

RESOLUTION R 019 02

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS THE MUDDY NECK AREA, THAT IS CONTIGUOUS TO THE BBSSD, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND BEING 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 south of the Town of Ocean View, 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 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 Bethany Beach Sanitary Sewer District to encompass the Muddy Neck Area, situate south of the Town of Ocean View, as follows:

BEGINNING at an iron pipe located on the easterly right-of-way of County Road (CR) 361, said iron pipe being a corner for lands now or formerly (N/F) of Marie Cullen, said iron pipe also being a property corner of Hunters Run, a subdivision, said point also being on the BBSSD boundary; thence proceeding by and with said subdivision and BBSSD boundary the following seven courses: (1) South  $81^{\circ} 30' 05''$  East, a distance of 797.05 feet to

an iron pipe, (2) North 08° 31' 06" East, through an iron pipe at 560.0', a distance of 570.13 feet to a point, (3) North 78° 48' 50" East, a distance of 30.00 feet to a point (4) North 75° 01' 59" East a distance of 187.56 feet, (5) North 61° 30' 55" East a distance of 50.55 feet, (6) North 40° 08' 13" East a distance of 159.09 feet; (7) North 53° 28' 27" East a distance of 36.23 feet to a point, said point being the northernmost property corner of Hunters Run, a subdivision, said point also being on the boundary of Savannahs Landing, a subdivision; thence leaving the Hunters Run boundary and continuing by and with said BBSSD and Savannahs Landing boundary in a northwesterly, northeasterly, southwesterly, and northeasterly directions, respectively, a distance of 1915 feet more or less to a point, said point being a property corner of lands N/F of Garland D. & Erica C. Saville et al., said point also being on the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) boundary, said point also being the southeasternmost property corner of Meyle Estates, a subdivision; thence leaving said Savannahs Landing and BBSSD boundary and proceeding by and with said OVX and Meyle Estates boundary in a southwesterly direction a distance of 1167 feet more or less to a point, said point being on the easterly ROW of CR 361, said point also being the southwesternmost property corner of Meyle Estates, a subdivision; thence leaving said Meyle Estates boundary and proceeding by and with said OVX boundary in a straight line in a westerly direction a distance of 50 feet more or less to a point, said point being on the westerly ROW of CR 361, said point also being on the Providence subdivision boundary; thence continuing by and with the OVX boundary and said westerly ROW of CR 361 in a southerly direction a distance of 907 feet more or less to a point, said point being a property corner of lands N/F Land of Providence LTD. (found in Plot Book 65, Page 329, in the Sussex County Recorder of Deeds Office); thence leaving said OVX boundary and continuing by and with said ROW of CR 361 in a southerly direction a distance of 428 feet more or less to a point, said point being a property corner of lands N/F Melson Funeral Services LTD.; thence leaving the westerly ROW of CR 361 and proceeding in a straight line in an easterly direction a distance of 50 feet more or less to the point 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 019 02 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF JUNE, 2002.**

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

MUDDY NECK EXPANSION OF THE  
BETHANY BEACH SANITARY SEWER DISTRICT  
AFFIDAVIT FOR PUBLIC HEARING

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 28, 2002 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 28, 2002 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 Hocker's Grocery & Deli, Routes 26 & 17;
  - 4. On bulletin board of Hocker's Super Center, Routes 26 & 17;
  - 5. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
  - 6. On bulletin board above the service counter, Baltimore Trust Company, Garfield Parkway, Bethany Beach, Delaware;
  - 7. On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware;
  - 8. On bulletin board of Bethany Beach Wash & Fold Laundry, Route 26, Bethany Beach, Delaware;
  - 9. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;

10. On bulletin board inside Grotto's Pizza, State of Delaware Route 26, Bethany Beach, DE;
11. On bulletin board in the Ocean View Deli, State of Delaware Route 26, Ocean View, Delaware;
12. On the site of the expansion area in the following four locations:
  - (1) On a post on the eastern right-of-way (ROW) of County Road (CR) 361, 157 feet more or less southeast of the intersection of CR 361 and CR 362,
  - (2) On a post on the eastern (ROW) of CR 361, 264 feet more or less north of the intersection of CR 361 & CR 362,
  - (3) On a post on the eastern ROW of CR 361, 678 feet more or less north of the intersection of CR 361 & CR 362,
  - (4) On a post on the eastern ROW of CR 361, 950 feet more or less north of the intersection of CR 361 & CR 362.

  
PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 3<sup>rd</sup> day of June A.D., 2002.

  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_ Jayne E. Dickerson  
Notary Public  
Commission Expires 3/10/03



## NOTICE

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

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 23, 2002 to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include the Muddy Neck Area, lying contiguous to the BBSSD, situate south of the Town of Ocean View and being 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 an iron pipe located on the easterly right-of-way of County Road (CR) 361, said iron pipe being a corner for lands now or formerly (N/F) of Marie Cullen, said iron pipe also being a property corner of Hunters Run, a subdivision, said point also being on the BBSSD boundary; thence proceeding by and with said subdivision and BBSSD boundary the following seven courses: (1) South  $81^{\circ} 30' 05''$  East, a distance of 797.05 feet to an iron pipe, (2) North  $08^{\circ} 31' 06''$  East, through an iron pipe at 560.0', a distance of 570.13 feet to a point, (3) North  $78^{\circ} 48' 50''$  East, a distance of 30.00 feet to a point (4) North  $75^{\circ} 01' 59''$  East a distance of 187.56 feet, (5) North  $61^{\circ} 30' 55''$  East a distance of 50.55 feet, (6) North  $40^{\circ} 08' 13''$  East a distance of 159.09 feet; (7) North  $53^{\circ} 28' 27''$  East a distance of 36.23 feet to a point, said point being the northernmost property corner of Hunters Run, a subdivision, said point also being on the boundary of Savannahs Landing, a subdivision; thence leaving the Hunters Run boundary and continuing by and with said BBSSD and Savannahs Landing boundary in a northwesterly, northeasterly, southwesterly, and northeasterly directions, respectively, a distance of 1915 feet more or less to a point, said point being a property corner of lands N/F of Garland D. & Erica C. Saville et al., said point also being on the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) boundary, said point also being the southeasternmost property corner of Meyle Estates, a subdivision; thence leaving said Savannahs Landing and BBSSD boundary and proceeding by and with said OVX and Meyle Estates boundary in a southwesterly direction a distance of 1167 feet more or less to a point, said point being on the easterly ROW of CR 361, said point also being the southwesternmost property corner of Meyle Estates, a subdivision; thence leaving said Meyle Estates boundary and proceeding by and with said OVX boundary in a straight line in a westerly direction a distance of 50 feet more or less to a point, said point being on the westerly ROW of CR 361, said point also being on the Providence subdivision boundary; thence continuing by and with the OVX boundary and said westerly ROW of CR 361 in a southerly direction a distance of 907 feet more or less to a point, said point being a property corner of lands N/F Land of Providence LTD. (found in Plot Book 65, Page 329, in the Sussex County Recorder of Deeds Office); thence leaving said OVX boundary and continuing by and with said ROW of CR 361 in a southerly direction a distance of 428 feet more or less to a point, said point being a property corner of lands N/F Melson Funeral Services LTD.; thence leaving the westerly ROW of CR 361 and proceeding in a straight line in an easterly direction a distance of 50 feet more or less to the point of BEGINNING.

The proposed expansion of the BBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34-17, 1-34-16 and a survey plot of Consolidated Land Trust, prepared by Land Tech and dated September 8, 1997.

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, June 11, 2002 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 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



