

RESOLUTION R 019 93

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND ON CEDAR NECK, LYING CONTIGUOUS TO THE BBSSD, SITUATE NORTH OF THE TOWN OF BETHANY BEACH AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Bethany Beach Sanitary Sewer District; and

WHEREAS, the Sussex County Council adopted the Preliminary Planning Study for the Cedar Neck Sanitary Sewer Study Area, as prepared by Tatman and Lee Associates, Inc. and dated July 1993, for implementation on August 3, 1993, based on the Sussex County Engineering Department's recommendation; 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 of the Town of Bethany Beach, which includes the Pond Acres subdivision and adjoining lands, and lands west of County Road 357 and south of County Road 358, the inclusion of those properties 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 affidavits of Anthony DiGiuseppe, 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 Pond Acres subdivision and adjoining lands, and lands west of County Road 357 and south of County Road 358, as follows:

BEGINNING at a point at the intersection of the centerline of Sussex County Road 357 and the centerline of Sussex County Road 360, said point being on the boundary line of the BBSSD; thence proceeding in an easterly direction with the centerline of said Road 350 a distance of 3,944 feet more or less to a point; thence leaving the said centerline of Road 360 and continuing with said boundary line in a southerly and easterly direction, respectively, to a point where it meets the western boundary line of lands now or formerly (N/F) of William P. Short, Jr.; thence proceeding along and with said lands in a northerly, easterly, and northeasterly direction, respectively, to a point where it meets the southeastern property boundary of lands N/F of Flora Bella Hudson, said point being on the ditch that connects Beach Cove with Salt Pond; thence following the ditch in a northerly direction to a point where it meets the northern ROW of County Road 360; thence proceeding in a westerly direction with said ROW a distance of 100 feet more or less to a point where it meets the southeastern property corner of lands N/F of Florence Karwoski; thence proceeding with said lands in a northerly, westerly, and southerly direction, respectively, to a point where it meets the northern ROW of County Road 360; thence proceeding with said ROW in a westerly direction a distance of 1,091 feet more or less to a point where it meets the southeastern property corner of the Charles B. Houston subdivision (found in Plot Book 8, Page 249 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision boundary in a northerly, westerly, and southerly direction, respectively, to a point where it meets the northern ROW of County Road 360; thence proceeding along and with said ROW in a westerly direction to a point where the eastern ROW of County Road 357 intersects the northern ROW of

County Road 360; said point being on the southwestern property corner of lands N/F of Virginia M. Steele; thence proceeding with said ROW of County Road 357 in a northerly direction a distance of 5,534 feet more or less to a point where it meets the northwestern property corner of lands N/F of William B. and Judith D. Warrington; thence proceeding in a southwesterly direction with an imaginary straight line a distance of 50 feet more or less to a point where it meets the western ROW of County Road 357, said point being an eastern property corner of the subdivision of Cedar Landing (found in Plot Book No. 40, Pages 169, 170, and 171 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision in a westerly direction along the northern boundary to a point; said point being on the mean low waterline of White's Creek; thence proceeding in a southerly direction by and with said mean low waterline to a point on the western side of the Assawoman Canal ROW; thence proceeding in a southeasterly direction with said ROW to a point where it meets the southeastern property corner of lands N/F of Peter P. and Michelle M. Roenke; thence proceeding in an easterly direction with an imaginary straight line to a point located on the eastern side of the aforementioned Assawoman Canal ROW, said point being on the boundary line of the BBSSD; thence proceeding in a northwesterly and northeasterly direction with said district boundary line, respectively, 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 93 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 12TH DAY OF OCTOBER, 1993.



Robin A. Griffith
Clerk of the County Council

BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
 :
 COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, ANTHONY DI GIUSEPPE, 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 September 23, 1993 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On September 23, 1993 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On wall in the pub entrance way of Magnolia's Restaurant, Central Avenue, Ocean View, Delaware.
 - 2. In proposed Cedar Neck extension of the Bethany Beach Sanitary Sewer District, on the Pine Tree Campground entry sign, Ocean View, Delaware.
 - 3. On bulletin board of the Ocean View V.F.W. Post 7234, at the end of Cedar Neck Road, Ocean View, Delaware.
 - 4. On front window of the G & E Market, Cedar Neck Road, Ocean View, Delaware.
 - 5. On bulletin board of the Murray's Bait and Tackle Shop on Cedar Neck Road, Ocean View, Delaware.
 - 6. On wall in the sales office of Salt Pond at the intersection of County Roads 360 and 357, Ocean View, Delaware.

Anthony Di Giuseppe
ANTHONY DI GIUSEPPE

SWORN TO AND SUBSCRIBED before me on this 27th day of September
A.D., 1993.

Gayne E. Dickerson
NOTARY PUBLIC

BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
 :
 COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, ANTHONY DI GIUSEPPE, 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 September 22, 1993 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On September 22, 1993 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware.
 - 2. On bulletin board above the service counter, Baltimore Trust Company, Garfield Parkway, Bethany Beach, Delaware.
 - 3. On bulletin board of the U. S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
 - 4. On front window of Shore Stop/Exxon Station, Route 26 Mall, Bethany Beach, Delaware.
 - 5. On wall above newspaper rack, Edgehill Pharmacy, Route 26, Bethany Beach, Delaware.
 - 6. On bulletin board of Bethany Beach Coin-op Laundry, Route 26, Bethany Beach, Delaware.
 - 7. On bulletin board of Bethany Beach Library, Garfield Parkway, Bethany Beach, Delaware.
 - 8. In the proposed Cedar Neck extension of the Bethany Beach Sanitary Sewer District (BBSSD), near the Cedar Landing entry

sign, on the northern corner and approximately 38 feet from the centerline of County Road 357.

9. In the proposed Cedar Neck extension of the BBSSD, near the entrance doors to Sherry's restaurant, Cedar Neck Road, Ocean View, Delaware.
10. In the proposed Cedar Neck extension of the BBSSD, near the Lyn Lee Village Community entry sign, approximately 45 feet from the centerline of County Road 357.
11. In the proposed Cedar Neck extension of the BBSSD, near the Pond Acres entry sign, on the eastern corner and approximately 45 feet from the centerline of County Road 360.

Anthony D. Giuseppe
ANTHONY DI GIUSEPPE

SWORN TO AND SUBSCRIBED before me on this 27th day of September
A.D., 1993.

Jayne E. Dickerson
NOTARY PUBLIC

My Commission Expires 3/22/95.

NOTICE

PROPOSED CEDAR NECK EXPANSION TO THE
BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on August 3, 1993 to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include a certain piece, parcel, or tract of land on Cedar Neck lying contiguous to the BBSSD, situate north of the Town of Bethany Beach and being Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C. §6502.

A description of the property which is contiguous to and to be added to the BBSSD is described as follows:

BEGINNING at a point at the intersection of the centerline of Sussex County Road 357 and the centerline of Sussex County Road 360, said point being on the boundary line of the BBSSD; thence proceeding in an easterly direction with the centerline of said Road 350 a distance of 3,944 feet more or less to a point; thence leaving the said centerline of Road 360 and continuing with said boundary line in a southerly and easterly direction, respectively, to a point where it meets the western boundary line of lands now or formerly (N/F) of William P. Short, Jr.; thence proceeding along and with said lands in a northerly, easterly, and northeasterly direction, respectively, to a point where it meets the southeastern property boundary of lands N/F of Flora Bella Hudson, said point being on the ditch that connects Beach Cove with Salt Pond; thence following the ditch in a northerly direction to a point where it meets the northern ROW of County Road 360; thence proceeding in a westerly direction with said ROW a distance of 100 feet more or less to a point where it meets the southeastern property corner of lands N/F of Florence Karwoski; thence proceeding with said lands in a northerly, westerly, and southerly direction, respectively, to a point where it meets the northern ROW of County Road 360; thence proceeding with said ROW in a westerly direction a distance of 1,091 feet more or less to a point where it meets the southeastern property corner of the Charles B. Houston subdivision (found in Plot Book 8, Page 249 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision boundary in a northerly, easterly, and southerly direction, respectively, to a point where it meets the northern ROW of County Road 360; thence proceeding along and with said ROW in a westerly direction to a point where the eastern ROW of County Road 357 intersects the northern ROW of County Road 360; said point being on the southwestern property corner of lands N/F of Virginia M. Steele; thence proceeding with said ROW of County Road 357 in a northerly direction a distance of 5,534 feet more or less to a point where it meets the northwestern property corner of lands N/F of William B. and Judith D. Warrington; thence proceeding in a southwesterly direction with an imaginary straight line a distance of 50 feet more or less to a point where it meets the western ROW of County Road 357, said point being an eastern property corner of the subdivision of Cedar Landing (found in Plot Book No. 40, Pages 169, 170, and 171 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision in a westerly direction along the northern boundary to a point; said point being on the mean low waterline of White's Creek; thence

proceeding in a southerly direction by and with said mean low waterline to a point on the western side of the Assawoman Canal ROW; thence proceeding in a southeasterly direction with said ROW to a point where it meets the southeastern property corner of lands N/F of Peter P. & Michelle M. Roenke; thence proceeding in an easterly direction with an imaginary straight line to a point located on the eastern side of the aforementioned Assawoman Canal ROW, said point being on the boundary line of the BBSSD; thence proceeding in a northwesterly and northeasterly direction with said district boundary line, respectively, to the point of BEGINNING.

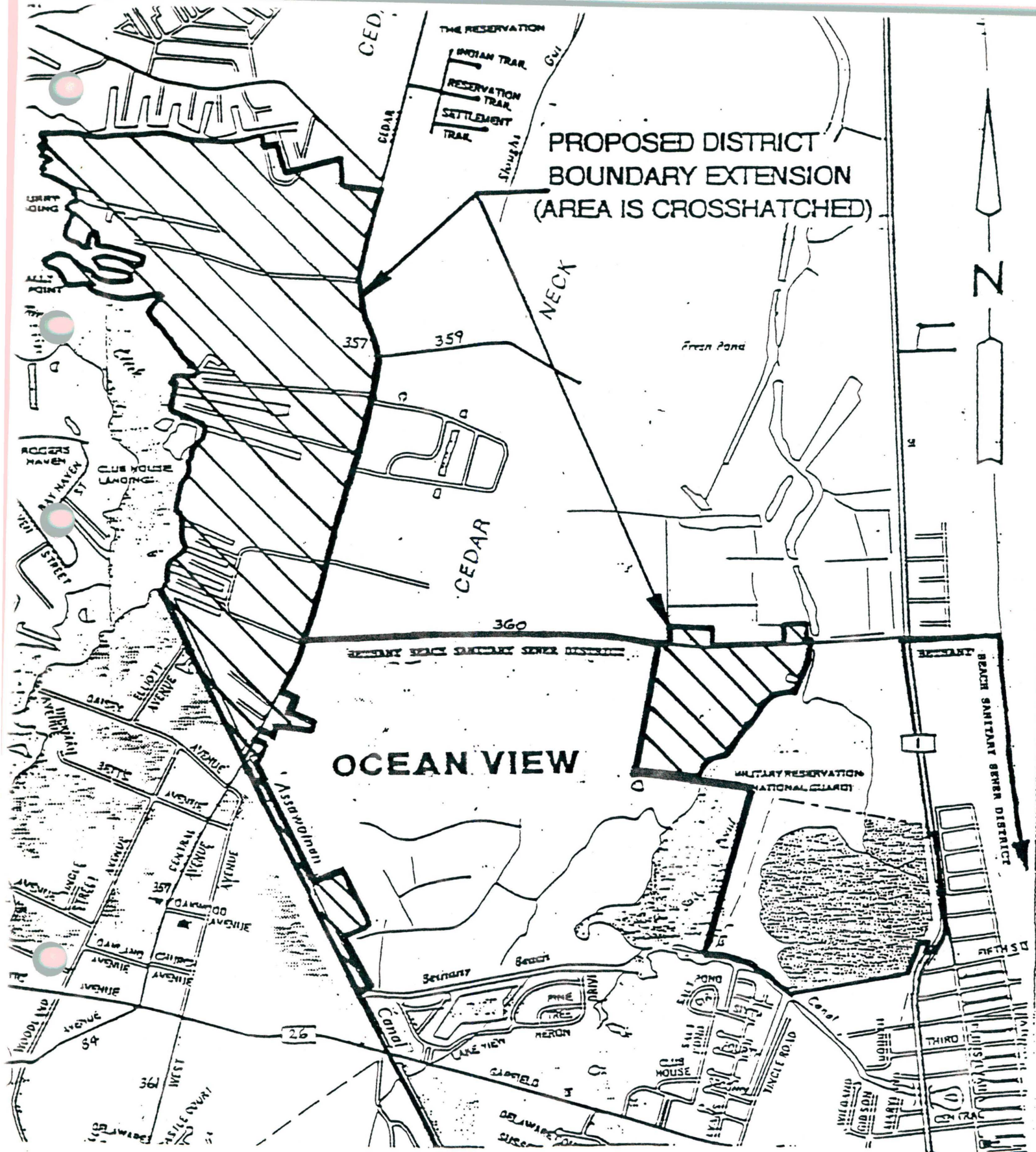
The proposed expansion of the BBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34-8, 1-34-9, and 1-34-13.

A map outlining and describing the extension of the BBSSD is attached. The area involved is cross-hatched.

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, October 12, 1993 in the Sussex County Council Chambers, Room 115, The Courthouse, 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, Race and Pine Streets, Post Office Box 589, Georgetown DE 19947 - (302) 855-7719.

Robert W. Wood, P.E.
Sussex County Engineer



PROPOSED EXPANSION TO THE BETHANY BEACH SANITARY SEWER DISTRICT

