

Resolution No. 25-00 10

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF  
PUBLIC WORKS OF THE CITY OF LEWES ACCEPTING THE UTILITY  
IMPROVEMENTS FOR THE MARINERS RETREAT 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 February 15, 2018, the Lewes BPW entered into a Development Agreement with Olde Towne Ventures, LLC ("Developer") concerning utility infrastructure supporting a proposed residential development then known as Highland Heights and currently known as "Mariners Retreat" (this Development Agreement hereinafter referred to as the "Mariners Retreat Development Agreement"); and

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

**WHEREAS**, Developer has requested that the Lewes BPW initiate the process for final acceptance of the utility infrastructure for the Mariners Retreat Development, all as specified in the approved plans for the Mariners Retreat Development dated May 11, 2016 (the "Mariners Retreat Utilities"); and

**WHEREAS**, the Lewes BPW will not accept any dedication of utility improvements until written approval of the condition of the utility improvements is provided and an easement, if applicable, is provided to the BPW;

**WHEREAS**, George, Miles & Buhr, LLC ("GMB"), the Lewes BPW engineering firm, provided written approval of the condition of the Mariners Retreat Utilities in a letter dated April 2, 2025 and revised May 20, 2025 (GMB's April 2, 2025 letter is attached hereto and incorporated herein as Exhibit "A"); and

47           **WHEREAS**, relevant easements concerning the Mariner's Retreat Utilities have been  
48 approved and recorded; and  
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50           **WHEREAS**, the Lewes BPW requires that Developer provide final plans and as-built  
51 drawings in electronic AutoCad format and PDF format as part of the Lewes BPW final inspection  
52 and approval process; and  
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54           **WHEREAS**, GMB confirmed in its letter that Developer provided the required final plans  
55 and as-built drawings for the Mariners Retreat Utilities; and  
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57           **WHEREAS**, Developer has paid all required inspection and review fees related to the  
58 Mariners Retreat Utilities; and  
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60           **WHEREAS**, Developer must provide a maintenance bond in the amount of \$158,750 (i.e.,  
61 ten-percent (10%) of the construction costs), inclusive of the City's infrastructure, as required  
62 under Section 6.2(d) of the Mariners Retreat Development Agreement (the "Mariners Retreat  
63 Maintenance Bond"); and  
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65           **WHEREAS**, the Lewes BPW desires to accept Developer's dedication of the Mariners  
66 Retreat Utilities into the Lewes BPW utility system.  
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68           **NOW THEREFORE, BE IT RESOLVED** BY THE BOARD OF DIRECTORS OF THE  
69 LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 24TH DAY OF  
70 SEPTEMBER, 2025, THAT:  
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72           **Section 1.**     The Lewes BPW hereby accepts Developer's dedication of the Mariners  
73 Retreat Utilities into the Lewes BPW utility system and assumes all operational and routine  
74 maintenance costs thereof from and after the date on this Resolution is adopted and subject to  
75 Developer's continuing obligations under the Olde Town at White's Pond Development  
76 Agreement.  
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78           **Section 2.**     The Mariners Retreat Maintenance Bond must remain in place for a period  
79 of one year from the date on which this Resolution is approved.  
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81           **Section 3.**     Pursuant to the Mariners Retreat Development Agreement, Developer is  
82 obligated to provide a construction guarantee for the Mariners Retreat Utilities for a period of one  
83 year from the date on which this Resolution is approved.  
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85           **Section 4.**     This Resolution shall take effect immediately upon its adoption by the  
86 Board of Directors of the Lewes Board of Public Works.  
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88     Adopted by the Board of Directors  
89     of the Lewes Board of Public Works  
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I, D. Preston Lee, P.E., Secretary of the Board of Directors 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 June 25, 2025, at which meeting a quorum was present and voting throughout and the same is still in full force and effect.



Secretary