

**RESOLUTION NO. R 009 11**

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

**WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a 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 Ocean Farm, as represented on Sussex County Tax Map 1-34-17, located on Double Bridges Road/CR 363, 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 an estimate of costs and charges for requested improvements, and to submit the question of establishing an Ocean Farm Sussex Community Improvement Project to an election; and**

**WHEREAS, it was determined by the Sussex County Engineering Department that Ocean Farm meets all criteria as defined by Sussex County Code Chapter 96, §96-1(5) and thereby provided the requested petition forms to the Ocean Farm Homeowners Association, on May 24, 2010, for distribution in accordance with §96-3(b)(c) of the Sussex County Code; and**

**WHEREAS, sixty (60) valid petition forms were returned to Sussex County Engineering Department and verified by them on September 30, 2010 to represent approximately fifty-three percent (53%) of the subdivision's 114 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, as also required by §96-5 (b) of the Code to all Ocean Farm property owners; and**

**WHEREAS, Sussex County Engineering Department held a Public Meeting to discuss the roadway improvement proposal on Saturday November 13, 2010, at the Bethany Beach Town Hall, with the Ocean Farm Homeowners Association, in accordance with §96-5 (b) of the Sussex County Code. The Ocean Farm Homeowners Association voted for a ten (10) year time period to be used to determine the estimated annual billing rate for each eligible property owner at this meeting; and**

**NOW, THEREFORE, BE IT RESOLVED, Sussex County Council hereby formally accepts the community of Ocean Farm 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 Ocean Farm Sussex Community Improvement Program to be \$ 568.62 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 Ocean Farm Subdivision; and**

**BE IT FURTHER RESOLVED, that the Sussex County Council does establish Thursday, February 17, 2011, 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 Ocean Farm subdivision are in favor with proceeding with the proposed Ocean Farm Sussex Community Improvement Project, as presented at the November 13, 2010 Public Meeting. A provision for Absentee Ballots will be provided; and**

**BE IT FURTHER RESOLVED, Sussex County Council appoints Patricia L. Deptula, Assistant Director of Public Works, or her designee, to be the judge of the February 17, 2011 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 Ocean Farm 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 009 11 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF JANUARY 2011.**

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