

RESOLUTION NO. R 012 03

A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT TO ENCOMPASS THE REFUGE AT DIRICKSON CREEK AND SWANN COVE, LYING CONTIGUOUS TO THE FENWICK ISLAND SANITARY SEWER DISTRICT, SITUATE NORTH OF STATE OF DELAWARE ROUTE 54 AND WEST OF THE TOWN OF FENWICK ISLAND, 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 north of State of Delaware Route 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 north of State of Delaware Route 54 as follows:

BEGINNING at a point, said point being on the FISSD boundary, said point also being on the northerly Right-of-way (ROW) line of State of Delaware Route 54, said point further being the southwesternmost property corner of lands now-or-formerly (N/F) ARC Associates Partnership; thence leaving said northern ROW and proceeding by and with said FISSD boundary in a southerly direction a distance of 30 feet more or less to a point, said point being on the centerline of State of Delaware Route 54; thence proceeding with said centerline and continuing with said FISSD boundary in a westerly direction a distance of 201 feet more or less

to a point, said point being on the centerline of State of Delaware Route 54; thence leaving said centerline and proceeding by and with said FISSD boundary in a southerly direction a distance of 30 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 54, said point also being the northeasternmost property corner of lands N/F Herbert L. & Lois J. Chapman; thence proceeding by and with said Chapman lands and continuing by and with said FISSD boundary in a southerly, westerly and northerly directions respectively a distance of 641 feet more or less to a point, said point being the northwesternmost property corner of lands N/F Herbert L. & Lois J. Chapman, said point also being the northeasternmost property corner of lands N/F Marvin Long Trustee, said point further being situate on the southern ROW of State of Delaware Route 54; thence leaving said ROW and proceeding by and with said FISSD boundary in a northerly direction a distance of 30 feet more or less to a point, said point being in the centerline of State of Delaware Route 54; thence proceeding by and with said centerline and FISSD boundary in a westerly direction a distance of 2074 feet more or less to a point, said point being situate on the centerline of State of Delaware Route 54, 1064 feet more or less east of County Road 381; thence leaving said centerline and proceeding by and with said FISSD boundary in a northwesterly direction a distance of 30 feet more or less to a point, said point being situate on the northern ROW of State of Delaware Route 54, said point also being on the southern property line of lands N/F of Carletta Lankford; thence proceeding by and with said FISSD boundary in a northerly direction a distance of 570 feet more or less to a point; thence continuing by and with said FISSD boundary in an easterly direction a distance of 163 feet more or less to a point, said point being on the eastern property line of lands N/F of Carletta Lankford; thence proceeding by and with said Lankford lands and continuing by and with said FISSD boundary in a northwesterly and southwesterly direction, respectively, a distance of 735 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Ralph L & Wilma Lee Jones; thence proceeding by and with said Jones lands and continuing by and with said FISSD boundary in a southwesterly, southerly, easterly, southerly, and westerly direction, respectively, a distance of 1094 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Leonardo & Maria Isabel Rodriguez; thence leaving said Jones lands and proceeding by and with said Rodriguez lands and continuing by and with said FISSD boundary in a westerly direction a distance of 215 feet to a point, said

point being situate on the eastern ROW of County Road 381, said point also being the southwesternmost property corner of lands N/F Leonardo & Maria Isabel Rodriguez; thence leaving said FISSD boundary and proceeding by and with said ROW in a northerly direction a distance of 1752 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of Delaware Electric Cooperative, Inc., said point also being the southwesternmost property corner of lands N/F of Jonathan Shapiro; thence leaving said ROW and proceeding by and with said Shapiro lands in a northeasterly direction a distance of 273 feet more or less to a point, said point being on the southwesternmost property line of the Magnolia Shores subdivision (as found in Plot Book 8 Page 179 in the Sussex County Recorder of Deeds Office), thence proceeding by and with said subdivision lands in a southeasterly and northeasterly direction respectively a distance of 864 feet more or less to a point, said point being the southeastern most property corner of lands N/F of David A. Lehman, said point also being the southwesterly property corner of lands N/F of John O. Jr. & Celeste Beall Valliant; thence proceeding in a northeasterly direction a distance of 177 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of David A. Lehman; thence proceeding in a northeasterly direction a distance of 702 feet more or less to a point, said point being the center of Dirickson Creek; thence proceeding by and with said center line of Dirickson Creek in an easterly direction a distance of 5119 feet more or less to a point, said point being on the FISSD boundary; thence leaving said centerline of Dirickson Creek and proceeding by and with said FISSD boundary in a southerly direction a distance of 4,572 feet more or less to a point, said point being on the northern property line of lands N/F of ARC Associates Partnership; thence proceeding by and with said ARC lands and continuing by and with said FISSD boundary in a westerly and southwesterly direction respectively a distance of 878 feet more or less to the 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 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 013 03 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF JANUARY, 2003.



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 December 18, 2002 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On December 18, 2002 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. Inside Shady Park Office, State of Delaware 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 (DEC) Pole 27447 on State of Delaware Route 54, Fenwick Island, Delaware;
 - 2. On DEC Pole 27440 on State of Delaware Route 54, Fenwick Island, Delaware;
 - 3. On DEC Pole 32169 on County Road (CR) 381: and

4. On DEC Pole 32166 on State of Delaware Route 54,
Fenwick Island, Delaware.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 17th day of Dec 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 November 19, 2002 to consider extending the Fenwick Island Sanitary Sewer District (FISSD) to include lands adjacent to and north of State of Delaware Route 54, 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 northerly Right-of-way (ROW) line of State of Delaware Route 54, said point further being the southwesternmost property corner of lands now-or-formerly (N/F) ARC Associates Partnership; thence leaving said northern ROW and proceeding by and with said FISSD boundary in a southerly direction a distance of 30 feet more or less to a point, said point being on the centerline of State of Delaware Route 54; thence proceeding with said centerline and continuing with said FISSD boundary in a westerly direction a distance of 201 feet more or less to a point, said point being on the centerline of State of Delaware Route 54; thence leaving said centerline and proceeding by and with said FISSD boundary in a southerly direction a distance of 30 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 54, said point also being the northeasternmost property corner of lands N/F Herbert L. & Lois J. Chapman; thence proceeding by and with said Chapman lands and continuing by and with said FISSD boundary in a southerly, westerly and northerly directions respectively a distance of 641 feet more or less to a point, said point being the northwesternmost property corner of lands N/F Herbert L. & Lois J. Chapman, said point also being the northeasternmost property corner of lands N/F Marvin Long Trustee, said point further being situate on the southern ROW of State of Delaware Route 54; thence leaving said ROW and proceeding by and with said FISSD boundary in a northerly direction a distance of 30 feet more or less to a point, said point being in the centerline of State of Delaware Route 54; thence proceeding by and with said centerline and FISSD boundary in a westerly direction a distance of 2074 feet more or less to a point, said point being situate on the centerline of State of Delaware Route 54, 1064 feet more or less east of County Road 381; thence leaving said centerline and proceeding by and with said FISSD boundary in a northwesterly direction a distance of 30 feet more or less to a point, said point being situate on the northern ROW of State of Delaware Route 54, said point also being on the southern property line of lands N/F of Carletta Lankford; thence proceeding by and with said FISSD boundary in a northerly direction a distance of 570 feet more or less to a point; thence continuing by and with said FISSD boundary in an easterly direction a distance of 163 feet more or less to a point, said point being on the eastern property line of lands N/F of Carletta Lankford; thence proceeding by and with said Lankford lands and continuing by and with said FISSD boundary in a northwesterly and southwesterly direction, respectively, a distance of 735 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Ralph L & Wilma Lee Jones; thence proceeding by and with said Jones lands and continuing by and with said FISSD boundary in a southwesterly, southerly, easterly, southerly, and westerly direction, respectively, a distance of 1094 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Leonardo & Maria Isabel Rodriguez; thence leaving said Jones lands and proceeding by and with said Rodriguez lands and continuing by and

with said FISSD boundary in a westerly direction a distance of 215 feet to a point, said point being situate on the eastern ROW of County Road 381, said point also being the southwesternmost property corner of lands N/F Leonardo & Maria Isabel Rodriguez; thence leaving said FISSD boundary and proceeding by and with said ROW in a northerly direction a distance of 1752 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of Delaware Electric Cooperative, Inc., said point also being the southwesternmost property corner of lands N/F of Jonathan Shapiro; thence leaving said ROW and proceeding by and with said Shapiro lands in a northeasterly direction a distance of 273 feet more or less to a point, said point being on the southwesternmost property line of the Magnolia Shores subdivision (as found in Plot Book 8 Page 179 in the Sussex County Recorder of Deeds Office), thence proceeding by and with said subdivision lands in a southeasterly and northeasterly direction respectively a distance of 864 feet more or less to a point, said point being the southeastern most property corner of lands N/F of David A. Lehman, said point also being the southwesterly property corner of lands N/F of John O. Jr. & Celeste Beall Valliant; thence proceeding in a northeasterly direction a distance of 177 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of David A. Lehman; thence proceeding in a northeasterly direction a distance of 702 feet more or less to a point, said point being the center of Dirickson Creek; thence proceeding by and with said center line of Dirickson Creek in an easterly direction a distance of 5119 feet more or less to a point, said point being on the FISSD boundary; thence leaving said centerline of Dirickson Creek and proceeding by and with said FISSD boundary in a southerly direction a distance of 4,572 feet more or less to a point, said point being on the northern property line of lands N/F of ARC Associates Partnership; thence proceeding by and with said ARC lands and continuing by and with said FISSD boundary in a westerly and southwesterly direction respectively a distance of 878 feet more or less to the point 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 and an expansion plat provided by R. E. Gray & Associates, dated April 29, 2002

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 **11:15 a.m. on January 7, 2003** 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