

TOWN OF DEWEY BEACH

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RESOLUTION NO. 63

A RESOLUTION OF THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH TO DECLARE THE SUPPORT, WITH CONDITIONS, OF THE TOWN OF DEWEY BEACH TO THE PETITION OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION, PETER AND ROCHELLE BERMAN, ET AL., BEING SUPERIOR COURT CIVIL ACTION NO. 96M-10-018

WHEREAS, Civil Action No. 96M-10-018, an action to vacate a certain right of way proximate to Silver Lake along route 1A, Sussex County, was filed by the Department of Transportation and several owners of property located adjacent to a declared right of way situate on the south side of Silver Lake on or about November 14, 1996; and

WHEREAS, the Superior Court is to conduct a hearing on the petition on March 6, 1997, at which time property owners, the Town, and any interested persons may assert opinions and arguments concerning the petition; and,

WHEREAS, having duly noticed a public hearing on the issue of the petition, the Town Commissioners heard credible and convincing evidence and arguments in support of the petition and in favor of the continued existence of a limited walking pathway for pedestrians; and,

WHEREAS, the Commissioners hereby determine that it is in the public interest and shall promote the health, safety and welfare of the residents of the Town of Dewey Beach to respond to the petition in the proceedings before the Superior Court;

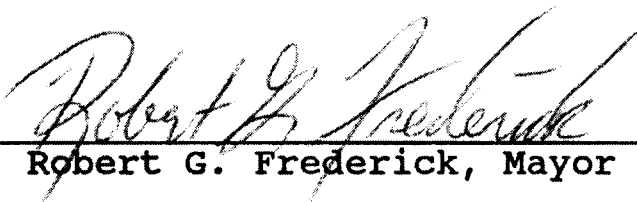
NOW THEREFORE;

BE IT RESOLVED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware that:

1. The Commissioners hereby assert the Town's support of the petition filed by the Delaware Department of Transportation and certain property owners, **conditioned upon the continued existence of a limited walking pathway for pedestrian access and egress,** for reasons that the petition, with said condition, promotes the welfare of the residents of the Town of Dewey Beach and those property owners residing adjacent to the existing right of way. Without said condition, the Commissioners do not support the Petition.

2. The Commissioners hereby authorize the Town Manager and the Town Solicitor to inform the Superior Court at the Court's proceedings of the Town Commissioners decision's and to inform the Court of the rationale for the Commissioners' decision.

THIS RESOLUTION approved this 8th day of February, 1997.



Robert G. Frederick, Mayor



William Rutherford, Town Mgr.