

CHAPTER 142
FORMERLY
SENATE BILL NO. 168

AN ACT TO TRANSFER LAND BETWEEN THE TOWN OF SMYRNA AND THE STATE OF DELAWARE.

WHEREAS, Senate Bill 86 in the 147th General Assembly was passed allowing the State of Delaware to transfer a 1.57 acre parcel of land located at 5501 DuPont Parkway, along southbound US 13 in New Castle County, identified as parcel #1502200016 on the New Castle County tax records, to the Town of Smyrna; and

WHEREAS, as part of that transfer, the parcel had to be used for public purposes or revert to State; and

WHEREAS, the transaction contemplated by Senate Bill 86 in the 147th General Assembly was consummated; and

WHEREAS, the parcel that was transferred to the Town of Smyrna is situated between two parcels owned by the same private individual; and

WHEREAS, the private individual and the Town of Smyrna agree that both parties' interests would be better served if the Town had the parcel to the north of the parcel it currently owns and the private individual had the parcel contiguous to the parcel he currently owns; and

WHEREAS, the Town of Smyrna and the private individual cannot execute deeds transferring these two parcels to each other because if the parcel currently owned by the Town of Smyrna ceases to be used for public purposes, that parcel must revert to the ownership of the State; and

WHEREAS, it is desirable for the Town of Smyrna to transfer this parcel back to the State of Delaware and then have the State of Delaware transfer the parcel to the Town of Smyrna without any reversionary interest so that the Town of Smyrna and the private individual can exchange the two parcels of land;

NOW, THEREFORE

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

Section 1.

Notwithstanding the provisions of Chapter 94 of Title 29 of the Delaware Code or any provisions of any other laws or regulations to the contrary, the Secretary of the Delaware Department of Safety and Homeland Security for the State of Delaware is hereby authorized and empowered to receive from the Town of Smyrna a good and sufficient deed for the transfer and conveyance of all that certain parcel of land located at 5501 Dupont Parkway, known as 5501 DuPont Parkway, Tax Map Parcel ID No. 15-022.00-016, Blackbird Hundred, New Castle County, State of Delaware. This conveyance shall be for consideration of \$1.00 and shall be "as is."

Section 2.

Notwithstanding the provisions of Chapter 94 of Title 29 of the Delaware Code or any provisions of any other laws or regulations to the contrary, the Secretary of the Delaware Department of Safety and Homeland Security for the State of Delaware is hereby authorized and empowered to execute and deliver to the Town of Smyrna a good and sufficient deed to transfer and convey all that certain parcel of land located at 5501 DuPont Parkway, known as 5501 DuPont Parkway, Tax Map Parcel ID No. 15-022.00-016, Blackbird Hundred, New Castle County, State of

Delaware. This conveyance shall be for consideration of \$1.00 and shall be “as is.” Should the Department of Safety and Homeland Security determine that an antenna is necessary on this parcel to support public safety communications, the Department of Safety and Homeland Security shall be permitted to make use of any available space on any water tower constructed on this site or an adjacent site, at no cost, for purposes of installing an antenna.

Section 3.

All costs involved in the transfers contemplated by this bill shall be paid by the Town of Smyrna.

Approved July 23, 2019