

RES16-002

Wilmington, Delaware  
January 21, 2016

#4152

Sponsor:

Council  
Member  
Freel

**WHEREAS**, the Commissioner of the Department of Licenses and Inspections has declared the premises at 2600 West 18<sup>th</sup> Street to be in such condition as to constitute a public nuisance building as set forth in Wilmington City Code, Section 4-27, subsection 116.1.4(a) and/or Section 4-27, subsection 116.1.5; and

**WHEREAS**, timely notice of the conditions of the Premises were forwarded to the owner of record (the "owner"), as listed in Exhibits "A" and "B" attached hereto, by certified mail and/or by posting of the Premises and ordering the owner to correct the violations and/or demolish the structure, as required by Wilmington City Code, Section 4-27, subsections 116.1.4(c) and 116.3.1 in addition to notifying any record lien holders; and

**WHEREAS**, the owner filed an appeal of the Order to the Board of Licenses and Inspections Review ("the Board");

**WHEREAS**, on November 9, 2016, the Board, after a full hearing on the matter, denied the owner's appeal. The Board's written decision is attached hereto as Exhibit "C".

**WHEREAS**, the owner has failed to comply with the Order to rehabilitate or demolish the Premises or to show cause why said Premises should not be demolished; and

**WHEREAS**, the conditions persist, the owner has failed to take necessary steps to rehabilitate or demolish the Premises, and the Commissioner of Licenses and Inspections recommends that the Premises be demolished.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that the Commissioner of Licenses and Inspections be, and hereby is, authorized to secure demolition of 2600 West 18<sup>th</sup> Street on dates selected by him.

**BE IT FURTHER RESOLVED** that all expenses of such demolition be paid by the City Treasurer from monies from the City Treasury, with said owner, as listed in

Exhibit "A", being liable to the City of Wilmington for the full amount so expended pursuant to 25 *Del. C.* §§4601 and 4602.

**FURTHER RESOLVED** that liens may be placed upon the Premises pursuant to 25 *Del. C.* §§4601 and 4602.

**FURTHER RESOLVED** that the City Clerk shall forward copies of this Resolution to the Commissioner of Licenses and Inspections and the City Treasurer as their respective authority to act in this matter.

Passed by City Council,  
January 21, 2016

ATTEST: Maribel Slijp  
City Clerk

Approved as to form this  
21<sup>st</sup> day of January, 2016

Rosmaria Assone DeLo  
First Assistant City Solicitor

**SYNOPSIS:** This resolution authorizes the Department of Licenses and Inspections to carry out the non-emergency demolition of 2600 West 18<sup>th</sup> Street and also authorizes the City Treasurer to expend funds necessary to carry out one non-emergency demolition, with the costs to become liens upon the property.

**EXHIBIT A**

**Parcel # 2600540022**

Property Address: 2600 W EIGHTEENTH ST  
WILMINGTON, DE 19806-

Subdivision: WILMINGTON

Owner: DEWPOINT LLC

4000 SPRINGFIELD LANE

Owner Address: UNIT B  
WILMINGTON, DE 19807

Municipal Info: Incorporated in WILMINGTON PROPERTY TAX AREA

Lot #: 10	Property Class: RESIDENTIAL
Location: CORNER LOT	Lot Size: 0.07
Map Grid: 10003620	Lot Depth: 125
Block: 91	Lot Frontage: 25
Census Tract: 013.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 000000	

**District & Zoning Info**

Districts

- **COUNCIL 4 - PENROSE HOLLINS**
- **FIRE/RESCUE - CITY OF WILM**
- **RED CLAY SCHOOL DIST-TRES**
- NORTH OF C&D CANAL
- WILM CC 8-CHARLES M FREEL
- DE REP 04-GERALD L BRADY
- DE SEN 01-HARRIS B MCDOWELL
- PLANNING 11 - WILMINGTON
- TRAFFIC ZONE T031 (YR2000)

Zoning

- 26R-2 - ONE FAM SEMI DETACHED&DETACHED

**Sales History**

Owner	Deed	Current Owner?	Multi?	Sale Date	Sale Amount
LOWICKI MAKARY & TESSIE	0 0	N	Y	Not Available	\$0.00
LOWICKI STANLEY C	1562 140	N	N	7/23/1993	\$137,000.00
LOWICKI WALTER & TESSIE	2277 289	N	N	5/29/1997	\$10.00
LOWICKI WALTER TRUSTEE	2831 152	N	N	5/23/2000	\$1.00
LOWICKI STANLEY C	20150306 0010490	N	N	3/6/2015	\$10.00
DEWPOINT LLC	20150306 0010491	Y	N	3/7/2015	\$10.00

**Tax/Assessment Info**

Assessment

Land: 11800

Structure: 48600

Homesite: 0

Total: 60400

County Taxable: 60400

School Taxable: 60400

**Tax Bills as of 1/20/2016 3:05:54 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$601.70
2011A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$589.01
2012A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$583.46
2013A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$642.16
2014A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$662.27
2015A	\$0.00	\$0.00	\$147.13	\$0.00	\$0.00	\$1,291.96

**Tax Payments as of 1/20/2016 3:05:54 AM**

Date Paid	Amt Paid
9/29/2010	\$601.70
9/29/2010	\$147.13
9/28/2011	\$589.01
9/28/2011	\$147.13
9/27/2012	\$730.59
9/27/2013	\$642.16

*State of Delaware* }  
  } *SS.*  
*New Castle County* }

*I, Michael E. Kozikowski,*  
*Recorder of Deeds for New Castle County, State of Delaware, do hereby certify*  
*that the above and foregoing is a true and correct copy of:*

*DEED*

*STANLEY C. LOWICKI*

*AND*

*DEWPOINT LLC*

*as the same appears of Record in the Recorder's Office for said County, in*

*INSTRUMENT NO. 20150306-0010491*

*Witness my hand and official seal, this TWENTY-SECOND day of DECEMBER A.D. 2015*

  
*Michael E. Kozikowski*  
*New Castle County Recorder of Deeds*





20150306-0010491

Pages: 3 F: \$67.00  
03/06/15 04:07:05 PM  
T20150007129

Michael E. Kozikowski  
New Castle Recorder DEE

*Grantee's address* 400 SPRINGFIELD LN. WMTB  
Parcel No. 26005400 22 WILM. DE.  
19807

*Returns to* 2600 w 18<sup>th</sup> st  
Wilmington, De. 19806  
Prepared by: Stanley C. Lowicki, Esq.  
The Janeve Bldg.  
830 West St., Wilmington, De. 19801

This Deed, made this <sup>6<sup>th</sup></sup> day of March in the year of our LORD Two  
Thousand Fifteen, C.E.

Between, Stanley C. Lowicki, Party of the First Part,

AND

DEWPOINT LLC., a limited liability company formed in the State of  
Delaware Party of the Second Part,

Witnesseth, That the said party of the first part, in consideration of the sum  
of Ten Dollars (\$10.00) lawful money of the United States of America, the receipt  
of which is hereby acknowledged, hereby grants and conveys unto the said party of  
the second part,

ALL that certain lot, piece or parcel, of land with  
the buildings thereon erected, Known as No. 2600 W. 18th Street , situate in the  
City of Wilmington, County of New Castle, State of Delaware, bounded and  
described as follows, to wit : Beginning at a the corner formed by the  
intersection of the Westerly side of Brinkle Avenue with the Southerly side of  
Eighteenth street extended thence Westerly along said side of Eighteenth street  
extended twenty-five feet to a corner, thence Southerly parallel with Brinkle  
Avenue one-hundred and twenty five feet to a corner, thence Easterly parallel with  
Eighteenth street extended twenty-five feet to a point in the said Westerly side of  
Brinkle Avenue, and thence Northerly one-hundred and twenty- five feet to the  
place of Beginning. Be the contents what they may.

Under and subject nevertheless to the regulation and restriction that not any  
buildings shall be erected on said lot of land at a less distance than twenty feet  
Southerly from the Southerly side of Eighteenth street extended and that the whole  
front on the said street twenty feet wide shall be kept an open ornamental space for

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the free passage of air and light forever and to the further restriction that no malt or spirituous liquors shall be sold on the premises hereby conveyed forever.

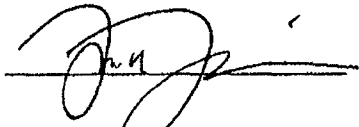
Being the same lands and premises which the Revocable Trust of Walter Lowicki dated August 18, 1999, also known as The Walter Lowicki (Makary) Revocable Trust dated 18th, August, 1999 by Stanley C. Lowicki, Trustee did grant and convey unto Stanley C. Lowicki, individually, on March 2015 and recorded in the office for recording deed in and for New Castle County, Delaware, in Deed Record pg , instrument number 20150306 0010490 , recorded March 2015

This deed is from a grantor to a corporation where the interest is in the same proportion and is not subject to any real estate transfer tax.


In Witness Whereof, Stanley C. Lowicki Party of the First Part, hath caused his name to be hereunto affixed, duly executed, the day year first above written.

Sealed and Delivered

In the Presence of



John Michael Dennis

 (SEAL)

Stanley C. Lowicki,

2060

State of Delaware }  
New Castle County }

Be it Remembered, that on this

6<sup>th</sup> Day of March year of our LORD Two Thousand fifteen, personally appeared before me the Subscriber, a Notary Public/Officer for the State of Delaware, Stanley C. Lowicki, The Party of the First Part

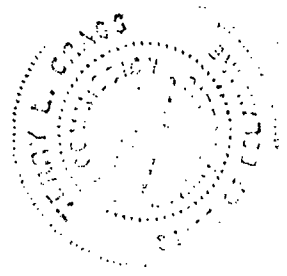
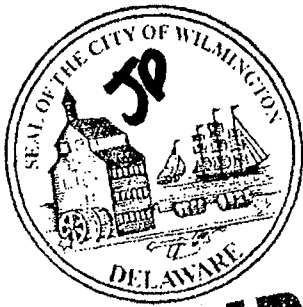
known to me personally to be such, and acknowledged this to be his act and deed and that the signature thereto is in his own proper handwriting and the seal affixed, and that his act of sealing, executing acknowledging, and delivering said indenture was voluntary.

Given under my Hand and Seal of Office, the Day and year aforesaid.

*Terry L. Cragg*

Notary Public/Officer

TERRY L. CRAGG  
NOTARY PUBLIC • DELAWARE  
My Commission Expires 3-24-2018



**EXEMPT**  
PARCEL #  
3.6.15



**EXHIBIT B**

DENNIS P. WILLIAMS  
MAYOR

City of Wilmington  
Delaware



LOUIS L. REDDING - CITY/COUNTY BUILDING  
800 FRENCH STREET  
WILMINGTON, DELAWARE  
19801-3537

[WWW.WILMINGTONDE.GOV](http://WWW.WILMINGTONDE.GOV)

Department of Licenses & Inspections  
(302) 576-3030

May 26, 2015

BY: Certified Mail, Regular Mail and Posted

Dewpoint LLC  
Mr. Stanley Lowicki  
4000 Springfield Lane  
Unit B  
Wilmington, DE 19807

## DEMOLITION ORDER

RE: 2600 W 18<sup>th</sup> Street – Parcel number 2600540022

Dear Mr. Lowicki:

As a result of an inspection conducted on **April 9, 2015**, the City of Wilmington Department of Licenses and Inspections has determined the structure located at **2600 W 18<sup>th</sup> Street** violates the Wilmington City Code. Due to the existence of the conditions more specifically enumerated below, the continued vacancy of the building, and the lack of reasonable maintenance, this structure is unsafe and constitutes a public nuisance posing a serious threat to public health, safety and welfare in violation of, and as defined by, Chapter 4, Sections 4-27,116.1.4 and 4-27,116.1.5 of the Wilmington City Code. Additionally, this structure is **CONDEMNED** pursuant to Wilmington City Code sections 4-27, 116.1.5.

The following conditions must be repaired, or the structure completely demolished, within 30 (thirty) days of the date of this Order:

- Deteriorated roof – Wilmington City Code sections 4-27, 116.1.1(a)(foundations, exterior walls and roofs) and 4-27, 116.1.1(c)(drainage and removal of rainwater from roofs);
- Third floor collapsed into the floor below – Wilmington City Code section 4-27, 116.1.1(b)(interior partitions, walls, floors and ceiling);

- Deteriorated, water-damaged ceilings and floors throughout entire structure – Wilmington City Code section 4-27, 116.1.1(b)(interior partitions, walls, floors and ceiling);
- Holes/deterioration of exterior walls causing property to be open to the elements – Wilmington City Code section 4-27, 116.7(a) (foundations, exterior walls and roofs);
- Inoperable toilets and plumbing fixtures throughout; unsanitary bathrooms -- Wilmington City Code section 4-27, 116.1.1(g)(i) (plumbing fixtures; water and waste pipes; toilet room and bathroom floors);
- Visibly compromised structural integrity throughout the structure. Obtain a structural analysis by a licensed structural engineer and provide a copy of the report to the Department of Licenses and Inspections – Wilmington City Code section 4-27, 116.1.1(q) (structural analysis);
- Remove dangerous amounts of combustible materials, including but not limited to rubbish, waste paper, boxes and other highly combustible material, accumulated throughout the building -- Wilmington City Code section 12-59(1)(3) (elimination of dangerous or hazardous conditions);
- Remove all obstructions from stairs, passageways, doors and/or windows interfering with fire department operations of the fire department or egress of occupants in case of fire (Wilmington City Code section 12-59(1)(5)(6) (elimination of dangerous or hazardous conditions).<sup>1</sup>

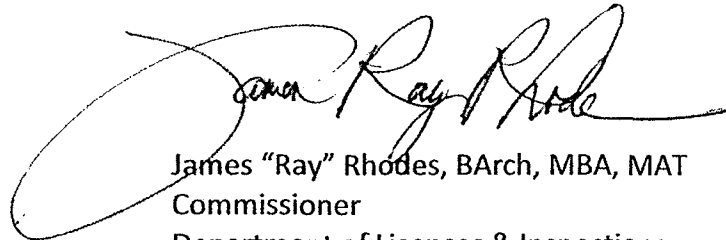
Due to the severely deteriorated conditions existing throughout this structure, and there being no less drastic measure reasonable and available to abate the public nuisance posed by this structure, the City of Wilmington will demolish the structure pursuant to Chapter 4, Sections 4-27, 116.1.4(c) and 116.1.5 if you fail to correct the violations specified above within 30 days. If the structure is demolished by the City, the City will place a lien on the property for the costs incurred by it in accordance with the provisions of 25 *Del. C.* §§ 4601 and 4602, and the property will be subject to sheriff sale. Further, your failure to timely complete the repairs or demolish the property in accordance with this notice may result in a criminal summons being issued to you.

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<sup>1</sup> Due to the visibly severe deterioration of the floors and ceilings, the large amounts of combustible material throughout, and the obstructions on the stairs, in the hallways and in the doorways, the Wilmington Fire Department has deemed this property operationally unsafe, posing a substantial risk to the lives of fire personnel in the event of a fire. Therefore, the Wilmington Fire Department has ordered that in the event of a fire, its response would be limited to suppressing the fire from the exterior of the property.

Should you have any questions, please contact me at (302)576-3031.

Sincerely,



James "Ray" Rhodes, BArch, MBA, MAT  
Commissioner  
Department of Licenses & Inspections

## **APPEAL RIGHTS**

You have the right to appeal this order. The appeal must be in writing and filed with the office of the Commissioner of the Department of Licenses and Inspections within **ten (10) days** of receipt of the notice being appealed. Each appeal shall be accompanied by:

- A. A written petition setting forth:
  - 1. The principal points upon which the appeal is made.
  - 2. Specific reference to the provisions of the applicable code section or the sections upon which the appeal is based.
  - 3. The name(s) and addresses of the owners of all other property (ies) affected by this appeal.
- B. A non-refundable fee of fifty dollars (\$50.00)

The appeal should be addressed as follows:

**Secretary  
Board of Licenses and Inspections Review  
Louis L. Redding City/County Building  
800 N. French Street, 3<sup>rd</sup> Floor  
Wilmington, Delaware 19801**

A hearing will be scheduled before the Board of Licenses and Inspections Review. At this hearing, you may introduce evidence and/or witnesses to support your appeal. You may be represented by an attorney, or you may choose to present your appeal on your own. The Board of License and Inspection Review has the authority to affirm, modify, reverse, vacate, or revoke the action for which the appeal is being made. A written notice of the Board's decision will follow the hearing.

**EXHIBIT C**

DENNIS P. WILLIAMS  
MAYOR

City of Wilmington  
Delaware

LOUIS L. REDDING - CITY/COUNTY BUILDING  
800 FRENCH STREET  
WILMINGTON, DELAWARE  
19801-3537

WWW.WILMINGTONDE.GOV



December 17, 2015

**By Certified and Regular Mail: 7013 0600 0001 8133 3239**

Stanley C. Lowicki  
Dewpoint LLC  
4000 Springfield Lane  
Wilmington, DE 19807

**RE: 2600 W. 18<sup>th</sup> Street, Wilmington, DE 19806**

Dear Mr. Lowicki:

This is the decision of the Board of License and Inspection Review ("the Board"), concerning your appeal of the Demolition Order for the above-referenced property.

On May 26, 2015, the Commissioner of Licenses and Inspections, James "Ray" Rhodes, issued a Demolition Order for your property located at 2600 W. 18<sup>th</sup> Street. You appealed the Order and the case was heard on November 9, 2015.

The City, through a search warrant, conducted an inspection of the premises on April 9, 2015. During the inspection, the City found that due to the lack of maintenance and continued vacancy, the property posed a threat to the public health and safety as defined by City codes 4-27, 116.1.4 and 4-27, 116.1.5.

During your testimony, you admitted that the property needed an ample amount of rehabilitation and you wanted additional time to make the repairs. You also testified that the holes in the roof that caused significant water damage to the structure were caused by vandalism. However, you did not report the vandalism and therefore, there is no police report.

You further testified that the property has been for sale, "off the market", for several years and that there have been interests in it. You submitted into evidence, real estate sales comparable and a real estate services proposal. The comparable represented in your exhibits

Mr. Lowicki  
December 17, 2015  
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was of properties that are ready to occupy. When asked about the discrepancy, you stated that you believe the real estate that you presented reflected the condition of your property as well.

You testified that you had made repairs to the roof in October of 2014 and that in 2014 and 2015, you attempted to obtain permits from the Department of Licenses and Inspections ("L & I"), but the permits were denied. When asked by the City whether you had submitted an Engineer's Report, Architectural Drawings or a Scope of Work from a Licensed Contractor, you testified that you did not. It was explained to you by the City that without specific documentation, which includes sealed architectural drawings and building contractor's scope of work and cost of repairs, permits cannot be issued by L & I for a project of this magnitude.

The Board asked whether you had a Listing Agreement to sell the property; you did not. You were asked how often you visited the property and you stated there was a time that you did not go to the property for six to seven months and when you did visit, you did not always go inside the property. You were questioned about the specific condition of the roof; was it leaking; had it collapsed, was there water damage to the ceiling? You answered yes to each of these questions. When asked if you wanted to sell the house and if so, for how much, you stated that you wanted to sell the property and in 2011, you were offered \$300,000.00 for it, which you rejected.

Vacant property Inspector, Greg Solomon, who inspected the property on April 9, 2015, testified that daylight was visible through several rooms, the ceiling had caved in, some of the beams were supported by jacks and wood braces, and the stairwells were weak. Additionally, the house was filled with clutter, furniture, and appliances that were inoperable.

Lastly, several neighbors were present for the hearing. The President of the Highland Civic Association testified that he is able to view the open and decaying property from his back door. He stated that your property was unique to the neighborhood because it was the only one in deplorable shape. Another neighbor from across the street testified that he has lived in his home for about 45 years and it appears that the use of the property has not changed over the years. The house was never occupied while he lived there, nor has he witnessed any real activity to repair the property. Lastly the District Councilman testified that he supported the Demolition Order and asked that the Board put themselves in the shoes of the neighbors who have endured the condition of your property for many years.

Because it believed that no work was done on the property and because the structure is a danger to the public, the Board, Gladys Spikes, Mamie Baynard, Jerry Velazquez, and Daniel Benedetto voted unanimously to deny your request for a stay of the Demolition Order.

Mr. Lowicki  
December 17, 2015  
Page 3

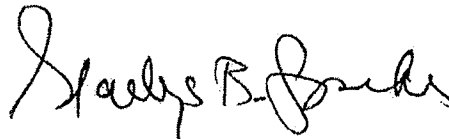
Accordingly, the property shall be demolished in accordance with the Commissioner's Order dated May 26, 2015.

Approved as to Form:



Cynthia Ferguson, Secretary  
Board of License and Inspection Review

Very Truly Yours,



Gladys B. Spikes, Acting Chairperson  
Board of License and Inspection Review

cc: Rosamaria Tassone-DiNardo, Esquire  
Attorney for Licenses & Inspections

Brenda James-Roberts, Esquire  
Attorney for the Board

James "Ray" Rhodes, Commissioner  
Department of Licenses and Inspections

The Department of Licenses & Inspections  
Master File