



SPONSOR: Sen. Venables & Rep. Hocker ;
Sens. Adams, DeLuca, Still, Peterson, Bunting, McDowell,
Copeland, Simpson, Cloutier, Connor; Reps. Lee, Carey,
Atkins, Smith, Ennis, Caulk

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 217
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION AND THE EXERCISE OF EMINENT DOMAIN.

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

Section 1. Amend § 9505, Title 29 of the Delaware Code, by inserting therein a new paragraph to read as follows:

“(14) Notwithstanding any other provision of law to the contrary, the acquisition of real property through the exercise of eminent domain by any agency shall be undertaken, and the property used, only for the purposes of a recognized public use as described at least 6 months in advance of the institution of condemnation proceedings: (i) in a certified planning document, (ii) at a public hearing held specifically to address the acquisition, or (iii) in a published report of the acquiring agency. This paragraph shall not apply to the obtaining of right-of-ways or easements by an agency for public utilities, such as sewer, water, or electric.”

Section 2. Amend § 9503, Title 29 of the Delaware Code, by striking the phrase “in the opinion of the agency” as it appears therein and by substituting in lieu thereof the phrase “in the opinion of the court”.