

**Ordinance No. 492**

**An Ordinance to amend Chapter 64, Section 64-1 relating**

**To the disposal of surplus real property**

**WHEREAS**, the Council of the City of New Castle has determined that expeditiously disposing of real property deemed surplus by Council is in the best interests of the City so as to return such real property to the tax rolls of the City and to encourage productive use of such property by private citizens; and

**WHEREAS**, Council has determined that the current ordinance relating to the disposal of surplus real property is cumbersome and time consuming thus increasing expense of maintaining and insuring such properties;

**NOW, THEREFORE**, be it ordained by the Council of the City of New Castle, as follows:

**SECTION 1:** Section 64-1 of the Code of the City of New Castle entitled “Disposal of Real Property” is hereby amended and restated in its entirety, as follows:

**§64-1. Disposal of Real Property.**

When any real property, title to which is held by the City of New Castle, is no longer needed for City purposes, it may be disposed of by the City subject to the following:

- A. The Council may consider recommendations from any member of Council pertaining to the possible sale of City-owned real estate:
- B. The Council shall consider matters pertaining to the sale of City-owned real estate only after notice duly published pursuant to the Delaware Freedom of Information Act, 29 Del. C. Ch. 100, and after posting notice on the property in question.
- C. The Council shall within 30 days of said notice and posting of the property take action by resolution to accept, reject or modify the recommendation that City-owned real estate be sold, and Council shall proceed according the terms of the accepted recommendation and pursuant to the terms of this chapter.
- D. Upon affirmative decision to dispose of a property, Council shall obtain a fair market value appraisal of the property in question from an appraiser duly licensed or certified by the Council on Real Estate Appraisers pursuant to 24 Del. C. Ch. 40.
- E. Thereafter, the property shall first be offered to the Trustees of New Castle Common and the Municipal Services Corporation (MSC). If the offer is not accepted by either within 30 days, the Council may proceed to sell the property on the open market. If both the Trustee and MSC desire to obtain the property, the Council shall decide which shall acquire the property.
- F. If the property is not disposed of pursuant to Subsection D, Council may dispose of and sell the property via public or private sale, including via public auction, either with the assistance of a duly licensed real estate agent or not, at Council’s election, and upon such

terms and conditions as Council may approve by resolution after notice duly published pursuant to the Delaware Freedom of Information Act, 29 Del. C. Ch. 100.

**SECTION 2.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

**SECTION 3.** 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 4.** This Ordinance shall become effective immediately upon passage.

First Reading: October 30, 2013

Second Reading: November 12, 2013

Signed: \_\_\_\_\_

William J. Barthel, Council President

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

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Janet E. Wurtzel, City Clerk

Approved this 12th day of November, 2013

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Donald A. Reese, Mayor