

Resolution No. 20-002

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES TO EXTEND THE BOARD PUBLIC WORKS SERVICE AREA FOR WATER UTILITY OPERATIONS

WHEREAS, Section 4.1, *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, supervision, and control of all utility systems within the Lewes BPW Service Area; and

WHEREAS, Section 4.4 of the Lewes BPW Charter authorizes the Lewes BPW to make rules regulating the public utility systems within the Lewes BPW Service Area, and the tapping thereof; and

WHEREAS, Section 4.20 of the Lewes BPW Charter authorizes the Lewes BPW to supply utility systems to those properties located within two (2) miles of the corporate limits of the City of Lewes, as presently constituted or as may be extended, and is further authorized to enact and adopt rules and regulations that the Lewes BPW deems proper in order to supply said utility services; and

WHEREAS, the Board of Directors of the Lewes BPW (the “Board of Directors”) deems it in the best interests of the Lewes BPW utility system and customers, both current and future, to extend the Lewes BPW Service Area for water utility operations to include that certain property in unincorporated Sussex County, being further identified by Sussex County Tax Parcel ID Numbers 335-8.00-2.00 and 335-8.00-2.02 (the “Property”) in connection with the Tower Hill development project (the “Project”); and

WHEREAS, the Lewes BPW and CMF Tower Hill, LLC, the owner and developer of the Property, by that certain Tower Hill Development Agreement, dated September 24, 2020 and recorded October 7, 2020 in the Office of the Recorder of Deeds in and for Sussex County, agreed to extend the Lewes BPW Service Area for water utility operations to include the Property; and

WHEREAS, pursuant to Title 26, Section 203C(a) of the Delaware Code, prior to extending or expanding its water utility operations, the Lewes BPW must obtain a Certificate of Public and Convenience and Necessity (a “CPCN”) from the Public Service Commission; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 28TH DAY OF OCTOBER, 2020 THAT:

Section 1. The Lewes BPW shall pursue from the Public Service Commission a Certificate of Public Convenience and Necessity to extend the Lewes BPW Service Area for water utility operations concerning the Property pursuant to the requirements of Title 26, Section 203C of the Delaware Code.

47 **Section 2.** Thereafter, the Lewes BPW Service Area for water utility operations shall
48 be extended to include the Property.

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50 **Section 3.** This Resolution shall take effect immediately after its adoption by the Board
51 of Directors.

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

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58 I, Robert J. Kennedy, III, Secretary of the Board of Directors of the Board of Public Works
59 of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the
60 Resolution passed by the Board of Directors of the Lewes BPW at its meeting on October 28,
61 2020, at which meeting a quorum was present and voting throughout and the same is still in full
62 force and effect.

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_____ Secretary