

CHAPTER 322
FORMERLY
SENATE BILL NO. 261

AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER BY THE SMYRNA SCHOOL DISTRICT TO THE TOWN OF SMYRNA OF CERTAIN REAL PROPERTY INCLUDING APPROXIMATELY 1.65 ACRES LOCATED AT THE INTERSECTION OF RABBIT CHASE LANE AND SUNNYSIDE ROAD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

WHEREAS, the Smyrna School District holds title to the land located near the intersection of Sunnyside Road and Rabbit Chase Lane, in the Town of Smyrna, identified as by Deed Recorder in Deed Recorder Book: 2971 Page: 202, with the Kent County Recorder of Deeds; and

WHEREAS, this land was provided to the District by the Town of Smyrna which facilitated a private donation of the land for the purpose of constructing the new Sunnyside Elementary School; and

WHEREAS, approximately 1.65 acres at the corner of Rabbit Chase Lane and Sunnyside Road is not used for school purposes; and

WHEREAS, it was the original intent of all parties to the original transfer of land that this portion of the property be used for a substation of Citizens' Hose Company No. 1 to meet the fire safety needs of this growing portion of the Town of Smyrna; and

WHEREAS, Smyrna School District is willing to convey this parcel for consideration of \$1.00, but Smyrna is prohibited from doing so by 14 Del. C. § 1057; and

WHEREAS, the Town of Smyrna will assume responsibility for the survey and subdivision of this lot upon enactment of this Bill, before any such transfer shall take place.

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. Section § 1057 of Title 14 of the Delaware Code notwithstanding, the Smyrna School District 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:

BEGINNING for the same at a point on the Northeast corner of the Sunnyside Road (County Road 90) and Rabbit Chase Lane (County Road 145) intersection, said point being a corner for this land and the right-of-way for Sunnyside Road and Rabbit Chase Lane;

Thence along Lands N/F Smyrna School District; N 05° 45' 00'' E, 70.76' to a point;

Thence, thereby N 50° 45' 00'' E, 116.41' to a corner for Lands N/F Christopher Nacrelli, IV;

Thence, thereby, and also with Lands N/F Christopher Nacrelli, IV, S 39° 15' 00'' E, 438.67' to a point;

Thence, thereby, and also with Lands N/F Smyrna School District, S 50° 45' 00'' W, 166.43' to a point on the Northeasterly side of Rabbit Chase Lane;

Thence, thereby, N 39° 15' 00'' W, 388.64' to the point and place of beginning.

This portion of land as described above encompasses approximately 1.647± acre, located in Smyrna, Kent County, Delaware.

This conveyance shall be for consideration of \$1.00, and shall be "as is". The Town of Smyrna shall bear the costs of the survey and subdivision of this property before such transfer.

Approved July 12, 2012