

RESOLUTION NO. R 033 01

A RESOLUTION TO EXTEND THE BOUNDARY OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (OVX) TO ENCOMPASS THE RESERVES SUBDIVISION, CONTIGUOUS TO THE OVX, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW, AND WEST OF COUNTY ROAD 362, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX); 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, which is contiguous to the OVX, 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 Chris Calio, a copy of which affidavit and public notice is 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 OVX to encompass the Reserves subdivision, situate south of the Town of Ocean View, as follows:

BEGINNING at a point formed by the intersection of the westerly line of the lands,

Reserves" Subdivision, Phase I, said beginning point lying on a course of South 34 degrees 07 minutes 00 seconds West 239.85 feet from an iron pipe found on the southerly right-of-way line of Woodland Avenue, 30 feet wide, thence running in the datum of the Delaware State Grid, said point also being on the OVX boundary, thence leaving said OVX boundary and proceeding by and with said lands of Bennett, South 34 degrees 07 minutes 00 seconds 306.71 feet to an iron pipe found on the northerly line of the lands, now or formerly, of Madelyn Browning, as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Record Book 1887, Page 102, thence leaving said lands of Bennett and running by and with said lands of Browning, for the following six courses, (1) North 55 degrees 32 minutes 35 seconds West 125.65 feet to an iron pipe found, (2) South 37 degrees 31 minutes 59 seconds West 188.96 feet to a concrete monument found, (3) South 18 degrees 55 minutes 59 seconds West 449.73 feet to an iron pipe found, (4) South 06 degrees 09 minutes 24 seconds West 387.42 feet to a concrete monument found, (5) South 07 degrees 03 minutes 57 seconds East 343.61 feet to a concrete monument found, (6) South 07 degrees 00 minutes 15 seconds East 282.08 feet to a point on the westerly line of "Quaint Acres" Subdivision as recorded in the aforesaid Office of the Recorder of Deeds, in Plat Book 11, Page 90, thence leaving said lands of Browning and running by and with said "Quaint Acres" Subdivision, for the following two courses, (1) South 06 degrees 13 minutes 36 seconds East 212.36 feet to a concrete monument found, (2) North 81 degrees 11 minutes 12 seconds East 520.82 feet to an iron pipe found on the westerly right-of-way line of Balsa Street, thence leaving said "Quaint Acres" Subdivision and running by and with said right-of-way line of Balsa Street, for the following three courses, (1) South 02 degrees 46 minutes 13 seconds East 9.43 feet to a point on a curve, (2) by and with the arc of a circle (non-tangent), 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 02 degrees 46 minutes 13 seconds East 100.00 feet to a point, (3) South 02 degrees 46 minutes 13 seconds East 313.71 feet to a point on the southerly line of Lot 98 of the proposed subdivision "The Reserves Resort, Spa & Country Club-Phase 2", thence leaving aforesaid Balsa Street 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 76 degrees 59 minutes 36 seconds East 121.75 feet to a point, (2) North 53 degrees 10 minutes 07 seconds West 237.39 feet to a point, (3) South 81 degrees 11 minutes 10 seconds West 77.60 feet to a point, (4) South 30 degrees 23 minutes 37 seconds West 110.74 feet to a point, (5) North 08 degrees 48 minutes 50 seconds West 203.57 feet to a point, (6) North 69 degrees 58 minutes 26 seconds West 30.00 feet to a point, (7) North 76 degrees 16 minutes 48 seconds West 351.66 feet to a point, (8) North 39 degrees 15 minutes 02 seconds West 110.65 feet to a point, (9) North 15 degrees 01 minutes 40 seconds West 92.30 feet to a point, (10) North 19 degrees 21 minutes 00 seconds West 57.05 feet to a point, (11) North 43 degrees 50 minutes 46 seconds West 55.71 feet to a point, (12) North 68 degrees 35 minutes 37 seconds West 55.71 feet to a point, (13) South 89 degrees 08 minutes 27 seconds West 65.98 feet to a point, (14) North 85 degrees 40 minutes 10 seconds West 87.75 feet to a point, (15) South 87 degrees 38 minutes 12 seconds West 122.02 feet to a point, (16) South 44 degrees 25 minutes 21 seconds West 64.81 feet to a point, (17) South 31 degrees 56 minutes 55 seconds West 165.57 feet to a point (18) South 36 degrees 13 minutes 47 seconds West 154.91 feet to a point, (19) South 81 degrees 13 minutes 35 seconds West 92.73 feet to a point, (20) South 24 degrees 10 minutes 59 seconds West 44.94 feet to a point, (21) North 77 degrees 12 minutes 19 seconds West 165.00 feet to a point, (22) South 80 degrees 37 minutes 29

seconds West 53.32 feet to a point, (23) by and with the arc of a circle, deflecting to the right, with an arc length of 35.69 feet, a radius of 25.00 feet and a chord bearing and distance of South 50 degrees 08 minutes 19 seconds West 32.73 feet to a point of tangency, (24) North 88 degrees 58 minutes 04 seconds West 18.15 feet to a point, (25) by and with the arc of a circle, deflecting to the left, with an arc length of 40.16 feet, a radius of 165.00 feet and a chord bearing and distance of South 84 degrees 03 minutes 36 seconds West 40.06 feet to a point, (26) North 12 degrees 54 minutes 44 seconds West 137.68 feet to a point 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 Book 2054, Page 227, thence leaving aforesaid proposed subdivision and running by and with said lands of Lathbury, for the following nine courses, (1) South 88 degrees 03 minutes 34 seconds East 142.92 feet to a point, (2) North 27 degrees 08 minutes 47 seconds East 53.58 feet to a point, (3) North 32 degrees 04 minutes 19 seconds East 234.54 feet to a point, (4) North 37 degrees 21 minutes 39 seconds East 212.96 feet to a point, (5) North 58 degrees 52 minutes 30 seconds East 71.27 feet to a point, (6) North 27 degrees 21 minutes 58 seconds East 198.08 feet to a point, (7) North 28 degrees 03 minutes 54 seconds East 44.85 feet to a point, (8) North 27 degrees 30 minutes 11 seconds East 411.80 feet to a point, (9) North 30 degrees 58 minutes 59 seconds East 84.03 feet to a point on the southerly line of the "Woodland Park" Subdivision, as recorded in the aforesaid Office of the Recorder of Deeds, in Plat Book 16, Page 19; thence leaving said lands of Lathbury and running by and with said "Woodland Park" Subdivision and continuing by and with the centerline of a 20 foot ditch, for the following eight courses, (1) North 30 degrees 03 minutes 59 seconds East 194.71 feet to a point, (2) North 29 degrees 51 minutes 53 seconds East 187.09 feet to a point, (3) North 40 degrees 41 minutes 11 seconds East

94.40 feet to a point, (4) North 34 degrees 25 minutes 13 seconds East 326.25 feet to a point, (5) North 36 degrees 49 minutes 07 seconds East 240.40 feet to a point, (6) North 39 degrees 20 minutes 56 seconds East 68.12 feet to a point, (7) North 13 degrees 33 minutes 28 seconds East 169.25 feet to a point, (8) North 16 degrees 19 minutes 36 seconds East 52.10 feet to a point, said point being on the OVX boundary, thence leaving said "Woodland Park" Subdivision and running by and with said OVX boundary South 56 degrees 43 minutes 49 seconds East 502.98 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 033 01 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF DECEMBER, 2001.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

OCEAN VIEW SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING
THE RESERVES

STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED that the subscriber, PHILIP 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. On bulletin board of Ocean View Town Hall, Oakwood Avenue, Ocean View, Delaware;
 - 2. On bulletin board of Ocean View Post Office, Route 26, Ocean View, Delaware;
 - 3. In vestibule of Delaware National Bank, Route 26, Ocean View, Delaware;
 - 4. On bulletin board of Calvin B. Taylor Bank, Route 26, Ocean View, Delaware;
 - 5. On bulletin board of Bethany Beach Town Hall, Garfield Parkway, Bethany Beach, Delaware;
 - 6. On bulletin board of the U.S. Post Office, Pennsylvania Ave., Bethany Beach, Delaware;
 - 7. On bulletin board in the South Coastal Library Cultural Center, Kent Avenue, Bethany Beach, Delaware;

8. On site of the proposed expansion area in the following four locations:

1. On post on Ocean View Town Boundary Line, 210 feet more or less southwest of Woodland Avenue, Ocean View, Delaware.
2. On post on Ocean View Town Boundary Line, 400 feet more or less southwest of Woodland Avenue, Ocean View, Delaware.
3. On post on the Westside of Balsa Street, at the end of Juniper Street in Shady Del Park, Ocean View, Delaware.
4. On post on the west side of Balsa Street at the end of Mimosa Street in Shady Del Park, Ocean View, Delaware.


PHILIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 14th day of Dec A.D., 2001.


NOTARY PUBLIC

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

NOTICE

PROPOSED EXPANSION TO THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on November 6, 2001 to consider extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District (OVX) 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 OVX is described as follows:

BEGINNING at a point formed by the intersection of the westerly line of the lands, now or formerly, of Mark J. and Adrienne M. Bennett with the southerly line of "The Reserves" Subdivision, Phase I, said beginning point lying on a course of South 34 degrees 07 minutes 00 seconds West 239.85 feet from an iron pipe found on the southerly right-of-way line of Woodland Avenue, 30 feet wide, thence running in the datum of the Delaware State Grid, said point also being on the OVX boundary, thence leaving said OVX boundary and proceeding by and with said lands of Bennett, South 34 degrees 07 minutes 00 seconds 306.71 feet to an iron pipe found on the northerly line of the lands, now or formerly, of Madelyn Browning, as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Record Book 1887, Page 102, thence leaving said lands of Bennett and running by and with said lands of Browning, for the following six courses, (1) North 55 degrees 32 minutes 35 seconds West 125.65 feet to an iron pipe found, (2) South 37 degrees 31 minutes 59 seconds West 188.96 feet to a concrete monument found, (3) South 18 degrees 55 minutes 59 seconds West 449.73 feet to an iron pipe found, (4) South 06 degrees 09 minutes 24 seconds West 387.42 feet to a concrete monument found, (5) South 07 degrees 03 minutes 57 seconds East 343.61 feet to a concrete monument found, (6) South 07 degrees 00 minutes 15 seconds East 282.08 feet to a point on the westerly line of "Quaint Acres" Subdivision as recorded in the aforesaid Office of the Recorder of Deeds, in Plat Book 11, Page 90, thence leaving said lands of Browning and running by and with said "Quaint Acres" Subdivision, for the following two courses, (1) South 06 degrees 13 minutes 36 seconds East 212.36 feet to a concrete monument found, (2) North 81 degrees 11 minutes 12 seconds East 520.82 feet to an iron pipe found on the westerly right-of-way line of Balsa Street, thence leaving said "Quaint Acres" Subdivision and running by and with said right-of-way line of Balsa Street, for the following three courses, (1) South 02 degrees 46 minutes 13 seconds East 9.43 feet to a point on a curve, (2) by and with the arc of a circle (non-tangent), 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 02 degrees 46 minutes 13 seconds East 100.00 feet to a point, (3) South 02 degrees 46 minutes 13 seconds East 313.71 feet to a point on the southerly line of Lot 98 of the proposed subdivision "The Reserves Resort, Spa & Country Club-Phase 2", thence leaving aforesaid Balsa Street 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 76 degrees 59 minutes 36 seconds East 121.75 feet to a point, (2) North 53 degrees 10 minutes 07 seconds West 237.39 feet to a point, (3) South 81 degrees 11 minutes 10 seconds West 77.60 feet to a point, (4) South 30 degrees 23 minutes 37 seconds West 110.74 feet to a point, (5) North 08 degrees 48 minutes 50 seconds West 203.57 feet to a point, (6) North 69 degrees 58 minutes 26 seconds West 30.00 feet to a point, (7) North 76 degrees 16 minutes 48 seconds West 351.66 feet to a point, (8) North 39 degrees 15 minutes 02 seconds West 110.65 feet to a point, (9) North 15 degrees 01 minutes 40 seconds West 92.30 feet to a point, (10) North 19 degrees 21 minutes 00 seconds West 57.05 feet to a point, (11) North 43 degrees 50 minutes 46 seconds West 55.71 feet to a point, (12) North 68 degrees 35 minutes 37 seconds West 55.71 feet to a point, (13) South 89 degrees 08 minutes 27 seconds West 65.98 feet to a point, (14) North 85 degrees 40 minutes 10 seconds West 87.75 feet to a point, (15) South 87 degrees 38 minutes 12 seconds West 122.02 feet to a point, (16) South 44 degrees 25 minutes 21 seconds West 64.81 feet to a point, (17) South 31 degrees 56 minutes 55 seconds West 165.57 feet to a point, (18) South 36 degrees 13 minutes 47 seconds West 154.91 feet to a point, (19) South 81 degrees 13 minutes 35 seconds West 92.73 feet to a point, (20) South 24 degrees 10 minutes 59 seconds West 44.94 feet to a point, (21) North 77 degrees 12 minutes 19 seconds West 165.00 feet to a point, (22) South 80 degrees 37 minutes 29 seconds West 53.32 feet to a point, (23) by and with the arc of a circle, deflecting to the right, with an arc length of 35.69 feet, a radius of 25.00 feet and a chord bearing and distance of South 50 degrees 08 minutes 19 seconds West 32.73 feet to a point of tangency, (24) North 88 degrees 58 minutes 04 seconds West 18.15 feet to a point, (25) by and with the arc of a circle, deflecting to the left, with an arc length of 40.16 feet, a radius of 165.00 feet and a chord bearing and distance of South 84 degrees 03 minutes 36 seconds West 40.06 feet to a point, (26) North 12 degrees 54 minutes 44 seconds West 137.68 feet to a point

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 Book 2054, Page 227, thence leaving aforesaid proposed subdivision and running by and with said lands of Lathbury, for the following nine courses, (1) South 88 degrees 03 minutes 34 seconds East 142.92 feet to a point, (2) North 27 degrees 08 minutes 47 seconds East 53.58 feet to a point, (3) North 32 degrees 04 minutes 19 seconds East 234.54 feet to a point, (4) North 37 degrees 21 minutes 39 seconds East 212.96 feet to a point, (5) North 58 degrees 52 minutes 30 seconds East 71.27 feet to a point, (6) North 27 degrees 21 minutes 58 seconds East 198.08 feet to a point, (7) North 28 degrees 03 minutes 54 seconds East 44.85 feet to a point, (8) North 27 degrees 30 minutes 11 seconds East 411.80 feet to a point, (9) North 30 degrees 58 minutes 59 seconds East 84.03 feet to a point on the southerly line of the "Woodland Park" Subdivision, as recorded in the aforesaid Office of the Recorder of Deeds, in Plat Book 16, Page 19; thence leaving said lands of Lathbury and running by and with said "Woodland Park" Subdivision and continuing by and with the centerline of a 20 foot ditch, for the following eight courses, (1) North 30 degrees 03 minutes 59 seconds East 194.71 feet to a point, (2) North 29 degrees 51 minutes 53 seconds East 187.09 feet to a point, (3) North 40 degrees 41 minutes 11 seconds East 94.40 feet to a point, (4) North 34 degrees 25 minutes 13 seconds East 326.25 feet to a point, (5) North 36 degrees 49 minutes 07 seconds East 240.40 feet to a point, (6) North 39 degrees 20 minutes 56 seconds East 68.12 feet to a point, (7) North 13 degrees 33 minutes 28 seconds East 169.25 feet to a point, (8) North 16 degrees 19 minutes 36 seconds East 52.10 feet to a point, said point being on the OVX boundary, thence leaving said "Woodland Park" Subdivision and running by and with said OVX boundary South 56 degrees 43 minutes 49 seconds East 502.98 feet to the point and place of BEGINNING.

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

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

The public hearing will be held on this issue at 11:00 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 INSERT A
 INSERT SHEET HH
 PARCELS 440-443, 445, 446,
 449-463, 465, 466,
 1371-1378, 1667-1724 & 2272
WOODLAND PARK

SEE INSERT B
 INSERT SHEET HH
 PARCELS 471-492,
 496.01-496.07, 502.01 &
 1379-1392
MITCHELL ESTATE

WEST
 PAR. 508
 1733-1737
 SEE INSE
 INSERT SHE

62 AC.S

23.25 AC.

10.00 AC.

3.50
Ac.

29.74 AC.

19.03 AC.

QUAINT ACRES

15.46 Ac.

31.59 AC.

SHADY DEL PARK

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 OCEAN VIEW EXPANSION OF
 THE BETHANY BEACH SANITARY SEWER DISTRICT



150 0 150 300 450 600 750

AREA IS CROSSHATCHED

11/28/01