### **RESOLUTION R 026 03**

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND THAT IS CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE TOWN OF OCEAN VIEW AND ENCOMPASSES THE TOWN OF MILLVILLE AND SUBDIVISIONS LYING NORTH AND SOUTH OF THE TOWN OF MILLVILLE AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE.

WHEREAS, Sussex County has established the Bethany Beach 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 west of the Town of Ocean View, which is contiguous to the BBSSD, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 <u>Del.C.</u>, 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 affidavits of Chris Calio, copies of which affidavits and public notices are attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 <u>Del.C.</u>, 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 the proposed Millville Expansion, situate west of the Town of Ocean View, as follows:

BEGINNING at a point, said point being the intersection of the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX), the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District (CNX) and the easterly edge of White Creek, said point also being the northernmost property corner of lands N/F of Harry P. Mitchell Trustee, said point further being on the western boundary of the Town of Ocean View; thence leaving said Town of Ocean View and OVX boundary and proceeding by and with said CNX boundary in a northerly direction a distance of 10,432 feet more or less to a point, said point being on the

northern property line of lands N/F of Delaware Trust Company; thence leaving said CNX boundary and proceeding in a straight line in a northwesterly direction a distance of 1,356 feet more or less to a point, said point being on the northeasternmost property corner of lands N/F of Linder & Company, Inc.; thence proceeding by and with said Linder lands in a westerly direction a distance of 3,429 feet more or less to a point said point being the northwesternmost property corner of lands N/F of Linder & Company; thence leaving said Linder lands and proceeding in a straight line in a southwesterly direction a distance of 257 feet more or less to a point, said point being the centerline of Collins Creek; thence proceeding by and with said centerline of Collins Creek in a southerly direction a distance of 1,772 feet to a point; thence leaving said centerline of Collins Creek and proceeding in a westerly direction a distance of 129 feet to a point, said point being the northeasternmost property corner of lands N/F Gerald B. Hickman et al., said point also being the southeasternmost property corner of lands N/F of WH & PA Family Limited Partnership; thence proceeding by and with said Partnership lands in a westerly, southerly and westerly direction, respectively, a distance of 3,429 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of WH & PA Family Limited Partnership, said point also being the southeasternmost property corner of lands N/F of Jed Earle Derrickson; thence leaving said Partnership lands and proceeding by and with said Derrickson lands in a westerly direction a distance of 529 feet more or less to a point, said point being the westernmost property corner of lands N/F of Jed Earle Derrickson, said point also being on the eastern ROW of County Road (CR) 347, said point further being the northwesternmost property corner of lands N/F of Edgar A. Simpler; thence leaving said ROW and proceeding in a straight line in a southwesterly direction a distance of 139 feet more or less to a point, said point being on the western ROW of CR 347, said point also being on the eastern property line of lands N/F of Russell V. Banks et al.; thence proceeding by and with said ROW southerly direction a distance of 4,164 feet more or less to a point, said point being the southeasternmost property corner of lands N/F Raymond L. Banks, said point also being the intersection of the western ROW of CR 347 and the northern ROW of CR 349; thence leaving said western ROW of CR 347 and proceeding by and with said northern ROW of CR 349 in a westerly direction a distance of 1,263 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of Raymond L. Banks, said point also being the southeasternmost property corner of lands N/F of Raymond

L. Banks, Jr.; thence leaving said ROW of CR 349 and proceeding by and with said Banks, Jr. lands in a northerly, westerly, northerly, westerly and southerly directions, respectively, a distance of 7,261 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of Raymond L. Banks, Jr., said point also being on the northern ROW of CR 349; thence leaving said ROW and proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of CR 349, said point also being the northwesternmost property corner of lands N/F of Harlton Associates, L.P.; thence leaving said ROW and proceeding by and with said Harlton lands in a southerly, westerly, southerly, easterly, southerly, easterly, northerly, easterly and northerly direction, respectively, a distance of 8,607 feet more or less to a point, said point being the northeasternmost property corner of lands N/F Harlton Associates, L.P., said point further being the northwesternmost property corner of lands N/F of Millville Associates; thence leaving said Harlton lands and proceeding by and with said Millville Associates lands in an easterly, southerly, easterly, southerly, westerly and southerly direction, respectively, a distance of 3,947 feet to a point, said point being the southeasternmost property corner of lands N/F Millville Associates, said point also being on the western property line of Squirrel's Run subdivision (found in Plot Book 30, Page 269, Plot Book 32 Page 222 and Plot Book 34 Page 146 as recorded in the Sussex County Recorder of Deeds Office), said point further being the northeasternmost property corner of lands N/F of Evelyn M. Timmons; thence leaving said Millville Associates lands and proceeding by and with said Timmons lands in a southerly direction a distance of 1,403 feet more or less to a point, said point being on the southwesternmost property corner of West Millville subdivision (found in Plot Book 10 Page 100 as recorded in the Sussex County Recorder of Deeds Office), said point also being on the northern ROW of State of Delaware Route 26, said point further being the southeasternmost property corner of lands N/F of Evelyn M. Timmons; thence leaving said Timmons lands and proceeding by and with said ROW in a westerly direction a distance of 828 feet more or less to a point, said point being on the southern property line of lands N/F of O T Collins Family Limited Partnership; thence leaving said ROW and proceeding in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 26, said point also being on the northwesternmost property corner of lands N/F of Bethany Crest, LLC; thence leaving said ROW and proceeding by and with said Bethany Crest lands in a southerly and easterly direction respectively a distance of 1,366 feet to a point, said point being the southeasternmost property corner of lands N/F of Bethany Crest, LLC, said point also being on the northern property line of lands N/F of Diane L. King et al.; thence leaving said Bethany Crest, LLC lands and proceeding by and with said King lands in an easterly, southwesterly and northwesterly direction respectively a distance of 2,647 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Peggy M. Mitchell Trustee, said point also being on the northern property line of lands N/F of Russell V. & Mackie H. Banks; thence leaving said King lands and proceeding by and with said Banks lands in a westerly, southerly, easterly, southerly and easterly direction respectively a distance of 4,461 feet more or less to a point, said point being the southeasternmost property corner of lands N/F Russell V. & Mackie H. Banks, said point also being the northwesternmost property corner of lands N/F of David L. Banks et al.; thence leaving said Russell & Mackie Banks lands and proceeding by and with said David L. Banks lands in a southerly, easterly, southerly, easterly, northerly, easterly, northerly and easterly direction respectively a distance of 2,200 feet to a point, said point being the southeasternmost property corner of lands N/F of David L. Banks et al., said point also being on the western property line of Windmill subdivision (found in Plot Book 31 Page 269 as recorded in the Sussex County Recorder of Deeds Office); thence leaving said Banks lands and proceeding by and with said subdivision boundary in a southerly direction a distance of 511 feet to a point, said point being the southwesternmost property corner of Windmill subdivision (found in Plot Book 31 Page 269 as recorded in the Sussex County Recorder of Deeds Office), said point also being the southeasternmost property corner of lands N/F O T Collins Family Limited Partnership, said point further being on the northern ROW of CR 353; thence leaving said Windmill lands and said ROW and proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of CR 353, said point also being on the northernmost property line of lands N/F of James Bazzoli & Frances K. Bazzoli Trustees; thence proceeding by and with said ROW in an easterly direction a distance of 783 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Marianne Beatrice Freeman Trustee, said point also being the intersection of the southern ROW of CR 353 and the western ROW of CR 352; thence leaving the southern ROW of CR 353 and proceeding by and with said western ROW of CR 352 in a southerly direction a

distance of 278 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Marianne Beatrice Freeman Trustee, said point also being on the OVX boundary; thence leaving said ROW and proceeding by and with said OVX boundary in a straight line in an easterly direction a distance of 50 feet more or less to a point, said point being on the eastern ROW of CR 352; thence continuing by and with said OVX boundary in a southeasterly, northerly, easterly, and southeasterly direction, respectively a distance of 5,861 feet to a point, said point being the southeasternmost property corner of lands N/F Hugh J. Dolan & Jeanne C. Dolan Trustees, said point also being the westernmost property corner of lands N/F of Sussex County; thence continuing by and with said OVX boundary in a northerly, westerly, northerly, easterly and northerly direction, respectively a distance of 8,296 feet more or less 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-ofway 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 026 03 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF SEPTEMBER 2003.

ROBIN A. GRAFFITH CLERK OF THE COUNCIL

# PROPOSED MILLVILLE/NORTH MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX )(

BE IT REMEMBERED That the subscriber, CHRIS 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 September 2, 2003 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On September 2, 2003 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On bulletin board, at the entrance of Denton Woods Subdivision, Ocean View, Delaware.
  - 2. On bulletin board inside the Bethany Bay Golf Clubhouse, Pettinaro Drive, Bethany Bay Subdivision, Ocean View, Delaware.
  - 3. On a post located on the western Right-of-Way of County Road (CR) 350, at the intersection of CR 350 & CR 349.
  - 4. On bulletin board of the Millville Town Hall, State of Delaware Route (SR) 26, Millville, Delaware.
  - 5. On a post located on the western Right-of-Way of CR 351, at the intersection of CR 351 & SR 26.
  - 6. On Bulletin board at the Banks Harbor Marina, Banks Harbor Subdivision, Millville, Delaware.
  - 7. On a post located on the northern Right-of-Way of CR 349, at the entrance to White's Creek Manor Subdivision, Millville, Delaware.
  - 8. On window inside the vestibule of County Bank, Rt. 26, Millville, Delaware.
  - 9. On bulletin board inside cart area of Food Lion, Rt. 26, Millville, Delaware.

- 10. On bulletin board inside Millville Service Center, Rt. 26 & CR 347, Millville, Delaware.
- On a post near mailboxes at Bethany Crest, LLC Mobile Home 11. Park, Rt. 26, Millville, Delaware.

SWORN TO AND SUBSCRIBED before me on this day of Lett. A.D., 2003.

My Commission Expires

Jayne E. Dickerson Notary Public

Commission Expires 3/18/05/23 4/7/07

## PROPOSED MILLVILLE/NORTH MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX )(

BE IT REMEMBERED That the subscriber, CHRIS 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 August 28, 2003 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On August 28, 2003 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - On bulletin board inside Hocker's Grocery & Deli, Rt. 26, Clarksville, Delaware.
  - 2. On bulletin board inside Hocker's Supercenter, Rt. 26, Clarksville, Delaware.
  - 3. On bulletin board of the Ocean View U.S. Post Office, Rt. 26, Millville, Delaware.
  - 4. On bulletin board of the South Coastal Library Cultural Center, Kent Ave., Bethany Beach, Delaware.
  - 5. On bulletin board inside Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware.
  - 6. On bulletin board inside Bethany U.S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
  - 7. On bulletin board of the Ocean View Town Hall, West Ave., Ocean View, Delaware.

CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this day of

day of PAT AD 2003

My Commission Expires

Jayne E. Dickerson

Notary Public

Commission Expires 3/10/93 4/7/0

### **NOTICE**

### PROPOSED MILLVILLE EXPANSION TO THE BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on July 29, 2003 to consider extending the Bethany Beach Sanitary Sewer District (BBSSD) to include lands lying west of the Town of Ocean View which encompasses the Town of Millville and subdivisions lying north and south of the Town of Millville.

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 BBSSD is described as follows:

Beginning at a point, said point being the intersection of the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX), the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District (CNX) and the easterly edge of White Creek, said point also being the northernmost property corner of lands N/F of Harry P. Mitchell Trustee, said point further being on the western boundary of the Town of Ocean View; thence leaving said Town of Ocean View and OVX boundary and proceeding by and with said CNX boundary in a northerly direction a distance of 10,432 feet more or less to a point, said point being on the northern property line of lands N/F of Delaware Trust Company; thence leaving said CNX boundary and proceeding in a straight line in a northwesterly direction a distance of 1,356 feet more or less to a point, said point being on the northeasternmost property corner of lands N/F of Linder & Company, Inc.; thence proceeding by and with said Linder lands in a westerly direction a distance of 3,429 feet more or less to a point said point being the northwesternmost property corner of lands N/F of Linder & Company; thence leaving said Linder lands and proceeding in a straight line in a southwesterly direction a distance of 257 feet more or less to a point, said point being the centerline of Collins Creek; thence proceeding by and with said centerline of Collins Creek in a southerly direction a distance of 1,772 feet to a point; thence leaving said centerline of Collins Creek and proceeding in a westerly direction a distance of 129 feet to a point, said point being the northeasternmost property corner of lands N/F Gerald B. Hickman et al., said point also being the southeasternmost property corner of lands N/F of WH & PA Family Limited Partnership; thence proceeding by and with said Partnership lands in a westerly, southerly and westerly direction, respectively, a distance of 3,429 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of WH & PA Family Limited Partnership, said point also being the southeasternmost property corner of lands N/F of Jed Earle Derrickson; thence leaving said Partnership lands and proceeding by and with said Derrickson lands in a westerly direction a distance of 529 feet more or less to a point, said point being the westernmost property corner of lands N/F of Jed Earle Derrickson, said point also being on the eastern ROW of County Road (CR) 347, said point further being the northwesternmost property corner of lands N/F of Edgar A. Simpler; thence leaving said ROW and proceeding in a straight line in a southwesterly direction a distance of 139 feet more or less to a point, said point being on the western ROW of CR 347, said point also being on the eastern property line of lands N/F of Russell V. Banks et al.; thence proceeding by and with said ROW southerly direction a distance of 4,164 feet more or less to a point, said point being the southeasternmost property corner of lands N/F Raymond L. Banks, said point also being the intersection of the western ROW of CR 347 and the northern ROW of CR 349; thence leaving said western ROW of CR 347 and proceeding by and with said northern ROW of CR 349 in a westerly direction a distance of 1,263 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of Raymond L. Banks, said point also being the southeasternmost property corner of lands N/F of Raymond L. Banks, Jr.; thence leaving said ROW of CR 349 and proceeding by and with said Banks, Jr. lands in a northerly, westerly, northerly, westerly and southerly directions, respectively, a distance of 7,261 feet more or less to a point, said point being the southwesternmost property corner of lands N/F of Raymond L. Banks, Jr., said point also being on the northern ROW of CR 349; thence leaving said ROW and proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of CR 349, said point also being the northwesternmost property corner of lands N/F of Harlton Associates, L.P.; thence leaving said ROW and proceeding by and with said Harlton lands in a southerly, westerly, southerly, easterly, southerly, easterly, northerly, easterly and northerly direction, respectively, a distance of 8,607 feet more or less to a point, said point being the northeasternmost property corner of lands N/F Harlton Associates, L.P., said point further being the northwesternmost property corner of lands N/F of Millville Associates; thence leaving said Harlton lands and proceeding by and with said Millville Associates lands in an easterly, southerly, easterly, southerly, westerly and southerly direction, respectively, a distance of 3,947 feet to a point, said point being the southeasternmost property corner of lands N/F Millville Associates, said point also being on the western property line of Squirrel's Run subdivision (found in Plot Book 30, Page 269, Plot Book 32 Page 222 and Plot Book 34 Page 146 as recorded in the Sussex County Recorder of Deeds Office), said point further being the northeasternmost property corner of lands N/F of Evelyn M. Timmons; thence leaving said Millville Associates lands and proceeding by and with said Timmons lands in a southerly direction a distance of 1,403 feet more or less to a point, said point being on the southwesternmost property corner of West Millville subdivision (found in Plot Book 10 Page 100 as recorded in the Sussex County Recorder of Deeds Office), said point also being on the northern ROW of State of Delaware Route 26, said point further being the southeasternmost property corner of lands N/F of Evelyn M. Timmons; thence leaving said Timmons lands and proceeding by and with said ROW in a westerly direction a distance of 828 feet more or less to a point, said point being on the southern property line of lands N/F of O T Collins Family Limited Partnership; thence leaving said ROW and proceeding in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of State of Delaware Route 26, said point also being on the northwesternmost property corner of lands N/F of Bethany Crest, LLC; thence leaving said ROW and proceeding by and with said Bethany Crest lands in a southerly and easterly direction respectively a distance of 1,366 feet to a point, said point being the southeasternmost property corner of lands N/F of Bethany Crest, LLC, said point also being on the northern property line of lands N/F of Diane L. King et al.; thence leaving said Bethany Crest, LLC lands and proceeding by and with said King lands in an easterly, southwesterly and northwesterly direction respectively a distance of 2,647 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Peggy M. Mitchell Trustee, said point also being on the northern property line of lands N/F of Russell V. & Mackie H. Banks; thence leaving said King lands and proceeding by and with said Banks lands in a westerly, southerly, easterly, southerly and easterly direction respectively a distance of 4,461 feet more or less to a point, said point being the southeasternmost property corner of lands N/F Russell V. & Mackie H. Banks, said point also being the northwesternmost property corner of lands N/F of David L. Banks et al.; thence leaving said Russell & Mackie Banks lands and proceeding by and with said David L. Banks lands in a southerly, easterly, southerly, easterly, northerly, easterly, northerly and easterly direction respectively a distance of 2,200 feet to a point, said point being the southeasternmost property corner of lands N/F of David L. Banks et al., said point also being on the western property line of Windmill subdivision (found in Plot Book 31 Page 269 as recorded in the Sussex County Recorder of Deeds Office); thence leaving said Banks lands and proceeding by and with said subdivision boundary in a southerly direction a distance of 511 feet to a point, said point being the southwesternmost property corner of Windmill subdivision (found in Plot Book 31 Page 269 as recorded in the Sussex County Recorder of Deeds Office), said point also being the southeasternmost property corner of lands N/F O T Collins Family Limited Partnership, said point further being on the northern ROW of CR 353; thence leaving said Windmill lands and said ROW and proceeding in a straight line in a southerly direction a distance of 50 feet more or less to a point, said point being on the southern ROW of CR 353, said point also being on the northernmost property line of lands N/F of James Bazzoli & Frances K. Bazzoli Trustees; thence proceeding by and with said ROW in an easterly direction a distance of 783 feet more or less to a point, said point being the northeasternmost property corner of lands N/F of Marianne Beatrice Freeman Trustee, said point also being the intersection of the southern ROW of CR 353 and the western ROW of CR 352; thence leaving the southern ROW of CR 353 and proceeding by and with said western ROW of CR 352 in a southerly direction a distance of 278 feet more or less to a point, said point being the southeasternmost property corner of lands N/F of Marianne Beatrice Freeman Trustee, said point also being on the OVX boundary; thence leaving said ROW and proceeding by and with said OVX boundary in a straight line in an easterly direction a distance of 50 feet more or less to a point, said point being on the eastern ROW of CR 352; thence continuing by and with said OVX boundary in a southeasterly, northerly, easterly, and southeasterly direction, respectively a distance of 5,861 feet to a point, said point being the southeasternmost property corner of lands N/F Hugh J. Dolan & Jeanne C. Dolan Trustees, said point also being the westernmost property corner of lands N/F of Sussex County; thence continuing by and with said OVX boundary in a northerly, westerly, northerly, easterly and northerly direction, respectively a distance of 8,296 feet more or less to the point and place of BEGINNING.

The proposed expansion of the BBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Maps 1-34 7.00, 8.00 11.00 and 12.00.

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

The public hearing will be held on this issue at 7:00 p.m. on September 16, 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

