

CHAPTER 319  
FORMERLY  
SENATE BILL NO. 253

AN ACT TO AUTHORIZE AND APPROVE THE CONVEYANCE OF CERTAIN REAL PROPERTY IN NEW CASTLE COUNTY TO THE COLONIAL SCHOOL DISTRICT AND PROVIDING FOR THE FUTURE SUBDIVISION AND CONVEYANCE OF A PORTION OF THIS REAL PROPERTY TO FAITHFUL FRIENDS.

WHEREAS the Airport Road Division of Motor Vehicles facility (the "property"), located in New Castle County has been vacated by the Department of Transportation; and

WHEREAS Section 111 of the Fiscal Year 2014 Capital Improvements Act provided for public input be gathered before a final disposition of the property; and

WHEREAS the Colonial School District has proposed using the property as a pupil transportation hub and facility; and

WHEREAS Faithful Friends has proposed using ten to twenty acres of the property to construct a Pet Adoption and Community Resource Center; and

WHEREAS the surrounding community has indicated support for these two proposals along with their desire for future transportation improvements to alleviate traffic congestion.

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE: (three-fourths of all the members elected to each house thereof concurring therein)

Section 1. The transfer and conveyance of that certain parcel of land and all structures situated thereon, known as the Airport Road Division of Motor Vehicles facility ("the property"), Tax Parcel 1001700005, recorded in the New Castle County recorder of Deeds, Book S61 Page 42, to the Colonial School District for the consideration of one dollar (\$1.00), is hereby specifically approved, notwithstanding (1) any provisions of Chapter 94, Title 29 of the Delaware Code; or (2) any provisions of any other laws or regulations to the contrary.

Section 2. The Office of Management and Budget, Division of Facilities Management, or other appropriate State agency, is hereby authorized and empowered to execute and deliver to the Colonial School District a good and sufficient deed to transfer all property interests in said real property. The deed to Colonial School District shall express the restrictions and covenants authorized in this act.

Section 3. The Colonial School District agrees to accept the property in "as is" condition at the time of conveyance.

Section 4. The Colonial School District shall have the authority to use the property for the direct benefit of the Colonial School district.

Section 5. The Colonial School District shall subdivide the property by deed with adequate vehicular access by easement to the public right-of-way, and the resulting two parcels of land and access easement created by deed shall be considered lawful and legally conforming in all respects. Faithful Friends shall pay for the cost of any additional roads, or improvements to existing roads, necessary for a suitable easement providing access to the Faithful Friends portion of the property. The land to be subdivided by the Colonial School District by deed from the property, thereby creating a new parcel of land, shall be 10 to 20 acres of the undeveloped land to the rear of the property. The purpose of this subdivision by deed shall be to deliver good and sufficient title, in fee simple absolute, of the subdivided parcel of land and easement for the legal consideration of one dollar (\$1.00) to the Faithful Friends, a Delaware incorporated, non-profit animal welfare shelter or other Delaware legal entity created and controlled by Faithful Friends for the sole purpose of taking title to the new parcel. Faithful Friends shall pay for all costs associated with the subdivision. No deed shall be executed until the Colonial School District has received a copy of Faithful Friends construction plans for the new parcel along with written confirmation of construction financing, or other adequate funding source for the entire Pet Adoption and Community Resource Center from the Faithful Friends no later than July 1, 2019. At the time of conveyance of the land to Faithful Friends from the Colonial School District, Faithful Friends must agree to accept the new parcel in "as is" condition, after which Faithful Friends shall be legally permitted to use the new parcel for a Pet Adoption and Community Resource Center, and for no other use. After conveyance of the new parcel, Faithful Friends intends to construct a building(s) of not less than

20,000 square feet in total size upon the new parcel for use as a Pet Adoption and Community Resource Center, and to construct not less than one-hundred parking stalls upon the new parcel to serve the aforementioned use. The building(s) and parking stalls shall be constructed in accordance with the then applicable provisions of the New Castle County building code, State drainage code, State critical natural area regulations, State wetland regulations, and federal wetland and floodplain regulations. The deed to Faithful Friends shall set forth the restrictions and covenants expressed in this act.

Section 6. Except as authorized by this act, the property cannot be subsequently sold, or in any way transferred to any other person, corporation or association or used for a purpose inconsistent with this act without further legislative approval. In the event of a transfer or inconsistent use, by one or both parcels, the parcel(s) shall revert to the State of Delaware, Office of Management and Budget. In such a case, the parcel or parcels that revert back to the State of Delaware shall only be that parcel(s) that is transferred or used inconsistently with this act.

Approved July 15, 2014