

BOARD RESOLUTION NO. 07-002

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES TO ESTABLISH A PROCEDURE FOR APPLICATION FOR UTILITY SERVICES FOR AREAS BEYOND THE LIMITS OF THE CITY OF LEWES.

WHEREAS, the Board of Public Works is authorized by its Charter to provide utility services for areas beyond the limits of the City of Lewes; and

WHEREAS, the Board of Public Works has, historically, provided such services; and

WHEREAS, the Board of Public Works has required, in recent years, as a condition of providing such services, that the applicant and appropriate property owners enter into an annexation agreement with the City of Lewes as part of receiving the extension of services from the Board of Public Works; and

WHEREAS, Board of Public Works deems it in the best interest of its customers and the potential applicants for utility services to establish a procedure for such application; and

WHEREAS, such applicants must agree that all utility services will be connected, at the sole discretion of the Board, if the Board's utility services are within 500 feet of the property subject to the application; and

WHEREAS, such application will be submitted to the departmental review process established by the City of Lewes; and

WHEREAS, the Board of Public Works deems it in the best interest of the customers and rate payers of the City's utilities to provide this coordination of utility services and City expansion.

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of Lewes, in session met, a quorum pertaining at all times thereto, that the Board of Public Works establish a procedure for application for utility services for areas beyond the limits of the City of Lewes, as set out in Exhibit "A", attached hereto and incorporated by reference herein.

I, Jon Woodyard, Secretary of the Board of Public Works of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the Board its Regular Meeting held on March 27, 2007, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Dated: 3/27/07


Secretary

AW OFFICES
LL & RAYSOR, P. A.
ETOWN, DEL

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1 **Policy on providing Board of Public Works utility services outside the**
2 **Lewes city limits**

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4 There is hereby established as hereinafter set forth a policy and orderly program to
5 provide water, sanitary sewer, stormwater and electric services for those areas and
6 subdivisions outside the Lewes City limits which are within the City's and the Board of
7 Public Works' planning area.

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9 When a utility service extension is desired to any property within the areas stated above
10 the person(s) (Applicant) desiring said extension shall petition the Board of Public Works
11 and pay the applicable application fees.

12
13 The property owner of the premises to be served by the Board of Public Works shall sign
14 an agreement with the City of Lewes which provides for annexation to the City upon
15 request by the City. If there is more than one property owner of the proposed service area,
16 then a majority of the property owners must sign agreements. All title holders of each
17 property shall execute the agreement. The agreement(s) shall be recorded, shall run with
18 the land, and inures to the benefit of, and binds all parties hereto, their heirs, legatees,
19 devisees, administrators, executors, personal representatives, successors and assigns. The
20 agreement(s) shall be submitted with the application petition to the Board.

21
22 The Applicant agrees to accept all utility services offered by the Board of Public Works
23 and available to that property now or in the future at the sole discretion of the Board.
24 Available is defined as an adequate distribution or collection main/line within 500 feet of
25 the proposed property.

26
27 The petition will be reviewed by the City of Lewes/Board of Public Works Departmental
28 Review Team. The Board will complete a preliminary report and submit it to the
29 Applicant. If the project is approved at a regular meeting of the Board of Public Works,
30 and the Applicant wishes to proceed, the Applicant shall provide engineering and design
31 of the proposed utility extension, which will be submitted to the Board for consideration
32 and approval. Utility service to current Board customers and to potential customers
33 within the City of Lewes will take precedence over consideration of Applicants for
34 services outside of the city limits.

35
36 The Applicant is required to deposit an amount equal to ten percent (10%) of the
37 Probable Project Cost with the Board. This fee is to provide, including but not limited to,
38 the following: review of drawings, inspection, administrative and all costs associated
39 with this particular utility extension.

40
41 The cost of all improvements of utility service lines on or adjacent or necessary to bring a
42 service line adjacent to new subdivisions, areas to be developed or redeveloped, shall be
43 the full responsibility of the developer and in accordance with the utility master plan.

44
45 The developer causing an extension of a sewer main shall locate it in rights-of-way or
46 easements and shall pay in full the engineering, construction and inspection costs of the

47 lines and appurtenances.

48

49 Plans and specifications shall be prepared in accordance with appropriate standards
50 established by the Board of Public Works.

51

52 Each lot or parcel of land to be served with sanitary sewer service shall abut a sewer
53 main. Each lot or parcel of land to be served with water service shall abut a water main.
54 Each lot or parcel of land to be served with electric service shall abut a distribution main.

55

56 All lines shall be sized in accordance with the utility master plan, except that the Board
57 General Manager may increase or decrease the size of mains when requirements so
58 dictate.

59

60 In all new developments such as subdivisions, multifamily tracts, commercial centers,
61 shopping centers, industrial facilities or other similar developments, the developer shall
62 furnish and install, to Board specifications, all mains, service connections, service and
63 main stubs and appurtenances within the boundary of the development as well as the
64 streets abutting the development, and shall make line extensions as determined necessary
65 by the Board General Manager.

66

67 Acceptance of all extensions shall require the written approval of the Board Engineer.

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69 The Board shall acquire ownership of all extensions of public mains when completed,
70 approved and accepted. The utility system shall be conveyed to the Board free and clear
71 of all clouds to title, including liens and encumbrances.

72

73 Impact fees shall be paid according the fee schedule in place at the time construction of
74 the extension begins.

75

76 If utility mains/lines extended by a developer provide a means of service to property
77 owned by persons other than the developer, the developer may request the Board to enter
78 into an agreement, providing for reimbursement to the developer of a portion of such
79 extension costs when other persons receive utility service by connection to the extension.
80 Such agreements shall be executed within one (1) year from date of acceptance of the
81 main/line by the Board and shall run for a period not to exceed fifteen (15) years from
82 said date of execution by the General Manager.

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84 Rev. 1/18/07 3:19PM

85 Rev. 2/12/07 2:38 PM

86 Rev. 3/13/07 4:19 PM