

RESOLUTION R 023 03

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS THE LORD BALTIMORE LANDING SUBDIVISION, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the South Bethany 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 and west of the Town of South Bethany and the Assawoman Canal, the inclusion of these two parcels 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 Phillip C. Calio, a copy of which affidavit and public notice are 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 South Bethany Sanitary Sewer District to encompass the Lord Baltimore Landing subdivision, south of the Town of Ocean View and west of the Town of South Bethany as follows:

BEGINNING at a point, said point being the northwesternmost property corner of lands now or formerly (N/F) of Frank E. & Lois J. Lathbury, said point also being on the SBSSD boundary, said point also being on the Ocean View Expansion (OVX) boundary,

said point further being on the eastern Right-of-Way (ROW) of County Road (CR) 84; thence leaving said SBSSD boundary and proceeding by and with said ROW and OVX boundary the following five courses; (1) North $38^{\circ}34'36''$ East a distance of 132.36 feet to a concrete monument (2) North $45^{\circ}22'10''$ East, a distance of 165.68 feet to a concrete monument, (3) following a curve to the right, said curve having a radius of 1,383.04 feet, a delta of $05^{\circ}33'52''$, and arc distance of 134.32 feet, a chord distance of 134.27 feet, and a bearing of North $48^{\circ}09'06''$ East to a concrete monument, (4) following a curve to the right, said curve having a radius of 1378.04 feet, a delta of $11^{\circ}14'22''$, an arc distance of 270.32 feet, a chord distance of 269.89 feet, and a bearing of North $49^{\circ}18'12''$ East to a point, (5) North $55^{\circ}21'17''$ East a distance of 176.94 feet to a concrete monument, said monument being the northeasternmost property corner of lands N/F of Frank E. & Lois J. Lathbury, said concrete monument also being the northwesternmost property corner of Woodland Park, a subdivision; thence leaving said ROW and continuing by and with said OVX boundary the following eleven courses: (1) South $55^{\circ}11'36''$ East a distance of 698.44 feet to a point, (2) South $29^{\circ}36'24''$ West a distance of 244.11 feet to a point, (3) South $53^{\circ}36'27''$ East a distance of 733.82 feet to a point, (4) South $30^{\circ}04'20''$ West a distance of 10.29 feet to a point, (5) South $30^{\circ}58'59''$ West a distance of 84.03 feet to a point, (6) South $27^{\circ}30'11''$ West a distance of 411.80 feet to a point, (7) South $28^{\circ}03'54''$ West a distance of 44.85 feet, (8) South $27^{\circ}21'58''$ West a distance of 198.08 feet to a point, (9) South $58^{\circ}52'30''$ East a distance of 71.27 feet to a point, (10) South $37^{\circ}21'39''$ West a distance of 212.96 feet to a point, (11) South $32^{\circ}04'19''$ West a distance of 234.54 feet to a concrete monument, said concrete monument being on the OVX boundary, said concrete monument also being on the SBSSD boundary; thence leaving said OVX boundary and proceeding by and with said SBSSD boundary the following seven courses, (1) South $27^{\circ}08'47''$ West a distance of 53.58 feet to an iron pipe, (2) North $88^{\circ}03'34''$ West a distance of 383.59 feet to a concrete monument, (3) North $04^{\circ}23'40''$ West a distance of 126.81 feet to a concrete monument, (4) North $76^{\circ}56'44''$ West a distance of 73.08 feet to an iron pipe, (5) North $05^{\circ}14'33''$ East a distance of 985.59 feet to a point, (6) North $55^{\circ}43'49''$ West a distance of 330.67 feet, to a point, (7) North $55^{\circ}41'57''$ West a distance of 410.66 feet to the point and place of BEGINNING

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 023 03 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF JULY 2003.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

PROPOSED SOUTH BETHANY EXTENSION
AFFIDAVIT FOR PUBLIC HEARING
(LORD BALTIMORE LANDING REQUEST)

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 July 16, 2003 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On July 16, 2003 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. In the lobby of the Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware.
 - 2. On the community bulletin board of the Ocean View Town Hall, West Avenue, Ocean View, Delaware.
 - 3. On community bulletin board in the lobby of the US Post Office, Rt. 26, Millville, Delaware.
 - 4. On the community bulletin board of the South Bethany Town Hall, Evergreen and Pine St., South Bethany, Delaware.
 - 5. On the community bulletin board in the lobby of the U.S. Post Office, Pennsylvania Avenue, Bethany Beach, Delaware.
 - 6. On the community bulletin board in the lobby of the South Coastal Library, Kent Avenue, Bethany Beach, Delaware.
 - 7. Lobby area of Sea Colony Realty, Market Place at Sea Colony, Route One, Bethany Beach, Delaware.
 - 8. On bulletin board at Bear Trap Golf Course, Golf Shop, Ocean View, Delaware.
 - 9. On community bulletin board inside Happy Harry's Pharmacy, Route One, Bethany Beach, Delaware.
 - 10. On the front window of Shore Foods, Route One, South Bethany, Delaware.

11. Dollar General, Route One, South Bethany, Delaware.
12. On site of the proposed expansion area at the following four locations:
 - 1) On a post, south of County Road (CR) 361, 882 feet more or less southeast of CR 368,
 - 2) On a post, south of CR 361, 690 feet more or less southeast of CR 368,
 - 3) On a post, south of CR 361, 500 feet more or less southeast of CR 368,
 - 4) On a post, south of CR 361, 350 feet more or less southeast of CR 352.
13. On take out counter Grotto Pizza, York Beach Mall, Route 1, South Bethany, Delaware.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 21st day of July A.D., 2003.


NOTARY PUBLIC

My Commission Expires _____

Jayne E. Dickerson
Notary Public
Commission Expires ~~3/10/03~~
4/7/07

PROPOSED EXPANSION TO THE SOUTH BETHANY
SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on June 24, 2003 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include the proposed Lord Baltimore Landing subdivision, being situate south of the Town of Ocean View in Baltimore 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 SBSSD is described as follows:

BEGINNING at a point, said point being the northwesternmost property corner of lands now or formerly (N/F) of Frank E. & Lois J. Lathbury, said point also being on the SBSSD boundary, said point also being on the Ocean View Expansion (OVX) boundary, said point further being on the eastern Right-of-Way (ROW) of County Road (CR) 84; thence leaving said SBSSD boundary and proceeding by and with said ROW and OVX boundary the following five courses; (1) North 38°34'36" East a distance of 132.36 feet to a concrete monument (2) North 45°22'10" East, a distance of 165.68 feet to a concrete monument, (3) following a curve to the right, said curve having a radius of 1,383.04 feet, a delta of 05°33'52", and arc distance of 134.32 feet, a chord distance of 134.27 feet, and a bearing of North 48°09'06" East to a concrete monument, (4) following a curve to the right, said curve having a radius of 1378.04 feet, a delta of 11°14'22", an arc distance of 270.32 feet, a chord distance of 269.89 feet, and a bearing of North 49°18'12" East to a point, (5) North 55°21'17" East a distance of 176.94 feet to a concrete monument, said monument being the northeasternmost property corner of lands N/F of Frank E. & Lois J. Lathbury, said concrete monument also being the northwesternmost property corner of Woodland Park, a subdivision; thence leaving said ROW and continuing by and with said OVX boundary the following eleven courses: (1) South 55°11'36" East a distance of 698.44 feet to a point, (2) South 29°36'24" West a distance of 244.11 feet to a point, (3) South 53°36'27" East a distance of 733.82 feet to a point, (4) South 30°04'20" West a distance of 10.29 feet to a point, (5) South 30°58'59" West a distance of 84.03 feet to a point, (6) South 27°30'11" West a distance of 411.80 feet to a point, (7) South 28°03'54" West a distance of 44.85 feet, (8) South 27°21'58" West a distance of 198.08 feet to a point, (9) South 58°52'30" East a distance of 71.27 feet to a point, (10) South 37°21'39" West a distance of 212.96 feet to a point, (11) South 32°04'19" West a distance of 234.54 feet to a concrete monument, said concrete monument being on the OVX boundary, said concrete monument also being on the SBSSD boundary; thence leaving said OVX boundary and proceeding by and with said SBSSD boundary the following seven courses, (1) South 27°08'47" West a distance of 53.58 feet to an iron pipe, (2) North 88°03'34" West a distance of 383.59 feet to a concrete monument, (3) North 04°23'40" West a distance of 126.81 feet to a concrete monument, (4) North 76°56'44" West a distance of 73.08 feet to an iron pipe, (5) North 05°14'33" East a distance of 985.59 feet to a point, (6) North 55°43'49" West a distance of 330.67 feet, to a point, (7) North 55°41'57" West a distance of 410.66 feet to the point and place of **BEGINNING**.

The proposed expansion of the SBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34 12.00 and a survey provided by Davis, Bowen & Friedel, Inc.

A map outlining and describing the expansion of the SBSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:45 a.m. on July 29, 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 expansion are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary expansion 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

