

RESOLUTION R 032 01

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS THE RESERVES SUBDIVISION, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF THE TOWN OF SOUTH BETHANY AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the South Bethany 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 south of the Town of Ocean View and west of the Town of South Bethany and the Assawoman Canal, the inclusion of this property would 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 affidavits of Phillip C. Calio, copies of which affidavits 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 South Bethany Sanitary Sewer District to encompass the property south of the Town of Ocean View and west of the Town of South Bethany as follows:

BEGINNING at a point formed by the intersection of the northerly right-of-way line of Birch Street Extended with the westerly right-of-way line of Ginkgo Street, thence running in the datum of the Delaware State Grid, thence leaving said Birch Street Extended and running by and with said right-of-way line of Ginkgo Street, for the following two courses,

(1) South 00 degrees 25 minutes 48 seconds East 416.21 feet to an iron pipe found, (2) by and with the arc of a circle, deflecting to the left, with an arc length of 157.08 feet, a radius of 50.00 feet, and a chord bearing and distance of South 00 degrees 25 minutes 48 seconds East 100.00 feet to a concrete monument found on the northerly line of the lands, now or formerly, of Bear Trap Partners, L.L.C., as recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plat Book 59, Page 155, said point also being on the SBSSD boundary, thence leaving said Ginkgo Street and running by and with said lands of Bear Trap Partners, L.L.C., and SBSSD boundary for the following eight courses, (1) North 89 degrees 24 minutes 32 seconds West 153.34 feet to a point, (2) North 88 degrees 29 minutes 26 seconds West 34.60 feet to an iron pipe found, (3) North 75 degrees 40 minutes 27 seconds West 185.00 feet to a "PK" nail found, (4) North 71 degrees 48 minutes 44 seconds West 182.19 feet to a point, (5) North 58 degrees 47 minutes 38 seconds West 261.84 feet to a point, (6) North 51 degrees 50 minutes 52 seconds West 507.26 feet to a point, (7) North 48 degrees 35 minutes 28 seconds West 51.05 feet to an iron rod with cap found, (8) North 04 degrees 23 minutes 40 seconds West 959.75 feet to a concrete monument found on the southerly line of the lands, now or formerly, of Frank E. Lathbury, as recorded in the aforesaid Office of the Recorder of Deeds, in Deed Record Book 2054, Page 227, thence leaving said lands of Bear Trap Partners, L.L.C., and SBSSD boundary and running by and with said lands of Lathbury, South 88 degrees 03 minutes 34 seconds East 240.67 feet to a point on the westerly line of Lot 44 of the proposed subdivision "The Reserves Resort, Spa & Country Club-Phase 2", thence leaving said lands of Lathbury and running through said proposed subdivision, by and with Lots 44, 95 through 98 and 122 through 136 for the following 26 courses, (1) South 12 degrees 54 minutes 44 seconds East 137.68 feet to a point on a curve (non-tangent), (2) by and with the arc of a circle, deflecting to the right, with an arc length of 40.16 feet, a radius of 165.00 feet and a chord bearing and distance of North 84 degrees 03 minutes 36 seconds East 40.06 feet to a point of tangency, (3) South 88 degrees 58 minutes 04 seconds East 18.15 feet to a point of curvature, (4) by and with the arc of a circle, deflecting to the left, with an arc length of 35.69 feet, a radius of 25.00 feet and a chord bearing and distance of North 50

degrees 08 minutes 19 seconds East 32.73 feet to a point, (5) North 80 degrees 37 minutes 29 seconds East 53.32 feet to a point, (6) South 77 degrees 12 minutes 19 seconds East 165.00 feet to a point, (7) North 24 degrees 10 minutes 59 seconds East 44.94 feet to a point, (8) North 81 degrees 13 minutes 35 seconds East 92.73 feet to a point, (9) North 36 degrees 13 minutes 47 seconds East 154.91 feet to a point, (10) North 31 degrees 56 minutes 55 seconds East 165.57 feet to a point, (11) North 44 degrees 25 minutes 21 seconds East 64.81 feet to a point, (12) North 87 degrees 38 minutes 12 seconds East 122.02 feet to a point, (13) South 85 degrees 40 minutes 10 seconds East 87.75 feet to a point, (14) North 89 degrees 08 minutes 27 seconds East 65.98 feet to a point, (15) South 68 degrees 35 minutes 37 seconds East 55.71 feet to a point, (16) South 43 degrees 50 minutes 46 seconds East 55.71 feet to a point, (17) South 19 degrees 21 minutes 00 seconds East 57.05 feet to a point, (18) South 15 degrees 01 minutes 40 seconds East 92.30 feet to a point, (19) South 39 degrees 15 minutes 02 seconds East 110.65 feet to a point, (20) South 76 degrees 16 minutes 48 seconds East 351.66 feet to a point, (21) South 69 degrees 58 minutes 26 seconds East 30.00 feet to a point, (22) South 08 degrees 48 minutes 50 seconds East 203.57 feet to a point, (23) North 30 degrees 23 minutes 37 seconds East 110.74 feet to a point, (24) North 81 degrees 11 minutes 10 seconds East 77.60 feet to a point, (25) South 53 degrees 10 minutes 07 seconds East 237.39 feet to a point, (26) North 76 degrees 59 minutes 36 seconds East 121.75 feet to a point on the westerly right-of-way line of Balsa Street, thence leaving said proposed subdivision and running by and with said right-of-way line of Balsa Street, South 02 degrees 46 minutes 13 seconds East 470.92 feet to an iron pipe found, thence leaving said Balsa Street and running South 86 degrees 55 minutes 17 seconds West 79.23 feet to an iron pipe found, thence proceeding South 03 degrees 04 minutes 43 seconds East 135.00 feet to an iron pipe found on the aforesaid northerly right-of-way line of Birch Street Extended, thence proceeding by and with said right-of-way line of Birch Street Extended, South 86 degrees 55 minutes 17 seconds West 904.71 feet 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-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.

BE IT FURTHER RESOLVED that this action is subject to the adoption of an irrevocable ordinance by the Town Council of Ocean View consenting to the construction and maintenance of the sewerage system within its boundaries.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 032 01 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF DECEMBER, 2001.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

SOUTH BETHANY SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING
THE RESERVES

STATE OF DELAWARE

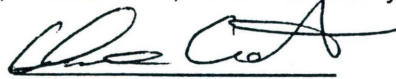
COUNTY OF SUSSEX

BE IT REMEMBERED that the subscriber, PHILLIP C. 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 November 29, 2001 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 29, 2001 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. In the lobby of the Delaware National Bank, State Route 26, Ocean View, Delaware.
 - 2. In the lobby of Taylor Bank, State Route 26, Ocean View, Delaware.
 - 3. On the front window of Shore Foods, Route One and Errett Road, South Bethany, Delaware.
 - 4. Community bulletin board, South Bethany Town Hall, Evergreen and Pine St., South Bethany, Delaware.
 - 5. Community bulletin board in lobby, U.S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware.
 - 6. Community bulletin board, South Coastal Library, Kent Ave., Bethany Beach, Delaware.
 - 7. Bulletin Board of Ocean View Post Office, Route 26, Ocean View, Delaware.
 - 8. On site of the proposed expansion area at the following four locations:
 - 1. On a post on the west side of Balsa Street, 40 feet more or less

south of Mahogany Street, in Shady Del Park, Ocean View, Delaware.

2. On a post on the north side of Birch Street Extended, 375 feet more or less west of Balsa Street, in Shady Del Park, Ocean View, Delaware.
3. On a post on the west side of Ginkgo Street, 50 feet more or less west of Birch Street Extended, Ocean View, Delaware.
9. On a post on the west side of Ginkgo Street, 50 feet more or less west of Cedar Street Extended in Ocean View, Delaware.
10. On bulletin board in lobby of Sea Colony sales and rentals. Market Place at Sea Colony, Route One, South Bethany, Delaware.


CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this 12th day of Dec A.D., 2001.


NOTARY PUBLIC

My Commission Expires Jayne E. Dickerson
Notary Public
Commission Expires 3/10/03

SOUTH BETHANY SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING
THE RESERVES

STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED that the subscriber, PHILLIP C. 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 December 12, 2001 he was a Planning Technician I for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On December 12, 2001 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following location:
 - 1. On the front window of Dollar General, Route One, South Bethany, Delaware.


CHRIS CALIO

SWORN TO AND SUBSCRIBED before me on this 12th day of Dec. A.D., 2001.


NOTARY PUBLIC

Jayne E. Dickerson
Notary Public

My Commission Expires ~~Commission~~ Expires 3/10/03

NOTICE

PROPOSED EXPANSION TO THE SOUTH BETHANY SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on November 6, 2001 to consider extending the South Bethany Sanitary Sewer District (SBSSD) to include a portion of the proposed Reserves subdivision, being situate in Baltimore Hundred, Sussex County Delaware.

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 SBSSD is described as follows:

BEGINNING at a point formed by the intersection of the northerly right-of-way line of Birch Street Extended with the westerly right-of-way line of Ginkgo Street, thence running in the datum of the Delaware State Grid, thence leaving said Birch Street Extended and running by and with said right-of-way line of Ginkgo Street, for the following two courses, (1) South 00 degrees 25 minutes 48 seconds East 416.21 feet to an iron pipe found, (2) by and with the arc of a circle, deflecting to the left, with an arc length of 157.08 feet, a radius of 50.00 feet, and a chord bearing and distance of South 00 degrees 25 minutes 48 seconds East 100.00 feet to a concrete monument found on the northerly line of the lands, now or formerly, of Bear Trap Partners, L.L.C., as recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plat Book 59, Page 155, said point also being on the SBSSD boundary, thence leaving said Ginkgo Street and running by and with said lands of Bear Trap Partners, L.L.C., and SBSSD boundary for the following eight courses, (1) North 89 degrees 24 minutes 32 seconds West 153.34 feet to a point, (2) North 88 degrees 29 minutes 26 seconds West 34.60 feet to an iron pipe found, (3) North 75 degrees 40 minutes 27 seconds West 185.00 feet to a "PK" nail found, (4) North 71 degrees 48 minutes 44 seconds West 182.19 feet to a point, (5) North 58 degrees 47 minutes 38 seconds West 261.84 feet to a point, (6) North 51 degrees 50 minutes 52 seconds West 507.26 feet to a point, (7) North 48 degrees 35 minutes 28 seconds West 51.05 feet to an iron rod with cap found, (8) North 04 degrees 23 minutes 40 seconds West 959.75 feet to a concrete monument found on the southerly line of the lands, now or formerly, of Frank E. Lathbury, as recorded in the aforesaid Office of the Recorder of Deeds, in Deed Record Book 2054, Page 227, thence leaving said lands of Bear Trap Partners, L.L.C., and SBSSD boundary and running by and with said lands of Lathbury, South 88 degrees 03 minutes 34 seconds East 240.67 feet to a point on the westerly line of Lot 44 of the proposed subdivision "The Reserves Resort, Spa & Country Club-Phase 2", thence leaving said lands of Lathbury and running through said proposed subdivision, by and with Lots 44, 95 through 98 and 122 through 136 for the following 26 courses, (1) South 12 degrees 54 minutes 44 seconds East 137.68 feet to a point on a curve (non-tangent), (2) by and with the arc of a circle, deflecting to the right, with an arc length of 40.16 feet, a radius of 165.00 feet and a chord bearing and distance of North 84 degrees 03 minutes 36 seconds East 40.06 feet to a point of tangency, (3) South 88 degrees 58 minutes 04 seconds East 18.15 feet to a point of curvature, (4) by and with the arc of a circle, deflecting to the left, with an arc length of

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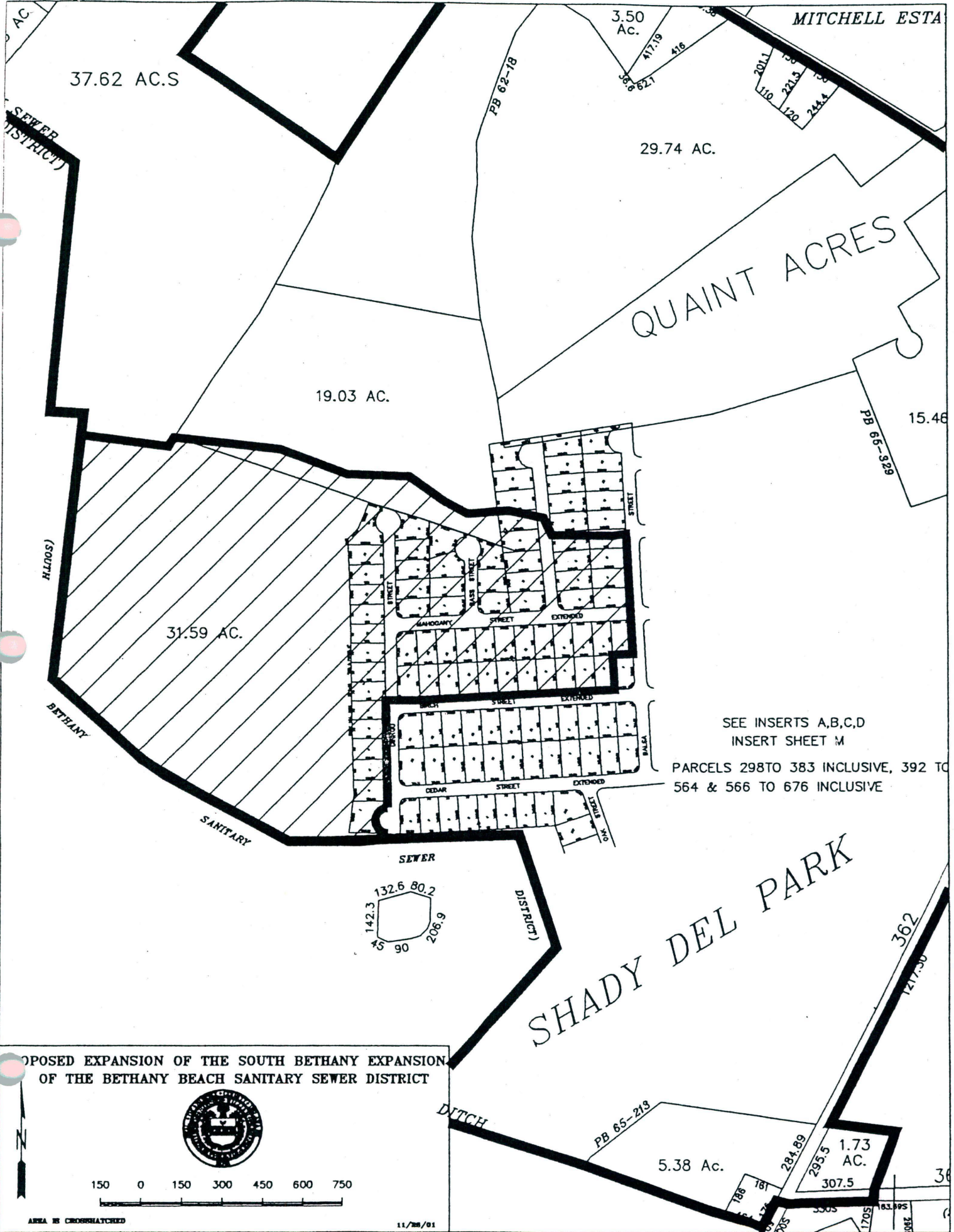
The proposed expansion of the SBSSD is within these boundaries. The boundary description has been prepared using Sussex County Tax Map No. 1-34 12.00, 1-34 16.00 and a legal description provided by Davis, Bowen & Friedel, Inc., dated November 12, 2001

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

The public hearing will be held on this issue at 10:45 a.m. on December 18, 2001 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



SEE INSERTS A,B,C,D
 INSERT SHEET M
 PARCELS 298 TO 383 INCLUSIVE, 392 TO
 564 & 566 TO 676 INCLUSIVE

**PROPOSED EXPANSION OF THE SOUTH BETHANY EXPANSION
 OF THE BETHANY BEACH SANITARY SEWER DISTRICT**

150 0 150 300 450 600 750

AREA IS CROSSHATCHED

11/28/01