

AN ORDINANCE TO (I) APPROVE THE REMOVAL OF A PORTION OF DOWNING DRIVE FROM THE OFFICIAL CITY MAP AND (II) ACCEPT THE DEDICATION OF A CUL-DE-SAC AS PART OF THE NEWLY CONFIGURED DOWNING DRIVE RIGHT-OF-WAY

#4525

Sponsor:

Council
Member
Oliver

WHEREAS, the City of Wilmington is authorized to establish and revise plans of streets and alleys by the provisions of Sections 1-101, 2-306, 5-400, and 8-204 of the City Charter, such actions to be done in accordance with applicable provisions of State law and Sections 2-621 and 42-11 of the City Code; and

WHEREAS, Duffield Associates, Inc. (the "Applicant") has requested that (i) a 615-foot portion of Downing Drive be removed from the Official City Map, as illustrated on Exhibit "A" attached hereto and made a part hereof and (ii) a cul-de-sac at the proposed terminus of Downing Drive be dedicated to the City as part of the newly configured right-of-way of Downing Drive and added to the Official City Map, as illustrated on Exhibit "A" attached hereto and made a part hereof and as described more fully on Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, the City does not hold legal title to the portion of Downing Drive that is proposed for removal; and

WHEREAS, the proposed street removal will not negatively affect any existing utility easements, and all rights of access by the City will remain unchanged; and

WHEREAS, there are no findings to suggest that the removal of the portion of Downing Drive would create a detriment to the general public or to public safety; and

WHEREAS, the dedication to the City of the cul-de-sac at the proposed terminus of Downing Drive would allow for better vehicular access to neighboring properties and serve as a turn-around for emergency vehicles; and

WHEREAS, the cul-de-sac is required by the Delaware State Fire Code as part of the street alteration of Downing Drive; and

WHEREAS, the City Planning Commission has adopted Planning Commission Resolution 06-18, which recommended approval of the Applicant's request to remove the proposed portion of Downing Drive from the Official City Map and to dedicate a cul-de-sac at the terminus of Downing Drive to the City and add it to the Official City Map; and

WHEREAS, the City Council deems it necessary and appropriate to approve: (i) the removal of the portion of Downing Drive referenced in Exhibit "A" from the Official City Map and (ii) the dedication of a cul-de-sac at the terminus of Downing Drive to the City and its addition to the Official City Map, as illustrated on Exhibit "A" and as described more fully on Exhibit "B".

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

SECTION 1. The removal from the Official City Map of the portion of Downing Drive, which is illustrated on Exhibit "A" attached hereto, is hereby approved, and the Official City Map is hereby amended to reflect such removal.

SECTION 2. The dedication of the cul-de-sac at the terminus of Downing Drive, which is illustrated on Exhibit "A" attached hereto and more fully described on Exhibit "B" attached hereto, is hereby approved, and the Official City Map is hereby amended to reflect such addition.

SECTION 3. All City departments are hereby authorized to take any and all necessary actions required for the (i) proposed removal of said portion of Downing Drive

from the Official City Map and (ii) proposed dedication of the cul-de-sac at the terminus of Downing Drive and its addition to the Official City Map.

SECTION 4. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading May 17, 2018
Second Reading May 17, 2018
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ___ day of _____, 2018.

Mayor







SYNOPSIS: This Ordinance authorizes the removal of a portion of Downing Drive from the Official City Map. This Ordinance also accepts the dedication of a cul-de-sac at the terminus of Downing Drive to the City and authorizes its addition to the Official City Map.

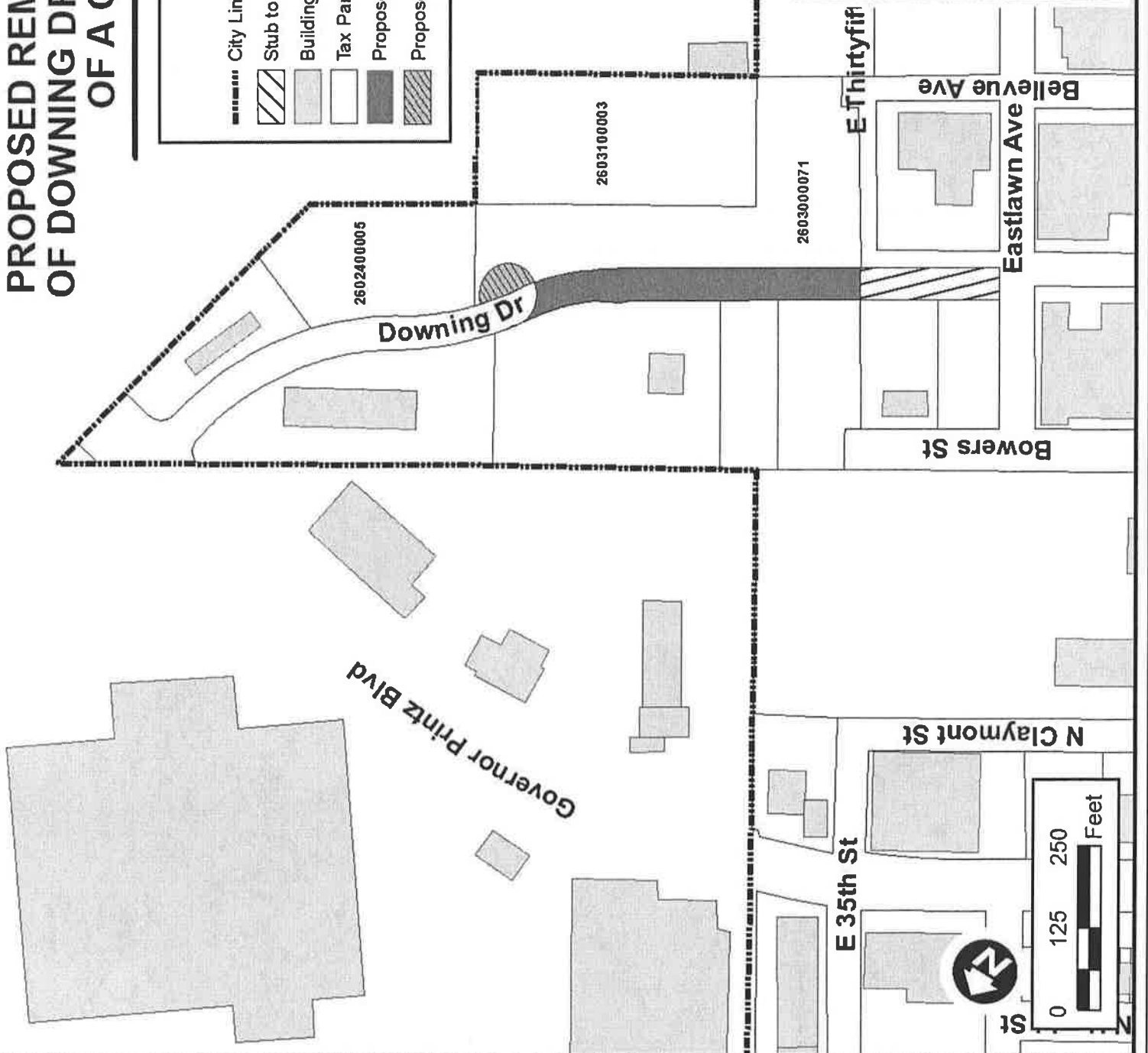
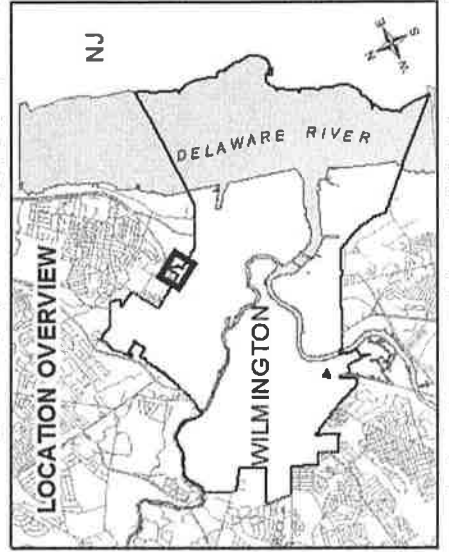
FISCAL IMPACT: This Ordinance has no significant anticipated fiscal impact.

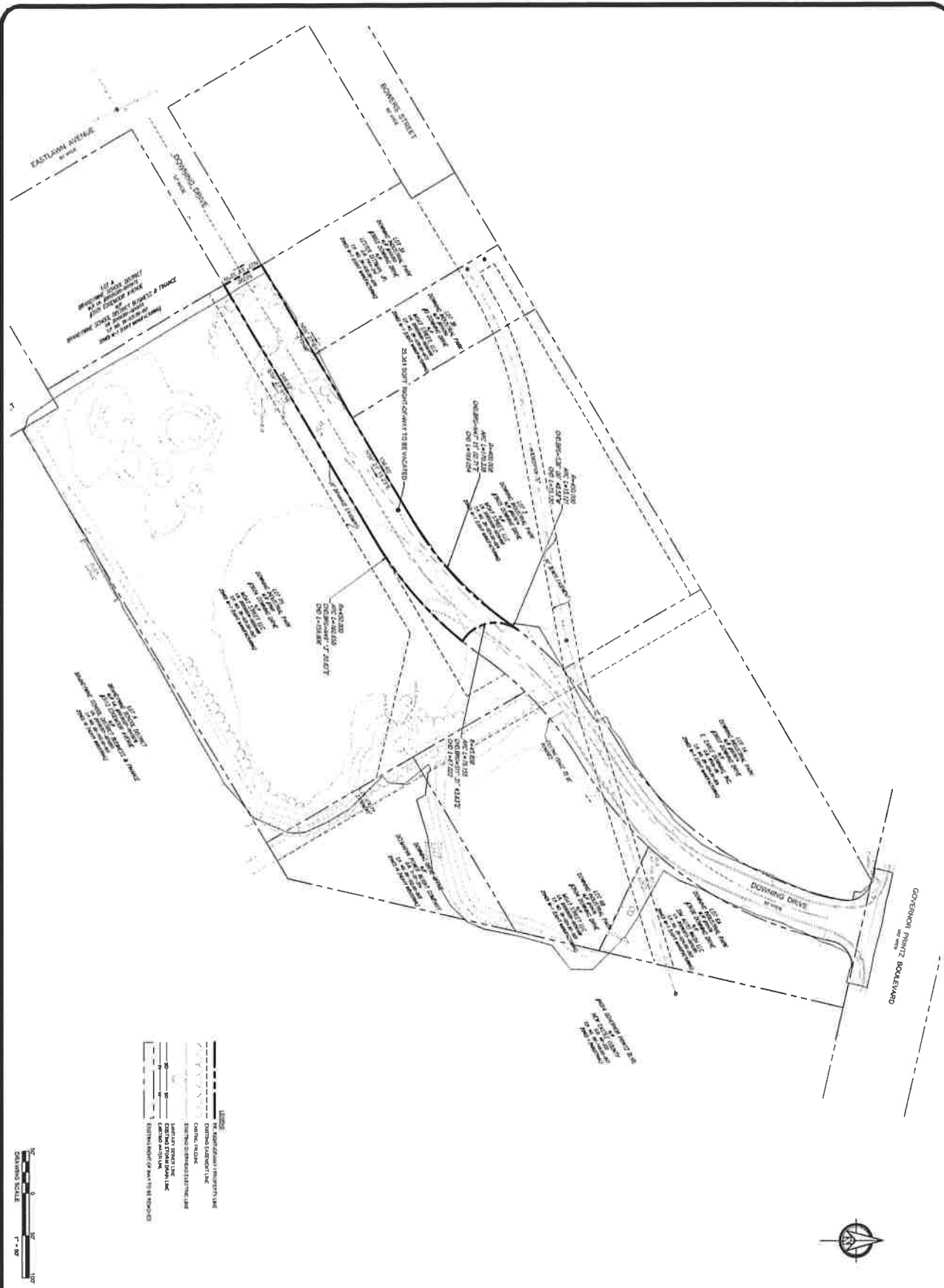
EXHIBIT A

PROPOSED REMOVAL OF A PORTION OF DOWNING DRIVE AND DEDICATION OF A CUL-DE-SAC

Key

-  City Limits
-  Stub to Remain as a Paper Street
-  Building Footprints
-  Tax Parcels
-  Proposed Removal
-  Proposed Cul-De-Sac





LEGEND

	RIGHT-OF-WAY PROPERTY LINE
	EASEMENT
	UTILITY LINE
	SURVEY BOUNDARY
	CENTERLINE
	CENTERLINE WITH RIGHT-OF-WAY
	CENTERLINE WITH EASEMENT
	CENTERLINE WITH UTILITY
	CENTERLINE WITH SURVEY BOUNDARY



DATE: 25 APRIL 2018
 SCALE: 1" = 50'
 PROJECT NO: 11560 CA
 SHEET: 1 OF 1

**RIGHT-OF-WAY VACATION EXHIBIT
 DOWNING DRIVE**

CITY OF WILMINGTON - NEW CASTLE COUNTY - DELAWARE

OWNER: BOAT STREET LLC
 P.O. BOX 25175
 WILMINGTON, DE 19888

No.	REVISION
1	REVISED FOR CITY
PRELIMINARY NOT FOR CONSTRUCTION	

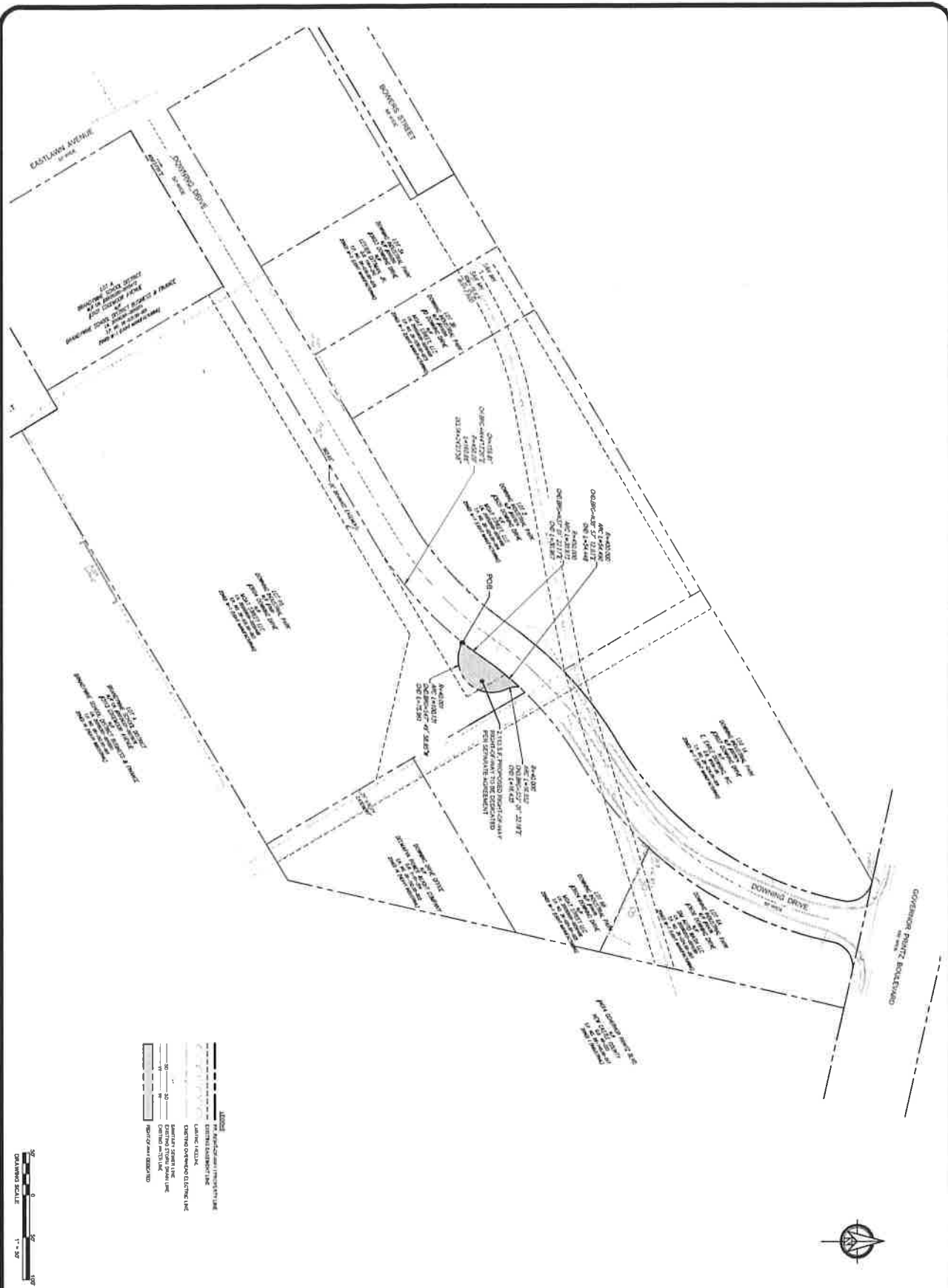
DESIGNED BY: MIC	CHECKED BY: DEL
DRAWN BY: MJP	FILE NAME: D:\11560 CA.CADD
MICHAEL J. KAUFNER, JR.	

DUFFIELD ASSOCIATES
 Soil, Water & the Environment

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 WILMINGTON, DE 19806-1232
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RIGHT-OF-WAY DEDICATION EXHIBIT B
DOWNING DRIVE

CITY OF WILMINGTON - NEW CASTLE COUNTY - DELAWARE

DATE: 25 APRIL 2018
 SCALE: 1" = 50'
 PROJECT NO: 11560 CA
 SHEET: 1 OF 1

OWN: NEW HOAT STREET LLC
 P.O. BOX 3375
 WILMINGTON, DE 19806

NO.	REVISION	DESIGNED BY	CHECKED BY
1	REVISED PER CITY ENGINEERING	EDL	DOL
		DRAWN BY	FILE NAME
		BY	DELETED/REMOVED

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EXHIBIT B

Right-of-Way Dedication Legal Description

All that certain tract, parcel, or piece of land situate in City of Wilmington, New Castle County, Delaware being the Proposed Right-of-Way Dedication across lands of now or late Lot P5 of Moat Street LLC (MF# 7681) as shown on Right-of-Way Dedication Exhibit B prepared by Duffield Associates and more particularly described as follows to wit:

Beginning at a point on the fillet joining the northeasterly side of Eastlawn Avenue (fifty (50) foot width right-of-way) with the southeasterly side of Downing Drive (fifty (50) foot width right-of-way), said point being the Northwesterly corner of land now or late Lot A of Brandywine School District Business and Finance, thence North 59 degrees 27 minutes 01 seconds East along the southerly side of Downing Drive 562.65 feet to a point, thence by an arc curving to the left having a radius of 450 feet, an arc distance of 160.66 feet (chord = N 49° 13' 20" E, 159.81 feet) to the Point of Beginning, said point being on the southeasterly side of Right of Way of said Downing Drive.

Thence, from said Point of Beginning, the following four (4) courses and distances:

- 1) Continuing along the southern right of way line of said now or late Downing Drive, by an arc curving to the left having a radius of 450.00 feet, an arc distance of 30.97 feet (chord = N 37° 01' 22" E, 30.97 feet) to a point:
- 2) Continuing along the southern right of way line of said now or late Downing Drive, by an arc curving to the right having a radius of 400.00 feet, an arc distance of 54.49 feet (chord = N 38° 57' 13" E, 54.45 feet) to a point:
- 3) Thence, through the land of said now or late Moat Street LLC, by an arc curving to the left having a radius of 40.00 feet, an arc distance of 16.55 feet (chord = S 12° 01' 32" E, 16.44 feet) to a point:
- 4) Thence, by an arc curving to the right having a radius of 40.00 feet, an arc distance of 100.13 feet (chord = S 47° 49' 59" W, 75.96 feet) to the Point of Beginning.

Containing with said metes and bounds 2,113 square feet or 0.049 acres of land, be they the same, more or less.