



SPONSOR: Rep. Longhurst & Sen. Poore

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 310

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE TO ESTABLISH A FORT DUPONT REDEVELOPMENT CORPORATION.

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

1 Section 1. Amend Title 7, Chapter 47 of the Delaware Code, by making deletions as shown by strikethrough and  
2 insertions as shown by underline as follows:

3 CHAPTER 47. STATE PARKS

4 Subchapter II. ~~Recreation Assistance Fund~~ The Fort DuPont Redevelopment and Preservation Act

5 ~~§§ 4730–4732. Establishment of fund; financial assistance to approved projects and programs; applications;~~  
6 ~~Recreation Advisory Council.~~

7 ~~Repealed by 67 Del. Laws, c. 430, § 1, effective July 23, 1990.;~~

8 § 4730. Short Title.

9 This subchapter shall be known, and may be cited, as “The Fort DuPont Redevelopment and Preservation Act.”

10 § 4731. Declaration of purpose.

11 The General Assembly declares the following to be the policy and purpose of this Act:

12 (a) The Fort DuPont Complex, located along the Delaware River adjacent to Delaware City, is currently  
13 underutilized but has enormous potential as a sustainable, mixed-use community;

14 (b) To preserve and protect the historical and recreational amenities within the Fort DuPont Complex and to  
15 expand economic opportunities therein, additional capital will be required to improve infrastructure, renovate certain  
16 historic structures, and make additional improvements to said Complex;

17 (c) Redevelopment and renovation of the Fort DuPont Complex is both desirable and necessary, provided that:

18 (1) The Fort DuPont Complex will remain a public destination, with its historic, natural, and recreational  
19 resources maintained for public enjoyment;

20 (2) Fort DuPont’s National Register status (where applicable) will be maintained, and historic building  
21 and landscape resources will be rehabilitated and reused to the extent possible;

22 (3) Redevelopment and infill will be concentrated within several defined areas, and will be  
23 complementary to existing historic buildings and landscapes;

24 (4) Fort DuPont and Delaware City will grow together as “one City” with strong physical and visual  
25 connections and complementary land uses;

26 (5) Diverse land and building uses will be supported at Fort DuPont to achieve a shared vision for a “live-  
27 work-learn-play-and-visit” community; and

28 (6) Community engagement will continue to be a key component for ongoing planning for Fort DuPont’s  
29 future.

30 (d) In light of the foregoing, it is in the best interest of the State to enable the creation of an entity to manage,  
31 oversee, and implement the redevelopment and preservation of the Fort DuPont Complex in accordance with the  
32 Redevelopment Plan and the provisions of this Act.

33 § 4732. Definitions.

34 When used in this subchapter:

35 (1) “Board” means the Board of Directors of the Fort DuPont Redevelopment and Preservation Corporation.

36 (2) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation to be established pursuant  
37 to § 4733 of this Title.

38 (3) “Council” means the Advisory Council of the Fort DuPont Redevelopment and Preservation Corporation.

39 (4) “Department” means the Department of Natural Resources and Environmental Control.

40 (5) “Fort DuPont Complex” or “Fort DuPont” means such real property, as well as such facilities, personal  
41 property, buildings, and fixtures located thereon, owned by the State of Delaware along the Delaware River bounded by the  
42 Chesapeake and Delaware Canal on the south, and a branch canal, currently separating it from Delaware City, on the north,  
43 which includes the Fort DuPont State Park, the Governor Bacon Health Center, and surrounding lands, tax parcel numbers  
44 1202300020, 1202300021, 1203000001, and 1203000002.

45 (6) “Redevelopment Plan” means the draft master plan for the redevelopment of the Fort DuPont complex dated  
46 October 2013, as may be amended from time to time by the Board, which is intended to guide the redevelopment of the  
47 Fort DuPont Complex.

48 § 4733. Fort DuPont Redevelopment and Preservation Corporation.

49           (a) There shall be established within the Department a body corporate and politic, with corporate succession,  
50 constituting a public instrumentality of the State, and created for the purpose of exercising essential governmental  
51 functions, which is to be known as the Fort DuPont Redevelopment and Preservation Corporation. The Corporation shall be  
52 a membership corporation with the Department as the sole member and shall have a certificate of incorporation and bylaws  
53 consistent with this subchapter. The Secretary of the Department is hereby authorized to file a certificate of incorporation  
54 with the Secretary of State pursuant to Title 8, Chapter 1 of the Delaware Code. The certificate of incorporation of the  
55 Corporation shall provide for approval of the Delaware General Assembly in order to amend the certificate of incorporation  
56 or to effect a merger or dissolution of the Corporation.

57           (b) The powers and management of the Corporation shall be vested in a board of directors consisting of 9  
58 members. Each member shall have general expertise relevant to the implementation of the Redevelopment Plan, which may  
59 include expertise in the fields of land use, historic preservation, economic development (including without limitation real  
60 estate, redevelopment, and real estate financing), environmental protection, parks and recreation, and tourism. The Board  
61 shall be comprised of the following members:

62                   (1) One director appointed by the Governor to serve as Chair, who shall serve at the pleasure of the  
63 Governor.

64                   (2)     (A) The Secretary of the Department of Natural Resources and Environmental Control;

65                             (B) the Controller General;

66                             (C) the Secretary of the Department of Health and Social Services; and

67                             (D) the Secretary of State.

68                   Each Secretary or Controller General serving as a director of the Corporation may appoint a  
69 designee to serve in his or her stead.

70                   (3) Four directors appointed by the Mayor of the City of Delaware City and approved by City Council of  
71 Delaware City (2 for an initial term of 1 year, with the remaining directors serving initial terms of 2 years and 3  
72 years, respectively), who shall be appointed within 30 days after the filing of the certificate of incorporation.  
73 Following the initial appointment terms, subsequent directors appointed hereunder shall serve 3-year terms.

74           (c) All vacancies in Board membership shall be filled by the appointing authority that previously appointed such  
75 member. Any vacancy created by the resignation or early departure of a director shall be filled by the appointing authority  
76 for the remainder of the unexpired term.

77           (d) Five directors shall constitute a quorum of the Board, and all action by the Board shall require the affirmative  
78 vote of a majority of the directors present and voting.

79           (e) The Board shall adopt bylaws that provide for operating procedures such as election of officers, conflicts of  
80 interest, appointment of committees, conduct of meetings, and other matters that will promote the efficient operation of the  
81 Board in the performance of its duties under this subchapter.

82           § 4734. Advisory Council.

83           (a) The Council of the Corporation shall be established to assist and provide advice to the Board in carrying out its  
84 purposes under this subchapter. The Council shall act in a purely advisory capacity, and shall assist the Corporation in  
85 fulfilling its purposes and obligations hereunder as directed by the Board or the executive director. Such assistance may  
86 include but not be limited to:

87                   (1) Developing plans to implement recommendations from the Redevelopment Plan and tracking ongoing  
88 implementation efforts;

89                   (2) Reviewing and providing recommendations on proposals for the purchase, sale, lease or disposition of  
90 lands or buildings;

91                   (3) Providing guidance on updates to the Redevelopment Plan upon request by the Board or the executive  
92 director;

93                   (4) Providing recommendations on infrastructure improvement plans, budgets, or any other matters  
94 referred by the Board or the executive director;

95                   (6) Recommending rules, regulations and policies to the Board; and

96                   (7) Such other responsibilities and powers consistent with the Council's role as an advisory body as shall  
97 be determined from time to time.

98           (b) The Advisory Council shall be comprised of 13 members, none of whom shall be members of the Board of  
99 Directors, and such members shall be appointed as follows:

100                   (1) A chair to be appointed by the Governor for a term of 3 years and who shall be eligible for re-  
101 appointment for terms of 3 years.

102                   (2) Eight additional members appointed by the Governor who, to the extent possible, shall have expertise  
103 in one or more of the fields or areas set forth in § 4733(b) of this title;

104                   (3) Four members appointed by the Mayor of the City of Delaware City and approved by the City  
105 Council of Delaware City. Appointments by Delaware City shall represent the interests of Delaware City and the  
106 Delaware Bayshore.

107           (c) Members of the Advisory Council shall serve for terms of 3 years each; provided, however, that the terms of  
108 the initial members shall be staggered as follows:

109                   (1) Three initial members appointed by the Governor and one initial member appointed by Delaware City  
110                   shall serve terms of 3 years each;

111                   (2) Three initial members appointed by the Governor and one initial member appointed by Delaware City  
112                   shall serve terms of 2 years each; and

113                   (3) The remaining initial members shall serve terms of 1 year each.

114                   (d) Each appointing authority shall appoint members of the Advisory Council no later than 60 days following the  
115                   date of the filing of the certificate of incorporation of the Corporation.

116                   § 4735. Powers of the Corporation.

117                   The Corporation shall have upon enactment of this subchapter and upon its creation as provided for herein the  
118                   powers listed in this section. The Corporation shall be empowered, without limitation and notwithstanding any other laws:

119                   (a) To adopt bylaws, rules, regulations, and procedures;

120                   (b) To act generally in a planning and development capacity, and in connection therewith, to hold, own, preserve,  
121                   develop, improve, construct, rent, lease, sell, or otherwise acquire or dispose of any real property, including without  
122                   limitation any real property comprising the Fort DuPont Complex or any portion thereof transferred to the Corporation;

123                   (c) To employ an executive director and such deputies and assistants as may be necessary or desirable, and to  
124                   retain by contract such legal counsel, engineers, advisors, and other providers of professional services;

125                   (d) To borrow moneys or accept contributions, grants, or other financial assistance from the federal government,  
126                   the State, any locality or political subdivision, any agency or instrumentality thereof, or any source, public or private, for or  
127                   in aid of any project of the Corporation, and to these ends, to comply with such conditions and enter into such mortgages,  
128                   trust indentures, leases, or other contracts and agreements as may be necessary or desirable;

129                   (e) To have and exercise any and all powers available to a corporation organized pursuant to Chapter 1 of Title 8,  
130                   the Delaware General Corporation Law;

131                   (f) To take such other lawful actions that are consistent with the purposes of this Act as may be necessary or  
132                   desirable to oversee, manage, and implement the redevelopment and preservation of the Fort DuPont Complex in  
133                   accordance with the Redevelopment Plan and the provisions of this Act; and

134                   (g) To recover costs for the use of, or the benefit derived from, the services or facilities provided, owned, operated,  
135                   or financed by the Corporation benefiting property within the Fort DuPont Complex.

136                   § 4736. Powers and duties of executive director.

137 An executive director shall be selected by a majority vote of the Board. The executive director shall exercise such  
138 powers and duties relating to the Corporation as may be delegated to him or her by the Board. Compensation of the  
139 executive director shall be established by the Board, and the executive director shall serve at the pleasure of the Board.

140 § 4737. Initial Duties of Corporation.

141 On or before June 30, 2015, the Corporation shall, at a minimum:

142 (a) Select and hire a qualified executive director;

143 (b) Perform or have performed such tests, studies, examinations, and evaluations upon the lands of the Fort  
144 DuPont Complex as may be desirable or necessary to permit such property to be transferred to the Corporation and to  
145 evaluate economic development opportunities and the historical and other resources to be preserved; and

146 (c) To develop such feasibility, sales, and marketing plans as may be required to preserve and redevelop the Fort  
147 DuPont Complex in accordance with this subchapter.

148 § 4738. Liberal construction of subchapter.

149 This subchapter, being necessary for the prosperity and welfare of the State and its citizens, shall be liberally  
150 construed to effect the purposes hereof.

151 Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the  
152 invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision  
153 or application; and, to that end, the provisions of this Act are declared to be severable.

#### SYNOPSIS

The Fort DuPont Complex, located along the Delaware River adjacent to Delaware City, is currently underutilized but has enormous potential as a sustainable, mixed-use community that preserves the historical and environmental interests of the Complex and surrounding areas. This Act authorizes the creation of the Fort DuPont Redevelopment and Preservation Corporation, an entity that will spearhead the renovation, redevelopment, and preservation of the Complex.

The Corporation's 9-member board of directors will include 5 representatives from state government (or their designees) and 4 members appointed by the City of Delaware City. The Corporation will be assisted by a 13-member advisory council comprised in part of individuals having expertise in the land use, historic preservation, economic development, environmental protection, parks and recreation, and tourism.