

RESOLUTION NO. R 077 86

WHEREAS, Sussex County has established the Bethany Beach Sanitary Sewer District; and

WHEREAS, the Sanitary Sewer District as established includes only the corporate limits of the Town of Bethany Beach and those private properties north of Bethany Beach along State of Delaware Route 1 south of the Indian River Inlet; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County to be referred to as Section III of Ocean Way Estates Subdivision; and

WHEREAS, in accordance with Title 9, Delaware Code, Section 6502 (a), 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 by 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 William A. Siegmund, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with Title 9, Delaware Code, Section 6502 (b) the Sussex County Council shall, within thirty (30) days after posting the public notices pass a formal resolution establishing the new boundaries of the district,

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the Bethany Beach Sanitary Sewer District to encompass the private lands referred to as Section III of Ocean Way Estates Subdivision as follows:

ALL that certain piece, parcel or lot of land lying and being situate in Baltimore Hundred, Sussex County, State of Delaware being more fully described as follows, to wit:

BEGINNING at an iron pipe situate on the easterly right-of-way of Route 361, said iron pipe being 110' ± northerly from the centerline of Route 368, said iron pipe being a corner for these lands, and a corner for the lands N/F of Mary Lighthipe and situate on the aforementioned right-of-way of Route 361; thence by and with said right-of-way of Route 361 the following 3 courses and distances (1) N 32° 00' 54" W, 81.17' to an iron pipe; thence (2) N 35° 06' 41" W, 119.41' to an iron pipe; thence (3) N 40° 02' 11" W, 85.01' to a concrete marker, said concrete marker being a corner for these lands, a corner for the lands N/F of James Cullen and being situate on said right-of-way of Route 361; thence by and with the lands N/F of James Cullen the following 2 courses and distances (4) N 19° 19' 22" E, 1,984.53' to a concrete marker; thence (5) N 47° 03' 10" W, 582.59' to an iron pipe situate at the centerline of a ditch, said iron pipe being a corner for these lands, a corner for the lands N/F of Karlis Valdoze and being situate on the line of the lands N/F of James Cullen; thence by and with the centerline of a ditch and the lands N/F of Karlis Valdoze (6) N 24° 34' 46" E, 194.93' to an iron pipe situate at the centerline of a ditch, said iron pipe being a corner for these lands, a corner for the lands N/F of Karlis Valdoze and a corner for Section One of Ocean Way Estates; thence by and with a curve bearing to the right, said curve having a delta angle of 180° 00' 00" and a radius of 50.0' and an (7) arc distance of 157.08' to a concrete marker, said concrete marker being a corner for these lands and Section One, Block "B" of Ocean Way Estates; thence by and with Section One, Block "B" of Ocean Way Estates the following 3 courses and distances (8) S 47° 03' 10" E, 19.94' to a concrete marker; thence (9) S 47° 03' 10" E, 105.91' to an iron pipe; thence (10) N 70° 25' 00" E, 203.17' to an iron pipe, said iron pipe being a corner for these lands and Section Two, Block "C" of Ocean Way Estates; thence by and with Section Two Block "C" of Ocean Way Estates the following 4 courses and distances (11) S 19° 35' 00" E, 15.79' to an iron pipe; thence (12) N 70°

25' 00" E, 150.00' to an iron pipe; thence (13) N 11° 49' 41" E, 47.97' to a point; thence (14) S 46° 08' 54" E, 55.90' to an iron pipe, said iron pipe being a corner for these lands and a corner for Section Two of Ocean Way Estates; thence by and with Section Two of Ocean Way Estates the following 6 courses and distances (15) S 19° 35' 00" E, 110.00' to an iron pipe; thence (16) N 70° 25' 00" E, 910.00' to a concrete marker; thence (17) N 19° 35' 00" W, 110.00' to an iron pipe; thence (18) N 06° 58' 54" E, 55.90' to a point; thence (19) S 89° 02' 26" E, 26.54' to an iron pipe; thence (20) N 70° 25' 00" E, 135.00' to a concrete marker, said concrete marker being a corner for these lands, a corner for Section One of Ocean Way Estates and situate on the westerly right-of-way of the Assawoman Canal; thence by and with said right-of-way of the Assawoman Canal, (21) S 19° 35' 00" E, 1,419.29' to a concrete marker, said concrete marker being a corner for these lands, a corner for the lands N/F of Mary Lighthipe and being situate on aforementioned right-of-way of Assawoman Canal; thence by and with the lands N/F of Mary Lighthipe the following 3 courses and distances (22) N 88° 41' 39" W, 1,304.43' to a concrete marker; thence (23) N 88° 40' 49" W, 237.59' to a concrete marker; thence (24) S 19° 19' 22" W, 1,839.26' to a concrete marker; thence (25) S 84° 29' 35" W, 41.98' to an iron pipe, said iron pipe being the place of BEGINNING; 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 structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY  
OF RESOLUTION NO. R 077 86 PASSED BY THE COUNTY COUNCIL OF SUSSEX  
COUNTY ON THE 30TH DAY OF DECEMBER, 1986.

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

STATE OF DELAWARE :  
 : SS.  
COUNTY OF SUSSEX :

1. On December 3, 1986 he was an Engineering Technician for the Sussex County Engineering Department, Sussex County, State of Delaware.
2. The Sussex County Engineering Department prepared a "Public Notice" proposing the extension of the Bethany Beach Sanitary Sewer District to include a parcel of land contiguous to the Bethany Beach Sanitary Sewer District. Attached hereto is a copy of the Notice containing the described area to be included.
3. He did post this "Public Notice" on December 3, 1986 at the following locations:
  1. Stake with board along easterly right-of-way (R/W) of Route 361, approximately 400' NNW of Route 368, approximately in the centerline of the southern part of the property.
  2. Approximately 1,000' NNE of Route 361, posted on a board on a 14" oak tree located on the westerly R/W of a proposed road at the beginning of the woods cut and woods line.
  3. Stake with board on easterly R/W line by D.P.L. transformer 61704/99289 (N.W. corner of corner lot) Ogre Road.
  4. Posted on a street corner marker; corner of Ogre Road and Bauska Road.
  5. Bethany Beach Town Hall, Front Entrance Bulletin Board.
  6. Holiday House Restaurant, by front steps, D.P.L. Pole No. 62573.
  7. Bethany Beach Post Office (Front Window).
  8. Ocean Village, 30 feet south of southerly entrance facing Route 1 on D.P.L. Pole No. 62320/00052.
  9. Sea Del Estates, posted 150' ± south of entrance on D.P.L. Pole No. 62312/00330 (across from Shorts Water Co.) facing Route 1.
  10. Atlantic Watergate, posted on D.P.L. Pole No. 62273/01190 entrance facing Route 1.
  11. 150' south of D.P.L. transformer 61698/99286 in field, west of Ogre Road (Board and Stake).



12. 300' ± southeast of the southerly corner of Ogre Road, out in field, by marker stake (Board and Stake).
13. 150' ± in an easterly direction from D.P.L. transformer No. 61722/99283 (Board and Stake).

(Signed) William A. Siegmund, Jr.  
WILLIAM A. SIEGMUND, JR.

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

(Signed) Emogene P. Ellis  
NOTARY PUBLIC

EXHIBIT B

NOTICE

BETHANY BEACH SANITARY SEWER DISTRICT

The Sussex County Council voted on November 18, 1986 to consider extending the Bethany Beach Sanitary Sewer District to include a parcel of land contiguous to the Bethany Beach Sanitary Sewer District.

This action is in conformity with Delaware Code, Title 9, Chapter 65, Section 6502.

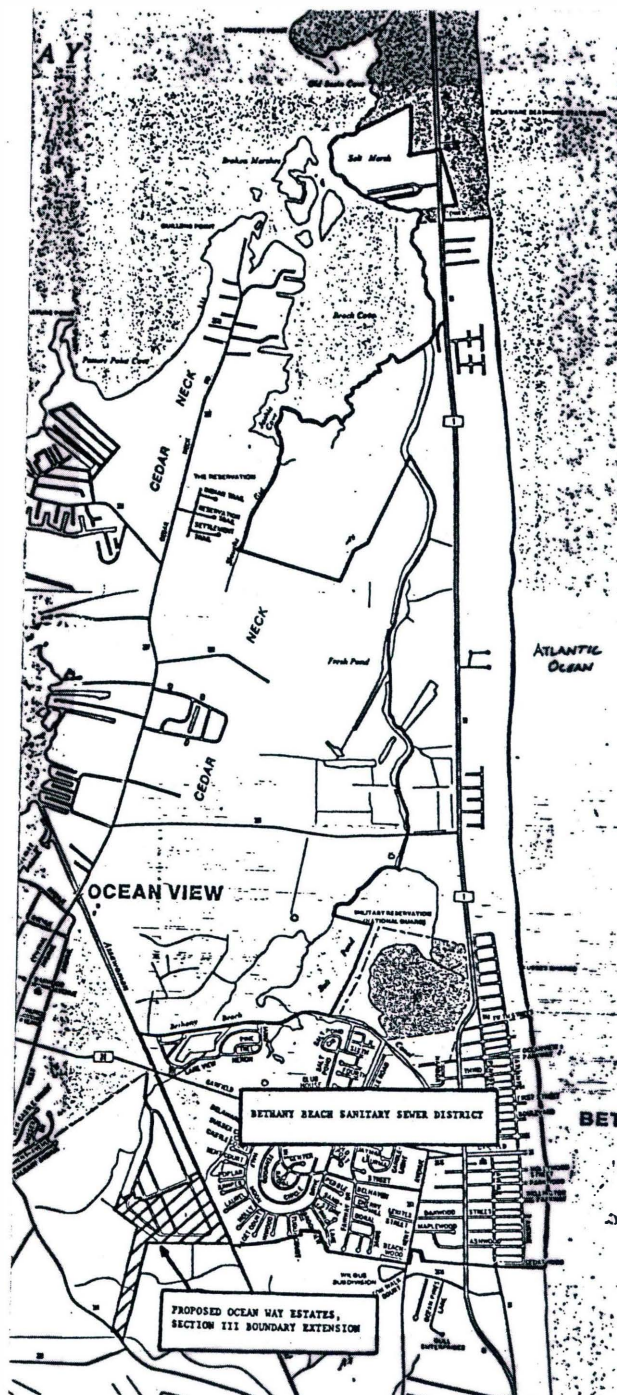
A description of the property which is contiguous to and to be added to the Bethany Beach Sanitary Sewer District is described as follows:

BEGINNING at an iron pipe situate on the easterly right-of-way of Route 361, said iron pipe being 110' ± northerly from the centerline of Route 368, said iron pipe being a corner for these lands, and a corner for the lands N/F of Mary Lighthipe and situate on the aforementioned right-of-way of Route 361; thence by and with said right-of-way of Route 361 the following 3 courses and distances (1) N 32° 00' 54" W, 81.17' to an iron pipe; thence (2) N 35° 06' 41" W, 119.41' to an iron pipe; thence (3) N 40° 02' 11" W, 85.01' to a concrete marker, said concrete marker being a corner for these lands, a corner for the lands N/F of James Cullen and being situate on said right-of-way of Route 361; thence by and with the lands N/F of James Cullen the following 2 courses and distances (4) N 19° 19' 22" E, 1,984.53' to a concrete marker; thence (5) N 47° 03' 10" W, 582.59' to an iron pipe situate at the centerline of a ditch, said iron pipe being a corner for these lands, a corner for the lands N/F of Karlis Valdoze and being situate on the line of the lands N/F of James Cullen; thence by and with the centerline of a ditch and the lands N/F of Karlis Valdoze (6) N 24° 34' 46" E, 194.93' to an iron pipe situate at the centerline of a ditch, said iron pipe being a corner for these lands, a corner for the lands N/F of Karlis Valdoze and a corner for Section One of Ocean Way Estates; thence by and with a curve bearing to the right, said curve having a delta angle of 180° 00' 00" and a radius of 50.0' and an (7) arc distance of 157.08' to a concrete marker, said concrete marker being a corner for these lands and Section One, Block "B" of Ocean Way Estates; thence by and with Section One, Block "B" of Ocean Way Estates the following 3 courses and distances (8) S 47° 03' 10" E, 19.94' to a concrete marker; thence (9) S 47° 03' 10" E, 105.91' to an iron pipe; thence (10) N 70° 25' 00" E, 203.17' to an iron pipe, said iron pipe being a corner for these lands and Section Two, Block "C" of Ocean Way Estates; thence by and with Section Two Block "C" of Ocean Way Estates the following 4 courses and distances (11) S 19° 35' 00" E, 15.79' to an iron pipe; thence (12) N 70° 25' 00" E, 150.00' to an iron pipe; thence (13) N 11° 49' 41" E, 47.97' to a point; thence (14) S 46° 08' 54" E, 55.90' to an iron pipe, said iron pipe being a corner for these lands and a corner for Section Two of Ocean Way Estates; thence by and with Section Two of Ocean Way Estates the following 6 courses and distances (15) S 19° 35' 00" E, 110.00' to an iron pipe; thence (16) N 70° 25' 00" E, 910.00' to a concrete marker; thence (17) N 19° 35' 00" W, 110.00' to an iron pipe; thence (18) N 06° 58' 54" E, 55.90' to a point; thence (19) S 89° 02' 26" E, 26.54' to an iron pipe; thence (20) N 70° 25' 00" E, 135.00' to a concrete marker, said concrete marker being a corner for these lands, a corner for Section One of Ocean Way Estates and situate on the westerly right-of-way of the Assawoman Canal; thence by and with said right-of-way of the Assawoman Canal, (21) S 19° 35' 00"

E, 1,419.29' to a concrete marker, said concrete marker being a corner for these lands, a corner for the lands N/F of Mary Lighthipe and being situate on aforementioned right-of-way of Assawoman Canal; thence by and with the lands N/F of Mary Lighthipe the following 3 courses and distances (22) N 88° 41' 39" W, 1,304.43' to a concrete marker; thence (23) N 88° 40' 49" W, 237.59' to a concrete marker; thence (24) S 19° 19' 22" W, 1,839.26' to a concrete marker; thence (25) S 84° 29' 35" W, 41.98' to an iron pipe, said iron pipe being the place of BEGINNING; and

The above described parcel of lands contains 48.9 acres of land, be the same more or less.

Below is a map outlining and describing the extension. The areas involved are cross hatched.



For further information, please call or write Sussex County Engineering Department, 8 north Race Street, Georgetown, DE 19947 - (320) 856-7701.



EXHIBIT C

COST ESTIMATE FOR EXTENDING BETHANY BEACH  
WASTEWATER SERVICES INTO SECTION III OF OCEAN WAY ESTATES

ANNUAL ASSESSMENT CHARGES

	Collection	Transmission & Treatment	Total
Bethany Beach Sanitary Sewer District Transmission & Treatment	<u>N/A</u>	<u>0.77/ff</u>	<u>0.77/ff</u>
Total	N/A	\$0.77/ff	\$0.77/ff

ff = Front Foot

N/A = Not Applicable

ANNUAL SERVICE CHARGE ESTIMATE

\$105.00/EDU

EDU = Equivalent Dwelling Unit

ONE TIME CHARGES - COST ESTIMATES

Impact Fee	\$ 6.27/ff
System Expansion Fee	\$900.00/EDU

ff = Front Foot

EDU = Equivalent Dwelling Unit