RESOLUTION NO. R 013 90

A RESOLUTION TO REVISE THE BOUNDARY OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS A CONTIGUOUS AREA WEST OF THE LEWES AND REHOBOTH CANAL FROM COUNTY ROAD 88 TO THE LEWES AND REHOBOTH CANAL ALONG THE ROUTE 1 CORRIDOR TO BE KNOWN AS THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

WHEREAS, Sussex County has established the Dewey Beach Sanitary Sewer District; and

WHEREAS, the sanitary sewer district as established includes the corporate limits of the Town of Dewey Beach, and those properties between the City of Rehoboth Beach and the Lewes-Rehoboth Canal and the Town of Dewey Beach and a portion of the Delaware Seashore State Park; and

WHEREAS, the Secretary of the State of Delaware Department of Natural Resources and Environmental Control signed an order establishing a moratorium on new septic system permits along the Route 1 Corridor from Five Points to Rehoboth Beach on December 20, 1989; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County along the Route 1 corridor from the Lewes-Rehoboth Canal to State of Delaware Route 9 inclusion of said lands would be beneficial; and

WHEREAS, in accordance with Title 9, <u>Delaware Code</u>, Section 6502(a), the Sussex County Council may, upon request of the County Engineer, revise the boundaries 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 boundaries; 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 Glen "Robert" Davis and Joanna B. Johnson, copies of which affidavits and public notices are attached hereto and made a part hereof; and

WHEREAS, in accordance with Title 9, <u>Delaware Code</u>, Section 6502(b), the Sussex County Council shall, within thirty (30) days after posting the public notices, pass a formal resolution establishing the new boundaries of the district,

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundaries of the Dewey Beach Sanitary Sewer District to encompass the area west of the Lewes and Rehoboth Canal from County Road 88 to the Lewes and Rehoboth Canal along the Route 1 corridor which is contiguous to the Dewey Beach Sanitary Sewer District as follows:

ALL that certain piece, parcel or lot of land lying and being situate in Broadkill, and Lewes and Rehoboth Hundreds, Sussex County, State of Delaware being more fully described as follows, to wit:

BEGINNING at a point at the intersection of the centerline of State of Delaware Route 1 with the centerline of County Road (CR) 88; thence southwesterly with the centerline of County Road 88 to the centerline of CR 261; thence southeasterly along the centerline of County Road 261 to the centerline of State of Delaware Route 9; thence northeasterly along the centerline of State of Delaware Route 9 approximately 1.2 miles to a point; thence with an imaginary straight line in a southeasterly direction to a private road on the northeast corner of lands of Delmarva Power and Light Co.; thence southeasterly along lands of Delmarva Power and Light Co. to a corner for lands of Gertrude Harmon; thence southwesterly along lands of Gertrude Harmon, Delmarva Power and Light Co. and Frances E. Graves approximately 1150 feet to a point, a corner for lands of Amanda Waples; thence southeasterly along lands of Amanda Waples approximately 195 feet to the northerly right-of-way of CR 285; thence with an extended imaginary straight line to the centerline of CR 285; thence northeasterly along the centerline of CR 285 to the centerline of

CR 275; thence southeasterly along the centerline of CR 275 approximately 3800 feet to a point; thence in a northeasterly direction with an imaginary line to the northwest corner of lands now or formerly (N/F) of James A. Horty and Walter J. Lehman, ${\tt Jr.;}$ thence northeasterly along lands now or formerly (N/F) of James A. Horty and Walter J. Lehman, Jr.; approximately 1250 feet to the southwest boundary of Rolling Meadows subdivision; thence southeasterly following Rolling Meadows subdivision and Sandy Brae subdivision to the easterly right-of-way of CR 275, thence with an extended imaginary straight line to the centerline of CR 275; thence southeasterly along the centerline of CR 275 to the intersection of CR 283; thence northeasterly along the centerline of CR 283 approximately 0.5 miles to a point 600 feet southwest of State of Delaware Route 1; thence southeasterly with a line running 600 feet from and parallel to State of Delaware Route 1 approximately 0.3 miles to lands N/F of Charles T. Melson, Jr. and others; thence southwesterly and then southeasterly along lands of Charles T. Melson, Jr. and others to the northwesterly boundary of Maplewood subdivision; thence southwesterly and southeasterly, respectively, following the boundary of Maplewood subdivision to the northerly right-of-way of State of Delaware Route 24, thence with an extended imaginary straight line to the centerline of State of Delaware Route 24; thence northeasterly with said centerline approximately 800 feet to a point; thence in a northeasterly direction with an imaginary straight line to the southwesternmost property corner of lands N/F of Robert B. Hood, of the Rehoboth Mall; thence northeasterly, southeasterly and northeasterly along lands N/F of Robert B. Hood to a point 600 feet southwest of State of Delaware Route 1; thence southeasterly with a line running 600 feet from and parallel to State of Delaware Route 1 to the centerline of CR 274; thence southerly along the centerline 274 of CR approximately 0.7 miles to a point; thence in a westerly

direction with an imaginary straight line to the northerly corner of Arnell Creek subdivision; thence westerly and then southerly along Arnell Creek subdivision to Arnell Creek; thence southerly along the meandering centerline of Arnell Creek to the northerly shoreline of Rehoboth Bay; thence easterly with the meandering shoreline of the Rehoboth Bay to the point where it meets the westerly boundary of the Dewey Beach Sanitary Sewer District being also the centerline of the Lewes and Rehoboth Canal; thence in a northerly direction along the Dewey Beach Sanitary Sewer District boundary and continuing with the centerline of the Lewes Rehoboth Canal to a point; thence in a southwesterly direction with an imaginary straight line to the boundary line of City of Lewes; thence southwesterly, southeasterly, southwesterly and northwesterly, respectively, with the boundary line of the City of Lewes, to a point where it meets the southeastern property corner of the lands N/F of Cape Henlopen School District, thence proceeding in a southwesterly, and northwesterly direction, respectively, with the boundaries of said property, to a point where it meets the southerly ROW of State of Delaware Business Route 9, also known as Savannah Road; thence southwesterly along the southerly ROW of State of Delaware Business Route 9 to the centerline of Ebenezer Branch; thence northerly with the meandering centerline of Ebenezer Branch to a point where it meets the centerline of Penn Central Railroad right-of-way; thence in a southwesterly direction with the centerline of the Penn Central Railroad right-of-way to a point where it meets the centerline of CR 269A; thence proceeding in a northwesterly direction with the centerline of CR 269A to a point where it meets the centerline of CR 266; thence proceeding in a southwesterly direction with the centerline of CR 266 to a point where it meets the centerline of CR 266B; thence proceeding in a northwesterly direction with the centerline of CR 266B to a point where it meets the centerline of State of Delaware Route 1;

thence proceeding in a northwesterly direction with the centerline of State of Delaware Route 1 to the point of BEGINNING.

The above described parcel of land contains 12,800 acres, be the same more or less.

The proposed West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District is within these approximate boundaries. The Boundary description has been prepared using Sussex County Property Tax Map Nos. 2-35-23, 2-35-22, 2-35-27, 3-34-1, 3-34-4, 3-34-5, 3-34-6, 3-34-7, 3-34-8, 3-34-12, 3-34-13, 3-34-14, 3-34-18, 3-34-19, 3-34-21, 3-34-22 3-35-7, 3-35-8, 3-35-9, 3-35-11, 3-35-12 and 3-35-13.

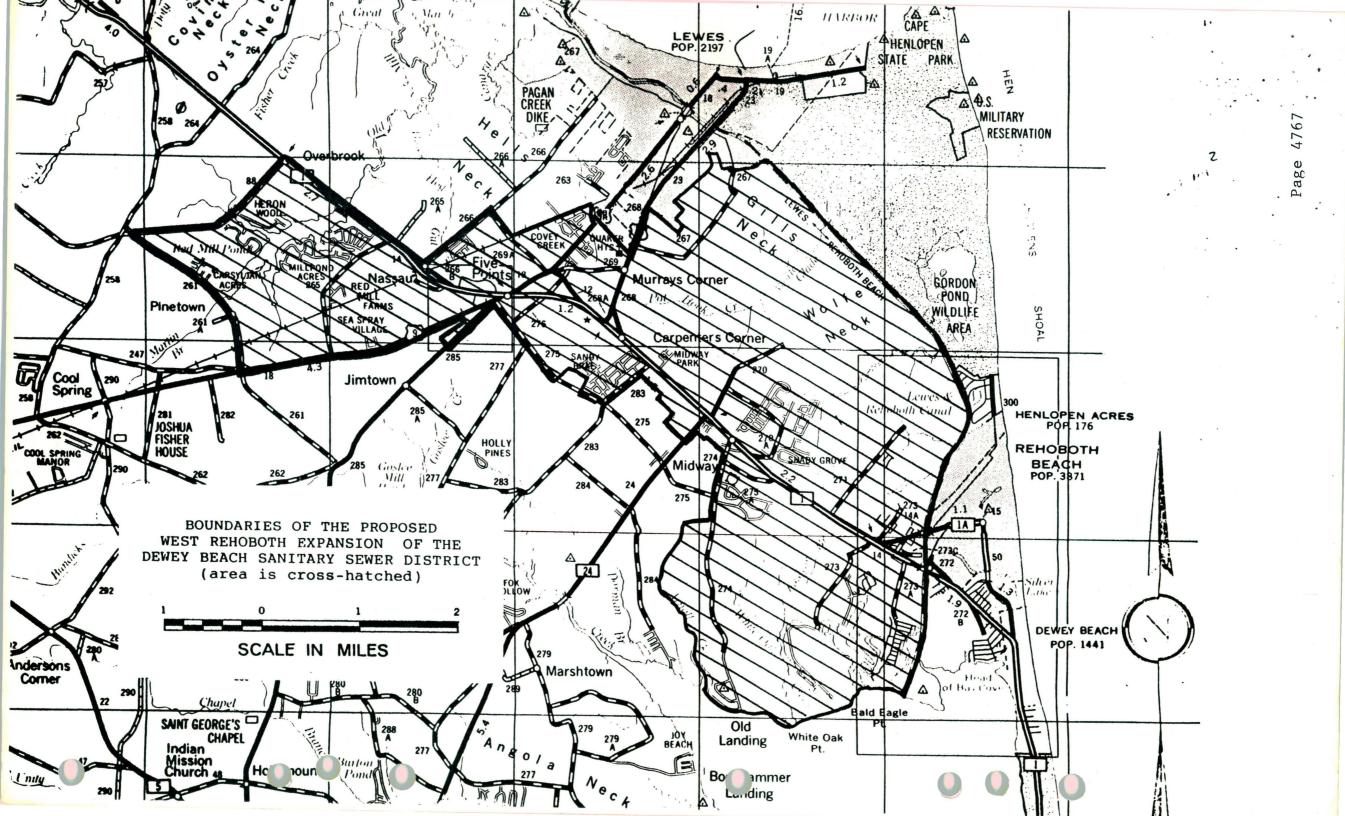
BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and rights-of-way by purchase, agreement or condemnation in accordance with the existing statutes.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any 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 90 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 22ND DAY OF MARCH 1990.

Doris E. Rogers

Clerk of the County Council



WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC NOTICE

STATE OF DELAWARE)(
:S.
COUNTY OF SUSSEX)(

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BE IT REMEMBERED, That on this day of Military, A.D., 1990, personally appeared before me, the subscriber, ROB DAVIS, known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- On February 19, 1990, he was an Engineering Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware.
- 2. He did post the attached "Public Notice", prepared by the Sussex County Engineering Department, on February 19, 1990 at the following locations:
 - Dewey Beach Town Hall, 105 Rodney Street, Dewey Beach, Delaware. Delivered for posting.
 - 2. Rehoboth Bay Mobile Park Office. East side of County Road 274 near its southernmost end at Old Landing. Delivered to park office for posting on bulletin boards.
 - 3. Happy Harry's Discount Drugs. West side of Delaware Route 1 at intersection of Delaware Route 1 with Airport Road. Posted on window next to main entry/exit.
 - 4. Ames Department Store. East side of Delaware Route 1 north of County Road 273. Posted on bulletin board in customer check-out area.
 - 5. United States Post Office at Lewes, Delaware. South side of Front Street between bank and Neill's Alley. Posted on bulletin board in customer area.

- 6. The Company Store, 4120 Delaware Route 1. Posted on bulletin board in customer entry/exit area.
- 7. United States Post Office at Rehoboth Beach, Delaware. 179 Rehoboth Avenue. Posted on inside bulletin board in customer area.
- 8. Texaco Fuel and Food Mart. Southeast corner of intersection of Delaware Route 1 with Delaware Route 18. Posted on wall inside next to customer check-out area.
- Shaffer's Tire Service. East side of Delaware Route 1 near Red Mill Pond. Posted on main entry/exit door.
- 10. Food Rite, Midway Shopping Center, Route 1. Posted inside on bulletin board in customer check-out area.
- 11. Lowes of Lewes. West side of Delaware Route 1 near intersection of Delaware Route 1 with County Road 268B. Delivered to Sales Manager for posting on bulletin board in customer area.
- 12. Millmans Hardware, 16 Midway Shopping Center, Route 1. Posted on window next to main entry/exit.
- 13. City of Lewes Town Hall, East Third Street, Lewes, Delaware. Delivered for posting.
- 14. Super Fresh Food Market. West side of Delaware Route 1 north of County Road 274. Posted on window next to customer bulletin board in customer entry/exit foyer.
- 15. Marsh's Mobile Mart, Route 269, 1/2 mile east of Five Points. Posted on inside wall at main entry/exit door.
- 16. Western Auto, Route 1 just south of Five Points. Delivered to owner for posting inside on bulletin board in customer area.

and the first of the following the first of

- 17. United States Post Office at Nassau, Delaware. Located in suburban community of Nassau, approximately 1 mile north of Five Points. Posted on main entry door behind storm door.
- 18. Tom Best Store, West side of Delaware Route 1. Two notices posted inside of main entry/exit area on window. Readable from both inside and outside.
- 19. Texaco Fuel and Food Mart. East side of Rehoboth Avenue near intersection with Delaware Route 1. Posted inside next to main entry/exit.
- 20. Delux Dairy Market. Southeast corner of the intersection of Delaware Route 1 with Cullen Street. Posted on main entry/exit door.
- 3. He did post the attached "Public Notice", prepared by the Sussex County Engineering Department, on February 21, 1990 at the following location:
 - Rehoboth Beach Town Hall. 229
 Rehoboth Avenue, Rehoboth
 Beach, Delaware. Delivered to
 City Clerk's Office for
 posting.

ROB DAVIS

SWORN TO AND SUBSCRIBED before me on the day and year aforesaid.

ATTACHMENT TO ROB'S AFFIDAVIT

NOTICE REHOBOTH PROPOSED WEST EXPANSION THE BEACH SEWER DISTRICT DEWEY BANITARY

issex County Council voted on January 30, 1990 to consider ling the Dowey Beach Sanitary Sever District to include the met of the Lewes and Rehoboth Canal from County Road 88 to wee and Rehoboth Canal along the Route 1 corridor which is wous to the Dowey Beach Sanitary Sever District.

ection is in conformity with <u>Delaware Code</u>, Title 9, Chapter ection 6502.

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IGIMING at a point at the intersection of the centerline of tate of Delaware Route 1 with the centerline of County Road (CR); thence southwesterly with the centerline of County Road 88 to be terline of CR 261; thence southeasterly along the land of County Road 261 to the centerline of State of case of Delaware Route 9; thence northeasterly along the centerline of laws of Delaware Route 9 approximately 1.2 miles to a point; tence with an imaginary straight line in a southeasterly linear ower and Light Co.; thence southeasterly along lands of limary Power and Light Co. to a corner for lands of Gertrude irmon; thence southwesterly along lands of Gertrude irmon; thence southwesterly along lands of Amanda Waples; thence untheasterly along lands of Amanda Waples approximately 195 feet to be point, a corner for lands of Amanda Waples; thence untheasterly along lands of Amanda Waples approximately 195 feet the sortherly right-of-way of CR 285; thence with an extended lang' y straight line to the centerline of CR 285; thence with an imaginary line to the northwest corner of lands of y straight line to the centerline of CR 275 proximately 3800 feet to a point; thence in a northeasterly rection with an imaginary line to the northwest corner of lands or or formarly (W/F) of James A. Borty and Walter J. Lehman, ...; thence northeasterly along lands now or formerly (M/F) of mes A. Borty and Walter J. Lehman, Jr.; approximately 1250 feet the southwest boundary of Rolling Meadows subdivision and Sandy as subdivision to the easterly right-of-way of CR 275, thence the action of CR 283; thence northeasterly along the centerline of CR 275 to the terrection of CR 283; thence northeasterly along the centerline of CR 283 approximately 0.5 miles to a point 600 feet southwest State of Delaware Route 1; thence southwesterly with a line nning 600 feet from and parallel to State of Delaware Route 1 proximately 0.3 miles to lands M/F of Charles T. Melson, Jr. and oth

a mortheasterly direction with an imaginary straight line to the southwestermost property sermer of lands M/7 of Mebert B. Beed the site of the Robobeth Hall; thence mertheasterly southeasterly and mortheasterly along lands M/7 of Robert B. Beet to a point 600 feet southwest of State of Delaware Noute 1 thence southeasterly with a line running 600 feet from an parallel to State of Delaware Noute 1 to the centerline of CR 274; thence southerly along the centerline of CR 274 approximately 6.7 miles to a point; thence in a westerly direction with an imaginary straight line to the mertherly corner of Arnell Creek subdivision; thence westerly and then southerly along Arnell Creek subdivision; thence easterly with the meandering schoreline of Arnell Creek; thence southerly along Arnell Creek subdivision to Arnell Creek; thence southerly along Arnell Creek subdivision to Arnell Creek; thence southerly shoreline of Rehoboth Bay; thence easterly with the meandering schoreline of Arnell Creek; the centerline of the Lewes and Meboboth Canal; thence in a mortherly direction along the Dewey Beach Sanitary Seven District boundary and continuing with the centerline of the Lewes and Rehoboth Canal to a point; thence in a southwesterly direction with an imaginary straight line to the boundary line of the City of Lewes; thence southwesterly, southwesterly and morthwesterly, respectively, with the boundary line of the City of Lewes; thence southwesterly, with the centerline of State of Delaware Route 9; thence southwesterly along the centerline of State of Delaware Route 9; thence southwesterly along the centerline of State of Delaware Route 9 to the meandering centerline of State of Delaware Route 9 to the meandering centerline of Emencer Branch to a point where it meets the centerline of CR 2659 to a point where it meets the centerline of CR 2658 to a point where it meets the centerline of CR 2658 to a point where it meets the centerline of CR 2658 to a point where it meets the centerline of CR 2658 to a point where it meets th

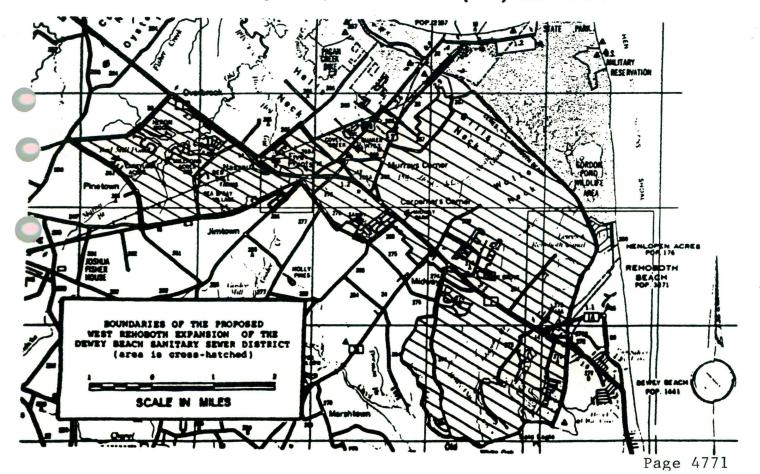
The above described parcel of land contains 12,800 acres, be the same more or less.

The proposed West Rehoboth Expansion of the Devey Beach Sanitary Sewer District is within these approximate boundaries. The Boundary description has been prepared using Sussex County Property Tax Map Mos. 2-35-23, 2-35-22, 2-35-27, 3-34-1, 3-34-4, 3-34-5, 3-34-6, 3-34-7, 3-34-8, 3-34-12, 3-34-13, 3-34-14, 3-34-18, 3-34-19, 3-34-21, 3-34-22 3-35-7, 3-35-8, 3-35-9, 3-35-11, 3-35-12 and 3-35-13.

Below is a map outlining and describing the extension. The areas involved are cross-hatched.

Written comments regarding the proposed expansion of the Dewey Beach Sanitary Sewer District will be accepted until March 12, Comments must be mailed or delivered to the following address: Sussex County Engineering Department, Planning and Permits Division, Post Office Box 589, Race and Pine Streets, Georgetown, DE 19947.

For further information, please call or write the Sussex County Engineering Department, Planning and Permits Division, Post Office Box 589, Georgetown, DE 19947 - (302) 855-7719.



WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC NOTICE

STATE OF DELAWARE)(
:\$.
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That on this 14th day of March, A.D., 1990, personally appeared before me, the subscriber, JOANNA JOHNSON, known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- On March 13, 1990, she was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware.
- 2. She did post the attached "Public Notice", prepared by the Sussex County Engineering Department, on March 13, 1990 at the following locations:
 - Edgehill Pharmacy East side of Route 1, corner of Route 1 and Terrace Road, Dewey Beach, Delaware. Posted on front entrance door.
 - 2. Bay Road Package Store East side of Route 1, Corner of Route 1 and James A. Street, Dewey Beach, Delaware. Posted on front entry/exit door.
 - 3. Herb's Bait and Tackle Shop Ocean Winds Village, west side of Route 1, corner of Route 1 and New Orleans Street, Dewey Beach, Delaware. Posted on side window facing street along Route 1.
 - 4. Dewey Beach Club West side of Route 1, middle of block between Van Dyke and Collins Avenues, Dewey Beach, Delaware. Posted next to front entry/exit door.

JOANNA JOHNSON

SWORN TO AND SUBSCRIBED before me on the day and year aforesaid.

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NOTICE REHOBOTH PROPOSED WEST EXPANSION OF THE DEWEY BEACH SANITARY DISTRICT SEWER

e Sussex County Council voted on January 30, 1990 to consider tending the Dewey Beach Sanitary Sover District to include the ea west of the Loves and Rehoboth Canal from County Road 88 to a Loves and Rehoboth Canal along the Route 1 corridor which is ntiguous to the Dewey Beach Sanitary Sover District.

action is in conformity with <u>Delaware Code</u>, Title 9, Chapter Section 6502.

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ABGIMMING at a point at the intersection of the centerline of fitate of Delaware Route 1 with the centerline of County Road (CR) is; ce southwesterly with the centerline of County Road (St to the centerline of County Road 281 to the centerline of State of Leaware Route 9; thence northeasterly along the centerline of fitate of Delaware Route 9 approximately 1.2 miles to a point; then it is a southeasterly if the an imaginary straight line in a southeasterly lired in a maginary straight line in a southeasterly lired in a maginary straight line in a southeasterly lired in a maginary straight line in a southeasterly lired to a private road on the northeast corner of lands of belmarve Power and Light Co.; thence southeasterly along lands of Gertrude larmon; thence southwesterly along lands of Gertrude larmon; thence southwesterly along lands of Raanda Maples; thence outhwaterly along lands of Amanda Maples; thence outhwaterly right-of-way of CR 285; thence with an extended mag. Ty straight line to the centerline of CR 285; thence ortheasterly along the centerline of CR 285; thence ortheasterly along the centerline of CR 275; thence southeasterly along the centerline of CR 275; thence southeasterly along lands now or formerly (M/F) of James A. Borty and Walter J. Lehman, Tr.; thence northeasterly along lands now or formerly (M/F) of sames A. Borty and Walter J. Lehman, Jr.; approximately 1250 feet to the southwest boundary of Bolling Meadows subdivision and Sandy rae subdivision to the easterly right-of-way of CR 275, thence the southwest boundary straight line to the centerline of CR 275; thence southeasterly along the centerline of CR 283 approximately 0.5 miles to a point 600 feet southwest face of Delaware Route 1; thence southwesterly along ands of Charles T. Melson, Jr. and others to the northwesterly along ands of Charles T. Melson, Jr. and others to the northwesterly along ands of Charles T. Melson, Jr. and others to the northwesterly

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The above described parcel of land contains 12,800 acres, be the same more or less.

The proposed West Rehoboth Expansion of the Dewey Beach Sanita: Sewer District is within these approximate boundaries. 71 Boundary description has been prepared using Sussex Count Property Tax Map Mos. 2-35-23, 2-35-22, 2-35-27, 3-34-1, 3-34-1, 3-34-5, 3-34-6, 3-34-7, 3-34-8, 3-34-12, 3-34-13, 3-34-14, 3-34 18, 3-34-19, 3-34-21, 3-34-22 3-35-7, 3-35-8, 3-35-9, 3-35-11, 35-12 and 3-35-13.

Below is a map outlining and describing the extension. The area involved are cross-hatched.

The Sussex County Council will consider extending the Dewey Beach Sanitary Sewer District to include the West Rehoboth Expansion area at its next scheduled meeting.

For further information, please contact the Sussex County Engineering Department, Planning and Permits Division, Post Office Box 589, Georgetown, DE 19947 - (302) 855-7719.

