

RESOLUTION R 011 13

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO INCLUDE AN AREA OF LAND SITUATED ALONG THE NORTH SIDE OF MUDDY NECK ROAD, SOUTHWEST OF THE TOWN OF BETHANY BEACH, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE**

**WHEREAS, Sussex County has established the Bethany Beach Sanitary Sewer District (BBSSD); and**

**WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County south and east of the BBSSD, which is contiguous to the BBSSD, the inclusion of this area 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., 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 BBSSD to include an area of land along Muddy Neck Road (County Route 361), as follows:**

**BEGINNING at a point on the northerly right of way (ROW) of Sussex County Route 361, also known as Muddy Neck Road and being a common corner of lands now or formerly (N/F) of Raymond Berzins et al. and lands N/F of the Trustees of the Protestant Episcopal Church, said point also being on the boundary of the Bethany Beach Sanitary Sewer District; thence by and with said ROW of Muddy Neck Road, North  $30^{\circ} 19' 18'' \pm$  150.26 feet to a point on the boundary of lands N/F Talivadis Berzins, et al., also being on the boundary of Ocean Way Estates Section Four; thence by and with the boundary of**

Ocean Way Estates Section Four, the following 2 courses: North  $84^{\circ} 29' 35''$  East  $\pm 41.98$  feet and North  $19^{\circ} 19' 22''$  East  $\pm 361.58$  feet to a point on the common boundary of lands of Ocean Way Estates and lands N/F of the Trustees of the Protestant Episcopal Church; thence crossing lands N/F of the Trustees of the Protestant Episcopal Church, North  $75^{\circ} 31' 09'' \pm 60.17$  feet to a point, said point being a corner lands N/F of the Trustees of the Protestant Episcopal Church, said point also being the northwestern most property corner of the lands N/F Windansea, LLC; thence by and with lands N/F of the Trustees of the Protestant Episcopal Church the following 4 courses: North  $75^{\circ} 31' 09''$  East  $\pm 616.37$  feet, North  $89^{\circ} 23' 07''$  East  $\pm 1,170.60$  feet, North  $59^{\circ} 55' 52''$  East  $\pm 544.83$  feet and North  $83^{\circ} 12' 39'' \pm 65.17$  feet to a point, said point being a common property corner of the lands N/F of Windansea, LLC and lands N/F of the Trustees of the Protestant Episcopal Church, said point also being on the boundary of the Assawoman Canal and the boundary of the lands of the States of America; thence by and with the lands of the United States of America, South  $19^{\circ} 59' 50''$  East  $\pm 947.22$  feet to a point, said point being a common corner of lands N/F Circle J Venture, LLC and lands N/F Windansea, LLC; thence proceeding with the boundary of lands N/F of Windansea LLC the following 6 courses: South  $69^{\circ} 25' 50''$  East  $\pm 96.96$  feet, South  $64^{\circ} 08' 08''$  West  $\pm 471.77$  feet, South  $37^{\circ} 42' 55''$  West  $\pm 221.76$  feet, South  $08^{\circ} 41' 48''$  West  $\pm 256.44$  feet, North  $86^{\circ} 46' 13''$  East  $\pm 59.08$  feet and South  $16^{\circ} 21' 55''$  West  $\pm 387.58$  feet to a point, said point being on the northerly ROW of Muddy Neck Road, said point also being the southeasterly most property corner of lands N/F of Windansea, LLC; thence by and with the northerly ROW of Muddy Neck Road, North  $72^{\circ} 36' 50'' \pm 1448.60$  feet and thence with an arch to the right having a radius of 1006.75 feet, an arc length of 384.97 feet and subtended by a chord bearing North  $61^{\circ} 39' 33''$  West to a point, said point being a corner of lands N/F of Michael W. and Dawn M. Adkins; thence by and with the lands of N/F of Michael W. and Dawn M. Adkins, North  $41^{\circ} 25' 14'' \pm 150.79$  feet to a point; thence by and with the lands N/F of Michael W. and Dawn M. Adkins and the lands N/F Donald F. and Doris J. Averill, North  $34^{\circ} 45' 36''$  West  $\pm 349.14$  feet to a point, said point being the common corner of lands N/F Donald F. and Doris J. Averill and N/F of Raymond Berzins, et al.; thence by and with the lands N/F of Berzins, et al., North  $67^{\circ} 52' 10''$  West  $\pm 225.04$  feet to a point on the boundary of lands N/F of the Trustees of the Protestant Episcopal Church; thence by and with the lands of the Trustees

of the Protestant Episcopal Church, the following two courses: South 24° 01' 48" ± 33.37 feet and South 09° 46' 42" East ± 54.29 feet to a point, said point being the point 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 011 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF JULY 2013.

  
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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

**BETHANY BEACH SANITARY SEWER DISTRICT ANNEXATION  
AFFIDAVIT FOR PUBLIC HEARING**

STATE OF DELAWARE )(

COUNTY OF SUSSEX )(

BE IT REMEMBERED, That the subscriber, ROBERT LYNCH 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 July 2, 2013 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 2, 2013 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On the area of land being considered for the proposed annexation of the Bethany Beach Sanitary Sewer District being part of tax map reference 1-34-17.00 Parcel 11 & part of Parcel 12, in four (4) locations as follows:
    - a. On a Delmarva Power & Light pole Number 61859-98920 located along the northerly right of way (ROW) of Muddy Neck Rd (County Road 361);
    - b. On a Delmarva Power & Light pole number 61830-98927 located along the northerly ROW of Muddy Neck Rd (County Road 361);
    - c. On a Delmarva Power & Light pole number 61830-98927 located along the northerly ROW of Muddy Neck Rd (County Road 361);
    - d. On a driven stake located near a dirt road on parcel 134-17.00-12.00. Approximately 150' southeast of Ogre Dr.
  - 2. On a driven stake near the entrance of Southampton subdivision located at the intersection of William Chandler Blvd and Beaver Dam Rd (County Road 368).
  - 3. On a bulletin board located in the vestibule of the South Coastal Library. Located at 43 Kent Av.

4. On a bulletin board located in the rear of Bethany Beach Laundry. Located at 757 Garfield Pkwy.
5. On a driven stake near the entrance of Turtle Walk of Bethany subdivision located at the intersection of Turtle Dr and Garfield Pkwy (County Road 26).

  
ROBERT LYNCH

SWORN TO AND SUBSCRIBED before me on this 5<sup>th</sup> day of July A.D., 2013.

  
NOTARY PUBLIC

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

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

**PUBLIC NOTICE**  
**EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT**  
**WINDANSEA AREA ANNEXATION**  
**FILE NUMBER: OM-2.09.03**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on June 18, 2013, to consider expanding the boundary of the Bethany Beach Sanitary Sewer District (BBSSD) to include tax map reference 134-17.00 parcel 11.00 and part of parcel 12, being lands now or formerly (N/F) of Windansea, LLC and the Trustees of the Protestant Episcopal Church, situated on the north side of Muddy Neck Road. The area is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for 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 BBSSD is described as follows:

**BEGINNING** at a point on the northerly right of way (ROW) of Sussex County Route 361, also known as Muddy Neck Road and being a common corner of lands now or formerly (N/F) of Raymond Berzins et al. and lands N/F of the Trustees of the Protestant Episcopal Church, said point also being on the boundary of the Bethany Beach Sanitary Sewer District; thence by and with said ROW of Muddy Neck Road, North 30° 19' 18" ± 150.26 feet to a point on the boundary of lands N/F Talivadis Berzins, et al., also being on the boundary of Ocean Way Estates Section Four; thence by and with the boundary of Ocean Way Estates Section Four, the following 2 courses: North 84° 29' 35" East ± 41.98 feet and North 19° 19' 22" East ± 361.58 feet to a point on the common boundary of lands of Ocean Way Estates and lands N/F of the Trustees of the Protestant Episcopal Church; thence crossing lands N/F of the Trustees of the Protestant Episcopal Church, North 75° 31' 09" ± 60.17 feet to a point, said point being a corner lands N/F of the Trustees of the Protestant Episcopal Church, said point also being the northwestern most property corner of the lands N/F Windansea, LLC; thence by and with lands N/F of the Trustees of the Protestant Episcopal Church the following 4 courses: North 75° 31' 09" East ± 616.37 feet, North 89° 23' 07" East ± 1,170.60 feet, North 59° 55' 52" East ± 544.83 feet and North 83° 12' 39" ± 65.17 feet to a point, said point being a common property corner of the lands N/F of Windansea, LLC and lands N/F of the Trustees of the Protestant Episcopal Church, said point also being on the boundary of the Assawoman Canal and the boundary of the lands of the States of America; thence by and with the lands of the United States of America, South 19° 59' 50" East ± 947.22 feet to a point, said point being a common corner of lands N/F Circle J Venture, LLC and lands N/F Windansea, LLC; thence proceeding with the boundary of lands N/F of Windansea LLC the following 6 courses: South 69° 25' 50" East ± 96.96 feet, South 64° 08' 08" West ± 471.77 feet, South 37° 42' 55" West ± 221.76 feet, South 08° 41' 48" West ± 256.44 feet, North 86° 46' 13" East ± 59.08 feet and South 16° 21' 55" West ± 387.58 feet to a point, said point being on the northerly ROW of Muddy Neck Road, said point also being the southeasterly most property corner of lands N/F of Windansea, LLC; thence by and with the northerly ROW of Muddy Neck Road, North 72° 36' 50" ± 1448.60 feet and thence with an arch to the right having a radius of 1006.75 feet, an arc length of 384.97 feet and subtended by a chord bearing North 61° 39' 33" West to a point, said point being a corner of lands N/F of Michael W. and Dawn M. Adkins; thence by and with the lands of N/F of Michael W. and Dawn M. Adkins, North 41° 25' 14" ± 150.79 feet to a point; thence by and with the lands N/F of Michael W. and Dawn M. Adkins and the lands N/F Donald F. and Doris J. Averill, North 34° 45' 36" West ± 349.14 feet to a point, said point being the common corner of lands N/F Donald F. and Doris J. Averill and N/F of Raymond Berzins, et al.; thence by and with the lands N/F of Berzins, et al., North 67° 52' 10" West ± 225.04 feet to a point on the boundary of lands N/F of the Trustees of the Protestant Episcopal Church; thence by and with the lands of the Trustees of the Protestant Episcopal

