



SPONSOR: Sen. Lopez & Rep. Smyk

DELAWARE STATE SENATE

148th GENERAL ASSEMBLY

SENATE BILL NO. 127
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWES RELATING TO THE INCLUSION OF ANNEXED PARCELS, ABSENTEE VOTING IN SPECIAL ANNEXATION ELECTIONS, THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF CITY COUNCIL, THE PERIOD OF TIME TO FILE A CERTIFICATION OF CANDIDACY, THE MANNER OF FILLING VACANCIES ON CITY COUNCIL, AND THE LIMITATION ON REVENUE FROM REAL ESTATE TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 2 of the Charter of the City of Lewes by inserting additional parcels at the end of Section 2 as shown by underline as follows:

Parcel No. 4. Reference is made to an Act to Reincorporate the City of Lewes, 125th General Assembly, House Bill 237, Approved June 19, 1969, and in particular to Section 2, entitled "Territory and Limits."

It is to be noted that the present corporate limits of The City of Lewes crosses Kings Street (Kings Highway) on a line established by the division line between the lands of Hiram R. Burton and Virginia L. Mustard (Oscar Warrington Farm) and extend to a point about 500 feet from King Street in George Robinsons Field (Now Lowder W. Mitchell). Using this point as reference and continuing north eastward along and with the present corporate limits of The City of Lewes for a distance of about 100 feet to arrive at a point where the present corporate limit line of The City of Lewes intersects the south westerly property line of the W m. E. Walsh Farm. This point established as indicated as the beginning point for the lands proposed for annexation as hereinafter defined.

From this point beginning and proceeding north eastward along and with the present corporate limit line of The City of Lewes thru the lands of the Walsh farm to a point where the present corporate limit line of The City of Lewes crosses the south westerly boundary line of the land known as the Williams Tract (Now lands of Otis H. Smith), thence along and with the property line between the Wm. E. Walsh Farm and the Williams Tract S 49° 18' 20" E for a distance of

640 feet more or less to a point on the property line of the Williams Tract and a common corner for the Wm. E. Walsh Farm and the lands now or formerly of J. G. Townsend, Jr. and Co., thence S 36° 56' 40" W along and with the lands of J. G. Townsend, Jr. and Co. for a distance of 689.00 feet to a corner, thence S 53° 03' 20" E along and with the lands of J. G. Townsend, Jr. and Co. for a distance of 610.00 feet to a corner, thence S 38° 18' 20" W, 532.42 feet along and with the lands of J. S. Townsend, Jr. and Co. to a corner, thence N 49° 41' 32" W along and with the lands of J. G. Townsend, Jr. for a distance of 317.83 feet to a line concrete post, thence continuing the same course along and with the lands of Lowder W. Mitchell for a distance of 1,175 feet more or less to arrive at the point of beginning, containing 28 ½ acres more or less.

Parcel No. 5. Harborview subdivision.

Parcel No. 6. All that certain tract, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and being more particularly described as follows: Beginning at a point which is in the present southeastern boundary line of The City of Lewes and in the eastern right-of-way line of Kings Highway; thence along and with the eastern right-of-way line of Kings Highway south 21 degrees 28 minutes 28 seconds west, a distance of 1,496.76 feet to a point in the eastern right-of-way line of Kings Highway; thence turning and crossing Kings Highway north 68 degrees 31 minutes 31 seconds west a distance of 60 feet to a concrete monument marking the western right-of-way line of Kings Highway and the southerly property line of Jack Lingo Realty; thence along and with the southerly property line of Jack Lingo Realty and the lands of Lewes Universal Enterprises north 47 degrees 47 minutes 42 seconds west a distance of 1,904.40 feet to a concrete monument marking the southwesterly corner of Lewes Universal Enterprises; thence north 39 degrees 22 minutes 08 seconds east a distance of 456.60 feet to a concrete monument marking another corner of lands of Lewes Universal Enterprises; thence north 50 degrees 37 minutes 52 seconds west a distance of 150 feet to the easterly right-of-way line of Savannah Road; thence along and with the easterly right-of-way line of Savannah Road north 39 degrees 22 minutes 08 seconds east a distance of 100.50 feet to a concrete monument, said concrete monument marking a corner for these lands and lands now or formerly of Oscar Warrington; thence along and with the division line between the land now or formerly of Oscar Warrington and the lands now or formerly of Lewes Universal Enterprises, south 47 degrees 42 minutes east a distance of 1,874 feet to a concrete monument, located in the westerly right-of-way line of Kings Highway and marking a corner for the lands now or formerly of Oscar Warrington, lands now or formerly of Lewes Universal Enterprises; thence along and with the westerly right-of-way line of Kings Highway north 21 degrees 28 minutes 28 seconds east a distance of 952.27 feet to a point in the southeasterly boundary line of The City of Lewes; thence along and with the present southeasterly corporate limits of The City of Lewes south 47 degrees 56 minutes 38 seconds east a distance of 64.08 feet, home to the place of beginning, containing 25.274 acres of land, be the same more or less.

Parcel No. 7. All that certain tract, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and being more particularly described as follows: Beginning at a point in the westerly corporate limit line of The City of Lewes, said point marking a corner for the lands herein described and lands of Hornkill Avenue Development; thence along and with the division line between these lands and lands of Hornkill Avenue Development south 39 degrees 45 minutes 54 seconds west a distance of 543.75 feet to a point; thence south 53 degrees 27 minutes 46 seconds east a distance of 427.64 feet; thence south 39 degrees 54 minutes 48 seconds west a distance of 829.01 feet to a point; thence south 51 degrees 30 minutes 27 seconds east a distance of 923.40 feet to a point in the center line of New Road (County Road No. 266); thence along and with the center line of New Road south 39 degrees 58 minutes 40 seconds west a distance of 367.34 feet; thence continuing along and with the center line of New Road south 39 degrees 36 minutes 38 seconds west a distance of 412.62 feet to a point, said point marking a corner for these lands and lands now or formerly of Samuel C. Russell; thence along and with the division line between these lands and lands now or formerly of Samuel C. Russell north 49 degrees 27 minutes 36 seconds west a distance of 1,104.04 feet to a point, said point marking a corner for these lands and lands now or formerly of Samuel C. Russell; thence along and with the division line between these lands and lands now or formerly of Samuel C. Russell south 40 degrees 00 minutes 00 seconds west a distance of 2,101.87 feet to a point in line of Canary Creek, and marking a corner for these lands and lands now or formerly of Samuel C. Russell; thence following the meanderings of Canary Creek and with a survey tie line of north 63 degrees 29 minutes 14 seconds west a distance of 967.24 feet to a point; thence north 39 degrees 30 minutes 00 seconds east a distance of 2,433.78 feet to a point; thence north 47 degrees 11 minutes 05 seconds west a distance of 856.60 feet to a point; thence north 66 degrees 48 minutes 05 seconds west a distance of 380.79 feet to a point; thence north 72 degrees 53 minutes 50 seconds west a distance of 136.02 feet to a point; thence north 61 degrees 20 minutes 52 seconds west a distance of 1,753.67 feet to a point in line of Canary Creek; thence following the meanderings of Canary Creek with a survey tie line of north 44 degrees 02 minutes 07 seconds east a distance of 1,704.51 feet to a point; thence continuing along and with the meanderings of Canary Creek with a survey tie line of north 40 degrees 09 minutes 17 seconds east a distance of 1,431.25 feet to a point in the westerly corporate limit line of The City of Lewes; thence along and with the present westerly corporate limit line of The City of Lewes in a southerly direction such distance as is required to reach the point and place of beginning, containing 280 acres of land, be the same more or less.

Parcel No. 8. All that certain lot, piece or parcel of land situated adjacent to the City of Lewes, Lewes and Rehoboth Hundred, Sussex County, Delaware, being all of Parcel B as shown on a plan prepared by Edward H. Richardson Associates, Inc., entitled "Perimeter Survey of Lands Prepared for Bundensen-Paul, Incorporated," dated 8-2-82, also being

more particularly referred to on a plan entitled "Annexation Plan of Lands Prepared for Bundensen-Paul, Incorporated," also prepared by Richardson Associates, Inc., dated 8-2-82, said lot lying southwesterly of but not adjacent to Pilottown Road (35' wide), and being bounded as follows: On the north by lands now or late of Pilottown Park (Tract No. 1); on the east by Parcel A (as shown on the above noted plan), lands now or late of Rollins Investment Co., lands known as "Highland Heights," as shown on a survey performed by Edward H. Richardson Associates, Inc., dated March 9, 1966, entitled "Subdivision proposal No. 2-A"; on the south by Highland Acres Subdivision as recorded in Plot Book No. 2, page No. 32, lands now or late of Maryland, Delaware, Virginia Railway, and lands of Sweigert, Fitler, Burton & Hocker; on the west by Swanendael subdivision as recorded in Plot Book No. 8, page No. 724, lands now or late of Martin A. Wells, etux, and lands of 7-11 Dairy Markets, Inc., being more particularly described as follows: Beginning at a point in line of lands now or late of Pilottown Park, said point also being in line of the existing City of Lewes corporate limits and located S 42° 24' 26.5" E 667.91' from a found railroad spike in the physical center line of New Road, said Spike as shown on a plan prepared by Mann Associates, Inc., entitled "City Line and Hornkill Avenue Development," dated 11-19-80, said point also being the following five (5) courses and distances from the intersection of the southwesterly side of Pilottown Road (35' wide) with the southeasterly side of New Road (35' wide), said intersection being a found iron pipe:

1. S 56° 44' 55" E 595.04', measured along the southwesterly side of Pilottown Road, to a point, a found iron pipe, a corner for lands now or late of Alice Russell Smith and the said Parcel A, thence with line of Parcel A;

2. S 36° 25' 54" W 149.75' to a point, a found iron pipe, thence continuing with the same;

3. S 56° 10' 53" E 10.00' to a point, a found iron pipe, thence continuing with the same;

4. S 37° 26' 49" W 785.47' to a point, a concrete monument, said line entering a ditch at 778'±, thence generally with the center of the said ditch along Parcel A;

5. S 39° 05' 15" W 626.64' to a point, the point of beginning;

Thence from the said point of beginning the following eleven (11) courses and distances:

1. S 42° 24' 26.5" E 501.01', measured along the existing City of Lewes corporate limits, to a point in line of lands of the said Rollins Investment Co., thence with the same;

2. S 38° 47' 55" W 817.78' to a point, a found iron pipe, thence continuing with the same and generally with a ditch;

3. S 49° 16' 18" E 539.16' to a point, a found iron pipe, thence continuing with the same;

4. N 46° 58' 09" E 70.30' to a point, a found concrete monument, thence with line of the said Highland Heights and generally continuing with the said ditch;

5. S 52° 40' 40" E 490.62', passing over a found iron pipe at 489.50', to a point, set concrete monument in line of the said Highland Acres, thence leaving the said ditch a continuing in part with line of Highland Acres, line of the said railway, and line of Sweigert, Fidler, Burton & Hocker;

6. S 38° 48' 01" W 1711.91', passing over found iron pipes at 33.67' and 933.83' and a set concrete monument at 1411.91', to a point in the center line of a branch of Canary Creek, thence with the said center line and a long line of Swanendael Subdivision;

7. N 69° 50' 14" W 1135.75' to a point, thence continuing with the same;

8. N 22° 40' 53" E 20.00' to a point, thence continuing with the said Branch center line and in part with line of the said Wells Lands, and also lands of 7-11 Dairy Markets, Inc.;

9. N 86° 55' 23" W 440.23' to a point, thence continuing with the said branch and Dairy Market Lands;

10. N 60° 13' 40" W 111.46' to a point, a corner for lands of the said Pilottown Park, thence with the same, in part generally with the center of a ditch;

11. N. 39° 04' 15" E 3160.48', passing over a set concrete monument at 300' and entering the said ditch at 1,866'±, to a point, the point of beginning.

Containing within said metes and bounds 78.5889± acres.

Track No. 1. All that certain tract, piece or parcel of land situate, lying and being partly in the Town of Lewes and partly outside of the boundaries of the Town of Lewes, Lewes and Rehoboth Hundred, Sussex

County, Delaware, adjoining the Lewes and Rehoboth Canal, lands now or formerly of a certain Booker, adjoining now or formerly of the Dunning heirs, adjoining the easterly side of the state highway leading from Lewes to Nassau commonly known as "New Road," adjoining lands now or formerly of Richard Derrickson, and adjoining the Canary Creek and lands now or formerly of Gladys R. Toms, more particularly described by a survey dated October 28, 1975, by Van Demark & Lynch, Inc., Registered Engineers and Surveyors, as follows: Beginning at a point which is 1,404.76 feet from the southeasterly point of intersection of New Road formerly or also known as "Russell Avenue," said road having an existing right-of-way of thirty-five (35) feet, and Pilottown Road in the Town of Lewes, which point is also a mark for the division line between the Town of Lewes and county lands and located on the edge of the southerly right-of-way of New Road; thence south forty-two degrees (42°) twenty-four (24) minutes twenty-six (26) seconds east along the division between lands within the town limits of Lewes and lands outside the town limits for a distance of 650.24 feet to a point located in the center line of a certain ditch; thence south thirty-nine degrees (39°) four (4) minutes five (5) seconds west along and with the center line of said ditch until said ditch comes to an end; thence continuing along the same course for a

total distance of 3,159.94 feet to a point in the center line of Canary Creek; thence by and with the center line of Canary Creek north sixty degrees (60°) thirteen (13) minutes forty (40) seconds west for a distance of 646.90 feet to a point located on the southerly right-of-way of New Road which point is south sixty degrees (60°) thirteen (13) minutes forty (40) seconds east 17.64 feet from an existing nail found in the center line of the said New Road; thence by and with the southerly right-of-way of New Road north thirty-seven degrees (37°) four (4) minutes thirty-eight (38) seconds east for a distance of 919.47 feet to a set nail in said right-of-way; thence by and with the southerly right-of-way of said New Road north thirty-nine degrees (39°) twenty-eight (28) minutes twelve (12) seconds east for a distance of 805.60 feet to a set nail in the southerly right-of-way of said New Road; thence north thirty-nine degrees (39°) fifty-two (52) minutes fifty-three (53) seconds east for a distance of 1,082.78 feet to a set nail in the southerly right-of-way of said New Road; thence north thirty-nine degrees (39°) forty-three (43) minutes two (2) seconds east for a distance of 553.69 feet home to the point and place of beginning, being 49.21 acres of land, more or less.

Parcel No. 9. All that certain tract, piece and parcel of land, situate, lying and being contiguous to the present corporate limits of The City of Lewes, located in Lewes and Rehoboth Hundred, Sussex County, Delaware, and being more particularly described as follows: Beginning at a concrete monument located on the boundary line between these lands and other lands of the University of Delaware, said point being in the present corporate limits of The City of Lewes; thence along and with present corporate limits of the City of Lewes, said line marking division line between these lands and other lands of the University of Delaware, north forty-nine degrees (49°) twenty-seven (27) minutes thirty-six (36) seconds west a distance of 1,104.04 feet to a point, said point marking a corner for these lands and other lands of the University of Delaware; thence along and with the division line between these lands and other lands of the University of Delaware, south forty degrees (40°) zero (00) minutes zero (00) seconds west a distance of 1,580.38 feet to a point, said point marking a corner for these lands and being located in the center line of Canary Creek; thence in a southeasterly direction along with the center line of Canary Creek such distance as is required to reach a point, said point marking a corner for these lands and lands now or formerly of Samuel C. Russell; thence along and with the division line between these lands and lands now or formerly of Samuel C. Russell, north forty-two degrees (42°) fifty-nine (59) minutes twenty-two (22) seconds east a distance of 1,432.21 feet to an iron pipe, said iron pipe marking a corner for these lands and lands now or formerly of Samuel C. Russell; thence along and with the division line between these lands and lands now or formerly of Samuel C. Russell, south forty-nine degree (49°) twenty-seven (27) minutes thirty-six (36) seconds east a distance of three hundred (300) feet to a concrete monument, said concrete monument making a corner for these lands and lands now or formerly of Samuel C. Russell; thence north thirty-nine degrees (39°) fourteen (14) minutes thirty-two (32) seconds east a distance two

hundred fifty (250) feet, home to the place of beginning, containing 29.336 acres of land, be the same more or less, as shown on a plot prepared by Vandemark & Lynch, Inc., dated September 23, 1992, and being the same lands conveyed to the University of Delaware by deed of Marine Program Associates, Inc., dated March 19, 1986, of record in the office of the Recorder of Deeds, in and for Sussex County, in Deed Book 1405 at Page 59.

Parcel No. 10. All that certain tract, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, adjoining the present corporate limits of The City of Lewes and being more particularly described as follows: Beginning at a point, said point marking for these lands and a corner for the present corporate limits of The City of Lewes and being in the northwestern right-of-way line of Kings Highway; thence along and with the northwestern right-of-way line of Kings Highway, south 29 degrees, 30 minutes west a distance of 10 feet to a concrete monument, said concrete monument marking a corner for these lands and lands now or formerly of Oscar H. Warrington, Jr. and Thelma M. Warrington, his wife; thence along and with the division line between these lands and lands now or formerly of Oscar H. Warrington, Jr., and Thelma M. Warrington, his wife, north 57 degrees, 51 minutes, 56 seconds west a distance of 127.04 feet to an iron pipe; thence south 32 degrees 08 minutes 04 seconds west a distance of 25 feet to an iron pipe; thence north 52 degrees, 42 minutes 35 seconds west a distance of 209 feet to an iron pipe; thence north 28 degrees, 16 minutes, 59 seconds east a distance of 121.61 feet to an iron pipe; said iron pipe being located in the present corporate limits of The City of Lewes; thence along and with the present corporate limits of The City of Lewes, south 40 degrees, 49 minutes, 16 seconds east a distance of 358.65 feet, home to the place of beginning, containing 24,256 square feet of land, be the same more or less as shown on a survey prepared by Wingate & Eschenbach dated August 24, 1993.

Parcel No. 11. All that certain lot, piece or parcel of land, with improvements thereon erected, situated in the 10th election district, Sussex County and State of Delaware, lying on the southeast side of Savannah Road (US Route 9), being bounded on the northeast in part by lands now or formerly of Sue Ann Warrington, lands now or formerly of Oscar and Mary Warrington, III and other lands now or formerly of Oscar H. and Thelma Warrington, Jr., on the southeast by Kings Highway (County Road 268), on the southwest in part by lands now or formerly of Arlington Heights Prop., lands now or formerly of Prime Inc., lands now or formerly of McMahon Bros. and lands now or formerly of Henlopen Gardens, on the northwest in part by Savannah Road (US Route 9) and lands now or formerly of Sue Ann Warrington and being more particularly described as follows, to-wit: Beginning at a found iron rod in the southeast right-of-way line of Savannah Road (US Route 9) at a corner for this parcel and lands now or formerly of Henlopen Gardens, said point of beginning also being a corner for the city limits boundary of the City of Lewes; thence running from said point of beginning with the southeast right-of-way line of Savannah Road (US Route 9), North 46 degrees 01 minutes 06 seconds East, a distance of 268.90 feet

to a point at a corner for this parcel and lands now or formerly of Sue Ann Warrington on the following two (2) courses: (1) South 44 degrees 14 minutes 16 seconds East, a distance of 272.24 feet to a found iron pipe; (2) North 48 degrees 41 minutes 05 seconds East, a distance of 109.14 feet to a found iron pipe at a corner for this parcel and lands now or formerly of Oscar and Mary Warrington, III; thence turning and running with lands now or formerly of Oscar and Mary Warrington, III, South 44 degrees 18 minutes 16 seconds East a distance of 195.25 feet to a point at a corner for this parcel and other lands now or formerly of Oscar H. and Thelma Warrington, Jr.; thence turning and running with other lands now or formerly of Oscar H. and Thelma Warrington, Jr. on the following three (3) courses: (1) South 41 degrees 46 minutes 51 seconds East, a distance of 787.25 feet to a set iron rod; (2) South 48 degrees 17 minutes 06 seconds East, a distance of 154.61 feet to a found iron pipe; (3) South 58 degrees 51 minutes 54 seconds East, a distance of 293.70 feet to a found iron pipe in the northwest right-of-way line of Kings Highway (County Road 268); thence turning and running with the northwest right-of-way line of Kings Highway (County Road 268), South 27 degrees 36 minutes 07 seconds West, a distance of 552.28 feet to a set iron rod at a corner for this parcel and lands now or formerly of Arlington Heights Property, said point also being a corner for the city limits boundary of the City of Lewes; thence turning and running in part with lands now or formerly of Arlington heights Prop., lands now or formerly of Prime Inc., lands now or formerly of McMahon Bros., lands now or formerly of Henlopen Gardens and the Lewes city limits boundary North 41 degrees 18 minutes 47 seconds West, a distance of 1873.85 feet to the point and place of beginning and containing 16.45 acres of land, be the same more or less.

Parcel No. 12. Certain lands known as "Savannah Place", a development contiguous to the present southerly limits of The City of Lewes, Lots known as numbers 1-38, and the street known as "Savannah Circle", all located on the west side of Savannah Road (State Road 18/U.S. Route 9) and the north side of Donovan Road (County Road 263), as shown on Revised Record Subdivision Plan Savannah Place, dated May 12, 1983, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 36, page 255, Tax Map numbers 3-35-8.14-50-88, 22.74 acres, more or less.

Parcel No. 13. Certain lands known as "Highland Acres" and a portion of Sussex Drive, beginning at a concrete monument, said monument being the westerly point of the Sussex Drive right-of-way at the entrance to Highland Acres; thence 465.00 feet in a S 48 degrees 52 minutes 40 seconds E direction to a point on the Sussex Drive right-of-way at the northeast corner of Tax Map 335-8.11 Parcel 29; thence 50.00 feet in a N 41 degrees 7 minutes 20 seconds E direction to a point on the Sussex Drive right-of-way; thence 457.17 feet in a N 48 degrees 52 minutes 40 seconds W direction to a point on the Sussex Drive right-of-way at the entrance to Highland Acres; thence 826.81 feet in a N 44 degrees 52 minutes 00

seconds E direction to a point at the southeast corner of the Highland Acres Subdivision; thence 743.40 feet in a N 40 degrees 16 minutes 00 seconds W direction to point at the northeast corner of the Highland Acres Subdivision; thence 2183.85 feet +/- in a S 46 degrees 00 minutes 00 seconds W direction to a point at the northwest corner of the Highland Acres Subdivision; thence 248 feet +/- in a southeast direction along the approximate centerline of a Branch of Canary Creek to a point at the southeast corner of Sussex County Tax Map No. 335-8.10 Parcel 51; thence 101.52 feet +/- in an approximate S 57 degrees 50 minutes 13 seconds E direction along the approximate centerline of a Branch of Canary Creek to a point at the southeast corner of Sussex County Tax Map No. 335-8.10 Parcel 14; thence 107.02 feet in a S 23 degrees 04 minutes 55 seconds E direction along the tie-line connecting the southwest and southeast corners of Sussex County Tax Map No. 335-8.10 Parcel 13 near the centerline of a Branch of Canary Creek to a point at the southeast corner of Parcel 13; thence 332.92 feet in a S 18 degrees 16 minutes 56 seconds E direction along the centerline of a Branch of Canary Creek to a point at the southwest corner of the Highland Acres Subdivision; thence 1125.42 feet +/- in a N 46 degrees 03 minutes 00 seconds E direction to a point; thence 274.69 feet in a N 47 degrees 58 minutes 00 seconds E direction to a concrete monument and the place of beginning.

Section 2. Amend Section 3(g) of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

~~(g) In the event that an individual holds a power of attorney duly executed and acknowledged and specifically authorizing the individual to vote at the said Special Election, a duly authenticated power of attorney shall be filed in the Office of the City Manager of The City of Lewes. Said power of attorney so filed shall constitute conclusive evidence of the right of said person to vote at the Special Election.~~Any qualified voter unable to appear at the Special Election may cast an absentee ballot. The procedures for absentee voting shall conform to the applicable provisions of Title 15 of the Delaware Code, Chapter 75, Subchapter V, established for absentee voting in annual municipal elections.

Section 3. Amend Section 4(a) and 4(b) of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The government of the city and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Mayor and City Council. The term of the Mayor shall be a period of ~~two (2)~~ three (3) years commencing at the Annual Meeting of the City Council following his or her election and continuing until his or her successor is duly elected and qualified.

(b) The City Council shall be composed of five (5) members, four (4) of whom shall be known as Council Persons, and one of whom shall be the Mayor; each of the Council Person's and the Mayor's terms shall be for a period of ~~two (2)~~ three (3) years commencing at the annual meeting of the City Council following his or her election and continuing until his or her successor is duly elected and qualified, except that the two Council Persons elected at the 2016 Annual Municipal Election shall serve for a term of two (2) years.

Section 4. Amend Section 6(b) of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) All such notifications of candidacy shall be filed at the office of the City Manager during the regular business hours of the city not earlier than the opening of business on ~~February~~ March 1 and prior to 4:30 p.m. prevailing time on the first Thursday in April, and thereon it shall be the duty of the City Manager to deliver all notifications of candidacy or nominations for candidacy to the City Council at the regular meeting of the City Council in April of each year at which time the City Council shall sit in open meeting to hear the recommendations of the City Manager concerning the qualifications of each candidate. The City Council shall act upon the recommendation of the City Manager concerning each candidate. The Mayor and City Council, by a majority vote of its disinterested members, shall be the sole and final judge of the qualifications of its members and shall interpret and apply the standards set in this Charter.

Section 5. Amend Section 7(b) of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) ~~At each Annual Municipal Election, there shall be elected two (2) Council Persons who shall serve for a term of two (2) years or until their successors have been duly elected and qualified, except at the Annual Municipal Election in the year when a Mayor is to be elected, at which time two (2) Council Persons shall be elected to serve for a term of two (2) years or until their respective successor shall be duly elected and qualified.~~ The four offices of Council Person of Lewes and the office of Mayor of Lewes shall be elective. The four offices of Council Person of Lewes shall be for a term of three (3) years, except that the two Council Persons elected at the 2016 Annual Municipal Election shall serve for a term of two (2) years. The office of Mayor of Lewes shall be for a term of three (3) years.

Section 6. Amend Section 12 of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 12. If any vacancy shall occur in the office of Mayor or Council Person by death, resignation, loss of residence in The City of Lewes, refusal to serve, failure to elect or otherwise, same may be filled by a majority vote of the members of the City Council. The person or persons so chosen to fill such vacancy or vacancies shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term, except that when the remainder of the unexpired term is greater than two years such person or persons shall hold office until they or their successors have been duly elected and qualified at a Special Election held contemporaneously with the Annual Municipal Election immediately following the filling of such vacancy or vacancies, and subject to the same rules as hereinbefore set forth,. When the remainder of the unexpired term is greater than two years, requiring that a person be duly elected and qualified at a Special Election to fill the two-year remainder of the unexpired term, every candidate desirous of filling such two-year remainder of the unexpired term shall so declare in their notification of candidacy, and such declaration shall prevent the candidate from also being a candidate in the Annual Municipal Election.

Section 7. Amend Section 29 of the Charter of the City of Lewes by making deletions as shown by strike through and insertions as shown by underline as follows:

30. To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon and to levy and collect taxes for any and all municipal purposes upon improvements having an assessed valuation of at least one thousand dollars (\$1,000.) located on land under a valid lease for a period of at least ten (10) years within the city, except lands belonging to the city, provided that the amount to be raised from this source shall not exceed the sum of ~~three million dollars (\$3,000,000.)~~three-million five-hundred thousand dollars (\$3,500,000).

Section 8. If any provision of this Act shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Act that may be given effect without the invalid or unenforceable provision, and to this end, the provisions of this Act are hereby declared to be severable.