

#### CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159 Delaware City, Delaware 19706 302-834-4573

### CITY OF DELAWARE CITY DELAWARE CITY, DELAWARE Ordinance No. 17-1218-02

# ORDINANCE ESTABLISHING FLOOD MITIGATION SPECIAL ASSESSMENT DISTRICT AND AUTHORIZING LEVY OF SPECIAL ASSESSMENT

WHEREAS, the City of Delaware City, Delaware, ("City") is a coastal town situated in close proximity to the Delaware River and Delaware Bay. As a result of its close proximity to these large, tidal bodies of water, much of the City is located within a 100 year floodplain. This means that, historically, there has been a one percent (1%) chance that this area would flood each year. However, in more recent years, with the increased frequency of powerful storms and raised water levels in the Delaware River and Delaware Bay, the City has become increasingly vulnerable to the negative impacts of flooding;

WHEREAS, an area near Washington Street in the City has been identified as being particularly prone to flooding, and a project to design, permit, and construct storm water improvements to mitigate chronic flooding conditions in that area was undertaken (the "Washington Street Flood Mitigation Project");

WHEREAS, the Project is a vital project for the City and its residents to combat the increasing threat of flooding, storm surges, and other hazardous events. In absence of the Project, the impact to the City and its residents of such hazards could be catastrophic, especially to those properties within the 100 year floodplain;

WHEREAS, the total cost of the Project is \$1,716,900. Seeking to fund the Project, the City applied for and was awarded two grants totaling \$880,000 from the Delaware Emergency Management Agency ("DEMA") (with funds furnished by the Federal Emergency Management Agency ("FEMA")) and the New Castle Conservation District in the amount of \$690,000 and \$190,000 respectively;

**WHEREAS**, the City has already expended slightly less than \$400,000 of the grant funds pursuant to the design and development of an original engineering plan and a subsequent value engineering plan relating to the Project;

WHEREAS, the City has committed to obtain financing for the Project and has completed a Water Pollution Control Revolving Fund Application to borrow up to \$790,000 (the "WPCRF Loan") to ensure that the grant funding is not revoked and that the Project can begin. In order to qualify for the WPCRF Loan, the City is required to identify the means by which said loan will be repaid. The Mayor and Council believe that the most appropriate supplemental funding source to repay the WPCRF Loan will be the levying of a special assessment, beginning July 1, 2018. The total cost of the loan under a 20 year amortization schedule at 2% interest is \$962,396.91;

**WHEREAS**, the WPCRF Loan will be used for the exclusive purpose of financing the Project, a local improvement project;

WHEREAS, under Section 2.01 of the City Charter, the City may issue a special assessment to defray the cost of local improvements;

WHEREAS, the Project is intended to specially benefit properties that are subject to the 100 year floodplain (designated as the AE Zone) identified in the FEMA Flood Insurance Rate Maps ("FIRM Maps") for New Castle County, Delaware and Incorporated Areas dated February 4, 2015, as specifically shown on Panel numbers 1003C0253K, 10003C0254K, 10003C0261K, and 1003C0262K. The FIRM Maps are attached to this Ordinance as Exhibit A. A list of those properties within the areas of the City which fall within the AE Zone is available at the City's website at <a href="https://delawarecity.delaware.gov/flood-plain-management/floodplain-properties-2015-updated-10-12-17/">https://delawarecity.delaware.gov/flood-plain-management/floodplain-properties-2015-updated-10-12-17/</a> and attached to this Ordinance as Exhibit B (last updated October 12, 2017);

WHEREAS, the Mayor and Council believe that creating the District and levying a special assessment on the properties therein is in the best interest of the City;

WHEREAS, the City has prepared a preliminary special assessment roll including all lots and tax parcels within the District and shall assess to each lot or tax parcel the relevant portion of the whole sum to be levied against all the lands in the District as the benefit to the lot or tax parcel bears to the total benefits to all lands in the District; and

WHEREAS, a public hearing on the special assessment roll was set and duly noticed for the purpose of discussing and debating the District and the special assessment, and on the public hearing was conducted by the City Council in accordance with the notice.

### NOW THEREFORE, BE IT ORDAINED THAT:1

In making the express finding that the proposed special assessment will enhance the health, safety, and welfare of the City, and having considered the Project and the WPCRF Loan, the Mayor and Council hereby ordain and establish the Flood Mitigation Special Assessment District (the "District"), which will finance and defray the cost of the Project, and will be implemented as follows:

**First,** the District shall include those properties within the area of the City, but not owned by the City, falling within the 100 year floodplain as identified in the FEMA FIRM Maps (Exhibit A) and listed on Exhibit B and which will be benefitted by the Project in an amount not less than the flood mitigation special assessment imposed against such properties;

**Second,** there is by this Ordinance authorized and adopted a special assessment to be levied, collected, and enforced against those specially benefitted properties located in the Flood Mitigation Special Assessment District, Exhibits A and B, to defray the cost of the Project and to repay the WPCRF Loan;

Third, the City finds that: (a) a reasonable methodology has been applied in determining which parcels of property in the jurisdictional limits of the City are specially benefitted by the Project; (b) there is a logical relationship between the Project and the benefit received by the properties in the District; (c) each non-City owned property determined to be specially benefitted by the Project is included in the District; and (d) the special assessment is fairly and reasonably apportioned among the properties in the District proportionate to the special benefit received by each such property from the Project;

**Fourth,** the City also finds and determines that the benefitted properties receive from the Project certain special benefits to include: (1) decrease in the risk of a property loss resulting from a flooding incident; (2) potential decrease in the cost of flood insurance; (3) potential improved marketability of the benefitted properties; and (4) potential increase in property values;

**Fifth,** the City Council has determined that it is satisfied with the special assessment roll, that the proposed assessments are in proportion to the benefits received or to be received as a result of the Project and that it would be appropriate to approve and confirm the Final Flood Mitigation Special Assessment District Roll ("Final Roll") and proceed with the Project;

This Ordinance stands on its own, separate from the Code of the City of Delaware City.

**Sixth,** the special assessment will be in the amount of the final total loan cost, apportioned between the total number of parcels within the Flood Mitigation Special Assessment District. It is the intent of the City that, by imposition of the special assessment, a lien shall be created by this Ordinance for each year that the special assessment becomes due and shall be for the outstanding amount of the respective benefited property's apportionment of the special assessment for that year;

**Seventh,** the Final Roll for the District in the amount not to exceed \$962,396.91 shall be adopted and confirmed by this Ordinance;

**Eighth,** the special assessment will go into effect on July 1, 2018 and will terminate when the WPCRF Loan is repaid in full;

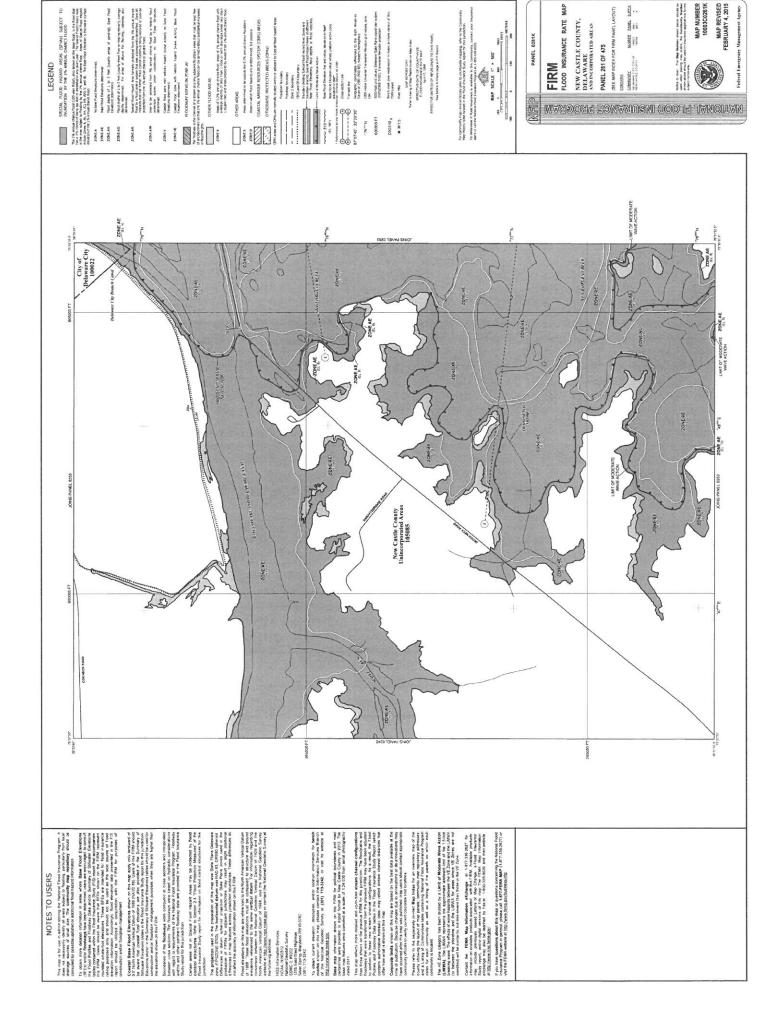
**Ninth,** all amounts of a special assessment not paid on or before the cash payment date shall be assessed against each property in the District in twenty approximately equal yearly installments, the first which will be due and payable on September 30, 2018, the second which will be due and payable on September 30, 2019, and all subsequent installments shall be due and payable successively in intervals of 12 months from the due date of the second installment; and

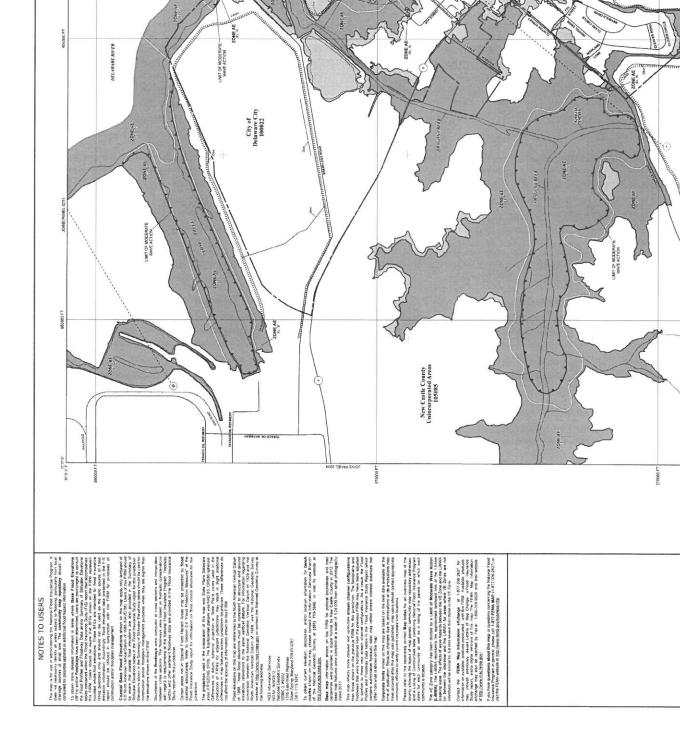
**Tenth,** if any benefited property's apportionment of the assessment becomes delinquent or if a yearly invoice has been issued and remains outstanding against such benefited property, that property's full apportionment of the assessment for that yearly payment shall be subject to mandatory payment.

(Signature Page Follows)

ATTEST:	
City Secretary	Mayor
APPROVED AS TO FORM:	Council Member
City Solicitor	Council Member
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## EXHIBIT A







SPECIAL FLOOD HAZARD ARLAS (SPIAS) SUBJECT INUNDATION BY THE 1% ARRUAL CHANCE FLOOD

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## **EXHIBIT B**

PARCEL	SERVICE_ADDRESS
2200300001	Front Street
2200600001	Fifth Street
2200600008	306 Monroe Street
2200600009	214 Monroe Street
2200600010	208 Monroe Street
2200600011	905 William Street
2200600012	903 William Street
2200600013	145 Monroe Street
2200600014	905 Second Street
2200600016	Third Street
2200600020	212 Madison Street
2200600021	208 Madison Street
2200600022	206 Madison Street
2200600023	903 Second Street
2200600024	901 Second Street
2200600025	124 Madison Street
2200600026	120 Madison Street
2200600027	200 Jefferson Street
2200600028	203 Madison Street
2200600029	204 Jefferson Street
2200600030	206 Jefferson Street
2200600031	210 Jefferson Street
2200600036	214 Jefferson Street
2200600038	202 Jefferson Street
2200600037	212 Jefferson Street
2200600040	703 Henry Street
2200600041	213 Jefferson Street
2200600042	301 Jefferson Street
2200600045	700 Third Street
2200600046	224 Adams Street
	220 Adams Street
	218 Adams Street
	231 Adams Street
	911 Fifth Street
	919 Fifth Street
	228 Adams Street
	205 Monroe Street
	304 Madison Street
	950 Fifth Street
	289 Monroe Street
	705 Henry Street
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2200600067	211 Jefferson Street
2200600069	143 Monroe Street
2200600070	141 Monroe Street
2200600071	139 Monroe Street
2200600072	137 Monroe Street
2200600073	135 Monroe Street
2200600074	212 Monroe Street
2200600075	210 Monroe Street
2200600076	921 Solomon Place
2200600077	923 Solomon Place
2200600078	925 Solomon Place
2200600080	924 Solomon Place
2200600081	922 Solomon Place
2200600082	920 Solomon Place
2200600083	206 Monroe Street
2200600084	204 Monroe Street
2200600085	202 Monroe Street
2200600086	200 Monroe Street
2200600094	301 Madison Street
2200600096	205 Madison Street
2200600097	291 Monroe Street
2200600098	293 Monroe Street
	295 Monroe Street
2200600100	297 Monroe Street
	901 William Street
	138 Jefferson Street
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	106 Jefferson Street
	104 Jefferson Street
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	700 William Street
	704 William Street
	205 Jefferson Street
	110-112 Washington Street
	215 Adams Street
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	224 Washington Street
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2200700058	74 Washington Street

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2200700067	85 Washington Street
	89 Washington Street
	506 Front Street
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	129 Washington Street
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2200700104	104 Clinton Street
2200700105	102 Clinton Street
2200700106	100 Clinton Street
2200700107	504 Front Street
2200700108	502 Front Street
2200700109	98 Clinton Street
2200700110	96 Clinton Street
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2200700162 124 Canal Street	
2200700163 126 Canal Street	
2200700164 Battery Park	
2200700165 Stauffer Slip	
2200700166 133 Washington Street	
2200700167 Front Street	

2200700168	Washington Street
2200700169	Veterans Point
2200700170	103 Clinton Street
	107 Clinton Street
	84 Washington Street
2200700173	56 Clinton Street
2200700174	58 Clinton Street
2200700177	111 Clinton Street
2200700179	115 Clinton Street
	135 Hamilton Street
2200700181	Clinton Street - DNREC
2200700182	219 Adams Street
2200700183	227 Adams Street
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2200800121	905B Fifth Street
2200800127	504 Madison Street
2200800128	607 Madison Street
	905A Fifth Street
2200800130	907B Fifth Street
	909 Fifth Street
2200800134	Dragon Run Road - Wetland
2200800135	502 Madison Street
2200800136	506 Madison Street
2200800143	703 Fifth Street
2200900004	226 Washington Street
	205 Clinton Street
2200900028	207 Clinton Street
	200 Hamilton Street
2200900032	202 Hamilton Street
2200900033	202 Hamilton Street
2200900044	218 Hamilton Street
2200900045	220 Hamilton Street
	222 Hamilton Street
2200900077	300 Bayard Street
2200900078	227 Hamilton Street
2200900079	223 Hamilton Street
2200900080	213 Hamilton Street
2200900081	300 Third Street
2200900082	211 Hamilton Street
2200900083	204 Bayard Street
	203 Hamilton Street
	201 Hamilton Street
2200900086	202 Bayard Street
	308 Second Street
	306 Second Street
	302 Second Street
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2200900101	218 Franklin Street
2200900102	220 Franklin Street
2200900103	222 Franklin Street
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	301 Bayard Street
	300 Franklin Street
	300 Canal Street
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2200900126	
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2200900130	
	113 Fifth Street
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	Third Street - Triangle
	210 Bayard Street
2200900137	Bayard Street
2200900138	Canal Street
2200900146	301 Hamilton Street
2200900147	137 Hamilton Street
2200900148	123 Fifth Street
2200900150	0 Fifth Street
2200900151	0 Fifth Street
2200900153	228 Washington Street
	217 Bayard Street
	2711 Staff Lane
2200900157	1316 Officers Row
	1312 Officers Row
	1310 Officers Row
	1308 A-B Officers Row
	1306 A-B Officers Row
	1304 Officers Row
	1317 Officers Row
	225 Old Elm Avenue
	249 Delaware City Port Road
	2801-2803 Quartermaster Road
	Seventh Street Park
	713 Clinton Street
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	717 Clinton Street
2201000008	719 Clinton Street
2201000009	721-23 Clinton Street
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2201000012	803 Clinton Street
	805 Clinton Street
2201000014	Clinton Street
2201000015	307 Nowland Lane
	305 Nowland Lane
2201000017	10 Reybold Drive
2201000018	8 Reybold Drive
2201000087	16 Reybold Drive
2201000088	14 Reybold Drive
	12 Reybold Drive
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2201000119	128 Clover Circle
2201000120	151 Warfel Drive
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2201000122	147 Warfel Drive
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2201000125	141 Warfel Drive
2201000126	139 Warfel Drive
2201000128	135 Warfel Drive
2201000129	133 Warfel Drive
2201000130	131 Warfel Drive
2201000131	129 Warfel Drive
2201000189	Warfel Drive
2201100001	115 Fifth Street
	107 Fifth Street
	101 Fifth Street
2201100005	Branch Canal-natural area
2201100006	Off Fifth Street
2201100007	1150 Powers Lane
2201200001	Clover Circle
2201200008	126 Clover Circle
2201200011	Clover Circle
2201200019	Clover Circle
2201300001	100 N. Reedy Point Road
2201300002	108 N. Reedy Point Road

**466 Total Properties** 

Land Only