

RESOLUTION NO. R 053 83

WHEREAS, Sussex County has established the Fenwick Island Sanitary Sewer District; and

WHEREAS, the sewer district, as established, includes lands described as follows:

Bounded on the north by Dirickson Creek, Little Assawoman Bay, in a line crossing Delaware Route 1, 3.10 miles north of the Maryland-Delaware line; bounded on the east by the Atlantic Ocean; bounded on the south by the Maryland-Delaware line; and bounded on the west by the Assawoman Bay, Roy Creek, a lagoon on the westerly boundary of Keen-Wik West, Delaware Route 54, and a north-south line extending from Route 54 to Dirickson Creek beginning at a point 0.60 miles west of the intersection of Delaware Route 58B and Delaware Route 54; and

WHEREAS, in the best interest of the present district, and to enhance the general health and welfare of that portion of Sussex County to the West and South of the existing district, the inclusion of the subdivision to be known as Keen-Wik Sound, as such property is more particularly described below, would be beneficial; and

WHEREAS, in accordance with 9 Del. C. § 6502, the Sussex County Council may, upon request of the County Engineer, revise the boundaries of an established sewer district when 50 or more houses have been connected to the existing district after posting a public notice in four public places in the district describing the new or revised boundaries; 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 Robert W. Cerklefskie, a copy of which Affidavit and public notice is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, in accordance with 9 Del. C. § 6502(b), Sussex County shall, within 30 days after posting the public notice, pass a form of resolution establishing the boundaries of a new district,

NOW, THEREFORE,

BE IT RESOLVED that the Sussex County Council hereby revises the boundaries of the Fenwick Island Sanitary Sewer District beyond its existing boundaries by adding the property more fully described in Exhibit "B" hereto, which Exhibit "B" is incorporated herein by reference, and that the boundaries of the new district as revised are set forth in Exhibit "C" attached hereto, which Exhibit "C" is incorporated herein by reference; and

BE IT FURTHER RESOLVED that the revision as proposed is economically feasible and conducive to preservation of the public health; and

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; and

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; and

BE IT FURTHER RESOLVED that Sussex County Council directs that the County Engineer, with the assistance of the Attorney for the County Council, submit for execution by Sussex County Council a specific contract with the developer requiring that the developer escrow a sum of \$50,000 to be applied to a payment of an impact fee for eventual improvements to the existing wastewater treatment plant serving the Fenwick Island Sanitary District, which may be necessary to defray the cost of expanding the plant to increase said plant's capacity to adequately discharge any additional waste that may be generated by the subdivision to which this extension applies beyond the current capacity of the sewer plant to adequately and safely treat such sewage waste, if such an impact fee is uniformly imposed by the County Council as a condition of extensions of the existing South Bethany, Bethany Beach and Fenwick Island sewer districts; and

BE IT FURTHER RESOLVED that the relationship between Act Corporation and Yellow Banks Company and Sussex County in reference to the construction of the sewage facilities to serve its lands is to be itemized in a contract between Act Corporation and Yellow Banks Company and the Sussex County Council; and

BE IT FURTHER RESOLVED that no work can be performed before the execution of said contract, which written contract shall specify the manner in which the monies shall be escrowed for payment by the developer of an impact fee, if one is established or the return of said escrowed monies in the event an impact fee is not established for expansion of the existing wastewater treatment plant.

Attachments:

Exhibit "A" Affidavit regarding posting of necessary notice.

Exhibit "B" Legal description - Keenwick Sound.

Exhibit "C" Legal description - Fenwick Island Sanitary Sewer District, as revised.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 053 83 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 6TH DAY OF SEPTEMBER, 1983.

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

STATE OF DELAWARE :  
COUNTY OF SUSSEX : ss.

BE IT REMEMBERED that on this 30th day of August, A. D. 1983, personally appeared before, the Subscriber, and Engineering Technician with the Sussex County Engineering Department, ROBERT W. CERKLEFSKIE, known to me personally to be such, who being by me duly sworn according to law, doth depose and say as follows:

2. That the Sussex County Engineering Department prepared a "Public Notice" proposing the extension of the Fenwick Island Sanitary Sewer District to include the property known as Keen-Wik Sound, which is currently outside the limits of the existing Fenwick Island Sewer District. Attached hereto is a copy of the Notice containing the described area to be included.

- (1) Keenwick Sound Entrance, Pole No. DEC40-4/RA1-103
- (2) Keenwick West Entrance on south side
- (3) Teaberry Woods Entrance, Pole No. DEC 40-4/RA1-11
- (4) Swann Keys Middle Entrance, Pole No. DEC 30-6/RA1-113
- (5) Keenwick Entrance, Pole No. DEC/RA1-124
- (6) Bayville Package Store
- (7) Bulletin Board Treasure Beach Campground
- (8) Bulletin Board Jerry Adkins Real Estate Office
- (9) Blue Hen Restaurant Entrance, Pole No. 62543/96492
- (10) Fenwick Island Town Hall
- (11) Seatowne Entrance Sign

Page 1284

SWORN TO AND SUBSCRIBED before me, the day and year aforesaid.

(Signed) Emogene P. Ellis  
Notary Public

P U B L I C   N O T I C E

NOTICE IS HEREBY GIVEN THAT THE SUSSEX COUNTY ENGINEER HAS REQUESTED THE SUSSEX COUNTY COUNCIL TO REVISE THE BOUNDARIES OF THE FENWICK ISLAND SANITARY SEWER DISTRICT.

THE REVISED BOUNDARY IS DESCRIBED AS FOLLOWS:

The Sussex County Council voted on 5-0 to consider extending the Fenwick Island Sanitary Sewer District to include an area known as Keen-Wik Sound, which area is contiguous to the Fenwick Island Sanitary Sewer District. The area includes 96± acres and has been approved as an RPC zone by the Sussex County Council, designated as CZ No. 522. This action is in conformity with Delaware Code Title 9, Ch. 65, S 6502. Attached is a map outlining and describing the proposed extension. The areas involved are crosshatched. (attach description)

THE ESTIMATED SERVICE CHARGES AND ASSESSMENTS ARE:

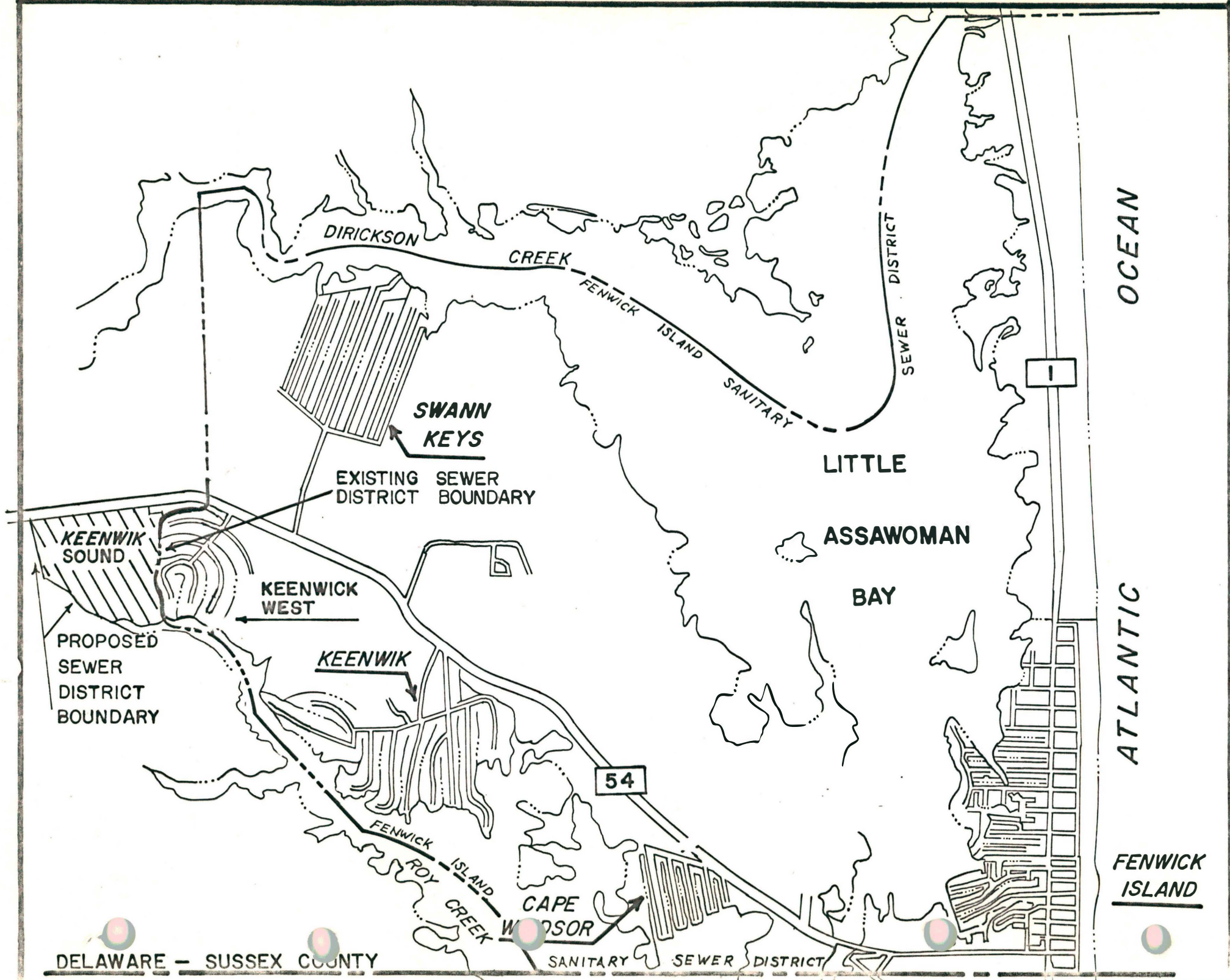
Service Charge Per Year    \$145.95 per year per EDU  
Per Equivalent Dwelling Unit

Front Foot Assessment  
Annual for 40 years    \$2.50 per front foot

• SUSSEX COUNTY ENGINEER

BY: (Signed) Rodney L. Wyatt  
Rodney L. Wyatt  
Acting County Engineer

DATED: August 16th, 1983



**FENWICK ISLAND SANITARY SEWER DISTRICT**

EXHIBIT B

DESCRIPTION  
KEENWICK SOUND  
Ref. BF-C71  
August 1983

Beginning at a concrete marker situate on the southerly right-of-way of Route #54, said concrete marker being a corner of these lands and lands N/F of Jesse S. and Geraldine H. Cobb; thence by and with lands N/F of Jesse S. and Geraldine H. Cobb and lands N/F of Mabel F. Murray, the following 2 courses and distances: (1) S 19° 27' 29" E, 742.05' to a concrete marker; thence (2) S 31° 18' 25" W, 48.02' to an iron pipe, said iron pipe being a corner of these lands and lands N/F of Mabel F. Murray; thence by and with lands N/F of Irvin J. and Edna A. McGee and the centerline of a ditch, the following 7 courses and distances: (3) S 65° 57' 49" E, 27.59' to a point; thence (4) S 76° 23' 04" E, 246.84' to a point; thence (5) S 55° 48' 30" E, 289.87' to a point; thence (6) S 51° 48' 10" E, 277.34' to a point; thence (7) S 44° 14' 07" E, 259.05' to a point; thence (8) S 63° 13' 23" E, 331.68' to a point; thence (9) N 08° 28' 44" E, 14.0' to a point, said point being situate in the centerline of Roy Creek; thence by and with the centerline of Roy Creek, the following 5 courses and distances: (10) S 63° 10' 44" E, 434.57' to a point; thence (11) N 72° 09' 39" E, 61.59' to a point; thence (12) S 66° 11' 01" E, 280.69' to a point; thence (13) S 76° 17' 02" E, 143.38' to a point; thence (14) N 85° 35' 50" E, 392.16' to a point, said point being the intersection of Roy Creek and the centerline of a lagoon; thence by and with centerline of said lagoon, the following 6 courses and distances: (15) N 17° 55' 25" E, 326.17' to a point; thence (16) N 20° 29' 21" W, 370.46' to a point; thence (17) N 20° 48' 54" E, 484.36' to a point; thence (18) N 24° 56' 46" W, 330.53' to a point; thence (19) N 15° 31' 07" E, 182.25' to a point; thence (20) N 41° 42' 38" E, 159.32' to a point, said point being the centerline of said lagoon and a corner of these lands and lands N/F of Marvin Long; thence by and with lands N/F of Marvin Long the following 2 courses

and distances: (21) N 80° 04' 49" W, 550.81'± to a concrete marker; thence (22) N 10° 40' 02" E, 237.21' to a concrete marker; said concrete marker being a corner of these lands, lands N/F of Marvin Long and being situate on the southerly right-of-way of aforesaid Route #54; thence by and with said southerly right-of-way of Route #54, the following 3 courses and distances: (23) N 86° 48' 59" W, 1,250.67' to a concrete marker; thence (24) by and with a curve bearing to the left, said curve having a delta angle of 28° 10' 46" and a radius of 1,195.25' and an arc distance of 587.86' to a concrete marker; thence (25) S 65° 00' 15" W, 548.15' to the home place of beginning.

The above described parcel of land contains 95.30 acres of land, be the same more or less.

EXHIBIT C

THE REVISED FENWICK ISLAND SANITARY SEWER DISTRICT BOUNDARY IS DESCRIBED AS FOLLOWS:

The area shall be bounded on the north by Dirickson Creek, Little Assawoman Bay, in a line crossing Delaware Route 1, 3.10 miles north of the Maryland-Delaware line; bounded on the east by the Atlantic Ocean; bounded on the south by the Maryland-Delaware line; and bounded on the west by the Assawoman Bay, Roy Creek, the westerly boundary of Keenwick Sound Subdivision, Delaware Route 54, and a north-south line extending from Route 54 to Dirickson Creek beginning at a point 0.60 miles west of the intersection of Delaware Route 58B and Delaware Route 54.