

RESOLUTION NO. R 015 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 KNOWN AS SECTIONS I AND II OF OCEAN WAY ESTATES, THAT IS CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE ASSAWOMAN CANAL AND THE TOWN OF BETHANY BEACH 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 the BBSSD, 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, 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 Bethany Beach Sanitary Sewer District to encompass Ocean Way Estates Sections I and II, situate west of the Town of Bethany Beach, as follows:

BEGINNING at an iron pipe situate at the centerline of a ditch, said iron pipe being a corner of lands now or formerly (N/F) of Karlos Valdose and a property corner of lands N/F of Velta M.

and Ellen M. Nickerson, and Section One, Block "B" of Ocean Way Estates; said point also being on the boundary line of the BBSSD; thence proceeding with said boundary by and with a curve bearing to the right, said curve has a delta angle of $180^{\circ}00'00''$ and a radius of 50.0' and an arc distance of 157.08 feet to a concrete marker, said concrete marker being a corner of lands N/F of Nickerson and Section One, Block "B" of Ocean Way Estates, thence by and with Section One, Block "B" of Ocean Way Estates the following three courses and distances: (1) $S\ 47^{\circ}03'10''\ E$, 19.94 feet to a concrete marker; thence (2) $S\ 47^{\circ}03'10''\ E$, 105.91 feet to an iron pipe; thence (3) $N\ 70^{\circ}25'00''\ E$, 203.17 feet to an iron pipe, said iron pipe being the southeastern property corner of lands N/F Berzins Enterprises, Inc. and Section Two, Block "C" of Ocean Way Estates; thence by and with Section Two Block "C" of Ocean Way Estates the following four courses and distances (1) $S\ 19^{\circ}35'00''\ E$, 15.79 feet to an iron pipe; thence (2) $N\ 70^{\circ}25'00''\ E$, 150.00 feet to an iron pipe; thence (3) $N\ 11^{\circ}49'41''\ E$, 47.97 feet to a point; thence (4) $S\ 46^{\circ}08'54''\ E$, 55.90 feet to an iron pipe, said iron pipe being a property corner of lands N/F of Antonio and Lidia Viti; thence proceeding in a northerly direction with said lands N/F of Viti by and with an arc having a radius of 25 feet, and thence proceeding along the circumference of the arc 39.27 feet to an iron pipe being the end of the arc; thence proceeding $N\ 70^{\circ}25'00''\ E$, 55 feet to an iron pipe; thence proceeding $S\ 19^{\circ}35'00''\ E$, 135.00' to an iron pipe; said iron pipe being the southwestern property corner of other lands N/F of Viti, and Section Two Block "F" of Ocean Way Estates thence by and with Section Two Block "F" of Ocean Way Estates the following five courses and distances: (1) $N\ 70^{\circ}25'00''\ E$, 830 feet to a concrete marker; thence (2) $N\ 19^{\circ}35'00''\ W$, 110.00 feet to an iron pipe; thence (3) $N\ 06^{\circ}58'54''\ E$, 55.90 feet to a point, thence (4) $S\ 89^{\circ}02'26''\ E$, 26.54 feet to an iron pipe; thence (5) $N\ 70^{\circ}25'00''\ E$, 135.00 feet to a concrete marker, said concrete marker being the northeastern property corner of lands N/F of Tadeusz & Marianna Brozozka and a corner for Section Three of Ocean Way Estates, said concrete marker also being on the boundary

line of the BBSSD and situate on the westerly right-of-way (ROW) of the Assawoman Canal; thence proceeding with said boundary line of the BBSSD and said westerly ROW of the Assawoman Canal, N 19°35'00" W, 1985.57 feet to a point, said point being the northeastern property corner of lands N/F of Rudolfs Richards and Ieva Mida Berzins and the centerline of a ditch, thence by and with said ditch the following eight courses and distances (1) S 44°11'21" W, 61.78 feet to a point; thence (2) S 10°20'10" W, 54.97 feet to a point; thence (3) S 16°15'51" W, 19.69 feet to a point; thence (4) S 82°55'02" W, 18.08 feet; thence (5) S 42°33'33" W, 48.42 feet to a point; thence (6) S 56°55'17" W, 12.01 feet; thence (7) S 57°18'37" W, 35.04 feet to a point; thence (8) S 48°53'06" W, 34.27 feet to a point; said point being on the eastern ROW of Riga Drive; thence continuing in a southerly direction with the centerline of said ditch to a point located on the western ROW of Riga Drive, said point being the northern property corner of lands N/F of Francis M. and Deborah M. Edgebrooke Kopanski and the centerline of aforementioned ditch; thence by and with said ditch the following five courses and distances: (1) S 10°52'56" W, 430.44 feet to a point; thence (2) S 00°00'26" E, 232.21 feet to a point; thence (3) 23°43'15" W, 382.55 feet to a point; thence (4) S 24°12'51" W, 572.85 feet to a point; (5) S 24°34'46" W, 437.18 feet 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 015 94 PASSED BY THE COUNTY COUNCIL OF SUSSEX
COUNTY ON THE 5TH DAY OF APRIL, 1994.



Robin A. Griffith
Clerk of the County Council