

RESOLUTION R 024 08

A RESOLUTION TO EXTEND THE BOUNDARY OF THE NORTH MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (NMX) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND THAT IS CONTIGUOUS TO THE NMX, SITUATE ON THE NORTH SIDE OF ROUTE 26, EAST OF ROUTE 17, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY DELAWARE

WHEREAS, Sussex County has established the North Millville Expansion of the Bethany Beach Sanitary Sewer District (NMX); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County west of the Town of Millville, which is contiguous to the NMX, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502(a), the Sussex County Council may, upon request of the County Engineer, revise the boundary 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 boundary; 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 Penny Massey, copies of which affidavit and public notice are attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502(b), the Sussex County Council shall, within thirty days after posting the public notices pass a formal resolution establishing the new boundary 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 proposed NMX, situate west of the Town of Millville, as follows:

BEGINNING at a point situate on the northerly right of way (ROW) of State Route 26 (Atlantic Avenue), said point being ± 1400 feet east of the intersection of the centerline of State Route 26 and the centerline of State Route 17 (Roxana Road), and being the southeasternmost corner of lands, now or formerly (N/F) of Two Mini, Inc. and a point on the existing MVE sewer district boundary; thence by and with said lands in a northerly direction ± 460.0 feet to a point, said point being a point on the property line of lands N/F of Two Mini, Inc. and the southwesternmost corner of lands N/F of Evelyn M. Timmons, thence by and with said lands of Evelyn M. Timmons in the following directions and distances; easterly ± 80.0 feet, southerly ± 95.0 feet, easterly ± 82.08 feet to a point, said point being the northeasternmost corner of lands N/F of K & A Properties LLC and a point on the property line of other lands N/F of Evelyn M. Timmons, thence by and with said lands of K & A Properties LLC in a southerly direction ± 391.6 feet to a point, said point being the southeasternmost corner of said lands and a point on the northeasterly ROW of State Road 26 (Atlantic Avenue) and a point on the existing MVE sewer district boundary; thence by and with said ROW in a northwesterly direction ± 105.1 feet to a point, said point being that of the 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, let 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 024 08 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 2ND DAY OF DECEMBER 2008.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

PROPOSED EXTENSION OF THE
NORTH MILLVILLE EXPANSION OF THE
BETHANY BEACH SANITARY SEWER DISTRICT
K & A PROPERTIES ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, that the subscriber, PENNY MASSEY personally appeared before me, and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On November 13, 2008 she was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On November 13, 2008 she did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On a wooden stake, next to Stop sign at the entrance to the property,
 2. On DP & L pole #167-A at southeast corner of property,
 3. On DP & L pole #168 at the southwest corner of property,
 4. On Rent Equip sign,
 5. On bulletin board in Super Giant in the Millville Town Center
 6. On the window, next to entrance door of the Hallmark store in the Millville Town Center
 7. On the bulletin board near the entrance to the Wachovia Bank in the Millville Town Center
 8. On the window, next to the entrance of Food Lion on Route 26 in Millville


PENNY MASSEY

SWORN TO AND SUBSCRIBED before me on this 14 day of November A.D., 2008.


NOTARY PUBLIC

My Commission Expires 3/20/11.

**PROPOSED EXPANSION TO THE MILLVILLE EXPANSION OF THE
BETHANY BEACH SANITARY SEWER DISTRICT
TO INCLUDE THE LANDS OF K & A PROPERTIES LLC**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on October 21, 2008 to consider extending the Millville Expansion of the Bethany Beach Sanitary Sewer District (MVE) to include parcels of land along State Route 26 (Atlantic Avenue), east of State Route 17 (Roxana Road), being in the Baltimore Hundred, Sussex County, State of Delaware. The parcels are comprised of tax map 134-12.00-6.01 and 134-12.00-7.00.

This action is in conformity with 9Del.C. §6502.

A description of the areas, which are contiguous to and to be added to the MVE, is described as follows:

BEGINNING at a point situate on the northerly right of way (ROW) of State Route 26 (Atlantic Avenue), said point being ± 1400 feet east of the intersection of the centerline of State Route 26 and the centerline of State Route 17 (Roxana Road), and being the southeasternmost corner of lands, now or formerly (N/F) of Two Mini, Inc. and a point on the existing MVE sewer district boundary; thence by and with said lands in a northerly direction ± 460.0 feet to a point, said point being a point on the property line of lands N/F of Two Mini, Inc. and the southwesternmost corner of lands N/F of Evelyn M. Timmons, thence by and with said lands of Evelyn M. Timmons in the following directions and distances; easterly ± 80.0 feet, southerly ± 95.0 feet, easterly ± 82.08 feet to a point, said point being the northeasternmost corner of lands N/F of K & A Properties LLC and a point on the property line of other lands N/F of Evelyn M. Timmons, thence by and with said lands of K & A Properties LLC in a southerly direction ± 391.6 feet to a point, said point being the southeasternmost corner of said lands and a point on the northeasterly ROW of State Road 26 (Atlantic Avenue) and a point on the existing MVE sewer district boundary; thence by and with said ROW in a northwesterly direction ± 105.1 feet to a point, said point being that of the BEGINNING.

A map outlining and describing the extension to the MVE is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 11:00 a.m. on December 2, 2008 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The final decision on the boundary extension will be made by the Sussex County Council following the hearing at one of their regularly scheduled meetings.

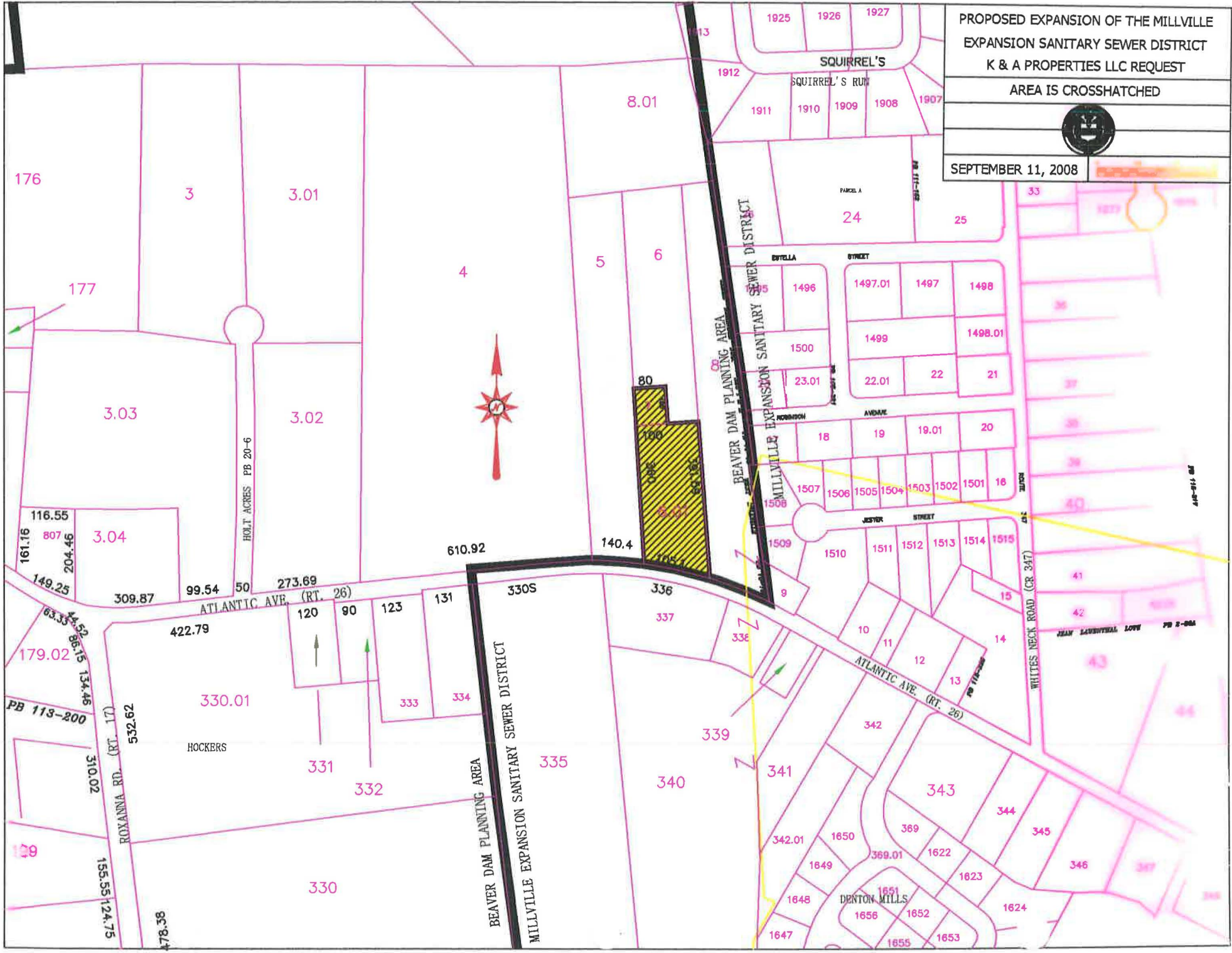
For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947, (302) 855-7718.

Michael A. Izzo, P E.
County Engineer

PROPOSED EXPANSION OF THE MILLVILLE
EXPANSION SANITARY SEWER DISTRICT
K & A PROPERTIES LLC REQUEST
AREA IS CROSSHATCHED



SEPTEMBER 11, 2008





PROPOSED EXPANSION OF THE MILLVILLE
 EXPANSION SANITARY SEWER DISTRICT
 K & A PROPERTIES LLC REQUEST
 AREA IS CROSSHATCHED



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