

RESOLUTION NO. R 061 80

RESOLUTION TO REVISE THE BOUNDARIES OF THE BETHANY BEACH SEWER DISTRICT

WHEREAS, on November 17, 1980, Carl M. Freeman Associates, Inc. offered to the Sussex County Council to connect Sea Colony North to the South Coastal Regional Wastewater Facilities by granting to Sussex County a sewer disposal system, the details of which are set forth in letter of November 17, 1980, addressed to Mr. John T. Cannon, Sr., President, Sussex County Council, incorporating therein by reference an outline of proposal to connect Sea Colony North to the South Coastal Regional Wastewater Facilities; and

WHEREAS, on the 27th day of December, A. D. 1980, the County Engineer submitted to the Sussex County Council a letter giving his recommendation and making a request to revise the boundaries of the Bethany Beach Sewer District; and

WHEREAS, on the 30th day of December, A. D. 1980, after notice, the request of Carl M. Freeman Associates, Inc. as outlined in its letter of November 17, 1980, and the recommendations and requests of the County Engineer were placed on the agenda of the County Council and the matters were duly considered by the County Council of Sussex County,

NOW, THEREFORE,

BE IT RESOLVED that the offer of Carl M. Freeman Associates, Inc. to grant the Sussex County Council a sewer distribution system running from the lands of Carl M. Freeman Associates, Inc. located at Delaware Route 1, approximately 1.5 miles East of Bethany Beach and the existing Bethany Beach Sewer District, is hereby accepted by the Sussex County Council as a contribution of such sewer distribution system to Sussex County as proposed in the letter offer of Carl M. Freeman Associates, Inc. dated November 17, 1980, the terms and provisions of such letter being incorporated herein by reference; and

BE IT FURTHER RESOLVED that the County Engineer's request for revisions to the boundaries of the established Bethany Beach Sewer

District, after being duly considered, is hereby granted, and the County Engineer is directed to post at four (4) public places within the boundaries of the revised Sewer District, the precise boundaries of the revision to the Sewer District; and

BE IT FURTHER RESOLVED that the Bethany Beach Sewer District is hereby revised to include the boundaries as set forth in the County Engineer's description of the revised boundaries, to include the system offered by Carl M. Freeman Associates, Inc. to Sussex County; and

BE IT FURTHER RESOLVED that the acceptance of the proposal of Carl M. Freeman Associates, Inc. is contingent upon the validity of the HR-1 zoning classification granted to Carl M. Freeman Associates, Inc. by Sussex County Council in CZ-301, being judicially upheld by the Courts of the State of Delaware; and

BE IT FURTHER RESOLVED that this Resolution is conditioned upon Carl M. Freeman Associates, Inc. submitting to the Sussex County Council within two (2) weeks a written commitment to Sussex County Council in accordance with items numbered 2 and 3 at pages 2 and 3 of the County Engineer's letter of December 27, 1980, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the relationship between Carl M. Freeman Associates, Inc. and Sussex County in reference to the construction of the force main and pumping station facilities in extended area is to be agreed upon by contract between Carl M. Freeman Associates, Inc. and the Sussex County Council, and no work can be performed before execution of said contract; and

BE IT FURTHER RESOLVED that any agreement pertaining to any part of this Resolution between Carl M. Freeman Associates, Inc. and the Sussex County Council shall become effective only through written contract between Carl M. Freeman Associates, Inc. and the Sussex County Council and approved by the Sussex County Council by majority vote.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY
OF RESOLUTION NO. R 061 80 PASSED BY THE COUNTY COUNCIL OF SUSSEX
COUNTY ON THE 30TH DAY OF DECEMBER, 1980 AND AMENDED ON JANUARY 6,
1981.

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



sea colony

the beautiful beach & tennis community

December 29, 1980

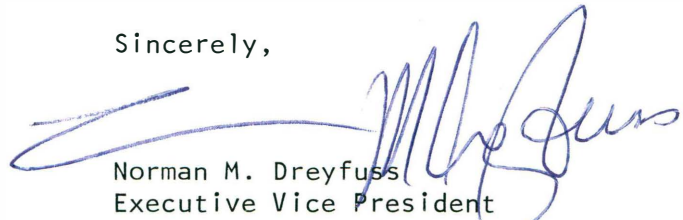
The Honorable John T. Cannon, Sr.
The President of the Sussex County Council
Post Office Box 589
Georgetown, Delaware 19947

REF: 1. SEA COLONY NORTH
2. BETHANY BEACH SANITARY SEWER DISTRICT
OPERATIONS AND MAINTENANCE

Dear Council President Cannon:

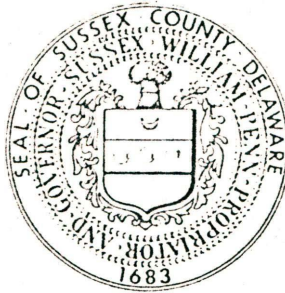
We have received a copy of Mr. McKee's letter of December 27, 1980 recommending the extension of the boundaries of the Bethany Beach Sanitary Sewer District to include the Sea Colony North property. This is to inform you that we concur with the recommendation and agree to the four recommended actions listed on pages two and three of that letter.

Sincerely,


Norman M. Dreyfuss
Executive Vice President
Carl M. Freeman Associates, Inc.

NMD/td

FRED M. McKEE
COUNTY ENGINEER



Sussex County
ENGINEERING DEPARTMENT
8 NORTH RACE STREET
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
302-856-7701

December ~~30~~, 1980
27

The Honorable John T. Cannon, Sr.
The President of the Sussex County Council
Post Office Box 589
Georgetown, Delaware 19947

REF: 1. SEA COLONY NORTH
2. BETHANY BEACH SANITARY SEWER DISTRICT
OPERATIONS AND MAINTENANCE

Dear Council President Cannon:

In compliance with Title 9, Delaware Code, Section 6502, I would like to recommend the extension of the boundaries of the Bethany Beach Sanitary Sewer District as shown on Exhibit 1. This boundary extension will serve the Sea Colony North property exclusively at this time.

Facilities to be constructed are as outlined in the most recent letter from Carl M. Freeman Associates, Inc. to Sussex County.

My bases for making this recommendation are as follows:

(1) In 1974 the United States Environmental Protection Agency published its Final Environmental Impact Statement for the South Coastal Regional Wastewater Facilities. Within this publication are certain statements recognizing the need for central wastewater treatment facilities on a regional basis for high population density. The North Bethany area of which the proposed Sea Colony North development is a part is specifically mentioned.

(2) The South Coastal Land Use Plan adopted by the Sussex County Council in 1976 includes a recommendation that central wastewater treatment facilities be provided for developments such as Sea Colony North.

(3) In a previous proposal submitted by Carl M. Freeman Associates, Inc. to Sussex County, certain central wastewater pumping and transmission facilities were proposed for connection to the Bethany Beach Sanitary Sewer District. The Sussex County Council requested the Sussex County Engineering Department to review Freeman's proposal and offer its comments.

Reviewed
Fred M. McKee
12/27/80

Such comments were published in a report dated August, 1979. The most recent proposal by Carl M. Freeman Associates, Inc. generally follows the August, 1979 recommendations.

(4) Carl M. Freeman Associates, Inc. also applied to the State of Delaware Department of Natural Resources and Environmental Control for a permit to construct a central wastewater treatment facility exclusively for Sea Colony North. The State of Delaware held a public hearing on this permit application and concluded that while it could not withhold the requested construction permit from Carl M. Freeman Associates, Inc., its first recommendation was for the wastewater generated at Sea Colony North to be treated at the South Coastal Regional Wastewater Facilities. The reasoning for this first recommendation was the State of Delaware always tries to limit the number of operating treatment plants where feasible to provide better environmental quality control.

(5) Had the Bethany Beach Sanitary Sewer District boundary been extended to include Sea Colony North beginning July 1, 1980, then there would have been an assessment charge rate reduction also beginning July 1, 1980, in the Bethany Beach and the South Bethany Sanitary Sewer Districts.

Documents mentioned in the five (5) bases above are on file in the Sussex County Engineering Department office, 8 North Race Street, Georgetown, Delaware.

My recommendation to extend the boundaries of the Bethany Beach Sanitary Sewer District to include Sea Colony North also includes the following necessary actions.

(1) As matching funds become available the Sussex County Council should make application to the United States Environmental Protection Agency and the State of Delaware Department of Natural Resources and Environmental Control to prepare a wastewater facility plan for the entire South Coastal area with boundaries as defined in the South Coastal Land Use Plan. The purpose of such a study will be to chart and plan for future central wastewater collection, transmission, treatment and disposal needs, if any, within the South Coastal area. If work began on such a plan today, its date for completion would be 1984. I must emphasize such a plan will be needed prior to designing and constructing any Federal and State partially funded facilities, including expansion of the present wastewater treatment plant.

(2) The most recent proposal by Carl M. Freeman Associates, Inc. indicates the facilities it constructs can be a "throw away" item should Sussex County construct regional wastewater collection and transmission facilities to serve the North Bethany area. The Freeman proposal also stated it would pay its equitable share of such future

Reviewed
Fred M. M. S. L. 12/27/80

The Honorable John T. Cannon, Sr.
December 23, 1980
Page 3 27,

assessment charges if regional facilities were constructed. Consequently, a covenant should appear in all deeds of transfer for units sold at Sea Colony North advising the new owners in each case that additional future wastewater assessment charges may be implemented.

(3) Sussex County Ordinance No. 38 shall be applicable to the facilities proposed for construction by Carl M. Freeman Associates, Inc.; that is, such facilities when constructed shall be deeded to Sussex County for the sum of One Dollar (\$1.00) and all design plans must previously be reviewed and approved by Sussex County with Carl M. Freeman Associates, Inc. also paying all costs incurred by Sussex County to inspect construction of the facilities.

(4) Any litigation which may either directly or indirectly preclude the construction of Sea Colony North must first be settled.

Finally, this recommendation must have all of the four (4) actions listed above approved by the Sussex County Council in order for it to be valid and the second, third and fourth actions above must be agreed to in writing by the developer, Carl M. Freeman Associates, Inc., in order for the recommendation to be valid. Should either or both of these full approvals to these conditional actions not be given, then my recommendation for extension of the Bethany Beach Sanitary Sewer District boundaries to include Sea Colony North is withdrawn.

I trust you will find this review satisfactory. This letter was dictated by me from Florida over the telephone on December 23, 1980 and I did not have the five (5) documents mentioned earlier in this letter at my disposal to be completely precise in all regards. In a telephone call to me on Tuesday morning, December 16, 1980, Mr. Joseph T. Conaway, Sussex County Administrator, had requested I review the latest Freeman proposal and make a recommendation to the Sussex County Council by December 23, 1980. However I was not able to complete this assignment by then since I was ill with a viral condition on December 17-18, 1980 and my mother suffered a very severe heart attack in Florida on December 19, 1980. I am sorry for the delay in submitting this recommendation to the Sussex County Council for consideration.

Thank you very much.

Respectfully,



Fred M. McKee
County Engineer

Enclosure - Exhibit 1

Reviewed - Fred M. McKee 12/27/80

*Reviewed
Jed M. Hill 12/27/80*

The Honorable John T. Cannon, Sr.
December 27, 1980
Page 4

cc: The Honorable W. Howard Workman with enclosure
The Honorable Ralph E. Benson with enclosure
The Honorable Charles W. Cole with enclosure
The Honorable Oliver E. Hill with enclosure
A. Dean Betts, Esquire with enclosure
Mr. Joseph T. Conaway with enclosure ✓
Mr. Norman M. Dreyfuss with enclosure

CARL M. FREEMAN ASSOCIATES

INCORPORATED

BUILDERS

COMMUNITY DEVELOPERS

January 12, 1981

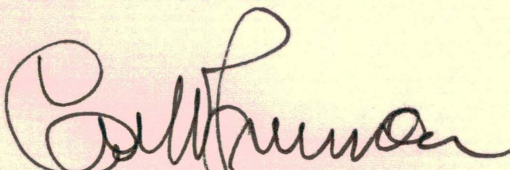
The Honorable W. Howard Workman
President of the Sussex County Council
Post Office Box 589
Georgetown, Delaware 19947

Dear Council President Workman:

We have received a copy of the Resolution and Mr. McKee's letter of December 27, 1980 recommending the extension of the boundaries of the Bethany Beach Sanitary Sewer District to include the Sea Colony North property. This is a written commitment to confirm and re-inform you that we concur with the recommendation and agree to Conditions 2 and 3 which are herein reiterated below.

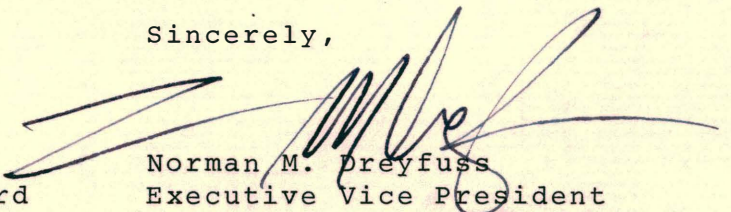
(2) The most recent proposal by Carl M. Freeman Associates, Inc. indicates the facilities it constructs can be a "throw away" item should Sussex County construct regional wastewater collection and transmission facilities to serve the North Bethany area. The Freeman proposal also stated it would pay its equitable share of such future assessment charges if regional facilities were constructed. Consequently, a covenant should appear in all deeds of transfer for units sold at Sea Colony North advising the new owners in each case that additional future wastewater assessment charges may be implemented.

(3) Sussex County Ordinance No. 38 shall be applicable to the facilities proposed for construction by Carl M. Freeman Associates, Inc.; that is, such facilities when constructed shall be deeded to Sussex County for the sum of One Dollar (\$1.00) and all design plans must previously be reviewed and approved by Sussex County with Carl M. Freeman Associates, Inc. also paying all costs incurred by Sussex County to inspect construction of the facilities.



Carl M. Freeman
President/Chairman of the Board

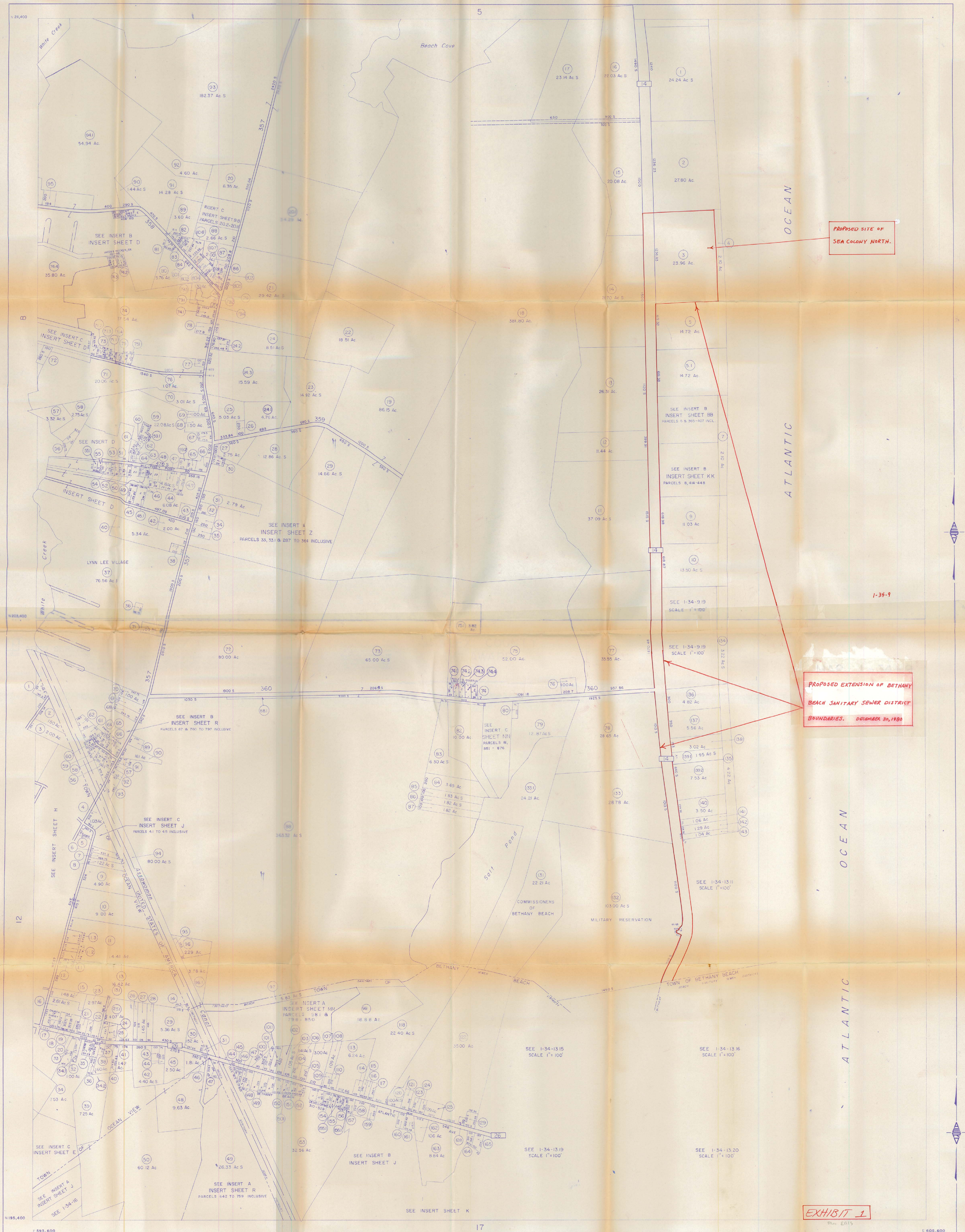
Sincerely,



Norman M. Dreyfuss
Executive Vice President

NMD/cbs

CABIN JOHN CENTER
11325 SEVEN LOCKS ROAD, POTOMAC, MARYLAND 20854
(301) 983-0400



AERO SERVICE
LITTON
PHILADELPHIA, PENNSYLVANIA 19103
PREPARED FOR THE SUSSEX COUNTY COUNCIL, DEPARTMENT
OF FINANCE, SOLE AGENCY FOR THE SALE AND DISTRIBUTION
OF PROPERTY MAPS

DATE OF REVISION 5 SEP. 1979
DATE OF COMPLETION JANUARY 20/73 DATE OF PHOTOGRAPHY JAN-FEB 1972
PROPERTY DATA FROM DEED, RESEARCH, FIELD RECONNAISSANCE AND RECORDED PLATS.
SHEET LAYOUT BASED ON THE DELAWARE STATE PLANE COORDINATE SYSTEM

THE INFORMATION SHOWN HEREON
HAS BEEN COMPILED FROM BEST
REASONABLE DATA AVAILABLE AND
NEEDS PHOTOGRAPHIC VERIFICATION.
FOR THE ACTUAL
BOUNDARIES ONE MUST REFER
TO THE ORIGINAL RECORDS
MAINTAINED BY THE APPROPRIATE AGENCIES

**SUSSEX COUNTY
DELAWARE**
SCALE 1" = 400 FEET

LEGEND	
	County line
	Hundred line
	District line
	City or borough line
	All Purpose line
	Original lot line
	Property line
	Map parcel number
	Original lot number
	Map scaled dimension
	Denotes same owner
All Dimensions Shown in Feet	

MAP 1-34-13