

**RESOLUTION NO. R 010 19**

**A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE OWL'S NEST 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 improvements of streets, roadways, and other construction designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and**

**WHEREAS, the subdivision known as The Owl's Nest, as represented on Sussex County Tax Map 533-10 Parcels 184 - 200, and on Recorder of Deeds Plot Book 43-Page 200; located west of Smithfield Acres Road (CR 52B), southwest of the intersection with Roxana Road (SR 17), in Selbyville, DE, within the Baltimore Hundred, 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 proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of The Owl's Nest to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and**

**WHEREAS, it was determined by the Sussex County Engineering Department that The Owl's Nest meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within The Owl's Nest proposed project on March 7, 2019, in accordance with the Sussex County Code, along with a project cost estimate, a layout map of project boundaries and the estimated charges to each property owner; and**

**WHEREAS, 11 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 65% of the 17 assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5 of the Sussex County Code; and**

**WHEREAS, on March 26, 2019, Sussex County Engineering Department mailed to all The Owl's Nest property owners of record within the proposed project area a Notice of a Public Meeting to be held in the community on April 17, 2019; as required by §96-5 of the Sussex County Code; and**

**WHEREAS, Sussex County Engineering Department held the Public Meeting to discuss the Chapter 96 community improvements proposal on Wednesday, April 17, 2019, at 37403 Tree Top Ln, in the community with The Owl's Nest property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.**

**NOW, THEREFORE,**

**BE IT RESOLVED, Sussex County Council hereby formally accepts the community of The Owl's Nest into the Sussex County Chapter 96 Sussex Community Improvement Program; and**

**BE IT FURTHER RESOLVED, that Sussex County Council approves for The Owl's Nest Proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$ 547.92 for a ten (10) year time period, or an estimated lump sum payment cost of \$ 4,499.94 for each assessable property located within the boundaries of The Owl's Nest Proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and**

**BE IT FURTHER RESOLVED, that the Sussex County Council does establish Wednesday, June 5, 2019, during the hours of 1:30 p.m. – 5:30 p.m., at the Selbyville Public Library located at 11 S. Main Street, Selbyville, Delaware, as the date, time, and place for the Election to determine if the property owners of The Owl's Nest Proposed Chapter 96 Project are in favor of proceeding with the project improvements, as presented at the April 17, 2019 Public Meeting. A provision for Absentee Ballots will be provided; and**

**BE IT FURTHER RESOLVED, Sussex County Council appoints Patrick J. Brown, PE, of the Sussex County Engineering Department, or his designee, to be the judge of the June 5, 2019 Election; and**

**BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in The Owl's Nest Proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 010 19 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 30TH DAY OF APRIL 2019.**

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