

RESOLUTION NO. R 014 12

A RESOLUTION TO EXTEND THE BOUNDARY OF THE MILLER CREEK SANITARY SEWER DISTRICT (MCSSD) TO INCLUDE THE REMAINING PORTION OF TAX MAP AND PARCEL 134-19.00-19.00, LAND NOW OR FORMERLY OF DOZER, LLC, SITUATED PRIMARILY TO THE NORTH SIDE OF DOUBLE BRIDGES ROAD, SITUATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Miller Creek Sanitary Sewer District (MCSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County, southeast of the existing MCSSD, 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 Anthony DiGiuseppe, Jr., 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 MCSSD to include the remaining portion of tax map and parcel 134-19.00-19.00, situated on the north side of Double Bridges Road, as follows:

BEGINNING at a point, said point being the intersection of the southern right of way (ROW) of Double Bridges Road and the northeasternmost corner of lands N/F of Charles L. and Bertha M. Payton, and a point on the existing boundary of the Miller Creek Sanitary Sewer District (MCSSD), thence by and with said MCSSD boundary in a northwesterly direction ± 62.43 feet crossing the ROW of Double Bridges Road to a point on the boundary of lands N/F of Dozer, LLC, thence by and with said MCSSD boundary and said lands of Dozer, LLC in a northeasterly direction ± 209.84 feet to a point, said point being the southwesternmost corner of lands N/F of Susan R. and Christopher J. Pleasanton, thence by and with the MCSSD boundary and said lands of Dozer, LLC in a

northeasterly direction ± 1023.51 feet to a point, said point being a point on the MCSSD boundary and the northwesternmost corner of lands N/F of Thomas and Megan R. Easter, and the northerneasternmost corner of said lands of Dozer, LLC; thence by and with said lands of Dozer, LLC ± 566.62 feet in a southeasterly direction to a point, said point being the southerneasternmost corner of land of Dozer, LLC and a point on the northern ROW of Double Bridges Road, then crossing the ROW of Double Bridges Road ± 62.43 feet in a southerly direction to a point, said point being a point on the southern ROW of Double Bridges Road, thence by and with said ROW ± 1125.14 feet in a westerly direction to a point, said point being that of the 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; and

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 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 12 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF SEPTEMBER 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

MILLER CREEK SANITARY SEWER DISTRICT ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, ANTHONY DIGIUSEPPE JR. 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 August 20, 2012 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On August 20, 2012 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On the area of land being considered for the proposed annexation of the Miller Creek Sanitary Sewer District being part of tax map reference 1-34-19.00 Parcel 19, in four (4) locations as follows:
 - a. On a Delaware Electric Cooperative pole number 24897 located along the northerly right of way (ROW) of Double Bridges Rd (County Road 363);
 - b. On a Delaware Electric Cooperative pole number 24898 located along the northerly ROW of Double Bridges Rd (County Road 363);
 - c. On a Delaware Electric Cooperative pole number 24899 located along the northerly ROW of Double Bridges Rd (County Road 363);
 - d. On a Delaware Electric Cooperative pole number 24901 located along the northerly ROW of Double Bridges Rd (County Road 363).
 - 2. On a driven stake at the entrance of Plantation Park 1 near community mail boxes.
 - 3. On a driven stake at the entrance of Malcolm's Manor subdivision near the community entrance sign.

4. On a Delaware Electric Cooperative pole number 25106 located near the westerly property corner of parcel 1-34-19.00-19.01.
5. On a Delaware Electric Cooperative pole number 22065 located at the entrance of Silver Woods subdivision.
6. On a driven stake near the entrance of Forest landing subdivision located at the intersection of Eagle Ln and Beaver Dam Rd (County Road 368).


ANTHONY DIGIUSEPPE JR

SWORN TO AND SUBSCRIBED before me on this 21st day of August A.D., 2012.


NOTARY PUBLIC

Jayne E. Dickerson
Notary Public

My Commission Expires Commission Expires 5/31/2015.

PUBLIC NOTICE
EXPANSION OF THE MILLER CREEK SANITARY SEWER DISTRICT
BALANCE OF TAX MAP AND PARCEL NUMBER 134-19.00-19.00
LANDS OF DOZER, LLC
FILE NUMBER: MC-10.02

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on July 17, 2012, to consider expanding the boundary of the Miller Creek Expansion of the Bethany Beach Sanitary Sewer District to include the remaining portion of tax map and parcel 134-19.00-19.00, land now or formerly (N/F) of Dozer, LLC, situated primarily to the north side of Double Bridges Road. The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

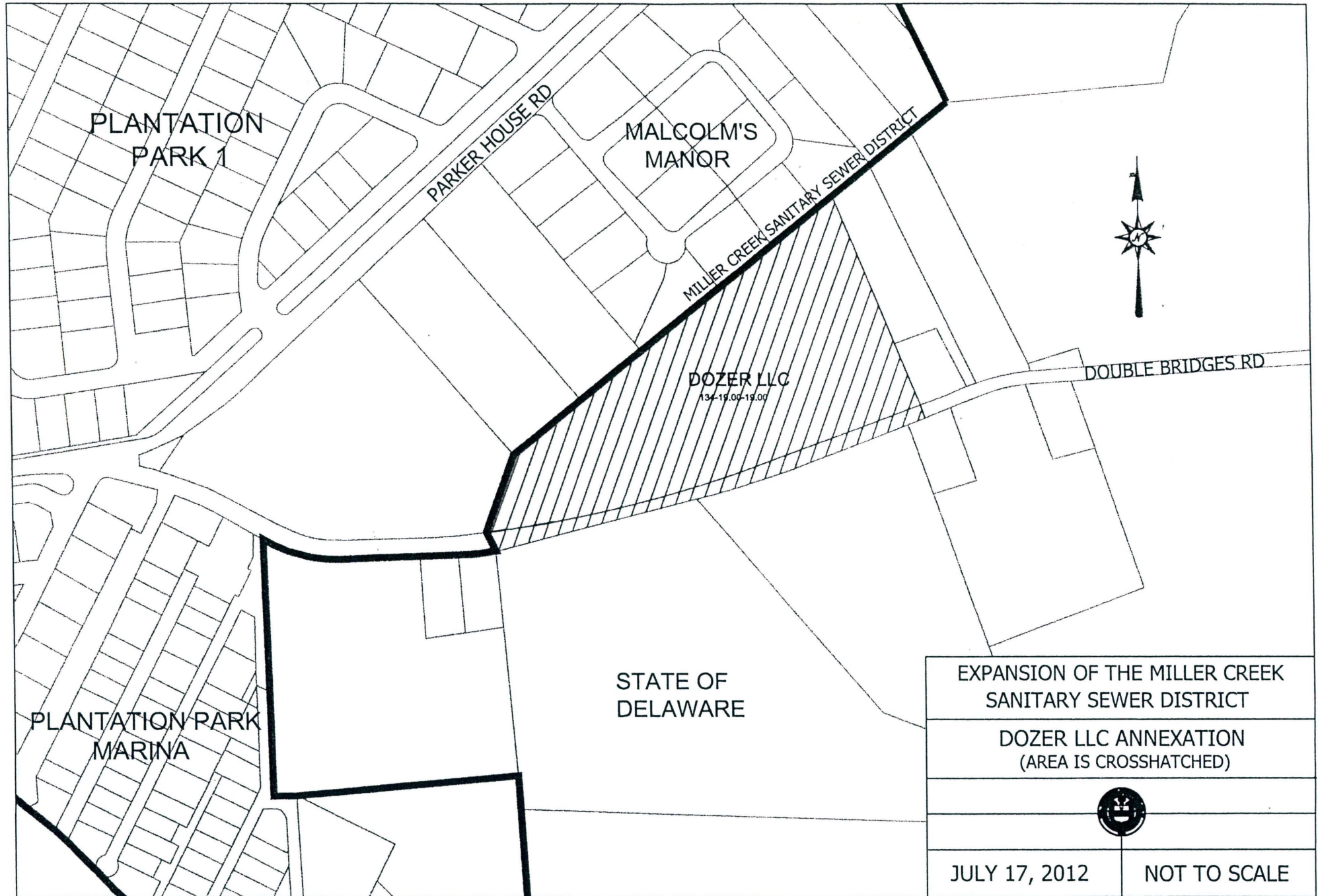
BEGINNING at a point, said point being the intersection of the southern right of way (ROW) of Double Bridges Road and the northeasternmost corner of lands N/F of Charles L. and Bertha M. Payton, and a point on the existing boundary of the Miller Creek Sanitary Sewer District (MCSSD), thence by and with said MCSSD boundary in a northwesterly direction ± 62.43 feet crossing the ROW of Double Bridges Road to a point on the boundary of lands N/F of Dozer, LLC, thence by and with said MCSSD boundary and said lands of Dozer, LLC in a northeasterly direction ± 209.84 feet to a point, said point being the southwesternmost corner of lands N/F of Susan R. and Christopher J. Pleasanton, thence by and with the MCSSD boundary and said lands of Dozer, LLC in a northeasterly direction ± 1023.51 feet to a point, said point being a point on the MCSSD boundary and the northwesternmost corner of lands N/F of Thomas and Megan R. Easter, and the northerneasternmost corner of said lands of Dozer, LLC; thence by and with said lands of Dozer, LLC ± 566.62 feet in a southeasterly direction to a point, said point being the southerneasternmost corner of land of Dozer, LLC and a point on the northern ROW of Double Bridges Road, then crossing the ROW of Double Bridges Road ± 62.43 feet in a southerly direction to a point, said point being a point on the southern ROW of Double Bridges Road, thence by and with said ROW ± 1125.14 feet in a westerly direction to a point, said point being that of the **BEGINNING**.

A map outlining and describing the extension to the Miller Creek Expansion of the Bethany Beach Sanitary Sewer District is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 am on September 11, 2012 in the Sussex County Council Chambers. 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 Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Michael A. Izzo, P.E.
County Engineer



PLANTATION
PARK 1

PARKER HOUSE RD

MALCOLM'S
MANOR

MILLER CREEK SANITARY SEWER DISTRICT

DOZER LLC
134-19.00-19.00

DOUBLE BRIDGES RD

PLANTATION PARK
MARINA

STATE OF
DELAWARE

EXPANSION OF THE MILLER CREEK
SANITARY SEWER DISTRICT

DOZER LLC ANNEXATION
(AREA IS CROSSHATCHED)



JULY 17, 2012

NOT TO SCALE