

RESOLUTION R 004 13

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE MILLVILLE EXPANSION OF BETHANY BEACH SANITARY SEWER DISTRICT TO INCLUDE PARCELS OF LAND ALONG ATLANTIC AVENUE, ROUTE 26, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE.**

**WHEREAS, Sussex County has established the Millville Expansion of the Bethany Beach Sanitary Sewer District (MVSSD); 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 the Town of Millville, which is contiguous to the MVSSD, 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 Anthony DiGiuseppe, Jr., copies 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 MVSSD to encompass parcels of land being on both sides of Atlantic Avenue (Route 26), west of the Town of Millville from Vine's Creek Road to just east of Roxana Road, as follows:**

**BEGINNING at a point situate on the northerly right of way (ROW) of Atlantic Avenue, Route 26, said point being  $\pm 1722.88$  feet east of the intersection of the centerline of Roxana Road and the centerline of Atlantic Avenue, Route 26, and being a point on the existing MVE sewer district boundary; thence by and with said boundary in a northerly direction  $\pm 1041.93$  feet to a point, said point being the southeasternmost corner of lands, now or formerly (N/F) of Evelyn M. Timmons; thence by and with said lands of Timmons in a westerly direction  $\pm 316.18$  feet to a point, said point being the northwesternmost corner of lands N/F of Two Mini, Inc. and a point along the property line of O. T. Collins, Family Limited Partnership (FLP); thence by and with the said lands of Collins, FLP in the following**

distances and directions northerly  $\pm 343.27$  feet, westerly  $\pm 498.42$  feet, southerly  $\pm 717.33$  feet to a point, said point being on the property line of Collins, FLP and the northeasternmost corner of lands N/F of Ann Breitenstein, Trustee; thence proceeding  $\pm 847.99$  feet in a generally westerly direction (around Hole in the Woods Road cul-de-sac) to a point, said point being the northwesternmost corner of lands N/F PH Millville LLC; thence by and with said lands  $\pm 158.50$  feet in a southerly direction to a point, said point being the northeasternmost corner of lands N/F of Holt Dispensary, Inc.; thence by and with said lands of Holt  $\pm 303.97$  in a westerly direction to a point, said point being the northwesternmost corner of said lands and a point on the property line of lands N/F of Warrington Family Limited Partnership; thence by and with said lands of Warrington Family Limited Partnership  $\pm 821.29$  feet in a northerly direction to a point; said point being the northeasternmost corner of said lands; thence proceeding  $\pm 2010.16$  feet in a westerly direction to a point, said point being the northwesternmost corner of lands N/F of George W. and Janet E. Campbell; thence by and with said lands of Campbell in the following directions and distances, southerly  $\pm 287.54$  feet, easterly  $\pm 237.27$  feet and southerly  $\pm 273.02$  to a point; said point being the southwesternmost corner of said lands of Campbell and a point on the property line of lands N/F of Allen Bryant and Alice H. Clark; thence by and with said lands of Clark in the following directions and distances, northwesterly  $\pm 37.30$  feet, southerly  $\pm 128.96$  feet, northwesterly  $\pm 237.94$  feet, southwesterly  $\pm 211.02$  feet to a point; said point being a point on the property line of said lands of Clark and the apparent intersection of said lands and the lands N/F of Kay H. Keen; thence by and with said lands of Keen  $\pm 759.52$  feet in a northerly direction, then  $\pm 217.05$  feet in a westerly direction to a point, said point being a point on the eastern ROW of Irons Lane, thence proceeding  $\pm 50$  feet in a westerly direction crossing Irons Lane to a point, point being on the western ROW of Irons Lane; thence by and with said ROW  $\pm 623.28$  feet in a southerly direction to a point, said point being the northeasternmost corner of lands N/F of Richard A. and Melody A. Hudson; thence by and with said lands of Hudson in a westerly direction  $\pm 237.49$  feet to a point; said point being the northwesternmost corner of said lands and a point on the property line of lands N/F of Joan S. Neff, thence by and with said lands of Neff in the following directions and distances, northerly  $\pm 332.73$  feet, westerly  $\pm 1768.11$  feet, northerly  $\pm 189.50$  feet, southwesterly  $\pm 303.29$  feet, southeasterly  $\pm 966.75$  feet, to a point; said point being the northwesternmost corner of land N/F of Clarksville Auto Service Center, Inc.; thence by and with said lands  $\pm 144.61$  feet in a southeasterly direction to a point, said point being the northeasternmost corner of lands N/F



of David R. and Veronica Y. Hamm, thence by and with said lands of Hamm  $\pm 188.71$  feet in a southerly direction, then  $\pm 204.22$  feet in a westerly direction, to a point, said point being on the eastern ROW of Vines Creek Road; thence proceeding  $\pm 89.90$  feet in a northwesterly direction, crossing Vines Creek Road, to a point; said point being the northeasternmost corner of lands N/F of St. Georges ME Church; then by and with said lands  $\pm 122.76$  feet in a southwesterly direction, then  $\pm 495.95$  feet in a southeasterly direction to a point, said point being on the northern ROW of Omar Road; thence proceeding  $\pm 50.00$  feet in a southerly direction crossing Omar Road to a point, said point being on the southern ROW of Omar Road and a point on the property line of other lands St. Georges ME Church; thence by and with said lands in the following distances and directions, southwesterly  $\pm 124.76$  feet, southerly  $\pm 340.48$  feet, westerly  $\pm 349.33$  feet to a point, said point being a point on the western ROW of Powell Farm Road; thence proceeding  $\pm 50.00$  feet in a westerly direction crossing Powell Farm Road to a point; said point being a point on the eastern ROW of Powell Farm Road and a point on the property line of lands N/F of Floyd E. Gray; thence by and with said lands of Gray in the following distances and directions, southerly  $\pm 590.75$  feet, southeasterly  $\pm 1046.85$  feet, northerly  $\pm 1006.11$  feet to a point; said point being the northeasternmost corner of said lands of Gray and a point on the property line of land N/F of Sylvester G. Quillen, Sr.; thence by and with said lands of Quillen  $\pm 611.91$  feet in a southeasterly direction, then  $\pm 412.89$  feet in an easterly direction to a point; said point being the southeasternmost corner of said lands of Quillen, and a point on the property line of lands N/F of Pierce Hardy Limited Partnership; thence by and with said lands of Pierce Hardy Limited Partnership in the following distances and directions: southerly  $\pm 586.24$  feet, easterly  $\pm 1561.91$  feet, northerly  $\pm 844.46$  feet, easterly  $\pm 386.20$  feet, northerly  $\pm 723.20$  feet to a point, said point being the southwesternmost corner of land N/F of Bob's Marine Service, Inc.; thence by and with said lands in the following directions and distances: northeasterly  $\pm 352.56$  feet, southeasterly  $\pm 170.24$  feet, southwesterly  $\pm 81.62$  feet, southeasterly  $\pm 161.89$  feet, northeasterly  $\pm 217.13$  feet, southeasterly  $\pm 408.42$  feet to a point, said point being a point on the western ROW of Roxana Road; thence by and with said ROW  $\pm 310.02$  feet in a southerly direction to a point, said point being a point on the said ROW and the southeasternmost corner of lands of Bob's Marine Service, Inc.; thence proceeding  $\pm 50.00$  feet in an easterly direction, crossing Roxana Road to a point; said point is the southwesternmost corner of lands N/F of Gerald W. and Emily W. Hocker; thence by and with said lands of Hocker  $\pm 945.25$  feet in an easterly direction to a point; said point being the

southeasternmost corner of said lands of Hocker and a point on the boundary of the MVE; thence by and with said boundary in the following directions, northerly, easterly, northerly, easterly, southerly, easterly, southerly, and southeasterly, 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 004 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF MARCH 2013.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council

**PROPOSED EXPANSION TO THE MILLVILLE EXPANSION OF THE  
BETHANY BEACH SANITARY SEWER DISTRICT  
ROUTE 26**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 2, 2012 to consider extending the Millville Expansion of the Bethany Beach Sanitary Sewer District (MVE) to include parcels of land along Atlantic Avenue, Route 26, being in the Baltimore Hundred, Sussex County, State of Delaware. The area is comprised of parcels within tax map and district 134-11.00 and 134-12.00.

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

The public hearing will be held on this issue at 6:00 p.m. on March 7, 2013 at the Millville Town Hall, Millville, 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





EXPANSION TO THE MILLVILLE EXPANSION OF THE  
BETHANY BEACH SANITARY SEWER DISTRICT  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )( :  
COUNTY OF SUSSEX )(

BE IT REMEMBERED that the subscriber, ANTHONY DIGIUSEPPE, JR., 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 February 18, 2013 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On February 18, 2013 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  1. On a driven stake near the northwesterly property corner of parcel 134-12.00-343.00 located along the southerly right of way (ROW) of State Road 26 (Atlantic Av).
  2. Inside glass window where carts are located at the Foodlion supermarket on Atlantic Av.
  3. On bulletin board located inside Super Giant food market in the Millville Town Center.
  4. On the area of land being considered for the proposed extension of the Millville expansion area in four locations as follows:
    - a. On Delmarva Power pole #59793 99793 at the intersection of Vines Creek Rd and Atlantic Av;
    - b. Inside front door on bulletin board of Hockers supermarket located on Atlantic Av;
    - c. On a driven stake near the northwesterly property corner of parcel 134-11.00-184.00 located along the southerly ROW of Atlantic Av;
    - d. On Delmarva Power pole # 60237 99854 located in the parking lot of Holts Dispensary.
  5. On a driven stake located at the intersection of State Road 351(Clubhouse Rd.) and Oak St at entrance of Banks Acres.

  
ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 21<sup>st</sup> day of Feb .A.D., 2013.

  
NOTARY PUBLIC

Jayne E. Dickerson  
Notary Public  
Commission Expires 5/31/2015

My Commission Expires \_\_\_\_\_.

