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**Resolution No. 23- 004**

**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 Number 335-8.00-22.00 (the “Property”); and

**WHEREAS**, the Lewes BPW and Capes Cove Tenants Association, Inc., the owner of the Property, 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 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 26<sup>th</sup> DAY OF July, 2023 THAT:**

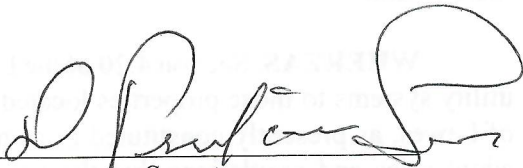
**Section 1.** The Lewes BPW shall pursue from the Public Service Commission a Certificate of Public Convenience and Necessity to extend the Lewes BPW Service Area for water utility operations concerning the Property pursuant to the requirements of Title 26, Section 203C of the Delaware Code.

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

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

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

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56 I, D. Preston Lee, P.E., Secretary of the Board of Directors of the Board of Public Works  
57 of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the  
58 Resolution passed by the Board of Directors of the Lewes BPW at its meeting on  
59 July 26, 2023, at which meeting a quorum was present and voting throughout  
60 and the same is still in full force and effect.

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Secretary