

RESOLUTION NO. R 027 82

WHEREAS, Sussex County has established The South Bethany Sanitary Sewer District;

WHEREAS, the sewer district as established includes only the corporate limits of the Town of South Bethany;

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 South Bethany, the inclusion of the outfall line area and the area of the South Coastal Regional Wastewater Facilities treatment plant would be beneficial;

WHEREAS, in accordance with 9 Del. C., Section 5402(a), the Sussex County Council may, upon request of the County Engineer, revise the boundaries 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 boundaries;

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 Robert W. Cerklefskie, a copy of which affidavit and public notice is attached hereto and made a part hereof;

WHEREAS, in accordance with 9 Del. C., Section 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 the Sussex County Council hereby revises the boundary of South Bethany Sanitary Sewer District beyond the municipal boundaries of South Bethany by adding the following areas to be included bounded as follows:

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES
TREATMENT PLANT SITE METES AND BOUNDS

All that certain tract, piece and parcels of land, situate, lying and being on the south side of County Road 368, Baltimore Hundred, Sussex County, Delaware, and being more particularly described as follows:

Beginning at a point on the common property corners of (NF) Sussex County Council and (NF) Joseph Yaeger; thence south $0^{\circ} 15' 46''$ West 459.12 feet running with the common property line of (NF) Sussex County Council and (NF) Joseph Yaeger; thence south $67^{\circ} 23' 12''$ East continuing with the property line of the aforesaid parties 189.00'; thence south $0^{\circ} 19' 20''$ East 359.99 feet to the common property corner of the two (2) parcels of the (NF) Sussex County Council and lands of (NF) Joseph Yaeger, thence north $49^{\circ} 20' 10''$ East 264 feet to a concrete monument and lands now or formerly (NF) of Howard L. Stephens; south $83^{\circ} 21' 16''$ East 143.65 feet to a monument; thence, turning and running south $32^{\circ} 48' 24''$ East 276.84 feet to a concrete monument and lands now or formerly of James Cullen; thence, with the lands (NF) James Cullen the following courses and distances: South $1^{\circ} 19' 15''$ West 216.61 feet to a concrete monument; thence south $9^{\circ} 48' 09''$ West 327.17 feet to a concrete monument; thence south $73^{\circ} 11' 01''$ East 89.98 feet to a concrete monument; thence, south $6^{\circ} 35' 04''$ West 115.50 feet to a concrete monument; thence south $89^{\circ} 24' 56''$ East 165 feet to an iron axle and lands (NF) Allen C. Layton; thence by and with the line of lands (NF) Allen C. Layton South $5^{\circ} 28' 36''$ East 631.11 feet to a concrete monument; thence, turning and running north $85^{\circ} 53' 41''$ West 295.34 feet to an iron axle and lands (NF) Rella M. Evans, deceased, thence with the said Evans' land south $61^{\circ} 47' 49''$ West 489.64 feet to an iron axle and lands (NF) Amos McCabe; thence with the lands (NF) Amos McCabe the following courses and distances: North $46^{\circ} 22' 17''$ West 667.79 feet to a concrete monument; thence, south $89^{\circ} 11' 03''$ West 267.13 feet to a concrete monument; thence, south $20^{\circ} 41' 03''$ West 165.03 feet to a concrete monument; thence north $81^{\circ} 26' 26''$ West 125.16 feet to a concrete monument; thence north $2^{\circ} 59' 06''$ West 2,156.65 feet to an easterly right-of-way of County Road 368; thence north $89^{\circ} 04' 14''$ East 866.31 feet to the place of beginning, containing in all 67.78 acres of land, be the same more or less.

EASEMENT - DESCRIPTION

All that certain tract, piece or parcel of land situated in what is known as "Muddy Neck", Baltimore Hundred, Sussex County, Delaware and

laying on the west side of the Assawoman Canal.

An easement 158.5 feet in width laying 150 feet northerly and 8.5 feet southerly of a line parallel to the southerly right-of-way line of a 150 feet Delmarva Power Company right-of-way running through the lands of James E. and Dorothy Cullen, William Murray, Loretta Hassell, Talivaldis Berzins, Gaida Berzins and Joseph A. Phillips, the centerline of said easement being more particularly described as follows: Beginning at a point on line of lands of Sussex County Council and James E. Cullen, said point being located south $32^{\circ} 48' 24''$ East 120 feet from a concrete monument marking the corner of lands now or formerly of Howard L. Stephens, lands of the James E. Cullen; thence from the point of beginning parallel to and 1.5 feet north of the southerly right-of-way line of the Delmarva Power Company right-of-way and down the centerline of the 20 feet permanent easement from the lands of Sussex County Council to lands now or formerly of William Murray north $89^{\circ} 58' 21''$ East 901 feet to the following courses and distances: North $89^{\circ} 58' 21''$ East 834 feet to a point in the line of lands of Loretta Hassell; thence north $89^{\circ} 58' 21''$ East 1,392 feet to a point on the lands of Talivaldis Berzins and Gaida Berzins; thence north $89^{\circ} 58' 21''$ East 982 to a point on the right-of-way of County Road 361 (70' wide) thence; North $89^{\circ} 58' 21''$ East 647 feet to a point in line of lands of the Assawoman Canal being the South Bethany Sanitary Sewer District boundary.

Area of easement containing 17.77 acres more or less.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the attorney for County Council to procure the necessary land and rights-of-way by purchase, agreement, or condemnation in accordance with existing statutes and authorizes the County Engineer to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any or all structures required to provide for the safe disposal of the sewage in the Sanitary District.

ATTACHMENTS:

1. Copy of The Public Notice
2. The necessary affidavit regarding Posting of Notice

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY
OF RESOLUTION NO. R 027 82 PASSED BY THE COUNTY COUNCIL OF SUSSEX
COUNTY ON THE 23RD DAY OF MARCH, 1982.

Emogene P. Ellis
EMOGENE P. ELLIS
CLERK OF THE COUNTY COUNCIL

ATTACHMENT 1

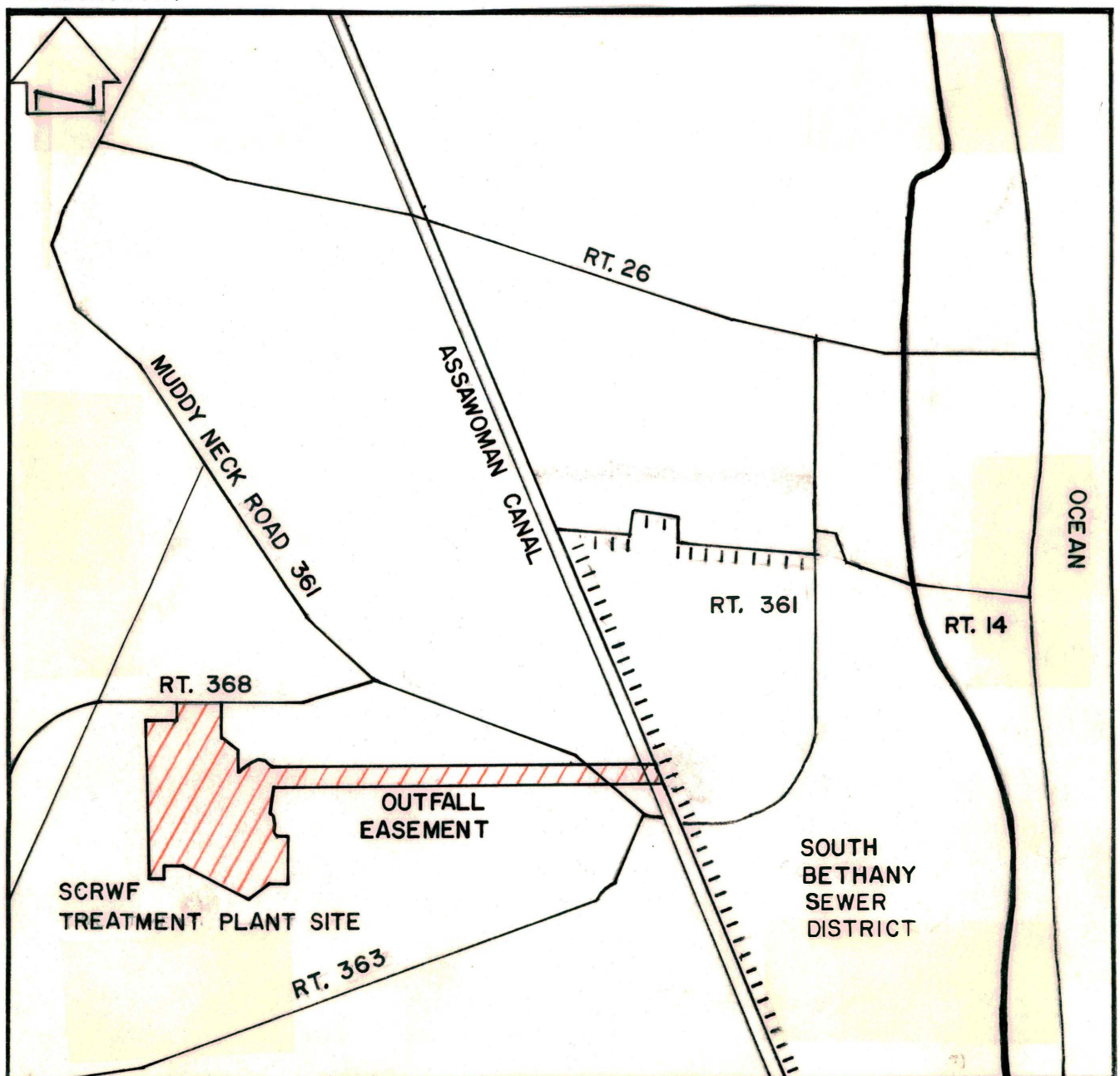
NOTICE

SOUTH BETHANY SANITARY SEWER DISTRICT

Sussex County Council on February 9, 1982 voted to consider extending the South Bethany Sanitary Sewer District to include an area contained within the South Coastal Regional Wastewater Facilities Outfall line easement and the property on which the South Coastal Regional Wastewater Facilities treatment plant is located. The Outfall easement contains an area of 16.50 acres more or less and the Sussex County treatment property contains 67.78 acres more or less.

This action is in conformance with Delaware Code, Title 9, Chapter 65, Section 6502.

Below is a map outlining and describing the area involved in this extension.



LOCATION MAP
1" = 2000'

For further information please call or write Sussex County Engineering Department, 8 North Race Street, Georgetown, Delaware 19947, 302-856-7701.

A description of the properties is attached.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES
TREATMENT PLANT SITE METES AND BOUNDS

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Area of easement containing 17.77 acres more or less.

ATTACHMENT 2

STATE OF DELAWARE)
 (
COUNTY OF SUSSEX)

BE IT REMEMBERED, that on this eighth day of March A.D., 1982, personally appeared before me, the subscriber, an Engineering Technician with Sussex County Engineering Department, ROBERT W. CERKLEFSKIE, known to me personally to be such, who being by me duly sworn according to law did dispose and say as follows:

1. That on 8 March 1982, he was an Engineering Technician for the Sussex County Engineering Department, Sussex County, State of Delaware.

2. That the Sussex County Engineering Department prepared "Public Notice" proposing the extension of the South Bethany Sanitary Sewer District to include those properties of the South Coastal Regional Wastewater Facilities treatment plant, which are currently outside the limits of the existing district. Attached hereto is a copy of the notice containing the described area to be included.

3. That he did post this "Public Notice" on 8 March 1982 at the following locations:

1. South Bethany Town Hall
2. Logan Street and Route 114 Pole No. $\frac{62480}{98318}$
3. Intersection of Division and Ocean Drive Bulletin Board
4. North Sixth and Route 1 Pole No. AE 52
5. York Beach Mall - Palms Restaurant - Front Window
6. Bayshore Drive Pole No. $\frac{62410}{98523}$
7. Bayview Park Bulletin Board Entrance
8. Petherton Drive Entrance Pole No. AE-51
9. Across from Sea Colony East Pole No. $\frac{62428}{99014}$

(Signed) Robert W. Cerklefskie
Robert W. Cerklefskie

SWORN TO AND SUBSCRIBED before me this day and year aforesaid.

(Signed) Emogene P. Ellis
Notary Public