

RESOLUTION NO. R 017 12

A RESOLUTION TO EXTEND THE BOUNDARY OF THE OAK ORCHARD SANITARY SEWER DISTRICT (OOSD) TO INCLUDE A PARCEL OF LAND LOCATED NORTH OF COUNTY ROAD 297, BEING SITUATE IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Oak Orchard Sanitary Sewer District (OOSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County north and northwest of the OOSD, which is contiguous to the OOSD, 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 Diguseppe, Jr., 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 OOSD to include a parcel of land located on the north side of County Road 297 (Mount Joy Road) as follows:

BEGINNING at a point, said point lying on the northerly right of way of County Road 297 (Mount Joy Road), 1200 +/- feet northwest of State Route 24 (John J. Williams Highway), said point also being the southernmost corner of lands now or formerly (N/F) of MJR Investors LLC; thence proceeding by and with said lands in a northeasterly direction 941.4 +/- feet to a point on the boundary of said lands of MJR Investors LLC and a property corner of lands N/F of W and B Hudson Family Limited Partnership, said point also being on the existing boundary of the Oak Orchard Sanitary Sewer District; thence proceeding with said lands of MJR Investors, LLC in the following directions and

distances: northeasterly 1233.4 +/- feet, northwesterly 1533.8 +/- feet, southwesterly 2166.9 +/- feet and southeasterly 1534.5 +/- feet, to a point, said point being that of the 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; and

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specification, 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 12 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF DECEMBER 2012.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

PUBLIC NOTICE

**PROPOSED EXPANSION OF THE
OAK ORCHARD SANITARY SEWER DISTRICT
BAYLIS ESTATES EXPANSION
FILE NUMBER: OOS-11.11**

NOTICE IS HEARBY GIVEN that the Sussex County Council voted on November 13, 2012 to consider extending the Oak Orchard Sanitary Sewer District (OOSSD) to include a parcel of land located north of County Road 297 (Mount Joy Road), being situate in Indian River Hundred of 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 OOSSD, is more particularly described as follows:

Beginning at a point, said point lying on the northerly right of way of County Road 297 (Mount Joy Road), 1200 +/- feet northwest of State Route 24 (John J. Williams Highway), said point also being the southernmost corner of lands now or formerly (N/F) of MJR Investors LLC; thence proceeding by and with said lands in a northeasterly direction 941.4 +/- feet to a point on the boundary of said lands of MJR Investors LLC and a property corner of lands N/F of W and B Hudson Family Limited Partnership, said point also being on the existing boundary of the Oak Orchard Sanitary Sewer District; thence proceeding with said lands of MJR Investors, LLC in the following directions and distances: northeasterly 1233.4 +/- feet, northwesterly 1533.8 +/- feet, southwesterly 2166.9 +/- feet and southeasterly 1534.5 +/- feet, to a point, said point being that of the beginning.

Note: The above description has been prepared using Sussex County Delaware Tax Map No. 2-34-29.00.

A map outlining and describing the extension to the OOSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:30 am on Tuesday, December 4, 2012 in the Sussex County Council Chambers. 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. Following the hearing, the Sussex County Council will make the final decision on the boundary extension, 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) 855-1299.

Michael A. Izzo, P. E.
County Engineer

**OAK ORCHARD SANITARY SEWER
BAYLIS EXPANSION
AFFIDAVIT FOR PUBLIC HEARING**

STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED That the subscriber, **ANTHONY DIGIUSEPPE, JR.**, 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 November 15, 2012 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On November 15, 2012 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a bulletin board in the entry of Valero Shore Stop food store, Trading Post Plaza, 31507 Oak Orchard Road, Oak Orchard, Delaware.
 - 2. On a community bulletin board next to community mailboxes at the east entrance to River Village, Oak Orchard, Delaware.
 - 3. On community bulletin board next to community mailboxes near the entrance to Captain's Grant, Oak Orchard, Delaware.
 - 4. On the area of land being considered for the proposed extension of Oak Orchard Sanitary Sewer District in four locations as follows:
 - a. On a tree located at the southeastern corner of parcel 2-34-29.00-42.00;
 - b. On a driven stake located across County Road 297 (Mount Joy Rd) from utility pole #85409;
 - c. On a driven stake located across Mount Joy Rd from utility pole #85412;
 - d. On a tree located at the southwestern corner of parcel 2-34-29.00-42.00.

5. On bulletin board near the intersection of County Road 311 (Chief Rd) and County Road 297 (Oak Orchard Rd).
6. On Delmarva Power and Light pole #59081/01499 located at the intersection of Oak Orchard Rd and County Road 312 (River Rd).


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 16th day of Nov. A.D., 2012.


NOTARY PUBLIC

Jayne E. Dickerson
Notary Public
Commission Expires 5/31/2015

My Commission Expires _____.

