

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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

RESOLUTION 17-0123-01

**THE CITY OF DELAWARE CITY
COUNCIL RESOLUTION TO ALLOW TRANSFER OF
THE CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY FOR
WATER SERVICE AT THE FORT DUPONT COMPLEX**

WHEREAS, the City of Delaware City currently holds, as granted by the Delaware Public Service Commission, a certificate of public convenience and necessity (the "CPCN") to provide the Fort DuPont Complex with water service.

WHEREAS, the City of Delaware City has not, as yet, provided water utility service to the Fort DuPont Complex pursuant to its grant and possession of the CPCN because the Fort DuPont Complex has its own independent water system.

WHEREAS, pursuant to an Act to Amend Title 7 of the Delaware Code, the Fort DuPont Redevelopment Corporation was established, and the Fort DuPont Complex was later annexed into the City of Delaware City.

WHEREAS, the City of Delaware City is willing to, and so desires, to relinquish the CPCN and all rights and responsibility to provide water utility service to the Fort DuPont Complex and further desires the Fort DuPont Redevelopment and Preservation Corporation (or its assigns or a third party it selects) to provide water utility service to the Complex.

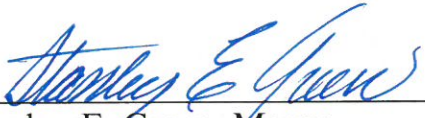
WHEREAS, according to 26 *Del. C.* § 203C, no person or entity may provide water utility service within the State of Delaware without first obtaining a CPCN providing authorization to do so.

WHEREAS, according to 26 *Del. C.* § 203C, only the Delaware Public Service Commission may grant such a CPCN.

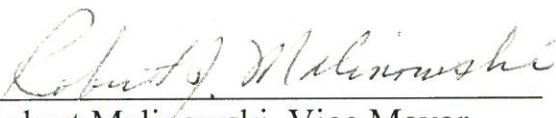
NOW THEREFORE, BE IT RESOLVED that the Council for the City of Delaware City hereby provides notice to the Delaware Public Service Commission that it desires to relinquish the CPCN that the City currently holds for the provision of water utilities at the Fort DuPont Complex and further resolves that the City desires to allow the Fort DuPont Redevelopment and Preservation Corporation or its assigns or a third party it selects to obtain a CPCN for the Complex.

BE IT FURTHER RESOLVED that the City Manager, or his or her designee, is hereby tasked to perform all acts necessary to transfer, assign or otherwise revoke the existing water CPCN for the Fort DuPont Complex on behalf of the City to allow the Fort DuPont Redevelopment and Preservation Corporation or its assigns or a third party it selects to obtain a CPCN for the Complex.

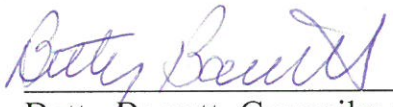
This resolution is passed by Mayor and Council of the City of Delaware City on this 23 day of JANUARY, 2017.



Stanley E. Green, Mayor

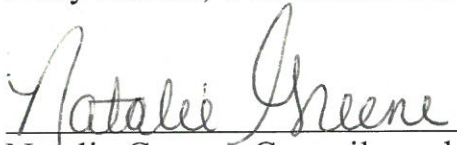


Robert Malinowski, Vice Mayor



Betty Barrett, Councilmember

Paul D. Fitzwater, III, Councilmember



Natalie Greene, Councilmember



Margaret C. Titus, Councilmember