Article I General Provisions

Section 1A. Annexation of Property Five (5) Acres or Less:

The City Council shall have the authority to annex any territory containing five (5) acres or less contiguous to the City by complying with the procedure set forth in this Section.

Any property owner(s) holding record fee title to real property in territory five (5) acres or less contiguous to the then existing corporate limits of the City may petition the City Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The City Council may, within on hundred twenty (120) days following the filing of such petition in the City Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred twenty (120) days shall be null and void.

The City Council shall introduce an ordinance proposing the annexation of such territory of five (5) acres or less contiguous to the City. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

The City Council, prior to adopting the annexation ordinance, shall require the Planning Commission to prepare a report to the City Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Dover and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.

In the event that the Commission concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed, the City Council may then adopt the ordinance annexing such territory into the City of Dover. Such ordinance shall be adopted by the affirmative vote of a majority of all members elected the City Council.

If the proposed ordinance shall fail to receive the affirmative vote of a majority of all members elected the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of six (6) months from the date that the ordinance failed to receive the required affirmative vote.

If the ordinance shall be adopted, annexation as provided therein shall become effective immediately. Upon the adoption of the Ordinance of Annexation, a copy thereof, signed by the Mayor and certified by the City Clerk, with the City seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Kent County, Delaware, but in no event shall said recordation be completed more than ninety (90) days following the date of adoption. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

Section 1B. Annexation of Property More Than Five (5) Acres.

The City Council shall have the authority to annex any territory containing more than five (5) acres contiguous to the City by complying with the procedure set forth in this Section.

Any property owner(s) holding record fee title to undeveloped or primarily developed real property in territory containing more than five (5) acres contiguous to the then existing corporate limits of the City may petition the City Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The City Council may, within one hundred twenty (120) days following the filing of such petition in the City Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred twenty (120) days shall be null and void.

The City Council shall introduce an ordinance proposing the annexation of such territory of more than five (5) acres contiguous to the City. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.

The City Council prior to adopting an annexation ordinance shall require the Planning Commission to prepare a report to the City Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the City of Dover and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.

In the event that the Commission concludes that the proposed annexation is advantageous both to the City and to the territory proposed to be annexed, the City Council of Dover may then pass the ordinance annexing such territory to the City of Dover. Such ordinance shall be adopted by the affirmative vote of a majority of all members elected the City Council.

The annexation ordinance shall not become effective until thirty-one (31) days after adoption. After the thirty-one (31) day waiting period and, if not contested, a copy of the annexation ordinance signed by the Mayor and certified by the City Clerk, with the City Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Kent County, Delaware. The Failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

If the ordinance shall fail to receive the affirmative vote of a majority of all members elected to the City Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the ordinance failed to receive the required affirmative vote.

If not less than thirty-three percent (33%) of the qualified voters of the City of Dover disagree with the decision of the City Council, they may sign a petition calling for an Annexation Referendum (Special Election). The Annexation Referendum Petition shall be filed with the City Clerk not later than thirty (30) days following the adoption of the annexation ordinance by the City Council. Within twenty (20) days the Commissioners shall fix the date of the Annexation Referendum (Special Election) which shall be not less than thirty (30) nor more than ninety (90) days thereafter.

At the Annexation Referendum, every qualified voter shall have one vote. Immediately upon the closing of the polling place, the Election Board shall count the ballots for and against the proposed annexation and shall announce the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the City Council. Said Certificate shall be filed with the papers of the City Council.

If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one (1) year from the date of the Annexation Referendum (Special Election).

If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the City Clerk, with the City Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Kent County, Delaware. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.