

**RESOLUTION NO. R 017 03**

**A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS TWO PARCELS, 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 these two parcels 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 two parcels 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 southern Right-of-way (ROW) of County Road (CR) 361, said point also being on the SBSSD boundary, said point also being a property corner of lands now or formerly (N/F) Clearwater Land LTD., said point further being a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe; thence proceeding by and with said SBSSD boundary, Clearwater Land LTD. and Donohoe lands in a southwesterly direction a distance of 376 feet more or less to a point,**

said point being a property corner of lands N/F Bethany Beach Development LLC, and a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe; thence leaving said Clearwater Land LTD. boundary and continuing by and with said SBSSD boundary, Bethany Beach Development LLC and Donohoe lands in a northwesterly direction a distance of 350 feet more or less to a point, said point being a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe and a property corner of lands N/F of Bethany Beach Development LLC; thence leaving said Donohoe lands and continuing by and with said SBSSD boundary and said Bethany Beach Development LLC lands in a northwesterly direction a distance of 517 feet more or less to a point, said point being on the southern ROW of CR 361, said point also being the northwesternmost property corner of lands N/F Bethany Beach Development LLC; thence leaving said SBSSD and proceeding by and with said ROW of in an easterly direction a distance of 722 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 017 03 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF APRIL, 2003.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

PROPOSED SOUTH BETHANY EXTENSION  
AFFIDAVIT FOR PUBLIC HEARING  
(PRETTYMAN-DONOHUE REQUEST)

STATE OF DELAWARE )(

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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 25, 2003 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On March 25, 2003 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 Avenue, Ocean View, Delaware.
  - 3. In the lobby of Taylor Bank, State Route 26, Ocean View, Delaware.
  - 4. On the community bulletin board of the South Bethany Town Hall, Evergreen and Pine St., South Bethany, Delaware.
  - 5. On the community bulletin board in the lobby of the U.S. Post Office, Pennsylvania Avenue, Bethany Beach, Delaware.
  - 6. On the community bulletin board in the lobby of the South Coastal Library, Kent Avenue, Bethany Beach, Delaware.
  - 7. Lobby area of Sea Colony Realty, Market Place at Sea Colony, Route One, Bethany Beach, Delaware.
  - 8. On bulletin board at Bear Trap Golf Course, Golf Shop, Ocean View, Delaware.
  - 9. On community bulletin board inside Happy Harry's Pharmacy, Route One, Bethany Beach, Delaware.
  - 10. On the front window of Shore Foods, Route One, South Bethany, Delaware.

11. On site of the proposed expansion area at the following four locations:

- 1) On a post, south of County Road (CR) 361, 882 feet more or less southeast of CR 368,
- 2) On a post, south of CR 361, 690 feet more or less southeast of CR 368,
- 3) On a post, south of CR 361, 500 feet more or less southeast of CR 368,
- 4) On a post, south of CR 361, 350 feet more or less southeast of CR 368.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 31<sup>st</sup> day of March A.D., 2003.

  
NOTARY PUBLIC  
Kelly A. Kruger

My Commission Expires 11/28/03

## NOTICE

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

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on February 25, 2003 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include two parcels, 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 southern Right-of-way (ROW) of County Road (CR) 361, said point also being on the SBSSD boundary, said point also being a property corner of lands now or formerly (N/F) Clearwater Land LTD., said point further being a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe; thence proceeding by and with said SBSSD boundary, Clearwater Land LTD. and Donohoe lands in a southwesterly direction a distance of 376 feet more or less to a point, said point being a property corner of lands N/F Bethany Beach Development LLC, and a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe; thence leaving said Clearwater Land LTD. boundary and continuing by and with said SBSSD boundary, Bethany Beach Development LLC and Donohoe lands in a northwesterly direction a distance of 350 feet more or less to a point, said point being a property corner of lands N/F Leo M. Donohoe & Thomas F. Donohoe and a property corner of lands N/F of Bethany Beach Development LLC; thence leaving said Donohoe lands and continuing by and with said SBSSD boundary and said Bethany Beach Development LLC lands in a northwesterly direction a distance of 517 feet more or less to a point, said point being on the southern ROW of CR 361, said point also being the northwesternmost property corner of lands N/F Bethany Beach Development LLC; thence leaving said SBSSD and proceeding by and with said ROW of in an easterly direction a distance of 722 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, and because it is not based on a survey, it may include minor errors in courses and distances.

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 10:45 a.m. on April 15, 2003 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

