

RESOLUTION NO. 12- 22

**RESOLUTION APPROVING THE ESTABLISHMENT OF THE
OCEAN DOWNS SANITARY SERVICE AREA**

WHEREAS, pursuant to Section PW 5-305 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, at least sixty-seven percent (67%) of the current property owners in the proposed Ocean Downs Sanitary Service Area petitioned the County Commissioners of Worcester County, Maryland (hereafter "County Commissioners") to establish a sanitary service area for the purposes of providing a wastewater collection system, pump station, and force main to connect to the Ocean Pines sewer collection system to provide public sewer service to accommodate the existing horse racetrack and video lottery facility and remaining land on the subject property shown as Parcel 99 on Worcester County Tax Map 21, located on the east side of Maryland Route 589 (Racetrack Road), north of Maryland Route 707 (Grays Corner Road). Proposed service will be provided by contract for an initial service capacity level of sixty-three (63) equivalent dwelling units (EDU's) at a rate of 300 gallons per EDU and an ultimate build-out potential of three hundred thirty three (333) EDU's from the existing Ocean Pines Sanitary Service Area; and

WHEREAS, the County Commissioners have evaluated the petition and have found that the proposed establishment of the Ocean Downs Sanitary Service Area and facilities are desirable for the comfort, convenience, health, safety, and welfare of the people that will be served by the facilities; is feasible for construction and operation of the facilities from an economic and engineering standpoint; is in the best interest of the public health, safety, and welfare of all residents of the County; will not be unduly detrimental to the environment of the County; and the design and operation of the facilities will be in accordance with all required permits and applicable standards; and

WHEREAS, the cost of construction of the facilities and connection to the Ocean Pines sewer collection system will be the sole responsibility of the property owners served by the facilities; and

WHEREAS, the County Commissioners held a duly advertised public hearing on September 4, 2012 to consider the request for establishment of the proposed service area.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland, that:

1. The Ocean Downs Sanitary Service Area is hereby established and shall comprise all of the real property located on the on the east side of Maryland Route 589 (Racetrack Road), north of Maryland Route 707 (Grays Corner Road) in the Third Tax District of Worcester County, Maryland, and identified as Parcel 99 on Worcester County Tax Map 21, comprising approximately 166.55 acres of land.
2. The Ocean Downs Sanitary Service Area is established for the land described herein to provide a wastewater collection system consisting of a combination of gravity and low pressure force mains, a central pumping station which will convey

sewage effluent to the Ocean Pines sewer collection system via a force main running from the central pump station, under Turville Creek to the County boat ramp, through a recorded easement on the Steen subdivision, and ultimately connecting to the Ocean Pines sewer collection system. Service will be provided by contract for an initial service capacity level of sixty-three (63) equivalent dwelling units (EDU's) at a rate of 300 gallons per EDU, and an ultimate build-out potential of three hundred thirty three (333) EDU's from the existing Ocean Pines Sanitary Service Area. Construction of the proposed facilities is expected to begin in late 2013 with completion within one calendar year from the start of construction.

3. The establishment of the Ocean Downs Sanitary Service Area is subject to the following conditions:
 - a. The property owner will enter into a Public Services Agreement between the County and Developer that will define the terms of sewer service from the Ocean Pines Sanitary Service Area. Said agreement shall include use of the constructed infrastructure, specifically the force main from the track to the Ocean Pines collection system, by the properties in the Turville Creek portion of the Greater Ocean Pines Sewer Planning Area. The Turville Creek area has been allocated 113 EDU's for eventual connection to the Ocean Pines Sanitary Area for public sewer service.
 - b. The property owner will cooperate with the County on any current and future submittals or examinations required by the Maryland Department of the Environment (MDE) for nutrient credit review. The nutrient credit, once accepted by MDE, is only for the single property in the proposed service area. It is not for offsite transfer to other properties of credits or corresponding sanitary capacity.
 - c. The existing pump station on the Ocean Downs property will be used as a pump station and be inspected and accepted by the Worcester County Department of Public Works for use as a pump station for the force main connecting to the Ocean Pines collection system.
 - d. The pump station will have emergency power supplied by the emergency power system for the racetrack. Should the commercial portion of the property be subdivided from the current property in the future, the applicant will immediately be required to supply and install a dedicated emergency power system for the pump station.
 - e. The applicant will cooperate with the County in the investigation of a future connection of the subject property to public water.

AND BE IT FURTHER RESOLVED that the establishment of this proposed Service Area shall be contingent upon the official incorporation of the Ocean Downs Sanitary Service Area into the *Worcester County Comprehensive Water and Sewerage Plan* which is subject to

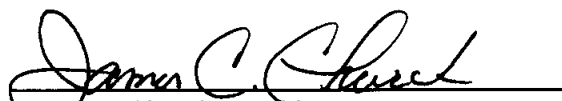
review and approval by the Maryland Department of the Environment (MDE) in accordance with the provisions of Section 9-507 of the Annotated Code of Maryland.

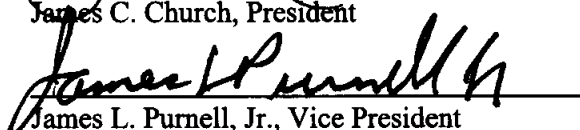
PASSED AND ADOPTED this 4th day of September, 2012.

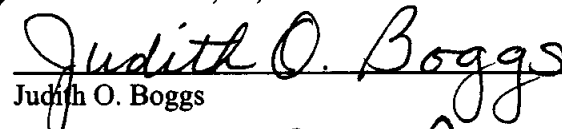
ATTEST:

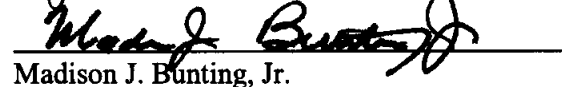

Gerald T. Mason
Chief Administrative Officer

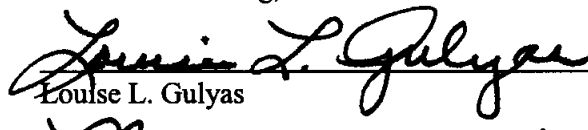
WORCESTER COUNTY COMMISSIONERS

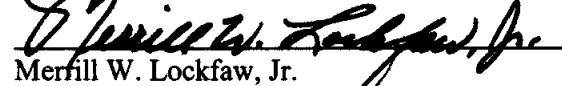

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-  Proposed Sewer Pipeline
-  Proposed Ocean Downs Service Area
-  Ocean Pines Service Area



Proposed Service Area

Ocean Downs