

Agenda No# 4288

**Sponsors: Council President Gregory
Council Member Shabazz**

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AND ANNUAL FUNDING AGREEMENT BETWEEN THE CITY OF WILMINGTON AND THE WILMINGTON NEIGHBORHOOD CONSERVANCY LAND BANK

WHEREAS, pursuant to Section 2-308 of the City Charter, the City of Wilmington is authorized to enter into agreements that shall run for more than a period of one year if approved by City Council by Ordinance; and

WHEREAS, the City desires to authorize the execution of the Memorandum of Understanding (the “MOU”) and the Annual Funding Agreement between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank (the “Land Bank”); and

WHEREAS, the City suffers from a large number of vacant, abandoned and blighted properties that drain City resources and that negatively impact quality of life for the citizens of the City; and

WHEREAS, the similar institutions and organizations to the Land Bank have been proven to be an effective vehicle for the removal of vacant, blighted, and abandoned property in other states and cities; and

WHEREAS, the General Assembly of the State of Delaware enacted Chapter 47 of Title 31 of the Delaware Code, known as the “Delaware Neighborhood Conservation and Land Banking Act,” which enables any political subdivision of the State of Delaware that has the power to cause the sale of real property located within its respective jurisdiction for the collection of liens inuring to that subdivision to create an entity, known as a land bank, for the purpose of returning vacant, abandoned, and delinquent properties to productive use; and

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WHEREAS, the City passed Substitute No. 1 to Ordinance No. 15-040 authorizing the establishment of the Land Bank; and

WHEREAS, the City and the Land Bank have diligently been working on negotiating an agreement that will enumerate certain rights and responsibilities of the City and the Land Bank to ensure the success of the Land Bank and its mission to help the City fight against crime and blight; and

WHEREAS, the City and Land Bank have crafted an agreement that reflects the intentions of both the City and the Land Bank by way of the MOU which is attached hereto and made a part hereof as 'Exhibit A' and by way of the Annual Funding Agreement which is attached hereto and made a part hereof as 'Exhibit B'.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. the MOU, a copy of which, in substantial form, is attached hereto as Exhibit AA,@ for a period of ten (10) years beginning on the date of execution, and the Annual Funding Agreement as contemplated in the MOU, a copy of which, in substantial form, is attached hereto as Exhibit AB,@ are hereby approved, and the Mayor and the City Clerk are hereby authorized to execute as many copies of said agreements, as well as all additional undertakings related thereto, as may be necessary.

SECTION 2. This Ordinance shall be effective upon its passage by City Council and approval of the Mayor.

First Reading November 3, 2016
Second Reading.... November 3, 2016
Third Reading . . .

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this
_____ day of _____, 2016

Assistant City Solicitor

Approved this _____ day of _____, 2016

Mayor

SYNOPSIS: This Ordinance authorizes the execution of the Memorandum of Understanding and Annual Funding Agreement between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank (the "Land Bank") which will empower and enable the Land Bank to assist the City in fighting crime and blight that stem from a high number of vacant and abandoned properties located within the City.

Fiscal Impact Statement

This Ordinance authorizes the execution of the Annual Funding Agreement and the Memorandum of Understanding between the City of Wilmington and the Wilmington Neighborhood Conservancy Land Bank for a period of ten (10) years with a non-binding commitment of financial support made by the City to the Land Bank in an amount of \$15,000,000 (fifteen million dollars).