

CHAPTER 177  
FORMERLY  
SENATE BILL NO. 103

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRIDGEVILLE TO PROVIDE FOR ANNEXATION OF CONTIGUOUS TERRITORY OF FIVE (5) ACRES OR LESS WITHOUT REFERENDUM AND RELATING TO THE POWER TO BORROW FOR MUNICIPAL PURPOSES TO PERMIT THE REFINANCE OF EXISTING DEBT AND TO PAY THE COSTS OF ISSUING THE REFUNDING BONDS WITHOUT REFERENDUM.

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

Section 1. Amend the Charter of the Town of Bridgeville by making deletions as shown by strike through and insertions as shown by underline as follows:

SECTION 3A. Annexation of Property Five (5) Acres or Less:

The Commissioners shall have the authority to annex any territory containing five (5) acres or less contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code.

A. Any property owner(s) holding record fee title to real property in territory five (5) acres or less contiguous to the then existing corporate limits of the Town may petition the Commissioners to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Commissioners may, ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Bridgeville.

B. The Commissioners shall introduce an ordinance proposing the annexation of such territory of five (5) acres or less contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

C. If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected to the Commissioners, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the ordinance failed to receive the required affirmative vote.

D. If the ordinance shall be adopted, annexation as provided therein shall become effective immediately after the certification of the Commissioners' vote. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the President and certified by the Town Clerk, with the Town seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware, but in no event shall said recordation be completed more than ninety (90) days following the date of adoption. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

Section 2. Amend Section 29 of the Charter of the Town of Bridgeville by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 29. POWER TO BORROW MONEY:

Notwithstanding the foregoing provisions of this section, the Commissioners may authorize the issuance of bonds or other obligations under this section in order to refinance current outstanding debt and pay the costs of issuing the refunding bonds, without regard to the limitations of the first paragraph of this Section and the requirements set forth in paragraphs 1 through 8 hereof.

Approved September 03, 2015