

RESOLUTION R 026 10

A RESOLUTION TO EXTEND THE BOUNDARY OF THE OAK ORCHARD SANITARY SEWER DISTRICT (OOSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND THAT IS CONTIGUOUS TO THE OOSD, ALONG STATE OF DELAWARE ROUTE 24 (JOHN J WILLIAMS HWY) EAST OF THE TOWN OF MILLSBORO, BEING IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE (FERRY COVE)

WHEREAS, Sussex County has established the Oak Orchard 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 east of the Town of Millsboro, which is contiguous to the OOSD, 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 Anthony DiGiuseppe, Jr., 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 OOSD to encompass the proposed Oak Orchard Expansion No. 2, situate east of the Town of Millsboro, as follows:

BEGINNING at a point situate on the southerly right of way (ROW) of John J Williams Hwy, said point being along the easterly mean low water line of Swan Creek; thence proceeding by and with said water line in a southeasterly direction ± 6150 feet to a point, said point being the southernmost corner of lands now or formally (N/F) of Ferry Cove LLC; thence by and with said lands in the following distances and directions:

northeasterly ± 1500 feet, and northerly ± 2970 feet to a point, said point being ± 630 feet south of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a easterly direction ± 5035 feet to a point, said point being the southeasternmost corner of lands (N/F) of Joyce M Collins and a point along the westerly ROW of County Rd 309A (Bulls Eye Ln); thence crossing said ROW ($\pm 50'$) in a easterly direction ± 50 feet to a point, said point being the northwesternmost corner of lands N/F of Jay Michael & Darrin Stevens; thence by and with said lands of Stevens in the following two (2) distances and directions: easterly ± 940 feet, and southeasterly ± 250 feet to a point, said point being the southwesternmost corner of lands N/F of Bull's Eye Farms LLC; thence by and with said lands in a northeasterly direction ± 600 feet to a point, said point being along the westerly ROW of County Rd 310A (Warwick Rd), thence crossing said ROW ($\pm 50'$) in a northeasterly direction ± 50 feet to a point, said point being along the westerly boundary line of other lands N/F of Bulls Eye Farm LLC; thence crossing said lands in a northeasterly direction ± 720 feet to a point, said point being along the westerly boundary line of lands N/F of The Mission Investment Fund; thence crossing said lands and continuing in a northeasterly direction ± 220 feet to a point, said point being along the easterly property line of lands N/F of The Mission Investment Fund; thence by and with said lands in a southeasterly direction ± 300 feet to point, said point being the southeastermost corner of lands N/F of Leon H II & Linda R Fitzgerald; thence proceeding by and with said lands of Fitzgerald in a northeasterly direction ± 285 feet to a point, said point being along the westerly ROW of County Rd 313 (Gull Point Rd); thence by and with said ROW in a southeasterly direction ± 640 feet to a point, said point being the northwesternmost corner of lands N/F of Messick Investment LP; thence crossing the ROW of Gull Point Rd ($\pm 50'$) in a northwesterly direction ± 50 feet to a point, said point being along the westerly boundary line of lands N/F of Frank L Calhoun & Frances D Dawson; thence proceeding by and with said lands in the following distances and directions: northeasterly ± 193 feet, southeasterly ± 170 feet, southwesterly ± 200 feet, southeasterly ± 460 feet, northeasterly ± 210 feet, southeasterly ± 180 feet, and northeasterly ± 1085 feet to a point, said point being along the westerly boundary line of lands N/F of Margaret Shroeder; thence crossing said lands in a easterly direction ± 20 feet to a point,

said point being along the easterly boundary line of lands N/F of Margaret Shroeder; thence by and with said lands in the following two (2) courses and distances: northeasterly ± 300 feet and northwesterly ± 60 feet to a point, said point being along the westerly ROW of County Rd 313A (Rosedale Rd); thence crossing said ROW ($\pm 50'$) in a easterly direction ± 50 feet to a point, said point being the northwesternmost corner of said lands N/F of Madgie Harmon; thence proceeding by and with said lands in the following distances and directions: northeasterly ± 340 feet, and southeasterly ± 300 feet to a point, said point being the southernmost corner of lands N/F of George W & Frances H Norwood; thence by and with said lands of Norwood in a northeasterly direction ± 380 feet to a point, said point being along the southerly ROW of County Rd 312A (Layton Davis Rd); thence crossing said ROW ($\pm 50'$) in a northeasterly direction ± 50 feet to a point, said point being the southwesternmost corner of lands N/F of James & Elena Street; thence proceeding by and with said lands of Street in a northeasterly direction ± 585 feet to a point, said point being a point along the Oak Orchard Sanitary Sewer District Boundary line (OOSD); thence by and with said boundary in the following distances and directions: northwesterly ± 430 feet, and southwesterly ± 90 feet to a point, said point being along the OOSD and the easternmost corner of lands N/F of John Coursey; thence by and with lands of Coursey in the following two (2) courses and distances: northwesterly ± 715 feet and southwesterly ± 630 feet to a point, said point being the westernmost corner of lands N/F of John Coursey; thence proceeding in a straight line in a southwesterly direction ± 820 feet to a point, said point being the northeasternmost corner of lands N/F of Brian R & Tarisa A Morley; thence proceeding by and with said lands of Morley in a westerly direction ± 315 feet to a point, said point being along the easterly ROW of private road Arrowhead Trail; thence crossing said ROW ($\pm 50'$) in a westerly direction ± 50 feet to a point, said point being the northeasternmost corner of lands N/F of Mary Bausback; thence proceeding by and with said lands in a westerly direction ± 405 feet to a point, said point being the southwesternmost corner of lands N/F of Jerry W Lockerman Jr.; thence by and with said lands in a northeasterly direction ± 167 feet to a point, said point being along the easterly boundary line of lands N/F of the Harmony United Methodist Church; thence proceeding by and with said lands in a northeasterly direction ± 355 feet to a point, said point being

±630 feet north of the centerline of John J. Williams Hwy; thence proceeding parallel with said centerline in a southwesterly direction ±2170 feet to a point, said point being along the easterly ROW of County Rd 310 (Streets Rd), thence proceeding by and with said ROW in a southerly direction ±215 feet to a point, said point being the northernmost corner of lands N/F of Richard Marvin Ingram Sr; thence proceeding across said ROW (±50') of Streets Rd in a southwesterly direction ±50 feet to a point, said point being the southeasternmost corner of lands N/F of Kevin L Parsons; thence by and with said lands in southwesterly direction ±220 feet to a point, said point being ±630 feet north of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a westerly direction ±2800 feet to a point, said point being along the easterly ROW of private road Maple Lane; thence by and with said ROW in a southerly direction ±435 feet to a point, said point being ±195 feet north of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a westerly direction ±240 feet to a point, said point being the northwesternmost corner of lands N/F of Wanda L & Marian W Hopkins and a point along the easterly ROW of private road Willow Lane; thence crossing said ROW (±50') in a southwesterly direction ±50 feet to a point, said point being the southeasternmost corner of lands N/F of H&H Ventures LLC; thence proceeding by and with said lands in the following two (2) distances and directions: westerly ±128 feet and northwesterly ±90 feet to a point, said point being the northeasternmost corner or lands N/F of the Millsboro Business Center LLC; thence proceeding by and with said lands in a westerly direction ±420 feet to a point, said point being along the easterly ROW of County Rd 309 (William Street Rd); thence crossing said ROW (±50') feet in a southwesterly direction ±50 feet to a point, said point being along the easterly boundary line of lands N/F of Tony L & Susan E Hudson; thence proceeding by and with said lands of Hudson in the following distances and directions: westerly ±208 feet, northwesterly ±310 feet and westerly ±155 feet to a point, said point being the northeasternmost corner of lands N/F of Sentinel Self Storage LLC; thence by and with said lands in a westerly direction ±280 feet to a point, said point being the northeasternmost corner of lands N/F of Tynice Janell Norwood; thence proceeding by and with said lands in the following two (2) courses and distances: westerly ±240 feet and southerly ±540 feet to a point, said point being the along the northerly ROW

of John J Williams Hwy; thence by and with said ROW in southwesterly direction ± 1738 feet to a point, said point being the southeasternmost corner of lands N/F of Mountaire Farms of Delaware INC; thence proceeding by and with said lands in the following distances and directions: southwesterly ± 1176 feet, northwesterly ± 195 feet, southwesterly ± 220 feet, southeasterly ± 192 feet, southwesterly ± 1030 feet, northwesterly ± 260 feet, southwesterly ± 170 feet, southeasterly ± 45 feet, and southwesterly ± 225 feet, said point being along the easterly mean low water line of Swan Creek; thence by and with said water line in a southwesterly direction ± 275 feet to a point, said point being that of the 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;

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 025 10 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF NOVEMBER 2010.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

OAK ORCHARD SANITARY SEWER
DISTRICT EXPANSION #2
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 October 21, 2010 he was a Planning Technician II for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On October 21, 2010 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a bulletin board in the entry of Valero Shore Stop food store, Trading Post Plaza, 31507 Oak Orchard Road, Oak Orchard, Delaware.
 - 2. On a community bulletin board next to community mailboxes at the east entrance to River village, Oak Orchard, Delaware.
 - 3. On community bulletin board next too community mailboxes near the entrance to Captain's Grant, Oak Orchard, Delaware.
 - 4. On the area of land being considered for the proposed extension of Oak Orchard Sanitary Sewer District in seven locations as follows:
 - a. On Diamond State utility pole #87 located along Delaware State Route 24 (John J Williams Hwy);
 - b. On Diamond State utility pole #125 near the entrance to parcel 2-34-28.00-112.00;
 - c. On Diamond State utility pole #107-1 located at the intersection of John J Williams Hwy and County Road 309 (William Street Rd);
 - d. On a driven stake near the northwesterly property corner of parcel 2-34-33.00-8.00;

- e. On a driven stake near the northeasterly property corner of parcel 2-34-33.00-8.00;
 - f. On Diamond State utility pole #101 located along John J Williams Hwy;
 - g. On Delmarva Power and Light pole #58699/01801 located at the intersection of John J Williams Hwy and County Road 313 (Gull Point Rd).
- 5. On bulletin board near the intersection of County Road 311 (Chief Rd) and County Road 297 (Oak Orchard Rd).
 - 6. On Delmarva Power and Light pole #59081/01499 located at the intersection of Oak Orchard Rd and County Road 312 (River Rd).
 - 7. Inside front door of Captain Tom's Motor Scooters store located along Oak Orchard Rd.


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 22 day of Oct. A.D., 2010.


NOTARY PUBLIC

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

**NOTICE
PROPOSED EXPANSION OF THE
OAK ORCHARD SANITARY SEWER DISTRICT
EXPANSION AREA NO. 2**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 5, 2010 to consider extending the Oak Orchard Sanitary Sewer District (OOSSD) to include parcels of land along State of Delaware Route 24 (John J Williams Hwy) east of the town of Millsboro, being in the Indian River Hundred, Sussex County, Delaware. File number OOS-11.10

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 OOSSD is described as follows:

BEGINNING at a point situate on the southerly right of way (ROW) of John J Williams Hwy, said point being along the easterly mean low water line of Swan Creek; thence proceeding by and with said water line in a southeasterly direction ± 6150 feet to a point, said point being the southernmost corner of lands now or formally (N/F) of Ferry Cove LLC; thence by and with said lands in the following distances and directions: northeasterly ± 1500 feet, and northerly ± 2970 feet to a point, said point being ± 630 feet south of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a easterly direction ± 5035 feet to a point, said point being the southeasternmost corner of lands (N/F) of Joyce M Collins and a point along the westerly ROW of County Rd 309A (Bulls Eye Ln); thence crossing said ROW ($\pm 50'$) in a easterly direction ± 50 feet to a point, said point being the northwesternmost corner of lands N/F of Jay Michael & Darrin Stevens; thence by and with said lands of Stevens in the following two (2) distances and directions: easterly ± 940 feet, and southeasterly ± 250 feet to a point, said point being the southwesternmost corner of lands N/F of Bull's Eye Farms LLC; thence by and with said lands in a northeasterly direction ± 600 feet to a point, said point being along the westerly ROW of County Rd 310A (Warwick Rd), thence crossing said ROW ($\pm 50'$) in a northeasterly direction ± 50 feet to a point, said point being along the westerly boundary line of other lands N/F of Bulls Eye Farm LLC; thence crossing said lands in a northeasterly direction ± 720 feet to a point, said point being along the westerly boundary line of lands N/F of The Mission Investment Fund; thence crossing said lands and continuing in a northeasterly direction ± 220 feet to a point, said point being along the easterly property line of lands N/F of The Mission Investment Fund; thence by and with said lands in a southeasterly direction ± 300 feet to point, said point being the southeastermost corner of lands N/F of Leon H II & Linda R Fitzgerald; thence proceeding by and with said lands of Fitzgerald in a northeasterly direction ± 285 feet to a point, said point being along the westerly ROW of County Rd 313 (Gull Point Rd); thence by and with said ROW in a southeasterly direction ± 640 feet to a point, said point being the northwesternmost corner of lands N/F of Messick Investment LP; thence crossing the ROW of Gull Point Rd ($\pm 50'$) in a northwesterly direction ± 50 feet to a point, said point being along the westerly boundary line of lands N/F of Frank L Calhoun & Frances D Dawson; thence proceeding by and with said lands in the following distances and directions: northeasterly ± 193 feet, southeasterly

±170 feet, southwesterly ±200 feet, southeasterly ±460 feet, northeasterly ±210 feet, southeasterly ±180 feet, and northeasterly ±1085 feet to a point, said point being along the westerly boundary line of lands N/F of Margaret Shroeder; thence crossing said lands in a easterly direction ±20 feet to a point, said point being along the easterly boundary line of lands N/F of Margaret Shroeder; thence by and with said lands in the following two (2) courses and distances: northeasterly ±300 feet and northwesterly ±60 feet to a point, said point being along the westerly ROW of County Rd 313A (Rosedale Rd); thence crossing said ROW (±50') in a easterly direction ±50 feet to a point, said point being the northwesternmost corner of said lands N/F of Madgie Harmon; thence proceeding by and with said lands in the following distances and directions: northeasterly ±340 feet, and southeasterly ±300 feet to a point, said point being the southernmost corner of lands N/F of George W & Frances H Norwood; thence by and with said lands of Norwood in a northeasterly direction ±380 feet to a point, said point being along the southerly ROW of County Rd 312A (Layton Davis Rd); thence crossing said ROW (±50') in a northeasterly direction ±50 feet to a point, said point being the southwesternmost corner of lands N/F of James & Elena Street; thence proceeding by and with said lands of Street in a northeasterly direction ±585 feet to a point, said point being a point along the Oak Orchard Sanitary Sewer District Boundary line (OOSSD); thence by and with said boundary in the following distances and directions: northwesterly ±430 feet, and southwesterly ±90 feet to a point, said point being along the OOSSD and the easternmost corner of lands N/F of John Coursey; thence by and with lands of Coursey in the following two (2) courses and distances: northwesterly ±715 feet and southwesterly ±630 feet to a point, said point being the westernmost corner of lands N/F of John Coursey; thence proceeding in a straight line in a southwesterly direction ±820 feet to a point, said point being the northeasternmost corner of lands N/F of Brian R & Tarisa A Morley; thence proceeding by and with said lands of Morley in a westerly direction ±315 feet to a point, said point being along the easterly ROW of private road Arrowhead Trail; thence crossing said ROW (±50') in a westerly direction ±50 feet to a point, said point being the northeasternmost corner of lands N/F of Mary Bausback; thence proceeding by and with said lands in a westerly direction ±405 feet to a point, said point being the southwesternmost corner of lands N/F of Jerry W Lockerman Jr.; thence by and with said lands in a northeasterly direction ±167 feet to a point, said point being along the easterly boundary line of lands N/F of the Harmony United Methodist Church; thence proceeding by and with said lands in a northeasterly direction ±355 feet to a point, said point being ±630 feet north of the centerline of John J. Williams Hwy; thence proceeding parallel with said centerline in a southwesterly direction ±2170 feet to a point, said point being along the easterly ROW of County Rd 310 (Streets Rd), thence proceeding by and with said ROW in a southerly direction ±215 feet to a point, said point being the northernmost corner of lands N/F of Richard Marvin Ingram Sr; thence proceeding across said ROW (±50') of Streets Rd in a southwesterly direction ±50 feet to a point, said point being the southeasternmost corner of lands N/F of Kevin L Parsons; thence by and with said lands in southwesterly direction ±220 feet to a point, said point being ±630 feet north of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a westerly direction ±2800 feet to a point, said point being along the easterly ROW of private road Maple Lane; thence by and with said ROW in a southerly direction ±435 feet to a point, said point being ±195 feet north of the centerline of John J Williams Hwy; thence proceeding parallel with said centerline in a westerly direction ±240 feet to a point, said point being

the northwesternmost corner of lands N/F of Wanda L & Marian W Hopkins and a point along the easterly ROW of private road Willow Lane; thence crossing said ROW ($\pm 50'$) in a southwesterly direction ± 50 feet to a point, said point being the southeasternmost corner of lands N/F of H&H Ventures LLC; thence proceeding by and with said lands in the following two (2) distances and directions: westerly ± 128 feet and northwesterly ± 90 feet to a point, said point being the northeasternmost corner of lands N/F of the Millsboro Business Center LLC; thence proceeding by and with said lands in a westerly direction ± 420 feet to a point, said point being along the easterly ROW of County Rd 309 (William Street Rd); thence crossing said ROW ($\pm 50'$) feet in a southwesterly direction ± 50 feet to a point, said point being along the easterly boundary line of lands N/F of Tony L & Susan E Hudson; thence proceeding by and with said lands of Hudson in the following distances and directions: westerly ± 208 feet, northwesterly ± 310 feet and westerly ± 155 feet to a point, said point being the northeasternmost corner of lands N/F of Sentinel Self Storage LLC; thence by and with said lands in a westerly direction ± 280 feet to a point, said point being the northeasternmost corner of lands N/F of Tynice Janell Norwood; thence proceeding by and with said lands in the following two (2) courses and distances: westerly ± 240 feet and southerly ± 540 feet to a point, said point being the along the northerly ROW of John J Williams Hwy; thence by and with said ROW in southwesterly direction ± 1738 feet to a point, said point being the southeasternmost corner of lands N/F of Mountaire Farms of Delaware INC; thence proceeding by and with said lands in the following distances and directions: southwesterly ± 1176 feet, northwesterly ± 195 feet, southwesterly ± 220 feet, southeasterly ± 192 feet, southwesterly ± 1030 feet, northwesterly ± 260 feet, southwesterly ± 170 feet, southeasterly ± 45 feet, and southwesterly ± 225 feet, said point being along the easterly mean low water line of Swan Creek; thence by and with said water line in a southwesterly direction ± 275 feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the OOSD is within these boundaries and is said to contain 493 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Numbers 2-34-29, 2-34-28, and 2-34-33.

A map outlining and describing the extension to the OOSD is attached. The area included is hatched.

The public hearing will be held on this issue at 11.00 a.m. November 9, 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 extension 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 boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Michael A. Izzo, P.E.
County Engineer

