

CHAPTER 379
FORMERLY
SENATE BILL NO. 280

AN ACT TO AUTHORIZE THE TRANSFER OF CERTAIN PROPERTIES 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 located at 22 S. Main Street, Kent County Tax Parcel #1-17-01017-06-5300-00001, formerly the Smyrna Post Office Building (hereinafter "Property"), to the Smyrna Special School District a/k/a Smyrna School District a/k/a Smyrna Board of Education (hereinafter "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 Smyrna's historic downtown; and

WHEREAS, legislation enacted in 1977 (61 Del Laws. c 159) authorized the Smyrna School District to transfer the ownership of the former Thomas D. Clayton School, Kent County tax parcel #1-17-01018-02-3401-00001 located on Monrovia Avenue to the Department of Correction to be used as an administration building; and

WHEREAS, on September 16, 1977 the Smyrna School District, conveyed by deed dated September 9, 1977 and recorded in book W31, page 341 in the Office of the Recorder of Deeds in Kent County, the property located at 80 Monrovia Avenue, formerly the Thomas D. Clayton School, to the Department of Correction; and

WHEREAS, the State subsequently located Justice of the Peace Court #8 on the same parcel as the Department of Correction administration building; and

WHEREAS, the Department of Correction relocated their administrative functions and returned the former Thomas D. Clayton School building to the Smyrna School District for District administrative and special program uses.

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 29 Del. C. Chapter 94 and 14 Del. C. § 1057 or any provisions of any other laws or regulations to the contrary, the Smyrna School District, also known as the Smyrna Special School District or the Smyrna Board of Education, 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 known as the School Administration Building located at 22 S. Main Street, tax parcel # 1-17-01017-06-5300-00001 as the same is more particularly described in the 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 Smyrna School District has vacated the Property. The Town of Smyrna shall bear the deed preparation cost for the transfer of the Property.

Section 2 (a). The Town of Smyrna is hereby authorized and empowered to divide the property at 80 Monrovia Avenue, Kent County, tax parcel #1-17-01018-02-3401-00001, recorded in deed book W31, page 341, into two separate parcels, the first containing the former Thomas D. Clayton School and the second containing Justice of the Peace Court #8. Notwithstanding the provisions of 29 Del. C. Chapter 94 or any other law to the contrary, the Department of Correction is authorized to execute and deliver to the Smyrna School District a good and sufficient deed for the parcel containing the former Thomas D. Clayton School.

(b) Survey costs related to the transactions in subsection (a) of this Section shall be borne by the Smyrna School District. Legal and other costs related to the preparation of deeds required by subsection (a) of this Section shall be borne by the Department of Correction. The conveyance of the former Thomas D. Clayton School shall be for consideration of \$1.00 and shall be “as is”.

Approved August 10, 2016