

CHAPTER 123  
FORMERLY  
SENATE BILL NO. 146

AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN STATE OF DELAWARE OWNED REAL PROPERTY IN KENT COUNTY TO THE TOWN OF SMYRNA.

WHEREAS, the Delaware Hospital for the Chronically Ill (DHCI) located in the Town of Smyrna has provided long term care for Delawareans for over 87 years; and

WHEREAS, the Town of Smyrna operates Lake Como park providing recreational opportunities for the citizens of the town; and

WHEREAS, the DHCI property includes land along the shoreline of Lake Como in excess of what is required for the operation of this facility; and

WHEREAS, the Town of Smyrna would like to expand the park at Lake Como; and

WHEREAS, the Department of Health and Social Services is supportive of providing Delawareans opportunities to experience healthy lifestyles, including additional parkland;

NOW, THEREFORE:

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

Section 1. The transfer and conveyance of a portion of the certain parcel of land known as the Delaware Hospital for the Chronically Ill (“the property”), Tax Parcel 1-17-01906-01-0500-00001, to the Town of Smyrna to expand the Lake Como park 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 Department of Health and Social Services and Town of Smyrna shall agree to the specific boundaries of the property to be divided and transferred to the Town of Smyrna. The Department of Health and Social Services, or other appropriate State agency, is hereby authorized and empowered to execute and deliver to the Town of Smyrna a good and sufficient deed to transfer all property interests in the portion of the said real property being transferred to the Town of Smyrna. All costs resulting from the survey, division, recordation, and other costs associated with the transfer of the property to the Town of Smyrna shall be borne by the Town of Smyrna.

Section 3. The Town of Smyrna agrees to accept the property in “as is” condition at the time of conveyance. The Town further agrees, at the Town’s expense, to erect a border fence with locked gate(s) separating the property from the remaining DHCI parcel, said fence to be erected per specifications of the Department of Health and Social Services.

Section 5. It is the intent of the General Assembly, and the deed for the property shall contain a provision to this effect, that the property cannot be subsequently sold or in any way transferred to any other person, corporation, or association or used for a non-public purpose without further legislative approval.

Approved July 17, 2019