

RESOLUTION NO. R 029 80

AS AMENDED

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A TRUCK TERMINAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.12 ACRES, MORE OR LESS

WHEREAS, on the 30th day of May, A.D. 1980, an application for a Conditional Use of land in a C-1 General Commercial District for a truck terminal, denominated C/U #584, was filed on behalf of Red Star Express Lines of Auburn, Inc.; and

WHEREAS, on the 26th day of June, A.D. 1980, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #584 be approved; and

WHEREAS, on the 15th day of July A.D. 1980, a public hearing, after notice, was held before the County Council of Sussex County on C/U #584 and having heard and considered the public comments made at such hearing and the County Council having found as follows:

(a) That the Conditional Use applied for is for the general convenience and welfare of the inhabitants of Sussex County;

(b) That the location is appropriate for the Conditional Use applied for and not in conflict with the Comprehensive Plan;

(c) That the public health, safety, morals and general welfare of the inhabitants of Sussex County will not be adversely affected;

(d) That adequate off-street parking facilities will be provided;

(e) That the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values; and

(f) That the additional standards of Ordinance 1, Article 10, Section 1, et seq. will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of Red Star Express lines

of Auburn, Inc. for a Conditional Use of land in a C-1 General Commercial District for a truck terminal to be located in Northwest Fork Hundred, Sussex County, be and the same is hereby granted; and

BE IT FURTHER RESOLVED that the description of the land which is the subject of this application is more particularly described as follows:

ALL that certain tract, piece or parcel of land lying and being situated in Northwest Fork Hundred, Sussex County, Delaware, and lying between Route 13 and Route 13A (404) and bounded as follows:

BEGINNING at a concrete monument on the easterly right of way of Route 13A at a corner for this subject land and lands of Robert N. Hayes, etux.; thence north $79^{\circ} 30'$ east 485.16 feet to a concrete monument; thence south $83^{\circ} 48'$ east 455.16 feet to a concrete monument on the westerly right of way of U. S. Route 13; thence south $03^{\circ} 42'$ west 645.70 feet along the westerly right of way to U. S. Route 13 to a concrete monument at a corner for this subject land and lands of Grace L. Pintz; thence south $87^{\circ} 15'$ west 769.75 feet to a concrete monument on the easterly right of way of Route 13A; thence north $10^{\circ} 30'$ west 652.96 feet along the easterly right of way of Route 13A to the point and place of beginning, containing 13.3 acres more or less of lands of Bernie V. Davis and Loretta N. Davis; and

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to compliance with Ordinance No. 1, the Comprehensive Zoning Ordinance of Sussex County, as amended; and

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to the following special conditions:

(a) There shall be no more than one entrance to Route 13A.
(b) There shall be a buffer of trees planted along Route 13A.

(c) This Conditional Use shall be valid for a period of one year after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said one year period, or unless an extension of time, not exceeding one year, is approved by the Planning and Zoning Commission and for

good cause shown, before the expiration of said one-year period.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY
OF RESOLUTION NO. R 029 80, AS A ENDED, PASSED BY THE COUNTY COUNCIL
OF SUSSEX COUNTY ON THE 29TH DAY OF JULY, 1980.

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