



EXECUTIVE ORDER 2020-1 Abandoned Open Space Parcels

WHEREAS, 9 *Del. C.* § 330 provides the New Castle County Government with general powers and duties to direct, manage and control its business and finances; and

WHEREAS, 9 *Del. C.* § 1116 requires the New Castle County Executive to see that the duties and responsibilities of the executive and administrative agencies of the County are properly performed and that the work of the county offices, departments, and agencies is properly coordinated; and

WHEREAS, hundreds of parcels of dedicated open space, both public and private, which ought to have been transferred to New Castle County or a neighborhood maintenance corporation remain owned by defunct, unknown, or unresponsive owners, effectively abandoning the open space parcels; and

WHEREAS, certain of these abandoned open space parcels contain stormwater management facilities, which require regular maintenance; and

WHEREAS, because the owners of the open space parcels are defunct, unknown, or unresponsive, regular maintenance of the parcels is not being performed, and

WHEREAS, because the owners of the open space parcels are defunct, unknown, or unresponsive, property taxes, unrecovered expenses incurred through abatement of New Castle County Code violations, and unpaid fees and penalties assessed through the administrative enforcement process associated with the open space parcels are unpaid; and

WHEREAS, the owners of properties who disregard their obligations to pay taxes, charges and fees or to maintain their properties in accordance with the *New Castle County Code* cause a drain on County resources and jeopardize the health, safety, and welfare of the residents of New Castle County; and


WHEREAS, in such cases, it is necessary for the Chief Financial Officer, in his or her judgment, to take appropriate action, including invoking the monition process, to address the financial strain or hazards caused by abandoned open space parcels.

THEREFORE, I, the County Executive, hereby direct that the following policy be implemented:

1. When the Chief Financial Officer, or his or her designee, together with the General Manager of the Department of Public Works, or his or her designee, and the General Manager of the Department of Land Use, or his or her designee, determines that an open space parcel encumbered with unpaid taxes or liens remains in the ownership of a defunct, unknown or unresponsive owner, instead of New Castle County or a neighborhood maintenance corporation as intended, the Chief Financial Officer, or his or her designee, is authorized to effectuate transfer of legal title from the defunct or unknown owner to the proper entity by any lawful manner, including the monition process.
2. Any monition commenced pursuant to this Executive Order is not subject to the provisions or processes established by Executive Orders 2017-6, 2017-7, 2018-5, 2018-11, or 2018-12.
3. This Executive Order shall be effective immediately upon signature by the New Castle County Executive and shall remain in effect until and unless rescinded by subsequent order of the New Castle County Executive.



Matthew Meyer
New Castle County Executive



Date