

RESOLUTION NO. R 006 12

A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE BIRD HAVEN PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvement of streets and roadways owned and controlled by a private subdivision Homeowner Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as Bird Haven, as represented on Sussex County Tax Map1-34-8, located off of County Road 351 (aka Clubhouse Road), and on Birdhaven Road, within the Rogers Haven Subdivision, in Baltimore Hundred, Sussex County, Delaware, requested petition forms be provided from Sussex County Engineering Department to determine if there was enough interest in their community to obtain a detailed estimate of costs and charges for requested improvements, and to submit the question of submitting the proposed Bird Haven Sussex Community Improvement Project to an election; and

WHEREAS, it was determined by the Sussex County Engineering Department that Bird Haven meets all criteria as defined by Sussex County Code Chapter 96, §96-1(5) and thereby provided by direct mail the requested petition form to each property owner of record within the Bird Haven subdivision, on October 24, 2011, in accordance with §96-3(b)(c) of the Sussex County Code; and

WHEREAS, seven (7) valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately sixty-three (63%) of the subdivision's 11 eligible properties, exceeding the fifty percent (50%) or more requirement in § 96-5(a) of the Sussex County Code; and

WHEREAS, Sussex County Engineering Department prepared and mailed a detailed cost estimate, a layout of the community, estimated charges to each property owner, as required by § 96-5(a)(1-3) of the Sussex County Code and a notice of a Public Meeting on January 27, 2012, as also required by §96-5 (b) of the Code to all Bird Haven property owners; and

WHEREAS, Sussex County Engineering Department held a Public Meeting to discuss the roadway improvement proposal on Tuesday, February 21, 2012, at the South Coastal Library, with the Bird Haven property owners, in accordance with §96-5 (b) of the Sussex County Code.

NOW, THEREFORE, BE IT RESOLVED, Sussex County Council hereby formally accepts the community of Bird Haven into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED, that Sussex County Council approves the estimated annual billing rate for the proposed Bird Haven Sussex Community Improvement Program to be \$ 119.90 for a ten (10) year time period, for each eligible property, as determined by the Sussex County Engineering Department, located within the boundaries of the Bird Haven Subdivision; and

BE IT FURTHER RESOLVED, that the Sussex County Council does establish Wednesday, March 21, 2012, during the hours of 3:00 p.m. – 7:00 p.m., at the Sussex County South Coastal Library located at 43 Kent Avenue, Bethany Beach, Delaware, as the date, time, and place for the Election to determine if eligible property owners of Bird Haven subdivision are in favor with proceeding with the proposed Bird Haven Sussex Community Improvement Project, as presented at the February 21, 2012 Public Meeting. A provision for Absentee Ballots will be provided; and

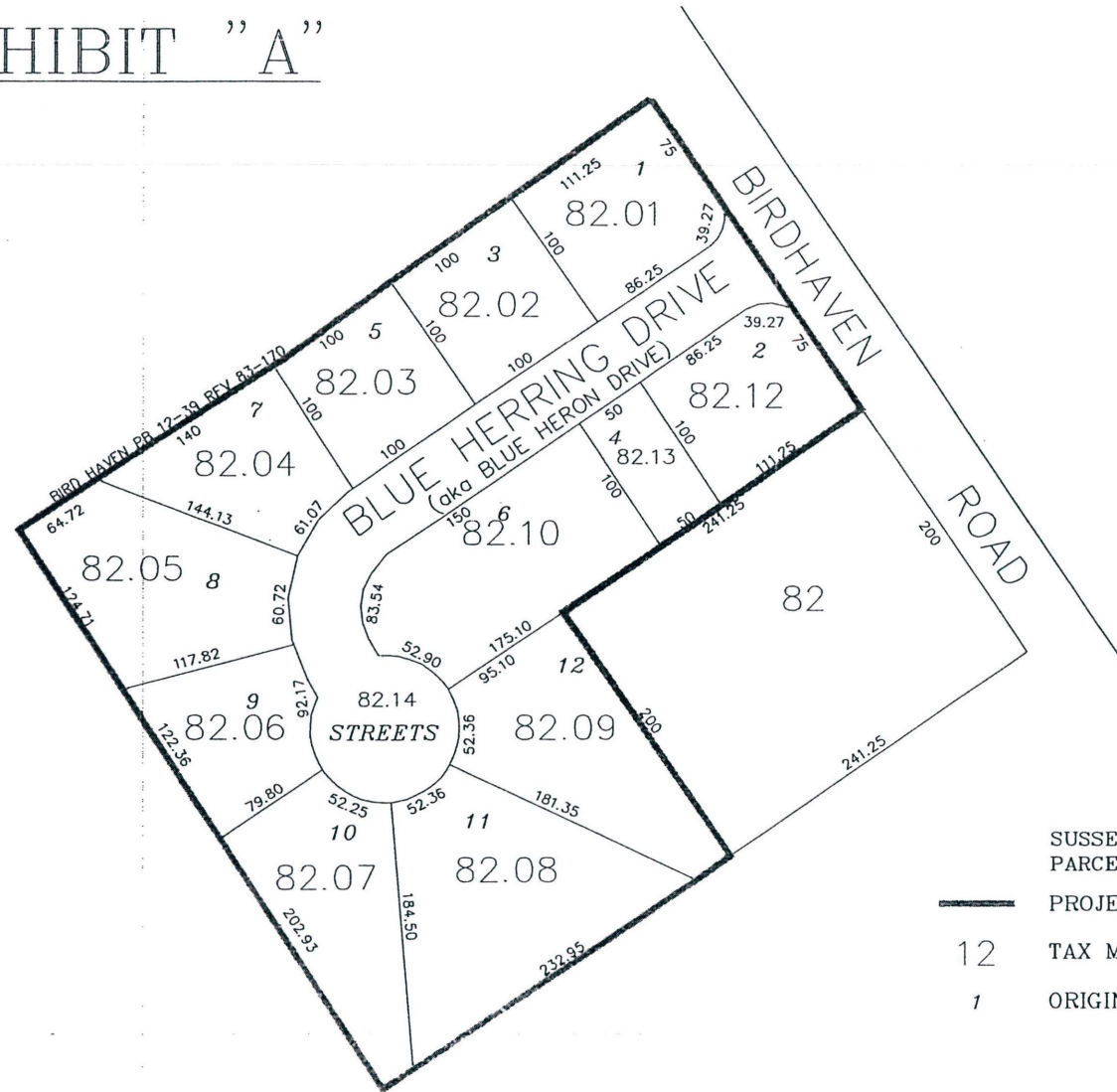
BE IT FURTHER RESOLVED, Sussex County Council appoints Patricia L. Deptula, of the Sussex County Engineering Department, or her designee, to be the judge of the March 21, 2012 Election; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to the voters of record in the Bird Haven subdivision, of the date, time, and place of the Election, including estimated costs and charges, as required by §96-5(c)(4) of the Sussex County Code.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 006 12 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 28TH DAY OF FEBRUARY 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

EXHIBIT "A"



KEY

SUSSEX COUNTY TAX MAP 1-34-8.00
PARCELS 82.01 - 82.13

PROJECT BOUNDARY AREA

12 TAX MAP PARCEL NUMBER

1 ORIGINAL LOT NUMBER

NO.	DESCRIPTION	DATE

SUSSEX COUNTY ENGINEERING DEPARTMENT
BIRD HAVEN SUBDIVISION
PROPOSED SUSSEX COMMUNITY IMPROVEMENT PROJECT

NOT TO SCALE

SEAL

SUSSEX COUNTY ENGINEER

MICHAEL A. IZZO, P.E.
DATE _____

DRAWN BY:
TINA STEINER
1-23-2012