

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

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**#4190**

**Sponsor:**

**Council  
Member  
Shabazz**

**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

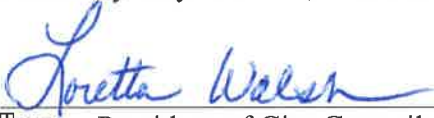
portions of E Street, Claymont Street, and Green Street proposed for removal shall be prohibited.

**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..... June 2, 2016

Passed by City Council, June 2, 2016


  
Pro Temp President of City Council

ATTEST:   
Deputy City Clerk

Approved as to form this 6<sup>th</sup> day of  
April, 2016

  
Assistant City Solicitor

Approved this 3 day of  
June, 2016




  
Mayor

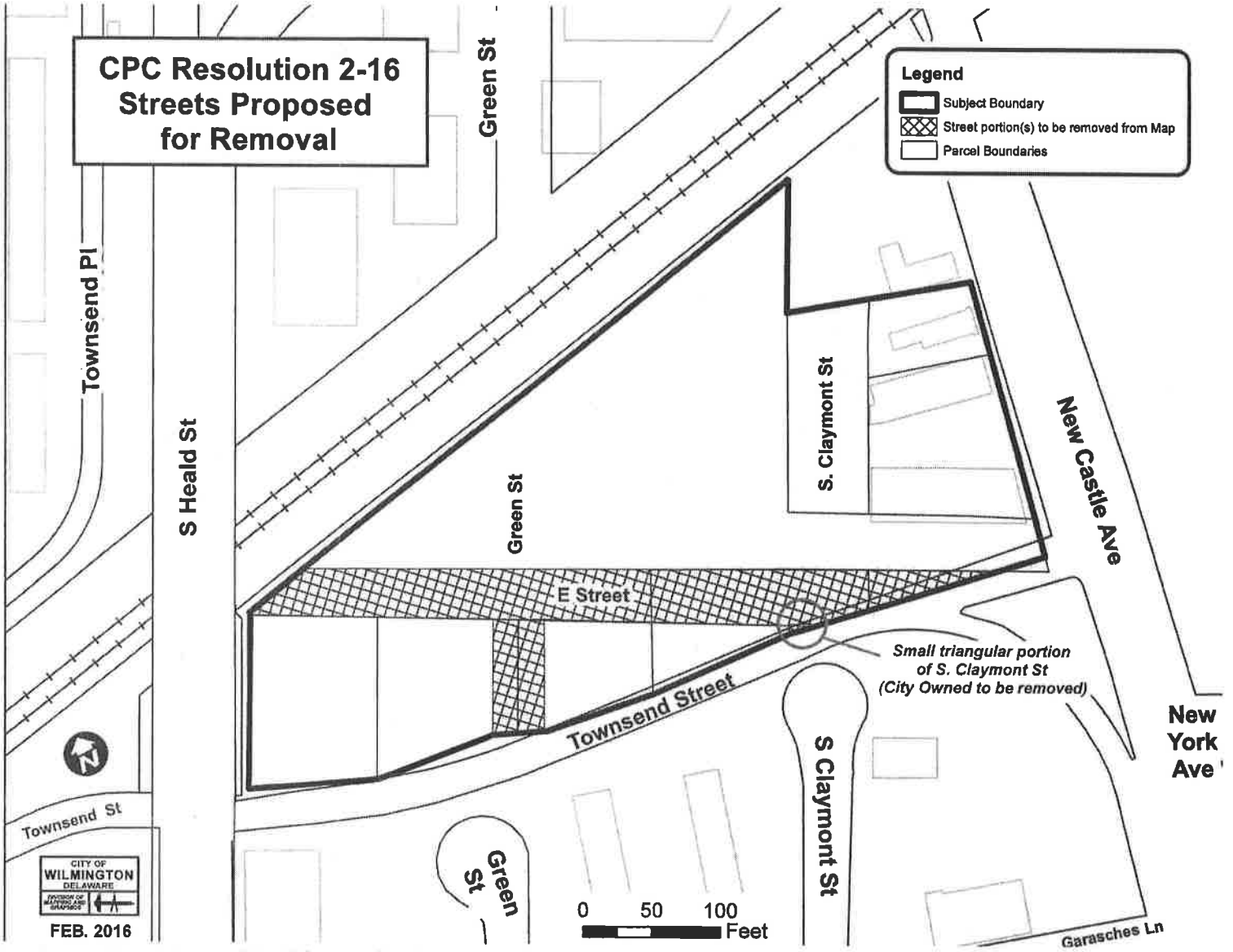
**SYNOPSIS:** This Ordinance authorizes the removal from the Official City Map portions of E Street, Claymont Street, and Green Street.

EXHIBIT A-MAP OF STREETS

# CPC Resolution 2-16 Streets Proposed for Removal

## Legend

-  Subject Boundary
-  Street portion(s) to be removed from Map
-  Parcel Boundaries



Small triangular portion  
of S. Claymont St  
(City Owned to be removed)

CITY OF  
WILMINGTON  
DELAWARE  
FEB. 2016

0 50 100  
Feet

EXHIBIT B- LEGAL DESCRIPTIONS OF STREET-BEDS



116 Middessa Drive  
Middletown, DE 19709  
Phone: (302) 983-7008  
eFax: 1 (413) 215-4517  
Email: [JTraynor@TransitionES.com](mailto:JTraynor@TransitionES.com)

## E STREET (WEST)

February 2, 2016

Description of property known as a portion of the right of way of E Street running from the southerly side of the Shellpot Branch of AMTRAK (formerly Penn Central, formerly the P.B. & W. RR Co.) ultimately to the southeasterly side of Claymont Street (extended), as shown on a Street Exhibit Plan and Mortgage Survey Plan of property of Michael F. Tavani and Gustin M. Tavani Jr. "Properties on the West side of New Castle Avenue" prepared by Transition Engineering Surveying dated July 21, 2015, revised through February 2, 2016, Project No. TGr: 234.05.01 (CAD File: NewCastleAveProps.dwg). Situated in the City of Wilmington, New Castle County, Delaware.

Beginning at the point of intersection formed by the northeasterly side of E street at 70' wide with the southeasterly side of Claymont Street at 60' wide.

THENCE from the said point of beginning, along the said northeasterly side of E Street (extended), N 62° 06' 58" W, 366.39' to its point of intersection thereof with the southerly side of the Shellpot Branch of AMTRAK (formerly Penn Central, formerly the P.B. & W. RR Co.);

THENCE along the said southerly side of the Shellpot Branch of AMTRAK, S 79° 09' 59" W, 111.91' to its point of intersection thereof with the southwesterly side of E Street.

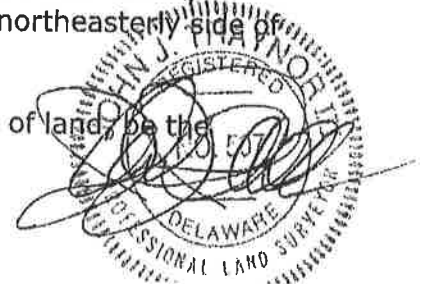
THENCE along the said southwesterly side of E Street, S 62° 06' 58" E, 417.41' to its point of intersection thereof with the northerly controlled access line of Townsend Street at 34' wide as shown on DeDOT Contract 65-07-011, said northerly controlled access line of Townsend Street being distant 17' measured in a northerly direction from its physical centerline thereof when measured at right angles thereto;

THENCE along the said northerly controlled access line of Townsend Street, the two (2) following described courses and distances:

1. S 83° 10' 12" E, 16.37' to and angle point; and,
2. S 79° 21' 05" E, 22.01' to its point of intersection thereof with the said southeasterly side of Claymont Street;

THENCE along the said southeasterly side of Claymont Street, N 27° 53' 02" E, 57.60' to its aforesaid point of intersection thereof with the said northeasterly side of E Street, the first mentioned point and place of beginning.

CONTAINING with said described metes and bounds 0.6535 acre of land, be the same more or less.





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## GREEN STREET

February 2, 2016

Description of property known as a portion of the right of way of Green Street running from the southwesterly side of E Street to the northerly controlled access line of Townsend Street, as shown on a Street Exhibit Plan and Mortgage Survey Plan of property of Michael F. Tavani and Gustin M. Tavani Jr. "Properties on the West side of New Castle Avenue" prepared by Transition Engineering Surveying dated July 21, 2015, revised through February 2, 2016, Project No. TGr: 234.05.01 (CAD File: NewCastleAveProps.dwg). Situated in the City of Wilmington, New Castle County, Delaware.

Beginning at the point of intersection formed by the northwesterly side of Green Street at 40' wide with the southwesterly side of E street at 70' wide.

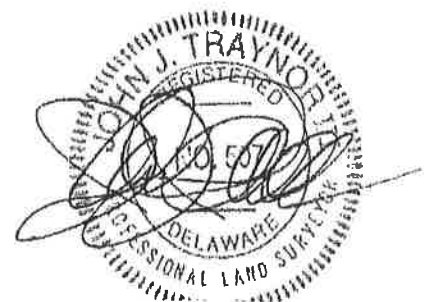
THENCE from the said point of beginning, along the said northwesterly side of Green Street, S 27° 53' 02" W, 100.57' to its point of intersection thereof with the northerly controlled access line of Townsend Street at 34' wide as shown on DeIDOT Contract 65-07-011, said northerly controlled access line of Townsend Street being distant 17' measured in a northerly direction from its physical centerline (extended) thereof when measured at right angles thereto;

THENCE along the said northerly controlled access line of Townsend Street, S 83° 44' 02" E, 43.03' to its point of intersection thereof with the southeasterly side of Green Street;

THENCE along the southeasterly side of Green Street, N 27° 53' 02" E, 84.72' to its point of intersection thereof with the said southwesterly side of E Street;

THENCE along the said southwesterly side of E Street (extended), N 62° 06' 58" W, 40.00' to its aforesaid point of intersection thereof with the northwesterly of Green Street, the first mentioned point and place of beginning.

CONTAINING with said described metes and bounds 0.0851 acre of land, be the same more or less.







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## PORTION OF CLAYMONT STREET

February 2, 2016

Description of property known as a portion of the right of way of Claymont Street running from the southwesterly side of E Street (extended) to the northerly controlled access line of Townsend Street, as shown on a Street Exhibit Plan and Mortgage Survey Plan of property of Michael F. Tavani and Gustin M. Tavani Jr. "Properties on the West side of New Castle Avenue" prepared by Transition Engineering Surveying dated July 21, 2015, revised through February 2, 2016, Project No. TGr: 234.05.01 (CAD File: NewCastleAveProps.dwg). Situated in the City of Wilmington, New Castle County, Delaware.

BEGINNING at the point of intersection formed by the northwesterly side of Claymont Street at 60' wide with the southwesterly side of E Street at 70' wide;

THENCE from the said point of beginning, along the said northwesterly side of Claymont Street, S 27° 53' 02" W, 9.12' to its point of intersection thereof with the northerly controlled access line of Townsend Street at 34' wide as shown on DelDOT Contract 65-07-011, said northerly controlled access line of Townsend Street being distant 17' measured in a northerly direction from its physical centerline (extended) thereof when measured at right angles thereto;

THENCE along the said northerly controlled access line of Townsend Street, S 83° 10' 12" E, 25.40' to its point of intersection thereof with the said southwesterly side of E Street (extended);

THENCE along the said southwesterly side of E Street (extended), N 62° 06' 58" W, 23.70' to its aforesaid point of intersection thereof with the northwesterly side of Claymont Street, the first mentioned point and place of beginning.

CONTAINING with said described metes and bounds 0.0025 acre of land, be the same more or less.

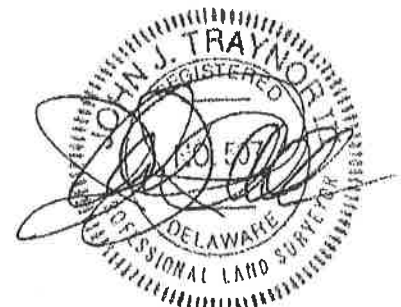


EXHIBIT C-PLANNING COMMISSION RESOLUTION 2-16

W0083255.6

**CITY PLANNING COMMISSION  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF WILMINGTON  
RESOLUTION 2-16**

**WHEREAS**, Section 2-306 and Section 42-11 of the Wilmington City Code require the City Planning Commission to review all plans for the physical development of the city, including the removal of City streets; and

**WHEREAS**, the City of Wilmington received a request from 200 LLC (Applicant) to remove portions of several mapped streets including E Street, Green Street, and South Claymont Street located within an area generally bounded by South Heald Street, Townsend Street, New Castle Avenue, and the Norfolk-Southern Railroad right-of-way, from the Official City Map; and

**WHEREAS**, the Applicant owns eight parcels of contiguous land through which the mapped street segments of E Street, Green Street, and South Claymont Street traverse; and

**WHEREAS**, the subject portions of the mapped street segments of E Street, Green Street, and South Claymont Street, have not be constructed and do not contribute to the surrounding traffic circulation or distribution system of South Wilmington; and

**WHEREAS**, the Department of Planning and Development has consulted with other City Departments and the Sewer Division of New Castle County Department of Special Services regarding this street removal request; and

**WHEREAS**, the Department of Public Works offered no objections to the proposed street removal, but noted that: 1) there is a City-owned water main and a City-owned sewer main within the street segment roadbeds of the mapped streets which will require customary maintenance services from time to time, necessitating an easement to grant safe access to the buried utility mains and their connections to the adjacent parcels; 2) there is a New Castle County-owned 78 inch force sewer main within the street segment roadbeds of the mapped streets and that traverses the applicant's parcels which will require customary maintenance services from time to time, necessitating an easement to grant safe access to the buried utility mains and their connections to the City-owned sewer main; and 3) the construction of any type or of any structure that permanently blocks access to the utilities within the affected roadbed or immediately adjacent thereto is prohibited; and

**WHEREAS**, the Fire Department has no objections to the proposed street removal; and

**WHEREAS**, the Department of Licenses and Inspections has no objections to the proposed street removal; and

**City Planning Commission  
Resolution 2-16  
March 15, 2016**


**WHEREAS**, once the City has taken action on the street removal request, the property will be disposed in accordance with Section 42-11 (d) of the City Code; and

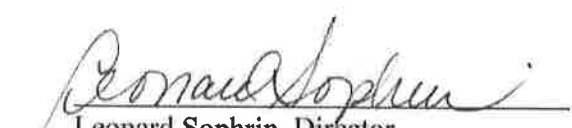
**WHEREAS**, the agenda for the Planning Commission's March 15, 2016 meeting was posted in the lobby of the Louis L. Redding City/County Building and on the City's website and was mailed to the standard Commission mailing list recipients on March 8, 2016; and

**WHEREAS**, the Planning Commission has considered the analysis as prepared by the Planning Department and other information in the public record when making its determinations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Planning Commission recommends to City Council that portions of the mapped street segments of E Street, Green Street, and South Claymont Street be removed from the Official City Map, as shown on the attached map and subject to the conditions stipulated by the Departments of Planning and Public Works, as stated below:

1. An access easement is necessary to grant safe access to the buried City-owned sewer and water mains and to their connections to adjacent parcels, commensurate with safe routine and/or emergency maintenance or construction practices;
2. An access easement is necessary to grant safe access to the buried County-owned force sewer main and its connections to City-owned sewer mains, commensurate with safe routine and/or emergency maintenance or construction practices; and
3. Construction of any type or of any structure that permanently blocks access to the utilities within the affected roadbed or adjacent thereto, or to the railroad, shall be prohibited.

  
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Polly Weir, Chairperson  
City Planning Commission

  
\_\_\_\_\_  
Leonard Sophrin, Director  
Department of Planning & Development

Date: March 15, 2016

Attachments