

RESOLUTION NO. R 012 02

A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS THE AMERICANA BAYSIDE PROJECT, LYING CONTIGUOUS TO THE FENWICK ISLAND SANITARY SEWER DISTRICT, SITUATE SOUTHWEST OF THE INTERSECTION OF STATE OF DELAWARE ROUTES 20 AND 54 IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Fenwick Island Sanitary Sewer District; 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 southwest of the intersection of State of Delaware Routes 20 and 54 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 Fenwick Island Sanitary Sewer District to encompass the property southwest of the intersection of State of Delaware Routes 20 and 54 as follows:

BEGINNING at a point, said point being on the FISSD boundary, said point also being on the southerly right-of-way (ROW) line of State of Delaware Route (SR) 54, 427 feet more or less northeast of the centerline of SR 20; thence proceeding by and with said boundary, South 18°22'38" East a distance of 750 feet more or less to the centerline of Roy Creek;

thence continuing by and with said centerline and boundary in a generally southeasterly direction a distance of 11,344 feet more or less to a point, said point being in the Assawoman Bay on the line separating the State of Delaware from the State of Maryland; thence leaving said FISSD boundary and continuing by and with said line in a northwesterly direction a distance of 11,948 feet to a point, said point being on the centerline of County Road (CR) 395; thence leaving said line separating the State of Delaware from the State of Maryland and continuing by and with said centerline in a northwesterly direction a distance of 570 feet more or less to a point, said point being on the centerline of CR 395; thence proceeding in an easterly direction a distance of 25 feet more or less to a point, said point being on the northerly ROW of CR 395, said point also being the westerly property corner of lands now or formerly (N/F) CMF Bayside LLC; thence proceeding North 32°01'50" a distance of 773.88 feet to a point; thence North 68°14'58" East a distance of 764.51 feet to a point, said point being a property corner of Sea Country Estates I, a subdivision; thence proceeding by and with said subdivision property line the following five courses, (1) North 65°47'21" East a distance of 175.04 feet to a point, (2) North 31°30'16" East a distance of 951.48 feet to a point, (3) North 13°18'51" West a distance of 359.73 feet to a point, (4) North 49°47'49" West a distance of 399.06 feet to a point, (5) North 10°10'50" East a distance of 156.29 feet to a concrete marker, said marker being on the northerly ROW of CR 394; thence proceeding by and with said ROW line in a northwesterly direction a distance of 1000 feet more or less to a point, said point being the southeasterly property corner of lands N/F Walter H. & Tammy M. Johnson; thence leaving the ROW line and proceeding North 24°48'08" a distance of 365.88 feet to a point, said point being on the property line of lands N/F Edward H. Long & Marilyn L. Elton Trustees; thence proceeding by and with said trustee lands the following eight courses, (1) South 69°23'34" East a distance of 116.18 feet to a point, (2) South 78°29'06" East a distance of 107.89 feet to a point, (3) South 55°30'44" East a distance of 139.47 feet to a point, (4) South 78°48'09" East a distance of 110.91 feet to a point, (5) North 79°01'37" East a distance of 83.13 feet to a point, (6) South 89°14'48" East a distance of 202.49 feet to a point, (7) North 86°38'21" East a distance of 196.81 feet to a point,

(8) North 83°38'54" East a distance of 487.61 feet to a point, said point being a property corner of lands N/F Iris L. Collins; thence proceeding by and with said Collins lands the following five courses, (1) North 84°50'14" East a distance of 260.19 feet to a point, (2) South 68°43'20" East a distance of 164.37 feet to a point, (3) South 56°01'34" East a distance of 62.81 feet, (4) South 43°56'05" East a distance of 157.40 feet to a point, (5) North 15°20'35" East a distance of 480 feet more or less to a point, said point being on the southerly ROW of CR 394A; thence leaving said Collins lands and proceeding by and with said ROW in a generally northwesterly direction a distance of 1,632 feet more or less to a point, said point being a property corner of lands N/F Church Sound Methodist Episcopal; thence proceeding by and with said Church lands in a northerly and westerly direction respectively a distance of 915 feet more or less to a point, said point being on the southerly ROW of State of Delaware Route 54, 1164 feet more or less northeast of the centerline of CR 391; thence proceeding in a straight line in a northerly direction a distance of 50 feet more or less to a point, said point being on the northerly ROW of State of Delaware Route 54, 1164 feet more or less northeast of the centerline of CR 391; thence proceeding by and with said ROW in a northeasterly direction a distance of 1,140 feet more or less to a point, said point being a property corner of lands N/F of CMF Bayside LLC; thence leaving said ROW and proceeding by and with said lands the following three courses, (1) North 74°10'56" West a distance of 358.81 feet to a point, (2) North 75°18'33" West a distance of 335.26 feet to a point, (3) North 44°57'16" East a distance of 1346.38 feet to a point, said point being on the southwesterly ROW of State of Delaware Route 20, said point also being on the FISSD boundary line; thence proceeding by and with said boundary line in a southeasterly and northeasterly direction respectively a distance of 2822 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 012 02 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF JANUARY, 2002.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

FENWICK ISLAND SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING
AMERICANA BAYSIDE

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 January 2, 2002 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On January 2, 2002 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On community bulletin board inside Happy Harry's, Route 54, Fenwick Island, Delaware;
 - 2. On west facing window of Uncle Willies, Route 54, Fenwick Island, Delaware;
 - 3. On bulletin board of Baltimore Trust Bank, Route One, Farmington Street, Fenwick Island, Delaware;
 - 4. On bulletin board of Fenwick Island Town Hall, Route One, Fenwick Island, Delaware;
 - 5. On bulletin board of Bethany-Fenwick Chamber Office, Route One, north of Fenwick Island, Delaware;
 - 6. On main entrance door, Marvin's Market, Route 54, west of the Town of Fenwick Island, Delaware;
 - 7. On front window of Royal Farms Store at the northeast corner of Route One and Atlantic Avenue, Fenwick Island, Delaware;
 - 8. The following four locations on parcel being considered for the expansion:
 - 1. On Delaware Electric Coop Pole 27018 on County Road 394A;
 - 2. On Delaware Electric Coop Pole 27079 on County Road 394;
 - 3. On Delaware Electric Coop Pole 27012 on State Route 54;

4. On Delaware Electric Coop Pole 27003 on State Route 20
(County Road 382).


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 2nd day of January A.D., 2002.


NOTARY PUBLIC

Jayne E. Dickerson
Notary Public
Commission Expires 3/10/03

NOTICE
PROPOSED EXPANSION
OF THE FENWICK ISLAND
SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on May 15, 2001 to consider extending the Fenwick Island Sanitary Sewer District (FISSD) to include the lands of Americana Bayside, 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 southerly right-of-way (ROW) line of State of Delaware Route (SR) 54, 427 feet more or less northeast of the centerline of SR 20; thence proceeding by and with said boundary, South 18°22'38" East a distance of 750 feet more or less to the centerline of Roy Creek; thence continuing by and with said centerline and boundary in a generally southeasterly direction a distance of 11,344 feet more or less to a point, said point being in the Assawoman Bay on the line separating the State of Delaware from the State of Maryland; thence leaving said FISSD boundary and continuing by and with said line in a northwesterly direction a distance of 11,948 feet to a point, said point being on the centerline of County Road (CR) 395; thence leaving said line separating the State of Delaware from the State of Maryland and continuing by and with said centerline in a northwesterly direction a distance of 570 feet more or less to a point, said point being on the centerline of CR 395; thence proceeding in an easterly direction a distance of 25 feet more or less to a point, said point being on the northerly ROW of CR 395, said point also being the westerly property corner of lands now or formerly (N/F) CMF Bayside LLC; thence proceeding North 32°01'50" a distance of 773.88 feet to a point; thence North 68°14'58" East a distance of 764.51 feet to a point, said point being a property corner of Sea Country Estates I, a subdivision; thence proceeding by and with said subdivision property line the following five courses, (1) North 65°47'21" East a distance of 175.04 feet to a point, (2) North 31°30'16" East a distance of 951.48 feet to a point, (3) North 13°18'51" West a distance of 359.73 feet to a point, (4) North 49°47'49" West a distance of 399.06 feet to a point, (5) North 10°10'50" East a distance of 156.29 feet to a concrete marker, said marker being on the northerly ROW of CR 394; thence proceeding by and with said ROW line in a northwesterly direction a distance of 1000 feet more or less to a point, said point being the southeasterly property corner of lands N/F Walter H. & Tammy M. 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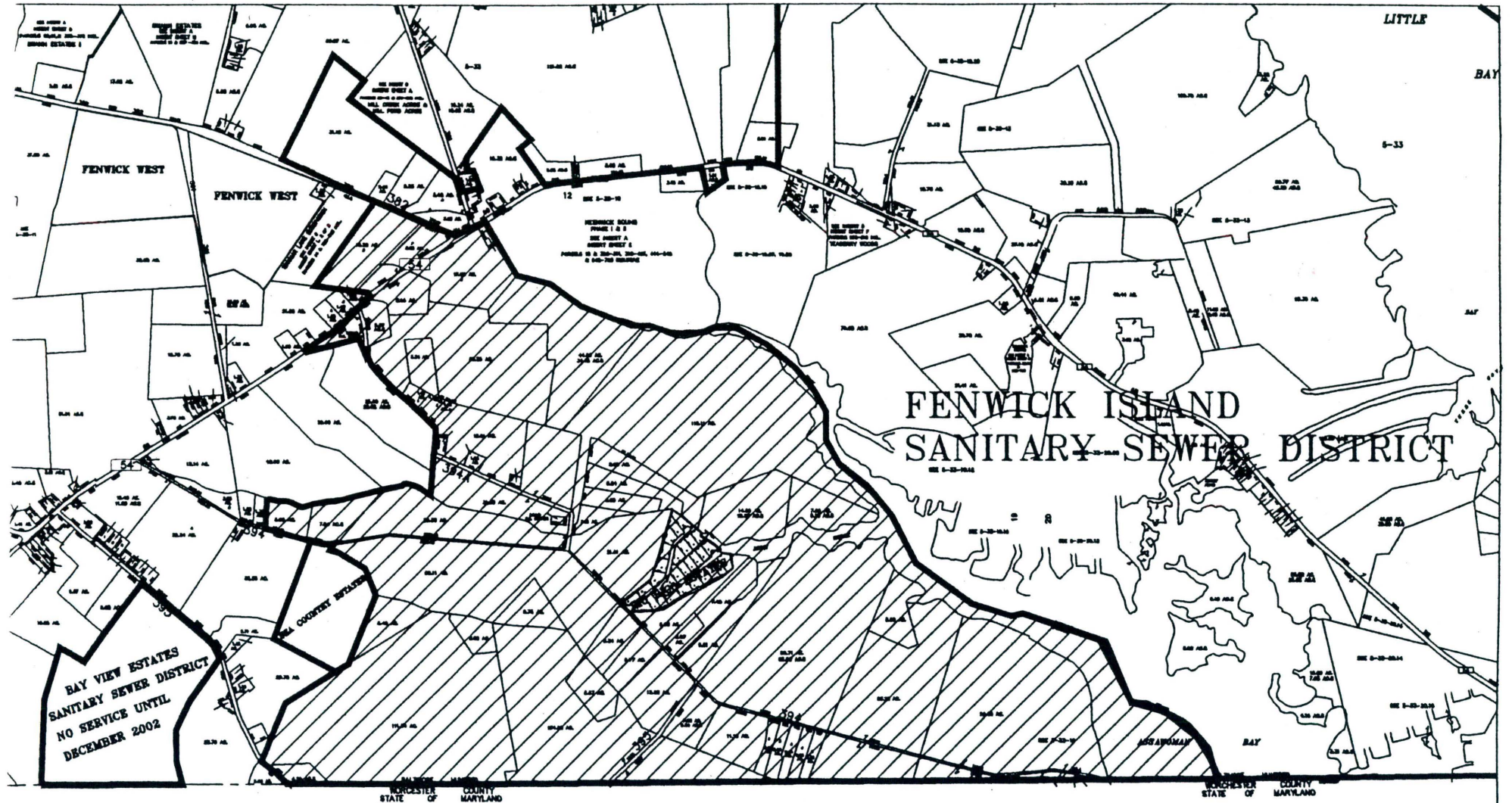
The proposed expansion of the FISSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 5-33-19 and an expansion plat provided by George, Miles & Buhr, LLP dated, February 2000.

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 11:00 a.m. on **January 22, 2002** 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



PROPOSED AMERICANA BAYSIDE EXPANSION OF
THE FENWICK ISLAND SANITARY SEWER DISTRICT



1800' 0' 1800'



AREA IS CROSSHATCHED

05/31/01