

RESOLUTION NO. R 034 01

MILLER CREEK SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE

WHEREAS, the eligible voters of the proposed Miller Creek Sanitary Sewer District approved the creation of the sewer district by a vote of 196 to 111 in an election held on December 8, 2001; and

WHEREAS, Title 9, Delaware Code, Section 6507 requires the County Council to issue a determination of the sewer district within thirty days of its approval by the eligible voters;

NOW, THEREFORE, BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Miller Creek Sanitary Sewer District have approved the creation of said district, that the description of the Miller Creek Sanitary Sewer District is described in Exhibit "A"; and that the said district is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code.

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 rights-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 structures required to provide for the safe disposal of sewage in the sanitary sewer district.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the sanitary sewer district.

Exhibit "A"

Description of the Miller Creek Sanitary Sewer District

BEGINNING at a point, said point being the westernmost boundary corner of the Plantation Park (II) subdivision (found in Plot Book No. 8 Page 737 of the Sussex County Recorder of Deeds Office); thence proceeding in a northeasterly direction with the western boundary of said subdivision to a point where it meets the western boundary of the Starlight Woods subdivision (found in Plot Book 34, Page 147 and Plot Book 34, Page 297 of the Sussex County Recorder of Deeds Office); thence proceeding in a northwesterly direction with the western boundary of said subdivision to a point, said point being 221.9 feet +/- southwest of the southern Right-of-way (ROW) of County Road (CR) 368; thence proceeding in a straight line in a westerly direction a distance of 65 feet +/- to a point, said point being the southeasterly property corner of lands N/F Arthur J. Jr. & Doris D. Eisenhower, said point also being on a property line of lands N/F Raymond L. Jr. & Mary E. Tompkins Banks; thence proceeding by and with said Banks lands in a northwesterly, southwesterly direction to a point, said point being the southerly property corner of lands N/F Marion E. Powell & Wendell T. Powell; thence proceeding in a straight line in a southwesterly direction a distance of 55 feet +/- to a point, said point being the easterly property corner of lands N/F Wendell T. Jr. & Charlene B. Powell; thence proceeding in a southwesterly direction a distance of 100.6 feet to a point, said point being a property corner of lands N/F Helmi W. Bestry; thence proceeding in a southerly direction 78 feet +/- to a point, said point being on the northerly property line of lands N/F Viola E. Rogers; thence proceeding by and with said Rogers property line in a westerly direction to a point, said point being on the easterly ROW of CR 84, said point also being the westerly property corner of lands N/F Kenneth C. & Patricia A. Godfrey; thence proceeding in a straight line in a westerly direction a distance of 72 feet +/-

to a point, said point being on the westerly ROW of CR 84, said point also being the southernmost property corner of lands N/F Bruce & Yvonne Eckerd; thence proceeding by and with said Eckerd lands in a northwesterly direction to a point, said point being the westernmost property corner of lands N/F Bruce & Yvonne Eckerd; thence proceeding in a northeasterly direction a distance of 854 feet more or less with the northerly property lines of lands N/F Bruce & Yvonne Eckerd, N/F Anthony C. & Christine I. Kaczmarczyk, N/F Ida P. Powell Trustee, and N/F Stephen P. Cadden III, respectively, to a point, said point being the westernmost property corner of lands N/F Louis G. & Belva J. Townsend; thence proceeding by and with said Townsend lands to a point, said point being a property corner of lands N/F Asher E. Jr. & Elizabeth P. Hammond; thence proceeding by and with said Hammond lands in a northerly direction to a point, said point being on the southern property line of lands N/F Doris Hilda Trader Worrell & Herbert H. Worrell; thence proceeding by and with said Worrell lands in an easterly and northerly direction, respectively, to a point, said point being on the southerly ROW of CR 368; thence proceeding in a straight line in a northerly direction a distance of 50 feet more or less to a point, said point being on the northerly ROW of CR 368; thence proceeding in a northeasterly direction with said ROW to a point where it meets the western ROW of CR 84; thence proceeding in a straight line in an easterly direction a distance of 50 feet more or less to a point, said point being the intersection of the eastern ROW of CR 84 and the northern ROW of CR 368, said point also being on the South Bethany Sanitary Sewer District boundary; thence proceeding by and with said District boundary where it meets the eastern ROW of CR 362; thence proceeding in a southerly direction with said ROW to a point where it meets the northernmost property corner of lands N/F of Stanley M. & Sandra A. Haley; thence proceeding in a southerly direction with the eastern boundary of said lands to a point where it meets the northernmost property corner of lands N/F of Stanley M. & Sandra A.

Haley; thence proceeding in a southerly direction with the eastern boundary of said lands to a point where it meets the easternmost property corner of lands N/F of Glenn D. Prettyman; thence proceeding in a southerly and westerly direction respectively, with the eastern boundary of said lands to a point where it meets the easternmost property corner of lands N/F Ralph J. & Gail M. Sines; thence proceeding in a southwesterly direction with the eastern boundary of said lands to a point where it meets the easternmost property corner of the Malcolm's Manor subdivision (found in Plot Book 40, Page 254 of the Sussex County Recorder of Deeds Office); thence proceeding in a southwesterly direction with the eastern boundary of said subdivision to a point where it meets the eastern property corner of lands N/F Harold E. Marvel subdivision (found in Plot Book 27, Page 216 of the Sussex County Recorder of Deeds Office); thence proceeding in a southwesterly direction with the eastern boundary of said subdivision, to a point where it meets the northern boundary of lands N/F Beach Property Associates, said point also being the southernmost property corner of lands N/F of Harold E. Marvel subdivision; thence proceeding in a southerly direction with a straight line to a point where it meets the northern ROW of CR 363; thence proceeding in a southerly direction in a straight line to a point where it meets the southern ROW of CR 363; thence proceeding by and with said ROW in a westerly direction a distance of 610 feet more or less to a point, said point being the northwesterly property corner of lands N/F Craig W. Banks; thence proceeding by and with said Banks lands in a southerly, easterly and southeasterly direction respectively for a distance of 620 feet more or less to a point, said point being on the property line of lands N/F of Susan Spencer; thence proceeding by and with said Spencer lands in an easterly, southerly, westerly, northerly and westerly direction respectively for a distance of 1680 feet more or less to a point, said point being on the easterly property boundary of lands N/F George C. Moore subdivision (found in Plot Book 7, Page 16 of the Sussex County Recorder of Deeds Office);

thence proceeding by and with the eastern boundary of George C. Moore subdivision in a southerly direction to a point where it meets the northern edge of Miller Creek; thence proceeding in a westerly direction by and with the northern edge of Miller Creek (a portion of which being also the Beaver Dam Ditch) to the point of BEGINNING.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 034 01 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF DECEMBER, 2001.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL