

**RESOLUTION NO. R 007 12**

**A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE BIRD HAVEN CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT.**

**WHEREAS, Sussex County Council authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of Bird Haven on February 28, 2012 in Resolution No. R00612; and**

**WHEREAS, Sussex County Engineering Department held an Election for the Bird Haven Sussex Community Improvement project in accordance with Sussex County Code, Chapter 96 on March 21, 2012 from 3:00 pm until 7:00 pm.; and**

**WHEREAS, the results of the March 21, 2012 election were certified by Patricia L. Deptula, judge of the election, as being favorable in proceeding with the project, with seven (7) Yes votes cast and three (3) No votes cast out of a total of eleven (11) possible votes;**

**NOW THEREFORE, BE IT RESOLVED, that the Sussex County Council confirms and authorizes the Sussex County Engineering Department to proceed with the specified improvements for the Bird Haven Sussex Community Improvement project effective May 1, 2012; and**

**BE IT FURTHER RESOLVED, that Sussex County Council authorizes the Sussex County Engineer and the Sussex County Finance Director to complete the improvements, and compile a final cost accounting to determine a uniform rate of assessment for all assessable properties within the Bird Haven Sussex Community project, upon substantial completion of the project, as specified in Sussex County Code Chapter 96.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 007 12 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF MAY 2012.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**



**BIRD HAVEN**  
**PROPOSED SUBURBAN COMMUNITY IMPROVEMENT (SCI) PROJECT**

1. Bird Haven subdivision is located within the Rogers Haven subdivision, off of the paved Rogers Haven street named Birdhaven Road. Birdhaven Road connects to the state-maintained County Road 351, Clubhouse Road, north of Millville, Delaware. There is one street in the Bird Haven subdivision, Blue Herring Drive, (aka, Blue Heron Drive) Blue Herring Drive is approximately 600 feet +/- in length. It is unpaved and privately owned by the Bird Haven Property Owners Association, Inc. (POA) and identified as Sussex County Tax Map 1-34-8 – Parcel 82.14. The POA contacts are Hugh J. Dolan, President (302) 537-1248, and Michael J. Walsh, Vice-President (302) 537-4079. The POA mailing address is P.O. Box 222, Ocean View, DE 19970.
2. This subdivision was recorded in 1977, in the Recorder of Deeds, on Book 12 – Page 39. A revised plat was recorded in 2003 on Book 83 - Page 170.
3. **There are 11 total buildable parcels/lots in the proposed project.** The buildable parcels are identified as Sussex County Tax Map Number **1-34-08- Parcels 82.01 through 82.12**. There were twelve fairly uniform lots originally created in this subdivision, but Lot 4 (Parcel 82.13) was subdivided into two half-lots and sold to the adjoining Parcels on each side of it, thus making it an unbuildable parcel as per Sussex County Planning and Zoning Department.
4. Representative Gerald Hocker met with the Sussex County Engineering Department (SCED) in December 2010 and agreed to provide \$15,000 of funding towards the pavement of Blue Herring Drive he street, if there was enough interest among the property owners to request the balance of the monies required to complete the project through the County's Chapter 96 Sussex Community Improvement (SCI) Program. It was determined that the project meets all necessary criteria for inclusion in this program.
5. On December 22, 2010 a letter was sent to all property owners of record from Sussex County Engineering Department asking if they would be in agreement with paving the street through the County program and also with the partial funding from Representative Hocker. Preliminary ballots were included and asked to be returned by January 11, 2011, if interested. A reply total of Seven (7) "Yes" ballots and Two (2) "No" ballots were returned to SCED.
6. Sussex County Engineering Department received a formal written request on September 16, 2011, from the Bird Haven POA to formally initiate the SCI process, as allowed by Sussex County Code, Chapter 96. A petition form was prepared and approved by David N. Rutt on 10-24-12. A petition form package was sent by mail to all property owners of record on 10-24-11.
7. The SCED received seven (7) signed and notarized petitions back, representing 63% of the buildable parcels. This exceeded the 50 % requirement of Chapter 96. Notice of a public meeting was mailed to all property owners of record on January 27, 2012 with a detailed project construction estimate; a table listing all eligible properties and the estimated annual assessment for each property within the proposed project. A public meeting was held on Tuesday, February 21, 2012, at 7 pm in Meeting Room B of the County's South Coastal Library. The County received written correspondence from six (6) property owners. Five stated their agreement with the proposed project and one stated their disapproval of it.
8. The main improvement being considered is the installation of 2" Type C hot-mix on the currently unpaved Blue Herring (Blue Heron) Drive. Project construction costs are estimated to be \$ 27, 500. The **estimated assessment** for this project is calculated to be **\$ 119.90 per year for a ten (10) year time period per billable property**. This estimated annual assessment reflects a monetary contribution of \$15,000.00 from Representative Hocker.
9. On February 28, 2012, Sussex County Council approved Resolution No. R00612 for the following: **a)** acceptance of Bird Haven into the Sussex Community Improvement program; **b)** approval of the project's estimated annual billing rate of \$119.90 per year for a ten year period; **c)** approval for the SCED to hold an election on Wednesday, March 21, 2012, from 3:00 pm to 7:00 pm at the South Coastal Library located at 43 Kent Avenue, in Bethany Beach, Delaware, including a provision for absentee ballots, to allow all eligible project property owners to vote on whether to proceed with the project **d)** designation of PLD as judge for the election and **e)** approval to have the SCED to provide notice of the election to all eligible property owners as required by Chapter 96 of the Sussex County Code.
10. The project was voted in favor of with seven (7) Yes votes cast, and three (3) No votes cast, out of a total of eleven (11) possible votes at the March 21<sup>st</sup> election. Four of these were by absentee ballots.
11. A **Resolution** to "authorize the County Engineer to perform the improvements and additionally for the County Engineer and the County Finance Director to determine a uniform assessment rate for billing, upon substantial completion of the improvements" was approved by Sussex County Assistant Attorney, David Rutt. It will be presented to the Sussex County Council for their consideration on May 1, 2012. Construction is targeted to start in the summer of 2012.

# PRELIMINARY COST ESTIMATE

January 13, 2012

## SUBURBAN COMMUNITY IMPROVEMENTS PROJECT

### Bird Haven

ITEM	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL SUB-ITEM COST	TOTAL ITEM COST
1	CONTRACTOR INITIAL EXPENSE	LS	1	\$ 1,061.89		\$ 1,061.89
2	DRAINAGE IMPROVEMENTS					\$ 800.00
3	PREPARATION					\$ 844.00
3A	Saw Cut Hot Mix, Existing Pavement	LF	40	\$ 5.00	\$ 200.00	
3B	Driveways	SY	24	\$ 6.00	\$ 144.00	
3C	Sewer Manhole Adj	EA	1	\$ 500.00	\$ 500.00	
4	PAVING					\$ 16,360.00
4A	Fine Grade	SY	1400	\$ 1.00	\$ 1,400.00	
4B	Butt Joints	SY	10	\$ 15.00	\$ 150.00	
4C	2" Type C Top	TONS	170	\$ 85.00	\$ 14,450.00	
4D	Driveways @ 3' of Tie-in	TONS	4	\$ 90.00	\$ 360.00	
5	RESTORATION					\$ 2,172.00
5A	Soil Restoration Along Edges of Pavement ( tpsl/seed/mulch)	SY	350	\$ 6.00	\$ 2,100.00	
5B	Driveway Restoration	SY	24	\$ 3.00	\$ 72.00	

### CONSTRUCTION COST SUMMARY

Subtotal Construction Estimate	\$ 21,237.89
10% Contingency	\$ 2,123.79
<b>Total Construction Estimate</b>	<b>\$ 23,361.68</b>

### II. CONTRIBUTIONS

Representative Hocker Legislative Funding	\$ 15,000.00
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### III. PROJECT COSTS

Total Construction Estimate	\$ 8,361.88
County Administrative Costs	\$ 2,336.17
<b>Estimated Total Project Cost</b>	<b>\$ 10,697.85</b>

### IV. UNIFORM ASSESSMENT

Total Project Cost	\$10,697.85
Total Buildable Parcels in Community	11
Interest Rate	4.00%

Lump Sum Repayment Cost	<u>972.53</u> Per buildable parcel
10 Year Repayment Period Cost	<u>119.90</u> Per buildable parcel

Project Engineer: Bob Jones

Approved by County Engineer:

Date:

1/24/12

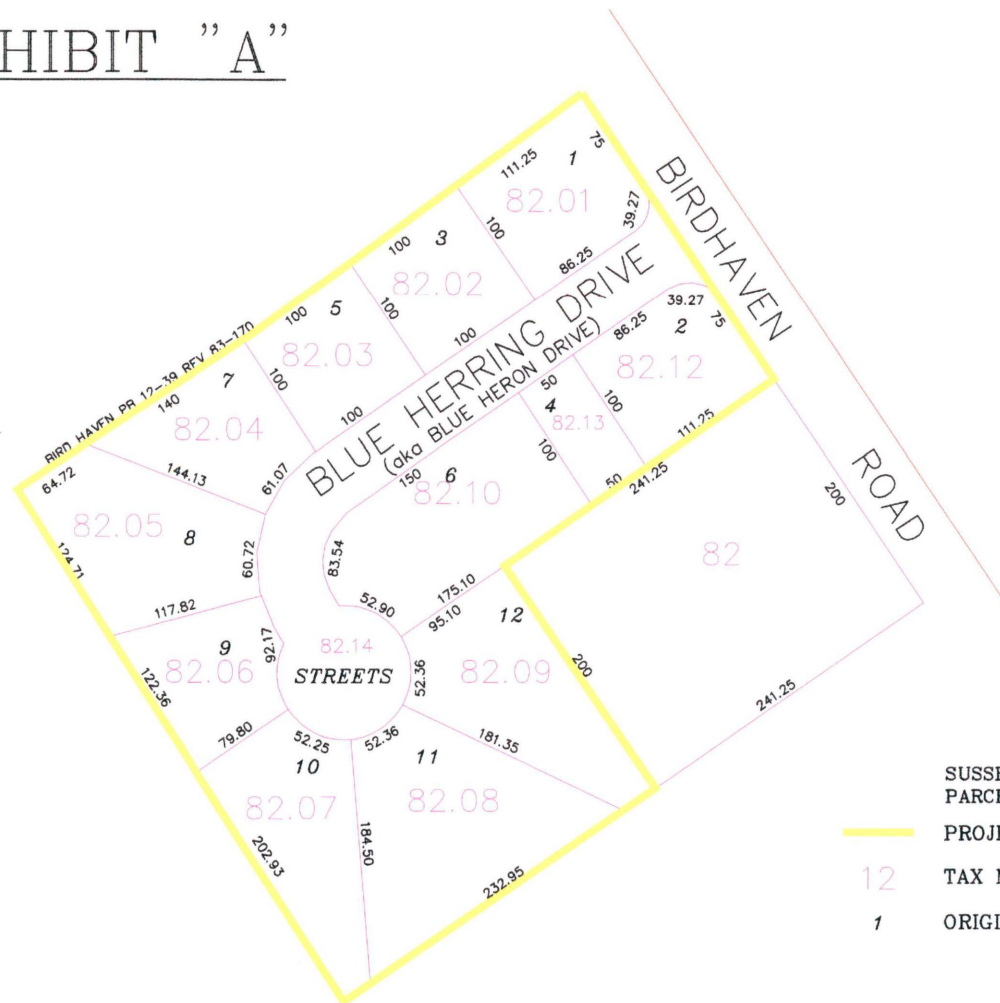
Approved by County Finance Director:

Date:

4/30/12



# 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

SUSSEX COUNTY ENGINEER

MICHAEL A. IZZO, P.E.  
DATE

DRAWN BY:  
TINA STEINER  
1-23-2012