

RESOLUTION NO. 01-04

TOWN OF BRIDGEVILLE

A RESOLUTION OF THE COMMISSIONERS OF BRIDGEVILLE TO APPROVE DEVELOPMENT, SUBDIVISION AND INFRASTRUCTURE PLANS FOR THE FIRST PHASE OF DEVELOPMENT OF THE BRIDGEVILLE SOUTH RPC DISTRICT AND TO AUTHORIZE THE PRESIDENT OF THE COMMISSIONERS OF BRIDGEVILLE TO EXECUTE, SIGN AND APPROVE CERTAIN DOCUMENTS RELATED THERETO

WHEREAS, the Commissioners of Bridgeville enacted Ordinance No. A02-8 to establish the Residential Planned Community ("RPC") zoning district to provide the Town of Bridgeville with the flexibility to permit mixed-use developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan;

WHEREAS, the Town annexed approximately 833 acres of land in October, 2002;

WHEREAS, the Commissioners of Bridgeville zoned a majority of the annexed land RPC and approved a concept plan for the RPC District ("Bridgeville South RPC District") on October 21, 2002;

WHEREAS, the Commissioners of Bridgeville approved a Revised RPC Concept Plan for the Bridgeville South RPC District on June 9, 2003;

WHEREAS, the Commissioners of Bridgeville approved the RPC Preliminary Site Plan for the Bridgeville South RPC District on July 14, 2003;

WHEREAS, the Commissioners of Bridgeville entered into a Development Improvements and Services Agreement with Passwaters Farm LLC, the developer of the Bridgeville South RPC District, on November 10, 2003;

WHEREAS, the developer of the Bridgeville South RPC District has prepared final site plan and subdivision plats for the first phase of development of the Bridgeville South RPC District, which development will be named "Heritage Shores";

WHEREAS, the developer of the Bridgeville South RPC District has submitted the following plans and plats for approval by the Commissioners of Bridgeville:

1. Phase I RPC Final Site Plan, Bridgeville South "Heritage Shores";
2. Subdivision Plats, Phase One, Heritage Shores;
3. Bridgeville South Phase I Residential Development Plan and Golf Course Grading Plan; and
4. Contract Drawings for Infrastructure Improvements, Phase I, Bridgeville South.

NOW THEREFORE, BE IT RESOLVED, the development and subdivision of Phase I of Heritage Shores shall be approved, as more particularly set forth below:

Section 1. RPC Final Site Plan, Phase I. The Commissioners of Bridgeville hereby find that the Bridgeville South "Heritage Shores" Phase I RPC Final Site Plan, prepared by Robert D. Rauch & Associates, Inc. and dated February 9, 2004, and plans and documents incorporated therein by reference (collectively, the "Phase I Final Site Plan"), are consistent with the Town's Comprehensive Plan and the approved Revised RPC Concept Plan and RPC Preliminary Site Plan. The Commissioners of Bridgeville hereby make the following additional findings of fact:

- A. The Phase I Final Site Plan complies with all zoning requirements contained within Chapter 234 of the Code of the Town of Bridgeville and all existing laws, regulations and ordinances governing the approval of subdivisions;
- B. The Phase I Final Site Plan provides sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits.
- C. In the opinion of the Commissioners of Bridgeville, the inclusion of the following matters on the Phase I Final Site Plan is not essential to a proper decision on this project:
 - a. § 234-41-C(B)(7) – The floor plans and representative elevations of the several dwelling types and other buildings;
 - b. § 234-41-C(B)(8) – The location, height and material of all fences, walls, screen planting and landscaping; and
 - c. § 234-41-C(B)(10) – The location, character, size, height and orientation of proposed signs.
- D. Based upon the plans presented to the Commissioners, no state or federal wetlands are located within the residential lots approved hereby for subdivision and development.
- E. Upon approval by the Commissioners, the Phase I Final Site Plan, the Bridgeville South Phase I Residential Development Plan and Golf Course Grading Plan and the Contract Drawings for Infrastructure Improvements Phase I Bridgeville South shall be placed on record in the Bridgeville Town Office.
- F. Upon approval by the Commissioners, the Final Subdivision Plat shall be recorded among the land and plat records of Sussex County, Delaware.

The Commissioners of Bridgeville hereby waive the requirements set forth by subsection (C) above and approve the Phase I Final Site Plan.

Section 2. Approval of Phase I Subdivision Plat. The Commissioners hereby approve the Subdivision Plats, Phase One, Heritage Shores, prepared by McCrone, Inc. dated January 2004, consisting of Sheets 1 through 7.

Section 3. Approval of Construction Documents. The Commissioners of Bridgeville hereby approve the Contract Drawings for Infrastructure Improvements, Phase I, Bridgeville South, prepared by Robert D. Rauch & Associates Inc., dated December 1, 2003, consisting of Sheets C-1 through C-56.

Section 4. Approval of Off-Site Improvements. The Commissioners of Bridgeville hereby authorize the President of the Commissioners and the Town Manager to proceed, at the expense of Passwaters Farm LLC, with construction of the Initial Water Improvements and Off-Property Sewer Improvements, as described by the Development Improvements and Services Agreement and in accordance with the construction plans prepared by the Town's engineer(s) and the permits issued therefor.

Section 5. President of Commissioners Authorized to Approve Final Plans and Modifications. In light of the President's decision to recuse himself and abstain from voting on this Resolution, the Commissioners of Bridgeville hereby authorize and direct the President of the Commissioners to approve and sign such plats and plans as approved by this Resolution and such further documents, plats and plans that are consistent with this Resolution and the approvals granted hereby. The Commissioners of Bridgeville hereby further authorize the President of the Commissioners to approve revisions and modifications of the plats and plans and to approve such revisions and modifications of the construction plans as deemed appropriate by the Town's consulting engineer.

Approved this 9th day of February, 2004.

President Conaway	<u>Abstain</u>
Commissioner Correll	<u>Yes</u>
Commissioner Greason	<u>Yes</u>
Commissioner Jefferson	<u>Yes</u>
Commissioner Sipple	<u>Yes</u>

Margaret W. Sipple, Sec.
THE TOWN OF BRIDGEVILLE