

RESOLUTION NO. R 022 91

REVISION OF THE BOUNDARIES OF THE NORTH BETHANY EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO EXCLUDE THREE (3) PARCELS OF LAND LOCATED AT THE INTERSECTION OF STATE OF DELAWARE ROUTE 14 AND PENNSYLVANIA AVENUE, NORTH OF THE TOWN OF BETHANY BEACH.

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

WHEREAS, the Bethany Beach Sanitary Sewer District was extended on October 21, 1986 to include the North Bethany Expansion of the Bethany Beach Sanitary Sewer District, north of the Town of Bethany Beach; and

WHEREAS, the Sussex County Council has received two letters from Ernest Raskauskas, dated September 11, 1989 and October 18, 1990, requesting his property (Resort Furnishings) be included in the Bethany Beach Sanitary Sewer District, a copy of which letters are attached hereto and made a part hereof; and

WHEREAS, the sanitary sewer collection mains serving the parcels were not installed as part of the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; and

WHEREAS, in accordance with 9 Del.C., §6502(a), the Sussex County Council may, upon request of the County Engineer, revise the boundaries of an established sewer district when fifty (50) or more houses have been connected by posting a public notice at four (4) public places in the district describing the new or revised boundaries; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four (4) public places in the district, as verified by the affidavit of ANTHONY DI GIUSEPPE, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9, Del.C. §6502(b), the Sussex County Council shall, within thirty (30) days after posting the public notices, pass a formal resolution establishing the new boundaries of the district;

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby revises the boundaries of the Bethany Beach Sanitary Sewer District to exclude three (3) parcels of land located at the intersection of Delaware Route 14 and Pennsylvania Avenue, North of the Town of Bethany Beach, as follows:

ALL that certain piece, parcel or lot of land lying and being situate in Baltimore Hundred, Sussex County, State of Delaware, being more particularly described as follows, to wit:

BEGINNING at a point on the westerly right-of-way line of Pennsylvania Avenue, said point being ± 206 feet from the northwesterly corner of 5th Street and Pennsylvania Avenue, said point also being the southeasterly corner of lands now or formerly (N/F) of Resort Furnishings, Inc.; thence proceeding in a westerly direction with the southernmost boundary and a northeasterly direction with the westernmost boundary, respectively, along said lands to a point where it meets the southeasterly corner of lands N/F of C & M Associates Limited Partnership; thence proceeding in a northeasterly direction with the westernmost boundary of said lands to a point where it meets the southwesterly corner of other lands N/F of C & M Associates Limited Partnership; thence proceeding in a northeasterly direction with the westernmost boundary of said lands to a point where it meets the northernmost corner of said lands; thence proceeding in a southeasterly and southerly direction, respectively, along the easternmost property boundary of said lands to a point where it meets the northeasterly corner of the first parcel N/F of C & M Associates Limited Partnership; thence proceeding in a southeasterly direction along said lands to a point where it meets the northerly property boundary of the lands N/F of Resort Furnishings, Inc.; thence proceeding in an easterly and southerly direction, respectively, along the easternmost property boundary of said parcel, to the point of beginning.

The above described parcel of land contains .59 \pm acres.

BE IT FURTHER RESOLVED that the Resolution of October 21, 1986, except as revised herein, shall remain in full force and effect as heretofore.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 022 91 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 13TH DAY OF AUGUST, 1991.


DORIS E. ROGERS
CLERK OF THE COUNTY COUNCIL



EAST COAST RESORTS, INC.

BUILDERS AND DEVELOPERS

REAL ESTATE BROKERS

POST OFFICE BOX 222

BETHANY BEACH, DELAWARE 19930
(302) 539-7000

(800) 444-8055

September 11, 1989

Mr. Robert L. Stickels
County Administrator
Sussex County
P.O. Box 589
Georgetown, DE 19947

SEP 12 1989

RE: Resort Furnishings, Inc.
Map 1-34 13.15 153.00

Dear Mr. Stickels:

Please help me with a problem. When we built the Resort Furnishing's building in 1978, we tried to get into the Bethany Beach Sewer District. At that time, the temporary County Engineer, Mr. Plesants, testified at a County Council meeting that our property could not be hooked into the Bethany Beach system because there was not enough gravity fall. This was an incorrect statement, and it had political implications involving Dean Betts.

Our furniture store which is immediately contiguous to the Bethany Beach Sewer District, and the townhouses that are outside of Bethany Beach which are in said district, have been arbitrarily placed in the new sewer district. This has resulted in a front footage charge to us in the amount of \$3,117.43, merely for the use of one toilet and one sink.

Please help us and the County to avoid legal expense on this by instructing the Engineering Department to put our property in the Bethany Beach Sewer District. Because of the amount involved, we cannot agree to make this payment on a voluntary basis.

Yours very truly,

Ernest C. Raskauskas

ECR:anc

cc: Leon Collins
Russell Archut

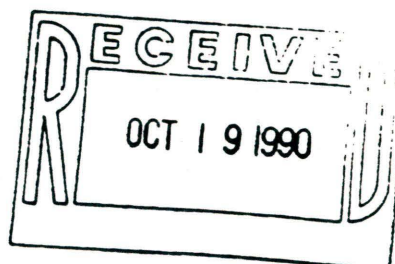


resort furnishings

POST OFFICE BOX 397 • ROUTE #1 & PENNSYLVANIA AVENUE • BETHANY BEACH, DELAWARE 19930 • PHONE (302) 539-4000

October 18, 1990

Mr. Robert L. Stickels
County Administrator
Courthouse
P.O. Box 589
Georgetown, DE 19947



RE: North Bethany Expansion of the
Bethany Beach Sanitary Sewer District
Operations and Maintenance
Sussex County Tax Map No. 1-34-13.15 (153)

Dear Mr. Stickels:

Please accept this letter as a formal request on behalf of Resort Furnishings, Inc., that its above reference property be included in the Bethany Beach Sewer District rather than the North Bethany Sewer District. On behalf of the company, I respectfully request that this matter be considered by the Sussex County Council at the next regularly scheduled meeting on which this issue can be placed on the agenda. I request that I be notified of the date and time that this matter will be considered.

For your ready reference, I enclose your letter to me of September 27, 1989, the letter of Mr. Archut to me of September 29, 1989, and the letter of Peter B. Jones, Esquire to me of March 13, 1990.

In summary, Resort Furnishings Inc., has been a victim of both substantive and procedural errors by Sussex County ever since 1977 when it attempted to be included in the Bethany Beach Sewer District. Currently, while we are under orders to pay the front foot rates for the North Bethany Sewer District, a practical or feasible method of hookup to the system has not been provided for us by the County, as determined by a County employee, Bill Sigmand, on field inspection which he made. The County has since made no attempt to provide an appropriate hookup area for us. Accordingly, our request is that we be both included in the Bethany Beach Sewer District and further, that we be provided with

Robert L. Stickels
October 18, 1990
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a point at which we can hookup which is economically and technically feasible.

Thank you for your consideration of this matter.

Yours very truly,



Ernest C. Raskauskas

ECR:anc

Enclosures

**BETHANY BEACH SANITARY SEWER DISTRICT
AND
NORTH BETHANY EXPANSION OF THE
BETHANY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING**

STATE OF DELAWARE)(
 :S.
 COUNTY OF SUSSEX)(

BE IT REMEMBERED, That on this 7th day of August, A.D., 1991, personally appeared before me, the subscriber, ANTHONY DI GIUSEPPE, known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

1. On July 26, 1991 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware.
2. On July 26, 1991 he did post the attached "Public Notices", prepared by the Sussex County Engineering Department at the following locations:
 1. Delaware National Guard Camp, Route 1, inside the Post Engineering Building, on wall near front door.
 2. Towers Shores Restaurant, Route 1, on bulletin board at outside entrance way.
 3. Nomad Village Liquor Store, Route 1, on glass window on left side of front door.
 4. Harbor Lights Restaurant, Route 1, on wall next to pay phone.
 5. North Bethany Seafood Market, Route 1, on wall inside store, next to front doors.
 6. Resort Furnishings, Route 1 and Pennsylvania Avenue, on rear entrance door.
 7. On DPL pole number 62320/00052 at the entrance to Ocean Village.
 8. On DP & L pole number 62312/00330, 110 feet south of the entrance to Sea Del Estates.
 9. On the entrance sign to Bethany Dunes.

10. On DP & L pole number 62293/00986, 130 feet north of the entrance to Cotton Patch Hills East.
11. On the entrance sign to Gull's Nest.
12. Shore Foods, Garfield Parkway, on outside wall, left side of entrance doors.
13. Fudge Factory, Garfield Parkway, on wall, left side of front door.
14. Bethany Beach Town Hall, Garfield Parkway, on bulletin board near front entry.
15. Baltimore Trust Bank, Garfield Parkway, on bulletin board above the service counter.
16. U.S. Post Office, Pennsylvania Avenue, on bulletin board on left side of front door.
17. Edgehill Pharmacy, Route 26, on wall above newspaper rack near front entrance.
18. Crowley Associates Realty, Inc., Pennsylvania Avenue, on side of counter near front entrance.
19. Entrance to Mallard Landing, Pennsylvania Avenue, DP & L pole no. 62362-99685.
20. Entrance to Seabreak inside gazebo.

Anthony D. Giuseppe
ANTHONY DI GIUSEPPE

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

Jayne E. Dickerson
NOTARY PUBLIC

NOTICE
BETHANY BEACH SANITARY SEWER DISTRICT

The Sussex County Council voted on July 23, 1991 to consider extending the Bethany Beach Sanitary Sewer District to include three parcels of land situated at the intersection of State of Delaware Route 14 and Pennsylvania Avenue. The area being considered is contiguous to the Bethany Beach Sanitary Sewer District.

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 Bethany Beach Sanitary Sewer District has been prepared using Sussex County Tax Map No. 1-34-13.15 and is described as follows:

ALL that certain piece, parcel or lot of land lying and being situate in Baltimore Hundred, Sussex County, State of Delaware, being more particularly described as follows, to wit:

BEGINNING at a point on the westerly right-of-way line of Pennsylvania Avenue, said point being ±206 feet from the northwesterly corner of 5th Street and Pennsylvania Avenue, said point also being the southeasterly corner of lands now or formerly (N/F) of Resort Furnishings, Inc.; thence proceeding in a westerly direction with the southernmost boundary and a northeasterly direction with the westernmost boundary, respectively, along said lands to a point where it meets the southeasterly corner of lands N/F of C & M Associates Limited Partnership; thence proceeding in a northeasterly direction with the westernmost boundary of said lands to a point where it meets the southwesterly corner of other lands N/F of C & M Associates Limited Partnership; thence proceeding in a northeasterly direction with the westernmost boundary of said lands to a point where it meets the northernmost corner of said lands; thence proceeding in a southeasterly and southerly direction, respectively, along the easternmost property boundary of said lands to a point where it meets the northeasterly corner of the first parcel N/F of C & M Associates Limited Partnership; thence proceeding in a southeasterly direction along said lands to a point where it meets the northerly property boundary of the lands N/F of Resort Furnishings, Inc.; thence proceeding in an easterly and southerly direction, respectively, along the easternmost property boundary of said parcel, to the point of beginning.

The above described parcel of land contains .59± acres.

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

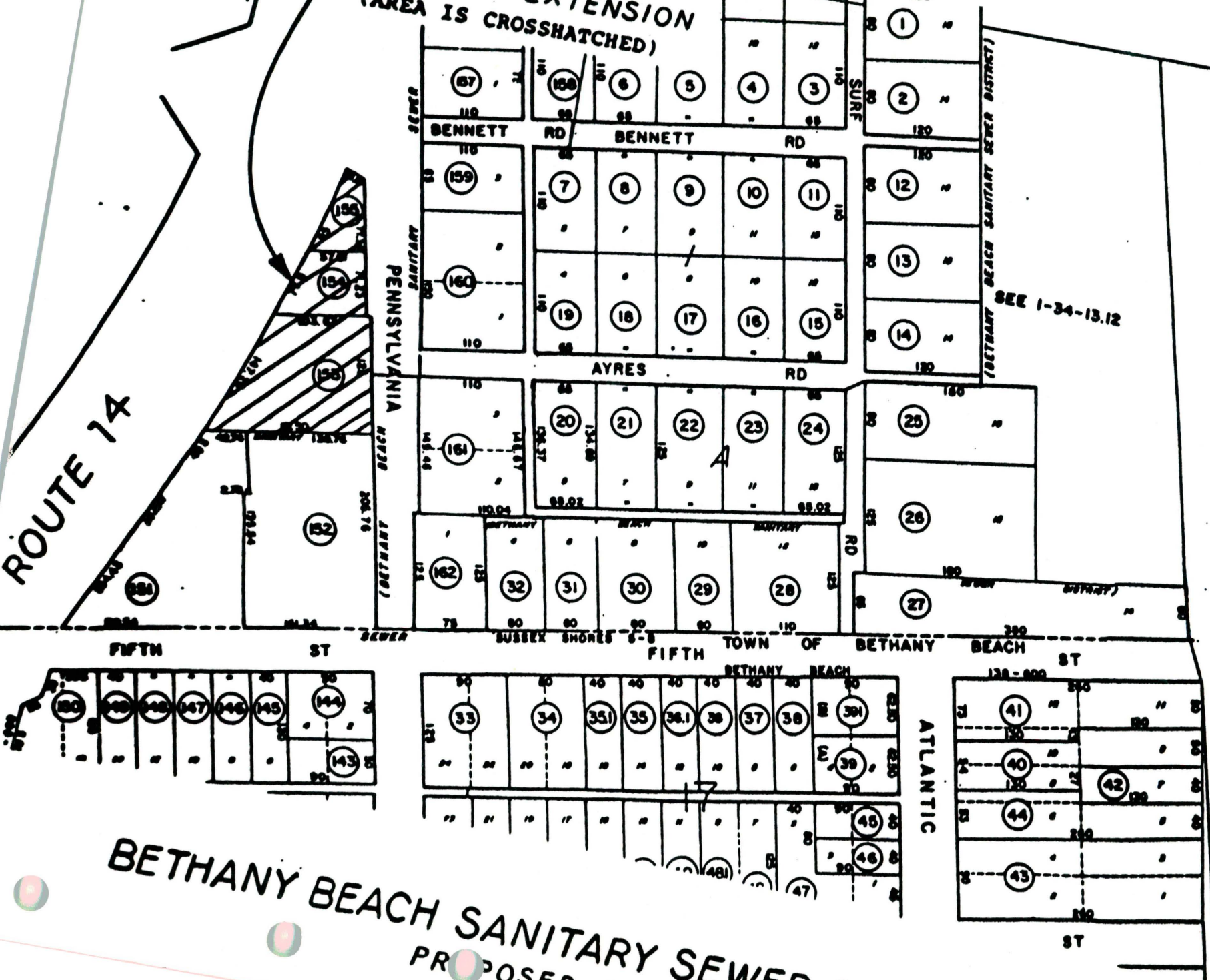
PAGE 1 OF 3

A public hearing will be held on this issue at 11:15 a.m. on Tuesday, August 13, 1991, 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 change in the boundaries are welcome to attend. There will be an opportunity for questions and answers. The final decision on the change in the boundaries will be made by the Sussex County Council at one of their regularly scheduled meetings following the hearing.

For further information, please call or write the Sussex County Engineering Department, Race and Pine Streets, Post Office Box 589, Georgetown, Delaware 19947 - (302) 855-7718.

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

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BETHANY BEACH SANITARY SEWER DISTRICT
PROPOSED EXTENSION
NTS

ATLANTIC OCEAN
PAGE 3 OF 3

**NOTICE
NORTH BETHANY EXPANSION OF THE
BETHANY BEACH SANITARY SEWER DISTRICT**

The Sussex County Council voted on July 23, 1991 to consider amending the boundaries of the North Bethany Expansion of the Bethany Beach Sanitary Sewer District to exclude three parcels of land situated at the intersection of State of Delaware Route 14 and Pennsylvania Avenue. The area being considered is contiguous to the Bethany Beach Sanitary Sewer District.

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 Bethany Beach Sanitary Sewer District has been prepared using Sussex County Tax Map No. 1-34-13.15 and is described as follows:

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A map outlining and describing the change in the boundaries is attached. The area involved is cross-hatched.

PAGE 1 OF 3

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For further information, please call or write the Sussex County Engineering Department, Race and Pine Streets, Post Office Box 589, Georgetown, Delaware 19947 - (302) 855-7718.

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

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BETHANY BEACH SANITARY SEWER DISTRICT
 PROPOSED AMENDMENT

