

#0141

Sponsor:
Council
Member
Darby

WHEREAS, under current Delaware law, 22 *Del. C.* § 101A (Annexation by large municipalities; special elections), the City of Wilmington may only expand its legal boundaries by annexation if (a) New Castle County Council enacts an ordinance approving the proposed annexation, (b) the County Executive of New Castle County approves the proposed annexation by signing the ordinance enacted by New Castle County Council, (c) a special election is convened within 30 to 60 days following the date of the County Executive’s approval of the county ordinance, and (d) a majority of the qualified voters in each parcel of the territory to be annexed approves the proposed annexation through the special election; and

WHEREAS, the requirements to obtain the approval of New Castle County Council, the County Executive, and the majority of qualified voters through a special election impose substantial administrative burdens on the City and serves as an impediment to the City’s ability to effectively expand its boundaries, better serve residents, and promote economic development; and

WHEREAS, under current Delaware law, 22 *Del. C.* § 101A (Annexation by large municipalities; special elections), these administrative burdens are only imposed on the City of Wilmington as the City is the only municipality in Delaware with a population over 50,000; and

WHEREAS, all other cities and towns in Delaware are subject to the provisions of 22 *Del. C.* § 101 (Annexation by city or town), which do not impose similar, burdensome requirements to those in 22 *Del. C.* § 101A (Annexation by large

municipalities; special elections), as discussed above; and

WHEREAS, under current Delaware law, 22 *Del. C.* § 101 (Annexation by city or town), the annexation process for cities and towns other than the City of Wilmington is more streamlined than 22 *Del. C.* § 101A (Annexation by large municipalities; special elections), but nonetheless imposes several requirements and procedures to ensure a fair, transparent, and diligent annexation process; and

WHEREAS, City Council believes it is fundamentally inequitable to subject the City to the substantial burdens imposed by 22 *Del. C.* § 101A (Annexation by large municipalities; special elections), while all other cities and towns in Delaware have the benefit of a more streamlined process; and

WHEREAS, City Council believes that the City should be similarly situated to all other cities and towns in Delaware with regard to annexation; and

WHEREAS, equal treatment of all cities and towns in Delaware (including the City of Wilmington) in the annexation process can be achieved by simply repealing 22 *Del. C.* § 101A (Annexation by large municipalities; special elections).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that the Wilmington City Council urges the General Assembly to amend Title 22 of the Delaware Code by repealing 22 *Del. C.* § 101A (Annexation by large municipalities; special elections) so that the City would become subject to the same streamlined annexation procedures in 22 *Del. C.* § 101 (Annexation by city or town) as all other cities and towns in Delaware.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution urges the Delaware General Assembly to amend Title 22 of the Delaware Code by repealing 22 *Del. C.* § 101A (Annexation by large municipalities; special elections), which only applies to the City of Wilmington, as it is the only municipality in Delaware with a population in excess of 50,000. The repeal of 22 *Del. C.* § 101A (Annexation by large municipalities; special elections) would establish a uniform annexation process for all cities and towns in Delaware, including the City of Wilmington, by subjecting all cities and towns to the same streamlined annexation procedures set forth in 22 *Del. C.* § 101 (Annexation by city or town).