LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE
A G E N D A

FEBRUARY 25, 2013 - 5:30 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.

AGENDA ADDITIONS/DELETIONS

1. **Proposed Charter Amendments**
   - **A. Article II - Mayor and Council, Section 13 - Vacancies; Forfeiture of Office; Filling of Vacancies *(Deferred by Committee on February 11, 2013 Due to Time Constraints)***
     (Approval of the Proposed Charter Amendment Requires that a Resolution Requesting the General Assembly to Amend the City of Dover Charter be Prepared for Council's Review and Adoption)
   - **B. Article II - Mayor and Council, Section 5 - Council to Be Legislative Body; Size; Districts; Terms of Mayor and Councilmen; Qualifications *(Deferred by Committee on February 11, 2013 Due to Time Constraints)***
     (Staff Recommends Approval of the Proposed Charter Amendments and that a Resolution Requesting the General Assembly to Amend the City of Dover Charter be Prepared for Council's Review and Adoption)
   - **C. Article I - Powers of the City, Section 1.05 - Procedure to Extend Boundaries *(Deferred by Committee on February 11, 2013 Due to Time Constraints)***
     (Staff Recommends Approval of the Proposed Charter Amendments and that a Resolution Requesting the General Assembly to Amend the City of Dover Charter be Prepared for Council's Review and Adoption)

2. **Disposal of Excess Property - Justice of the Peace (JP) Court 7 and 16**
   (Staff Recommends Authorizing the City Manager to Become a Co-Applicant With the State of Delaware on a Site Plan Application to Expand J.P. Court 7 and 16 Located at the Intersection of Bank Lane and West Street. Once the Amount of Land Necessary to Accommodate the Proposed Expansion is Known, the City Manager Will Return to the Committee with a Recommendation Regarding the Disposal of City Property Necessary to Accommodate the Proposed Expansion)

3. **Adjournment by 7:00 P.M.**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee **MEETING DATE:** 02/11/13
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk, on Behalf of Councilman David Anderson

SUBJECT: Proposed Charter Amendment-Temporary Succession **DATE SUBMITTED**: **01-30-2013**
RELATED PROJECT: N/A
APPROVALS: City Council/General Assembly
EXHIBITS: Proposed Amendment to Sec. 13. - Vacancies; forfeiture of office; filling of vacancies
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Charter Amendments will require adoption of a Resolution requesting the General Assembly to approve the amendments. The Resolution will be presented to City Council on 2/25/13 and, upon adoption, staff will forward to local legislators for submission.

RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Charter and adoption by City Council of the subsequent Resolution requesting the General Assembly to amend the charter.

BACKGROUND AND ANALYSIS

At the request of Councilman Anderson, staff prepared the attached amendment to Sec. 13. - Vacancies; forfeiture of office; filling of vacancies of the City of Dover Charter. This amendment would add a provision for elected officials to designate temporary successors in the event that they are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office for an extended period of time.

Additionally, the amendment would change the provisions regarding the filling of vacancies for the Mayor and Council seats to specify that offices vacated within six months of the next election would remain vacant until the next election; however, those offices vacated for more than six months from the next election would be filled through a Special Election.

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

Article II - Mayor and Council

Section 13. - ***Temporary successors;*** Vacancies; forfeiture of office; filling of vacancies

(a) Temporary successors. Within 30 days of entering upon the duties of their office, each elected official shall designate by name and order of succession no less than three nor more than seven temporary successors to exercise the powers and discharge the duties of their office, but not hold the office, in the event that the elected official is absent from the city or unable, for physical, mental, or legal reason, to exercise the powers and discharge the duties of their office.

(1) Qualifications of temporary successors. No person shall be designated to serve, nor serve, as a temporary successor unless such person is legally qualified under the charter and the code of ordinances of the City of Dover to hold the office of the person whose powers and duties they are designated to succeed.

(2) Assumption of powers and duties by temporary successor. Temporary successors shall take the same oath of office as prescribed for the elected official upon assuming the powers and duties of the office.

(3) Term of temporary successors. The temporary successor designation is assigned and revoked at the pleasure of the elected official.

(4) Periodic review of temporary successor designations. It shall be incumbent upon each elected official to review and revise as necessary their temporary successor designees to ensure that at all times there are at least three duly authorized temporary successors for each elected official of the City.

(5) Recording and publication of successors. The name, address, and rank in order of succession of each temporary successor designee shall be filed with the city clerk. Any changes to the elected official's designations shall become effective when the elected official files those changes with the city clerk. The city clerk shall maintain a current list of the names and order of succession of each designee for temporary successors and it shall be open to public inspection.

(6) Compensation. Temporary successors shall serve without salary. They shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of their powers and duties.

(~~a~~)(***b***) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(~~b~~)(***c***) Forfeiture of office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements,

(2) Violates any express prohibition of this charter,

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(3) Is convicted of a crime involving moral turpitude, or

(4) Fails to attend three consecutive regular meetings of the council without being excused by the council.

In the case of any such vacancy or of any vacancy created by death, resignation or otherwise for which said vacancy shall be less than six months ***from the next election*** ~~**in duration**~~, the office shall remain vacant. If such vacancy should be in excess of six months ***from the next election*** ~~**in duration**~~, a Special Election shall be held to fill such vacancy, this Special Election to be held no sooner than 30 days from the date of the vacancy, but said ~~**s**~~***S***pecial ~~**e**~~***E***lection to be held no later than 60 days after the date of the vacancy. If council fails to call for a Special Election, the Special Election shall be called by the Election Board.

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ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee **MEETING DATE:** 02/11/13
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Traci A. McDowell, City Clerk

SUBJECT: Proposed Charter Amendment-Correction to Age Requirement/Language cleanup **DATE SUBMITTED**: **01-30-2013**
RELATED PROJECT: N/A
APPROVALS: City Council/General Assembly
EXHIBITS: Proposed Amendment to Sec. 5. - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Charter Amendments will require adoption of a Resolution requesting the General Assembly to approve the amendments. The Resolution will be presented to City Council on 2/25/13 and, upon adoption, staff will forward to local legislators for submission.

RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Charter and adoption by City Council of the subsequent Resolution requesting the General Assembly to amend the charter.

BACKGROUND AND ANALYSIS

It was brought to staff's attention that the current wording of Section 5 - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications, indicates that in order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be: (4) Eighteen years of age. This amendment corrects that language to be "Eighteen years of age or older".

Additionally, amendments are proposed to make the language in this section more concise.

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

Sec. 5. - Council to be legislative body; size; districts; terms of mayor and councilmen; qualifications.

The council shall be the legislative body of the city and composed of nine members nominated and elected as herein provided.

~~**In order that the members of council shall be distributed over the city, the**~~ ***The*** city shall be divided into four election districts, the ~~**district**~~ boundaries of which shall ~~**be**~~ ***be*** established by council so that ~~**the districts**~~ ***they*** are nearly equal in population ~~**as shown by the most recent federal decennial census**~~ ***based on the latest federal decennial census information***. The district boundaries established for municipal elections shall ***be used for the next regular municipal election and shall*** continue in effect until the next succeeding federal decennial census is made available for use by municipalities in the State of Delaware**.** ~~**, at which time council shall redistrict the city so that the districts shall be nearly equal in population in accordance with said census, which redistricting shall be used for the next regular municipal election, which procedure shall be followed by council after each succeeding federal decennial census in this manner so that the districts shall be maintained as nearly equal in population as possible at all times.**~~

At the regular municipal election held in April of 2012, the mayor shall be elected at-large. The term of mayor elected at the April 2012 regular municipal election shall be for a period of three years, commencing on the second Monday in May following his***/her*** election and continuing for a term of three years until the second Monday in May 2015, or until his/her successor has been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2015, the term of mayor shall be for a period of four years commencing on the second Monday in May following his/her election and continuing for a term of four years until the second Monday in May, or until his/her successor has been duly elected and qualified.

At the regular municipal election held in April of 2012, four councilmen shall be elected by district voting from each of the districts of the city. The term of the councilmen elected at the April 2012 regular municipal election shall be for three years, commencing on the second Monday in May following their election and continuing for a term of three years until the second Monday in May 2015, or until their successors have been duly elected and qualified.

At the regular municipal election held in April of 2013, five councilmen shall be elected, four by district voting being from the districts and one at-large. The term of the councilmen elected at the April 2013 regular municipal election shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a period of four years until the second Monday in May, or until their successors have been duly elected and qualified.

Thereafter, commencing with the regular municipal election to be held in April of 2013, the terms of the councilmen shall be for a period of four years, commencing on the second Monday in May following their election and continuing for a term of four years until the second Monday in May, or until their successors have been duly elected and qualified. The mayor and at-large councilman shall be elected at alternating biennial regular municipal elections.

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In order to be eligible to be elected as mayor or as a member of council, the person must as of the date of the election be:

(1) A citizen of the United States and of the State of Delaware;

(2) A resident of the city and having continuously resided therein or in an area annexed to the city during the two years ~~next~~ ***immediately*** preceding the day of the election;

(3) A resident of the election district from which they are seeking election, unless they are seeking election as an at-large councilman or mayor;

(4) Eighteen years of age ***or older***; and

(5) Nominated therefore, as hereinafter provided.

Holding Other Office. Except where authorized by law, no council member~~s~~ shall hold any other elected public office**,** ***city office, or city employment*** during the term for which the member was elected to the council. ~~**No council member shall hold any other city office or employment during the term for which the member was elected to the council.**~~ No former council member~~s~~ shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council, unless granted a waiver by the Board of Ethics (Ethics Commission).

(Amd. of 7-12-2005 (S.B. 126); Amd. of 7-8-2009 (S.B. 165, § 6); Ord. No. 2010-23, 8-23-2010 (S.B. 8); Res. No. 2011-11, 10-10-2011, (S.B. 165))

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ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee **MEETING DATE:** 02/11/13
DEPARTMENT OF ORIGIN: City Council
PREPARED BY: Ann Marie Townshend, Director of Planning and Community Development and Traci McDowell, City Clerk

SUBJECT: Proposed Charter Amendment - Procedure to Extend Boundaries DATE: **01-30-2013**
RELATED PROJECT: N/A
APPROVALS: City Council/General Assembly
EXHIBITS: Proposed Amendment to Section 1.05 - Procedure to Extend Boundaries
EXPENDITURE REQUIRED: $ N/A **AMOUNT BUDGETED**: $ N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Charter Amendments will require adoption of a Resolution requesting the General Assembly to approve the amendments. The Resolution will be presented to City Council on 2/25/13 and, upon adoption, staff will forward to local legislators for submission.

RECOMMENDED ACTION: Approval of the proposed amendments to the City of Dover Charter and adoption by City Council of the subsequent Resolution requesting the General Assembly to amend the charter.

BACKGROUND AND ANALYSIS

The Planning Office and City Clerk's Office began work on a proposed charter amendment regarding annexation several years ago when the City was receiving a lot of interest in annexation. Currently, the charter requires that all petitions for annexation be subject to an election of the owners and residents of the property proposed for annexation. In reviewing many annexation requests, it became apparent that the added step of an election in cases where the only person(s) voting were those who requested annexation was an inefficient use of City staff and financial resources, as well as an added burden to the property owner(s). A charter amendment is required to eliminate this unnecessary step.

The proposed charter amendment developed by staff would eliminate the requirement for an election when the property owner has requested annexation of their property. The proposal would require an election in the cases where the entirety of the area proposed for annexation is not the subject of a request from the property owners. As proposed, the City would not be able to annex land against the owner's wishes without the opportunity for the owner to vote in an election.

The proposed charter amendment would simplify the annexation process and reduce unnecessary costs, but still allow property owners a vote if their property is the subject of an annexation proposal that is not petitioned by the owners.

CITY OF DOVER - PROPOSED CHARTER AMENDMENTS IN FULL CONTEXT

Article I - Powers of the City

Sec. 1.05. - Procedure to extend boundaries.

~~In order to extend the boundaries of the City of Dover the council shall adopt a resolution proposing the inclusion of territory or territories within the limits of the City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. § 101) insofar as applicable. Said resolution shall contain a description of the territory or territories proposed to be annexed and shall specify the date of such election, which shall be not less than 30 nor more than 60 days after the adoption of said resolution, and the place or places of said election. Said resolution shall be published in at least two issues of a newspaper of general circulation within the City of Dover at least two weeks prior to the day of said election.~~

The City may, from time to time, extend its boundaries in accordance with Title 22, Chapter 1, Section 101 (22 Del. C. § 101) through the following annexation processes:

(1) In the case where annexation is petitioned by ~~the owner or~~ all owners of all property considered for annexation, no election shall be required.

For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the ~~zone~~ zoning map.

(2) In the case where annexation is not petitioned by ~~the owner or~~ all owners of all ~~subject~~ property considered for annexation, such annexation shall be subject to an election, as follows:

(a) In order to extend the boundaries of the City of Dover, the council shall adopt a resolution proposing the inclusion of ~~territory or territories~~ ***all property considered for annexation*** within the limits of the City of Dover and calling for a special election to be held ***not less than 30 nor more than 60 days after the adoption of the resolution,*** ~~in said territory or territories~~ in accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. § 101) ~~insofar as applicable~~.

~~Said~~ ***The*** resolution shall contain a description of ~~the territory or territories proposed to be annexed~~ ***all property considered for annexation,*** ~~and shall specify~~ the date of ~~such~~ ***the*** election, ~~which shall be not less than 30 nor more than 60 days after the adoption of said the resolution,~~ and the place or places of said election. ~~Said~~ ***The*** resolution shall be published in at least two issues of a newspaper of general circulation within the City of Dover at least two weeks prior

to the day of said election.

(b) ~~Any such~~ ***The annexation*** election shall be held by the ***city's*** election officers~~. of the election district or districts of Kent County which shall include the territory proposed to be annexed. Every person 18 years of age or upwards who is duly registered upon the books of registered voters for said election district, or districts, who is a resident of the territory proposed to be included within the limits of the City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed; and every person who is the owner of real estate within a territory proposed to be included assessed to them on the assessment records of Kent County,~~ ***Each owner of the property considered for annexation*** shall be entitled to one vote. Owners of real estate in common shall be entitled to one vote each. Life tenants shall be entitled to one vote each ***,*** but the holders of the remainder interest or similar interest subject to the life estate shall not be entitled to vote. Corporations, firms or associations shall be entitled to one vote, the same as private persons.

~~Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters of a territory as herein described shall be counted in the election to determine whether the territory shall be annexed.~~

More than one annexation election may be held on the same day; however, the elections shall be separate.

The Council of the City of Dover shall provide the ballots for ~~any such election~~ and ~~shall~~ bear the cost of holding ~~such~~ ***annexation*** election***s***. The ballots shall briefly indicate the ~~territory~~ ***property*** proposed ~~to be included~~ ***for annexation*** and shall provide two boxes on the ballot beside which shall appear the words "FOR inclusion within the City of Dover," and "AGAINST inclusion within the City of Dover." Each voter shall indicate their preference by making a mark within the box beside the words expressing their preference.

~~At any such election~~ ***For the annexation election,*** the polls shall ~~he~~ open ~~from~~ ***at*** 11:00 a.m. ~~to~~ ***and remain open until each eligible voter has cast their vote or until*** 8:00 p.m., ***whichever occurs first.*** When the polls are closed the election officers shall publicly count the votes and forthwith certify to the clerk of the council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the council ***,*** the mayor and council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an ***annexation*** election ~~held in a territory proposed to be annexed shall be in~~ favor ~~of~~ the inclusion of that ~~territory~~ ***property***, the council may thereupon adopt a resolution annexing said ~~territory~~

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property and including same within the limits of the City of Dover. Upon the adoption of a resolution of annexation**,** a copy thereof certified by the clerk of council and a map of the area annexed shall be forthwith filed for record with the Recorder of Deeds of Kent County, and the area so annexed shall for all purposes thenceforth be part of the City of Dover.

If a majority of the votes cast in an ***annexation*** election ~~**held in a territory proposed to be annexed**~~ shall be against the inclusion of that ~~**territory**~~ ***property*** within the limits of the City of Dover, the proposed annexation of said ~~**territory**~~ ***property*** shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal ~~**of**~~ ***for*** annexation to the ***eligible*** voters ~~**of**~~ ***for*** said ~~**territory**~~ ***property***, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

(Amd. of 7-8-2009 (S.B. 165, § 2))

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ACTION FORM

PROCEEDING: Legislative, Finance, and Administration Committee
DEPARTMENT OF ORIGIN: City Manager **DATE SUBMITTED**: 02/19/2013
PREPARED BY: Scott D. Koenig, P.E., City Manager
SUBJECT: Disposal of Excess Property – Justice of the Peace (JP) Court 7 & 16
REFERENCE:
RELATED PROJECT:
REVIEWED BY: City Manager and Controller
EXHIBITS: Exhibit A – Letter from Cabe Associates, Inc.; Exhibit B – Procedure for Sale and Disposal of Real Property
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: **N/A**
TIMETABLE: Upon City Council Action.
RECOMMENDED ACTION: Authorize the City Manager to become a co-applicant along with the State of Delaware on a site plan application to expand J.P. Court 7 & 16 located at the intersection of Bank Lane and West Street. Once the amount of land necessary to accommodate the proposed expansion is known, the City Manager will return to the committee with a recommendation regarding the disposal of City property necessary to accommodate the proposed expansion.

BACKGROUND AND ANALYSIS

City Staff has received a request from Cabe Associates, Inc. and Delaware Architects, LLC on behalf of the State of Delaware, Administrative Office of the Court to potentially expand the existing JP Court 7 & 16 building located at the intersection of Bank Lane and West Street immediately adjacent to the Dover Police Department. The proposed court expansion is desired in order to meet the area's growing needs for court facilities. At this time, only the JP Court 7 & 16 building footprint is owned by the State of Delaware. In order for the court to expand, the City of Dover must agree to dispose of any surrounding land required to accommodate the proposed expansion.

Since the engineers and architects are in the early planning stages, exact land requirements are unknown at this time. Therefore, this request is envisioned by the City Manager to be a two (2) step process. The first step is to receive approval from City Council for the City Manager to become a co-applicant along with the State of Delaware on a site plan application for the proposed expansion. The site plan and facilities planning process will identify the exact amount of land that will be needed by the court to expand. Once the exact amount of land is known, the City Manager will fully initiate the Procedures for Sale and Disposal of Real Property and return to the Legislative, Finance & Administration Committee with a specific recommendation regarding the transfer of any land necessary to accommodate the proposed expansion of the court.

Staff will work closely with the project engineer, project architect, representatives from the State of Delaware, and the Dover Police Department to design a project that will meet the needs of the Court while addressing any operational concerns of the Dover Police Department since they are the adjoining property owner.

Exhibit A

CABE ASSOCIATES, INC.
CONSULTING ENGINEERS
144 SOUTH GOVERNORS AVENUE
P.O. BOX 877
DOVER, DELAWARE 19903-0877

-PRINCIPALS-
LEE J. BEETSCHEN, P.E., DEE
ROBERT W. KERR, P.E., DEE

-SENIOR ASSOCIATE-
MARK K. DOWNES, P.E.

-ASSOCIATES-
SCOTT C. HOFFMAN, P.E.
STEVEN H. LEWANDOWSKI, P.E.

January 18, 2013

City of Dover
RECEIVED
JAN 22 2013
CITY MANAGER/MAYOR

Mr. Scott Koenig, P.E.
City of Dover
PO Box 475
Dover DE 19903

Re: State of Delaware AOC
JP Court 7 & 16 Building

Dear Mr. Koenig:

We are working with the State of Delaware, Administrative Office of the Courts and Delaware Architects, LLC on a project to expand the existing JP Court 7 and 16 building located at the intersection of Bank Lane and West Street. Expansion of the court building is desired in order to meet the area's growing needs for court facilities. Currently, the building footprint is a separate parcel from the surrounding lands, which are owned by the City of Dover. The court also shares parking with the adjacent City of Dover facilities. An agreement between the State of Delaware and the City of Dover will be needed to allow the existing court building parcel to be expanded.

At this time we are requesting the City of Dover become a co-applicant on a site plan application with the State of Delaware for this project. This will allow the project to move forward through the City's planning process, allow the site design to be completed, and allow for the negotiation of the aforementioned land agreement. Enclosed is a copy of the current preliminary site plan.

If you have any questions, please contact me. We look forward to working with you on this project.

Very truly yours,

CABE ASSOCIATES, INC.

Scott C. Hoffman, P.E.

SCH/cjk
363-029
cc: Ms. Ann Marie Townsend
City of Dover (W/O Attach)

Mr. Martin Dusbiber
Delaware Architects, LLC (W/O Attach)
Attachments

Exhibit B

Adopted: 10/14/14

PROPOSED PROCEDURE

FOR SALE AND DISPOSITION OF REAL PROPERTY

1. PURPOSE

To establish a policy for the City of Dover regulating the sale and disposition of excess lands.

2. LAWS AND POLICIES

City of Dover Code of Ordinances, Chapter 2, Article IV, Section 2-99, authorizes the sale and disposal of excess property.

This policy will standardize the procedure for disposal of excess City owned real property.

3. DETERMINATION

A City Staff member, 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 and Finance Committee, that the Dover City Council consider disposal of such land.

4. STANDARD METHOD OF DISPOSITION

A. The Legislative and Finance Committee, upon receiving a request to dispose of excess real property, shall, prior to making a recommendation to the Dover City Council, request all pertinent information including, but not limited to, the following:

a-1) determination that subject parcel is not required by any other City department.

a-2) written explanation of why subject parcel is now surplus.

a-3) determination of whether a zoning change would enhance the sale value of subject parcel and recommend said change if warranted.

a-4) determine if 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.

B. Dover City Council, after receiving a positive recommendation from the Legislative and Finance Committee to dispose of a surplus parcel of land, shall, as part of its deliberations:

b-1) determine if disposal of the parcel is in the City's best interests.

b-2) determine if disposal by sale, gift, or some other means would best serve the City's interests.

b-3) determine if the City Planner should be requested to initiate rezoning procedures.

b-4) 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.

b-5) make public, and a part of the record, all written correspondence received and, after the publicizing requirements of Section 4, Paragraph B(4) are met, hold a public hearing to receive any other citizen input.

C. Dover City Council, after voting to proceed with the sale of surplus land, shall determine:

c-1) if an unbiased appraisal is needed to establish a minimum acceptable price.

c-2) whether to sell the parcel by public auction or by sealed bid, and what the minimum acceptable offer will be.

c-3) 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.

c-4) 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.

D. City Staff shall, with Council direction:

d-1) arrange for advertisement of the sale

d-2) 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.

d-3) 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-4) obtain the services of a professional auctioneer if said sale is to be a public auction.

d-5) conduct the sale and submit the results to Dover City Council.

d-6) obtain the services of a licensed real estate agent if sale is to be brokered.

E. Dover City Council, after confirming the sale, shall:

e-1) 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.

F. 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 Council shall select. The costs of the appraisal and all legal costs shall be paid by the owner requesting the conveyance.

G. Costs of Conveyance

Unless otherwise specified by Dover 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.

5. EXCEPTIONS TO STANDARD METHOD OF DISPOSITION

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, Dover 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, of when the surplus parcel is zoned multi-family and abuts a single family parcel.

Exception B.

Trade of lands: A 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.

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 odd shaped and unbuildable. Dover 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 Dover City Council shall select. All fees, legal or otherwise, associated with the conveyance are to be paid by the purchaser.

Exception D.

Donation of Land to Non-Profit Organizations: If, in the opinion of Dover City Council, the donation of a parcel of excess land to a non-profit organization would be in the best interest of the City of Dover, Council then reserves unto itself the right to make such donation.