

COUNCIL RESOLUTION NO. 2013-10

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That the Mayor and Council have determined that the Charter of the City of Dover should be amended to remove the requirement for an annexation referendum election when the annexation is the result of a request from the property owner(s). Therefore, the Mayor and Council of the City of Dover respectfully request the General Assembly of the State of Delaware to amend Article I - Powers of the City, Section 1.05 Procedure to extend boundaries, of its Charter, which amendments, if adopted by the General Assembly, would be as follows:

CITY OF DOVER CHARTER - ARTICLE I - POWERS OF THE CITY

Sec. 1.05. - Procedure to extend boundaries.

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 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 zoning map.

- (2) In the case where annexation is not petitioned by all owners of all 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 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 accordance with Title 22, Chapter 1, Section 101, Delaware Code (22 Del. C. § 101).

The resolution shall contain a description of all property considered for annexation, the date of the election, and the place or places of said election. 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) The annexation election shall be held by the city's election officers. 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.

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 and bear the cost of holding annexation elections. The ballots shall briefly indicate the property proposed 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.

For the annexation election, the polls shall open at 11:00 a.m. 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.

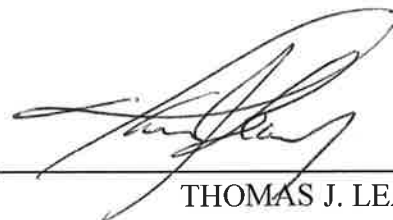
If a majority of the votes cast in an annexation election favor the inclusion of that property, the council may thereupon adopt a resolution annexing said property and including same within the limits of the City of Dover. Upon the adoption of a resolution of annexation, a copy thereof certified by the 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 shall be against the inclusion of that property within the limits of the City of Dover, the proposed annexation of said property shall be declared to have failed. Nothing in this Charter shall prohibit the council from resubmitting a proposal for annexation to the eligible voters for said property, or any portion thereof, under the authority of this section and in accordance with the provisions thereof.

ADOPTED: MARCH 11, 2013



CARLETON E. CAREY, SR.
MAYOR



THOMAS J. LEARY
COUNCIL PRESIDENT