

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF LEWES ACCEPTING THE UTILITY
IMPROVEMENTS FOR DONOVAN SMITH MOBILE HOME PARK**

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 April 28, 2022, the Lewes BPW, Delaware Department of Health and Social Services, Delaware Department of Natural Resources and Environmental Control, and the Donovan Smith Mobile Home Park property owner (the “Owner”) fully executed an Agreement and Memorandum of Understanding addressing, *among other things*, the construction and installation of utility infrastructure for the Donovan Smith Mobile Home Park community (“Donovan Smith”) (this Agreement is hereinafter referred to as the “Donovan Smith Agreement”); and

WHEREAS, the Donovan Smith Agreement, *among other things*, authorized the Lewes BPW to complete the identified utility infrastructure and related improvements consistent with approved construction plans and the Lewes BPW specifications and regulations; and

WHEREAS, Section 6 of the Donovan Smith Agreement obligates Owner to “dedicate free of any liens or mortgages, as necessary”—and for the Lewes BPW to accept—the subject utility improvements (the “Donovan Smith Utilities”) following completion, inspection, and approval; and

WHEREAS, George, Miles & Buhr, LLC (“GMB”), the Lewes BPW engineering firm, based in part on consultation with Lewes BPW staff concerning the Donovan Smith Utilities, provided written approval of the condition of the Donovan Smith Utilities in a letter dated January 17, 2025 (GMB’s January 17, 2025 letter is attached hereto and incorporated herein as Exhibit “A”); and

46 **WHEREAS**, relevant easements concerning the Donovan Smith Utilities have been
47 approved and recorded; and
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49 **WHEREAS**, the Lewes BPW desires to accept Owner's dedication of the Donovan Smith
50 Utilities into the Lewes BPW utility system.
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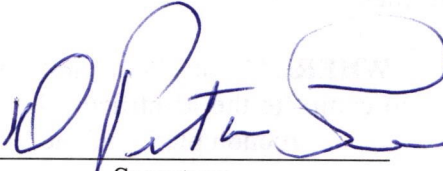
52 **NOW THEREFORE, BE IT RESOLVED** BY THE BOARD OF DIRECTORS OF THE
53 LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 26TH DAY OF August 2026,
54 THAT:
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56 **Section 1.** The Lewes BPW hereby accepts Owner's dedication of the Donovan Smith
57 Utilities into the Lewes BPW utility system and assumes all operational and routine maintenance
58 costs thereof from and after the date of this Resolution subject to Owner's continuing obligations
59 under the Donovan Smith Agreement.
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61 **Section 2.** This Resolution shall take effect immediately upon its adoption by the
62 Board of Directors of the Lewes Board of Public Works.
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64 Adopted by the Board of Directors
65 of the Lewes Board of Public Works
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70 I, D. Preston Lee, P.E., Secretary of the Board of Directors of the Board of Public Works
71 of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of
72 the Resolution passed by the Board of Directors of the Lewes BPW at its meeting on August
73 26, 2026, at which meeting a quorum was present and voting throughout and the same is still in
74 full force and effect.
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Secretary