

RESOLUTION R 019 97

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 east of White Creek, north of County Roads 358 and 360, and west of the North Bethany Expansion of the Bethany Beach Sanitary Sewer District, 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 affidavit of Rob Davis, 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 lands east of White Creek, north of County Roads 358 and 360, and west of the North Bethany Expansion of the Bethany Beach Sanitary Sewer District, as follows:

BEGINNING at a point at the northern right-of-way (ROW) of County Road 360, said point being on the ditch that connects Beach Cove with Salt Pond, said point also being on the boundary line of the BBSSD; 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 now or formerly (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 lands 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; said point also being on the boundary line of the BBSSD; thence proceeding with said ROW of County Road 357 in a northerly direction a distance of 5,124 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), said point also being on the boundary line of the BBSSD; thence proceeding with said subdivision in a westerly direction along the northern boundary to a point where it meets the southeasternmost property line of Mitchell Acres subdivision (found in Plot Book 30, Page 292 in the Sussex County Recorder of Deeds); thence proceeding in a southwesterly direction, with said subdivision boundary to a point where it meets the southern property boundary of the subdivision of Holly Ridge Terrace (found in Plot Book 8, Pages 205 and 307 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision in a westerly and northerly direction, respectively, along the southern boundary to a point where it meets the adjoining southern property boundary of the subdivision of Pine Crest Terrace (found in Plot book 8, Pages 47, 48, 69, and 244 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision boundary in a westerly direction to a point where it meets the mean low waterline of White's Creek; thence proceeding in a westerly and northerly direction, respectively, by and with said mean low waterline to a point where it meets the mean low waterline of the Indian River Bay; thence proceeding in a northeasterly direction by and with said mean low waterline of the Indian River Bay where it meets Quillen's Point, said point also being on the mean low waterline of Beach Cove, thence proceeding in a southerly direction by and with said mean low waterline of Beach Cove where it meets the mean low waterline of Joshia Cove; thence proceeding in a southerly direction with the mean low water line of Joshia Cove to a point where it meets the mean low water line of Slough's Gut, thence proceeding in a southeasterly direction with said mean low water line of Slough's Gut to a point where it meets the easternmost property corner of the subdivision of the Reservation (found in Plot Book 23 Page 43, in the Sussex County Recorder of Deeds); thence proceeding in a southeasterly direction with an

imaginary straight line to a point where it meets the land N/F of the State of Delaware, said point also being a point on the boundary line of the BBSSD; thence proceeding with aforementioned lands of the State of Delaware in a southerly, southeasterly, and northeasterly direction, respectively, to a point where it meets the western boundary of the BBSSD (being also the ditch which connects Beach Cove and Salt Pond), thence proceeding in a southerly direction with the said ditch and said district boundary line, 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 97 ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 3RD DAY OF JUNE, 1997.

  
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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, ROB DAVIS, 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 15, 1997 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 15, 1997 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. United States Post Office, Route 26, Ocean View-Millville, on bulletin board;
  - 2. Ocean View town hall/community center, 32 West Avenue, Ocean View, on bulletin board and information table;
  - 3. Ocean View Police Department, 6 Oakwood Avenue, Ocean View, on bulletin board;
  - 4. Bethany Beach town hall, 214 Garfield Parkway, Bethany Beach, in foyer;
  - 5. Baltimore Trust Company, intersection of Garfield Parkway with Pennsylvania Avenue, Bethany Beach, on bulletin board;
  - 6. United States Post Office, 14 Pennsylvania Avenue, Bethany Beach, on bulletin board;
  - 7. South Coastal Library, 43 Kent Avenue, Bethany Beach, on bulletin board;
  - 8. Shore Stop/Exxon Station, 760 Garfield Parkway, Bethany Beach, on front window;
  - 9. Bethany Beach Coin Operated Laundry, 757 Garfield Parkway, Bethany Beach, on bulletin board;
  - 10. Delaware National Bank, intersection of Route 26 and Route 84, Ocean View, on wall in foyer;

11. Salt Pond Post Office, 400 Bethany Loop, on bulletin board;
12. Murray's Bait and Tackle, Cedar Neck Road, on bulletin board;
13. Hickman's Package Store, Cedar Neck Road, on check out counter;
14. Magnolia's Restaurant, Cedar Neck Road, on wall in entry foyer;
15. Gerald's G & E Super Market, Cedar Neck Road, on bulletin board;
16. G & E Sentry Hardware, Inc., Cedar Neck Road, on main entry door;
17. Quillen's Point subdivision, Cedar Neck Road, on bulletin board next to community mail boxes;
18. Veterans of Foreign Wars Mason Dixon Post Auxillary, Veteran's Concourse, Quillen's Point, on bulletin board;
19. Shady Grove Campground, Road 358 off Cedar Neck Road, on message board;
20. Bay Shore Campground and Mobile Home Park, Road 358 off Cedar Neck Road, on message board;
21. Pine Tree Campground, Cedar Neck Road, on bulletin board; and
22. Old Mill Restaurant, Cedar Neck Road, on entry door.

  
ROB DAVIS

SWORN TO AND SUBSCRIBED before me on this 29<sup>th</sup> day of May  
A.D., 1997.

  
NOTARY PUBLIC

My Commission Expires Jayne E. Dickerson  
Notary Public  
Commission Expires 3/22/97



NOTICE

PROPOSED CEDAR NECK EXPANSION TO THE  
BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on May 6, 1997 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 in 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 northern right-of-way (ROW) of County Road 360; said point being on the ditch that connects Beach Cove with Salt Pond, said point also being on the boundary line of the BBSSD; 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 now or formerly (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 lands 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; said point also being on the boundary line of the BBSSD; thence proceeding with said ROW of County Road 357 in a northerly direction a distance of 5,124 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), said point also being on the boundary line of the BBSSD; thence proceeding with said subdivision in a westerly direction along the northern boundary to a point where it meets the southeasternmost property line of Mitchell Acres subdivision (found in Plot Book 30, Page 292 in the Sussex County Recorder of Deeds); thence proceeding in a southwesterly direction, with said subdivision boundary to a point where it meets the southern property boundary of the subdivision of Holly Ridge Terrace (found in Plot Book 8, Pages 205 and 307 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision in a westerly and northerly direction, respectively, along the southern boundary to a point where it meets the adjoining southern property boundary of the subdivision of Pine



Crest Terrace (found in Plot book 8, Pages 47, 48, 69, and 244 in the Sussex County Recorder of Deeds); thence proceeding with said subdivision boundary in a westerly direction to a point where it meets the mean low waterline of White's Creek; thence proceeding in a westerly and northerly direction, respectively, by and with said mean low waterline to a point where it meets the mean low waterline of the Indian River Bay; thence proceeding in a northeasterly direction by and with said mean low waterline of the Indian River Bay where it meets Quillen's Point, said point also being on the mean low waterline of Beach Cove, thence proceeding in a southerly direction by and with said mean low waterline of Beach Cove where it meets the mean low waterline of Joshia Cove; thence proceeding in a southerly direction with the mean low water line of Joshia Cove to a point where it meets the mean low water line of Slough's Gut, thence proceeding in a southeasterly direction with said mean low water line of Slough's Gut to a point where it meets the easternmost property corner of the subdivision of the Reservation (found in Plot Book 23 Page 43, in the Sussex County Recorder of Deeds); thence proceeding in a southeasterly direction with an imaginary straight line to a point where it meets the land N/F of the State of Delaware, said point also being a point on the boundary line of the BBSSD; thence proceeding with aforementioned lands of the State of Delaware in a southerly, southeasterly, and northeasterly direction, respectively, to a point where it meets the western boundary of the BBSSD (being also the ditch which connects Beach Cove and Salt Pond), thence proceeding in a southerly direction with the said ditch and said district boundary line, 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 Nos. 1-34-5, 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 11:30 a.m. on Tuesday, June 3, 1997 in the Sussex 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.  
Sussex County Engineer



