

RESOLUTION R 018 05

A RESOLUTION TO EXTEND THE BOUNDARY OF THE MILLER CREEK SANITARY SEWER DISTRICT (MCSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS FOREST LANDING, THAT IS CONTIGUOUS TO THE MCSSD, 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 Miller Creek 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, which is contiguous to the MCSSD, 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 Chris Calio, 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 Miller Creek Sanitary Sewer District to encompass the Forest Landing subdivision, situate south of the Town of Ocean View and west of the Town of South Bethany, as follows:

BEGINNING at a point, said point being 221.97 feet south of the Right of Way (ROW) of County Road (CR) 368, said point also being the southeasternmost property corner of lands Now or Formerly (N/F) of Arthur J., Jr. & Doris D. Eisenhower, said point further being on the MCSSD boundary; thence proceeding by and with said MCSSD boundary the following four courses and distances: (1) North 74°14'53" West, a distance of 1200.50 feet to a point, (2) North 35°04'57" West, a distance of 60.56 feet to a point, (3) South 21°34'26" West, a distance of

822.67 feet to a point, (4) South $39^{\circ}04'18''$ West, a distance of 323.32 feet to a point, said point being the southwesternmost property corner of lands N/F Marion E. Powell; thence continuing by and with said MCSSD boundary in a southwestern direction a distance of 50 feet more or less to a point, said point being the easternmost property corner of lands N/F of Victor & Penelope Bushong; thence continuing by and with said MCSSD boundary the following two courses and distances: (1) South $39^{\circ}39'23''$ West, a distance of 100.67 feet to a point, (2) South $14^{\circ}13'07''$ West a distance of 79.25 feet to a point, said point being the southernmost property corner of lands N/F of Helmi Bestry, said point also being on the northernmost property line of lands N/F of Viola E. Rogers, said point further being the easternmost property corner of lands N/F of Kenneth & Patricia Godfrey; thence leaving said MCSSD boundary and proceeding by and with said Rogers lands the following three courses and distances: (1) North $88^{\circ}03'25''$ East a distance of 118.12 feet to a concrete monument (2) South $27^{\circ}31'25''$ West a distance of 461.11 feet to a concrete monument (3) South $87^{\circ}41'25''$ West a distance of 440.95 feet to a concrete monument, said concrete monument being the southwestern most property corner of lands N/F of Viola E. Rogers, said point also being on the eastern ROW of CR 84; thence leaving said ROW and Rogers' lands and proceeding in a southwesterly direction a distance of 50 feet more or less to a point, said point being the northeastern most property corner of lands N/F Rickie L & Ann Clogg, said point also being on the western ROW of CR 84; thence proceeding by and with said ROW in a southerly direction a distance of 680 feet more or less to a point, said point being on the easternmost property line of lands N/F of Herbert G. & Elizabeth V. Zinszer; thence leaving said western ROW and Zinszer lands and proceeding in an easterly direction a distance of 60 feet more or less to an iron pipe, said pipe being the northwesternmost property corner of lands N/F of Dominic & Mildred Durbano, said pipe also being on the eastern ROW of CR 84; thence leaving said ROW and proceeding by and with said Durbano lands the following two courses and distances: (1) North $86^{\circ}15'33''$ East a distance of 200.50 feet to a point, (2) South $02^{\circ}05'22''$ West a distance of 99.63 feet to a point, said point being the southeasternmost property corner of lands N/F Dominic & Mildred Durbano, said point also being on the northern property line of lands N/F Eve F. Jones; thence leaving said Durbano lands and proceeding by and with said Jones lands the following four courses and distances: (1) North $87^{\circ}06'23''$ East a distance of 1036.77 feet to a cedar post, (2) South $71^{\circ}05'54''$ East a distance of 813.59 feet to a cedar post, (3) South $00^{\circ}09'31''$ West a distance of 960.06 feet to a

concrete monument, (4) South 34°12'37" West a distance of 227.91 feet to an iron pipe, said iron pipe being the southeasternmost property corner of lands N/F Eve F. Jones, said iron pipe also being on the property line of lands N/F Dianne & Russell Archut; thence leaving said Jones lands and proceeding by and with said Archut lands South 47°18'42" East a distance of 262.88 feet to a point, said point being the westernmost property line of Plantation Park subdivision, said point also being on the MCSSD boundary; thence leaving said Archut lands and proceeding by and with said MCSSD boundary the following seven courses and distances, North 52°58'24" East a distance of 1551.59 feet to an iron pipe, (2) North 46°21'28" West a distance of 1177.59 feet to an iron pipe, (3) North 27°47'48" East a distance of 334.09 feet to a point, (4) North 26°39'02" East a distance of 369.97 feet to an iron pipe, (5) North 02°03'43" East a distance of 91.20 feet to an iron pipe, (6) North 73°43'41" West a distance of 581.37 feet to a point, (7) North 18°35'26" East a distance of 970 feet more or less to a point, said point being on the westernmost property line of Starlight Woods subdivision; thence continuing by and with said MCSSD boundary in a northwesterly direction a distance of 30 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 018 05 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF JUNE 2005.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

PROPOSED FOREST LANDING EXPANSION OF THE
MILLER CREEK SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC MEETING


STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED, That on this 6th day of June, A.D., 2005, personally appeared before me, the subscriber, CHRIS CALIO, known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

1. On May 25, 2005, he was a Permit Technician III for the Sussex County Engineering Department, Sussex County, and State of Delaware.
2. He did post the attached "Public Notice", prepared by the Sussex County Engineering Department, on May 25, 2005 at the following locations:
 1. Frankford Post Office, Clayton Ave., on bulletin board inside lobby.
 2. Hocker's Grocery and Deli, Routes 26 and 17, on bulletin board inside lobby.
 3. Hocker's Super Center, Route 26 and 17, on bulletin board inside lobby.
 4. Food Lion, Route 26, Millville, on window inside in shopping cart area, next to other information signs.
 5. U. S. Post Office, Route 26 Ocean View, inside on bulletin board in lobby.
 6. Plantation Park I, inside community bulletin board kiosk at north entrance along Route 362.
 7. Plantation Park II, inside community bulletin display kiosk at entrance and Georgia Drive (in district).
 8. On stake at entrance to Malcom's Manor, Gordon Drive and Road 362.
 10. Plantation Park Marina, on stake at entrance (Marina Park Drive and Park Place Drive).
 11. George C. Moore subdivision, on stake at entrance (Road 363).
 12. On the site of the expansion area in the following four locations:
 1. On a post in the eastern ROW of CR 84 (Central Ave.), 2,000 feet more or less south of CR 368 (Beaver Dam Road),

2. On a post in the eastern ROW of CR 84 (Central Ave.), 2,200 feet more or less south of CR 368 (Beaver Dam Road),
3. On a post in the eastern ROW of CR 84 (Central Ave.), 2400 feet more or less south of CR 368 (Beaver Dam Road)
4. On a post in the eastern ROW of CR 84 (Central Ave.), 2600 feet more or less south of CR 368 (Beaver Dam Road).


Chris Calio

SWORN TO AND SUBSCRIBED before me on the day and year aforesaid.


NOTARY PUBLIC

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

NOTICE

PROPOSED EXPANSION TO THE MILLER CREEK SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on May 24, 2005 to consider extending the Miller Creek Sanitary Sewer District (MCSSD) to include the proposed Forest Landing subdivision, 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 MCSSD is described as follows:

BEGINNING at a point, said point being 221.97 feet south of the Right of Way (ROW) of County Road (CR) 368, said point also being the southeasternmost property corner of lands Now or Formerly (N/F) of Arthur J., Jr. & Doris D. Eisenhower, said point further being on the MCSSD boundary; thence proceeding by and with said MCSSD boundary the following four courses and distances: (1) North $74^{\circ}14'53''$ West, a distance of 1200.50 feet to a point, (2) North $35^{\circ}04'57''$ West, a distance of 60.56 feet to a point, (3) South $21^{\circ}34'26''$ West, a distance of 822.67 feet to a point, (4) South $39^{\circ}04'18''$ West, a distance of 323.32 feet to a point, said point being the southwesternmost property corner of lands N/F Marion E. Powell; thence continuing by and with said MCSSD boundary in a southwestern direction a distance of 50 feet more or less to a point, said point being the easternmost property corner of lands N/F of Victor & Penelope Bushong; thence continuing by and with said MCSSD boundary the following two courses and distances: (1) South $39^{\circ}39'23''$ West, a distance of 100.67 feet to a point, (2) South $14^{\circ}13'07''$ West a distance of 79.25 feet to a point, said point being the southernmost property corner of lands N/F of Helmi Bestry, said point also being on the northernmost property line of lands N/F of Viola E. Rogers, said point further being the easternmost property corner of lands N/F of Kenneth & Patricia Godfrey; thence leaving said MCSSD boundary and proceeding by and with said Rogers lands the following three courses and distances: (1) North $88^{\circ}03'25''$ East a distance of 118.12 feet to a concrete monument (2) South $27^{\circ}31'25''$ West a distance of 461.11 feet to a concrete monument (3) South $87^{\circ}41'25''$ West a distance of 440.95 feet to a concrete monument, said concrete monument being the southwestern most property corner of lands N/F of Viola E. Rogers, said point also being on the eastern ROW of CR 84; thence leaving said ROW and Rogers' lands and proceeding in a southwesterly direction a distance of 50 feet more or less to a point, said point being the northeastern most property corner of lands N/F Rickie L. & Ann Clogg, said point also being on the western ROW of CR 84; thence proceeding by and with said ROW in a southerly direction a distance of 680 feet more or less to a point, said point being on the easternmost property line of lands N/F of Herbert G. & Elizabeth V. Zinszer; thence leaving said western ROW and Zinszer lands and proceeding in an easterly direction a distance of 60 feet more or less to an iron pipe, said pipe being the northwesternmost property corner of lands N/F of Dominic & Mildred Durbano, said pipe also being on the eastern ROW of CR 84; thence leaving said ROW and proceeding by and with said Durbano lands the following two courses and distances: (1) North $86^{\circ}15'33''$ East a distance of 200.50 feet to a point, (2) South $02^{\circ}05'22''$ West a distance of 99.63 feet to a point, said point being the southeasternmost property corner of lands N/F Dominic & Mildred Durbano, said point also being on the northern property line of lands N/F Eve F. Jones; thence leaving said Durbano lands and proceeding by and with said Jones lands the following four courses and distances: (1) North $87^{\circ}06'23''$ East a distance of 1036.77 feet to a cedar post, (2) South $71^{\circ}05'54''$ East a distance of 813.59 feet to a cedar post, (3) South $00^{\circ}09'31''$ West a distance of 960.06 feet to a concrete monument, (4) South $34^{\circ}12'37''$ West a distance of 227.91 feet to an iron pipe, said iron pipe being the southeasternmost property corner of lands N/F Eve F. Jones, said iron pipe also being on the property line of lands N/F Dianne & Russell Archut; thence leaving said Jones lands and proceeding by and with said Archut lands South $47^{\circ}18'42''$ East a distance of 262.88 feet to a point, said point being the westernmost property line of Plantation Park subdivision, said point also being on the MCSSD boundary; thence leaving said Archut lands and proceeding by and with said MCSSD boundary the following seven courses and distances, (1) North $52^{\circ}58'24''$ East a distance of 1551.59 feet to an iron pipe, (2) North $46^{\circ}21'28''$ West a distance of 1177.59 feet to an iron pipe, (3) North $27^{\circ}47'48''$ East a distance of 334.09 feet to a point, (4) North $26^{\circ}39'02''$ East a distance of 369.97 feet to an iron pipe, (5) North $02^{\circ}03'43''$ East a distance of 91.20 feet to an iron pipe, (6) North $73^{\circ}43'41''$ West a distance of 581.37 feet to a point, (7) North $18^{\circ}35'26''$ East a distance of 970 feet more or less to a point, said point being on the westernmost property line of Starlight Woods subdivision; thence continuing by and with said MCSSD boundary in a northwesterly direction a distance of 30 feet more or less to the point and place of BEGINNING.

The proposed expansion of the MCSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34 16.00 and a survey dated June 17, 2004 and a legal description provided by ECI, Corp.

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

The public hearing will be held on this issue at 11:00 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

FOREST LANDING REQUEST

MAY 13, 2005



AREA IS CROSSHATCHED



54.79 AC.

FUTURE GOLF COURSE AREA
83.11 Ac.

SOUTH BETHANY SANITARY SEWER DISTRICT
SANITARY SEWER DISTRICT CR 368

