

RESOLUTION R 005 14

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE BAYVIEW ESTATES SANITARY SEWER DISTRICT (BVESSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ON THE WEST SIDE OF COUNTY ROAD 395, WILLIAMSVILLE ROAD, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE (KOHOUT EXPANSION)**

**WHEREAS, Sussex County has established the Bayview Estates 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 west of County Road 395, Williamsville Road, contiguous to the BVESSD, 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 Robert Lynch, 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 BVESSD to include tax map and parcel 533-19.00 289.09 situated on the west side of County Road 395, as follows:**

**BEGINNING at a point, situate on the westerly right of way (ROW) of Williamsville Road, said point being approximately 2800' southeast of the intersection of Lighthouse Road & Williamsville Road and a point on the existing boundary of BVESSD and the northeasternmost corner of lands N/F of David R. Kohout; thence proceeding by and with said lands of Kohout in the following three (3) directions and distances: southeasterly ±263 feet, southwesterly ±176 feet, northwesterly ±122 feet to a point,**

said point being the northwesternmost corner of said lands of Kohout and a point on the existing boundary of the BVESSD, thence by and with said BVESSD boundary in a northeasterly direction  $\pm 226$  feet 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 005 14 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 6TH DAY OF MAY 2014.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

**BAY VIEW ESTATES 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 April 21, 2014 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 21, 2014 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 Bay View Estates Sanitary Sewer District being part of tax map reference 5-33-19.00 Parcel 289.09, in four (4) locations as follows:
    - a. On a driven stake located on parcel 533-19.00-589.09. Approximately 750' southeast of Bayview Blvd;
    - b. On a driven stake located on parcel 533-19.00-589.09. Approximately 800' southeast of Bayview Blvd;
    - c. On a driven stake located on parcel 533-19.00-589.09. Approximately 850' southeast of Bayview Blvd;
    - d. On a driven stake located on parcel 533-19.00-589.09. Approximately 900' southeast of Bayview Blvd;
  - 2. On a driven stake near the Bay View Estates subdivision's community notice board located near the intersection of Bayview Blvd and Williamsville Rd (County Road 395).
  - 3. On a driven stake near a stop sign within the Bay View Estates subdivision located at the intersection of Bayview East and Sea Gull Rd.

4. On a driven stake near a stop sign within the Bay View Estates subdivision located at the intersection of Bayview West and Captains Ln.
5. On a driven stake within the Bay View Estates subdivision located in front of Sussex County Pump Station #264, near the intersection of Bayview West and Sea Gull Rd.
6. On a Delmarva Electric Cooperative pole Number 27197 located along the southerly right of way (ROW) of Williamsville Rd (County Road 395).

  
ROBERT LYNCH

SWORN TO AND SUBSCRIBED before me on this 21<sup>ST</sup> day of April A.D., 2014.

  
NOTARY PUBLIC

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

**PUBLIC NOTICE**  
**EXPANSION OF THE BAY VIEW ESTATES SANITARY SEWER DISTRICT**  
**TAX MAP AND PARCEL NUMBER 533-19.00-289.09**  
**LANDS OF DAVID R. KOHOUT**  
**FILE NUMBER: BVSCE – 9.05**

**NOTICE IS HEREBY GIVEN** that the Sussex County Council voted on April 1, 2014, to consider expanding the boundary of the Bay View Estates Sanitary Sewer District (BVESSD) to include tax map and parcel 533-19.00-289.09, land now or formerly (N/F) of David R. Kohout, situated on the west side of County Road 395, Williamsville Road. The parcel 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.

**BEGINNING** at a point, situate on the westerly right of way (ROW) of Williamsville Road, said point being approximately 2800' southeast of the intersection of Lighthouse Road & Williamsville Road and a point on the existing boundary of BVESSD and the northeasternmost corner of lands N/F of David R. Kohout; thence proceeding by and with said lands of Kohout in the following three (3) directions and distances: southeasterly  $\pm 263$  feet, southwesterly  $\pm 176$  feet, northwesterly  $\pm 122$  feet to a point, said point being the northwesternmost corner of said lands of Kohout and a point on the existing boundary of the BVESSD, thence by and with said BVESSD boundary in a northeasterly direction  $\pm 226$  feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the BVESSD is within these boundaries and said to contain .78 acres, more or less. The boundary description has been prepared using Sussex County tax map number 533-19.00.

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

**The public hearing will be held on this issue at 10:45 am on May 6, 2014 in the Sussex County Council Chambers.** 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 Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.



For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Michael A. Izzo, P.E.  
County Engineer

# Expansion of the Bay View Estates Sanitary Sewer District



May 6, 2014

-  Kohout Property
-  BVESSD



Not To Scale

