

**RESOLUTION NO. R 011 05**

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS LOTS 1, 2, 3, 4, AND 5 OF THE MILL CREEK ACRES SUBDIVISION, CONTIGUOUS TO THE FENWICK ISLAND SANITARY SEWER DISTRICT AND WEST OF THE TOWN OF FENWICK ISLAND, LYING WEST OF COUNTY ROAD 381, IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.**

**WHEREAS, Sussex County has established the Fenwick Island Sanitary Sewer District (FISSD); 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 Fenwick Island, the inclusion of the property west of County Road 381 would 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 Phillip C. Calio, 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 FISSD to encompass the property west of County Road 381 as follows:**

**BEGINNING at a point, said point being on the FISSD boundary, said point also being on the eastern Right-of-way (ROW) of CR 381, said point further being the northwesternmost property corner of lands Now or Formerly (N/F) of Leonardo & Maria Isabel Rodriguez; thence leaving said ROW and Rodriguez lands and continuing by and with said FISSD boundary in a southwestern direction a distance of 50 feet more or less to a point, said point being on the western ROW of CR 381, said point also being the southern**

-most property corner of Mill Creek Acres subdivision (as found in Plot Book 13 Page 35 in the Sussex County Recorder of Deeds office); thence continuing by and with said FISSD boundary and said subdivision lands North 43°03'27"East a distance of 350.48 feet to a point, said point being a property corner of lands N/F of Peter Ayres Wimbrow III and Raymond R. Land; thence leaving said FISSD boundary and continuing by and with the following two courses and distances: (1)North09°11'15"East a distance of 445.21 feet to a point, (2) North 80°48'45"East to a point, said point being on the western ROW of CR 381, said point also being the northeasternmost property corner of lands N/F of Raymond R. Land; thence leaving said property corner and ROW of CR 381 and proceeding with a straight line in an easterly direction a distance of 50 feet more or less to a point, said point being on the western ROW of CR 381, said point also being on the western property line of lands N/F of Delaware Electric Cooperative, Inc.; thence proceeding by and with said ROW in a southeasterly direction a distance of 710 feet more or less to the point and place 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 right-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 011 05 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF MARCH 2005.

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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL



FENWICK ISLAND SANITARY SEWER DISTRICT  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

COUNTY OF SUSSEX )(

BE IT REMEMBERED that the subscriber, PHILLIP C. CALIO, 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 February 23, 2005 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 23, 2005 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On west facing window of Uncle Willies, Route 54, Fenwick Island, Delaware;
  - 2. On bulletin board of Mercantile Peninsula Bank, Route One, Farmington Street, Fenwick Island, Delaware;
  - 3. On bulletin board of Fenwick Island Town Hall, Route One, Fenwick Island, Delaware;
  - 4. On bulletin board of Bethany-Fenwick Chamber Office, Route One, north of Fenwick Island, Delaware;
  - 5. On main entrance door, Marvin's Market, Route 54, west of the Town of Fenwick Island, Delaware;
  - 6. On front window of Royal Farms Store at the northeast corner of Route One and Atlantic Avenue, Fenwick Island, Delaware;
  - 7. The following four locations on parcel being considered for the expansion:
    - 1. On a post on the western right-of-way (ROW) of County Road (CR) 381, 540 ± feet northwest of the intersection of CR 381 and State of Delaware Route (SR) 54, Fenwick Island, Delaware;
    - 2. On a post on the western ROW of CR 381, 1106 ± feet northwest of the intersection of CR 381 and SR 54, Fenwick Island, Delaware;

## NOTICE

### PROPOSED EXPANSION OF THE FENWICK ISLAND SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on January 11, 2005 to consider extending the Fenwick Island Sanitary Sewer District (FISSD) to include lots 1, 2, 3, 4, and 5 of Mill Creek Acres subdivision, which is adjacent to and west of County Road (CR) 381, situate, lying west of the Town of Fenwick Island, and being in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C. §6502.

A description of the area, which is contiguous to and to be added to the FISSD is described as follows:

BEGINNING at a point, said point being on the FISSD boundary, said point also being on the eastern Right-of-way (ROW) of CR 381, said point further being the northwesternmost property corner of lands Now or Formerly (N/F) of Leonardo & Maria Isabel Rodriguez; thence leaving said ROW and Rodriguez lands and continuing by and with said FISSD boundary in a southwestern direction a distance of 50 feet more or less to a point, said point being on the western ROW of CR 381, said point also being the southernmost property corner of Mill Creek Acres subdivision (as found in Plot Book 13 Page 35 in the Sussex County Recorder of Deeds office); thence continuing by and with said FISSD boundary and said subdivision lands North 43°03'27"East a distance of 350.48 feet to a point, said point being a property corner of lands N/F of Peter Ayres Wimbrow III and Raymond R. Land; thence leaving said FISSD boundary and continuing by and with the following two courses and distances: (1) North 09°11'15"East a distance of 445.21 feet to a point, (2) North 80°48'45"East to a point, said point being on the western ROW of CR 381, said point also being the northeasternmost property corner of lands N/F of Raymond R. Land; thence leaving said property corner and ROW of CR 381 and proceeding with a straight line in an easterly direction a distance of 50 feet more or less to a point, said point being on the western ROW of CR 381, said point also being on the western property line of lands N/F of Delaware Electric Cooperative, Inc.; thence proceeding by and with said ROW in a southeasterly direction a distance of 710 feet more or less to the point and place of BEGINNING.

The proposed expansion of the FISSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 5-33-12.

A map outlining and describing the expansion of the FISSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 7:00 p.m. on March 15, 2005 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary expansion are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary expansion 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, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 - (302) 855-7719.

Michael A. Izzo, P.E.  
County Engineer



3. On a post on the western ROW of CR 381, 1224 ± feet northwest of the intersection of CR 381 and SR 54, Fenwick Island, Delaware; and
4. On a post on the western ROW of CR 381, 1390 ± feet northwest of the intersection of CR 381 and SR 54, Fenwick Island, Delaware.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 24 day of Feb. A.D., 2005.

  
NOTARY PUBLIC

Jayne E. Dickerson  
Notary Public  
Commission Expires 4/7/07

