

CHAPTER 8
FORMERLY
HOUSE BILL NO. 37

AN ACT TO AUTHORIZE THE TRANSFER OF CERTAIN PROPERTY LOCATED IN THE TOWN OF SMYRNA.

WHEREAS, on November 7, 1962, the United States of America, acting through the U.S. Secretary of Health, Education, and Welfare, conveyed by quitclaim deed dated November 7, 1962, and recorded in book B23, page 411 in the Office of the Recorder of Deeds in Kent County the property described in said deed that was formerly known as the Smyrna Post Office Building (“Property”) to the Smyrna Special School District a/k/a Smyrna School District a/k/a Smyrna Board of Education (“School District”); and

WHEREAS, the School District has until recently occupied the Property, locally referred to as the School District Administration Building; and

WHEREAS, the School District no longer desires to occupy the Property; and

WHEREAS, the conditions, covenants, reservations, and restrictions included in the deed for the property have long since expired; and

WHEREAS, the Town of Smyrna wishes to acquire the Property for public purposes, including incorporating the building and property as part of the proposed Duck Creek Regional Library and Community Center at Smyrna, thereby recognizing the history and architecture of this early federal building and promoting the continued revitalization of the Town of Smyrna’s historic downtown; and

WHEREAS, the General Assembly adopted Senate Bill No. 280, which was signed by the Governor on August 10, 2016 (Chapter 379, Volume 80 of the Laws of Delaware), authorizing the School District to convey what at the time was believed to be the entire Property to the Town of Smyrna; and

WHEREAS, adjacent to the Property is another parcel identified in the Kent County tax records as property of the Town of Smyrna, located at Dwight Avenue and identified as tax parcel # 1-17-01017-06-5400-00001, which for many years has been thought to be the property of the Town of Smyrna (“Town Parcel”); and

WHEREAS, subsequent to the enactment and signing of Senate Bill No. 280, it was discovered that the Town Parcel was not the property of the Town of Smyrna but was actually part of the Property; and

WHEREAS, in light of the discovery of this new information, it is necessary to adopt new legislation that more accurately describes the Property being conveyed by the School District to the Town of Smyrna.

NOW, THEREFORE:

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

Section 1. Notwithstanding the provisions of Chapter 94, Title 29 of the Delaware Code and § 1057, Title 14 of the Delaware Code, or any other laws or regulations to the contrary, the Smyrna School District (“School District”), also known as the Smyrna Special School District or the Smyrna Board of Education, is 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 known as the School Administration Building, located at 22 S. Main Street and identified as tax parcel # 1-17-01017-06-5300-00001 and further located at Dwight Avenue and identified as tax parcel # 1-17-01017-06-5400-00001, as the same are more particularly described in a deed dated November 7, 1962, and recorded in deed book B23, page 411, in the Office of the Recorder of Deeds in Kent County. This conveyance shall be for consideration of \$1.00 and shall be "as is". The conveyance of the Property shall not occur until the School District has vacated the Property. The Town of Smyrna shall bear the deed preparation costs for the transfer of the Property.

Approved April 13, 2017