

INTRODUCED BY: James E. Hosfelt  
INTRODUCTION DATE: December 19, 2017  
PUBLIC HEARING DATE: January 30, 2018  
PUBLIC HEARING TIME: 7:00 p.m.  
EFFECTIVE DATE: Upon Adoption

**RESOLUTION NO. 3666**

**A RESOLUTION TO EXTEND THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT PURSUANT TO CHAPTER 52, TITLE 9 OF THE DELAWARE CODE AND SECTION 90.4.E(10), CHAPTER 187 OF THE KENT COUNTY CODE**

**“Planters Woods”**

WHEREAS, pursuant to 9Del. C. §5202 et. seq. and Chapter 187 §90.4.E.(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as **Planters Woods, lots 1 through 39, 42 through 90, 93 through 98, and 103 through 108**, has been submitted by a majority of the real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 §90.4.E.(2), the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an operation and maintenance plan; and

WHEREAS, all required repairs have been completed and inspected by the Kent Conservation District; and

WHEREAS, pursuant to 9Del. C. §5203 et. seq. and Chapter 187 §90.4.E.(9) of the Kent County Code, notices of the public hearing were posted and published containing a description of the area to be included within the proposed extended district and specifying the time and place where Levy Court would meet to consider the matter and hear all parties interested therein.

WHEREAS, a public hearing was conducted on January 30, 2018, a full discussion of the matter was had, and all persons for and against the extension of the Stormwater Maintenance District – **Planters Woods** were heard; and

NOW, therefore, upon the evidence assembled and developed by the Levy Court and

upon the evidence given as said hearing, and after due consideration of the maps and plans, reports, recommendations, and other data,

BE IT RESOLVED as follows:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate;
2. That all of the property owners within the district are benefited directly or indirectly thereby; and
3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed.

BE IT FURTHER RESOLVED:

1. That the Kent County Stormwater Maintenance District is hereby extended to include **Planters Woods** as described and delineated on **Map 1** attached hereto;
2. That the stormwater maintenance infrastructure within **Planters Woods**, exclusive of that within Delaware Department of Transportation right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan attached hereto and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 §90.4.B of the Kent County Code;
3. That said Operation and Maintenance Plan may be revised upon the concurrence of the Stormwater Maintenance District Technical Advisory Committee;
4. That the initial per unit annual fee for inclusion in the Stormwater Maintenance District shall be \$28; the fee for the Fiscal Year 2018 shall be \$15 and shall be added to the Fiscal Year 2019 property tax bill; and billing shall commence with the Fiscal Year 2019 property tax billing cycle;
5. That the inclusion of **Planters Woods** within the stormwater maintenance district and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in declarations of restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance

district shall remain the responsibility of the homeowners;

6. A perpetual easement agreement for **Planters Woods** granting the Stormwater Maintenance District access for the inspection and maintenance of the stormwater maintenance infrastructure has been recorded with the Recorder of Deeds Office;
7. The Levy Court may, without further public hearing, consolidate two (2) or more Stormwater Maintenance Districts into a single district; and
8. That this resolution shall become effective on **upon adoption**.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

\_\_\_\_\_  
PRESIDENT, KENT COUNTY LEVY COURT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF THE PEACE

### **SYNOPSIS**

This Resolution establishes the **Planters Woods** Stormwater Maintenance District. This Resolution includes only residential properties within the described district and authorizes the County to direct the Kent Conservation District to maintain the **Planters Woods** stormwater infrastructure in accordance with the applicable Operations and Maintenance Plan. This Resolution further authorizes the County to establish a stormwater maintenance fee to be levied against all properties within the described stormwater district, pro-rata, and bill annually. The initial per unit annual fee for inclusion in the Stormwater Maintenance District is \$28 and the \$15 pro rata share of the fee for Fiscal Year 2018 shall be added to the Fiscal Year 2019 property tax bill. In the event of a discrepancy between the written description and the **Planters Woods** Stormwater Maintenance District Map No. 1, the map shall govern.

Parcel Numbers:

2-00-06601-01-0100-00001	2-00-06601-01-1700-00001	2-00-06601-01-3300-00001
2-00-06601-01-0200-00001	2-00-06601-01-1800-00001	2-00-06601-01-3400-00001
2-00-06601-01-0300-00001	2-00-06601-01-1900-00001	2-00-06601-01-3500-00001
2-00-06601-01-0400-00001	2-00-06601-01-2000-00001	2-00-06601-01-3600-00001
2-00-06601-01-0500-00001	2-00-06601-01-2100-00001	2-00-06601-01-3700-00001
2-00-06601-01-0600-00001	2-00-06601-01-2200-00001	2-00-06601-01-3800-00001
2-00-06601-01-0700-00001	2-00-06601-01-2300-00001	2-00-06601-01-3900-00001
2-00-06601-01-0800-00001	2-00-06601-01-2400-00001	2-00-06601-01-4000-00001
2-00-06601-01-0900-00001	2-00-06601-01-2500-00001	2-00-06601-01-4100-00001
2-00-06601-01-1000-00001	2-00-06601-01-2600-00001	2-00-06601-01-4200-00001
2-00-06601-01-1100-00001	2-00-06601-01-2700-00001	2-00-06601-01-4300-00001
2-00-06601-01-1200-00001	2-00-06601-01-2800-00001	2-00-06601-01-4400-00001
2-00-06601-01-1300-00001	2-00-06601-01-2900-00001	2-00-06601-01-4500-00001
2-00-06601-01-1400-00001	2-00-06601-01-3000-00001	2-00-06601-01-4600-00001
2-00-06601-01-1500-00001	2-00-06601-01-3100-00001	2-00-06601-01-4700-00001
2-00-06601-01-1600-00001	2-00-06601-01-3200-00001	2-00-06601-01-4800-00001
2-00-06601-01-4900-00001	2-00-06601-01-6600-00001	2-00-06601-01-8300-00001
2-00-06601-01-5000-00001	2-00-06601-01-6700-00001	2-00-06601-01-8400-00001
2-00-06601-01-5100-00001	2-00-06601-01-6800-00001	2-00-06601-01-8500-00001
2-00-06601-01-5200-00001	2-00-06601-01-6900-00001	2-00-06601-01-8600-00001
2-00-06601-01-5300-00001	2-00-06601-01-7000-00001	2-00-06601-01-8700-00001
2-00-06601-01-5400-00001	2-00-06601-01-7100-00001	2-00-06601-01-8800-00001
2-00-06601-01-5500-00001	2-00-06601-01-7200-00001	2-00-06601-01-8900-00001
2-00-06601-01-5600-00001	2-00-06601-01-7300-00001	2-00-06601-01-9000-00001
2-00-06601-01-5700-00001	2-00-06601-01-7400-00001	2-00-06601-01-9100-00001
2-00-06601-01-5800-00001	2-00-06601-01-7500-00001	2-00-06601-01-9200-00001
2-00-06601-01-5900-00001	2-00-06601-01-7600-00001	2-00-06601-01-9300-00001
2-00-06601-01-6000-00001	2-00-06601-01-7700-00001	2-00-06601-02-0100-00001
2-00-06601-01-6100-00001	2-00-06601-01-7800-00001	2-00-06601-02-0200-00001
2-00-06601-01-6200-00001	2-00-06601-01-7900-00001	2-00-06601-02-0300-00001
2-00-06601-01-6300-00001	2-00-06601-01-8000-00001	2-00-06601-02-0400-00001
2-00-06601-01-6400-00001	2-00-06601-01-8100-00001	2-00-06601-02-0500-00001
2-00-06601-01-6500-00001	2-00-06601-01-8200-00001	2-00-06601-02-0600-00001
		2-00-06601-02-0700-00001