

COUNCIL RESOLUTION NO. 2016-07

A RESOLUTION PROPOSING INCLUSION OF WESTFIELD INTO THE KENT COUNTY STORM WATER MAINTENANCE DISTRICT

WHEREAS, pursuant to 9 Del. C. §5202 et.seq. and Chapter 187 §90.4E(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as Westfield 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, the property owners of Westfield have requested the Stormwater Maintenance District Complete the required repairs to be repaid over a period of five (5) years; 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 Westfield, 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 may include routine maintenance and 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 Westfield 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 Westfield with 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 the City of Dover Council concurs with the extension of the Stormwater Maintenance District - Westfield.

ADOPTED: JUNE 27, 2016

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ROBIN R. CHRISTIANSEN
MAYOR



TIMOTHY A. SLAVIN
COUNCIL PRESIDENT