

Agenda #4190

Sponsor: Council Member Shabazz

**AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF
E-STREET, CLAYMONT STREET, AND GREEN STREET FROM THE
OFFICIAL CITY MAP**

WHEREAS, the City of Wilmington (the “City”) is authorized to establish and revise plans of streets and alleys by the provisions of the City Charter, Sections 1-101, 2-306, and 5-400, such actions to be done in accordance with applicable provisions of State law and in accordance with Section 42-11 of the City Code; and

WHEREAS, 200 LLC (“Applicant”) is the current owners 8 parcels of contiguous land located in South Wilmington in an area generally bounded by South Heald Street, New Castle Avenue, Townsend Street, and the Shellpot branch of the Norfolk Southern Right-of-Way, being New Castle County Tax Parcel ID Numbers 26-057.40-013, 26-057.40-014, 26-057.40-015, 26-057.40-016, 26-057.40-030, 26-057.40-031, 26-058.30-010, and 26-058.30-011; and

WHEREAS, the Applicant have requested that portions of E Street, Claymont Street, and Green Street be removed from the Official City Map, a depiction of said streets more particularly depicted and described on Exhibit “A” attached hereto and made a part hereof, and on Exhibit “B” attached hereto and made a part hereof; and

WHEREAS, the Law Department has determined that the City has an ownership interest in the land underlying the portions of Green Street and South Claymont Street that are proposed for removal; and

WHEREAS, the Law Department has determined that ownership of the land underlying the portion of E Street that is proposed for removal is unknown; and

WHEREAS, the City Planning Commission has adopted the Planning Commission Resolution 2-16, a copy of which is attached hereto and made a part hereof as Exhibit “C”, which recommended approval of Applicant’s request to remove the portion of E Street, Claymont Street, and Green Street, subject to certain conditions set forth in the resolution; and

WHEREAS, the City Council deems it necessary and appropriate to approve the removal of the portion of E Street, Claymont Street, and Green Street referenced in Exhibit A from the Official City Map.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. That the removal from the Official City Map of those portions of E Street, Claymont Street, and Green Street, which are more particularly depicted and described on Exhibit “A” attached hereto, is hereby approved, subject to the conditions set forth in City Planning Commission Resolution 2-16, Exhibit “C” attached hereto.

SECTION 2. Access easements for both the City of Wilmington and New Castle County are necessary to grant safe access to the existing buried utilities, including sewer and water mains and to their connections to adjacent parcels, commensurate with safe maintenance or construction practices.

SECTION 3. Construction of any type or of any structure that permanently blocks access to any existing utilities within the roadbeds underlying the portions of E Street, Claymont Street, and Green Street proposed for removal shall be prohibited.

SECTION 4. The City's Departments of Public Works, Planning, Fire, Real Estate, Licenses and Inspection, and Law are hereby authorized to take any and all necessary actions required for the proposed removal of said portions of E Street, Claymont Street, and Green Street from the Official City Map.

SECTION 5. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....April 7, 2016

Second Reading...April 7, 2016

Third Reading.....

Passed by City Council

President of City Council

ATTEST: _____
City Clerk

Approved as to form this ____ day of _____, 2016

Assistant City Solicitor

Approved this _____ day of _____, 2016

Mayor

SYNOPSIS: This Ordinance authorizes the removal from the Official City Map portions of E Street, Claymont Street, and Green Street.

EXHIBIT A-MAP OF STREETS

EXHIBIT B- LEGAL DESCRIPTIONS OF STREET-BEDS

EXHIBIT C-PLANNING COMMISSION RESOLUTION 2-16