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**Resolution No. 23-013**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES ACCEPTING THE OFFSITE UTILITY IMPROVEMENTS AND THE ONSITE UTILITY IMPROVEMENTS FOR PHASES 1C, 2, 3, 4, AND 5 CONCERNING THE TOWER HILL DEVELOPMENT**

**WHEREAS**, Section 4.1, *among other provisions*, 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, responsibility, supervision, and control over current or future utility systems established within the Lewes BPW Service Area; and

**WHEREAS**, Section 1 of the Lewes BPW Charter defines the Lewes BPW 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**, on September 24, 2020, the Lewes BPW entered into a Development Agreement with CMF Tower Hill, LLC “CMF” concerning utility infrastructure supporting a proposed residential development to be known as “Tower Hill” (this Development Agreement hereinafter referred to as the “Tower Hill Development Agreement”); and

**WHEREAS**, the Tower Hill Development Agreement, among other things, obligated CMF to construct the utility infrastructure consistent with the approved construction plans and the Lewes BPW specifications and regulations; and

**WHEREAS**, on June 5, 2023, CMF requested that the Lewes BPW initiate the process for final acceptance of the offsite utility infrastructure as specified in the approved plans known as “DelDOT Utility Plan – New Road and Lynn Road” and dated May 4, 2022 (the “Offsite Utilities”); and

**WHEREAS**, CMF thereafter also requested that the Lewes BPW initiate the process for final acceptance of the onsite utility infrastructure for Phases 1C, 2, 3, 4, and 5 of the Tower Hill Development, all as specified in the approved plans known as “Roadway, Stormdrain, Sewer, Water, & ESC for Tower Hill” and dated May 20, 2021 (the “Phases 1C, 2, 3, 4, and 5 Onsite Utilities”); and

**WHEREAS**, Section 2.5 of the Tower Hill Development Agreement provides that the Lewes BPW will not accept any dedication of utility improvements until written approval of the