

CHAPTER 148
FORMERLY
SENATE BILL NO. 86

AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER BY THE STATE OF DELAWARE TO THE TOWN OF SMYRNA OF CERTAIN REAL PROPERTY INCLUDING APPROXIMATELY 1.57 ACRES LOCATED AT 5501 DUPONT PARKWAY (SOUTHBOUND US13) IN NEW CASTLE COUNTY

WHEREAS, the State of Delaware holds title to the 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; and

WHEREAS, this parcel was once the site of a fire control watch tower under the auspices of the Delaware Department of Agriculture, and was subsequently transferred under the jurisdiction of the Department of Public Safety; and

WHEREAS, there is no current or anticipated State use for said 1.57 acres of property; and

WHEREAS, the Town of Smyrna has expressed interest in obtaining this property to be used for public purposes, including a location for a future water tower, water well and water treatment facility to serve the water utility needs of this growing area of the town; and

WHEREAS, this property could also provide a location for a fire or police substation if needed in some future period; and

WHEREAS, the Town will assume all responsibility for survey, annexation, transfer and recordation and future maintenance of this property;

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):

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 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.

All that certain piece, parcel or tract of land situate in Blackbird Hundred, New Castle County, Delaware and being known as 5501 DuPont Parkway and more particularly described as follows to wit:

Beginning at a point on the Southwesterly side of DuPont Parkway – Route No 13 (width varies), said point being a common corner for lands now or formerly of Wildcat LLC and lands herein being described and located South 24 degrees, 38 minutes, 03 seconds East, 755.09 feet from the Easterly side of the 92.95-foot fillet joining the Southwesterly side of DuPont Parkway with the Southeasterly side of Duck Creek Road (120 feet wide).

Thence, from said Point of Beginning, the following five (5) courses and distances:

(1) Continuing with DuPont Parkway, South 24 degrees, 38 minutes, 03 seconds East, 202.24 feet to a corner for lands now or formerly of Rickey D. Horsey, thence, with same;

(2) South 67 degrees, 42 minutes, 52 seconds West, 361.29 feet to an iron pipe, a corner for Sharoff at Watson Farm, thence, with same the next two courses and distances;

(3) South 89 degrees, 23 minutes, 30 seconds West, 3.59 feet to a metal post, thence;

(4) North 09 degrees, 32 minutes, 27 seconds West, 207.43 feet to a metal post, thence, in part with Sharoff at Watson Farm and in part with lands now or formerly of Wildcat LLC;

(5) North 68 degrees, 00 minutes, 21 seconds East, 310.58 feet to the Point of Beginning.

Containing with said metes and bounds 68,528 square feet or 1.5732 acres of land, be they the same, more or less. Subject to any and all easements and restrictions of record.

This conveyance shall be for consideration of \$1.00, and shall be “as is.” The Town of Smyrna shall use such property for public purposes as set forth herein, or such other public purposes as shall be justified. Should such property not be used for public purpose, it shall revert to the State of Delaware. Should the Department of Safety and Homeland Security determine that an antenna is necessary on this property 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, at no cost, for purposes of installing an antenna.

Approved July 31, 2013