

Resolution No. 20-003

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES REGARDING THE PURCHASE OF THAT CERTAIN REAL PROPERTY KNOWN AS THE JONES FARM

WHEREAS, Section 4.1, *among other provisions*, of the Charter for the Board of Public Works of the City of Lewes (the “Lewes BPW”), being Chapter 10, Volume 77, Laws of Delaware, as amended (the “Lewes BPW Charter”), grants the Lewes BPW authority, responsibility, supervision, and control over current or future utility systems established within the Lewes BPW Service Area; and

WHEREAS, Section 1 of the Lewes BPW Charter defines the Lewes BPW Service Area as “the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area”; and

WHEREAS, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

WHEREAS, Section 4.20 of the Lewes BPW Charter further vests authority with the Lewes BPW to “enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services”; and

WHEREAS, during its September 23, 2020 meeting, the Board of Directors of the Lewes BPW approved the execution of an Agreement of Sale to, along with Sussex County and the City of Lewes, purchase that certain real property identified as Sussex County Tax Parcel No. 335-12.00-2.00 and known as the “Jones Farm”; and

WHEREAS, pursuant to the above-referenced Agreement of Sale for the Jones Farm property, the Lewes BPW’s portion of the purchase price totals two-million-dollars (\$2,000,000) plus any closing costs; and

WHEREAS, the Lewes BPW intends to explore funding from the State of Delaware State Revolving Fund or other funding option to assist with the purchase of the Jones Farm property and is actively examining options; and

WHEREAS, in order to maintain the schedule proposed in the subject Agreement of Sale, which among other deadlines requires closing on or before November 30, 2020, the Board of Directors, in the event other conditions and requirements of sale are met per the Agreement of Sale for the Jones Farm property, as steward of the above-described utility systems, deems it in the best interest of the ratepayers to purchase the Jones Farm property with money from the Lewes BPW Reserve Fund, with the intention to continue to explore funding from other sources and if secured, to replenish the amount utilized from the Reserve Fund.

47 **NOW THEREFORE, BE IT RESOLVED** BY THE BOARD OF DIRECTORS OF THE
48 LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 28TH DAY OF OCTOBER,
49 2020, THAT:

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51 **Section 1.** The Lewes BPW General Manager, in the event that all requisite conditions
52 and requirements within the Agreement of Sale for the Jones Farm property are met and that the
53 Lewes BPW is comfortable proceeding to closing concerning said property, is hereby authorized
54 to utilize the sum total of two-million-dollars (\$2,000,000) plus any closing costs from the Lewes
55 BPW Reserve Fund for the purchase of the Jones Farm property as described herein.

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57 **Section 2.** This Resolution shall take effect immediately upon its adoption by the
58 Board of Directors of the Lewes Board of Public Works.

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60 Adopted by the Board of Directors
61 Of the Lewes Board of Public Works

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65 I, Robert J. Kennedy, III, Secretary of the Board of Directors of the Board of Public Works
66 of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the
67 Resolution passed by the Board of Directors of the Lewes Board of Public Works at its meeting
68 on October 28, 2020, at which meeting a quorum was present and voting throughout and the same
69 is still in full force and effect.

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74 Secretary