

CHAPTER 366
FORMERLY
HOUSE BILL NO. 312

AN ACT TO AMEND VOLUME 60, CHAPTER 140, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF ARDENTOWN", RELATING TO CORPORATE LIMITS AND TOWN MEETINGS.

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 Volume 60, Chapter 140, Laws of Delaware, as amended, entitled "An Act to Incorporate the Village of Ardentown", by making insertions as shown by underlining and deletions as shown by strike through as follows:

Section 1. (a) The inhabitants of the Village of Ardentown, in New Castle County, Delaware, and their successors within the limits hereinafter prescribed or hereafter established, are hereby constituted, created and established a municipal corporation and body politic forever by the name and style of the "Village of Ardentown", hereinafter "the Village".

(b) Under that name they shall have perpetual succession; may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued; for any public, municipal, educational or charitable purpose, may acquire by gift, grant, purchase, lease, demise, bequest or otherwise hold, real and personal property within and without the limits hereinafter prescribed; for the common benefit may dispose of real and personal property owned or held by the Village and shall possess, in addition to the powers expressly enumerated or specifically mentioned to this Act, powers which under the Constitution of the State of Delaware, it is now or in the future may be, lawful for this Act to enumerate. All powers of the Village, whether expressed or implied, shall be exercised as prescribed by this Act. If no procedure or manner of exercise be prescribed herein the same shall be exercised as prescribed by an appropriate ordinance or resolution of the Town Meeting of Ardentown.

Section 2. (a) The corporate limits of the Village are hereby established and declared to be as follows:

Beginning at a spike in the center line of the approach of the Grubb Road to the bridge across the Right of Way of the Baltimore and Philadelphia Railroad Company, said point of Beginning being also at the intersection of the said center line with the line between lands late of Lewes B. Harvey and lands now or formerly of Mary J. Lodge; thence along the center line of said approach and of the Grubb Road the five following described courses and distance (1) North 46°-34'-00" West, 338.11 feet to a point; (2) North 37°-48'-00" West, 374.16 feet to a point; (3) North 37°-35'-00" West, 1038.27 feet to a point; (4) North 37°-18'-00" West, 482.44 feet to a point; and (5) North 31°-07'-00" West, 108.58 feet to a point in line of lands of the Trustee of Arden; thence along line of said Arden, North 60°-45'-00" East, 2272.49 feet to a point on island in the West Branch of Naamans Creek; thence down the center line of said Creek by the various courses thereof in a generally southeasterly direction (1970 ±) feet to a point in the northwesterly Right of Way line of said Baltimore and Philadelphia Railroad, said point being distant by a tie line of South 27°-47'-00" East, 1784.06 feet from the last described point, said point being also 109.00 feet westerly from the center line of said Railroad measured at right angles thereto through station 445 plus 53 of said Railroad Company; thence along said northwesterly Right of Way line the five following described courses and distances: (1) South 34°-43'-00" West, 257.89 feet to a point, 59.00 feet westerly from the center line of the said track from station 443 plus 00; (2) South 38°-37'-00" West, 181.46 feet to a point, 36.00 feet westerly from the center line of said Railroad from station 441 plus 20 measured at right angles thereto; (3) South 47°-44'-30" West, 870.45 feet to a point, 64.00 feet northwesterly of the center line of said track at station 432 plus 50 measured at right angles thereto; (4) 46°-08'-00" West, 250.00 feet to a point, 65.00 feet westerly from the center line of said track at station 430 plus 00 measured at right angles thereto and (5) South 43°-48'-00" West, 279.79 feet to a point, said point being northwesterly 54.74 feet from the center line of the track at station 427 plus 20.4 measured at right angles thereto, said point being also in the division line between lands now or formerly of Lewis B. Harvey and lands now or formerly of Mary J. Lodge; thence along the said line South 60°41'-00" West, 92.76 feet to a point in the center line of Grubb Road and the point and place of Beginning. Containing within such metes and bounds, 92.76 acres of land be the same more or less. . . .

Excepting therefrom lands conveyed to the State of Delaware for the widening of Grubb Road. . .

Beginning at a point on the northwesterly Right of Way line of Marsh Road, (at 60 feet wide), said point of Beginning being a corner for lands now or formerly of J. Siedlecki and being in the extension of the southwesterly property line of Lancashire; thence from said point of Beginning and along the said northwesterly Right of Way line of Marsh Road southwesterly along a curve to the right, having a radius of 924.93 feet, an arc distance of 464.55 feet to a point, a corner for lands now or formerly of Albert E. Jobson, Jr., said point being distant by a chord of South 41°-27'-19" West, 459.68 feet from said point of Beginning; thence thereby and along line of lands now or formerly of Donald P. Hale, et ux, North 44°-53'-00" West, 325.58 feet to an iron pipe; thence still by lands now or formerly of Donald P. Hale, South 49°-47'-08" West, 117.07 feet to an existing iron pipe, a corner for lands now or formerly of Jerome K. Smith, et ux and a portion of Woodcroft; thence along the northeasterly line of said lands now or formerly of Jerome K. Smith, et ux, North 41°-55'-52" West, 310.36 feet to an iron pipe, a corner for lands designated as Public Open Space for Holiday Hills; thence along said line of Holiday Hills, North 25°-10'-52" West, 339.90 feet to an iron pipe; thence still along a line of said Holiday Hills and along line of lands designated Public Open Space for Lancashire, North 45°-11'-08" East, 165.00 feet to an iron pipe; still along said line of Lancashire, North 74°-56'-08" East, 60.72 feet to an iron pipe, a corner for said Lancashire; thence along the southwesterly line of said Lancashire and along the said southwesterly line of lands now or formerly of J. Siedlecki South 58°-58'-10" East, 933.38 feet to a point on the said northwesterly Right of Way line of Marsh Road and a point and place of Beginning. Containing within such metes and bounds, 8.780 acres of land be the same more or less. . .

All that certain tract or piece of land situated in Brandywine Hundred, New Castle County and State of Delaware, which according to a survey of Francis A. Price, Engineer, dated August 1922 is bounded and described as follows, to wit: Beginning at a point on the center line of the Marsh or Hay Road at the Center of the bridge over the West Branch of Naamans Creek; thence along the center line of said road the two following courses: (1) North 45°-29'-00" East, 79.6 feet to a point and (2) North 22°-11'-00" East, 3.5 feet to a point of intersection of the center line of said Marsh or Hay Road with the center line of the public road commonly known as "Chestnut Street"; thence along the center line of said "Chestnut Street" the five following described courses (1) South 60°-31'-00" East, 129.19 feet; (2) South 70°-21'-00" East, 36.69 feet (3) South 87°-5P-00" East, 27.28 feet; (4) North 79°-36'-00" East 242.74 feet and (5) North 71°-19'-00" East, 231.48 feet to a point at the center of a bridge over a small stream; thence South 05°-42'-00" West, and along line of other lands of Albert Hanby 264.82 feet to a point in the center of the West Branch of Naaman's Creek, and thence along the center of said Creek by the various courses thereof about 985.00 feet to the place of Beginning. Said point of Beginning being distant North 76°-10.5'-00" West, 683.89 feet from the last described point, containing within said bounds, 3.75 acres of land be the same more or less.

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Excepting therefrom all land conveyed to the State of Delaware for the widening of Marsh Road.

Beginning at a point in line between lands formerly of the estate of Lewis B. Harvey and lands now or formerly of Mary J. Lodge at the distance of five hundred and eighty-three and seven tenths feet northeasterly from a spike in the centre line of the approach of the Grubb Road to the bridge over the right of way of the Baltimore and Philadelphia Railroad Company said point being distant sixty-six feet easterly from the centre line of said Railroad measured on a line at right angles thereto drawn from Station 431 plus 96 5/10; thence north forty-four degrees five minutes east nine hundred and forty-two and twenty-two one-hundredths feet to a point opposite to and thirty-six feet easterly from Station 441 plus 20 of said centre line; thence north fifty-three degrees and eleven minutes east, one hundred and eighty-one and forty-six one-hundredths feet to a point opposite to and fifty-nine feet easterly from station 443 of said centre line; thence north sixty degrees and sixteen and one-half minutes east two hundred and five and forty-three one-hundredths feet to a point opposite to and one hundred and ten feet easterly from station 444 plus 99 of said centre line, thence north forty-four degrees and twenty minutes east seventy feet to a point on the centre line of the west Branch of Naaman's Creek, said point being distant one hundred and eight feet easterly from station 445 plus 69 of said Railroad centre line measured at right angles thereto, thence down said creek by the various courses thereof, three hundred and twenty-six feet more or less to a point in the line between land formerly of Lewis B. Harvey and land now or late of Mary J. Lodge, said point being distant south forty-eight degrees, fifty-eight minutes east three hundred and nineteen and eighty-six one-hundredths feet from the last described point, and thence along said line of land now or formerly of Mary J. Lodge, south sixty degrees and eleven minutes east fourteen hundred and sixty-three feet to the place of Beginning. Containing within said bounds 5.91 acres, be the same more or less.

Also all that certain tract, piece, or parcel of land situate in Brandywine Hundred, New Castle County, State of Delaware, being a portion of the lands no longer required for the construction of a public road known as Interstate 95 which leads from Wilmington to Pennsylvania, the said tract being part of County Tax Parcel No. 06-070.00-001 (part), and being more particularly bounded and described as follows, to wit:

Beginning at a point formed by the intersection of the division line between these lands of the State of Delaware, hereinafter known as the party of the first part, mid lands now or formerly of B & O Railroad, and the existing easterly Right-Of-Way and Denial-Of-Access of Harvey Road, being the point of Beginnings lands are referenced in Department of Transportation Contract Plan 64-04-023;

Thence from the said point of Beginning, with the division line between these lands and lands now or formerly of the B & O Railroad North 42 degrees 05 minutes 00 seconds East, 30.00 feet to a point also located on the division line between these lands of the State of Delaware and lands now or formerly of the B & O Railroad;

Thence with the last mentioned division line North 42 degrees 05 minutes 00 seconds East, 515.00 feet to a point, said point being located on the division line between these lands of the State of Delaware and lands now or formerly of Ardentown Trustees; thence with the said last mentioned division line North 60 degrees 11 minutes 00 seconds East, 1463.00 feet to a point, the said point being the centerline of Naamans Creek;

Thence meandering with the said centerline of Naamans Creek, in a southerly direction 1265 feet to a point, the said point being on the Right-Of-Way and Denial-Of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 North 82 degrees 24 minutes 30 seconds West, 458.00 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 on the arc of a circle curving to the left and having a radius of 1787.02 feet, an arc length of 436.65 feet and chord bearing of North 89 degrees 51 minutes 56 seconds West, 435.56 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 South 84 degrees 35 minutes 59 seconds West, 220.41 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 South 77 degrees 45 minutes 02 seconds West, 222.75 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 South 61 degrees 18 minutes 57 seconds West, 333.31 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 South 51 degrees 12 minutes 48 seconds West, 249.38 feet to a point, the said point being on the Right-Of-Way and Denial-of-Access line of I-95;

Thence with the said last mentioned Right-Of-Way and Denial-Of-Access line of I-95 South 50 degrees 24 minutes 20 seconds West, 153.00 feet to a point located on the existing easterly Right-Of-Way and Denial-of-Access line of Harvey Road; thence with the Right-Of-Way and Denial-of-Access line of Harvey Road North 32 degrees 15 minutes 00 seconds West, 330.30 feet to the point and place of Beginning.

Containing within the said metes and bounds 31.29 acres of land, be the same more or less.

(b) The Town Meeting may, at any time hereafter, cause a survey and plot of the Village to be made, and said plot or any supplement thereto, when so made and approved by the Town Meeting, signed by the Secretary of the Town Meeting, who shall affix thereto the municipal corporate seal of the Village, and upon being recorded in the office of the Recorder of Deeds of the State of Delaware in and for New Castle County, shall be the record thereof, and such record, or a duly certified copy thereof, shall be evidence in all Courts of Law and Equity of this State.

Section 3. Definitions as used in this Act.

(a) Resident shall mean a person, male or female, above the age of eighteen (18) years, who shall have resided in the Village for a preceding period of six (6) consecutive months of actual residence.

(b) Trustee shall mean a person serving as Trustee under a certain Indenture made the twenty third day of December, A.D., 1922 wherein the lands described in Section 2, hereof, were conveyed upon certain trusts.

(c) Leaseholder shall mean a person who leases a portion of the lands described in Section 2 hereof, from the Trustees serving under said Indenture.

(d) All Residents shall be qualified voters as such term is used in this Act.

Section 4. Structure of Government.

The government of the Village and the exercise of all powers conferred by this Act, except as otherwise provided herein, shall be vested in the Town Meeting of the Village of Ardentown, referred to herein as the "Town Meeting". The Town Meeting shall consist of all residents and leaseholders of the Village.

Section 5. Meetings of the Town Meeting.

(a) Regular meetings of the Town Meeting shall be held in any suitable place in the Village available to the public on the second Monday of February, May, September and November of each year after the approval of this Act. Written notice of the time, date and place of all regular meetings of the Town Meeting shall be mailed by the Secretary of the Town Meeting to all residents and leaseholders of the Village at least five (5) days prior thereto.

(b) Special meetings of the Town Meeting shall be called by the Secretary of the Town Meeting (1) upon the written request of twenty-five (25) qualified voters, provided that such request shall state the purpose for calling such meeting, which purpose shall be set forth in the notice of such meeting; or (2) upon the affirmative vote of a majority of qualified voters in attendance at a regular or special meeting of the Town Meeting, provided that any motion for the calling of a special meeting shall state the purpose therefor, which purpose shall be set forth in the notice thereof. Notice of the time, date and place of any special meeting of the Town Meeting shall be mailed to all qualified voters at least five (5) days before the date thereof.

(c) At all meetings of the Town Meeting twenty-five (25) qualified voters shall constitute a quorum for the enactment of all ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Town Meeting.

(d) Each qualified voter attending a meeting of the Town Meeting shall have one vote on each matter brought before such meeting. The Secretary of the Town Meeting shall take the yeas and nays and, unless otherwise specified in this Act, a majority of the yeas shall be sufficient to pass all ordinances, resolutions and motions at any meeting of the Town Meeting and to transact all business properly brought before the meeting.

(e) No ordinance of the Village shall be voted upon by the Town Meeting unless submitted to the Town Meeting in writing and read at the two consecutive meetings, whether regular or special, next preceding and including the meeting at which such ordinance shall be voted upon.

(f) The Town Meeting shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays which shall be taken upon the passage of every ordinance and resolution.

(g) The Town Meeting shall elect a qualified voter to serve as Chairperson of the Town Meeting who shall preside at all meetings thereof. The Chairperson shall serve for a term of ~~one (1)~~ two (2) years or until a successor is duly elected by the Town Meeting in accordance with provisions hereof, provided that no chairperson shall serve more than ~~three~~ two successive terms. Effective in November 2012 the Chairperson shall be elected in every even-numbered year. The previous limit on terms shall not apply to the Chairperson elected in November 2012. The signature, certifications or attestations of the Chairperson of the Town Meeting to any document pertaining to the affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document to be signed, certified or attested by the Mayor, City Manager, President of Council or like designated chief executive of an incorporated municipality of the State of Delaware.

(h) The Town Meeting shall elect a qualified voter to serve as Secretary of the Town Meeting for a term of ~~one~~ two years or until a successor is duly elected by the Town Meeting in accordance with the provisions hereof. Effective in November 2013 the Secretary shall be elected in every odd-numbered year. In the absence of the Chairperson, the Secretary or someone designated by the Chairperson may preside over Town Meetings. The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the Village and

shall keep the same in a safe and secure place. He/she shall keep a full and complete record of all transactions of the Town Meeting. He/she shall file and keep in a safe place the seal of the Village and all papers and documents arising out of the proceedings of the Town Meeting and relative to the affairs of the Village. He/she shall deliver the same to his successor in office. He/she shall attest the seal of the Village when authorized by the Town Meeting and shall perform such duties and have such other powers as may be prescribed by ordinance. All books, records and journals of the Village in the custody of the Secretary may, in the presence of the Secretary, be inspected by any Resident, Trustee or leaseholder of the Village desiring legitimate information at any time or times as may be convenient. The compensation of the Secretary for his duties as such, shall be determined by the Town Meeting.

(i) Upon petition of twenty-five (25) qualified voters any matter within the jurisdiction of the Town Meeting shall be referred to a referendum of all qualified voters of the Village. This referendum shall be conducted by casting ballots at a specified time and place, after due notice has been given.

Section 6. Committees of the Town Meeting.

(a) The Town Meeting may elect such officials, including Treasurer, and such agents, committees and commissioners of the Village which the Town Meeting may deem proper and necessary for the management of the Village and for the operation and enforcement of this Act and of any ordinances and resolutions adopted hereunder. Any person so elected shall be a qualified voter of the Village and shall serve at the pleasure of the Town Meeting but in no event longer than two years unless re-elected.

(b) All persons presently serving on committees of the Town Meeting shall continue in office until their successors are duly elected in the manner herein provided.

Section 7. Budget Committee

(a) The Budget Committee shall consist of five (5) qualified voters of the Village elected by the Town Meeting. Three members of the Committee shall be elected by the Town Meeting at its regular September meeting in each odd numbered year following the approval of this Act. Two members of the Committee shall be elected by the Town Meeting at its regular September meeting in each even-numbered year following the approval of this Act. Each member, so elected, shall serve in office for two years or until his successor is duly elected.

(b) The Budget Committee shall prepare a budget governing the expenditure of all Village funds, which shall exclude all monies derived from administration of leases and collection of income therefrom, the lawful use and expenditure of which are now and hereafter subject to the jurisdiction of the Trustees of Ardentown. The budget prepared by the Committee shall be reported to the Town Meeting at its regular February meeting, of each year. The Town Meeting may modify or amend all or any portion of the Village budget. The Village budget, as approved by the Town Meeting with or without modification, shall govern the use and expenditure of the moneys therein specified for and during the fiscal year of the Village commencing March 25 next following.

Section 8. Registration Committee.

(a) The Registration Committee shall consist of (1) three qualified voters, one of whom shall be elected by the Town Meeting at its regular September meeting in odd-numbered years to serve for a term of two years, and two of whom shall be elected by the Town Meeting, at its regular September meeting in even-numbered years to serve for a term of two years; (2) and the Secretary of the Town Meeting. The Clerk of the Trustees shall be an ex-officio member of this Committee.

(b) The Registration Committee shall register all qualified voters of the Village as defined in Section 3 of this Act and shall keep a full and accurate record thereof which shall set forth the date each qualified voter established his residence. The registration record shall be conclusive evidence of the entitlement of the persons therein listed to vote at meetings of the Town Meeting.

Section 9. Vacancies.

In case of vacancy created by any office established under the provisions of this Act and the doings of the Town Meeting by reason of death, resignation, termination of residence or leasehold in the Village, conviction of a felony or otherwise, the Town Meeting, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term of such office.

Section 10. Powers and Ordinances.

(a) The Village shall have all powers possible for the Village to have under the Constitution and laws of Delaware as fully and completely as though they were specifically enumerated in this Act. In furtherance thereof, the Town Meeting is hereby vested with the authority to enact ordinances and adopt resolutions relating to any subject within the powers of functions of the Village, or relating to the government of the Village, its peace and order, its sanitation, the health, safety, and general welfare of its population, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances or resolutions, and no provision of this Charter as to ordinances or resolutions on any particular subject shall be held to be restrictive of the power to enact ordinances or resolutions on any subject not specifically enumerated.

(b) The Village may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one or more states or civil divisions or agencies thereof, including the government of New Castle County, or the United States or any agency thereof.

(c) It shall be the duty of the Town Meeting, at a reasonable time or times, to compile the ordinances, orders and rules of the Town Meeting of the Village. The Town Meeting shall have a reasonable number of copies printed for the use of the officials of the Village and for public information. From time to time, upon the enactment of new ordinances, rules and regulations, or upon enactment of amendments to the same, the Secretary of the Town Meeting shall enroll the same in the journal of the Town Meeting and shall keep copies of the same in a book to be provided for that purpose so that the same may be readily examined.

(d) Notwithstanding anything in this Act contained to the contrary, nor any amendments thereof, no ordinance or resolution of the Town Meeting nor any contract or agreement of the Village shall impair any rights and obligations created under and by the aforesaid Deed of Trust and the leases heretofore and hereafter entered into by the Trustees and Leaseholders under the Deed of Trust; no ordinance of the Village concerning zoning, housing or building permits shall be less restrictive than the requirements of the New Castle County codes now and hereafter in effect.

Section 11. Enforcement, Fines and Penalties.

(a) The Justice of the Peace sitting (whether regularly, specially or otherwise) in the Justice of the Peace Court located nearest to the Village shall have jurisdiction and cognizance of all offenses against the provisions of this Act or the authorized ordinances of the Village committed within the limits of the Village as far as to arrest and hold to bail or fine offenders; provided that he shall impose no fine or penalty in excess of that fixed by the ordinance.

(b) No ordinance of the Village shall provide for a fine in excess of \$100.

Section 12. Police Force.

(a) The Town Meeting may appoint a police force consisting of such person or persons as the Town Meeting may deem wise and advisable. The Town Meeting shall from time to time, upon recommendations of its Safety Committee, adopt rules and regulations as may be necessary for the organization, government and control of the police force. The members of the force shall be subject to the direction of the Town Meeting and may be removed by the Town Meeting at any time. They shall preserve peace and order and shall compel obedience within the Village limits to the ordinances of the Village and the laws of the State; and they shall have such other duties as the Town Meeting shall from time to time prescribe.

(b) Each member of the police force shall be vested with all powers and authority of a constable of New Castle County within the Village limits and within one mile outside such limits, and in the case of the pursuit of an offender, his power and authority shall extend to all parts of the State of Delaware.

(c) Upon the view of the violation of any ordinance of the Village relating to the peace and good order thereof, the police shall have the right and power to arrest without war-rent and to take the offender before the Justice of the Peace, as aforesaid.

Section 13. Contracts of the Town Meeting.

The Town Meeting is vested with authority on behalf of the Village to enter into contracts for the rendering of services to the Village and/or the purchase of supplies and doing of work for any municipal purpose of the Village consistent with this Act. All formal contracts shall be signed by the Chairman of the Town Meeting, with the seal of the Village attached and attested by the Secretary of the Town Meeting.

Section 14. Severability.

If any part of this Act shall be held unconstitutional, such holding shall not in any way invalidate the remaining provisions of this Act.

Section 15. This Act shall be deemed and taken to be a public Act.

Approved July 27, 2012