

RES 16-009

Wilmington, Delaware  
February 18, 2016

#4162

Sponsors:

Council  
President  
Gregory

Council  
Member  
Chukwuocha

**WHEREAS**, the Wilmington City Code Section 2-627 provides that the Department of Public Works shall have the authority, subject to the approval of Council by resolution, to sell or exchange any real estate belonging to the city or to grant any license, easement, right-of-way or other interest in or over real estate as shall be necessary to facilitate the construction, maintenance, operation and/or repair of streets, roads, sidewalks, and/or other public rights-of-way including bridges; provided, however, that public notice of such action shall be advertised at least one week in advance, in a newspaper of citywide distribution; and

**WHEREAS**, Baynard Boulevard has been laid out to run from the Brandywine River in a northeasterly direction towards the lands now or formerly thereof the Baltimore and Ohio Railroad, such lands also being the terminus of the City's boundary; and

**WHEREAS**, portions of Baynard Boulevard northeast of the intersection of Baynard Boulevard and North Broom Street exist only as a 'paper street' and such portions of Baynard Boulevard are not built to the specifications required, nor to allow for the flow of traffic over it; and

**WHEREAS**, the Department of Public Works wishes to further improve the stretch of Baynard Boulevard that runs from North Broom Street to the City's boundary line in a manner depicted in Exhibit A, attached hereto and made a part hereof; and

**WHEREAS**, specifically, such improvements would require portions of the improvements to encroach upon lands owned by the City of Wilmington, being New Castle County Tax Parcel Number 26.008-40.030; and

**WHEREAS**, said improvements are needed not only to build the stretch of Baynard Boulevard depicted in Exhibit A, but also to provide connectivity to the lands now or formerly thereof the Wilmington UDAG Corporation, a detailed depiction of said improvements and the necessary easement is attached hereto and made a part hereof as Exhibit B; and

**WHEREAS**, the proposed improvements of that portion of Baynard Boulevard that intrudes upon the City's land was laid out and existed in the past as evidenced by the relevant portion of the Franklin Survey Map of 1947, attached hereto and made a part hereof as Exhibit C; and

**WHEREAS**, pursuant to Wilmington City Code Section 2-627 the Department of Public Works seeks Council's approval for the grant of an easement and right-of-way over the lands owned by the City of Wilmington being New Castle County Tax Parcel Number 26.008-40.030 to complete the proposed improvements of Baynard Boulevard and to provide access to the lands now or formerly thereof the Wilmington UDAG Corporation; and

**WHEREAS**, such an easement and grant of right-of-way is necessary for the Department of Public Works to construct the improvements of Baynard Boulevard.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, pursuant to Section 2-627 of the City Code, the Department of Public Works and the Department of Parks and Recreation shall have the authority to grant an easement to allow for the use of a portion of the lands owned by the City of Wilmington being New Castle County Tax Parcel Number 26.008-40.030 to be used as right-of-way so

that improvements can be made to the stretch of Baynard Boulevard that currently exists as a 'paper street'.

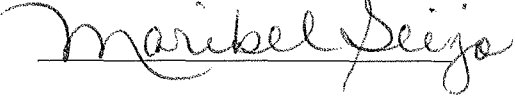
Passed by City Council,

February 18, 2016

ATTEST:  
City Clerk

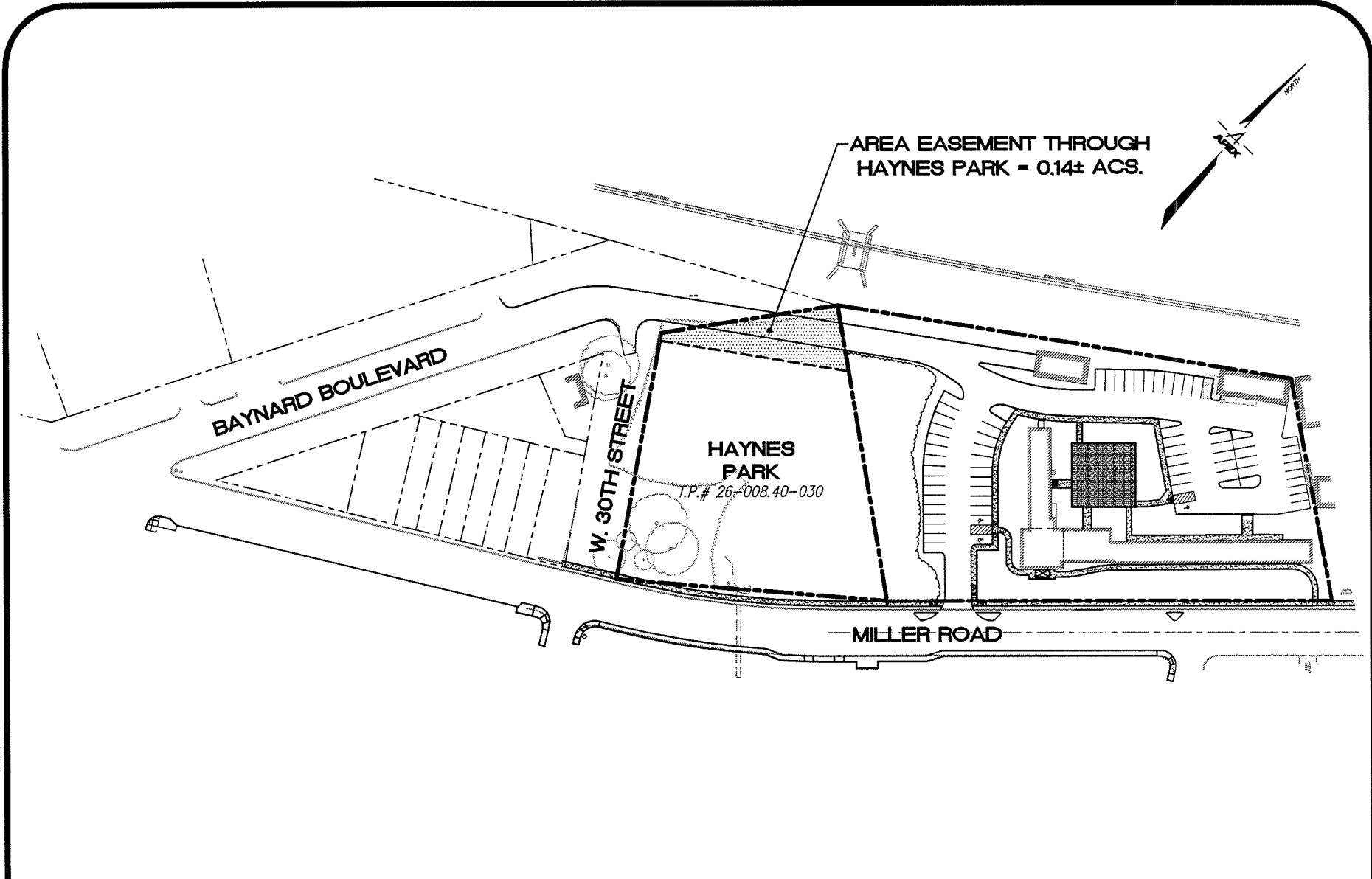
Approved as to form this 18<sup>th</sup>  
day of February, 2016.

  
Assistant City Solicitor



**SYNOPSIS:** This resolution grants the Department of Public Works the authority to grant an easement to allow for the use of a portion of the lands owned by the City of Wilmington being New Castle County Tax Parcel Number 26.008-40.030 to be used as right-of-way so that improvements can be made to the stretch of Baynard Boulevard that currently exists as a 'paper street'.

EXHIBIT A

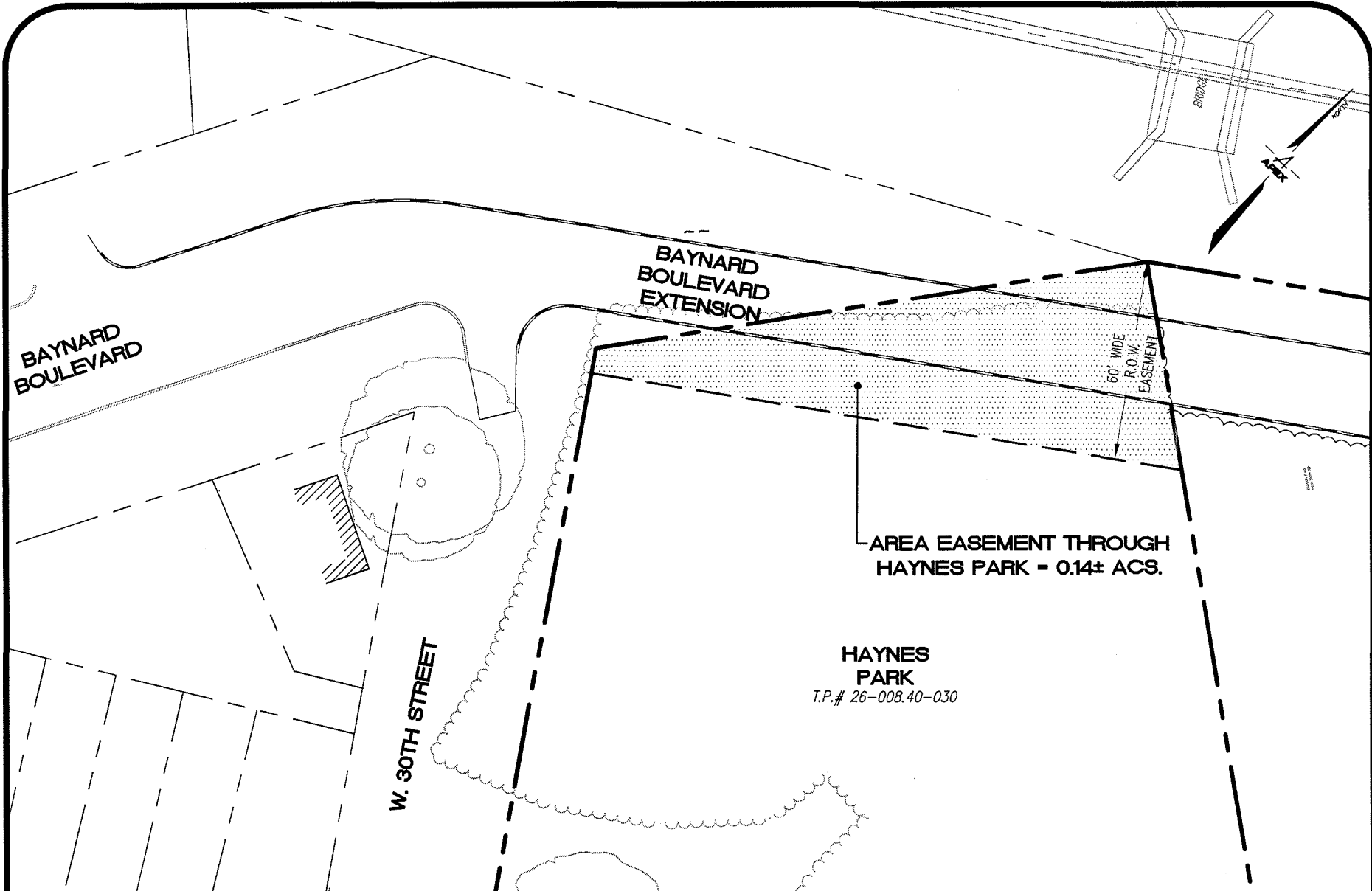


**APEX** ENGINEERING  
INCORPORATED  
27 W. MARKET STREET NEWPORT, DELAWARE 19804  
(302) 994-1900 (302) 994-9099 FAX

EXHIBIT A  
BAYNARD BOULEVARD EXTENSION AND  
EASEMENT THROUGH HAYNES PARK  
**CITY OF WILMINGTON**  
T.P.# 26-008.40-030  
CITY OF WILMINGTON - NEW CASTLE COUNTY - DELAWARE

SCALE 1" = 125'	DATE 2/12/2016	SHEET NO. 1
SURVEYED BY: J.S./K.P.	DRAWN BY: F.D.S.	OF 1
	CHECKED BY: S.G.D.	REVISION
PROJECT / FILE NUMBER 14108000EXH-BAYNARD CONNECT		

EXHIBIT B



**APEX** ENGINEERING INCORPORATED  
 27 W. MARKET STREET NEWPORT, DELAWARE 19804  
 (302) 994-1900 (302) 994-9099 FAX

**EXHIBIT B**  
**BAYNARD BOULEVARD EXTENSION AND**  
**EASEMENT THROUGH HAYNES PARK**  
**CITY OF WILMINGTON**  
 T.P.# 26-008.40-030  
 CITY OF WILMINGTON - NEW CASTLE COUNTY - DELAWARE

SCALE 1" = 40'	DATE 2/12/2016	SHEET NO. 1
SURVEYED BY: J.S./K.P.	DRAWN BY: F.D.S.	OF 1
	CHECKED BY: S.C.D.	REVISION
PROJECT / FILE NUMBER 14108000EXH-BAYNARD CONNECT		

EXHIBIT C



