

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

Ordinance No. 12-1015-02

**ORDINANCE TO AMEND CHAPTER 5 ARTICLE III OF THE CITY OF DELAWARE
CITY CODE - SALE OF SURPLUS REAL PROPERTY**

Chapter 5 – Public Places, Parks & Recreation

The City of Delaware City

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code (the "Code"); and

WHEREAS, the Mayor and City Council desire to modify: Chapter 5, Article III, Section 5-23 (c); Chapter 5 Article III Section 5-23 (e); Chapter 5 Article III Section 5-23 (f); and Chapter 5 Article III Section 5-23 (g) ("Proposed Code Sections"); and

WHEREAS, the Mayor and City Council desire the Proposed Code Sections to become a part of The City of Delaware City Code as set forth below; and

WHEREAS, the Mayor and City Council believe the modifications are in the best interest of The City of Delaware City; and

WHEREAS, pursuant to Article V, Section 5-02(B) of the Charter, the Proposed Code Sections were introduced by a member of Council at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

NOW, THEREFORE, the Mayor and Council of The City of Delaware City do hereby ordain as follows:

Section 1. Chapter 5, Article III, Section 5-23 (c) of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language, to delete the following strikethrough language, and shall read as follows:

c.) Request for proposals and/or notice for auction. The City Manager shall cause public notice of the sale to be given by publication at least once a week for two consecutive weeks in a newspaper having general circulation in the City and shall make available all pertinent information to persons interested in ~~submitted~~ submitting a bid or attending the auction on the surplus property. Said public notices shall be sent to all adjacent property owners.

Section 2. Chapter 5, Article III, Section 5-23 (e) of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language and shall read as follows:

e.) Contents of notice. The notice shall identify the property, shall include the tax parcel number, if available, shall state the time, date, and place of bids to be opened and/or the date, time, and place of the auction, shall specify any minimum bids, and shall specify the conditions or restrictions on future use imposed by the City.

Section 3. Chapter 5, Article III, Section 5-23 (f) of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language and shall read as follows:

f.) Opening of bids/auction announcement. The City Manager shall open all bids at the time, date and place specified. Bids may be submitted up to the time specified for the opening of bids. In the case of an auction, the winning bid shall be announced at the conclusion of the auction.

Section 4. Chapter 5, Article III, Section 5-23 (g) of the Delaware City Code, upon an affirmative vote of the City Council, is hereby modified to add the following underlined language and shall read as follows:

g.) Approval of bids or auction result. The bids, together with the recommendation of the Mayor and the City Manager, shall be submitted to Council, which, by resolution may approve the bid of the best bidder, considering all factors, including, but not limited to, the purchase price. The Council shall have the right to reject any and all bids. In the case of an auction, the City Manager shall recommend to the Council whether the winning bid should be accepted. The City Council, by resolution, shall accept or reject the auction bid at its next regularly scheduled or special meeting.

Section 5. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so

dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.


Section 6. Repeal. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon passage.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this 24th day of October, 2012.

ATTEST:




City Secretary

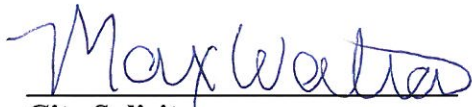


Mayor

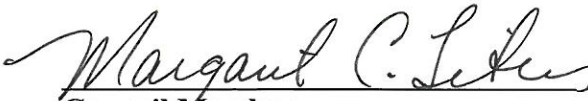
APPROVED AS TO FORM:




Council Member



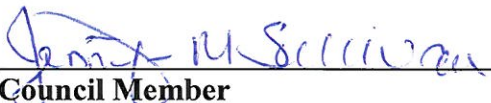
City Solicitor



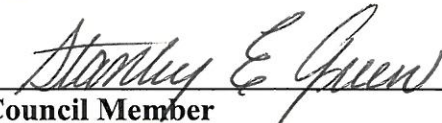
Council Member



Council Member



Council Member



Council Member

First Reading on 10/15/12,
Second Reading and Passage on 10/24/12.