

RESOLUTION R 020 03

A RESOLUTION TO EXTEND THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT (LNSSD) TO INCLUDE PARCELS OF LAND ON BOTH SIDES OF COUNTY ROAD 299 (BAY FARM ROAD) AND BOTH SIDES OF COUNTY ROAD 299A (TRINITY ROAD) AND BOTH SIDES OF COUNTY ROAD 298 (LEGION ROAD), BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the Long Neck Sanitary Sewer District (LNSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County southwest of the LNSSD, 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 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 LNSSD to include parcels of land on both sides of County Road 299 (Bay Farm Road), both sides of County Road 299A (Trinity Road) and both sides of County Road 298 (Legion Road) as follows:

Beginning at a point, on the westerly right of way of County Road 299, said point being a common corner of lands now or formerly (N/F) of Douglas A Bechtel and lands N/F of Chartwell Homes, Inc, said point also being on the boundary of


the LNSSD; thence proceeding in a southeasterly direction 3403.5 feet \pm with the westerly right of way of County Road 299 and the boundary of the LNSSD to a point, said point being the easternmost corner of lands N/F of Keith E. and Constance A. Adams, said point also being the point of intersection of the westerly right of way of County Road 299 with the westerly right of way of County Road 299A, said point also being on the boundary of the LNSSD; thence proceeding in a northeasterly direction 50 feet \pm to a point, said point being on the easterly right of way of County Road 299, said point also being a common corner of lands N/F of J. Winfield Hall heirs, et. al, and lands N/F of Bay Farm, LLC, said point also being on the boundary of the LNSSD; thence proceeding with the boundary of lands N/F Bay Farm, LLC, to a point, said point being a common corner of lands N/F Bay Farm, LLC, and lands N/F of Tunnell Companies, LP, said point also being on the centerline of Lingo Creek, said point also being on the boundary of the LNSSD; thence proceeding in a southeasterly direction with the centerline of Lingo Creek and the boundary of the LNSSD to a point where they meet the northerly side of the Indian River Bay; thence proceeding in a southerly direction to a point where the northerly shoreline of the Indian River Bay meets the westerly shoreline of Lingo Creek at mean low water; thence proceeding with said shoreline of the Indian River Bay to a point where it meets the easterly shoreline of Emily Gut at mean low water; thence proceeding with a straight line in a westerly direction to a point, said point being on the centerline of Emily Gut; thence proceeding in a northwesterly direction with the centerline of Emily Gut 8888.40 feet \pm to a point, said point being a common corner of lands N/F of Bruce C. and Brooks E. Reynolds, Jr. and lands N/F of Hersel R. and Myrtle P. Davis, said point also being in the boundary of lands N/F of AASCD Ventures LLC; thence proceeding in a northwesterly direction 719.33 feet \pm with lands N/F of Hersel R. and Myrtle P. Davis and lands N/F Maurice A. and Ardith P. Mosley, respectively, to a point, said point being a common corner of lands N/F of Maurice A. and Ardith P. Mosley and lands N/F of AASCD

Ventures, LP, said point also being in the southerly right of way of County Road 298; thence proceeding 2133.30 feet \pm in a southwesterly and northwesterly direction, respectively, along the southerly right of way line of County Road 298 to a point, said point being on the boundary line of the River Village subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 26, page 191 and Plot Book 34, page 75); thence proceeding in a northeasterly direction 50.0 feet \pm to a point, said point being on the northerly right of way of County Road 298, said point also being a common corner of the John Burton Manor subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 39, page 43) and lands N/F of AASCD Ventures LLC; thence proceeding in a northeasterly direction 1669.64 feet \pm with said boundary of John Burton Manor subdivision to a point, said point being a common corner of the John Burton Manor subdivision and the River Breeze subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 32, page 282 and Plot Book 34, page 75), said point also being on the property line of lands N/F of Chartwell Homes, Inc.; thence proceeding in a northeasterly direction 1628.80 feet \pm with said subdivision 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; and

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 020 03 ADOPTED BY THE SUSSEX COUNTY COUNCIL
ON THE 17TH DAY OF JUNE 2003.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

LONG NECK SANITARY SEWER DISTRICT
BAY FARM ROAD EXPANSION
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 30, 2003 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 30, 2003 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a wall next to the community bulletin board located inside of Subway/Dash-in-Foods/Exxon store, located northeast of the intersection of Routes 5 and 24 and County Road 22 (a.k.a. State of Delaware Route 23).
 - 2. Inside next to the entry doors of the Rite Aid Pharmacy in the Long Neck Nanticoke Crossing Plaza.
 - 3. On the Community Bulletin Board next to the entry doors of the Food Lion Store in the Long Neck Nanticoke Crossing Plaza.
 - 4. Inside on entry door of the Community Offices and Information Center of Pot-Nets Communities, County Road 22 (a.k.a. State of Delaware Route 23).
 - 5. Inside on the front window near the entrance to Uncle Willie's Store, County Road 22 (a.k.a. State of Delaware Route 23).
 - 6. On front window of the entry foyer next to the inner double doors of County Bank located southeast of the intersection of County Road 298 and County Road 22 (a.k.a. State of Delaware Route 23).
 - 7. On the front window of Perry's Shoppes and Citgo Fuel Stop, County Road 22 (a.k.a. State of Delaware Route 23).
 - 8. Inside next to entry door of the Back Bay Liquor Warehouse in the Back Bay Shopping Center.
 - 9. On bulletin board inside Our Clothesline Laundromat in the Back Bay Shopping Center.

10. Inside next to entry door of Happy Harry's Discount Drugs in the Back Bay Shopping Center.
11. At four locations on driven stakes in the area being considered for the proposed extension of the Long Neck Sanitary Sewer District as follows:
 - a. At a point approximately 10 feet southeast of the intersection of the western right of way of County Road 299 with the eastern right of way of County Road 298.
 - b. Southeast of the intersection of County Road 299 with County Road 299A, at a point approximately 2 feet west of a post on the southern end of a farm gate.
 - c. Along the eastern right of way of County Road 299A, approximately 875.0 feet south of the intersection of County Road 299 with County Road 299A.
 - d. At a point approximately 10 feet east of the eastern boundary of the John Burton Manor subdivision and approximately 10 feet north of the northern right of way of County Road 298.


ROB DAVIS

SWORN TO AND SUBSCRIBED before me on this 4th day of June A.D., 2003.


NOTARY PUBLIC

My Commission Expires 4/7/07.

NOTICE
PROPOSED EXPANSION
TO THE LONG NECK SANITARY SEWER DISTRICT
BAY FARM ROAD EXPANSION

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on May 6, 2003 to consider extending the Long Neck Sanitary Sewer District (LNSSD) to include parcels of land on both sides of County Road 299 (Bay Farm Road), both sides of County Road 299A (Trinity Road) and both sides of County Road 298 (Legion Road), being in Indian River 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 LNSSD is described as follows:

Beginning at a point, on the westerly right of way of County Road 299, said point being a common corner of lands now or formerly (N/F) of Douglas A Bechtel and lands N/F of Chartwell Homes, Inc, said point also being on the boundary of the LNSSD; thence proceeding in a southeasterly direction 3403.5 feet \pm with the westerly right of way of County Road 299 and the boundary of the LNSSD to a point, said point being the easternmost corner of lands N/F of Keith E. and Constance A. Adams, said point also being the point of intersection of the westerly right of way of County Road 299 with the westerly right of way of County Road 299A, said point also being on the boundary of the LNSSD; thence proceeding in a northeasterly direction 50 feet \pm to a point, said point being on the easterly right of way of County Road 299, said point also being a common corner of lands N/F of J. Winfield Hall heirs, et. al, and lands N/F of Bay Farm, LLC, said point also being on the boundary of the LNSSD; thence proceeding with the boundary of lands N/F Bay Farm, LLC, to a point, said point being a common corner of lands N/F Bay Farm, LLC, and lands N/F of Tunnell Companies, LP, said point also being on the centerline of Lingo Creek, said point also being on the boundary of the LNSSD; thence proceeding in a southeasterly direction with the centerline of Lingo Creek and the boundary of the LNSSD to a point where they meet the northerly side of the Indian River Bay; thence proceeding in a southerly direction to a point where the northerly shoreline of the Indian River Bay meets the westerly shoreline of Lingo Creek at mean low water; thence proceeding with said shoreline of the Indian River Bay to a point where it meets the easterly shoreline of Emily Gut at mean low water; thence proceeding with a straight line in a westerly direction to a point, said point being on the centerline of Emily Gut; thence proceeding in a northwesterly direction with the centerline of Emily Gut 8888.40 feet \pm to a point, said point being a common corner of lands N/F of Bruce C. and Brooks E. Reynolds, Jr. and lands N/F of Hersel R. and Myrtle P. Davis, said point also being in the boundary of lands N/F of AASCD Ventures LLC; thence proceeding in a northwesterly direction 719.33 feet \pm with lands N/F of Hersel R. and Myrtle P. Davis and lands N/F Maurice A. and Ardith P. Mosley, respectively, to a point, said point being a common corner of lands N/F of Maurice A. and Ardith P. Mosley and lands N/F of AASCD Ventures, LP, said point also being in the southerly right of way of County Road 298; thence proceeding 2133.30 feet \pm in a southwesterly and northwesterly direction, respectively, along the southerly right of way line of County Road 298 to a point, said point being on the boundary line of the River Village subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 26, page 191 and Plot Book 34, page 75); thence proceeding in a northeasterly direction 50.0 feet \pm to a point, said point being on the northerly right of way of County Road 298, said point also being a common corner of the John Burton Manor subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 39,

page 43) and lands N/F of AASCD Ventures LLC; thence proceeding in a northeasterly direction 1669.64 feet \pm with said boundary of John Burton Manor subdivision to a point, said point being a common corner of the John Burton Manor subdivision and the River Breeze subdivision (as recorded in the Sussex County Recorder of Deeds Office, Plot Book 32, page 282 and Plot Book 34, page 75), said point also being on the property line of lands N/F of Chartwell Homes, Inc.; thence proceeding in a northeasterly direction 1628.80 feet \pm with said subdivision to the point and place of Beginning.

The proposed expansion of the LNSSD is within these boundaries. The boundary description has been prepared using a legal description of the Long Neck Sanitary Sewer District, Sussex County Tax Map Nos. 2-34-23.00, 2-34-29.00, 2-34-30.00 and 2-34-35.00, Sussex County property assessment records, deeds and plots recorded in the Sussex County Recorder of Deeds office, and legal descriptions provided by Woodin and Associates, LLC and McCrone, Inc.

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

The public hearing will be held on this issue at 11:00 a.m. on Tuesday, June 17, 2003 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

LONG NECK
SANITARY SEWER DISTRICT

24

CR 23

24

BAY FARM

THE PENINSULA

INDIAN

PROPOSED EXPANSION OF THE LONG NECK
SANITARY SEWER DISTRICT
(BAY FARM ROAD REQUEST)

AREA IS CROSSHATCHED



DATE: MAY 5, 2003



OAK ORCHARD
SANITARY SEWER DISTRICT