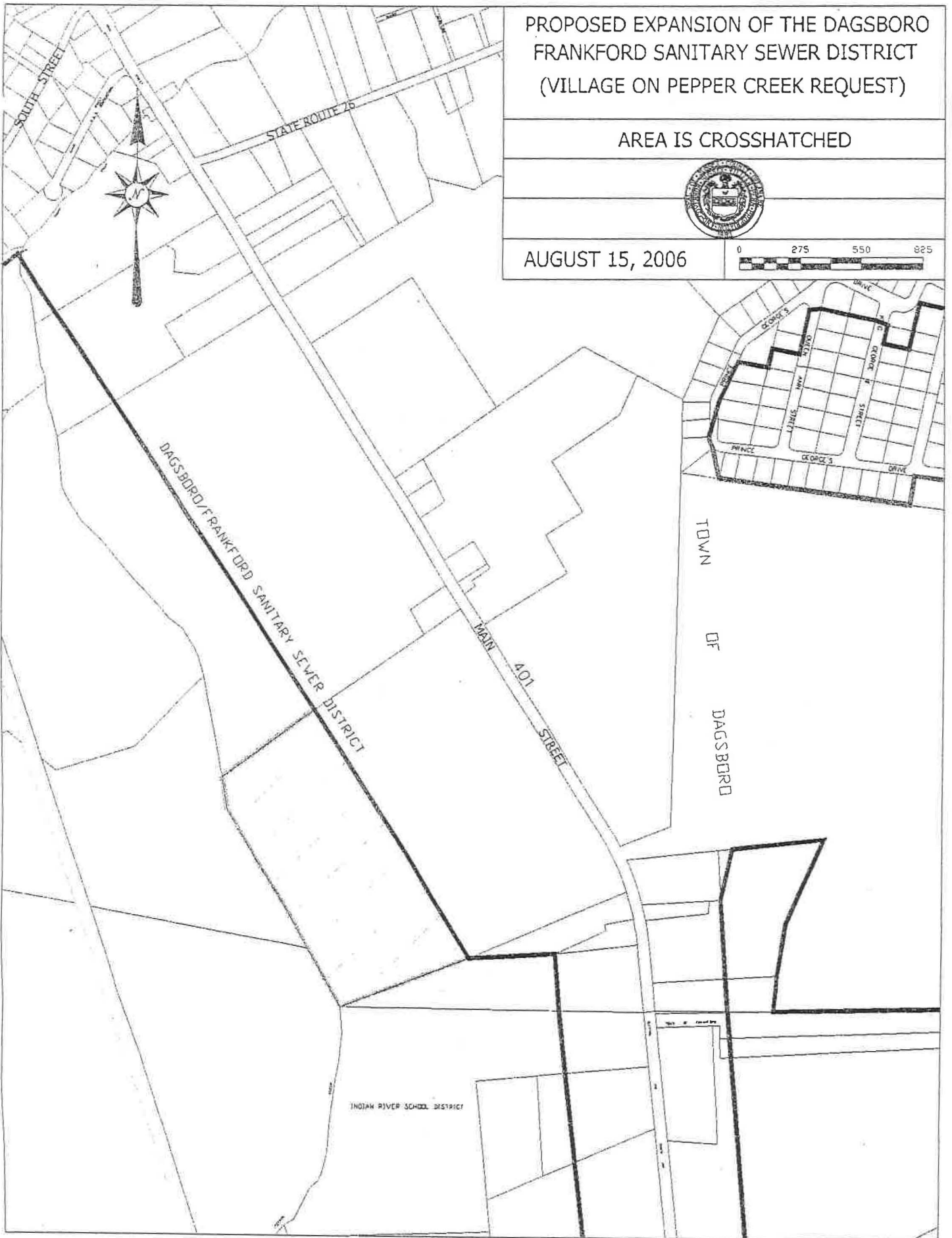
Michael A. Izzo, P.E.
County Engineer

PROPOSED EXPANSION OF THE DAGSBORO
FRANKFORD SANITARY SEWER DISTRICT
(VILLAGE ON PEPPER CREEK REQUEST)

AREA IS CROSSHATCHED



AUGUST 15, 2006



PROPOSED EXPANSION OF THE DAGSBORO
FRANKFORD SANITARY SEWER DISTRICT
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