

RESOLUTION R 016 00

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS THE VILLAGE OF BEAR TRAP DUNES AND ADJACENT PARCELS, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF THE TOWN OF SOUTH BETHANY 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 property 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 affidavits of Phillip C. Calio, copies of which affidavits 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 property south of the Town of Ocean View and west of the Town of South Bethany as follows:

Beginning at a point formed by the intersection of the northerly right-of-way line of County Road 84 (60 feet wide), the lands of Bear Trap Partners, LLC, and the lands now or formerly of Frank E. and Lois J. Lathbury, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record

Book 2054, Page 227; thence leaving said County Road 84 and proceeding by and with said lands now or formerly of Frank E. and Lois J. Lathbury, the following four courses: (1) South 32 degrees 34 minutes 00 seconds East 741.33 feet to a point; thence proceeding (2) South 28 degrees 23 minutes 22 seconds West 985.59 feet to an iron pipe found; thence proceeding (3) South 53 degrees 47 minutes 55 seconds East 73.08 feet to a point, thence proceeding (4) South 18 degrees 45 minutes 09 seconds West 125.45 feet to a concrete monument found on the northerly line of the lands now or formerly of C.F.L. Enterprises, Inc. as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 1111, Page 80; thence proceeding by and with said lands now or formerly of C. F. L. Enterprises, Inc. the following eight courses: (1) South 18 degrees 45 minutes 09 seconds West 961.12 feet to an iron rod with cap set; thence proceeding (2) South 25 degrees 26 minutes 39 seconds East 51.05 feet to an 18 inch oak tree; thence proceeding (3) South 28 degrees 42 minutes 03 seconds East 507.26 feet to an iron rod with cap found; thence proceeding (4) South 35 degrees 38 minutes 49 seconds East 261.84 feet to a nail set in the base of a tree; thence proceeding (5) South 48 degrees 39 minutes 55 seconds East 182.19 feet to an iron rod with cap found; thence proceeding (6) South 52 degrees 31 minutes 38 seconds East 185.00 feet to an iron rod with cap found; thence proceeding (7) South 64 degrees 48 minutes 03 seconds East 34.52 feet to a concrete monument found; thence proceeding (8) South 73 degrees 26 minutes 03 seconds East 45.54 feet to a point on the westerly line of lands of Shady Dell Park, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 9, Page 72, and Plot Book 8, Page 803; thence proceeding by and with said Shady Dell Park the following four courses: (1) South 65 degrees 41 minutes 25 seconds East 227.09 feet to a point; thence proceeding (2) South 69 degrees 30 minutes 21 seconds East 538.04 feet to a point; thence proceeding (3) South 04 degrees 25 minutes 49 seconds West 498.32 feet to a point; thence proceeding (4) South 72 degrees 26 minutes 51 seconds West 898.50 feet to an iron pipe found on the westerly line of the lands now or formerly of Mabel E. Layton, as recorded in the Office of the Recorder of Wills, in and for Sussex County and the State of Delaware, in Will Record Book 128 page 310; thence proceeding by and with said lands now or formerly of Mabel E. Layton the following three courses: (1) South 47 degrees 30 minutes 03 seconds East 713.81 feet to a point; thence proceeding (2) South 48 degrees 27

minutes 26 seconds East 580.48 feet to a point; thence proceeding (3) South 49 degrees 52 minutes 20 seconds East 164.00 feet to a point on the westerly right-of-way line of County Road 362; thence proceeding by and with said right-of-way line, North 49 degrees 49 minutes 53 seconds East 122.49 feet to a point; thence proceeding leaving said right-of-way line and crossing said County Road 362, South 40 degrees 05 minutes 14 seconds East 50.00 feet to a point formed by the intersection of the easterly right-of-way line of County Road 362 with the southerly right-of-way line of County Road 368; thence proceeding by and with said right-of-way line of County Road 368, South 67 degrees 27 minutes 48 seconds East 444.32 feet to a point on the westerly boundary of the SBSSD and the lands of Sussex County; thence proceeding by and with said boundary of the SBSSD, South 19 degrees 16 minutes 52 seconds West 1299.07 feet to a point on the northerly line of the lands now or formerly of the State of Delaware, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 2168, Page 16; thence leaving said boundary of the SBSSD and proceeding by and with said lands now or formerly of the State of Delaware, North 53 degrees 13 minutes 08 seconds West 1099.83 feet to a point on the easterly right-of-way line of county Road 362; thence proceeding by and with said easterly right-of-way line on County Road 362, North 50 degrees 46 minutes 52 seconds West 928.97 feet to a point near the intersection of County Road 368; thence crossing County Road 362 and County Road 368, North 38 degrees 24 minutes 20 seconds West 50 feet more or less to a point on the easterly right-of-way line of County Road 368; thence proceeding by and with said right-of-way line of County Road 368 in a westerly direction 7167.42 feet more or less to a point on the easterly right-of-way line of the aforementioned County Road 84; thence proceeding with a straight line in a northerly direction a distance of 50 feet more or less to a point, said point at the intersection of the westerly right-of-way line of County Road 368 and the northerly right-of-way line of County Road 84; thence proceeding by and with said right-of-way line of County Road 84 in a northerly direction 6,194.06 feet more or less to the point and place 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.

BE IT FURTHER RESOLVED that this action is subject to the adoption of an irrevocable ordinance by the Town Council of Ocean View consenting to the construction and maintenance of the sewerage system within its boundaries.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 016 00 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF MARCH, 2000.


ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

PROPOSED BEAR TRAP DUNES EXTENSION
OF THE
SOUTH BETHANY 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 March 1, 2000 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On March 1, 2000 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. On the community bulletin board of the Ocean View Town Hall, West Ave, Ocean View, Delaware.
 - 3. In the lobby of Taylor Bank, State Route 26, Ocean View, Delaware.
 - 4. On the bulletin board of the Ocean View Deli, State Route 26, Ocean View, Delaware.
 - 5. Community bulletin board, South Bethany Town Hall, Evergreen and Pine St., South Bethany, Delaware.
 - 6. Community bulletin board in lobby, U.S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
 - 7. Community bulletin board, South Coastal Library, Kent Ave., Bethany Beach, Delaware.

8. Front door of Edgewater House, Sea Colony East, Pennsylvania Ave., Bethany Beach, Delaware.
9. Lobby area of Sea Colony Realty, Market Place at Sea Colony, Route One, Bethany Beach, Delaware.
10. DP&L Pole 61375/98942 on County Road 368.
11. DEC Pole 22056 on County Road 368.
12. On DEC Pole 22039 on County Road 368.
13. On post across from the entrance to Country Village on State Road 84, Ocean View, Delaware.
14. On bulletin board at Bear Trap Golf Course, Golf Shop, Ocean View, Delaware.


CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this 2nd day of March A.D., 2000.


NOTARY PUBLIC

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

PROPOSED BEAR TRAP DUNES EXTENSION
OF THE
SOUTH BETHANY 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 March 9, 2000 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On March 9, 2000 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On the front window of Shore Foods, Route One, South Bethany, Delaware.


CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this 10th day of March A.D., 2000.

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


NOTARY PUBLIC

My Commission Expires 3/10/03

NOTICE

PROPOSED EXPANSION TO THE SOUTH BETHANY SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on February 15, 2000 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include the Village of Bear Trap Dunes and adjoining lands, contiguous to the SBSSD, situate south of the Town of Ocean View and west of the Town of South Bethany and being in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C., Section 6502.

A description of the property which is contiguous to and to be added to the SBSSD is described as follows:

Beginning at a point formed by the intersection of the northerly right-of-way line of County Road 84 (60 feet wide), the lands of Bear Trap Partners, LLC, and the lands now or formerly of Frank E. and Lois J. Lathbury, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 2054, Page 227; thence leaving said County Road 84 and proceeding by and with said lands now or formerly of Frank E. and Lois J. Lathbury, the following four courses: (1) South 32 degrees 34 minutes 00 seconds East 741.33 feet to a point; thence proceeding (2) South 28 degrees 23 minutes 22 seconds West 985.59 feet to an iron pipe found; thence proceeding (3) South 53 degrees 47 minutes 5 seconds East 73.08 feet to a point, thence proceeding (4) South 18 degrees 45 minutes 09 seconds West 125.45 feet to a concrete monument found on the northerly line of the lands now or formerly of C.F.L. Enterprises, Inc. as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 1111, Page 80; thence proceeding by and with said lands now or formerly of C. F. L. Enterprises, Inc. the following eight courses: (1) South 18 degrees 45 minutes 09 seconds West 961.12 feet to an iron rod with cap set; thence proceeding (2) South 25 degrees 26 minutes 39 seconds East 51.05 feet to an 18 inch oak tree; thence proceeding (3) South 28 degrees 42 minutes 03 seconds East 507.26 feet to an iron rod with cap found; thence proceeding (4) South 35 degrees 38 minutes 49 seconds East 261.84 feet to a nail set in the base of a tree; thence proceeding (5) South 48 degrees 39 minutes 55 seconds East 182.19 feet to an iron rod with cap found; thence proceeding (6) South 52 degrees 31 minutes 38 seconds East 185.00 feet to an iron rod with cap found; thence proceeding (7) South 64 degrees 48 minutes 03 seconds East 34.52 feet to a concrete monument found; thence proceeding (8) South 73 degrees 26 minutes 03 seconds East 45.54 feet to a point on the westerly line of lands of Shady Dell Park, as recorded in the aforesaid Office of the Recorder of Deeds in Plot Book 9, Page 72, and Plot Book 8, Page 803; thence proceeding by and with said Shady Dell Park the following four courses: (1) South 65 degrees 41 minutes 25 seconds East 227.09 feet to a point; thence proceeding (2) South 69 degrees 30 minutes 21 seconds East 538.04 feet to a point; thence proceeding (3) South 04 degrees 25 minutes 49 seconds West 498.32 feet to a point; thence proceeding (4) South 72 degrees 26 minutes 51 seconds West 898.50 feet to an iron pipe found on the westerly line of the lands now or formerly of Mabel E. Layton, as recorded in the Office of the Recorder of Wills, in and for Sussex County and the State of Delaware, in Will Record Book 128 page 310; thence proceeding by and with said lands now or formerly of Mabel E. Layton the following three courses: (1) South 47 degrees 30 minutes 03 seconds East 713.81 feet to a point; thence proceeding (2) South 48 degrees 27 minutes 26 seconds East 580.48 feet to a point; thence proceeding (3) South 49 degrees 52 minutes 20 seconds East 164.00 feet to a point on the westerly right-of-way line of County Road 362; thence proceeding by and with said right-of-way line, North 49 degrees 49 minutes

53 seconds East 122.49 feet to a point; thence proceeding leaving said right-of-way line and crossing said County Road 362, South 40 degrees 05 minutes 14 seconds East 50.00 feet to a point formed by the intersection of the easterly right-of-way line of County Road 362 with the southerly right-of-way line of County Road 368; thence proceeding by and with said right-of-way line of County Road 368, South 67 degrees 27 minutes 48 seconds East 444.32 feet to a point on the westerly boundary of the SBSSD and the lands of Sussex County; thence proceeding by and with said boundary of the SBSSD, South 19 degrees 16 minutes 52 seconds West 1299.07 feet to a point on the northerly line of the lands now or formerly of the State of Delaware, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Record Book 2168, Page 16; thence leaving said boundary of the SBSSD and proceeding by and with said lands now or formerly of the State of Delaware, North 53 degrees 13 minutes 08 seconds West 1099.83 feet to a point on the easterly right-of-way line of county Road 362; thence proceeding by and with said easterly right-of-way line on County Road 362, North 50 degrees 46 minutes 52 seconds West 928.97 feet to a point near the intersection of County Road 368; thence crossing County Road 362 and County Road 368, North 38 degrees 24 minutes 20 seconds West 50 feet more or less to a point on the easterly right-of-way line of County Road 368; thence proceeding by and with said right-of-way line of County Road 368 in a westerly direction 7167.42 feet more or less to a point on the easterly right-of-way line of the aforementioned County Road 84; thence proceeding with a straight line in a northerly direction a distance of 50 feet more or less to a point, said point at the intersection of the westerly right-of-way line of County Road 368 and the northerly right-of-way line of County Road 84; thence proceeding by and with said right-of-way line of County Road 84 in a northerly direction 6,194.06 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 a legal description provided by Davis, Bowen & Friedel, Inc., dated October 4, 1999 and sealed by Charles R. Woodward, Professional Land Surveyor.

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

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, March 21, 2000 in the Sussex County Council Chambers, Sussex 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 extension are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary extension 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

