

RESOLUTION R 007 94

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND ON MUDDY NECK, LYING CONTIGUOUS TO THE SBSSD, SITUATE WEST OF THE TOWN OF SOUTH BETHANY AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the SBSSD; 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 South Bethany, 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, 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 SBSSD to encompass the Clearwater subdivision, which lies between County Roads 361 and 363, as follows:

BEGINNING at a concrete marker on the southerly right-of-way (ROW) line of County Route 361, said marker being a corner for these lands and lands now or formerly (N/F) of Tavaldis Berzins, et ux., and being located approximately 1,510 feet west of the intersection with the centerline of County Route 363; thence South

14 degrees 28 minutes 01 second West by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 942.27 feet to a concrete block; thence North 89 degrees 49 minutes 32 seconds East by and with the lands N/F of Tavaldis Berzins, et. ux. a distance of 409.53 feet to a stone; thence South 02 degrees 41 minutes 30 seconds West by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 337.61 feet to a stone; thence South 31 degrees, 31 minutes, 28 seconds East by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 380 feet to a point where it meets the northwestern property corner of lands N/F of James P. III & Janice H. Robinson; thence South 31 degrees 31 minutes 28 seconds East by and with the lands N/F of James Robinson, et ux. a distance of 302.73 feet through a concrete marker to a point in the center of "Little Bay Tax Ditch," said point also being the northernmost property corner of lands N/F of James Cullen; thence proceeding in a southwesterly and southerly direction, respectively, by and with lands N/F of James Cullen to a point on the northerly ROW of County Route 363; thence South 75 degrees 48 minutes 46 seconds West by and with County Route 363 a distance of 1,120 feet to an iron pipe on the northerly ROW of County Route 363; thence North 17 degrees 54 minutes 59 seconds West by and with Ocean Farms Subdivision a distance of 1,335.18 feet to an iron pipe; thence North 89 degrees 04 minutes 59 seconds West by and with the Ocean Farms Subdivision a distance of 825.85 feet to a stone; thence North 23 degrees 08 minutes 26 seconds East by and with the Foxfire Meadows Subdivision a distance of 1,067.97 feet to a point; thence North 21 degrees 49 minutes 05 seconds East by and with the lands N/F of Leo M. Donohoe a distance of 369.73 feet to an iron pipe on the southerly ROW of County Route 361; thence South 70 degrees 42 minutes 02 seconds East by and with County Route 361 a distance of 1,283.05 feet to a 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 rights-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, 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 007 94 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 25TH DAY OF JANUARY, 1994.



Robin A. Griffith
Clerk of the County Council

SOUTH BETHANY SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE) (
 :
COUNTY OF SUSSEX) (

BE IT REMEMBERED, that the subscriber, ANTHONY DI GIUSEPPE, 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 January 5, 1994, he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On January 5, 1994, he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On circulation table in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;
 - 2. On the wall above the display rack of Wilgus Real Estate Office, located on Route 1 southbound lane, Bethany Beach, Delaware;
 - 3. On a steel post, adjacent to a pay booth at the Amoco gas station located on Route 1 northbound lane, Bethany Beach, Delaware;
 - 4. On the bulletin board of the, Wilmington Trust Bank located on Route 1 and Pennsylvania Avenue, Bethany Beach, Delaware;
 - 5. On the bulletin board of Sea Colony East, in the main lobby of the Edgewater House located on Route 1 and Pennsylvania Avenue, Bethany Beach, Delaware;
 - 6. On the side of mailboxes across from the sales office of the Bahamas Beach Cottages on West End Avenue, Bethany Beach, Delaware;
 - 7. On the bulletin board of the Ocean Farm sales office located on Neptune Drive, Bethany Beach, Delaware;
 - 8. On the exterior wall next to the main side entrance way of McDonald's, Restaurant located

on Route 1 on Addy Road, Bethany Beach, Delaware;

9. On the bulletin board of South Bethany Town Hall located on Evergreen Road, South Bethany, Delaware;
10. On the bulletin board of Sandcastle Realty, Inc. located in the York Beach Mall, South Bethany, Delaware;
11. On the entrance sign to Foxfire Meadows located on County Road No. 361, Foxfire Road, Ocean View, Delaware; and
12. On a certain parcel of land owned by Clearwater, Ltd., and being considered for the proposed extension of the South Bethany Beach Sanitary Sewer District, situated approximately one mile west of Bethany Beach, in four (4) locations as follows: (a) next to an electrical pole (#RA1-34-26-52) approximately 37 feet east of the southwestern property corner and approximately 24 feet from the centerline of County Road No. 363; (b) proceeding with the aforementioned point in a easterly direction approximately 690 feet, said point being next to an electrical pole (#RA1-34-54); (c) approximately 200 feet east of the northwestern property corner and approximately 20 feet from the centerline of County Road No. 361; (d) proceeding with the aforementioned point in a easterly direction approximately 840 feet, said point being next to a 35 mph sign.

Anthony Di Giuseppe
ANTHONY DI GIUSEPPE

SWORN TO AND SUBSCRIBED before me on this 11th day of January, A.D., 1994,

Jayne E. Dickerson
NOTARY PUBLIC

My commission Expires 3/22/95.

NOTICE

PROPOSED EXPANSION TO THE
SOUTH BETHANY SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on December 21, 1993 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include a certain piece, parcel, or tract of land owned by Clearwater Land, Ltd. on Muddy Neck lying contiguous to the SBSSD, situate west of the Town of South Bethany and being in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C., Section 6502.

A description of the property which is contiguous to and to be added to the SBSSD is described as follows:

Beginning at a concrete marker on the southerly right-of-way (ROW) line of County Route 361, said marker being a corner for these lands and lands now or formerly (N/F) of Tavaldis Berzins, et ux., and being located approximately 1,510 feet west of the intersection with the centerline of County Route 363; thence South 14 degrees 28 minutes 01 second West by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 942.27 feet to a concrete block; thence North 89 degrees 49 minutes 32 seconds East by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 409.53 feet to a stone; thence South 02 degrees 41 minutes 30 seconds West by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 337.61 feet to a stone; thence South 31 degrees, 31 minutes, 28 seconds East by and with the lands N/F of Tavaldis Berzins, et ux. a distance of 380 feet to a point where it meets the northwestern property corner of lands N/F of James P. III & Janice H. Robinson; thence South 31 degrees 31 minutes 28 seconds East by and with the lands N/F of James Robinson, et ux. a distance of 302.73 feet through a concrete marker to a point in the center of "Little Bay Tax Ditch," said point also being the northernmost property corner of lands N/F of James Cullen; thence proceeding in a southwesterly and southerly direction, respectively, by and with lands N/F of James Cullen to a point on the northerly ROW of County Route 363; thence South 75 degrees 48 minutes 46 seconds West by and with County Route 363 a distance of 1,120 feet to an iron pipe on the northerly ROW of County Route 363; thence North 17 degrees 54 minutes 59 seconds West by and with Ocean Farms Subdivision a distance of 1,335.18 feet to an iron pipe; thence North 89 degrees 04 minutes 59 seconds West by and with the Ocean Farms Subdivision a distance of 825.85 feet to a stone; thence North 23 degrees 08 minutes 26 seconds East by and with the Foxfire Meadows Subdivision a distance of 1,067.97 feet to a point; thence North 21 degrees 49 minutes 05 seconds East by and with the lands N/F of Leo M. Donohoe a distance of 369.73 feet to an iron pipe on the southerly ROW of County Route 361; thence South 70 degrees 42 minutes 02 seconds East by and with County Route 361 a distance of 1,283.05 feet to a point of beginning, said parcel contains 65.58 acres of land, being the same more or less.

The proposed expansion of the SBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34-17, and information provided by Land Tech, Inc. in a letter dated December 15, 1993.

A map outlining and describing the extension of the SBSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, January 25, 1994 in the Sussex County Council Chambers, Room 115, The Courthouse, Georgetown, 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, Race and Pine Streets, Post Office Box 589, Georgetown, DE 19947 - (302) 855-7719.

