

RESOLUTION R 017 05

A RESOLUTION TO EXTEND THE BOUNDARY OF THE NORTH MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (NMX) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND THAT IS CONTIGUOUS TO THE NMX, SITUATE SOUTH OF THE TOWNS OF MILLVILLE AND OCEAN VIEW AND ENCOMPASSES THE BEAVER DAM EXPANSION AREA, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the North Millville Expansion of the Bethany Beach Sanitary Sewer District (NMX); 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 Towns of Millville and Ocean View, which is contiguous to the NMX, 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 affidavits of Chris Calio, copies of which affidavits and public notices 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 proposed NMX, situate south of the Towns of Millville and Ocean View, as follows:

BEGINNING at a point said point being the northeasternmost property corner of lands now or formerly (N/F) of Marianne Beatrice Freeman Trustee, said point also being on the southeastern boundary of the NMX, said point further being on the southern right-of-way (ROW) of County Road (CR) 353 (Burbage Road); thence proceeding by and with said southeastern NMX boundary and said ROW in a westerly direction a distance of 800 feet, more or less, to a point, said point being on the northern property line of lands N/F of James & Frances K. Bazzoli Trustees; thence leaving said southern ROW of CR 353 (Burbage Road)

and continuing by and with said southern NMX boundary in a northerly direction a distance of 50 feet, more or less, to a point, said point being on the northern ROW of CY 353 (Burbage Road), said point also being the southeasternmost property corner of lands N/F of O.T. Collins Family Limited Partnership; thence leaving said northern ROW of CR 353 (Burbage Road) and continuing by and with said southern NMX boundary a distance of 5770 feet, more or less, to a point, said point being the northwesternmost property corner of lands N/F of Frank X. Limmer For Life, said point also being on the eastern ROW of State of Delaware Route 17 (SR17) (Roxanna Road); thence leaving said southern NMX boundary and said eastern ROW of SR 17 (Roxanna Road) and proceeding in a western direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of SR 17 (Roxanna Road), said point also being the southeasternmost corner of Carter Drive and lands N/F of Dorothy A. Glanzel; thence proceeding by and with said western ROW of SR17 (Roxanna Road) in a southwesterly direction a distance of 4615 feet, more or less, to a point, said point being the southernmost property corner of lands N/F Eileen C. Short, said point also being the northeasternmost property corner of lands N/F R.E. Townsend Farm Limited Partnership; thence leaving said western ROW of SR 17 (Roxanna Road) and proceeding by and with said lands N/F Townsend in a northwesterly direction, then in a southwesterly direction (following in part, the meanderings of the Beaver Dam Ditch) and, finally leaving said ditch in a northwesterly direction, respectively, a distance of 2225 feet, more or less, to a point said point being on the eastern property line of lands N/F of Donald A. Powell Trustee & Paula C. Powell Trustee; thence leaving said lands N/F of Townsend and proceeding by and with said lands N/F Powell Trustee in a northeasterly and westerly direction, respectively, a distance of 1658 feet, more or less, to a point, said point being the southwesternmost property corner of lands N/F of Robert Patrick & Helen M. Moran, said point also being on the eastern ROW of CR 365; thence leaving said lands N/F Powell Trustee and said eastern ROW of CR 365 and proceeding in a westerly direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of CR 365, said point also being the southeasternmost property corner of lands N/F Marty and Toni Presley, said point further being the northeasternmost property corner of lands N/F Charles Jr. & Sharon Rehak; thence proceeding by and with said lands N/F of Rehak in a southwesterly and northwesterly direction, respectively, a distance of 1,209 feet, more or less, to a point, said point being the northwesternmost property corner of said lands

N/F Rehak, said point also being the southeasternmost property corner of lands N/F Jerry W. & Linda G. Edwards, and said point further being on the eastern ROW of CR 374; thence leaving said lands N/F Rehak and said eastern ROW and proceeding in a westerly direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of CR 374, said point also being the northeasternmost property corner of lands N/F of James R. & Judy R. Powell; thence leaving said western ROW of CR 374 and proceeding by and with said lands N/F of Powell in a westerly direction a distance of 691 feet, more or less, to a point, said point being the northwesternmost property corner of said lands N/F of Powell, said point also being on the 600 foot offset of the Environmentally Sensitive Area boundary; thence proceeding by and with said 600 foot offset in a southeasterly direction a distance of 908 feet, more or less, to a point, said point being on the northern ROW of CR 373, said point also being on the southern property line of said lands N/F of Powell; thence leaving said northern ROW and continuing by and with said 600 foot offset in a southerly direction a distance of 50 feet, more or less, to a point, said point being on the southern ROW of CR 373, said point also being on the northern property line of said lands N/F of Powell; thence leaving said southern ROW of CR 373 and continuing by and with said 600 foot offset boundary in a southerly direction a distance of 3360 feet, more or less, to a point, said point being on the western ROW of State Route 17, said point also being on the southerly property line of lands N/F of Donald A. Powell, Trustee & Paula C. Powell, Trustee; thence leaving said western ROW and continuing by and with said 600 foot offset in a southerly direction a distance of 60 feet, more or less, to a point, said point being on the eastern ROW of State Route 17, said point being on the northwestern property line of lands N/F Donald A. & Paula C. Powell; thence leaving said ROW and continuing by and with said 600 foot offset boundary in a southerly direction a distance of 954 feet, more or less, to a point, said point being on the southern property line of said lands N/F of Powell, said point also being the northwesternmost property corner of lands N/F of Mark W. Murray & Mary Ann Starita; thence leaving said 600 foot offset boundary and continuing with the common property line of said lands of Powell and Murray/Starita in a southeasterly direction a distance of 735 feet, more or less, to a point, said point being the northeastern property corner of said lands N/F of Murray/Starita, said point also being the southeasternmost property corner of said lands N/F of Powell, said point further being on the northern ROW of CR 365 (Peppers Corner Road), said point further being on the

Environmentally Sensitive Development District Boundary; thence leaving said lands of Murray/Starita and said lands of Powell and proceeding by and with said northern ROW of CR 365 (Peppers Corner Road) and said Environmentally Sensitive Development District Boundary in a southerly direction a distance of 1960 feet, more or less, to a point, said point being on the northeastern property line of lands N/F of William Lewis; thence leaving said northern ROW of CR 365 (Peppers Corner Road) and said Environmentally Sensitive Development District Boundary and proceeding in a northeasterly direction a distance of 50 feet, more or less, to a point, said point being on the southern ROW of CR 368, said point also being the northwesternmost property corner of lands N/F of Gerald K. & Ruiha Mueller; thence proceeding by and with said southern ROW of CR 368 in a northeasterly direction a distance of 6210 feet, more or less, to a point, said point being on the said southern ROW of CR 368, said point also being the northeasternmost property corner of lands N/F of Alexander Muccioli & Robert Naraine & Roseanne Naraine; thence leaving said southern ROW of CR 368 and proceeding in a northeasterly direction a distance of 50 feet, more or less, to a point, said point being on the eastern ROW of CR 84, said point also being the southwestern property corner of Bear Trap Dunes, a subdivision, said point further being on the South Bethany Sanitary Sewer District Boundary (SBSSD); thence proceeding by and with said eastern ROW and said SBSSD boundary in a northerly direction a distance of 2,710 feet, more or less, to a point, said point being on the western property line of said Bear Trap Dunes, said point also being a boundary corner for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX); thence leaving said SBSSD boundary and said eastern ROW and proceeding by and with said OVX boundary in a westerly direction a distance of 60 feet, more or less, to a point, said point being on the western ROW of CR 84, said point also being the southern property corner of Avon Park at Wedgefield, a subdivision; thence leaving said western ROW of CR 84 and proceeding by and with said OVX and said Avon Park boundaries in a northwesterly and northeasterly direction, respectively, a distance of 1,265 feet, more or less, to a point, said point being on the western ROW of CR 352 (Windmill Road); thence leaving said Avon Park boundary and continuing by and with said OVX boundary and proceeding by and with said western ROW of CR 352 (Windmill Road) in a northerly direction a distance of 1,640 feet, more or less, to a point, said point being the southeasternmost property corner of lands N/F Marianne Beatrice Freeman, Trustee, said

point also being a boundary corner for the said NMX boundary; thence leaving said OVX boundary and continuing with said western ROW of CR 352 (Windmill Road) and proceeding by and with said NMX boundary in a northerly direction a distance of 280 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 017 05 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF JUNE 2005.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

PROPOSED BEAVER DAM EXPANSION
OF THE NORTH MILLVILLE EXPANSION
OF THE BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARNIG

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 May 27, 2005 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 27, 2005 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 Stop, Route 26, Bethany Beach, Delaware;
 2. On the bulleting board of the Ocean View Post Office, Route 26, Ocean View, Delaware;
 3. On the bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
 4. On the bulletin board of the U.S. Post Office, Pennsylvania Avenue, Bethany Beach, Delaware;
 5. On the bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;
 6. On the bulletin board in the lobby of Taylor Bank, Route 26, Ocean View, Delaware;
 7. On the information board of the Bethany Bay Golf Clubhouse, Pettinaro Drive, Bethany Bay subdivision, Millville, Delaware;
 8. On the information board at the Town of Millville Municipal Building, Route 26, Millville, Delaware;
 9. On the bulletin board inside the lobby of the U.S. Post Office, Clayton Avenue Frankford, Delaware;
 10. On the site of the expansion area in the following four locations:
 1. On a post in the western Right-of-way (ROW) of County Road (CR)365 (Peppers Corner Road) 200 feet more or less south of the southern ROW of CR 373, Frankford, Delaware,
 2. On a post in the northern ROW of CR 365 (Peppers Corner Road) 25 feet east of the eastern ROW of State of Delaware Route (SR) 17,

3. On a post in the eastern ROW of CR 366, 25 feet more or less north of the northern ROW of CR 365,
4. On a post in the northern ROW of CR 353 (Brubage Road), 25 feet more or less west of the eastern ROW of SR 17.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 6th day of June A.D., 2005.


Notary Public

My Commission Expires Jayne E. Dickerson
Notary Public
Commission Expires 4/7/07

PROPOSED BEAVER DAM EXPANSION
OF THE NORTH MILLVILLE EXPANSION
OF THE BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARINIG

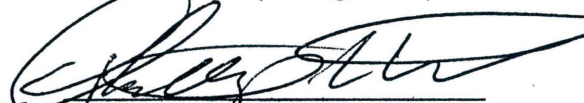
STATE OF DELAWARE) (
COUNTY OF SUSSEX) (

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 June 3, 2005 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware; and

B. On June 3, 2005 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:

1. On bulletin board of the Town of Ocean View, Town Hall, West Avenue, Ocean View, Delaware;
2. On the bulletin board of Gerald's G&E, Cedar Neck Road, Ocean View, Delaware;
3. Inside front door of the Seaside Grill, Route 1, Bethany Beach, Delaware;
4. Inside the front door of The Village Post Office, The Villages at Bear Trap, October Glory Avenue, Ocean View, Delaware;
5. On the site of the expansion area in the following five locations:
 1. On a post in the northern Right-of-way (ROW) of County Road (CR)368 (Beaver Dam Road) 50 feet more or less north of the southern ROW of CR 365, Frankford, Delaware,
 2. On a post in the western ROW of CR 84 (Central Avenue) 50 feet north of the southern ROW of CR 368 (Beaver Dam Road),
 3. On a post in the western ROW of CR 84 (Central Avenue), 1550 feet more or less north of the northern ROW of CR 368 (Beaver Dam Road),
 4. On a post in the northern ROW of CR 353 (Burbage Road), 25 feet more or less west of the centerline of CR 84 (Central Avenue),
 5. On a post in the eastern ROW of CR 366 (Substation Road), 25 feet more or less south of the centerline of CR 353 (Burbage Road).


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 10th day of June A.D., 2005.


Notary Public

My Commission Expires Jayne E. Dickerson
Notary Public
Commission Expires 4/7/07

NOTICE

PROPOSED BEAVER DAM EXPANSION TO THE NORTH MILLVILLE EXPANSION (NMX)
OF THE BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on May 24, 2005 to consider extending the North Millville Expansion of the Bethany Beach Sanitary Sewer District (NMX) to include lands lying south and west of the Town of Millville.

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 NMX is described as follows:

BEGINNING at a point said point being the northeasternmost property corner of lands now or formerly (N/F) of Marianne Beatrice Freeman Trustee, said point also being on the southeastern boundary of the NMX, said point further being on the southern right-of-way (ROW) of County Road (CR) 353 (Burbage Road); thence proceeding by and with said southeastern NMX boundary and said ROW in a westerly direction a distance of 800 feet, more or less, to a point, said point being on the northern property line of lands N/F of James & Frances K. Bazzoli Trustees; thence leaving said southern ROW of CR 353 (Burbage Road) and continuing by and with said southern NMX boundary in a northerly direction a distance of 50 feet, more or less, to a point, said point being on the northern ROW of CY 353 (Burbage Road), said point also being the southeasternmost property corner of lands N/F of O.T. Collins Family Limited Partnership; thence leaving said northern ROW of CR 353 (Burbage Road) and continuing by and with said southern NMX boundary a distance of 5770 feet, more or less, to a point, said point being the northwesternmost property corner of lands N/F of Frank X. Limmer For Life, said point also being on the eastern ROW of State of Delaware Route 17 (SR17) (Roxanna Road); thence leaving said southern NMX boundary and said eastern ROW of SR 17 (Roxanna Road) and proceeding in a western direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of SR 17 (Roxanna Road), said point also being the southeasternmost corner of Carter Drive and lands N/F of Dorothy A. Glanzel; thence proceeding by and with said western ROW of SR17 (Roxanna Road) in a southwesterly direction a distance of 4615 feet, more or less, to a point, said point being the southernmost property corner of lands N/F Eileen C. Short, said point also being the northeasternmost property corner of lands N/F R.E. Townsend Farm Limited Partnership; thence leaving said western ROW of SR 17 (Roxanna Road) and proceeding by and with said lands N/F Townsend in a northwesterly direction, then in a southwesterly direction (following in part, the meanderings of the Beaver Dam Ditch) and, finally leaving said ditch in a northwesterly direction, respectively, a distance of 2225 feet, more or less, to a point said point being on the eastern property line of lands N/F of Donald A. Powell Trustee & Paula C. Powell Trustee; thence leaving said lands N/F of Townsend and proceeding by and with said lands N/F Powell Trustee in a northeasterly and westerly direction, respectively, a distance of 1658 feet, more or less, to a point, said point being the southwesternmost property corner of lands N/F of Robert Patrick & Helen M. Moran, said point also being on the eastern ROW of CR 365; thence leaving said lands N/F Powell Trustee and said eastern ROW of CR 365 and proceeding in a westerly direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of CR 365, said point also being the southeasternmost property corner of lands N/F Marty and Toni Presley, said point further being the northeasternmost property corner of lands N/F Charles Jr. & Sharon Rehak; thence proceeding by and with said lands N/F of Rehak in a southwesterly and northwesterly direction, respectively, a distance of 1,209 feet, more or less, to a point, said point being the northwesternmost property corner of lands N/F Jerry W. & Linda G. Edwards, and said point further being on the eastern ROW of CR 374; thence leaving said lands N/F Rehak and said eastern ROW and proceeding in a westerly direction a distance of 50 feet, more or less, to a point, said point being on the western ROW of CR 374, said point also being the northeasternmost property corner of lands N/F of James R. & Judy R. Powell; thence leaving said western ROW of CR 374 and proceeding by and with said lands N/F of Powell in a westerly direction a distance of 691 feet, more or less, to a point, said point being the northwesternmost property corner of said lands N/F of Powell, said point also being on the 600 foot offset of the Environmentally Sensitive Area boundary; thence proceeding by and with said 600 foot offset in a southeasterly direction a distance of 908 feet, more or less, to a point, said point being on the northern ROW of CR 373, said point also being on the southern property line of said lands N/F of Powell; thence leaving said northern ROW and continuing by and with said 600 foot offset in a southerly direction a distance of 50 feet, more or less, to a point, said point being on the southern ROW of CR 373, said point also being on the northern property line of said lands N/F of Powell; thence leaving said southern ROW of CR 373 and continuing by and with said 600 foot offset boundary in a southerly direction a distance of 3360 feet, more or less, to a point, said point being on the western ROW of State Route 17, said point also being on the southerly property line of lands N/F of Donald A. Powell, Trustee & Paula C. Powell, Trustee; thence leaving said western ROW and continuing by and with said 600 foot offset in a southerly direction a distance of 60 feet, more or less, to a point, said point being on the eastern ROW of State Route 17, said point being on the northwestern property line of lands N/F Donald A. & Paula C. Powell; thence leaving said ROW and continuing by and with said 600 foot offset boundary in a southerly direction a distance of 954 feet, more or less, to a point, said point being on the southern property line of said lands N/F of Powell, said point also being the northwesternmost property corner of lands N/F of Mark W. Murray & Mary Ann Starita; thence leaving said 600 foot offset boundary and continuing with the common property line of said lands of Powell and Murray/Starita in a southeasterly direction a distance of 735 feet, more or less, to a point, said point being the northeastern property corner of said

lands N/F of Murray/Starita, said point also being the southeasternmost property corner of said lands N/F of Powell, said point further being on the northern ROW of CR 365 (Peppers Corner Road), said point further being on the Environmentally Sensitive Development District Boundary; thence leaving said lands of Murray/Starita and said lands of Powell and proceeding by and with said northern ROW of CR 365 (Peppers Corner Road) and said Environmentally Sensitive Development District Boundary in a southerly direction a distance of 1960 feet, more or less, to a point, said point being on the northeastern property line of lands N/F of William Lewis; thence leaving said northern ROW of CR 365 (Peppers Corner Road) and said Environmentally Sensitive Development District Boundary and proceeding in a northeasterly direction a distance of 50 feet, more or less, to a point, said point being on the southern ROW of CR 368, said point also being the northwesternmost property corner of lands N/F of Gerald K. & Ruiha Mueller; thence proceeding by and with said southern ROW of CR 368 in a northeasterly direction a distance of 6210 feet, more or less, to a point, said point being on the said southern ROW of CR 368, said point also being the northeasternmost property corner of lands N/F of Alexander Muccioli & Robert Naraine & Roseanne Naraine; thence leaving said southern ROW of CR 368 and proceeding in a northeasterly direction a distance of 50 feet, more or less, to a point, said point being on the eastern ROW of CR 84, said point also being the southwestern property corner of Bear Trap Dunes, a subdivision, said point further being on the South Bethany Sanitary Sewer District Boundary (SBSSD); thence proceeding by and with said eastern ROW and said SBSSD boundary in a northerly direction a distance of 2,710 feet, more or less, to a point, said point being on the western property line of said Bear Trap Dunes, said point also being a boundary corner for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX); thence leaving said SBSSD boundary and said eastern ROW and proceeding by and with said OVX boundary in a westerly direction a distance of 60 feet, more or less, to a point, said point being on the western ROW of CR 84, said point also being a the southern property corner of Avon Park at Wedgefield, a subdivision; thence leaving said western ROW of CR 84 and proceeding by and with said OVX and said Avon Park boundaries in a northwesterly and northeasterly direction, respectively, a distance of 1,265 feet, more or less, to a point, said point being on the western ROW of CR 352 (Windmill Road); thence leaving said Avon Park boundary and continuing by and with said OVX boundary and proceeding by and with said western ROW of CR 352 (Windmill Road) in a northerly direction a distance of 1,640 feet, more or less, to a point, said point being the southeasternmost property corner of lands N/F Marianne Beatrice Freeman, Trustee, said point also being a boundary corner for the said NMX boundary; thence leaving said OVX boundary and continuing with said western ROW of CR 352 (Windmill Road) and proceeding by and with said NMX boundary in a northerly direction a distance of 280 feet, more or less, to the point and place of BEGINNING.

The proposed expansion of the NMX is within these boundaries. The boundary description has been prepared using Sussex County Tax Maps 1-34 11.00, 12.00 15.00 and 16.00.

A map outlining and describing the expansion of the NMX is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:45 a.m. on June 21, 2005 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

PROPOSED EXPANSION OF THE NORTH
MILLVILLE EXPANSION OF THE BETHANY
BEACH SANITARY SEWER DISTRICT
(AREA IS CROSSHATCHED)

BEAVER DAM REQUEST



DATE: MAY 20, 2005

