

**City of  Dover**

**MAYOR AND COUNCIL**

**COUNCIL RESOLUTION NO. 2015-10**

**A RESOLUTION PROPOSING INCLUSION OF MAPLE GLEN INTO THE KENT COUNTY STORM WATER MAINTENANCE DISTRICT**

**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 Maple Glen, lots 1 through 46 was submitted by a majority of the real property owners within the proposed district; and

**WHEREAS**, pursuant to Chapter 187 §90.4.E.(2) of the Kent County Code, 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**, Chapter 187 §90.4.E.(7) of the Kent County Code requires that for subdivisions and land developments located within incorporated areas, the petition shall be accompanied by evidence of concurrence of the local governing body.

**NOW THEREFORE BE IT RESOLVED:**

1. That the proposed stormwater maintenance district expansion is adequate and appropriate; and
2. That all of the property owners within the district are benefitted directly or indirectly thereby; and
3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed; and
4. That the stormwater maintenance infrastructure within Maple Glen, exclusive of that within Delaware Department of Transportation/City of Dover right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan 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; and
5. That the inclusion of Maple Glen 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; and

6. Inclusion of Maple Glen within the Stormwater Maintenance District shall not exempt lot owners within the subdivision from participation in a stormwater utility should one be established by the City of Dover; and
7. That Dover City Council concurs with the extension of the Stormwater Maintenance District - Maple Glen.

ADOPTED: JUNE 8, 2015

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2015\ADOPTED\Resolution No. 2015-10 - Inclusion of Maple Glen Into the Kent County Storm Water Maintenance District.wpd



ROBIN R. CHRISTIANSEN  
MAYOR



TIMOTHY A. SLAVIN  
COUNCIL PRESIDENT