



SPONSOR: Sen. Ennis & Rep. Carson

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 168

AN ACT TO TRANSFER LAND BETWEEN THE TOWN OF SMYRNA AND THE STATE OF DELAWARE.

1 WHEREAS, Senate Bill 86 in the 147th General Assembly was passed allowing the State of Delaware to transfer a
2 1.57 acre parcel of land located at 5501 DuPont Parkway, along southbound US 13 in New Castle County, identified as
3 parcel #1502200016 on the New Castle County tax records, to the Town of Smyrna; and

4 WHEREAS, as part of that transfer, the parcel had to be used for public purposes or revert to State; and

5 WHEREAS, the transaction contemplated by Senate Bill 86 in the 147th General Assembly was consummated;
6 and

7 WHEREAS, the parcel that was transferred to the Town of Smyrna is situated between two parcels owned by the
8 same private individual; and

9 WHEREAS, the private individual and the Town of Smyrna agree that both parties' interests would be better
10 served if the Town had the parcel to the north of the parcel it currently owns and the private individual had the parcel
11 contiguous to the parcel he currently owns; and

12 WHEREAS, the Town of Smyrna and the private individual cannot execute deeds transferring these two parcels to
13 each other because if the parcel currently owned by the Town of Smyrna ceases to be used for public purposes, that parcel
14 must revert to the ownership of the State; and

15 WHEREAS, it is desirable for the Town of Smyrna to transfer this parcel back to the State of Delaware and then
16 have the State of Delaware transfer the parcel to the Town of Smyrna without any reversionary interest so that the Town of
17 Smyrna and the private individual can exchange the two parcels of land;

18 NOW, THEREFORE

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

20 Section 1.

21 Notwithstanding the provisions of Chapter 94 of Title 29 of the Delaware Code or any provisions of any other
22 laws or regulations to the contrary, the Secretary of the Delaware Department of Safety and Homeland Security for the
23 State of Delaware is hereby authorized and empowered to receive from the Town of Smyrna a good and sufficient deed for
24 the transfer and conveyance of all that certain parcel of land located at 5501 Dupont Parkway, known as 5501 DuPont

25 Parkway, Tax Map Parcel ID No. 15-022.00-016, Blackbird Hundred, New Castle County, State of Delaware. This
26 conveyance shall be for consideration of \$1.00 and shall be "as is."

27 Section 2.

28 Notwithstanding the provisions of Chapter 94 of Title 29 of the Delaware Code or any provisions of any other
29 laws or regulations to the contrary, the Secretary of the Delaware Department of Safety and Homeland Security for the
30 State of Delaware is hereby authorized and empowered to execute and deliver to the Town of Smyrna a good and sufficient
31 deed to transfer and convey all that certain parcel of land located at 5501 DuPont Parkway, known as 5501 DuPont
32 Parkway, Tax Map Parcel ID No. 15-022.00-016, Blackbird Hundred, New Castle County, State of Delaware. This
33 conveyance shall be for consideration of \$1.00 and shall be "as is." Should the Department of Safety and Homeland
34 Security determine that an antenna is necessary on this parcel to support public safety communications, the Department of
35 Safety and Homeland Security shall be permitted to make use of any available space on any water tower constructed on this
36 site or an adjacent site, at no cost, for purposes of installing an antenna.

37 Section 3.

38 All costs involved in the transfers contemplated by this bill shall be paid by the Town of Smyrna.

SYNOPSIS

This Act allows for the transfer of a particular parcel of land in Smyrna along Route 13. In the 147th General Assembly, the State was allowed to transfer this parcel of land, where a fire tower once stood, to the Town of Smyrna, but the land could only ever be used for a public purpose. The parcel in question is surrounded on both sides by parcels owned by the same private citizen. The Town and the private citizen wish to exchange their respective parcels so that the private citizen's two parcels are thereafter contiguous. Because the land reverts to the ownership of the State if it ever stops being used for a public purpose, the Town cannot deed the land to the private individual. Therefore, this Act allows the State to receive the parcel from the Town and to then re-convey it to the Town without the requirement that it be forever used for a public purpose. The reconveyance will, however, allow the State to put an antenna on any water tower that the Town may build on the parcel or an adjacent parcel.

Author: Senator Ennis