

RESOLUTION NO. R 030 81

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, CONTAINING 44.09 ACRES, MORE OR LESS

WHEREAS, on the 21st day of January, A. D. 1981, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a Borrow Pit, denominated C/U #617, was filed on behalf of Cygnet Construction Corp.; and

WHEREAS, on the 26th day of February, A. D. 1981, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #617 be denied; and

WHEREAS, on the 17th day of March, A. D. 1981, a public hearing, after notice, was held before the County Council of Sussex County on C/U #617 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 Cygnet Construction Corp. for a Conditional Use of land in an AR-1 Agricultural Residential

District for a Borrow Pit to be located in the Baltimore Hundred, Sussex County, be and the same is hereby granted;

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 situate in the Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Route 387, 1,100 feet north of Route 388 and bounded as described in Deed Book 794, page 250 in the office of Recorder of Deeds in and for Sussex County. Said tract being lands of James E. Swann, Jr. and Gladys A. Swann and containing 44.09 acres more or less;

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 subject to the following special conditions:

(1) A fence will be erected along the side of the property adjacent to Road 387. The fence will be located 50 feet from the right of way of Road 387 and extend from the southern boundary line to the northern boundary line being a distance of approximately 600 feet;

(2) The fence height shall be six (6) feet extending 50 feet in each direction from the access road to the pit which will have a gate six (6) feet in height. This portion of the fence shall be of chain link construction. The remaining fence shall be a minimum of four (4) feet in height and constructed of material equivalent to a farm stock material with no less than 12" x 12" mesh. All fencing shall be constructed within 60 days from the date of this resolution;

(3) The gate shall be closed and locked at all times, except when work is in progress on the property;

(4) No trespassing signs shall be posted along the fence and gate at 100 foot intervals.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 030 81 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 14TH DAY OF APRIL, 1981.

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