

RESOLUTION NO. R 054 82

AS AMENDED

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 115 ACRES, MORE OR LESS

WHEREAS, on the 13th day of April, A.D. 1982, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a borrow pit, denominated C/U #681, was filed on behalf of C. Kenneth Carter, et ux; and

WHEREAS, on the 13th day of May, 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 #681 be denied; and

WHEREAS, on the 1st day of June, A.D. 1982, a public hearing, after notice, was held before the County Council of Sussex County on C/U #681 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 C. Kenneth Carter et ux. for a Conditional Use of land in an AR-1 Agricultural Residential

District for a borrow pit to be located in the Baltimore 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 Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Route 384 and bounded as follows:

BEGINNING at a point on the easterly right of way of Route 384, a corner for this subject lands and lands of John Pomeroy; thence south $89^{\circ} 15'$ east 3,170.0 feet along said lands of John Pomeroy to a point; thence south $79^{\circ} 08'$ east 190.0 feet along lands of Edward H. Long to a point at Dirickson Creek; thence southerly and westerly with Dirickson Creek the following 20 distances: South $40^{\circ} 35'$ east 398.5 feet; South $12^{\circ} 50'$ east 240.0 feet; South $39^{\circ} 10'$ east 115.0 feet; South $56^{\circ} 25'$ west 506.0 feet; South $84^{\circ} 51'$ west 178.0 feet; South $64^{\circ} 20'$ west 236.0 feet; South $43^{\circ} 47'$ west 220.0 feet; South $55^{\circ} 10'$ west 157.0 feet; North $81^{\circ} 20'$ west 262.0 feet; North $68^{\circ} 43'$ west 230.0 feet; North $80^{\circ} 31'$ west 183.5 feet; North $88^{\circ} 26'$ west 235.0 feet; South $56^{\circ} 50'$ west 94.0 feet; South $40^{\circ} 42'$ west 246.0 feet; South $30^{\circ} 00'$ west 335.5 feet; South $56^{\circ} 18'$ west 260.5 feet; North $56^{\circ} 10'$ west 157.0 feet; North $85^{\circ} 20'$ west 450.5 feet; South $63^{\circ} 18'$ west 410.0 feet; North $65^{\circ} 42'$ west 492.0 feet to a point on the easterly right of way of Route 384; thence north $08^{\circ} 34'$ east 1,740.0 feet along Route 384 to a point and place of beginning and containing 115 acres more or less;

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 following special conditions:

1. The Borrow pit be limited to 25 acres or less on the existing parcel of land;

2. The Borrow pit must be a contiguous pit and to be located no less than 200 feet from any property line; and

3. The existing farm fence is to be maintained in good repair along the State Road and is to include a gate which will be closed when pit is not in use.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 054 82 AS AMENDED PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 8TH DAY OF JUNE, 1982.

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