

RESOLUTION R 015 99

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 HUNTER'S RUN, 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 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 Bethany Beach Sanitary Sewer District to encompass Hunter's Run, situate west of the Town of Bethany Beach, as follows:

BEGINNING at an iron pipe located on the easterly right-of-way of County Road 361, said iron pipe being a corner for this parcel and lands now or formerly (N/F) of Marie Cullen; thence South 81° 30' 05" East, by and with said lands N/F of Marie Cullen and Lands N/F of Brice J. Butler, Jr., et ux., a distance of 797.05 feet to an iron pipe; thence

proceeding North 08° 31' 06" East, by and with lands N/F of Brice J. Butler, Jr., et ux, and lands N/F of Regina A. O'Rourke, through an iron pipe at 560.0', a distance of 570.13 feet to a point; thence proceeding North 78° 48' 50" East, by and with said lands N/F of Robert E. Reeping, et ux., and the center of a ditch, a distance of 30.00 feet to a point; thence proceeding by and with said centerline of ditch the following four courses: 1) North 75° 01' 59" East a distance of 187.56 feet, 2) North 61° 30' 55" East a distance of 50.55 feet, 3) North 40° 08' 13" East a distance of 159.09 feet; 4) North 53° 28' 27" East a distance of 36.23 feet to a point, said point lying on the BBSSD boundary; thence proceeding by and with said boundary the following three courses: 1) South 44° 00' 07" East, a distance of 419.84 feet; 2) South 43° 13' 55" East a distance of 582.59 feet; 3) South 23° 07' 52" West a distance of 1,032.39 feet to an iron pipe, said pipe being the northeasterly property corner of lands N/F of Peter Fowler, et ux; thence continuing with said BBSSD boundary and proceeding North 53° 20' 23" West a distance of 154.45 feet to a T-Bar, said T-bar also being the northeasterly property corner of lands N/F of Timothy S. Elder; thence leaving said BBSSD boundary and proceeding North 53° 19' 23" West a distance of 225.65 feet to a point; thence proceeding North 74° 37' 50" West a distance of 147.58 feet to a point; thence proceeding South 16° 29' 58" East a distance of 95.11 feet to a point; thence proceeding South 05° 47' 14" West a distance of 92.29 feet to a point; thence proceeding South 70° 07' 47" West a distance of 74.96 feet to a point; thence proceeding North 82° 02' 13" West a distance of 149.31 feet to an iron pipe; thence proceeding North 28° 58' 42" West a distance of 82.77 feet to an iron pipe; thence proceeding South 79° 52' 21" West a distance of 413.96 feet to a point; thence proceeding along a curve to the right having a radius of 25 feet, a central angle of 61° 32' 47", an arc length of 26.85 feet, and a chord which bears North 69° 21' 15" West to an iron pipe, said pipe lying along the easterly right-of-way of County Road 361; thence proceeding by and with said right-of-way the following 13 courses: 1) North 11° 01' 32" West a distance of 43.35 feet; 2) North 13° 15' 24" West a distance of 56.56 feet; 3) North 16° 15' 50" West a distance of 59.47 feet; 4) North 19° 10' 32" West a distance of 62.82 feet; 5) North 22° 32' 10" West a distance of 53.36 feet; 6) North 25° 56' 35" West a distance of 58.71 feet; 7) North 27° 34' 28" West



a distance of 57.35 feet; 8) North 28° 24' 32" West a distance of 56.15 feet; 9) North 28° 58' 22" West a distance of 402.62 feet; 10) North 27° 50' 13" West a distance of 39.56 feet; 11) North 26° 23' 48" West a distance of 53.13 feet; 12) North 23° 55' 55" West a distance of 53.35 feet; 13) North 21° 43' 37" West a distance of 22.97 feet to the point of Beginning. Said parcel containing 40.61 acres of land, being the same more or less.

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 99 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF MAY, 1999.

  
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ROBIN A. GRIFFITH  
CLERK OF THE COUNTY COUNCIL





BETHANY BEACH SANITARY SEWER DISTRICT

AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(

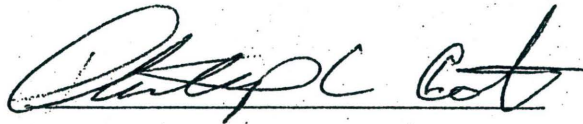
COUNTY OF SUSSEX )(

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 20, 1999 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 20, 1999 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
  - 2. On bulletin board in lobby, Baltimore Trust Company, Garfield Parkway, Bethany Beach, Delaware;
  - 3. On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware;
  - 4. On front window of Shore Stop/Exxon Station, Route 26 Mall, Bethany Beach, Delaware;
  - 5. On bulletin board of Bethany Beach Wash & Fold Laundry, Route 26, Bethany Beach, Delaware;
  - 6. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;
  - 7. On site of the proposed Hunters Run Expansion of the BBSSD, the following four places:

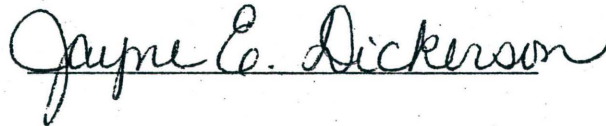
(1) on DPL Pole 61555/99117, Route 361;

- (2) Thence from said pole in a northwesterly direction approximately 227 feet;
- (3) Thence in a northwesterly direction approximately 270 feet;
- (4) Thence in a Northwesterly direction approximately 426 feet;



PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10<sup>th</sup> day of May AD, 1999.



NOTARY PUBLIC

My Commission Expires.

Jayne E. Dickerson  
Notary Public  
Commission Expires 3/10/00<sup>03</sup>