COUNCIL COMMITTEE OF THE WHOLE
AGENDA

NOVEMBER 14, 2017 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **LANDBANKS (SUE HARRIS)**

2. **PLAN FOR HOUSING ALTERNATIVES (VICTORY CHURCH)**

3. **ADJOURNMENT OF PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **REQUEST FOR STREET NAME CHANGE - KRISKO CIRCLE (REMAINING SEGMENT OF KRISKO CIRCLE WHICH RUNS IN A WEST-EAST DIRECTION FROM STOVER BOULEVARD JUST EAST OF BAY ROAD) (PLANNING REFERENCE: MI-17-07)**
   (STAFF RECOMMENDS APPROVAL OF THE REQUESTED STREET NAME CHANGE FROM KRISKO CIRCLE TO ENERGY LANE, AS RECOMMENDED BY THE PLANNING COMMISSION, AND THAT A PUBLIC HEARING BEFORE CITY COUNCIL BE SET FOR DECEMBER 11, 2017 AT 7:30 P.M.)

2. **NEIGHBORHOOD BUILDING BLOCKS GRANT - CENTRAL DOVER LED LIGHTS**
   (STAFF RECOMMENDS APPROVAL OF THIS PROJECT, NOT TO EXCEED $194,634)

3. **ELECTRIC UTILITY COST OF SERVICE AND RATE DESIGN STUDY**
   (STAFF RECOMMENDS APPROVAL OF NEW GEN STRATEGIES & SOLUTIONS IN THE AMOUNT OF $45,300)

4. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **DISCUSSION - DEVELOPMENT OF PROCEDURES/POLICIES FOR COUNCIL COMMUNITY ENHANCEMENT FUND EXPENDITURES**

2. **ADJOURNMENT OF LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COMMITTEE-AGENDAS\2017\11-14-2017 CCW AGENDA.WPD

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(E)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING.

What is a Land Bank

Land banks are governmental entities or nonprofit corporations that are focused on the conversion of vacant, abandoned, and tax delinquent properties into productive use.

Vacant, abandoned, and tax-delinquent properties are often grouped together as “problem properties” because they destabilize neighborhoods, create fire and safety hazards, drive down property values, and drain local tax dollars. In some sense, these are properties the private market has altogether rejected.

Land banks, in essence, are a direct response to this growing trend of vacancy and abandonment, created to strategically acquire problem properties and convert these liabilities into assets. In short, land banks are intended to acquire title to these problem properties, eliminate the liabilities, and transfer the properties to new, responsible owners in a transparent manner that results in outcomes consistent with community-based plans.

Most land banks have special powers (see below) that enable them to undertake these activities more effectively and efficiently than other public or nonprofit entities. When thoughtfully executed, land banking can resolve some of the toughest barriers to returning land to productive use, helping to unlock the value of problem properties and converting them into assets for community revitalization.

Typically, land banks are created as public entities by a local ordinance, pursuant to authority provided in state-enabling legislation. Land banking programs can also be developed within existing entities, such as redevelopment authorities, housing departments, or planning departments.

Based on our knowledge of and experience within the field of practice, we estimate there are approximately 170 land banks and land banking programs in operation throughout the country (as of June 2017). The states of Michigan, Ohio and New York currently have the greatest number of active land banks. Approximately 70 percent of land banks that currently exist in the United States were created pursuant to comprehensive state-enabling statutes that authorize local governments throughout a state to create land banks.

As of August 2015, the following eleven states have passed comprehensive state-enabling land bank legislation:

- ☐ Michigan (2004)
- ☐ Ohio (2009)
- ☐ New York (2011)
- ☐ Georgia (2012)
- ☐ Tennessee (2012)
- ☐ Missouri (2012)
- ☐ Pennsylvania (2012)
- ☐ Nebraska (2013)
- ☐ Alabama (2013)
- ☐ West Virginia (2014)
- ☐ Delaware (2015)

It should be noted that land bank statutes throughout the country are not identical to one another. Each land bank statute reflects a different legal and political environment, and provides varying legal powers to the land bank(s) it governs. Exemplary powers provided to land banks through state enabling statutes include, but are not limited to, the ability to acquire real property through the delinquent tax enforcement process, the ability to hold real property tax-exempt, and the ability to dispose of property for other than monetary consideration according to the direction of the land bank board of directors and land bank jurisdiction

Senate Bill 66
148th General Assembly (2015 - 2016)

Bill Progress

Current Status:
Signed 8/11/15
What happens next?
The General Assembly has ended, the current status is the final status.

Bill Details

Introduced on:
4/22/15
Primary Sponsor:
Townsend
Additional Sponsor(s):
Sen. Henry, Marshall, McDowell
Reps. B. Short, J. Johnson, Keeley
Co-Sponsor(s):
Sen. Blevins, Ennis
Reps. Baumbach, Bolden, Brady, Matthews, Mitchell, Potter
Long Title:
AN ACT TO AMEND THE DELAWARE CODE RELATING TO NEIGHBORHOOD CONSERVATION AND LAND BANKS.
Original Synopsis:
This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction. A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities. A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens. The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5 year period once the property returns to productive use or such other funding sources established by the local jurisdiction. Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.
Volume Chapter:
80:155
Fiscal Note/Fee Impact:
F/N (Incomplete)
Effective Date:
9/10/15

House Bill 187
149th General Assembly (Present)

Bill Progress

Current Status:
Signed 9/7/17
What happens next?
Becomes effective upon date of signature of the Governor or upon date specified

Bill Details

Introduced on:
5/18/17
Primary Sponsor:
J. Johnson
Additional Sponsor(s):
Sen. Townsend
Co-Sponsor(s):
Sen. Henry
Reps. Bolden, Miro, D. Short, K. Williams
Long Title:
AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO SHERIFF'S SALES.
Original Synopsis:
With the implementation of land banks in the State of Delaware, an increasing number of vacant and abandoned properties will be brought to sheriff's sales. Many of these parcels will be dilapidated and require investment to render the house habitable. Blight will only be ameliorated if the bidders upon such property acquire it intending to invest in the property, thereby improving the housing in the neighborhood and eliminating blight. If bidders at a tax lien sale have failed to pay taxes when due and have failed to maintain the condition of other real property they own in the same jurisdiction, it is not likely that they intend to invest in and improve the condition of additional property they acquire. Instead they are speculating on a turnaround in the neighborhood based upon the investment and efforts of others. Under current law, New Castle County, or any municipal government, may disapprove of the winning bid for any tax lien sheriff's sale, at the election of the governmental entity initiating the tax lien sale, for any public purpose or reason. This bill allows any county or municipality to additionally require that bidders at such tax lien sales certify, prior to bidding, that they do not have a record of failing to maintain other real property in which they own an interest, do not have outstanding liens owed to governmental entities in excess of $1,000 at such other property, and do not hold properties that have been vacant for 18 consecutive months unless there is active construction on the property.
Volume Chapter:
81:161
Fiscal Note/Fee Impact:
Not Required
Effective Date:
9/7/17

SPONSOR: Rep. J. Johnson & Sen. Townsend
Reps. Bolden, Miro, D. Short, K. Williams; Sen. Henry
HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY
HOUSE BILL NO. 187
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2
AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO SHERIFF'S SALES.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:
Section 1. Amend Section 8726, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:
§ 8726. Sales subject to approval of Department of Finance or Chief County Financial Officer; Prequalification of bidders.
(a) The department of finance or the chief county financial officer as designated by the county governing body may approve or disapprove the final bid at a sale made by the sheriff under this subchapter for any public purpose or reason, including the failure of the successful bidder or its affiliates to comply with the requirements of any law or regulation with respect to any other real property owned by such successful bidder or its affiliates, the failure of such successful bidder or its affiliates to timely pay any amounts owed to the State or any county or municipality or the inability of the successful bidder to remedy any unlawful conditions at the property subject to such sheriff sale in a timely manner; provided that the notice of the public sale includes that such sale is "subject to the approval of the department of finance or the chief county financial officer" in the terms of sale. In the event the department of finance or the chief county financial officer does not approve the final bid at such sale, the said department of finance or chief county financial officer may expose the property to another and as many succeeding sales as it chooses.
(b) Provided that the notice of the public sale so indicates, the county governing body may require that bidders at a sheriff sale, prior to any bid, certify to the county governing body that such bidder, either directly or through any affiliated entities, does not own any interest in any real property in such county that (i) has amounts past due identified in § 2901
(a) of Title 25, in excess of $1,000, or (ii) has been vacant for at least 18 consecutive months and such property is not subject to a valid building permit or a pending land use application. Organizations that are exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code and that have been building, rehabilitating, and providing affordable housing units within the state for at least 5 years, and community development corporations, as defined in 42 U.S.C. §9802, shall be exempt from these provisions upon certification of such status by the county.
(a) The county shall generate a certificate that the bidder shall present to the sheriff prior to the sale, and the sheriff hall require presentation of such certificate prior to registering any bidder. The county may establish a fee that reflects the costs of preparing and issuing the certificate that shall be paid by bidder prior to issuance of the certificate.
(d) For purposes of this section, “affiliated entity” means either of the following:
(1) Any other entity that is under common control with the bidder.
(2) Any person or entity who directly or indirectly holds any beneficial or ownership interest in the bidder of 5% or greater.
(e) If a sale is subject to approval of the department of finance or the chief county financial officer, no assignment of a successful bid shall occur without the approval of the department of finance or the chief county financial officer. If the county requires certification of bidders at a sale, no assignment of a successful bid shall occur unless the assignee secures a certification from the county consistent with requirements of this section or qualifies as a land bank pursuant to § 4703 of Title 31.
Section 2. Amend Section 113, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:
§ 113. Approval of final bid at sheriff's sale; Prequalification of bidders.
(a) The municipality, by and through its director of its department of finance, or the director's designee, may approve or disapprove the final bid at a sale made by the sheriff under the monition method of sale, for any public purpose or reason, including the failure of the successful bidder or its affiliates to comply with the requirements of any law or regulation with respect to any other real property owned by such successful bidder or its affiliates, the failure of such successful bidder or its affiliates to timely pay any amounts owed to the State or any county or municipality or the inability of the successful bidder to remedy any unlawful conditions at the property subject to such sheriff sale in a timely manner; provided, that the notice of the public sale includes in its terms that such sale is subject to the approval of the director of the finance department of the municipality. In the event the director of the

department of finance, or the director's designee, does not approve the final bid at such sale, the said director of the department of finance, or the director's designee, may expose the property to another and as many succeeding sales as it chooses. The final bid at a sale made by the sheriff shall be presumed to be approved unless notice of disapproval of such final bid shall be received by the sheriff within 20 days from the date of such public sale.
(b) Provided that the notice of the public sale so indicates, the municipality may require that bidders at a sheriff sale, prior to any bid, certify to the municipality that such bidder, either directly or through any affiliated entities, does not
Own any interest in any other real property in such municipality that (i) has amounts past due identified in § 901(a) of Title
25, in excess of $1,000, or (ii) has been vacant for at least 18 consecutive months and such property is not subject to a valid building permit or a pending land use application. Organizations that are exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code and that have been building, rehabilitating, and providing affordable housing units within the state for at least 5 years, and community development corporations, as defined in 42 U.S.C. § 9802, shall be exempt from these provisions upon certification of such status by the municipality. (c) The municipality shall generate a certificate that the bidder shall present to the sheriff prior to the sale, and the sheriff shall require presentation of such certificate prior to registering any bidder. The municipality may establish a fee that reflects the costs of preparing and issuing the certificate that shall be paid by bidder prior to issuance of the certificate.
(d) For purposes of this section, “affiliated entity” means either of the following:
(1) Any other entity that is under common control with the bidder.
(2) Any person or entity who directly or indirectly holds any beneficial or ownership interest in the bidder of 5% or greater.
(e) If a sale is subject to approval of the director of a municipality’s department of finance or the director’s designee, no assignment of a successful bid shall occur without the approval of the director of its department of finance or the director’s designee. If the municipality requires certification of bidders at a sale, no assignment of a successful bid shall occur unless the assignee secures a certification from the municipality consistent with requirements of this section or qualifies as a land bank pursuant to § 4703 of Title 31.

House Bill 188
149th General Assembly (Present)

Bill Progress

Current Status:
Signed 9/7/17
What happens next?
Becomes effective upon date of signature of the Governor or upon date specified

Bill Details

Introduced on:
5/18/17
Primary Sponsor:
J. Johnson
Additional Sponsor(s):
Sen. Townsend
Co-Sponsor(s):
Sen. Hansen
Reps. Mitchell, D. Short, K. Williams
Long Title:
AN ACT TO AMEND TITLE 9 AND 25 OF THE DELAWARE CODE RELATING TO LIENS OF POLITICAL SUBDIVISIONS AND MUNICIPALITIES.
Original Synopsis:
Criminal and administrative enforcement of laws and ordinances relating to the condition of real property and abatement of violations thereof is a significant expense of local governments. The growing number of vacant and abandoned properties has increased these costs to local governments. The owners of vacant and abandoned property routinely fail to respond to the issuance of violation notices, citations, and tickets. Thus, the local government, at taxpayer expense, is left to maintain the property in a condition that will protect the public health, safety and welfare and minimize the deleterious effect the unmaintained property has on the local community. When a property owner fails or refuses to maintain real property according to minimum code standards, the costs incurred by local government for enforcing its codes and abating violations thereof, should be borne by the property owner rather than the taxpayers. Thus, this bill is intended to clarify that costs associated with enforcement of local laws and ordinances relating to the condition of real property and abatement of violations of those laws and ordinances shall be a lien against the property subject to the enforcement action. Recoupment of costs associated with the enforcement of building, property maintenance, zoning, drainage, sewer, housing, or sanitation codes is a lengthy and expensive process for local governments. This bill clarifies that local governments may include the amount of the lien on the local tax billing of the property subject to the enforcement action may collect the lien in the same manner as other property taxes.
Volume Chapter:
81:162
Fiscal Note/Fee Impact:
Not Required
Effective Date:
9/7/17

SPONSOR: Rep. J. Johnson & Sen. Townsend
Reps. Mitchell, D. Short, K. Williams; Sen. Hansen
HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY
HOUSE BILL NO. 188
AN ACT TO AMEND TITLE 9 AND 25 OF THE DELAWARE CODE RELATING TO LIENS OF POLITICAL SUBDIVISIONS AND MUNICIPALITIES.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:
Section 1. Amend Section 2907, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:
§ 2907. Abatement; creation of tax lien.
(a) If after due notice, either actual or constructive, is given by the Department of Land Use to the person responsible for the property, and where such person has had the opportunity to be heard by an administrative tribunal or a court of competent jurisdiction, such person fails to comply with the notice or order and the illegal action or condition continues to exist, the Department of Land Use may cause such violation to be removed, corrected, abated or otherwise made safe and sanitary. The Department of Land Use may incur any expense of razing, demolishing, removing or repairing unsafe or illegal buildings and structures, and may incur any expense necessary or incidental to abating violations of the 10 New Castle Property Maintenance Code or other provisions of the New Castle County Code that constitute a threat to the 11 public health, safety or welfare and or to provide for the sanitary condition, safety, and or security of the property, structure 12 or building.
13 (b) All expenses incurred by the Department of Land Use pursuant to this section and all fines and penalties
14 associated with violations of the New Castle Property Maintenance Code shall be a tax lien on the parcel of real property 15 that the expense is incurred upon or which is the subject of the notice or order. Upon certification of a tax lien by the 16 Department of Land Use, the amount of such lien shall be recorded and collected in the same manner as other county real
17 estate taxes, and paid to New Castle County, when collected.
18 (c) Any unpaid fine or civil penalty associated with violation of the New Castle Property Maintenance Code or any
19 other provision of the New Castle County Code that provides for the sanitary condition, safety, or security of a property,
20 structure or building, such fine or civil penalty being final and non-appealable, may be added to local property tax billings

21 for the property which was the subject of said notice or order and collected in the same manner as other county real estate
22 taxes, and paid to New Castle County, when collected.
23 (c) (d) New Castle County may also maintain a civil action maintain any action at law or in equity for the
24 recovery thereof against such person responsible of expenses incurred by the Department of Land Use for the collection of
25 charges, fees, fines, and penalties assessed pursuant to this chapter, including, without limitation, proceedings pursuant to a
26 Writ of Monition.
27 Section 2. Amend Section 2901, Title 25 of the Delaware Code by making deletions as shown by strike through
28 and insertions as shown by underline as follows:
29 (a)(1) Except as otherwise provided, "lien" or "liens" as used in this section shall arise whenever the following
30 charges, as defined in this section, are levied or imposed by the State or any political subdivision thereof
31 (including the Levy Court or county council of any county, any united, consolidated or incorporated school
32 district, or any incorporated town or city in this State) and such charges become due:
33 a. Real property taxes, including penalty and interest thereon;
34 b. School taxes, including taxes for a vocational-technical high school district or county vocational-
35 technical center district, including penalty and interest thereon;
36 c. Service charges for maintenance or use of sewer systems, including penalty and interest thereon;
37 d. Service charges for maintenance or use of water systems, including penalty and interest thereon;
38 e. Service charges for garbage collection;
39 f. Charges for the costs of removing, repairing, razing or demolition of unsafe or illegal buildings,
40 structures and related building systems done through public expenditure;

g. Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure;
h. Assessments for the installation of sewer lines, water mains, sidewalks and curbing, including penalty and interest thereon;
i. Fines imposed by any court and/or and civil penalties imposed by the City of Wilmington or any department of the City of Wilmington, for associated with local building, property, maintenance, zoning, subdivision, drainage, sewer, housing, sanitation, or animal code citations, tickets, or violations. The When authorized by local ordinance, the unpaid amounts of such fines and/or and civil penalties may be added to local property tax billings for the property which was the subject of said citation, ticket or violation. when authorized by
local ordinance. “Civil penalties” as used in this section shall include any assessment, fee, charge, or penalty

issued pursuant to an administrative procedure adopted by any political subdivision of the State with authority to implement such administrative procedure, the imposition of such civil penalty being final and non-appealable. "Fines" as used in this section shall also include any fine imposed by any court and any civil judgment awarded to
the State or any political subdivision thereof entered pursuant to § 4101 of Title 11 or otherwise;
j. Fees imposed by law or ordinance of any political subdivision of the State, which shall include, without limitation, municipal corporations, for registration of ownership of any vacant buildings located within the
political subdivision, the imposition of which fees is final and non-appealable; and
k. Charges for the costs of removing weeds, grasses, refuse, rubbish, trash or other waste material done through public expenditure. Charges for the cost of removal, abatement or correction of any violation of local building, property maintenance, zoning, drainage, sewer, housing, or sanitation code done through public expenditure. When authorized by local ordinance, the unpaid amounts of such charges may be added to local property tax billings for the property which was the subject of violation and collected in the same manner as other
real estate taxes.

SYNOPSIS

Criminal and administrative enforcement of laws and ordinances relating to the condition of real property and abatement of violations thereof is a significant expense of local governments. The growing number of vacant and abandoned properties has increased these costs to local governments. The owners of vacant and abandoned property routinely fail to respond to the issuance of violation notices, citations, and tickets. Thus, the local government, at taxpayer expense, is left to maintain the property in a condition that will protect the public health, safety and welfare and minimize the deleterious effect the unmaintained property has on the local community. When a property owner fails or refuses to maintain real property according to minimum code standards, the costs incurred by local government for enforcing its codes and abating violations thereof, should be borne by the property owner rather than the taxpayers. Thus, this bill is intended to clarify that costs associated with enforcement of local laws and ordinances relating to the condition of real property and abatement of violations of those laws and ordinances shall be a lien against the property subject to the enforcement action. Recoupment of costs associated with the enforcement of building, property maintenance, zoning, drainage, sewer, housing, or sanitation codes is a lengthy and expensive process for local governments. This bill clarifies that local governments may include the amount of the lien on the local tax billing of the property subject to the enforcement action may collect the lien in the same manner as other property taxes.

CITY OF DOVER
ORDINANCE #2013-03
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
That Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings be amended to read as follows:
ARTICLE XII. - VACANT BUILDINGS
Sec. 22-400. - Purpose; applicability; definitions.
(a) Purpose. The purpose and intent of this article is to establish a registration and identification program of vacant buildings within the city. Vacant buildings are detrimental to the surrounding buildings and neighborhoods in which they exist. The article is also to ensure the public health, safety and welfare insofar as they are affected by vacant buildings within the city. The health, safety and welfare of the neighborhoods in which vacant buildings are located are of the utmost importance to the city, as is the general community character in which these vacant buildings are located.
(b) Applicability. The provisions of this article shall apply to all matters affecting or relating to vacant buildings. Where, in this article, different sections of this Code may specify different requirements, the most restrictive shall govern.
(c) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribe to them in this subsection, except where the context clearly indicates a different meaning.
(1) Vacant building means a building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building, that has been left unoccupied for more than three consecutive months.
(2) Actively for sale or lease means the building is being actively marketed through a licensed real estate broker or the owner who is regularly advertising the property in newspapers circulated in and around Dover, it is being offered for sale or lease at a cost of no more than 25 percent over market rate as determined by the city assessor, and the building is in reasonable condition for sale or lease, including but not limited to: no trash has collected inside or outside of the building, the utilities are functional, and it is not being used as storage that is unrelated to the former use.

Sec. 22-401. - Monitoring, inspection and condition standards.
(a) The building inspector shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the building inspector, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection. Once a building/structure/unit or residence (hereon after referred to as building) is registered as a vacant building, the vacant building shall be inspected annually for as long as it is considered vacant.
(b) The vacant building shall be secured; the exterior building and premises shall be maintained in accordance with all City of Dover Code requirements.
(c) The vacant building shall be in reasonable condition (all utilities shall be functional, there shall be no trash or debris inside or outside the building and it shall not to be used as storage that is unrelated to the former use).

Sec. 22-402. - Agent—Responsible person required.
(a) Property manager. Any owner of a vacant building, residing outside of the county, shall be required to have a licensed property manager residing or having an office located in the county, or a family member or other designated individual who does not manage any other real estate for a fee and who resides in the county acting as a property manager. The property manager, including family members and designated individuals, shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection upon request by the building inspector, within 30 days.

(b) Corporate or partnership owners. Any corporation or partnership owning a vacant building shall have a designated member, partner, or employee having charge, care and control of the vacant building. The designated member, partner or employee shall reside in or have an office located in the county, or shall be required to have a licensed property manager residing or having an office located in the county, or other designated individual who does not manage any other real estate for a fee, and who resides in the county, acting as a property manager. The property manager, or other designated individuals shall have charge, care and control of the vacant building, and shall provide access to the vacant building for inspection, upon request by the building inspector, within 30 days.

Sec. 22-403. - Registration and registration fee.
(a) Registration of building. There are two ways to register the building as vacant.
(1) The owner shall register with the city not later than 30 days after any building in the city becomes vacant, as defined.

The registration of the vacant building shall include the site address, the name of the current owner or owners, current address of the owner and of all applicable owners, tax parcel number, proof of insurance on the building, description of the condition of the building, plans for the building (to eliminate the vacancy), the responsible person or agent and their contact information and any other applicable information. If any information changes the owner is responsible for informing the city of those changes in a timely manner.
(2) The building inspector or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the building inspector may register the property as a vacant building subject to this chapter.
a. Notice of registration. Within five business days of such registration, the licensing and permitting office shall notify the owners of the registered property by certified mail at their last known address according to the records of the city and Kent County.
b. Registration fee.
(i) The annual registration fee shall be paid at the time of registration. If the building inspector registers the building as vacant the fee shall be due not later than 30 days after the building is registered as vacant. The annual registration fee will then be due on the registration anniversary date every year after that as long as it remains vacant. The starting point for counting a building as being vacant will begin on the date of the enactment of this article **[**June 26, 2006].
(ii) The annual fee is as provided for in Appendix F—Fees and Fines.

Sec. 22-404. - Violation and penalties.
(a) If the registration fee is not paid within 30 days of being due, the owner shall be in violation of this article.
(1) A lien can be assessed against the property. Such fees shall be entered in the municipal lien docket as a lien owing the city, and the same may be turned over to the city solicitor for collection.
(2) The fee will be assessed to the parcel's tax bill.
(3) The fee shall be paid in full prior to the transfer of title.
(4) The fee shall be paid in full prior to the issuance of any building permits for the subject building and for any other building that is owned by the owner within the city.

Sec. 22-405. - Exemptions—Types of buildings eligible for exemption status from the registration fee.
(a) The following are exempt from the registration: The building has fire damage. The owner has 90 days to file for a permit to start construction or demolition or it will be determined a vacant property.
(b) The following properties shall be registered as vacant, but they are exempt from the registration fee:

(1) The building is actively being offered for sale or lease for a maximum period of five years. After such time this article will be in effect. Proof of activity shall fall on the owner to provide. See definition.
(2) The owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy.
(3) The property is in probate or where the owner has entered a long term care facility within six months of the building being vacant.
(4) The property is undergoing currently environmental cleanup or assessment.
(c) Failure to register. If the owner of the property fails to register the property with the City of Dover within thirty (30) days of notification to do so by the City of Dover staff, then the property owner/agent may not be entitled to exemption from the fees.

Sec. 22-406. - Appeals.
(a) Any appeal of the building inspector's decision must be made in writing within 30 days of the decision. The appeal would be heard by the property maintenance code board of appeals.
(b) An appeal of the 25 percent over market rate (from the actively for sale or lease definition) can be considered through an appraisal using accepted appraisal standards to determine market rate. The owner has the option of asking the city tax assessor to perform the appraisal or having one performed (using accepted appraisal standards) at their own expense.

BE IT FURTHER ORDAINED:
That Appendix F – Fees and Fines, Chapter 22 – Buildings and Building Regulations, Article XII – Vacant Buildings, be amended to read as follows: *Chapter 22—Buildings and Building Regulations, Article XII—Vacant Buildings*
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

Sec. 22-403	Registration and Registration Fees	
Subsec. (a)(2)b.(iii)		Registration fee
Residential buildings and non-residential buildings <10,000 SF	Buildings vacant one year or less;	$250.00
Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for more than one year but less than two years	$500.00
Residential buildings and non-residential buildings <10,000 SF	>Buildings vacant for more than two years but less than five years;	$1,000.00
Residential buildings and non-residential buildings <10,000 SF	Buildings vacant for five years or longer	$2,000.00
Non-residential buildings ≥ 10,000 SF	Buildings vacant one year or less;	$500.00

CITY OF DOVER ORDINANCE #2017-02
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:
That Chapter 2 - Administration, Article V - Finance, Section 2-422 - Disposal of Excess Property of the Dover Code be amended to read as follows:
Sec. 2-422. - Sale and disposition of real property.
(a) *Authorized*. Except as otherwise provided and upon approval of the city council, the city manager is hereby authorized to sell or dispose of excess property.
(b) *Determination of excess status*. The city manager, upon determining that a city owned parcel of land is excess in nature and that the disposal of such land would be beneficial to the City of Dover, will request, through the legislative, finance, and administration committee, that city council consider disposal of such land.
(c) *Costs of Conveyance*. Unless otherwise specified by the city council, all fees and costs, legal or otherwise, associated with the sale and conveyance of all excess lands shall be paid by the purchaser.
(d) *Standard method of disposition*.
(1) The legislative, finance, and administration committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to city council, request all pertinent information including, but not limited to, the following:
a. Determination that subject parcel is not required by any other city department.
b. Written explanation of why subject parcel is now surplus.
c. Determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.
d. Determination if the parcel's exact location and size is known and, if not, recommend whether said parcel should be surveyed by the City prior to any sale attempts.
(2) City council, after receiving a positive recommendation from the legislative, finance, and administration committee to dispose of a surplus parcel of land, shall, as part of its deliberations:
a. Determine if disposal of the parcel is in the City's best interests.
b. Determine if disposal by sale, gift, or some other means would best serve the City's interests.
c. Determine if the city planner should be requested to initiate rezoning procedures.
d. Publicize the pertinent information concerning the surplus parcel and its availability for purchase to the general public at least once a week for two weeks in a local newspaper.
e. Make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 2 (d) are met, hold a public hearing to receive any other citizen input.
(3) City council, after voting to proceed with the sale of surplus land, shall determine:
a. If an unbiased appraisal is needed to establish a minimum acceptable price.
b. Whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.
c. The degree and scope of advertising, with a minimum of exposure being advertisement once a week for two weeks in a newspaper of general circulation within the county.
d. Whether the circumstances of and surrounding a particular sale may be such that the best interests of the City would be served by listing the property for sale with a licensed real estate agent.
(4) City staff shall, with city council's direction:
a. Arrange for advertisement of the sale.
b. Draft the sale bill setting out a description of the parcel to be sold, time, date, and place of sale or bid opening, the terms and conditions of sale, and the City's reservation of acceptance or rejection of any or all bids received at the time of sale or bid opening.
c. Order and distribute a sufficient number of sale bills for posting and distribution in the County Courthouse, at the site, and in the general area of the parcel.
d. Obtain the services of a professional auctioneer if said sale is to be a public auction.
e. Conduct the sale and submit the results to city council.
f. Obtain the services of a licensed real estate agent if the sale is to be brokered.
(5) City council, after confirming the sale, shall:

a. Request the city solicitor to prepare a deed for execution and to arrange for final settlement with the purchaser, at which time the City will deliver the deed, the purchaser will pay all balances due, and the city solicitor will record said deed in the Recorder of Deeds Office for
Kent County.

(e) *Exceptions to standard method of disposition*.

(1) *Exception A - Sale to an abutting owner*. When, in the opinion of city council, a public sale would be detrimental to the lands of an abutter, and/or that a public sale would place the abutter at undue risk; or that the combination of abutter's land and City's land would be substantially greater in value than that of the sum of the parcels considered individually, city council may direct the city assessor to have prepared one or more unbiased fee appraisals of the parcel. Thereafter, the subject land will be offered for sale to the said abutter at the appraisal price, plus the appraisal fees, plus the legal costs. In the event the offer is not accepted, a public sale may be ordered. Examples of detrimental affect might be when the surplus City parcel lies between an abutting property and the street and development of the parcel would obstruct visibility of the abutter's property, or when the surplus parcel is zoned multi-family and abuts a single family parcel.

(2) *Exception B - Trade of lands*. Trade of lands may be approved when it is shown beyond doubt that such a trade will be equal to or better than the lands to be traded either on a “square foot for square foot” measure and/or on a “dollar for dollar” measure.

(3) *Exception C - Conveyance of odd shaped and/or unbuildable parcels*. City acquisitions for roads, utility usages, etc. may, after such usage is accomplished, leave a small strip of land that is shaped and unbuildable. City council may approve the conveyance of this strip of land to an abutting property owner on request of said owner. The price for these lands shall be at the same cost basis as that paid by the City. If conveyance is made in excess of two years after the date of
City acquisition, then the consideration shall either be based on a price established by an unbiased fee appraisal made on the basis of the value added to the abutting property by the acquisition of said lands, or on the City's cost basis for the parcel adjusted for inflation, whichever city council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

(4) *Exception D - Sale of small or irregular shaped lot to an abutting owner*. If any excess parcel of land is too small or irregular in shape to be of any value to anyone other than an abutting owner, it may be sold to such owner at either its fee appraised fair market value, or at its fair market value as established by the City's assessment records, whichever city council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

(5) *Exception E - Donation of land to non-profit organizations*. If, in the opinion of city council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City, council then reserves unto itself the right to make such donation.

(Code 1981, § 2-80; Ord. of 3-12-2001)

ADOPTED: FEBRUARY 13, 2017

S:\ORDINANCES\2017\ADOPTED\Ordinance #2017-02 - Chp 2-Admin, Art V-Finance, Sec 2-422-Disposal of Excess Property-ADOPTED 02-13-2017.wpd

SYNOPSIS

The amendment codifies the City’s procedure for the sale and disposition of excess city-owned real property.

(SPONSORS: NEIL, KOENIG, AND MCDOWELL)

Agenda No# 4288

Sponsors: Council President Gregory
Council Member Shabazz

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AND ANNUAL FUNDING AGREEMENT BETWEEN THE CITY OF WILMINGTON AND THE WILMINGTON NEIGHBORHOOD CONSERVANCY LAND BANK

WHEREAS, pursuant to Section 2-308 of the City Charter, the City of Wilmington is authorized to enter into agreements that shall run for more than a period of one year if approved by City Council by Ordinance; and

WHEREAS, the City desires to authorize the execution of the Memorandum of Understanding (the "MOU") and the Annual Funding Agreement between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank (the "Land Bank"); and

WHEREAS, the City suffers from a large number of vacant, abandoned and blighted properties that drain City resources and that negatively impact quality of life for the citizens of the City; and

WHEREAS, the similar institutions and organizations to the Land Bank have been proven to be an effective vehicle for the removal of vacant, blighted, and abandoned property in other states and cities; and

WHEREAS, the General Assembly of the State of Delaware enacted Chapter 47 of Title 31 of the Delaware Code, known as the "Delaware Neighborhood Conservation and Land Banking Act," which enables any political subdivision of the State of Delaware that has the power to cause the sale of real property located within its respective jurisdiction for the collection of liens inuring to that subdivision to create an entity, known as a land bank, for the purpose of returning vacant, abandoned, and delinquent properties to productive use; and

WHEREAS, the City passed Substitute No. 1 to Ordinance No. 15-040 authorizing the establishment of the Land Bank; and

WHEREAS, the City and the Land Bank have diligently been working on negotiating an agreement that will enumerate certain rights and responsibilities of the City and the Land Bank to ensure the success of the Land Bank and its mission to help the City fight against crime and blight; and

WHEREAS, the City and Land Bank have crafted and agreement that reflects the intentions of both the City and the Land Bank by way of the MOU which is attached hereto and made a part hereof as 'Exhibit A' and by way of the Annual Funding Agreement which is attached hereto and made a part hereof as 'Exhibit B'.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. the MOU, a copy of which, in substantial form, is attached hereto as Exhibit AA,@ for a period of ten (10) years beginning on the date of execution, and the Annual Funding Agreement as contemplated in the MOU, a copy of which, in substantial form, is attached hereto as Exhibit AB,@ are hereby approved, and the Mayor and the City Clerk are hereby authorized to execute as many copies of said agreements, as well as all additional undertakings related thereto, as may be necessary.

SECTION 2. This Ordinance shall be effective upon its passage by City Council and approval of the Mayor.

First Reading …….. November 3, 2016
Second Reading…. November 3, 2016
Third Reading . . .
Passed by City Council,

_____
Assistant City Solicitor
Approved this _____ day of _____, 2016

_____
Mayor

SYNOPSIS: This Ordinance authorizes the execution of the Memorandum of Understanding and Annual Funding Agreement between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank (the "Land Bank") which will empower and enable the Land Bank to assist the City in fighting crime and blight that stem from a high number of vacant and abandoned properties located within the City.W0087501.

Fiscal Impact Statement

This Ordinance authorizes the execution of the Annual Funding Agreement and the Memorandum of Understanding between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank for a period of ten (10) years with a non-binding commitment of financial support made by the City to the Land Bank in an amount of $15,000,000 (fifteen million dollars).

SPONSOR: Rep. J. Johnson & Sen. Townsend
Reps. Mitchell, D. Short, K. Williams; Sen. Hansen

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 188

AN ACT TO AMEND TITLE 9 AND 25 OF THE DELAWARE CODE RELATING TO LIENS OF POLITICAL SUBDIVISIONS AND MUNICIPALITIES.

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

Section 1. Amend Section 2907, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2907. Abatement; creation of tax lien.

(a) If after due notice, either actual or constructive, is given by the Department of Land Use to the person responsible for the property, and where such person has had the opportunity to be heard by an administrative tribunal or a court of competent jurisdiction, such person fails to comply with the notice or order and the illegal action or condition continues to exist, the Department of Land Use may cause such violation to be removed, corrected, abated or otherwise made safe and sanitary. The Department of Land Use may incur any expense of razing, demolishing, removing or repairing unsafe or illegal buildings and structures, and may incur any expense necessary or incidental to abating violations of the New Castle Property Maintenance Code or other provisions of the New Castle County Code that constitute a threat to the public health, safety or welfare ~~and~~ or to provide for the sanitary condition, safety, ~~and~~ or security of the property, structure or building.

(b) All expenses incurred by the Department of Land Use pursuant to this section ~~and all fines and penalties associated with violations of the New Castle Property Maintenance Code~~ shall be a tax lien on the parcel of real property that the expense is incurred upon or which is the subject of the notice or order. Upon certification of a tax lien by the Department of Land Use, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes, and paid to New Castle County, when collected.

(c) Any unpaid fine or civil penalty associated with violation of the New Castle Property Maintenance Code or any other provision of the New Castle County Code that provides for the sanitary condition, safety, or security of a property, structure or building, such fine or civil penalty being final and non-appealable, may be added to local property tax billings

for the property which was the subject of said notice or order and collected in the same manner as other county real estate taxes, and paid to New Castle County, when collected.

~~(c)~~ (d) New Castle County may ~~also maintain a civil action~~ maintain any action at law or in equity for the recovery ~~thereof against such person responsible~~ of expenses incurred by the Department of Land Use for the collection of charges, fees, fines, and penalties assessed pursuant to this chapter, including, without limitation, proceedings pursuant to a Writ of Monition.

Section 2. Amend Section 2901, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a)(1) Except as otherwise provided, "lien" or "liens" as used in this section shall arise whenever the following charges, as defined in this section, are levied or imposed by the State or any political subdivision thereof (including the Levy Court or county council of any county, any united, consolidated or incorporated school district, or any incorporated town or city in this State) and such charges become due:

a. Real property taxes, including penalty and interest thereon;

b. School taxes, including taxes for a vocational-technical high school district or county vocational-technical center district, including penalty and interest thereon;

c. Service charges for maintenance or use of sewer systems, including penalty and interest thereon;

d. Service charges for maintenance or use of water systems, including penalty and interest thereon;

e. Service charges for garbage collection;

f. Charges for the costs of removing, repairing, razing or demolition of unsafe or illegal buildings, structures and related building systems done through public expenditure;

g. Charges for duly authorized improvements or maintenance to the exteriors of buildings or property done through public expenditure;

h. Assessments for the installation of sewer lines, water mains, sidewalks and curbing, including penalty and interest thereon;

i. Fines ~~imposed by any court and/or~~ and civil penalties ~~imposed by the City of Wilmington or any department of the City of Wilmington, for~~ associated with local building, property, maintenance, zoning, subdivision, drainage, sewer, housing, sanitation, or animal code citations, tickets, or violations. ~~The~~ When authorized by local ordinance, the unpaid amounts of such fines ~~and/or~~ and civil penalties may be added to local property tax billings for the property which was the subject of said citation, ticket or violation. ~~when authorized by local ordinance.~~ "Civil penalties" as used in this section shall include any assessment, fee, charge, or penalty

issued pursuant to an administrative procedure adopted by any political subdivision of the State with authority to implement such administrative procedure, the imposition of such civil penalty being final and non-appealable. "Fines" as used in this section shall ~~also~~ include any fine imposed by any court and any civil judgment awarded to the State or any political subdivision thereof entered pursuant to § 4101 of Title 11 or otherwise;

j. Fees imposed by law or ordinance of any political subdivision of the State, which shall include, without limitation, municipal corporations, for registration of ownership of any vacant buildings located within the political subdivision, the imposition of which fees is final and non-appealable; and

k. ~~Charges for the costs of removing weeds, grasses, refuse, rubbish, trash or other waste material done through public expenditure.~~ Charges for the cost of removal, abatement or correction of any violation of local building, property maintenance, zoning, drainage, sewer, housing, or sanitation code done through public expenditure. When authorized by local ordinance, the unpaid amounts of such charges may be added to local property tax billings for the property which was the subject of violation and collected in the same manner as other real estate taxes.

SYNOPSIS

Criminal and administrative enforcement of laws and ordinances relating to the condition of real property and abatement of violations thereof is a significant expense of local governments. The growing number of vacant and abandoned properties has increased these costs to local governments. The owners of vacant and abandoned property routinely fail to respond to the issuance of violation notices, citations, and tickets. Thus, the local government, at taxpayer expense, is left to maintain the property in a condition that will protect the public health, safety and welfare and minimize the deleterious effect the unmaintained property has on the local community. When a property owner fails or refuses to maintain real property according to minimum code standards, the costs incurred by local government for enforcing its codes and abating violations thereof, should be borne by the property owner rather than the taxpayers. Thus, this bill is intended to clarify that costs associated with enforcement of local laws and ordinances relating to the condition of real property and abatement of violations of those laws and ordinances shall be a lien against the property subject to the enforcement action. Recoupment of costs associated with the enforcement of building, property maintenance, zoning, drainage, sewer, housing, or sanitation codes is a lengthy and expensive process for local governments. This bill clarifies that local governments may include the amount of the lien on the local tax billing of the property subject to the enforcement action may collect the lien in the same manner as other property taxes.

SPONSOR: Rep. J. Johnson & Sen. Townsend
Reps. Bolden, Miro, D. Short, K. Williams; Sen. Henry

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 187
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO SHERIFF'S SALES.

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

Section 1. Amend Section 8726, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8726. Sales subject to approval of Department of Finance or Chief County Financial Officer; Prequalification of bidders.

(a) The department of finance or the chief county financial officer as designated by the county governing body may approve or disapprove the final bid at a sale made by the sheriff under this subchapter for any public purpose or reason, including the failure of the successful bidder or its affiliates to comply with the requirements of any law or regulation with respect to any other real property owned by such successful bidder or its affiliates, the failure of such successful bidder or its affiliates to timely pay any amounts owed to the State or any county or municipality or the inability of the successful bidder to remedy any unlawful conditions at the property subject to such sheriff sale in a timely manner; provided that the notice of the public sale includes that such sale is "subject to the approval of the department of finance or the chief county financial officer" in the terms of sale. In the event the department of finance or the chief county financial officer does not approve the final bid at such sale, the said department of finance or chief county financial officer may expose the property to another and as many succeeding sales as it chooses.

(b) Provided that the notice of the public sale so indicates, the county governing body may require that bidders at a sheriff sale, prior to any bid, certify to the county governing body that such bidder, either directly or through any affiliated entities, does not own any interest in any real property in such county that (i) has amounts past due identified in § 2901(a) of Title 25, in excess of $1,000, or (ii) has been vacant for at least 18 consecutive months and such property is not subject to a valid building permit or a pending land use application. Organizations that are exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code and that have been building, rehabilitating, and providing affordable

housing units within the state for at least 5 years, and community development corporations, as defined in 42 U.S.C. § 9802, shall be exempt from these provisions upon certification of such status by the county.

(c) The county shall generate a certificate that the bidder shall present to the sheriff prior to the sale, and the sheriff shall require presentation of such certificate prior to registering any bidder. The county may establish a fee that reflects the costs of preparing and issuing the certificate that shall be paid by bidder prior to issuance of the certificate.

(d) For purposes of this section, "affiliated entity" means either of the following:

(1) Any other entity that is under common control with the bidder.

(2) Any person or entity who directly or indirectly holds any beneficial or ownership interest in the bidder of 5% or greater.

(e) If a sale is subject to approval of the department of finance or the chief county financial officer, no assignment of a successful bid shall occur without the approval of the department of finance or the chief county financial officer. If the county requires certification of bidders at a sale, no assignment of a successful bid shall occur unless the assignee secures a certification from the county consistent with requirements of this section or qualifies as a land bank pursuant to § 4703 of Title 31.

Section 2. Amend Section 113, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 113. Approval of final bid at sheriff's sale; Prequalification of bidders.

(a) The municipality, by and through its director of its department of finance, or the director's designee, may approve or disapprove the final bid at a sale made by the sheriff under the monition method of sale~~,~~ for any public purpose or reason, including the failure of the successful bidder or its affiliates to comply with the requirements of any law or regulation with respect to any other real property owned by such successful bidder or its affiliates, the failure of such successful bidder or its affiliates to timely pay any amounts owed to the State or any county or municipality or the inability of the successful bidder to remedy any unlawful conditions at the property subject to such sheriff sale in a timely manner; provided, that the notice of the public sale includes in its terms that such sale is subject to the approval of the director of the finance department of the municipality. In the event the director of the department of finance, or the director's designee, does not approve the final bid at such sale, the said director of the department of finance, or the director's designee, may expose the property to another and as many succeeding sales as it chooses. The final bid at a sale made by the sheriff shall be presumed to be approved unless notice of disapproval of such final bid shall be received by the sheriff within 20 days from the date of such public sale.

(b) Provided that the notice of the public sale so indicates, the municipality may require that bidders at a sheriff

sale, prior to any bid, certify to the municipality that such bidder, either directly or through any affiliated entities, does not own any interest in any other real property in such municipality that (i) has amounts past due identified in § 2901(a) of Title 25, in excess of $1,000, or (ii) has been vacant for at least 18 consecutive months and such property is not subject to a valid building permit or a pending land use application. Organizations that are exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code and that have been building, rehabilitating, and providing affordable housing units within the state for at least 5 years, and community development corporations, as defined in 42 U.S.C. § 9802, shall be exempt from these provisions upon certification of such status by the municipality.

(c) The municipality shall generate a certificate that the bidder shall present to the sheriff prior to the sale, and the sheriff shall require presentation of such certificate prior to registering any bidder. The municipality may establish a fee that reflects the costs of preparing and issuing the certificate that shall be paid by bidder prior to issuance of the certificate.

(d) For purposes of this section, "affiliated entity" means either of the following:

(1) Any other entity that is under common control with the bidder.

(2) Any person or entity who directly or indirectly holds any beneficial or ownership interest in the bidder of 5% or greater.

(e) If a sale is subject to approval of the director of a municipality's department of finance or the director's designee, no assignment of a successful bid shall occur without the approval of the director of its department of finance or the director's designee. If the municipality requires certification of bidders at a sale, no assignment of a successful bid shall occur unless the assignee secures a certification from the municipality consistent with requirements of this section or qualifies as a land bank pursuant to § 4703 of Title 31.

SPONSOR: Sen. Townsend & Sen. Henry & Sen. Marshall & Sen. McDowell & Rep. B. Short & Rep. J. Johnson & Rep. Keeley
Sens. Blevins, Ennis; Reps. Baumbach, Bolden, Brady, Matthews, Mitchell, Potter

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 66

AN ACT TO AMEND THE DELAWARE CODE RELATING TO NEIGHBORHOOD CONSERVATION AND LAND BANKS.

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

Section 1. Amend Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 47. The Delaware Neighborhood Conservation and Land Banking Act.

§ 4701. Short title.

This chapter shall be known and may be cited as the Delaware Neighborhood Conservation and Land Banking Act.

§ 4702. Legislative findings and purpose.

The General Assembly finds and declares as follows:

(1) Delaware's communities are important to the social and economic vitality of Delaware. Whether urban, suburban, or rural, many Delaware communities are struggling to cope with unoccupied properties or properties incapable of lawful occupation. These vacant and abandoned properties represent lost revenue to local governments and significant expenses associated with demolition, safety hazards, increased calls for emergency services, and deterioration of neighborhoods.

(2) The need exists to strengthen and revitalize Delaware's economy and address the associated harms that result from high numbers of vacant and abandoned properties. Solving these problems requires a coordinated effort to foster the development of such property back into productive use and promote economic growth. Such problems may include multiple taxing jurisdictions lacking common policies; ineffective property inspection; code enforcement and property rehabilitation support; lengthy or inadequate collection proceedings; depressed real estate markets; and lack of coordination and resources to support economic revitalization.

(3) There is an overriding public need to confront the problems caused by vacant, abandoned, and delinquent properties through the creation of new tools to be available to communities throughout Delaware enabling them to turn vacant spaces into vibrant places.

(4) Land banks are one of the tools currently utilized by other communities to facilitate the return of vacant, abandoned and delinquent properties to productive use. This chapter enables the creation of land banks in order to return dilapidated and blighted properties to productive use in Delaware.

§ 4703. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) "Board of directors" or "board" means the board of directors of the land bank.

(2) "Land bank" means a land bank established under this chapter and in accordance with the provisions of this chapter.

(3) "Foreclosing governmental unit" means any political subdivision of the State of Delaware, where such political subdivision has the power to cause the sale of real property located within its respective jurisdiction for the collection of liens inuring to that political subdivision.

(4) "Large jurisdictional land bank" means a land bank established under this chapter and in accordance with the provisions of this chapter that serves one of the following:

a. An entire county.

b. A foreclosing governmental unit, or a combination of foreclosing governmental units that have formed a single land bank by intergovernmental agreement pursuant to 4705(b) of this title, that in total covers an area with a population in excess of 30,000 persons.

(5) "Liens" means any lien set forth in § 2901(a)(1) of Title 25.

(6) "Trump bid" means a bid submitted by a land bank at the commencement of a sheriff's sale of real property in the amount of all outstanding liens.

(7) "Vacancy rate" means the percentage of residential structures that have been uninhabited for 6 months or more within a given jurisdiction.

§ 4704. Applicability of Delaware law.

(a) This chapter shall apply only to any land bank created pursuant to this chapter.

(b) Chapters 94 and 95 of Title 29 of the Delaware Code shall not apply to any land bank created pursuant to this chapter.

(c) If any provision of this chapter conflicts with any other provisions of Delaware law, the provisions of this chapter shall prevail.

§ 4705. Creation and existence.

(a) A foreclosing governmental unit may create a land bank by the adoption of a local law, ordinance, or resolution, as appropriate to such foreclosing governmental unit. The foreclosing governmental unit, prior to the adoption

of a local law, ordinance, or resolution creating a land bank, must make a finding that residential structures within its jurisdiction have a vacancy rate at or above 3%. Each county in this State shall have the ability to create a land bank without making such a finding. The local law, ordinance, or resolution creating the land bank shall specify all of the following:

(1) The name of the land bank.

(2) The number of members of the board of directors, which shall consist of an odd number of members, and shall be not less than 7 members. For large jurisdictional land banks, the board of directors shall consist of an odd number of members and shall not be less than 11 members nor more than 15 members.

(3) The names of the initial individuals to serve as members of the board of directors, and the length of terms for which they are to serve.

(4) The qualifications, manner of selection or appointment, and terms of office of members of the board of directors.

(b) Two or more foreclosing governmental units may enter into an intergovernmental cooperation agreement which creates a single land bank to act on behalf of such foreclosing governmental units, which agreement shall be authorized by each of the respective foreclosing governmental units in accordance with subsection (a) of this section. Such intergovernmental agreement shall include provisions for the dissolution of such land bank. In the event that a land bank is created pursuant to an agreement in accordance with this subsection, such agreement shall also specify the matters identified in subsection (a) of this section.

(c) In the event a county creates a land bank, such land bank shall have the power to acquire real property only in those portions of such county located outside of the geographical boundaries of any other land bank created by any other foreclosing governmental unit located partially or entirely within such county.

§ 4706. Board of directors.

(a) The initial size of the board of directors shall be determined in accordance with § 4705(a)(2) of this title. Unless restricted by the agreement specified in § 4705(b) of this title, and subject to the limits set forth in this section, the size of the board of directors may be adjusted in accordance with the adopted bylaws of the land bank and by adoption of a local law, ordinance, or resolution, as appropriate, of the applicable foreclosing governmental unit.

(b) Notwithstanding any law to the contrary, any public officer shall be eligible to serve as a board member and the acceptance of the appointment to the board shall neither terminate nor impair such public office. For purposes of this section, “public officer” shall mean a person who is elected to a State, county, or municipal office. Any State, county, or municipal employee shall also be eligible to serve as a board member.

(c) All board members of a land bank must either live in or work in a jurisdiction within the area covered by the land bank. The board shall include at least 1 voting member who is not a public official or municipal employee and who maintains a membership with a recognized civic organization within the jurisdiction of the foreclosing governmental unit.

(d) Large jurisdictional land banks shall reserve one board seat for a member to be appointed by the Governor, one board seat for a member to be appointed by the President Pro Tempore of the Senate, and one board seat for a member to be appointed by the Speaker of the House of Representatives. At least half of the members of the board of a large jurisdictional land bank shall not be public officials or municipal employees.

(e) The members of the board of directors shall select annually from among themselves a chair, a vice chair, a treasurer, and such other officers as the board may determine, and shall establish their duties as set forth in the bylaws of the land bank.

(f) The bylaws of the land bank shall establish rules and requirements relative to the attendance and participation of board members in board meetings, whether regular or special. Such bylaws may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed by the board.

(g) A vacancy on the board shall be filled by the adoption of a local law, ordinance, or resolution, as appropriate, of the applicable foreclosing governmental unit and as provided in the bylaws of the land bank.

(h) Board members shall serve without compensation. Board members shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank in the manner provided in the bylaws. The board may reimburse any board member for expenses actually incurred in the performance of his or her duties on behalf of the land bank.

(i) The board shall meet in regular session according to a schedule adopted by the board and may also meet in special session as convened by any officer of the board or upon written notice signed by a majority of the members of the board. The presence of a majority of the board's total membership, not including vacancies, shall constitute a quorum.

(j) All actions of the board shall be approved by the affirmative vote of a majority of the board members present and voting at the applicable meeting. However, no action of the board shall be authorized on any of the following matters unless approved by a majority of the total board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the land bank's business.

(2) Hiring or firing of any employee or contractor of the land bank. This function may, by majority vote, be delegated by the board to a specified officer or committee of the land bank, under such terms and conditions, and to the extent, that the board may specify.

(3) The incurring of debt.

(4) Adoption or amendment of the annual budget.

(5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than $50,000.

(k) Vote by proxy shall not be permitted. Any board member may request a recorded vote on any resolution or action of the land bank. Board members may participate in board meetings by telephone or video conference to the extent permitted by the bylaws of the land bank.

§ 4707. Staff.

A land bank may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation and benefits of such persons. A land bank may also enter into contracts and agreements with foreclosing governmental units or non-profit entities designated by the foreclosing governmental unit for staffing services to be provided to the land bank by those foreclosing governmental units, designated non-profit entities or departments thereof, or for a land bank to provide such staffing services to such foreclosing governmental units, designated non-profit entities, or departments thereof.

§ 4708. Powers.

A land bank shall possess all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to those herein otherwise granted:

(1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.

(2) To sue and be sued in its own name and plead and be interpleaded in all civil actions, including actions to clear title to property of the land bank.

(3) To adopt a seal and to alter the same at pleasure.

(4) To borrow from private lenders, from municipalities, from a county, from the State, or from federal government funds, as may be necessary, for the operation and work of the land bank.

(5) To borrow and issue bonds according to the provisions of this chapter.

(6) To procure insurance or guarantees from municipalities, counties, the State, or the federal government of the payments of any debts or parts thereof incurred by the land bank and to pay premiums in connection therewith.

(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including intergovernmental agreements provided for in § 4705(b) of this title for the joint exercise of powers under this chapter.

(8) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank.

(9) To procure insurance against losses in connection with the real property, assets, or activities of the land bank.

(10) To invest money of the land bank, at the discretion of the board of directors, in instruments, obligations, securities, or property determined proper by the board of directors, and name and use depositories for its money.

(11) To enter into contracts for the acquisition, management, collection of rent, leasing, or sale of real property of the land bank.

(12) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property.

(13) To fix, charge, and collect rents, fees, and charges for the use of real property of the land bank and for services provided by the land bank.

(14) To grant or acquire a license, easement, lease, or option with respect to real property of the land bank.

(15) To enter into partnership, joint ventures, and other collaborative relationships with foreclosing governmental units and other public and private entities for the ownership, management, development, and disposition of real property.

(16) To solicit and accept donations to support the objectives and purposes of the land bank.

(17) To do all other things necessary or convenient to achieve the objectives and purposes of the land bank or other laws that relate to the purposes and responsibility of the land bank.

§ 4709. Acquisition of property.

(a) The land bank may acquire real property or interests in real property by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the land bank considers proper.

(b) The land bank shall not own or hold real property located outside the jurisdictional boundaries of the foreclosing governmental unit or units that created the land bank; provided, however, that a land bank may be granted authority pursuant to an intergovernmental cooperation agreement with another foreclosing governmental unit to manage and maintain real property located within the jurisdiction of such other foreclosing governmental unit.

(c) Notwithstanding any other provision of law to the contrary, any foreclosing governmental unit may convey to a land bank real property and interests in real property on such terms and conditions, form and substance of consideration, and procedures, all as determined by the transferring foreclosing governmental unit in its discretion.

(d) The land bank shall maintain and make available for public review and inspection a complete inventory of all property owned by the land bank. Such inventory shall include: the location of the parcel; the purchase price, if any, for each parcel; the identity of the transferor to the land bank; and any conditions or restrictions applicable to the property.

(e) The land bank shall hold in its own name all real property acquired by the land bank irrespective of the identity of the transferor of such property.

§ 4710. Disposition of property.

(a) The land bank shall determine and set forth in policies and procedures adopted by the board of directors the general terms and conditions for consideration to be received by the land bank for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board of directors to be in the best interest of the land bank.

(b) The land bank may convey, exchange, sell, transfer, lease, grant, release, demise, pledge, mortgage, and hypothecate any and all interests in, upon, or to real property of the land bank.

(c) A foreclosing governmental unit may, in its local law, resolution, or ordinance creating a land bank, or in the applicable intergovernmental cooperation agreement in the case of multiple foreclosing governmental units creating a single land bank under § 4705(b) of this title, establish a hierarchical ranking of priorities for the use of real property owned by a land bank. Any hierarchical ranking of priorities for the use of such real property that is established may include any of the following:

(1) Use for purely public spaces and places.

(2) Use for affordable housing.

(3) Use for retail, commercial, and industrial activities.

(4) Use as wildlife conservation areas.

(5) Such other uses in such hierarchical order as determined by the applicable foreclosing governmental unit.

(d) The priorities established under subsection (c) of this section may be for the entire jurisdiction of the foreclosing governmental unit or may be set according to the needs of different neighborhoods, municipalities, or other locations within the jurisdiction, or according to the nature of the real property.

(e) A land bank shall consider all duly adopted land use plans and make reasonable efforts to coordinate the disposition of land bank real property with such land use plans.

(f) A foreclosing governmental unit may, in its local law, resolution, or ordinance creating a land bank, or in the applicable intergovernmental cooperation agreement in the case of multiple foreclosing governmental units creating a single land bank under § 4705(b) of this title, require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions, be subject to specified voting and approval requirements

of the board of directors. Except and unless restricted or constrained in this manner, the board of directors may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the disposition of real property by the land bank.

(g) All property disposition records of the land bank shall be made available for public inspection as required by Chapter 100 of Title 29.

§ 4711. Maintenance of property.

(a) The land bank shall maintain all of its real property in accordance with the laws and regulations of the jurisdiction in which the real property is situated.

(b) Notwithstanding subsection (a) of this section, the foreclosing governmental unit may elect to reduce or waive monetary fines for violations of any housing codes or ordinances if the land bank is diligently pursuing a correction or remedy for such violation.

(c) Where real property held by the land bank is found to be in violation of a housing code or ordinance, the enforcing jurisdiction shall timely notify the land bank and, subject to subsection (b) of this section, proceed in accordance with the applicable county or municipal property code provisions, or any other applicable law.

(d) Any fire or other casualty to real property held by the land bank shall be immediately remediated and adequately secured to prevent against further loss or damage or, in the event of total loss to the property, the lost property shall be demolished.

§ 4712. Delinquent property enforcement.

(a) *All powers of foreclosing governmental units preserved*. A foreclosing governmental unit may bring to public sale any real property within its jurisdiction that has liens inuring to the foreclosing governmental unit in accordance with applicable laws.

(b) *Sale of liens and assessments to land banks permitted*. A foreclosing governmental unit may enter into a contract to sell some or all of its liens to a land bank, subject to all of the following conditions:

(1) The consideration to be paid may be more or less than the face amount of the liens.

(2) Property owners that are subject to a lien that is proposed for sale shall be given at least 30 days advance notice of the proposed sale by the foreclosing governmental unit. Failure to provide such notice or the failure of the addressee to receive the same shall not in any way affect the validity of any sale of a lien or the underlying validity of the lien.

(3) The foreclosing governmental unit shall set the terms and conditions of the sale of its liens.

(4) A land bank must notify the foreclosing governmental unit that sold the lien to the land bank at least 30 days prior to commencing any judicial action to acquire property that is subject to such lien. The foreclosing governmental unit may, at its sole option and discretion, elect to repurchase the lien from the land bank by delivering a

notice of such election to the land bank within 30 days of receiving the land bank's notice. The repurchase price shall be the amount of the lien plus any accrued interest and collection fees incurred by the land bank. If the foreclosing governmental unit shall fail to elect to repurchase the lien, the land bank shall have the right to commence a judicial action to acquire property that is subject to such lien.

(5) The sale of a lien pursuant to this section shall not operate to shorten the otherwise applicable redemption period or change the otherwise applicable interest rate for such lien.

(6) A land bank which has purchased any lien may execute or foreclose on such lien in the same manner as the foreclosing governmental unit in whose favor the lien originally arose. At any time following the commencement of an action to execute or foreclose on a lien by a land bank, the amount required to redeem such lien shall include those reasonable and necessary collection costs, attorneys' fees, legal costs, allowances, and disbursements that would have been collectible by the foreclosing governmental unit in whose favor the lien originally arose.

(c) *Credit bids by land banks permitted*. If any property is submitted for sheriff's sale due to an outstanding lien, a land bank may bid on such property at the sheriff's sale with the same credit that would be afforded to the foreclosing governmental unit that initiated the sale of such property. If the land bank is the high bidder for such property, the land bank shall deposit the full amount of its bid with the sheriff's office within 30 days following the date of the sale or acquire the applicable lien from the foreclosing governmental unit that initiated the sale and pay any remaining amounts owing to the sheriff's office with respect to such sale.

(d) *Trump bids by land bank permitted*. Notwithstanding any other provision of law to the contrary, in the event that real property is being submitted to sheriff's sale for an outstanding lien, the land bank may bid along with any other member of the public, or, alternatively, a land bank may assert a trump bid. If the land bank submits a bid at a sheriff's sale and identifies it as a trump bid, then the property shall be deemed sold to the land bank regardless of any bids by any other third parties.

§ 4713. Expedited quiet title proceedings.

As provided under § 6502 of Title 10, the land bank shall:

(1) Be authorized to file an action to quiet title as to any real property in which the land bank has an interest. For purposes of any and all such actions, the land bank shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank as adequate complainant in such action.

(2) Prior to the filing of an action to quiet title, the land bank shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the complaint to quiet title shall be provided to all such interested parties by all of the following methods:

a. Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records.

b. In the case of occupied real property by registered or certified mail, addressed to "Occupant".

c. By posting a copy of the notice on the real property.

d. By publication in a newspaper of general circulation in the geographic location in which the property is located.

e. Such other methods as the Court may order.

(c) As part of the complaint to quiet title, the land bank shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

(d) If the land bank moves for expedited proceedings the Court shall schedule a hearing on the complaint within 90 days following filing of the complaint, and as to all matters upon which an answer was not filed by an interested party, the Court shall issue its final judgment within 120 days of the filing of the complaint.

(e) Notwithstanding Court of Chancery Rule 19, a land bank shall be authorized to join in a single complaint to quiet title to one or more parcels of real property.

§ 4714. Taxing and financing of land bank operations.

(a) A land bank shall have no shareholders and may not be structured as a for-profit entity. A land bank may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank under this chapter. A reasonable operating reserve may be established to facilitate operations. However, all revenues received by a land bank in excess of expenses must be utilized to address and remediate blight, for neighborhood conservation, or to improve housing within the foreclosing governmental unit.

(b) The real property held by a land bank, and its income, are exempt from all taxation by the State and by any of its political subdivisions. Dispositions of property into or out of a land bank are exempt from realty transfer taxes.

(c) A land bank may receive funding through grants and loans from the foreclosing governmental unit that created the land bank, from other municipalities, from the State, from the federal government, and from other public and private sources.

(d) In creating a land bank, a foreclosing governmental unit may elect to dedicate up to 50% of the real property taxes that would inure to the foreclosing governmental unit following the disposition of real property by the land bank, excluding any amounts allocated to school districts, for remittance to the land bank. Such allocation of property tax revenues shall commence with the first taxable year following the date of disposition of the property by land bank and shall continue for a period of 5 years.

(e) Notwithstanding any law to the contrary, a foreclosing governmental unit creating a land bank may levy or impose such additional taxes, fees, assessments, fines, or penalties as are needed to support the operations of the land bank.

Any tax, fee, assessment, fine, or penalty imposed by a foreclosing governmental unit pursuant to this subsection must be reauthorized by the foreclosing governmental unit every 5 years and appropriately adjusted so that the revenues from such taxes, fees, assessments, fines, or penalties do not exceed the projected operating costs and expenses of the land bank.

(f) The Delaware Auditor of Accounts shall have the authority to audit any land bank created pursuant to this chapter.

§ 4715. Borrowing and issuance of bonds.

(a) A land bank shall have the power to issue bonds for any of its corporate purposes, the principal and interest of which are payable from its revenues generally as provided under Chapters 17 and 18 of Title 22. Any of such bonds may be secured by a pledge of any revenues of the land bank, including grants or contributions from any federal, state, or local government or any agency or instrumentality thereof or by a mortgage of any property of the land bank. At the election of the foreclosing governmental unit, the revenues of the foreclosing governmental unit that formed the land bank may also be pledged to secure bonds issued by the land bank.

(b) The bonds issued by a land bank are hereby declared to have all the qualities of negotiable instruments under Delaware law.

(c) The bonds of a land bank created under the provisions of this chapter and the income therefrom shall at all times be free from taxation for State or local purposes under any provision of Delaware law.

(d) Bonds issued by the land bank shall be authorized by resolution of the board and, unless specifically guaranteed by a foreclosing governmental unit, shall be limited obligations of the land bank with principal and interest, costs of issuance, and other costs incidental thereto being payable solely from the income and revenue derived from the sale, lease, or other disposition of the assets of the land bank. In the discretion of the land bank, the bonds may be additionally secured by mortgage or other security device covering all or part of any project from which the revenues so pledged may be derived. Any refunding bonds issued shall be payable from any source described above or from the investment of any of the proceeds of the refunding bonds. Bonds of the land bank shall be issued in such form, shall be in such denominations, shall bear interest, shall mature in such manner, and shall be executed by one or more members of the board as provided in the resolution authorizing the issuance thereof. Such bonds may be subject to redemption at the option of and in the manner determined by the board in the resolution authorizing the issuance thereof.

(e) Bonds issued by the land bank shall be issued, sold, and delivered in accordance with the terms and provisions of a resolution adopted by the board. The board may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine to be in the best interests of the land bank.

(f) Neither the members of a land bank nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof. Bonds or other obligations of a land bank issued pursuant to this chapter shall not constitute a debt of the State or any agency thereof, or a pledge of the full faith and credit or taxing power of the State or

any agency thereof, and shall not obligate the State to make any appropriation for their payment. Any bond issued by a land bank shall contain on the face thereof a statement to the following effect: "Neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal of, premium, if any, or interest on this bond."

§ 4716. Public records and public meetings.

(a) The board shall cause minutes and a record to be kept of all its proceedings. Except as otherwise provided in this section, the land bank shall be subject to the provisions of Chapter 100 of Title 29.

(b) A land bank shall schedule and hold a public hearing prior to financing or issuance of bonds.

(c) In addition to any other report required by this chapter, the land bank, through its chair, shall annually deliver a report to the foreclosing governmental unit. Such report shall be presented in the manner required by the governing body or board of the foreclosing governmental unit. The report shall describe in detail the projects undertaken by the land bank during the past year; the financial statements of the land bank during the past year, including a balance sheet and an income statement; and the administrative activities of the land bank during the past year.

§ 4717. Dissolution of land bank.

A land bank may be dissolved within 60 calendar days after the adoption of an affirmative resolution approved by 2/3 of the membership of the board of directors authorizing such dissolution. Sixty calendar days advance written notice of consideration of a resolution of dissolution shall be given to the foreclosing governmental unit that created the land bank, shall be published in a local newspaper of general circulation, and shall be sent by certified mail to the trustee of any outstanding bonds of the land bank. Upon dissolution of the land bank, all real property, personal property and other assets of the land bank shall become assets of the foreclosing governmental unit that created the land bank. In the event that 2 or more foreclosing government units created a land bank in accordance with § 4705(b) of this title, the withdrawal of 1 or more foreclosing governmental unit shall not result in the dissolution of the land bank unless the intergovernmental cooperation agreement entered into under § 4705(b) of this title so provides and there is no foreclosing governmental unit that desires to continue the existence of the land bank.

§ 4718. Conflicts of interest.

(a) No member of the board or employee of a land bank shall acquire any interest, direct or indirect, in real property of the land bank, in any real property to be acquired by the land bank, or in any real property to be acquired from the land bank. No member of the board or employee of a land bank shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by a land bank.

(b) Board members of any land bank shall provide, prior to appointment and annually after appointment, a report identifying all real property interests owned, directly or indirectly, by such board member of by his or her immediate family, within the lank bank jurisdiction. The report shall be submitted to the foreclosing governmental unit and shall be made available to the public upon request.

(c) The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and land bank employees.

§ 4719. Construction, intent, and scope of chapter.

This chapter shall be construed liberally to effectuate the legislative intent and purposes and all powers granted by this chapter shall be broadly interpreted to effectuate such intent and purposes. Except as otherwise expressly set forth in this chapter, in the exercise of its powers and duties under this chapter and its powers relating to property held by the land bank, the land bank shall not be subject to restrictions imposed by the charter, ordinances, or resolutions of a foreclosing governmental unit with respect to contracts, procurement, or property disposition.

§ 4720. Duration and termination.

Any land bank created pursuant to this chapter shall have permanent and perpetual duration until terminated and dissolved in accordance with § 4715 of this title and Subchapter X, Chapter 1 of Title 8.

Section 2. Amend § 8106, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8106. Specific organizations and purposes.

(a) No real property owned and used by the organizations listed below or for the purposes stated below, except that which is held by way of investment, shall be liable to taxation and assessment for public purposes by any county or other political subdivision of this State.

Any land bank formed under Chapter 47 of Title 31 of the Delaware Code.

Section 3. Amend § 5401, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5401. Definitions.

As used in this subchapter, except where the context clearly indicates a different meaning:

(1) "Document" means any deed, instrument or writing whereby any real estate within this State, or any interest therein, shall be quitclaimed, granted, bargained, ~~sold~~ sold, or otherwise conveyed to the grantee, but shall not include the following:

x. Any conveyance to or from a land bank formed under Chapter 47 of Title 31 of the Delaware Code.

Section 4. This Act becomes effective 30 days after its enactment into law.

SYNOPSIS

This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.

A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities.

A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or

substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.

The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5 year period once the property returns to productive use or such other funding sources established by the local jurisdiction.

Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.

Author: Senator Townsend

City of Dover

REQUEST FOR STREET NAME CHANGE
Report to the
Council Committee of the Whole/Utility Committee for November 14, 2017 Meeting
Recommendation from Planning Commission with Development Advisory Committee Review

Petitioner: Eastern Shore Natural Gas/Chesapeake Utilities

Location: Remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. It is located within the industrial park now known as the North Gate Center.

Purpose: Request to change the street name of this street segment from Krisko Circle to Energy Lane. Request was filed in accordance with the *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change Procedure

Current Street Name: Krisko Circle

Proposed Street Name: Energy Lane

File Number: MI-17-07

Planning Commission Recommendation:

This Request for a Street Name Change (Krisko Circle to Energy Lane) was considered by the Planning Commission at their meeting on October16, 2017. Eight members of the Planning Commission were present with one member absent; additionally, one member recused himself from the discussion and vote. Information on the Request was presented to the Planning Commission by Planning Staff and by the petitioner, Garth Jones representing Chesapeake Utilities. According to the street name change procedures, a public hearing was not required. The Planning Commission was also provided the attached Report and Comments from the Development Advisory Committee (D.A.C.). The Planning Commission voted (7-0 with one member recused and one member absent) to recommend in favor of the requested street name change from Krisko Circle to Energy Lane. See the included excerpt of the DRAFT Meeting Minutes of the October 16, 2017 Planning Commission meeting.

Attachments:

- Development Advisory Committee (DAC) Report from Planning Office
- DAC Comments: Department of Public Works, Office of the Fire Marshal, DelDOT, and Kent Conservation District
- Excerpt of Draft Minutes from October 16, 2017 Planning Commission Meeting
- Exhibit Map of Krisko Circle – Energy Lane Proposed Street Name Change
- Request for Street Name Change Submission including Application and Petition

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C MEETING DATE: October 4, 2017

==========

APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE#: MI-17-07 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP PHONE#: 736-7196

==========

This request is submitted for Planning Commission review of a Request for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane.

The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI, Section A. Streets. The name change procedure requires review and comments by the Development Advisory Committee (DAC) and review by the Planning Commission prior to review by the Utility Committee of City Council and then public hearing and consideration by the City Council.

History of Area

The overall property was originally subdivided with Application SB-05-05 Stover Professional Campus with Planning Commission approvals in September and November 2005. The Record Plan, recorded on April 20, 2007 subdivided the tract into twelve (12) lots and identified the new streets to be developed under the guidelines for a Planned Industrial Park with access to the site from Bay Road. Construction of the Industrial Park infrastructure commenced in 2007 with utilities, the stormwater management facility, and the streets partially constructed. Site Plan S-06-37 developed the Mainstay Suites Hotel at 201 Stover Boulevard (Lot 2). Another Site Plan S-05-32 proposed an office building on Lot 6; however, that plan has expired.

The most recent application related to the overall industrial park was approved and recorded in 2015 for the MI-15-07 Northgate Center Parcel Consolidation Plan and Right-of-Way Abandonment. The plan consolidated seven (7) parcels, out of the original twelve (12) into a larger parcel and abandoned portion of the right-of-way for Krisko Circle.

Existing Conditions and Use:

At its April 18, 2016 meeting, the Planning Commission granted conditional approval for Site Development Plan S-16-11, Chesapeake Utilities Dover Campus at Northgate Center Lot 6. This application was to permit construction of a 56,000 S.F. +/- office building, a 36,000 S.F. +/- warehouse building, vehicle storage, material storage, compressed natural gas dispensers, and associated site improvements on a 20.6275 acre (site development area of 14.5 acres). This site located on the south side of Krisko Circle is currently under active construction.

Request for Street Name Change

The proposed Street Name requested is Energy Lane for the remaining segment of Krisko Circle. Within the *Land Subdivision Regulations* Article VI, Section A. Streets, guidelines for the naming of streets are provided.

> Article VI. Section A. Streets. 16. Street names shall be selected so as not to duplicate, or be confused with, the names of existing streets. Street names shall be subject to the approval of the commission. All new streets shall be named in the following manner:
>
> TABLE INSET:

General Direction	Long	Short (under 1,000 ')
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes, Circles
Arterial streets shall be named Boulevards		

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

RECOMMENDATIONS and ADVISORY COMMENTS:

1. Planning Staff recommends approval of the street name Energy Lane as following the naming conventions for a short curving segment of street.

2. As part of the Development Advisory Committee process, a series of City, County, and State agencies were notified of the street name change request. Any comments received regarding the request are attached to this Report.

3. Upon approval of the street name change, notification of appropriate City, County, and State agencies will be completed by the City of Dover.

4. Upon approval of the street name, the installation of updated street name blades on the street will be completed by the City of Dover.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 27, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Street Name Change from Krisko Circle to Energy Lane**

FILE #: **MI-17-07**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Paul Waddell – Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **Electric – 302-736-7070 Public Works – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. No objection to name change.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

MI-17-07

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/04/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE #: MI-17-07 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

ADDITIONAL / SPECIFIC COMMENTS:

- **This office has no objections**

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 4, 2017

DELDOT

==========

APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE#: MI-17-07 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore PHONE#: 760-2145

==========

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
2017

APPLICATION: Request for Street Name Change: Krisko Circle to Energy Lane

FILE #: MI-17-07

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the street name change for the above referenced site.

CITY OF DOVER PLANNING COMMISSION
October 16, 2017
Excerpt from Meeting Minutes – Draft

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 16, 2017 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, and Mrs. Kristen Mullaney.

MI-17-07 Request for Street Name Change: Krisko Circle to Energy Lane– Review for Recommendation of a Request for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane. The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI, Section A. Streets. *The name change procedure requires review and comments by the Development Advisory Committee (DAC) and review by the Planning Commission prior to public hearing and consideration by the City Council.*

Representatives: Mr. Garth Jones, Chesapeake Utilities

Mrs. Melson-Williams stated that this is a request for a street name change. The provisions for how that process works are actually laid out in the main part of Dover Code in Chapter 98. As part of that process, any requests for name change is referred first to the Development Advisory Committee for comments from the various agencies that participate in that process and then it is forwarded to the Planning Commission for review and recommendation. There is not a requirement for a public hearing in front of the Planning Commission. The public hearing comes later once this request proceeds to the City Council level. This evening we are talking about what is the remaining segment of Krisko Circle. It is a road segment that runs east to west from Stover Boulevard. It is part of what is now known as the North Gate Center. The project area of Stover Boulevard and Krisko Circle was originally part of the Stover Professional Campus. It was an industrial park that was laid out a number of years ago with a series of twelve lots for development. The hotel was constructed and there were some concepts for other development in the park; however, what has transpired most recently was first the abandonment of the southern half of Krisko Circle and the consolidation of a series of lots there which has led to the current construction of the Chesapeake Utilities/Eastern Shore Natural Gas headquarters and warehouse location. That was the subject of a Site Plan approval that came before this body back in 2016. With that consolidation of properties, Krisko Circle is no longer a circle and the road segment ends in a cul-de-sac. The applicant has requested the name change to something that is maybe a little more appropriate given the current condition of the road that is no longer a circle. They are proposing the street name of Energy Lane. It does follow the guidelines for naming of streets in that short curving roads are either lanes or circles; so a lane makes sense from that perspective. Planning Staff is recommending approval of the name Energy Lane. The comments from the various DAC agencies (the Public Works Office, the Fire Marshal's Office, DelDOT and the

Kent Conservation District) are indicating no objection to this request for name change. As mentioned, the Planning Commission is a recommending body. This has to move forward to the City's Utility Committee and onto City Council.

Mr. Holden abstained from discussion and voting on this application as the applicant is his employer.

Mr. Jones stated that he has read through the DAC Report and there are no comments and they have no objections.

Mr. Holt stated that he can see where Eastern Shore Natural Gas is a big energy source so he can see why they want to change the name to Energy Lane from Krisko Circle.

Mr. Holt moved to recommend approval to City Council for MI-17-07 Street Name Change from Krisko Circle to Energy Lane, seconded by Ms. Edwards and the motion was carried 7-0 with Mr. Holden abstained and Dr. Jones absent. Mr. Roach voting yes; we can't go around calling streets circles when it's not. Ms. Edwards voting yes. Mr. Hold voting yes; he thinks that it's a very appropriate name change. Mr. Baldwin voting yes; for the reasons stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; the applicant has followed the required methodology to change a street name and it's a fine fit. Mr. Tolbert voting yes; for the reasons previously stated.

Krisko Circle - Energy Lane
Proposed Street Name Change



0 150 300 600 Feet

N

Date Printed: September 26, 2017
File: m:\gis_data\projects\tech_mxds
\street_name_change_new
Department: Public Works GIS
City of Dover, Delaware

Legend

Dover Parcels

Portion Proposed to be Renamed Energy Lane

CHESAPEAKE UTILITIES

September 12, 2017

Traci A. McDowell, MMC
City Clerk
City of Dover
15 Loockerman Plaza
Dover, DE 19903

RE: Street Name Change Application & Petition - Resubmission
CHEAPEAKE UTILITIES / KRISKO CIRCLE
Dover, Delaware

Dear Ms. McDowell,

Please find enclosed a *Street Name Change Application & Petition* and *Certificate of Incumbency* associated with the above referenced project. The application was modified to include both properties owned by Eastern Shore Natural Gas (ESNG) at the Northgate Center, and list me as the contact person for this request. The Certificate confirms that Mr. Moriarty has the authority to sign on behalf of ESNG. Please request the City to process our request to start the process for the name change.

Please contact me at 302.213.7455 if you have any questions or need additional information.

Sincerely,

Garth E. Jones, P.E.
Engineering Manager – Planning & Design



CITY OF DOVER
STREET NAME CHANGE
APPLICATION AND PETITION

Prepared By: Denise L. Devine
Created: April 7, 2011

THE CITY OF DOVER, DELAWARE
STREET NAME CHANGE PROCEDURE

Thank you for your inquiry into the City of Dover's street name change procedure. Please thoroughly review the following procedure, and submit your completed application and petition to the City Clerk's Office, 15 The Plaza, Dover, DE 19903. Please note that an incomplete application and/or petition may delay the processing of your request and could potentially cause a delay in its consideration.

Should you have any questions, please contact the City Clerk's Office at 736-7008 or by email to cityclerk@dover.de.us.

Chapter 98, Article II, Section 98-45 - Street name change procedure
Recognizing that changing the name of a city street already named is a complicated and expensive procedure affecting many departments and many persons, the following procedure is adopted:

(1) *Petition.* In order to initiate the procedure for changing the name of an existing street, a petition or other formal request must be received from a majority of the property owners abutting on the street in question, which documentation must be submitted to the city clerk for further processing. The city clerk shall verify with the city assessor that the requirements of a majority of the owners has been met. If the petition or other documentation does not meet this requirement, then the request shall be summarily dismissed by the city clerk and the person or persons presenting such request shall be notified.

(2) *Comments to committee.* Once the requirements of subsection (1) of this section have been met, the city clerk shall refer the request to the development advisory committee (DAC) to obtain comments of all involved parties, specifically including the police department, fire department, public works department, department of planning and inspections, city assessor, and city manager. The response from the DAC shall be submitted to the city clerk. In considering the request for the name change, the DAC is specifically directed to consider appendix A to this Code (article VI, section A) regarding the naming of new streets.

(3) *Planning commission review.* The city clerk shall refer the petition and the DAC comments directly to the planning commission for its review and recommendation regarding the request. Once considered by the planning commission, its recommendation shall be returned to the city clerk. No public hearing is required before the planning commission and the planning commission shall recommend approval of the change of name or disapproval of the change of name, along with its reasons.

(4) *Utility committee review.* Once the planning commission's recommendation is received by the city clerk, then the recommendation and the entire file, including the request and the DAC comments, shall be submitted to the utility committee for review and recommendation directly to the council.

(5) *Notice of hearing.* Once the council receives the recommendations from the utility committee, a public hearing shall be scheduled for a regular council meeting regarding the request, and notice of the public hearing shall be given by the city clerk by placing such notice in one edition of a local newspaper, to be published at least ten days prior to the date of the public hearing before the city council.

(6) *Council hearing.* The council shall hear public comments at the public hearing and shall also receive the comments of the planning commission and the utility committee, and shall, at the conclusion of the public hearing, vote to approve the change of name or to disapprove the change of name. An affirmative vote to change the name shall require an affirmative vote of two-thirds of all persons elected to the council. If the change of name is granted, then notification thereof shall be given to the city manager to implement the name change.

(Code 1981, § 19-25; Ord. of 7-10-2000)

THE CITY OF DOVER, DELAWARE
APPLICATION FOR STREET NAME CHANGE

Please complete the following application and petition and submit to the City Clerk's Office, 15 The Plaza, Dover, DE 19903. **Please print.**

Current Street Name: Krisko Cirle

City Council District(s): 2nd District

General Street Location (Impacted Area): North Gate Center - Lots 3, 4, 5 & 6

Proposed Street Name: Energy Lane

(Please list at least two (2) alternate street name choices)

1. _____

2. _____

Reason for Change: Change in ownership. The circle was removed as part of our new Campus.

Source/Meaning/Background of Proposed New Name(s):

Chesapeake Utilities is constructing a new campus situated on 21 +/- acres (lot 6) within the North Gate Center. Chesapeake Utilities also owns Lot 3. The new campus will be home to Chesapeake Utilities and Eastern Shore Natural Gas. Energy Lane provides a better representation of Chesapeake Utilities Corporation, our brand and our industry. In addition, the physical "circle" not longer exist as a significant portion was removed as part of the Chesapeake Utilities' project.

Petition-Initiator and/or Contact Person:

Name: Garth E. Jones, P.E. / Chesapeake Utilities

Mailing Address: 350 South Queen Street

City, State, Zip: Dover, DE 19904

Phone Number: 302.213.7455 Email address: gjones@chpk.com

I attest that all of the above information is true and correct.

Garth E Jones — 09.12.17

Contact Person Signature *Date Submitted*

THE CITY OF DOVER, DELAWARE
PETITION FOR STREET NAME CHANGE

An application is being submitted to the City of Dover requesting a street name change for the street described below. I understand that this street name change will likely result in address changes. I am aware that each individual property owner would be responsible for any costs associated with changes in home or mailbox numbers; driver's license information; stationary; personal or business checks; and other personal documents related to a street name or address change.

Current Street Name: Krisko Circle

City Council District(s): 2nd District

General Street Location (Impacted Area): North Gate Center - Lots 3, 4, 5 & 6

Proposed Street Name: Energy Lane
(Please list at least two (2) alternate street name choices)
1. _____
2. _____

Having read and understood the statement above, I am signing this petition in order to demonstrate my **SUPPORT** of the proposed street name change.

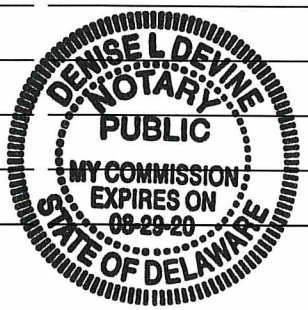
PRINT NAME	SIGNATURE	ABUTTING ADDRESS NUMBER and STREET	PROPERTY OWNER PHYSICAL ADDRESS
JAMES F. MORIARTY		401 Krisko Circle Dover, DE 19904	909 Silver Lake Blvd. Dover, DE 19904
JAMES F. MORIARTY			
JAMES F. MORIARTY		500 Krisko Circle Dover, DE 19904	909 Silver Lake Blvd. Dover, DE 19904
JAMES F. MORIARTY			

PETITION FOR STREET NAME CHANGE (Continued)

PRINT NAME	SIGNATURE	ABUTTING ADDRESS NUMBER and STREET	PROPERTY OWNER PHYSICAL ADDRESS

PETITION FOR STREET NAME CHANGE (Continued)

PRINT NAME	SIGNATURE	ABUTTING ADDRESS NUMBER and STREET	PROPERTY OWNER PHYSICAL ADDRESS



STATE OF DELAWARE, COUNTY OF KENT * SS:

BE IT REMEMBERED that on this 13th day of September, A.D. 2017, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Garth E. Jones, being duly sworn (or affirmed) deposes and says that he (she) is the circulator of the foregoing Petition paper containing 2 signatures; that each signature appended thereto was made in his (her) presence; that each signature is the genuine signature of the person whose name it purports to be; and, that the deponent verily believes that each signer of said petition is an owner of property abutting the above referenced street.

SWORN TO AND SUBSCRIBED (or affirmed) before me the day and year aforesaid.

Denise L. Devine
Notary Public

OFFICIAL USE ONLY (Date/Time/Initial)

Application Received: 09/13/2017

Petition Verified by Assessor's Office: _____; OR

Petition Declared Incomplete by Assessor's Office: _____

ACTION FORM

PROCEEDING: Utility Committee
DEPARTMENT OF ORIGIN: Planning & Inspections **DATE SUBMITTED**: 11/2/2017
PREPARED BY: Donna Mitchell, Acting City Manager
SUBJECT: Neighborhood Building Blocks Grant – Central Dover LED Lights
REFERENCE: N/A
RELATED PROJECT: EE1815 – Lighting Project and Rehabilitation
APPROVALS: City Council
EXHIBITS: Grant Application
EXPENDITURE REQUIRED: $191,137 **AMOUNT BUDGETED**: $194,634
FUNDING SOURCE (Dept. /Page in CIP & Budget): Grant Award $94,634 and Electric Engineering, CIP page #195, $100,000. The project estimate is $191,137 without contingency.
TIMETABLE: Grant related project to be completed by June, 2018.
RECOMMENDED ACTION: Staff's recommendation is for the Committee & Council approval of this project not to exceed $194,634.

BACKGROUND AND ANALYSIS

The Grant Application was completed by Mrs. Townsend in December, 2016. We were notified of the grant award on June 29, 2017. Since that time, staff has been working through the details and an action plan.

The grant is for the installation of LED light heads in conjunction with the Restore Central Dover and home ownership initiatives in the downtown area. The installation is planned for the following streets – S. Kirkwood, S. Queen, Reed, and N. New Street.

In working with the Sustainable Energy Utility (SEU), this project will serve as a pilot for a complete city-wide LED light change out. The staff will provide a demonstration of the LED lighted area versus the current lights. The SEU has pre-qualified vendors for their energy efficiency programs. We are working with the vendors on proposals for the PILOT in accordance with the Cooperative Purchasing provisions of our Purchasing Policy.

The proposal will provide for the LED lights and assisting the City and the rate consultant to develop new electric tariffs for the LED lights. Two of the goals are to reduce cost of maintenance for the electric utility and cost of energy for the street lights that are paid by the General Fund. City Council will be provided with an update on the pilot project once the proposal is completed.

The larger project of the complete change out will be budgeted in FY19. We have the option of financing the project with (1) a 2% financing agreement with the SEU either partially, fully, or (2) paying fully from electric reserves.

Appendix A

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

General Information

Department: City Manager — Staff Contact: Donna Mitchell

Grant/Project Title: Neighborhood Building Blocks Grant – LED Lights

Brief Grant/Project Description: Matching grant to install LED lights on So. Kirkwood Street, So. Queen Street, Reed Street, and No. New Street

CFDA#

Application Information

Due Date: __11/2/17___ New ■ Recurring ☐ Related Grants:

Anticipated Award Date: June 29, 2017 Anticipated Notification Date: _____

Start Date: June 1, 2018 End Date: _____

Award Amount: $ 94,634 Cash ☐ Reimbursement ■

Approx. reimbursement turn-a-around time 30 days

Council Approval Needed: Yes ■ No ☐

(Council approval is needed for grant projects > $25,000, when match amounts equal or exceed $25,000, or when expressly required by the granting authority.)

Which apply? Match amount ■ Project shortage ☐ Other grant requirement ☐

Grant/Project Costs

Budget Category	Award Amt	Match Amt	Match Source
Contractual	**$94,634**	**$100,000**	**Electric Budget**
Equipment/Supplies			
Indirect Cost (ie, vehicle repairs, mileage, IT, telephone)			
Personnel			
Additional Personnel/Over-time (ie, support costs, administrative salaries)			
Travel/Training			
Capital (ie, land, building, vehicles, etc.)			
Other (ie, informant/buy Money)			
Total	**$94,634**	**$194,634**	
	GRAND TOTAL	**$194,634**	**(Award + Match)**

Please note, the preliminary total cost is $191,136.70 based on the Electric Departments estimates. Any cost over and above the $194,634 would need to be covered by the Electric Fund.

Appendix A-continued

Department Grant Application Analysis Form
For Use in Evaluating Grant Opportunities

Other Information

1. Are any of this project's costs included in the City budget?
   Yes, in the Electric Fund Street Lighting Improvement Project $100,000.

2. Are there any long-term costs or commitments? The cost of energy for the LED lights should reduce the City's annual cost.

3. How will this program/project be funded after the grant expires?
   No additional project funds should be needed once the lights are installed. Maintenance cost should decrease as the lights have a longer life expectancy.

4. What is the maximum amount of funds available from this funding source?
   The grant award amount of $94,634.

5. If the Department receives only a portion of the amount requested, how will the project be funded?
   It would be necessary for the Electric Fund to cover any non-grant funded cost.

6. Are there other departments in the City eligible for this funding? No.

7. Are other departments in the City willing to collaborate on this project? Not applicable.

8. Will this project duplicate or compete with other services or programs provided by the City or other local agency: No.

NBBF Application
Downtown Dover Street Lighting

Upgrading of streetlights to more adequately light the sidewalks as well as the roadways has proven to be effective in deterring crime and in allowing visibility for residents, police officers, and the downtown security cameras. With funding through the City of Dover and Restoring Central Dover, the City upgraded street lighting on two blocks of South New Street in early 2016. The Police Department has reported that in addition to the safety improvements for residents, officer safety has been improved, as areas that were formerly concealed are now lit, reducing places where people can hide. This proposal will extend the street light upgrades to other blocks of the downtown and will improve visibility and safety in the areas where new home construction and homeownership efforts are taking place.

The City of Dover's Electric Department has also prepared street light upgrade estimates for Lincoln Park, which is partially within the Downtown Development District and entirely within the Restoring Central Dover area. The City will continue to seek funding to improve the street light network throughout the central Dover area, as funds are available.

NBBF Application
Downtown Dover Street Lighting

Thursday, December 01, 2016

Downtown Area Lighting Estimates FY17				
street name	from	to	preliminary cost	10% contingency
South Kirkwood Street	Division Street	Reed Street	$ 42,741.97	$ 47,016.17
	Reed Street	Loockerman Street	$ 29,626.19	$ 32,588.81
South Queen Street	Division Street	Reed Street	$ 38,916.46	$ 42,808.11
	Reed Street	Loockerman Street	$ 39,520.67	$ 43,472.74
Reed Street	Queen Street	Kirkwood Street	$ 19,060.86	$ 20,966.95
North New Street	Division Street	Fulton Street	$ 21,288.55	$ 23,417.41



ACTION FORM

PROCEEDING: Utility Committee
DEPARTMENT OF ORIGIN: City Manager **DATE SUBMITTED**: 11/2/2017
PREPARED BY: Donna Mitchell, Acting City Manager
SUBJECT: Electric Utility Cost of Service & Rate Design Study
REFERENCE: RFP #18-0009CN
APPROVALS: City Council
EXPENDITURE REQUIRED: $45,300 **AMOUNT BUDGETED**: $100,000
FUNDING SOURCE (Dept. /Page in CIP & Budget): Power Supply, page 280 Electric Operating Budget
TIMETABLE: Final Report by February 28; Committee Presentation in March 2018; Rates implemented in July 2018.
RECOMMENDED ACTION: Staff's recommendation is for the Committee & Council approval of New Gen Strategies & Solutions in the amount of $45,300.

BACKGROUND AND ANALYSIS

City staff solicited a Request for Proposals to update the electric utility cost of service rates as well as design the rate structure for parity between each customer class. The consultant will also develop a "voluntary green energy rate" and provide a review of the City's billing and rate related policies. If necessary, the consultant will provide a phase-in plan for rate changes in conjunction with projected revenue requirements for five years. The completion date of the Final Report is scheduled for February 28, 2018. This will enable the City to provide timely notification to DAFB, our key accounts and far enough ahead of the FY19 Budget submission.

The City received eight (8) very good proposals encompassing a wide-range of experience and qualified staff. The size of the firms varied from small local firms to national organizations. All firms have affiliations with public utility organizations for electric, water, wastewater and solid waste, and many have authored white papers or conducts training for these organizations. The table below list each submission with the price quoted. We have also included estimated hours where provided and the average hourly rate where applicable.

City of Dover
Evaluation of Electric Utility Proposals
Cost of Service & Rate Design Study

Vendor		Quote	Estimated Hours	Avg. Hourly Rate	Ranking
Avant Energy (1)	Fixed Fee	$25,000	N/A		6
Baker Tilley		$46,020	224	$205	2
Burns McDonnell		$49,500	290	$171	3
Intergroup		$31,460	204	$154	7
Mastering Green		$93,000	620	$150	8
New Gen Strategies & Solutions		**$45,300**	**252**	**$180**	**1**
Utility Financial Solutions (2)	Fixed Fee	$32,000	N/A		4
Willdan		$65,000	350	$186	5

(1) Includes all travel, no charges for cost overruns.
(2) Travel is included at $3,000
Travel and Administrative expenses are included in Quotes of all other firms.