

Resolution No. 18-005

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES REGARDING IMPACT FEES FOR DEVELOPMENT OF PROPERTY ANNEXED INTO THE CITY OF LEWES

WHEREAS, Section 4.10, *inter alia*, of the Charter for the Board of Public Works of the City of Lewes (the “Lewes BPW”), being Chapter 10, Volume 77, Laws of Delaware, as amended (the “Lewes BPW Charter”), grants the Lewes BPW authority to enact and adopt such rules and regulations as the Lewes BPW deems proper in order to supply utilities and regulate the connection and access of public utility services within the Lewes BPW’s service area, as defined by the Lewes BPW Charter (the “Service Area”); and

WHEREAS, Section 1 of the Lewes BPW Charter defines the Service Area as “the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area”; and

WHEREAS, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

WHEREAS, Section 4.20 of the Lewes BPW Charter further expressly vests authority with the Lewes BPW to “enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services”; and

WHEREAS, Section 4.4 of the Lewes BPW Charter grants the Lewes BPW authority to make rules regulating the public utility systems and the tapping of public utility systems, which includes requiring payment of fees, and

WHEREAS, consistent with this authority, the Lewes BPW requires payment of utility impact fees upon issuance of building permits for property connecting into the public utility systems; and

WHEREAS, the Board of Directors of the Lewes BPW (the “Board”) acknowledges the multitude of benefits that accompany annexation of property into the City of Lewes;

WHEREAS, the Board deems it in the best interest of the ratepayers, both current and future, to support and promote annexation of property into the City of Lewes by deferring collection of utility impact fees concerning the development of property being annexed into the City of Lewes, including property subject to an executed annexation agreement with the City of Lewes, until a certificate of occupancy is issued, after construction is complete and utility meters are in place; and

WHEREAS, this Resolution memorializes and further clarifies action that was taken by the Board during its July 25, 2018 meeting.

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NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 24TH DAY OF OCTOBER 2018, THAT:

Section 1. Upon request of the property owner, the Lewes Board of Public Works shall defer collection of utility impact fees concerning development of annexed property until a certificate of occupancy is issued, after construction is complete and utility meters are in place.

Section 2. For purposes of this Resolution, “annexed property” shall be property that either: (i) is actively going through the process of annexation into the City of Lewes pursuant to the Municipal Charter of the City of Lewes; (ii) completed the process of annexation into the City of Lewes pursuant to the Municipal Charter of the City of Lewes no more than one (1) year prior to the property owner’s request to defer collection of utility impact fees; or (iii) is subject to an executed pre-annexation agreement pursuant to Lewes Board of Public Works Resolution 13-004 (and as may be amended from time to time).

Section 3. This Resolution shall take effect immediately upon its adoption by the Board of Directors of the Lewes Board of Public Works.

Adopted by the Board of Directors
Of the Lewes Board of Public Works

I, Robert J. Kennedy, III of the Board of Public Works of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the Board of Directors of the Lewes BPW at its meeting on October 24, 2018, at which meeting a quorum was present and voting throughout and the same is still in full force and effect.

Secretary