



SPONSOR: Sen. McDowell  
Sens. Hansen, Marshall, McBride, Poore, Townsend,  
Walsh; Rep. Heffernan

DELAWARE STATE SENATE  
149th GENERAL ASSEMBLY

SENATE BILL NO. 246  
AS AMENDED BY  
SENATE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO COUNTIES,  
MUNICIPALITIES AND PUBLIC LANDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 670, Chapter 6, Title 9 of the Delaware Code by making deletions as shown by strike and insertions as shown by underline as follows:

§ 670 Acquisition of land for parks; title and ownership; gifts.

(a) The county government may take or acquire by condemnation in accordance with law, agreement, purchase or gift, lands located within the county outside of the corporate limits of any city or town and not already devoted to a public purpose or used by a public utility in its service of the public as may seem to the county government suitable for park and recreational purposes and necessary to meet the requirements of this chapter. Title and ownership of such lands, however acquired, shall be vested in the State for the use of the county. The county government, pursuant to agreement executed by an incorporated city or town, may acquire by agreement, purchase or gift, or may lease or agree to undertake to control and maintain for a term of years, lands located within the county owned by the incorporated city or town.

(b) Gifts of land, buildings or money may be accepted for specific maintenance or establishment of park and recreational areas.

(c) The county governments of this state may execute and deliver, in proper form, a lease, concession agreement, easement, or license agreement for any part of the public lands owned by them, including park land and land held in a public trust. The demise and lease of such lands, including public parks, may be upon such conditions and for such rentals as the county government deems advisable for the public good, provided that the demise and lease of public park lands shall be limited to recreational purposes and related activities. Whoever leases any of the lands under any restrictions or conditions of a county government and fails to comply with the restrictions or conditions set forth in the lease with the government forfeits the leasehold interest granted by the lease.

Section 2. Amend Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike and insertions as shown by underline as follows:

§ 117. Lease of public lands.

The municipal governments of this state may execute and deliver, in proper form, a lease, concession agreement, easement, or license agreement for any part of the public lands owned by them, including park land and land held in a public trust.

The demise and lease of such lands, including public parks, may be upon such conditions and for such rentals as the municipal government deems advisable for the public good, provided that the demise and lease of public park lands shall be limited to recreational purposes and related activities. Whoever leases any of the lands under any restrictions or conditions of a municipal government and fails to comply with the restrictions or conditions set forth in the lease with the government forfeits the leasehold interest granted by the lease.