

RESOLUTION NO. R 050 83

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 13 ACRES MORE OR LESS

WHEREAS, on the 22nd day of June, A. D. 1983 an application for a Conditional Use of land in an AR-1 Agricultural Residential District for retail sales and storage, denominated C/U #745, was filed on behalf of W. B. James; and

WHEREAS, on the 28th day of July , A. D. 1983 a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #745 be approved; and

WHEREAS, on the 16th day of August, A. D. 1983 a public hearing, after notice, was held before the County Council of Sussex County on C/U #745 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 97, Article 10, Section 1 et seq. will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of W. B. James for a Conditional Use of land in an AR-1 Agricultural Residential District for

retail sales and storage to be located in Little Creek Hundred, Sussex County, be and the same is hereby granted; and

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 in Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Route 13, 1/2 mile south of Route 24 and being more particularly described as follows:

BEGINNING at an iron pipe on the west side of Route 13, a corner for this subject lands and lands now or formerly of Joseph Warrington; thence north $17-3/4^{\circ}$ west 196 feet to a concrete monument; thence south 75° west $376-1/2$ feet to a point; thence north $15-1/2^{\circ}$ west 150 feet to a point; thence south 75° west 127.2 feet to a point; thence north $15-1/2^{\circ}$ west 120 feet to a point; thence north 75° east 100 feet to a point; thence north $15-1/2^{\circ}$ west 255 feet to a point; thence south 75° west 300 feet to a point, said point being on the east side right of way of Route 70; thence following along said right of way north $15-1/2^{\circ}$ west 121 feet to a point; thence turning and leaving said right of way line north 74° east 200 feet to a point; thence north 16° west 511 feet to a point; thence north 76° east 260 feet to a point; thence south 60° east 285 feet to a concrete monument; thence south 25° west 47.4 feet to a concrete monument; thence north $74-3/4^{\circ}$ east 273 feet to a pipe; thence north $15-1/2^{\circ}$ west 60 feet to an axle set on the southerly line of Route 462; thence following along said right of way line and along the arc of a curve in a southeasterly direction 313 feet to a stake at an electric pole on the west right of way line of Route 13; thence along Route 13 right of way south 10° west 827 feet back to the point and place of beginning, said to contain sixteen and three-quarters ($16-3/4$) acres plus or minus, as surveyed by Harold Cook, dated May 1972;

EXCEPTING from the above described acreage the following parcel:

BEGINNING at a monument set on the west right of way line of Route 13, said monument being located 170 feet south of the center-line of Route 462; thence from said point of beginning and following along said right of way line of Route 13 south 10° 13' west 686.04 feet to an iron pipe; thence turning and leaving Route 13 north 17° 33' 50" west 196.10 feet to a monument; thence south 75° 51' west 215.48 feet to a pipe; thence north 10° 13' east 600.14 feet to a monument; thence south 80° 03' 40" east 287.64 feet back to the point and place of beginning, containing 3.76 acres plus or minus, as surveyed by Gene R. Littleton, April 1980, drawing number 80-415; and

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to compliance with Ordinance No. 97, the Comprehensive Zoning Ordinance of Sussex County, as amended.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 050 83 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 16TH DAY OF AUGUST, 1983.

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