

**RESOLUTION No. 2016-2**

**A RESOLUTION TO CLOSE ACCESS, AS NECESSARY,  
TO THE MARYLAND AVENUE EXTENSION**

**WHEREAS**, the Town of Bethany Beach (“Town”) is the owner and holder of all right, title and interest to that certain land known as the Maryland Avenue Extension;

**WHEREAS**, although designated as a street, the Maryland Avenue Extension has not historically operated as a public street and, absent a short distance of gravel, the land is covered by trees and other landscaping;

**WHEREAS**, the Council does not desire to and will not relinquish any of its right, title and interest to the Maryland Avenue Extension;

**WHEREAS**, the Council further desires to close the Maryland Avenue Extension including, but not limited to, any gravel or partially graveled area of such land and desires to locate a historic dwelling and attendant parking area for such dwelling on a portion of the Maryland Avenue Extension. A drawing of the street to be closed is attached hereto as Exhibit A;

**WHEREAS**, Section 18 of the Charter of the Town of Bethany Beach (“Charter”) provides the Council with the authority to make the proposed closure by resolution with attendant notice and public hearing;

**WHEREAS**, the Town Council does not believe this procedure is necessary to change the use of the land it owns in fee simple, but has decided to follow such procedure in this instance out of an abundance of caution;

**WHEREAS**, the Council seeks to provide the notice and to schedule a public hearing as provided for in the Charter with respect to the proposed closure of the Maryland Avenue Extension;

**WHEREAS**, after hearing comments at the public hearing, the Council may at the public hearing or at a subsequent meeting thereafter adopt a resolution substantially in the form attached hereto as Exhibit B to proceed with the contemplated alteration to and closing of the Maryland Avenue Extension.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. There shall be a public hearing at 1:00 p.m. on March 18, 2016, at Town Hall 214 Garfield Parkway, Bethany Beach, DE at which time the Town Council will sit to hear comments and objections to the proposed closing of the Maryland Avenue Extension.

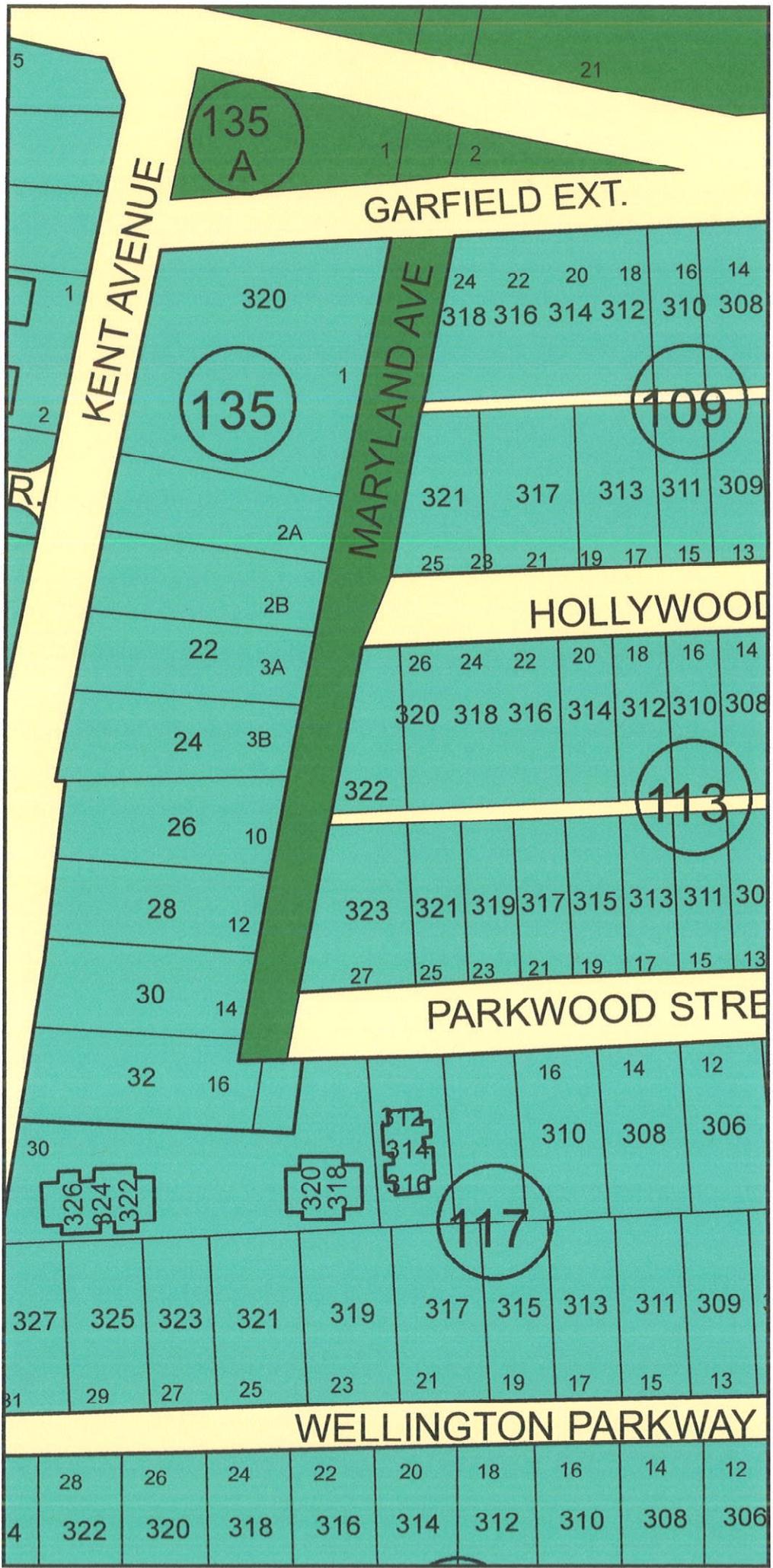
2. Council may, after hearing all comments, adopt a resolution to proceed with the contemplated closure of the Maryland Avenue Extension.
3. Town Council hereby directs the Town Manager to send notice, by certified mail, return receipt requested, to the owner(s) of the real estate through or over which the Maryland Avenue Extension may run in accordance with Section 18.4 of the Charter.

This resolution is passed by the Town Council of the Town of Bethany Beach on this \_\_\_\_ day of \_\_\_\_\_, 2016.

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**EXHIBIT A**



135  
A

135

109

113

117

KENT AVENUE

MARYLAND AVE

GARFIELD EXT.

HOLLYWOOD

PARKWOOD STREET

WELLINGTON PARKWAY

320

24 22 20 18 16 14  
318 316 314 312 310 308

321 317 313 311 309

25 23 21 19 17 15 13

26 24 22 20 18 16 14  
320 318 316 314 312 310 308

322

323 321 319 317 315 313 311 309  
27 25 23 21 19 17 15 13

32 16

16 14 12  
310 308 306

30

327 325 323 321 319 317 315 313 311 309  
31 29 27 25 23 21 19 17 15 13

28 26 24 22 20 18 16 14 12  
4 322 320 318 316 314 312 310 308 306

**EXHIBIT B**

**RESOLUTION No. 2016-3**

**A RESOLUTION TO CLOSE ACCESS, AS NECESSARY,  
TO THE MARYLAND AVENUE EXTENSION**

**WHEREAS**, the Town of Bethany Beach (“Town”) is the owner and holder of all right, title and interest to that certain land known as the Maryland Avenue Extension;

**WHEREAS**, although designated as a street, the Maryland Avenue Extension has not historically operated as a public street and, absent a short distance of pavement, the land is covered by trees and other landscaping;

**WHEREAS**, the Council does not desire to and will not relinquish any of its right, title and interest to the Maryland Avenue Extension;

**WHEREAS**, the Council further desires to close the Maryland Avenue Extension including, but not limited to, any gravel or partially graveled area of such land and to locate a historic dwelling and attendant parking area for such dwelling on a portion of the Maryland Avenue Extension. A drawing of the street to be closed is attached hereto as Exhibit A;

**WHEREAS**, Section 18 of the Charter of the Town of Bethany Beach (“Charter”) provides the Council with the authority to make the proposed closure by resolution with attendant notice and public hearing;

**WHEREAS**, notice as required by Sections 18.3 and 18.4 of the Charter was timely provided and a public hearing was held at 1:00 p.m. on March 18, 2016 at which time Council heard comments and objections concerning the proposal.

**WHEREAS**, after hearing comments at the public hearing, the Council deems the proposed closure of the Maryland Avenue Extension to be an appropriate course of action.

**WHEREAS**, the Council does not believe that any person(s) will be deprived of property by virtue of the closure and, therefore, does not believe that the proposed course of action implicates Section 18.6 of the Charter requiring the payment of compensation under certain circumstances.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. The Maryland Avenue Extension including, but not limited to, any paved or partially paved area of such land, is hereby closed and shall no longer be open to any vehicular traffic or passage. The street to be closed is depicted on the drawing attached hereto as Exhibit A. On such land, the Town may locate a a historic dwelling and attendant parking area for such dwelling on a portion of the Maryland Avenue Extension. The City Manager is hereby directed to any actions necessary and appropriate to facilitate such closure.

2. Compensation, as set forth in Section 18.6 of the Charter, is not required as a result of the approved closure of the Maryland Avenue Extension.
3. Nothing herein shall be deemed a relinquishment of any of the Town's right, title and interest to the Maryland Avenue Extension or otherwise impact the ownership of such land by the Town.

This resolution is passed by the Town Council of the Town of Bethany Beach on this \_\_\_\_ day of \_\_\_\_\_, 2016.

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