RESOLUTION NO. R 012 94

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL OR TRACT OF LAND OWNED BY PETER AND MARYBETH FOWLER, LYING CONTIGUOUS TO THE BBSSD, SITUATE WEST OF SECTION IV OF OCEAN WAY ESTATES AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Bethany Beach 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 the Town of Bethany Beach, which is contiguous to Section IV of Ocean Way Estates, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 <u>Del.C.</u>, 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 affidavits of Anthony DiGiuseppe, a copy of which affidavits and public notice are attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 <u>Del.C.</u>, 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 Bethany Beach Sanitary Sewer District to encompass the parcel of land owned by Peter and Marybeth Fowler, situate west of Section IV of Ocean Way Estates, as follows:

COMMENCING at a concrete marker situate on the easterly rightof-way of County Route 361, said concrete marker being a corner of

lands now or formerly (N/F) of Birdine E. Banks and being situate on the southerly side of a 50' right-of-way (ROW) through lands of James E. Jr. & Marie Cullen; thence by and with said southerly side of the 50' ROW, the following five courses and distances: 68°31'39" East, 400.67 feet to a point being situate in the centerline of a ditch; thence by and with said centerline of said ditch and the aforesaid southerly side of a 50 foot ROW S 40°19'24" East, 71.97 feet to a point; thence N 86°37'05" East, 223.97 feet to a point; thence North 85°26'35" East, 106.78 feet to a point; thence South 65°08'11" East, 173.03 feet to a T-Bar situate in the centerline of a ditch and being the point of BEGINNING, said T-Bar being a corner of these lands and other lands of James E. Jr. & Marie Cullen; thence leaving said ditch N 11°48'28" East, 80.00 feet to a T-Bar on line and being a corner of Lot 1; thence continuing with the same bearing and Lot 1, a distance of 143.79 feet (in all making a total distance of 223.79') to a T-Bar being a corner of these lands, Lot 1 and being a point on line of other lands of James E. Jr. & Marie Cullen; thence by and with other lands of James E. Jr. & Marie Cullen South 64°40'24" East 154.27 feet to an iron pipe being a corner of lands N/F of Peter & Marybeth Fowler, other lands of James E. Jr. & Marie Cullen and also being a point on line of lands N/F of Berzins Enterprises, Inc.; thence by and with said lands N/F of Berzins Enterprises, Inc. S 11°48′28" West, 222.51 feet to a T-Bar set in the centerline of a ditch, said T-Bar being the southeastern property corner of lands N/F of Peter & Marybeth Fowler and a point on line of lands N/F of Berzins Enterprises, Inc.; thence by and with the centerline of said ditch and other lands of Peter & Marybeth Fowler N 65°08'11" West, 153.98 feet 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 94 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 22ND DAY OF MARCH, 1994.

Robin A. Griffith

Clerk of the County Council

BETHANY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE) (
COUNTY OF SUSSEX) (

BE IT REMEMBERED, That the subscriber, ANTHONY DI GIUSEPPE, 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 March 4, 1994 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On March 4, 1994 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware.
 - On bulletin board above the service counter, Baltimore Trust Company, Garfield Parkway, Bethany Beach, Delaware.
 - On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
 - 4. On front window of Shore Stop/Exxon Station, Route 26 Mall, Bethany Beach, Delaware.
 - On wall above newspaper rack, Edgehill Pharmacy, Route 26, Bethany Beach, Delaware.
 - On bulletin board of Bethany Beach Coinop Laundry, Route 26, Bethany Beach, Delaware.
 - 7. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware.
 - 8. On upright post of entrance sign to Ocean Way Estates, approximately 40 feet from the centerline of Orge Drive, on the eastern corner and approximately 38 feet from the centerline of County Road 361.

9. Along the entrance way to Section III of Ocean Way Estates, situated on the westerly right-of-way of Ogre Drive, approximately 900 feet from the centerline of County Road 361, and in three other locations as follows: (1) proceeding with the aforementioned point in a southwesterly direction approximately 80 feet; (2) proceeding from the aforementioned point in a southwesterly direction approximately 70 feet; and (3) proceeding with the aforementioned point in a southwesterly direction approximately 70 feet.

Anthony D. Dinseger-ANTHONY DI GIUSEPPE

SWORN A.D.,	SUBSCRIBED	before	me	on	this	day	of		
								,	

NOTARY	PUBLIC	

My Commission Expires _____.

NOTICE

PROPOSED EXPANSION TO THE BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on February 8, 1994 to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include a certain piece, parcel, or tract of land owned by Peter and Marybeth Fowler, lying contiguous to the BBSSD, situate west of Section IV of Ocean Way Estates and being in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C., Section 6502.

A description of the property which is contiguous to and to be added to the BBSSD is described as follows:

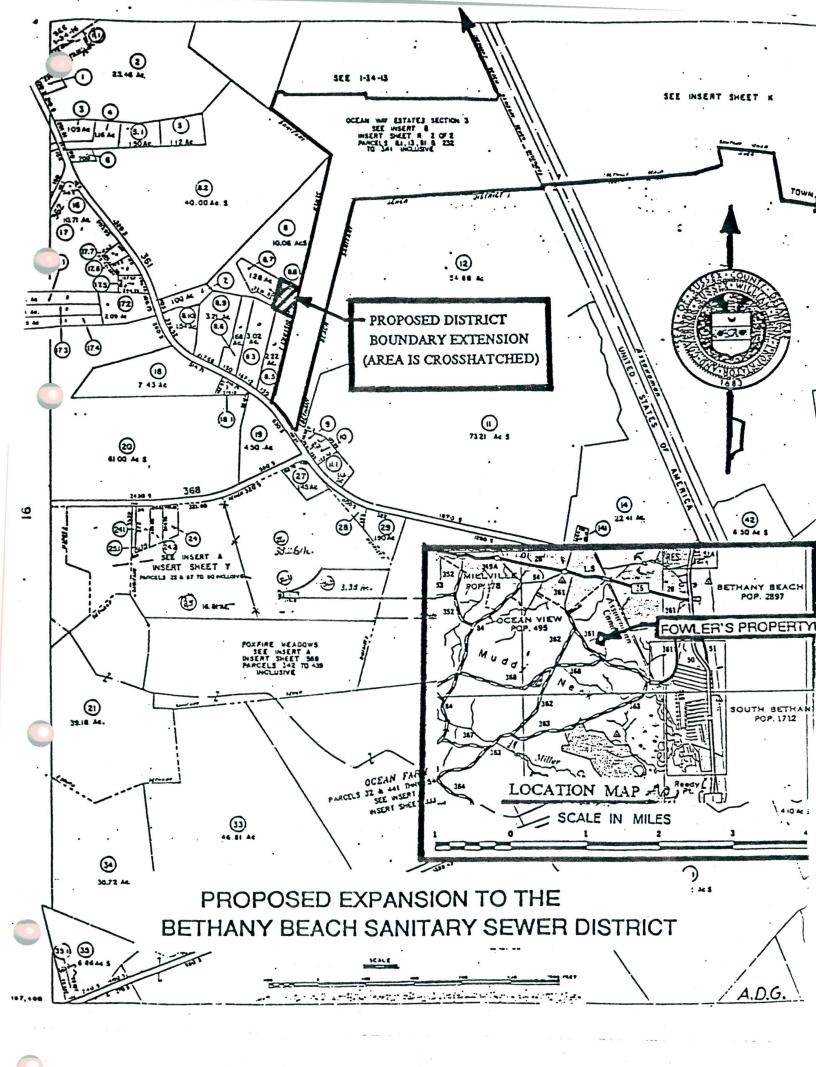
COMMENCING at a concrete marker situate on the easterly rightof-way of County Route 361, said concrete marker being a corner of lands now or formerly (N/F) of Birdine E. Banks and being situate on the southerly side of a 50' right-of-way (ROW) through lands of James E. Jr. & Marie Cullen; thence by and with said southerly side of the 50' ROW, the following five courses and distances: N 68 31' 39" East, 400.67 feet to a point being situate in the centerline of a ditch; thence by and with said centerline of said ditch and the aforesaid southerly side of a 50 foot ROW S 40 19' 24" East, 71.97 feet to a point; thence N 86 37' 05" East, 223.97 feet to a point; thence North 85 26' 35" East, 106.78 feet to a point; thence South 65 08' 11" East, 173.03 feet to a T-Bar situate in the centerline of a ditch and being the point of BEGINNING, said T-Bar being a corner of these lands and other lands of James E. Jr. & Marie Cullen; thence leaving said ditch N 11 48' 28" East, 80.00 feet to a T-Bar on line and being a corner of Lot 1; thence continuing with the same bearing and Lot 1, a distance of 143.79 feet (in all making a total distance of 223.79') to a T-Bar being a corner of these lands, Lot 1 and being a point on line of other lands of James E. Jr. & Marie Cullen; thence by and with other lands of James E. Jr. & Marie Cullen South 64 40' 24" East 154.27 feet to an iron pipe being a corner of lands N/F of Peter & Marybeth Fowler, other lands of James E. Jr. & Marie Cullen and also being a point on line of lands N/F of Berzins Enterprises, Inc.; thence by and with said lands N/F of Berzins Enterprises, Inc. S 11 48' 28" West, 222.51 feet to a T-Bar set in the centerline of a ditch, said T-Bar being the southeastern property corner of lands N/F of Peter & Marybeth Fowler and a point on line of lands N/F of Berzins Enterprises, Inc.; thence by and with the centerline of said ditch and other lands of Peter & Marybeth Fowler N 65 08' 11" West, 153.98 feet to the point and place of BEGINNING.

The proposed expansion of the BBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34-17 and a survey plot prepared by Loewenstein, Soule' and Associates, Inc., dated December 1987.

A map outlining and describing the extension of the BBSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, March 22, 1994 in the Sussex County Council Chambers, Room 115, The Courthouse, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary extension 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, Race and Pine Streets, Post Office Box 589, Georgetown, DE 19947 - (302) 855-7719.



BETHANY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE) (
COUNTY OF SUSSEX) (

BE IT REMEMBERED, That the subscriber, ANTHONY DI GIUSEPPE, 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 March 9, 1994 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On March 9, 1994 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - On the parcel of land being considered for the proposed extension of the Bethany Beach Sanitary Sewer District, southwestern property corner of parcel is located approximately 976 feet east of a concrete marker situated on the easterly right-of-way (ROW) of County Road 361 on the southerly side of a 50 foot ROW through lands of James E. Jr. and Marie Cullen, posted in four places from the aforementioned point as follows: (1) approximately 10 feet northeast of the centerline of a ditch; (2) proceeding with the aforementioned point and with the property line in a northeasterly direction approximately 150 feet; (3) proceeding with the aforementioned point a southeasterly direction approximately 154 feet to the eastern property line; (4) proceeding with the aforementioned point and along the property line in a southwesterly direction approximately 130 feet.

Anthony DiGiuseppe f

SWORN TO AND SUBSCRIBED before me on this 1 day of 11 day of 11 1 day of 11 1 day of 11 1 day of 11 1

NOTARY PUBLIC

My Commission Expires _____

NOTICE

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