

**RESOLUTION R 015 05**

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS LANDS N/F OF GILBERT W. HASSELL AND JOCELYN A. CLEMENTS CO-TRUSTEES, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.**

**WHEREAS, Sussex County has established the South Bethany 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 south of the Town of Ocean View and west of the Town of South Bethany and the Assawoman Canal, the inclusion of this parcel 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 are 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 South Bethany Sanitary Sewer District to encompass the parcel south of the Town of Ocean View and west of the Town of South Bethany as follows:**

**BEGINNING at a point said point being on the SBSSD boundary, said point also being on the northern Right-of-Way (ROW) of County Road (CR) 363, said point further being on the southern boundary of Clearwater subdivision; thence leaving said ROW, SBSSD boundary and subdivision boundary and proceeding in a straight line in a**

southeasterly direction a distance of 60 feet more or less to a point, said point being on the northern ROW of CR 363, said point also being on the northern boundary of lands Now-or-Formerly (N/F) of Gilbert W. Hassell & Joycelyn A. Clements Co-Trustees; thence proceeding by and with said ROW and Clements lands in a northeasterly direction a distance of 146 feet to a point in the centerline of Little Bay Ditch, said point being the northwesterly corner of lands N/F of Elbridge B. III and Betty D. Murray; thence leaving said ROW and proceeding by and with said Little Bay Ditch and Murray lands the following eight (8) courses and distances (1) South 55°41'32" East a distance of 40.63 feet, (2) South 39°40'31" East a distance of 104.50 feet, (3) South 28°46'07" East a distance of 169.68 feet, (4) South 52°51'07" East a distance of 193.59 feet, (5) South 86°36'52" East a distance of 142.79 feet, (6) North 78°26'31" East a distance of 74.78, (7) North 63°38'24" East a distance of 317.16 feet, (8) North 79°57'40" East a distance of 218.86 feet to a point, said point being a corner of lands N/F Elbridge B. III & Betty D. Murray and lands N/F of the State of Delaware; thence leaving said centerline of Little Bay Ditch and Murray lands and proceeding by and with said State of Delaware lands the following three (3) courses and distances (1) South 50°54'38" West a distance of 330.00 feet, (2) South 20°05'22" East a distance of 720.00 feet, (3) North 50°54'38" East a distance of 61.22 feet to a point on the shoreline of Jefferson Creek; thence leaving said lands of the State of Delaware and proceeding by and with said shoreline of Jefferson Creek the following four (4) courses and distances (1) South 32°59'49" East a distance of 15.28 feet, (2) South 12°12'47" West a distance of 55.69 feet, (3) South 37°05'23" West a distance of 215.89 feet, (4) South 47°14'58" West a distance of 25.77 feet to a point, said point being a property corner of lands N/F of State of Delaware; thence leaving said centerline of Jefferson Creek and proceeding by and with said lands of the State of Delaware the following three (3) courses and distances (1) South 47°14'58" West a distance of 1,145.58 feet to an Axle, (2) South 47°14'58" West a distance of 297.15 feet to an Iron Pin, (3) 30°42'12" West a distance of 2,131.87 feet to a concrete monument, said concrete monument being a property corner of lands N/F State of Delaware, said monument also being on the southern ROW of CR 363; thence leaving said lands of the State of Delaware and proceeding in a northwesterly



direction a distance of 60 feet more or less to a point, said point being on the northerly ROW of CR 363, said point also being on the southern boundary of Clearwater subdivision; thence proceeding by and with said ROW and subdivision property in a easterly direction a distance of 1,119 feet more or less to the point and place of BEGINNING.

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 015 05 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF MAY 2005.

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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

SOUTH BETHANY SANITARY SEWER DISTRICT  
AFFIDAVIT FOR PUBLIC HEARING  
MUDDY NECK EXPANSION

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 20, 2005 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 20, 2005 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. In the lobby of the Delaware National Bank, State Route 26, Ocean View, Delaware.
  - 2. In the lobby of Taylor Bank, State Route 26, Ocean View, Delaware.
  - 3. On the front window of Shore Foods, Route One and Errett Road, South Bethany, Delaware.
  - 4. Community bulletin board, South Bethany Town Hall, Evergreen and Pine St., South Bethany, Delaware.
  - 5. Community bulletin board in lobby, U.S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
  - 6. Community bulletin board, South Coastal Library, Kent Ave., Bethany Beach, Delaware.
  - 7. Bulletin Board of Ocean View Post Office, Route 26, Ocean View, Delaware.
  - 8. On site of the proposed expansion area at the following four locations:
    - 1. On a post on the southern Right of Way (ROW) of Double

Bridges Road (County Road 363), 1110 feet more or less southwest of Muddy Neck Road (County Road 361), Frankford, Delaware.

2. On a post on the southern ROW of Double Bridges Road (CR 363), 1500 feet more or less southwest of Muddy Neck Road (CR 361), Frankford, Delaware.
3. On a post on the southern ROW of Double Bridges Road (County Road 363) 1740 feet more or less southwest of Muddy Neck Road (CR 361), Frankford, Delaware.
4. On a post on the southern ROW of Double Bridges Road (CR 363), 2106 feet more or less southwest of Muddy Neck Road (CR 361), Frankford, Delaware.
9. On bulletin board in lobby of Sea Colony sales and rentals. Market Place at Sea Colony, Route One, South Bethany, Delaware.
10. On the front window of Dollar General, Route One, South Bethany Delaware.

  
CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this 26<sup>th</sup> day of April A.D., 2005.

  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_  
Jayne E. Dickerson  
Notary Public  
Commission Expires 4/7/07



## NOTICE

### PROPOSED EXPANSION TO THE SOUTH BETHANY SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 5, 2005 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include lands N/F of Gilbert W. Hassell & Jocelyn A. Clements Co-Trustees, being situate south of the Town of Ocean View 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 SBSSD is described as follows:

**BEGINNING** at a point said point being on the SBSSD boundary, said point also being on the northern Right-of-Way (ROW) of County Road (CR) 363, said point further being on the southern boundary of Clearwater subdivision; thence leaving said ROW, SBSSD boundary and subdivision boundary and proceeding in a straight line in a southeasterly direction a distance of 60 feet more or less to a point, said point being on the northern ROW of CR 363, said point also being on the northern boundary of lands Now-or-Formerly (N/F) of Gilbert W. Hassell & Joycelyn A. Clements Co-Trustees; thence proceeding by and with said ROW and Clements lands in a northeasterly direction a distance of 146 feet to a point in the centerline of Little Bay Ditch, said point being the northwesterly corner of lands N/F of Elbridge B. III and Betty D. Murray; thence leaving said ROW and proceeding by and with said Little Bay Ditch and Murray lands the following eight (8) courses and distances (1) South 55°41'32" East a distance of 40.63 feet, (2) South 39°40'31" East a distance of 104.50 feet, (3) South 28°46'07" East a distance of 169.68 feet, (4) South 52°51'07" East a distance of 193.59 feet, (5) South 86°36'52" East a distance of 142.79 feet, (6) North 78°26'31" East a distance of 74.78, (7) North 63°38'24" East a distance of 317.16 feet, (8) North 79°57'40" East a distance of 218.86 feet to a point, said point being a corner of lands N/F Elbridge B. III & Betty D. Murray and lands N/F of the State of Delaware; thence leaving said centerline of Little Bay Ditch and Murray lands and proceeding by and with said State of Delaware lands the following three (3) courses and distances (1) South 50°54'38" West a distance of 330.00 feet, (2) South 20°05'22" East a distance of 720.00 feet, (3) North 50°54'38" East a distance of 61.22 feet to a point on the shoreline of Jefferson Creek; thence leaving said lands of the State of Delaware and proceeding by and with said shoreline of Jefferson Creek the following four (4) courses and distances (1) South 32°59'49" East a distance of 15.28 feet, (2) South 12°12'47" West a distance of 55.69 feet, (3) South 37°05'23" West a distance of 215.89 feet, (4) South 47°14'58" West a distance of 25.77 feet to a point, said point being a property corner of lands N/F of State of Delaware; thence leaving said centerline of Jefferson Creek and proceeding by and with said lands of the State of Delaware the following three (3) courses and distances (1) South 47°14'58" West a distance of 1,145.58 feet to an Axle, (2) South 47°14'58" West a distance of 297.15 feet to an Iron Pin, (3) 30°42'12" West a distance of 2,131.87 feet to a concrete monument, said concrete monument being a property corner of lands N/F State of Delaware, said monument also being on the southern ROW of CR 363; thence leaving said lands of the State of Delaware and proceeding in a northwesterly direction a distance of 60 feet more or less to a point, said point being on the northerly ROW of CR 363, said point also being on the southern boundary of Clearwater subdivision; thence proceeding by and with said ROW and subdivision property in a easterly direction a distance of 1,119 feet more or less to the point and place of BEGINNING.

The proposed expansion of the SBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34 17.00, a legal description and survey dated September 16, 2004 provided by Davis, Bowen & Friedel, Inc.

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

The public hearing will be held on this issue at 7:15 p.m. on May 10, 2005 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







