

INTRODUCED BY: J. Sweeney  
INTRODUCTION DATE: March 12, 2019  
PUBLIC HEARING DATE: March 26, 2019  
PUBLIC HEARING TIME: 7:00 p.m.  
EFFECTIVE DATE: Upon Adoption

**RESOLUTION NO. 3731**

**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**

**“Pickering Pointe”**

WHEREAS, pursuant to 9 DEL. 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 The Estates of Pickering Pointe, lots 1 through 48, 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 9 DEL. 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 March 26, 2019, a full discussion of the matter was had, and all persons for and against the extension of the Stormwater Maintenance District – Pickering Pointe were heard; and

NOW, therefore, upon the evidence assembled and developed by the Levy Court and upon the evidence given at 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 The Estates at Pickering Pointe as described and delineated on Map 1 attached hereto;
2. That the stormwater maintenance infrastructure within The Estates of Pickering Pointe, 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; and billing shall commence with the Fiscal Year 2020 property tax billing cycle in the amount of \$43 for FY 2019 and FY 2020. All subsequent billing will occur annually at the assessed rate;
5. That the inclusion of The Estates at Pickering Pointe 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 The Estates at Pickering Pointe 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 upon adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY, DELAWARE

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P. BROOKS BANTA, PRESIDENT, KENT COUNTY LEVY COURT

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

ATTEST:

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KENT COUNTY CLERK OF THE PEACE

SYNOPSIS

This Resolution establishes the Pickering Pointe 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 Pickering Pointe stormwater infrastructure in accordance with the applicable Operation 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. In the event of a discrepancy between the written description and the Pickering Pointe Stormwater Maintenance District Map No. 1, the map shall govern.

**Parcel Numbers:**

|                          |                          |                          |
|--------------------------|--------------------------|--------------------------|
| 7-00-095.04-02-01.00-000 | 7-00-095.04-02-17.00-000 | 7-00-095.04-02-33.00-000 |
| 7-00-095.04-02-02.00-000 | 7-00-095.04-02-18.00-000 | 7-00-095.04-02-34.00-000 |
| 7-00-095.04-02-03.00-000 | 7-00-095.04-02-19.00-000 | 7-00-095.04-02-35.00-000 |
| 7-00-095.04-02-04.00-000 | 7-00-095.04-02-20.00-000 | 7-00-095.04-02-36.00-000 |
| 7-00-095.04-02-05.00-000 | 7-00-095.04-02-21.00-000 | 7-00-095.04-02-37.00-000 |
| 7-00-095.04-02-06.00-000 | 7-00-095.04-02-22.00-000 | 7-00-095.04-02-38.00-000 |
| 7-00-095.04-02-07.00-000 | 7-00-095.04-02-23.00-000 | 7-00-095.04-02-39.00-000 |
| 7-00-095.04-02-08.00-000 | 7-00-095.04-02-24.00-000 | 7-00-095.04-02-40.00-000 |
| 7-00-095.04-02-09.00-000 | 7-00-095.04-02-25.00-000 | 7-00-095.04-02-41.00-000 |
| 7-00-095.04-02-10.00-000 | 7-00-095.04-02-26.00-000 | 7-00-095.04-02-42.00-000 |
| 7-00-095.04-02-11.00-000 | 7-00-095.04-02-27.00-000 | 7-00-095.04-02-43.00-000 |
| 7-00-095.04-02-12.00-000 | 7-00-095.04-02-28.00-000 | 7-00-095.04-02-44.00-000 |
| 7-00-095.04-02-13.00-000 | 7-00-095.04-02-29.00-000 | 7-00-095.04-02-45.00-000 |
| 7-00-095.04-02-14.00-000 | 7-00-095.04-02-30.00-000 | 7-00-095.04-02-46.00-000 |
| 7-00-095.04-02-15.00-000 | 7-00-095.04-02-31.00-000 | 7-00-095.04-02-47.00-000 |
| 7-00-095.04-02-16.00-000 | 7-00-095.04-02-32.00-000 | 7-00-095.04-02-48.00-000 |