

RESOLUTION NO. R 041 82

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MOBILE HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 37.53 ACRES MORE OR LESS

WHEREAS, on the 10th day of March, A.D. 1982, an application for a Conditional Use of land in a GR General Residential District for a Mobile Home Park, denominated C/U #677, was filed on behalf of Lawrence E. Mergenthaler, et al; and

WHEREAS, on the 8th day of April, A.D. 1982, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #677 be denied; and

WHEREAS, on the 27th day of April, A.D. 1982, a public hearing, after notice, was held before the County Council of Sussex County on C/U #677 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 Lawrence E. Mergenthaler, et al, for a Conditional Use of land in a GR General Residential

District for a Mobile Home Park to be located in the Indian River 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 Indian River Hundred, Sussex County, Delaware, and lying on the northwest corner of the intersection of Routes 5 and 311 and bounded as follows:


BEGINNING at a point, the northwest corner of the intersection of Routes 5 and 311. Thence from said point of beginning south  $13^{\circ} 46' 42''$  east, 50.86 feet; thence along the northern right of way line of Route 311 and along lands of Robert Drain; south  $73^{\circ} 12' 31''$  west, 1,189.70 feet to the corner of lands of aforesaid Drain and lands of Preston C. Jackson; thence along lands of Preston Jackson, Hersel E. Jackson, and Elizabeth Harmon, north  $10^{\circ} 12' 16''$  west, 818.40 feet; thence turning and following lands of Elizabeth Harmon, north  $57^{\circ} 27' 55''$  west 1,113.75 feet, to a corner for lands of Oak Meadows; thence along said lands of Oak Meadows north  $47^{\circ} 54' 00''$  east, 956.80 feet to the southern right of way line of Route 5; thence following along said right of way line south  $42^{\circ} 24' 10''$  east 1,137.00 feet; continuing along said right of way line south  $42^{\circ} 35' 55''$  east 859.82 feet; thence along the arc of a curve 205.04 feet, said curve having a radius of 3,847.67 feet and a chord bearing of south  $44^{\circ} 07' 31''$  east; thence south  $45^{\circ} 39' 07''$  east, 50.20 feet back to the point and place of beginning and containing 40.56 acres as surveyed by Miller-Lewis, Inc. Excepting from said application 3.03 acres of a B-1 Neighborhood Business District. Description of exception to be found in C/Z #435 application on file in the Office of Planning and Zoning, Sussex County, Delaware;

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;

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to the specific condition that the owner of the lands submit to the

Planning and Zoning Commission Director verification that Route 5 has been dedicated to the Highway Department from the intersection of Route 5 and Route 24 through to the intersection Route 5 and Route 311 as a 50 foot right of way.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 041 82 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 27TH DAY OF APRIL, 1982.

  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL