

RESOLUTION R 014 02

A RESOLUTION TO EXTEND THE BOUNDARY OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (OVX) TO ENCOMPASS LANDS LYING NORTH AND SOUTH OF STATE OF DELAWARE ROUTE 26, CONTIGUOUS TO THE OVX, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County north and south of State of Delaware Route 26, which is contiguous to the OVX, the inclusion of this property will 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 Chris 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 OVX to encompass lands lying north and south of State of Delaware Route 26, as follows:

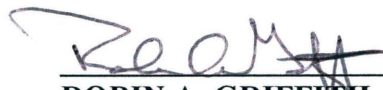
BEGINNING at a point, said point being on the easterly right-of-way (ROW) of County Road (CR) 349, said point also being the southwesternmost property corner of lands now-or-formerly (N/F) of Food Lion Inc.; thence proceeding by and with said Food Lion lands in a northerly and easterly direction, respectively, a distance of 938 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Food Lion Inc.; thence proceeding with a straight line in a southeasterly direction a distance of 115 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of J & N Hickman Limited Family Partnership; thence proceeding by and with said Partnership lands in a southeasterly direction a distance of 342.1 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of Georgette S. Bryner; thence proceeding by and with said Bryner lands in an easterly and southerly direction, respectively, a distance of 269.4 feet more or less to a point, said point being the northeasternmost property corner of lands N/F Ruby Ann Quillen; being also the northeasternmost corner of lot 48 of Harmon Lots subdivision (found in Plot Book 279, Page 598 in the Sussex County Recorder of Deeds), thence proceeding in a southeasterly, northeasterly, and southeasterly direction, respectively, with said subdivision, a distance of 868.0 feet more or less to a point, said point being the easternmost property corner of lot 29 of said subdivision, said point also being the northernmost corner of lot 1 in Murray's Haven subdivision (found in Plot Book 17, Page 147, and Plot Book 18, Page 61, in the Sussex County Recorder of Deeds), thence proceeding in an easterly direction a distance of 90.0 feet more or less to a point, said point being on the westerly ROW of Grants Avenue; thence proceeding in a straight line across Grants Avenue in a southeasterly direction a distance of 50 feet more or less to a point, said point being the northernmost property corner of lot 24 of the Harmon lots subdivision; thence proceeding in a southeasterly direction with said subdivision a distance of 670 feet more or less to a point, said point being on the western boundary of the OVX; thence proceeding in a southerly

direction with said boundary to a point; said point being on the southwestern property line of lands N/F of the Indian River School District and the western boundary of the OVX; thence leaving said OVX boundary and proceeding in a northwesterly direction with said property line a distance of 299 feet more or less to a point; said point being on the eastern ROW of Old School Lane a.k.a. County Road (CR) 84, said point also being the northernmost property corner of lands N/F of Grace H. Sheaffer; thence proceeding in a straight line in a northwesterly direction a distance of 50 feet more or less to a point, said point being on the western ROW of Old School Lane a.k.a. CR 84, said point also being on the eastern property line of lands N/F of John H. & Grace M. Collins; thence proceeding by and with said ROW and Collins lands in a northeasterly direction a distance of 286 feet more or less to a point, said point being the northeastern property corner of lands N/F of John H. & Grace M. Collins; thence continuing with said Collins lands in a westerly direction a distance of 402 feet more or less to a point, said point being on the eastern property line of lands N/F of Edith D. Winterbottom and also being the northwesternmost property corner of lands N/F of John H. & Grace M. Collins; thence leaving said Collins lands and proceeding with said property line of said Winterbottom lands in a northeasterly direction a distance of 45 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Edith D. Winterbottom, said point also being the southeasternmost property corner of lot C of E. Steel subdivision (found in Plot Book 26, Page 86, in the Sussex County Recorder of Deeds); thence proceeding in a northwesterly direction with said subdivision boundary for a distance of 652 feet more or less to a point, said point being the southwesternmost property corner of lot A of said subdivision and also being on the eastern property line of lands N/F of Paul D. Carey; thence proceeding in a northeasterly and northwesterly direction with said Carey lands, respectively, a distance of 137.4 feet more or less to a point, said point being on the eastern property line of lands N/F of Bertha V. Walls, thence proceeding in a northeasterly, northwesterly, and southwesterly direction with said Walls lands, respectively, a distance of 217.6 feet more or less to a point, said point being on the northern ROW of CR 349A, said point also being the southeasternmost property corner of lands N/F of Paul J. & Patricia M. Muzik; thence proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southerly ROW of CR 349A; thence proceeding by and with said ROW in a northwesterly direction a distance of 347 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 26; thence proceeding by and with said ROW in a westerly direction a distance of 585 feet more or less to a point, said point being the northwesternmost property corner of lands N/F Pearl G. Robinson; thence leaving said southern ROW and proceeding in a northerly direction a distance of 50 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 014 02 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF APRIL, 2002.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

OCEAN VIEW EXPANSION OF THE
BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

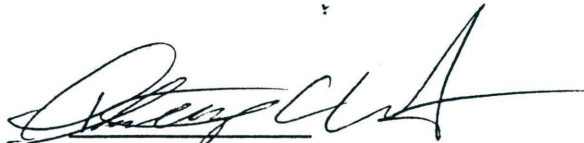
COUNTY OF SUSSEX)(

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 April 5, 2002 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 5, 2002 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On bulletin board of Ocean View Town Hall, Oakwood Avenue, Ocean View, Delaware;
 - 2. On bulletin board of Ocean View Post Office, Route 26, Ocean View, Delaware;
 - 3. On bulletin board of Hocker's Grocery & Deli, Routes 26 & 17;
 - 4. On bulletin board of Hocker's Super Center, Routes 26 & 17;
 - 5. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
 - 6. On window inside the shopping cart area, Food Lion, State of Delaware route 26, Millville, DE;
 - 7. On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware;
 - 8. On bulletin board of Bethany Beach Wash & Fold Laundry, Route 26, Bethany Beach, Delaware;
 - 9. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;
 - 10. On bulletin board inside Grotto's Pizza, State of

Delaware Route 26, Bethany Beach, DE;

11. On bulletin board in the Ocean View Deli, State of Delaware Route 26, Ocean View, Delaware;
12. On the site of the expansion area in the following four locations:
 - (1) On the bulletin board inside the lobby of the Beebe Medical Center,
 - (2) On the bulletin board near the sales counter of Creative Concepts, Creekside Shopping Plaza,
 - (3) On a post in front of the Beachview Chiropractic office, Creekside Shopping Plaza,
 - (4) On a post at the entrance to Murrays Estates, State of Delaware Route 26.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 8th day of April A.D., 2002.


NOTARY PUBLIC

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

NOTICE

PROPOSED ROUTE 26 EXPANSION TO THE
OCEAN VIEW EXPANSION TO
THE BETHANY BEACH
SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on March 12, 2002 to consider extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) to include the lands lying north and south of State of Delaware Route 26, 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 OVX is described as follows:

BEGINNING at a point, said point being on the easterly ROW of County Road (CR) 349, said point also being the southwesternmost property corner of lands now-or-formerly (N/F) of Food Lion Inc.; thence proceeding by and with said Food Lion lands in a northerly and easterly direction respectively a distance of 938 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Food Lion Inc.; thence proceeding in a southeasterly direction a distance of 115 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of J & N Hickman Limited Family Partnership; thence proceeding by and with said Partnership lands in a southeasterly direction a distance of 351 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of Georgette S. Bryner; thence proceeding by and with said Bryner lands in an easterly and southerly direction respectively a distance of 260 feet more or less to a point, said point being the northeasternmost property corner of lands N/F Ruby Ann Quillen; thence proceeding by and with said Quillen lands in an easterly direction a distance of 220 feet more or less to a point, said point being a property corner of lands N/F of Ruth E. Davis; thence proceeding by and with said Davis lands in a northeasterly direction a distance of 105 feet to a point, said point being the northeasternmost property corner of lands of Ruth E. Davis; thence proceeding in a southeasterly direction a distance of 631 feet more or less to a point, said point being a property corner of lands N/F of John Jr. & Catherine I. Guidoni, said point also being a property corner of lands N/F of Joseph H. & Catherine C. Ewers; thence proceeding in a straight line across Grants Avenue in a southeasterly direction a distance of 50 feet more or less to a point, said point being a property corner of lands N/F of Ray E. Daisey, said point also being a property corner of lands N/F of Charles E. & Ida Ellen Rader, thence proceeding in a southeasterly direction a distance of 667 feet more or less, said point being on the OVX boundary, said point also being on the Town of Ocean View boundary; thence proceeding by and with said OVX and Town boundary in a southerly direction a distance of 296 feet more or less to a point, said point being on the northern ROW of State of Delaware Route 26; thence leaving said ROW and continuing by and with said OVX and Town boundary in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 26; thence leaving said ROW and continuing by and with said Town and OVX boundary in a southeasterly and southwesterly direction respectively a distance of 686 feet more or less to a point, said point being on the southern property line of lands N/F of the Indian River School District; thence leaving said Town and OVX boundary and proceeding in a northwesterly direction a distance of 299 feet more or less to a point, said point being on the eastern ROW of CR 84, said point also being the northernmost property corner of lands N/F of Grace H. Sheaffer; thence proceeding in a northwesterly direction a distance of 50 feet more or less to a point, said point being on the western ROW of CR 84, said point also being on the eastern property line of lands N/F of John H. & Grace M. Collins; thence proceeding by and with said ROW and Collins lands in a northeasterly direction a distance of 286 feet more or less to a point, said point being the northeastern property corner of lands N/F of John H. & Grace M. Collins; thence proceeding by and with said Collins lands in a westerly direction a distance of 402 feet more or less to a point, said point being the northwesternmost property corner of lands N/F of John H. & Grace M. Collins; thence leaving said Collins lands and proceeding in a northeasterly direction a distance of 45 feet more or less to a point, said points being the northeasternmost property corner of lands N/F of Edith D.

Winterbottom, said point also being the southeasternmost property corner of lands N/F of Halpern Family Investments L.P.; thence proceeding in a northwesterly direction for a distance of 652 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of First Shore Savings & Loan Association; thence proceeding in a northerly and westerly direction respectively a distance of 304 feet more or less to a point, said point being the southwesternmost property corner of lands N/F Rodolfo Rodriquez; thence proceeding in a southerly direction a distance of 81 feet more or less to a point, said point being on the northern ROW of CR 349A, said point also being the southeasternmost property corner of lands N/F of Paul J. & Patricia M. Muzik; thence proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southerly ROW of CR 349A; thence proceeding by and with said ROW in a northwesterly direction a distance of 347 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 26; thence proceeding by and with said ROW in a westerly direction a distance of 585 feet more or less to a point, said point being the northwesternmost property corner of lands N/F Pearl G. Robinson; thence leaving said southern ROW and proceeding in a northerly direction a distance of 50 feet more or less to the point of BEGINNING.

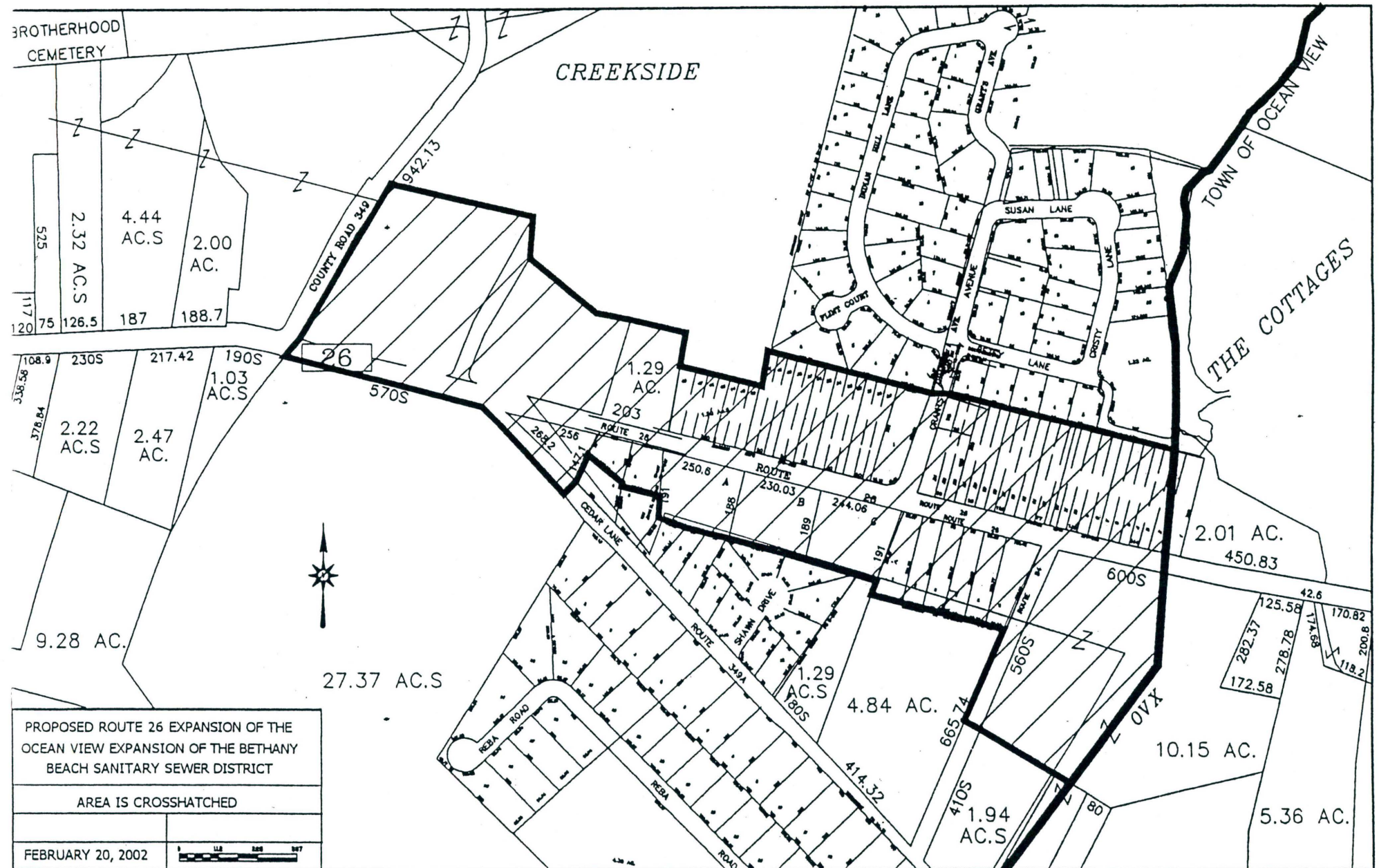
The proposed expansion of the OVX is within these boundaries. The boundary description has been prepared using Sussex County Tax Maps 1-34 12.00 and insert sheets L, X, NN, and KKK.

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

The public hearing will be held on this issue at 11:00 a.m. on April 23, 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



CREEKSIDE

THE COTTAGES

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27.37 AC.S

PROPOSED ROUTE 26 EXPANSION OF THE
OCEAN VIEW EXPANSION OF THE BETHANY
BEACH SANITARY SEWER DISTRICT

AREA IS CROSSHATCHED

FEBRUARY 20, 2002

