

RESOLUTION NO. R 025 10

REVISION OF THE BOUNDARIES OF THE LONG NECK SANITARY SEWER DISTRICT TO EXCLUDE A PARCEL OF LAND ALONG THE NORTH SIDE OF COUNTY ROAD (CR) 22 (LONG NECK ROAD), EAST OF THE TOWN OF MILLSBORO, BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

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

WHEREAS, the Long Neck Sanitary Sewer District was extended on October 5, 1993 to include the expansion of the Long Neck Sanitary Sewer District, north of County Road 22, east of the town of Millsboro; and

WHEREAS, the Sussex County Council has received a letter from Jason Palkewicz, P.E. on behalf of Baywood, LLC, dated July 16, 2010 requesting the exclusion of said parcel of land; 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 Anthony DiGiuseppe, Jr., 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 that the Sussex County Council hereby revises the boundary of the LNSSD to exclude lands along the north side of Long Neck Road, 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 situate on the northerly right of way (ROW) of Long Neck Road, said point being ± 996.09 feet east of the intersection of the centerlines of State Route (SR) 24 (John J. Williams Highway) and Long Neck Road, said point also being the common corner of lands now or formerly (N/F) of the Long Neck United Methodist Church, Inc. and lands N/F of Baywood LLC; thence proceeding by and with said common boundary in a northeasterly direction ± 481.43 feet to a point, said point being the northeasternmost corner of lands N/F of the Long Neck United Methodist Church, Inc.; thence continuing in a northeasterly direction ± 1453.96 feet to a point, said point being along the southern boundary of lands N/F of Edward I. & Margaret L. Feeser, said point also being the northwesternmost corner of lands N/F of Baywood LLC; thence proceeding by and with said lands of Baywood LLC in a southeasterly direction ± 229.77 feet to a point, said point being on the southern boundary of lands N/F of Michelle D. Gallagher; thence proceeding by and with said lands of Gallagher in a northeasterly direction ± 23.28 feet to a point, said point being the common corner of lands N/F of Baywood LLC and other lands N/F of Baywood LLC; thence proceeding by and with said common boundary in a southwesterly direction ± 1775.28 feet to a point, said point being the southeasternmost corner of lands N/F of Baywood LLC, said point also being along the northerly ROW of Long Neck Road; thence by and with said ROW in a northwesterly direction $\pm 1,107.52$ feet to a point, said point being that of the BEGINNING.

The above described parcel of land contains 30.59 Acres.

BE IT FURTHER RESOLVED that Resolution No. R 018 93, except as revised herein, shall remain in full force and effect as heretofore.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any 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 025 10 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF OCTOBER 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

LONG NECK SANITARY SEWER DISTRICT
BAYWOOD VILLAS DE-ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED That the subscriber, ANTHONY DIGIUSEPPE, JR., 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 14, 2010 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On September 14, 2010 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On window next to entry door of the Rite Aid Pharmacy in Long Neck Nanticoke Crossing Plaza.
 - 2. Inside next to the entry doors of the Food Lion Store in Long Neck Nanticoke Crossing Plaza.
 - 3. Inside on entry door of the Community Offices and Information Center of Pot-Nets Communities, County Road 22 (a.k.a. Long Neck Road).
 - 4. On the area of land being considered for the proposed de-annexation of the Long Neck Sanitary Sewer District in four locations as follows:
 - a. On a driven stake near the southeasterly property corner of parcel 2-34-23.00-270.00;
 - b. On a driven stake near the southwesterly property corner of parcel 2-34-23.00-270.00;
 - c. On a produce stand located along the southerly property line of parcel 2-34-23.00-270.00;
 - d. On a tree located at the easterly property line of parcel 2-34-23.00-270.00;
 - 5. On community bulletin board next to entrance at BP Gas Station, 32369 Long Neck Road, Millsboro DE, 19966.

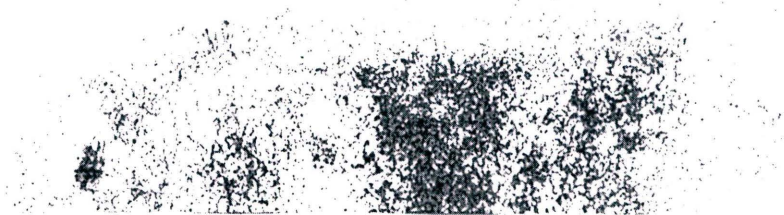
6. On front window of the entry foyer next to the inner double doors of County Bank located southeast of the intersection of County Road 298 and Long Neck Road.
7. On a bulletin board inside Our Clothesline Laundromat in the Back Bay Shopping Center.
8. Inside next to entry door of Happy Harry's Discount Drugs in the Back Bay Shopping Center.
9. On front window of Shamrock Fuel Stop located on the south side of Long Neck Road.


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 17th day of Sept A.D., 2010.


NOTARY PUBLIC

My Commission Expires
Jayne E. Dickerson
Notary Public
Commission Expires 4/7/2011



**NOTICE
PROPOSED DE-ANNEXATION FROM THE
LONG NECK SANITARY SEWER DISTRICT
TO REMOVE CERTAIN LANDS OF BAYWOOD LLC**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on August 24, 2010, to consider revising the boundary of the Long Neck Sanitary Sewer District (LNSSD) to remove a parcel of land along County Road (CR) 22 (Long Neck Road), east of the town of Millsboro, being in Indian River Hundred, Sussex County, Delaware, being tax map 234-23.00 parcel 270.00. File number OM-7.08.25.

A description of the area, which is to be removed from the LNSSD is described as follows:

BEGINNING at a point situate on the northerly right of way (ROW) of Long Neck Road, said point being ± 996.09 feet east of the intersection of the centerlines of State Route (SR) 24 (John J. Williams Hwy) and Long Neck Road, said point also being the common corner of lands now or formerly (N/F) of the Long Neck United Methodist Church, Inc. and lands N/F of Baywood LLC; thence proceeding by and with said common boundary in a northeasterly direction ± 481.43 feet to a point, said point being the northeasternmost corner of lands N/F of the Long Neck United Methodist Church, Inc.; thence continuing in a northeasterly direction ± 1453.96 feet to a point, said point being along the southern boundary of lands N/F of Edward I. & Margaret L. Feeser, said point also being the northwesternmost corner of lands N/F of Baywood LLC; thence proceeding by and with said lands of Baywood LLC in a southeasterly direction ± 229.77 feet to a point, said point being on the southern boundary of lands N/F of Michelle D. Gallagher; thence proceeding by and with said lands of Gallagher in a northeasterly direction ± 23.28 feet to a point, said point being the common corner of lands N/F of Baywood LLC and other lands N/F of Baywood LLC; thence proceeding by and with said common boundary in a southwesterly direction ± 1775.28 feet to a point, said point being the southeasternmost corner of lands N/F of Baywood LLC, said point also being along the northerly ROW of Long Neck Road; thence by and with said ROW in a northwesterly direction $\pm 1,107.52$ feet to a point, said point being that of the **BEGINNING**.

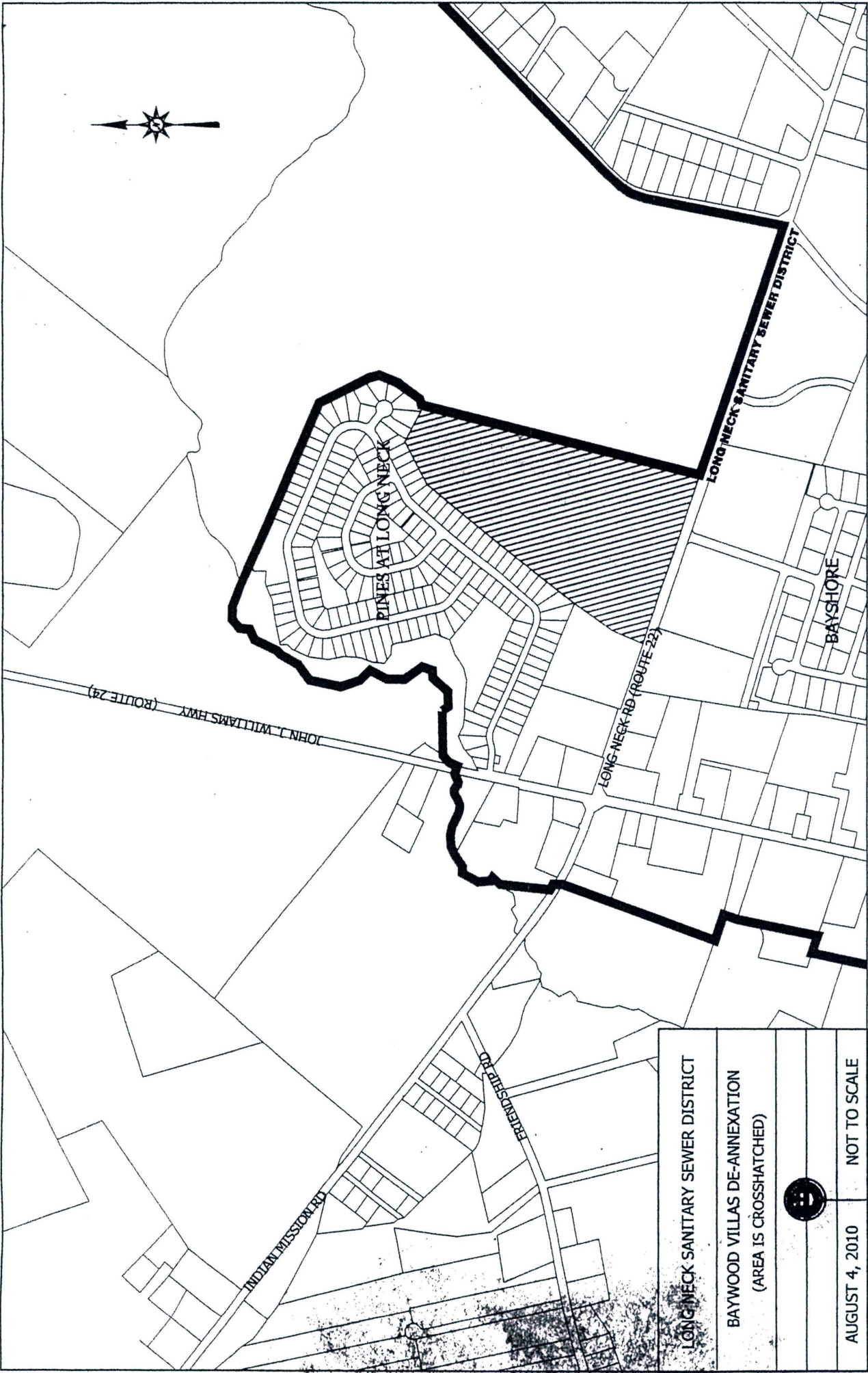
The parcel proposed for de-annexation from the LNSSD is within these boundaries and said to contain 30.59 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Number 234-23.00.

A map outlining and describing the area for de-annexation from the LNSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. October 5, 2010, 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 de-annexation are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the de-annexation.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7718.

Michael A. Izzo, P.E.
County Engineer



LONG NECK SANITARY SEWER DISTRICT	
BAYWOOD VILLAS DE-ANNEXATION (AREA IS CROSSHATCHED)	
AUGUST 4, 2010	NOT TO SCALE