



SPONSOR: Rep. Schroeder ;
Sens. Bunting, Simpson; Rep. Gilligan

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 264

AN ACT AUTHORIZING THE CONVEYANCE OF THE STATE OF DELAWARE'S INTEREST, IF ANY, IN CERTAIN LANDS LOCATED IN SUSSEX COUNTY, DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. The State of Delaware is hereby authorized and directed to convey by quit-claim deed the following
2 lands located in Sussex County, Delaware to Wolfe Pointe, L.L.C. of 1240 Highway One, P.O.Box 678, Lewes, Delaware
3 19958:

4 "a. ALL THOSE CERTAIN three (3) tracts or parcels of land, shown as Well Sites No. 1, 2 and 3 and
5 designated as Tracts Nos. 22, 25 and 27 respectively on the Fort Miles Project Map No. D-123, Sheet 1 of 2, being
6 situate in Lewes and Rehoboth Hundred, County of Sussex, State of Delaware, and more particularly described as
7 follows:

8 TRACT NO. 22

9 (WELL SITE NO. 1)

10 Beginning for the same at a point on the southeasterly right-of-way line of an access road acquired by the United
11 States of America from Harry Rapkin, et ux, identified as Tract No. 21E on the aforesaid project map and being the most
12 westerly corner of the lands hereinafter being described, said point of beginning being also identified by coordinates of
13 North 108,722.5 feet and East 213,294.5 feet based on the Delaware System of State Plane Coordinates; thence by the
14 four (4) following courses and distances: (1) N 56° 58' 48" E, along the southeasterly boundary of said access road;
15 100.00 feet to a corner, (2) S 33° 01' 12" E, bounded in part by the southwesterly boundary line of Tracts No. 23E and
16 24E as depicted on the aforesaid Project Map, 100.00 feet to a corner, (3) S 56° 58' 48" W, 100.00 feet to a corner, and (4)
17 N 33° 01' 12" W, 100.00 feet to the point or place of beginning. Containing 0.23 of an acre of land, more or less.

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TRACT NO. 25
(WELL SITE NO. 2)

Beginning for the same at a point on the southwesterly right-of-way line of the aforesaid access road, Tract No. 21 E, and being the most northerly corner of the lands hereinafter being described, said point of beginning being also identified by coordinates of North 108,526.1 feet and East 214,101.2 feet based on the Delaware System of Plane Coordinates; thence the four (4) following courses and distances: (1) S 33° 15' 12"E, along said southwesterly line of access road, 100.00 feet to a corner, (2) 56° 44' 48" W, 100.00 feet to a corner, (3) N 33° 15' 12" W, 100.00 feet to a corner, (4) N 56° 44' 48" E, bounded in part by the southeasterly boundary line of the aforesaid Tract No. 24E, 100.00 feet to the point or place of beginning. Containing 0.23 of an acre of land, more or less.

TRACT NO. 27
(WELL SITE NO. 3)

Beginning for the same at a point in the southeasterly right-of-way line of an access road, designated as Tract No. 23E on the aforesaid Project Map No. D123 and being the most northerly corner of the lands hereinafter being described, said point of beginning being further identified by coordinates of North 108,901.0 feet and East 213,951.2 feet based on the Delaware System of Plane Coordinates; thence the following four (4) courses and distances: (1) S 42° 17' 12" E, bounded by a southwesterly boundary of Tract No. 28E as depicted on said Project Map No. D-123, 100.00 feet to a corner, (2) S 47° 42' 48" W, bounded in part by a northwesterly boundary line of Tract No. 26E as depicted on the aforesaid Project Map, 100.00 feet to a corner, (3) N 42° 17' 12" W, 100.00 feet to a corner, (4) N 47° 42' 48" E, bounded in part by the aforesaid southeasterly boundary line of Tract No. 23E, 100.00 feet to the point of place of beginning. Containing 0.23 of an acre of land, more or less.

BEING a part of the lands described in a certain Quit-Claim Deed between the United States of America, acting by and through the Secretary of the Army, Grantor and The State of Delaware, Grantee, dated October 15, 1964 and recorded in the Office of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 581, Page 426 and described as "Area II", therein. Area II lands were the location of 3 well sites to serve the potable water supply needs of the Fort Miles Military Reservation. Area II lands and other lands referenced in the October 15, 1964 deed were transferred to the State of Delaware to be used for educational and/or public park and recreational purposes. These lands and others are now known as Cape Henlopen State Park.

46 The 3 well sites, located west of the Lewes and Rehoboth Canal and isolated from the rest of Cape Henlopen
47 State Park, no longer provide appropriate potable water for Cape Henlopen State Park. Additionally, these sites are
48 located within or adjacent to lands owned by Wolfe Pointe, L.L.C. It is the intention of this Quit-Claim Deed to convey
49 any and all right, title and interest that the State of Delaware may have in the above-described lands to Wolfe Pointe,
50 L.L.C.

51 b. A PORTION OF ALL THOSE CERTAIN pieces, parcels and lots of land referred to as Tract 12 and
52 Tract 13, being situate in Lewes and Rehoboth Hundred, Sussex County and the State of Delaware and being a
53 part of the lands described in a certain Quit-Claim Deed between the United States of America, acting by and
54 through the Regional Director, National Park Service, Southeastern Region, Grantor and The State of Delaware,
55 Grantee, dated November 24, 1993 and recorded in the Office of the Recorder of Deeds, in and for Sussex
56 County at Georgetown, Delaware in Deed Book 1947, Page 263 and described as "Tract 12" and "Tract 13",
57 therein. The lands referenced in the November 24, 1993 deed were transferred to the State of Delaware to be
58 used for public park and public recreational purposes. These lands and others are now known as Cape Henlopen
59 State Park. The portions of Tract 12 and Tract 13 to be transferred are small, isolated, open, non-forested areas
60 adjacent to lands of Wolfe Pointe, L.L.C. For the purpose of realignment of property boundaries, it is the
61 intention of this QuitClaim Deed to convey any and all right, title and interest that the State of Delaware may
62 have in the above-described lands to Wolfe Pointe, L.L.C.

63 c. A PORTION OF ALL THOSE CERTAIN pieces, parcels and lots of land referred to as Tract 2 and
64 Tract 3, being situate in Lewes and Rehoboth Hundred, Sussex County and the State of Delaware and being a
65 part of the lands described in a certain Quit-Claim Deed between J.G. Townsend, Jr., & Co., a Delaware
66 corporation, Grantor and The State of Delaware, Grantee, dated November 29, 1993 and recorded in the Office
67 of the Recorder of Deeds, in and for Sussex County at Georgetown, Delaware in Deed Book 1947, Page 345 and
68 described as "Tract 2" and "Tract 3", therein. The lands referenced in the November 29, 1993 deed were
69 transferred to the State of Delaware to be used for public park and public recreational purposes. These lands and
70 others are now known as Cape Henlopen State Park. The portions of Tract 2 and Tract 3 to be transferred are
71 small, isolated, open, non-forested areas adjacent to lands of Wolfe Pointe, L.L.C. For the purpose of realignment
72 of property boundaries, it is the intention of this Quit-Claim Deed to convey any and all right, title and interest
73 that the State of Delaware may have in the above-described lands to Wolfe Pointe, L. L. C."

74 Section 2. Simultaneous with the conveyances described in Section 1, Wolfe Pointe, L.L.C. shall convey by
75 quit-claim deed to the State of Delaware lands adjacent to Cape Henlopen State Park owned by Wolfe Pointe, L.L.C. that
76 are forested uplands, forested wetlands, and tidal wetlands that equal or exceed the fair market value and acreage of the
77 lands transferred to Wolfe Pointe, L.L.C. in Section 1, and the lands in this Section 2 must be inspected and determined to
78 be environmentally safe.

79 Section 3. The conveyances described in Sections 1 and 2 herein shall not take place unless and until such time
80 as all appropriate approvals are received from all authorities including, but not limited to, a Release and Transfer of
81 Covenants and Restrictions from the United States of America.

82 Section 4. The conveyance of the above-described lands shall be exempt from the provisions of Title 29, Chapter
83 94 and Title 7, Chapter 45 of the Delaware Code.

84 Section 5. The Governor or Secretary of the Department of Natural Resources and
85 Environmental Control is authorized to execute and to deliver a quit-claim deed carrying out the conveyances herein
86 described

SYNOPSIS

This Act realigns the boundary of Cape Henlopen State Park, located west of the Lewes and Rehoboth Canal, by conveying to a private entity several small, isolated, open, non-forested areas with limited public access and minimal natural resource values. The private entity will convey to the State forested uplands, forested wetlands and tidal wetlands that are contiguous with other parkland and that contain greater natural resource values.