

RESOLUTION R 016 97

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS THE TOWN OF OCEAN VIEW AND THAT PORTION OF COUNTRY ESTATES OUTSIDE OF THE TOWN OF OCEAN VIEW'S BOUNDARIES, CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE ASSAWOMAN CANAL AND THE TOWN OF BETHANY BEACH AND BEING SITUATE 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, copies 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 Bethany Beach Sanitary Sewer District to encompass the Town of Ocean View and that portion of Country Estates outside of the Town of Ocean View's boundaries, as follows:

BEGINNING at a point, said point being a spike set in the center of Route 26 at the intersection of Route 26 and Assawoman Canal right-of-way (ROW) which is 150 feet wide more or less, said ROW also being the westernmost boundary line of the BBSSD; thence proceeding from said point South 58° 36' 52" West, 2270 feet more or less to a concrete marker situate on the eastern property boundary of land now or formerly of (N/F) Luc Bureau; thence South 03° 46' 48" West, 202.23 feet more or less, to a concrete marker being the southeastern property corner of lands N/F Robert Bureau; thence South 64° 50' 18" West, 1107.95 feet more or less to a point on the eastern ROW of County Road 361; thence North 25° 21' 19" West, 129.79 feet more or less to a point on the western ROW line of County Road 361; thence with said ROW line of County Road 361 North 22° 09' 37" West, 168.52 feet more or less to a marker identified as the Town of Ocean View limits marker; thence continuing North 49° 05' 14" West, 2195.24 feet more or less to a point, a corner of old town boundaries and 1974 annexation; thence with annexation line, South 22° 05' 37" West, 196.85 feet more or less to a point; thence South 39° 50' 37" West, 1109.00 feet more or less to a point, a southernmost property corner of land N/F C. Carter and Mary Anne Hall; thence North 48° 09' 23" West, 681.79 feet more or less to a point; thence North 42° 20' 37" East, 244.11 feet more or less to a point; thence North 47° 39' 23" West, 705 feet more or less to a point on the southeastern ROW of State of Delaware Route 84; thence proceeding in a southwesterly direction with said ROW 1850 feet more less to a point: thence proceeding with an imaginary straight line in a westerly direction to a point on the western ROW of State of Delaware Route 84, being also the easternmost property corner of land N/F H. Davidson, also being the southeastern property corner of the subdivision of Country Village (found in Plot Book No. 8, Page 681 of the Sussex County Recorder of Deeds Office); thence proceeding in a westerly direction along the southern boundary and in a northerly direction on the western

boundary, respectively, of this same subdivision until it meets the southwestern property corner of the subdivision of Country Estates Section II (found in Plot Book No. 22, Page 58 of the Sussex County Recorder of Deeds Office); thence proceeding in a northerly direction along the western boundary of this same subdivision until it meets the southwestern property of the subdivision of Country Estates (found in Plot Book 8, Page 799 of the Sussex County Recorder of Deeds Office); thence proceeding in a northerly direction along the western boundary and in an easterly direction with the northern boundary, respectively, of this same subdivision until it meets the northwestern property corner of the parcel of land N/F Oliver M. and Iona M. Derrickson; thence proceeding in an easterly direction with this northern boundary and in a southerly direction with the eastern boundary, respectively, of this same parcel, until it meets the northwestern ROW of State of Delaware Route 84; thence proceeding in a northeasterly direction with the ROW of State of Delaware Route 84 to a point where it meets the southwestern ROW of County Road 349A; thence proceeding in northwesterly direction with the ROW of County Road 349A to a point, a corner of the town boundaries; thence in a northeasterly direction in an extended straight line to the northeastern ROW of County Road 349A to a point where it meets southwestern property corner of the parcel N/F Richard C. Banks Sr. and Richard C. Banks Jr.; thence proceeding in a northerly direction along the western boundary of the parcel, to a point where it meets the southwestern property corner of other lands N/F Richard C. Banks Sr. and Richard C. Banks Jr.; thence proceeding in a northerly direction along the westernmost boundary of this parcel to a point where it meets the southern property boundary of the parcel N/F Indian River School District; thence proceeding westward on the southern boundary and northward on the western boundary, respectively, to a point where it meets the southern ROW of State of Delaware Route 26; thence proceeding in a northerly direction in an extended straight line to

a point where it meets the northern ROW of State of Delaware Route 26; thence proceeding in an easterly direction along the northern boundary of State of Delaware Route 26 to a point where it meets the southwestern property corner of the land N/F Thomas R. and Elise S. Murphy; thence proceeding in a northerly direction along the western boundary of this parcel to a point where it meets the westerly edge of White Creek; thence proceeding in a northerly direction in an extended straight line to a point where it meets the easterly edge of White Creek; thence following the easterly edge of White Creek in a northeasterly direction such a distance that will meet the edge of the ROW of the Assawoman Canal, said ROW also being the westernmost boundary of the BBSSD ; thence following said boundary line in a southerly direction, such a distance as will reach the point 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 016 97 ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 11TH DAY OF MARCH, 1997.

  
Robin A. Griffith  
Clerk of the County Council

OCEAN VIEW SANITARY SEWER DISTRICT  
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE ) (

COUNTY OF SUSSEX ) (

BE IT REMEMBERED, That the subscriber, ANTHONY DIGIUSEPPE, 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 February 19, 1997 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 19, 1997 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On bulletin board of Ocean View Town Hall, Oakwood Avenue, Ocean View, Delaware;
  - 2. On bulletin board of Ocean View Post Office, Route 26, Ocean View, Delaware;
  - 3. On bulletin board of Ocean View Deli, Route 26, Ocean View, Delaware;
  - 4. On front door of Iron Age Antiques, Central Avenue, Ocean View, Delaware;
  - 5. On box by front door of Country Wicker, Route 26, Ocean View, Delaware;
  - 6. On counter of Woodworms, Route 26, Ocean View, Delaware;
  - 7. On front door of Mary Ann Layton's Interiors, Route 26, Ocean View, Delaware;
  - 8. On front window of Paul Morin's carpet store, Route 26, Ocean View, Delaware; and

9. On bulletin board of Lord Baltimore School, Route 26, Ocean View, Delaware.
10. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
11. On bulletin board above the service counter, Baltimore Trust Company, Garfield Parkway, Bethany Beach, Delaware;
12. On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware;
13. On front window of Shore Stop/Exxon Station, Route 26 Mall, Bethany Beach, Delaware;
14. On bulletin board of Bethany Beach Wash & Fold Laundry, Route 26, Bethany Beach, Delaware;
15. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;

Anthony Di Giuseppe  
ANTHONY DI GIUSEPPE

SWORN TO AND SUBSCRIBED before me on this 21st day of February  
A.D., 1997.

Jayne E. Dickerson  
NOTARY PUBLIC

My Commission Expires Jayne E. Dickerson  
Notary Public  
Commission Expires 3/22/97

NOTICE

PROPOSED EXPANSION TO THE  
BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on February 18, 1997 to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include the Town of Ocean View and that portion of Country Estates outside of the Town of Ocean View's boundaries, being situate 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 BBSSD is described as follows:

BEGINNING at a point, said point being a spike set in the center of Route 26 at the intersection of Route 26 and Assawoman Canal right-of-way (ROW) which is 150 feet wide more or less, said ROW also being the westernmost boundary line of the BBSSD; thence proceeding from said point South 58° 36' 52" West, 2270 feet more or less to a concrete marker situate on the eastern property boundary of land now or formerly of (N/F) Luc Bureau; thence South 03° 46' 48" West, 202.23 feet more or less, to a concrete marker being the southeastern property corner of lands N/F Robert Bureau; thence South 64° 50' 18" West, 1107.95 feet more or less to a point on the eastern ROW of County Road 361; thence North 25° 21' 19" West, 129.79 feet more or less to a point on the western ROW line of County Road 361; thence with said ROW line of County Road 361 North 22° 09' 37" West, 168.52 feet more or less to a marker identified as the Town of Ocean View limits marker; thence continuing North 49° 05' 14" West, 2195.24 feet more or less to a point, a corner of old town boundaries and 1974 annexation; thence with annexation line, South 22° 05' 37" West, 196.85 feet more or less to a point; thence South 39° 50' 37" West, 1109.00 feet more or less to a point, a southernmost property corner of land N/F C. Carter and Mary Anne Hall; thence North 48° 09' 23" West, 681.79 feet more or less to a point; thence North 42° 20' 37" East, 244.11 feet more or less to a point; thence North 47° 39' 23" West, 705 feet more or less to a point on the southeastern ROW of State of Delaware Route 84; thence proceeding in a southwesterly direction with said ROW 1850 feet more or less to a point: thence proceeding with an imaginary straight line in a westerly direction to a point on the western ROW of State of Delaware Route 84, being also the easternmost property corner of land N/F H. Davidson, also being the southeastern property corner of the subdivision of Country Village (found in Plot Book No. 8, Page 681 of the Sussex County Recorder of Deeds Office); thence proceeding in a westerly direction along the southern boundary and in a northerly direction on the western boundary, respectively, of this same subdivision until it meets the southwestern property corner of the subdivision of Country Estates Section II (found in Plot Book No. 22, Page 58 of the Sussex County Recorder of Deeds Office); thence proceeding in a northerly

direction along the western boundary of this same subdivision until it meets the southwestern property of the subdivision of Country Estates (found in Plot Book 8, Page 799 of the Sussex County Recorder of Deeds Office); thence proceeding in a northerly direction along the western boundary and in an easterly direction with the northern boundary, respectively, of this same subdivision until it meets the northwestern property corner of the parcel of land N/F Oliver M. and Iona M. Derrickson; thence proceeding in an easterly direction with this northern boundary and in a southerly direction with the eastern boundary, respectively, of this same parcel, until it meets the northwestern ROW of State of Delaware Route 84; thence proceeding in a northeasterly direction with the ROW of State of Delaware Route 84 to a point where it meets the southwestern ROW of County Road 349A; thence proceeding in northwesterly direction with the ROW of County Road 349A to a point, a corner of the town boundaries; thence in a northeasterly direction in an extended straight line to the northeastern ROW of County Road 349A to a point where it meets southwestern property corner of the parcel N/F Richard C. Banks Sr. and Richard C. Banks Jr.; thence proceeding in a northerly direction along the western boundary of the parcel, to a point where it meets the southwestern property corner of other lands N/F Richard C. Banks Sr. and Richard C. Banks Jr.; thence proceeding in a northerly direction along the westernmost boundary of this parcel to a point where it meets the southern property boundary of the parcel N/F Indian River School District; thence proceeding westward on the southern boundary and northward on the western boundary, respectively, to a point where it meets the southern ROW of State of Delaware Route 26; thence proceeding in a northerly direction in an extended straight line to a point where it meets the northern ROW of State of Delaware Route 26; thence proceeding in an easterly direction along the northern boundary of State of Delaware Route 26 to a point where it meets the southwestern property corner of the land N/F Thomas R. and Elise S. Murphy; thence proceeding in a northerly direction along the western boundary of this parcel to a point where it meets the westerly edge of White Creek; thence proceeding in a northerly direction in an extended straight line to a point where it meets the easterly edge of White Creek; thence following the easterly edge of White Creek in a northeasterly direction such a distance that will meet the edge of the ROW of the Assawoman Canal, said ROW also being the westernmost boundary of the BBSSD ; thence following said boundary line in a southerly direction, such a distance as will reach the point of BEGINNING.

The proposed expansion of the BBSSD is within these boundaries. The boundary Description provided by the Town of Ocean View and Sussex County, Delaware Property Tax Maps Nos. 1-34-12, 1-34-13, and 1-34-16.

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

The public hearing will be held on this issue at 11:15 a.m. on Tuesday, March 11, 1997 in the Sussex County Council Chambers, 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

PROPOSED DISTRICT  
BOUNDARY EXTENSION  
(AREA IS CROSSHATCHED)

OCEAN VIEW

PROPOSED OCEAN VIEW EXPANSION  
OF THE  
BETHANY BEACH SANITARY SEWER DISTRICT

SCALE IN FEET

