



LAWS OF DELAWARE
VOLUME 85
CHAPTER 406
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 457

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO ACQUISITION AND SALE OF REAL PROPERTY.

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

Section 1. Amend § 137, Title 17 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 137. Acquisition and sale of real property.

(b) When any property heretofore or hereafter acquired by the Department by gift, devise, purchase or condemnation is no longer needed for transportation purposes the Department shall attempt to dispose of the property as follows:

(4) Notwithstanding any other provisions of this section, the Department may determine that the property has minimal independent utility for reasons such as, but not limited to, lack of access, irregular shape, poor topography or hydrology, small size and nominal value (less than ~~\$3,000~~ \$25,000, or current approved threshold determined by the Federal Highway Administration, in the opinion of the Department's Chief Review Appraiser or qualified independent appraiser). In such event the Department may, without having to perform an appraisal of the property, sell or otherwise convey such property to an adjoining property owner or an organized community civic association or maintenance association for use as community open space at a price to be negotiated by the parties. The Department shall notify all adjoining property owners in writing of the property availability and provide 2 weeks for adjoining property owners to express interest in purchasing the property. In cases where more than 1 adjoining property owner indicates an interest in purchasing the property, the Department may elect to offer the property for sale via sealed bid to the highest bidder, or to divide the property to accommodate the interests of all interested owners.

(8) As used in this subsection, "approved appraised value" ~~shall mean:~~ means:

a. When the estimated value of the property is not more than ~~\$10,000~~, \$25,000, as determined by the Department's Chief Review Appraiser or qualified independent appraiser, ~~an appraisal performed by a qualified Department employee or qualified independent appraiser, reviewed and approved by a qualified Department review appraiser; or~~

b. When the estimated value of the property exceeds ~~\$10,000~~, \$25,000, ~~an appraisal performed~~ as determined by a qualified independent appraiser, reviewed and approved by a qualified Department review appraiser.

Approved July 23, 2026