

Resolution No. 13-004

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF LEWES, DELAWARE,
TO AMEND THE PROCEDURE
FOR APPLICATION FOR UTILITY SERVICES FOR
AREAS BEYOND THE LIMITS OF THE CITY OF LEWES.**

WHEREAS, the Board of Public Works exists so that current and future customers have availability and accessibility to safe, reliable and affordable water, electricity, wastewater disposal and other public services; and

WHEREAS, the Board of Public Works provides these services for life sustaining use while being environmental stewards; and

WHEREAS, the Board of Public Works is authorized by its Charter, being Chapter 10, Volume 77, Laws of Delaware as amended, to provide utility services for areas beyond the municipal boundaries of the City of Lewes; and

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

WHEREAS, on March 27, 2007 the Board of Public Works adopted Resolution 07-002, titled "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"; and

WHEREAS, the Board of Public Works deems it in the best interest of the rate payers and potential applicants for utility services to amend the procedure established under Resolution 07-002, such that (1) the pre-annexation agreement required under the procedure must be signed prior to the start of utility construction, and (2) reimbursement agreements providing for developer reimbursement for extension of a utility service shall run for a period not to exceed twenty (20) years; and

WHEREAS, the Board of Public Works deems it in the best interest of the 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 DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, in session met this 4th DAY OF DECEMBER, 2013, a quorum pertaining at all times thereto, THAT:

Section 1. The *Policy on providing Board of Public Works utility services outside the Lewes city limits*, shall be amended as provided in Exhibit A attached hereto.

Section 2. 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
August 22, 2012

I, D. Preston Lee, Secretary of the Board of Directors of the Lewes Board of Public Works, do hereby certify that the foregoing is a true and correct copy of the resolution passed by Board of Directors of the Lewes Board of Public Works at its regular meeting on December 4, 2013, at which a quorum was present and voting throughout and the same is still in full force and effect.


Secretary

EXHIBIT A

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

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

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

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

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

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

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

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

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

appurtenances.

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

Each lot or parcel of land to be served with sanitary sewer service shall abut a sewer main. Each lot or parcel of land to be served with water service shall abut a water main.

Each lot or parcel of land to be served with electric service shall abut a distribution main.

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

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

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

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

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

If utility mains/lines extended by a developer provide a means of service to property owned by persons other than the developer, the developer may request the Board to enter into an agreement, providing for reimbursement to the developer of a portion of such extension costs when other persons receive utility service by connection to the extension. Such agreements shall be executed within one (1) year from date of acceptance of the main/line by the Board and shall run for a period not to exceed twenty (20) years from said date of execution by the General Manager.

Rev. 1/18/07 3:19PM

Rev. 2/12/07 2:38 PM

Rev. 3/13/07 4:19 PM

Rev. 12/04/13 7:35 PM