

**AN ORDINANCE TO APPROVE THE REMOVAL OF ALICO ROAD
FROM THE OFFICIAL CITY MAP**

#4570

Sponsor:

Council
Member
Harlee

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, and 5-400 of the City Charter, such actions to be done in accordance with applicable provisions of State law and Section 42-11 of the City Code; and

WHEREAS, the City holds legal title to Alico Road, Wilmington Delaware, being New Castle County Tax Parcel ID No. 26-035.4-0157 (the "Property"); and

WHEREAS, the State of Delaware (the "State") has requested the removal of the Property from the Official City Map, as more particularly described and depicted on Exhibit "A" attached hereto, in order to facilitate the State's long range plans for the adaptive reuse of the Customs House (516 King Street) and improvements to the Leonard L. Williams Justice Center (500 King Street); and

WHEREAS, the Department of Public Works has advised that: 1) there are no public water lines within the Property's right-of-way; 2) a public sewer line that traverses the Customs House property abuts the Property; 3) a stormwater line that traverses the Customs House property crosses the lower segment of the Property; and 4) no City street lights or other City assets are located in the Property's right-of-way; and

WHEREAS, the Department of Public Works supports the removal of the Property from the Official City Map conditioned upon the provision of easements to provide the necessary maintenance and emergency access to the affected public utility infrastructure within and adjacent to the Property's right-of-way; and

WHEREAS, the Department of Planning has no objection to the removal of the Property from the Official City Map because: 1) the Property does not serve as a

thoroughfare or significantly contribute to general traffic circulation or distribution patterns in immediate area, but rather serves as a localized access drive; 2) there are no findings to suggest that the street removal would create a detriment to the general public or to public safety; 3) the redevelopment of the Customs House property provides the opportunity to address the need for improving traffic movements internal to the super block along King Street; and 4) there is minimal impact on public utilities; and

WHEREAS, the Fire Marshal's Office has no objection to the removal of the Property from the Official City Map because the roadway will remain open for vehicle access to both the garage and the plaza and will serve as a fire lane for emergency vehicles; and

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

WHEREAS, the City Planning Commission has adopted Planning Commission Resolution 17-18, which recommended approval of the State's request to remove the Property from the Official City Map; and

WHEREAS, the City Council deems it necessary and appropriate to approve the removal of the Property referenced in Exhibit "A" from the Official City Map.

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

SECTION 1. The removal from the Official City Map of Alico Road, which is described and illustrated on Exhibit "A" attached hereto, is hereby approved, and the Official City Map is hereby amended to reflect such removal, subject to the condition that easements in favor of the City of Wilmington shall be established along the area formerly designated as

Alico Road to provide the necessary maintenance and emergency access to the affected public utility infrastructure within and adjacent to such area.

SECTION 2. All City departments are hereby authorized to take any and all necessary actions required for: (i) the proposed removal of Alico Road from the Official City Map and (ii) the execution of easements in favor of the City of Wilmington along the area formerly designated as Alico Road to provide the necessary maintenance and emergency access to the affected public utility infrastructure within and adjacent to such area.

SECTION 3. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....September 13, 2018
Second Reading.....September 13, 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 Alico Road from the Official City Map.

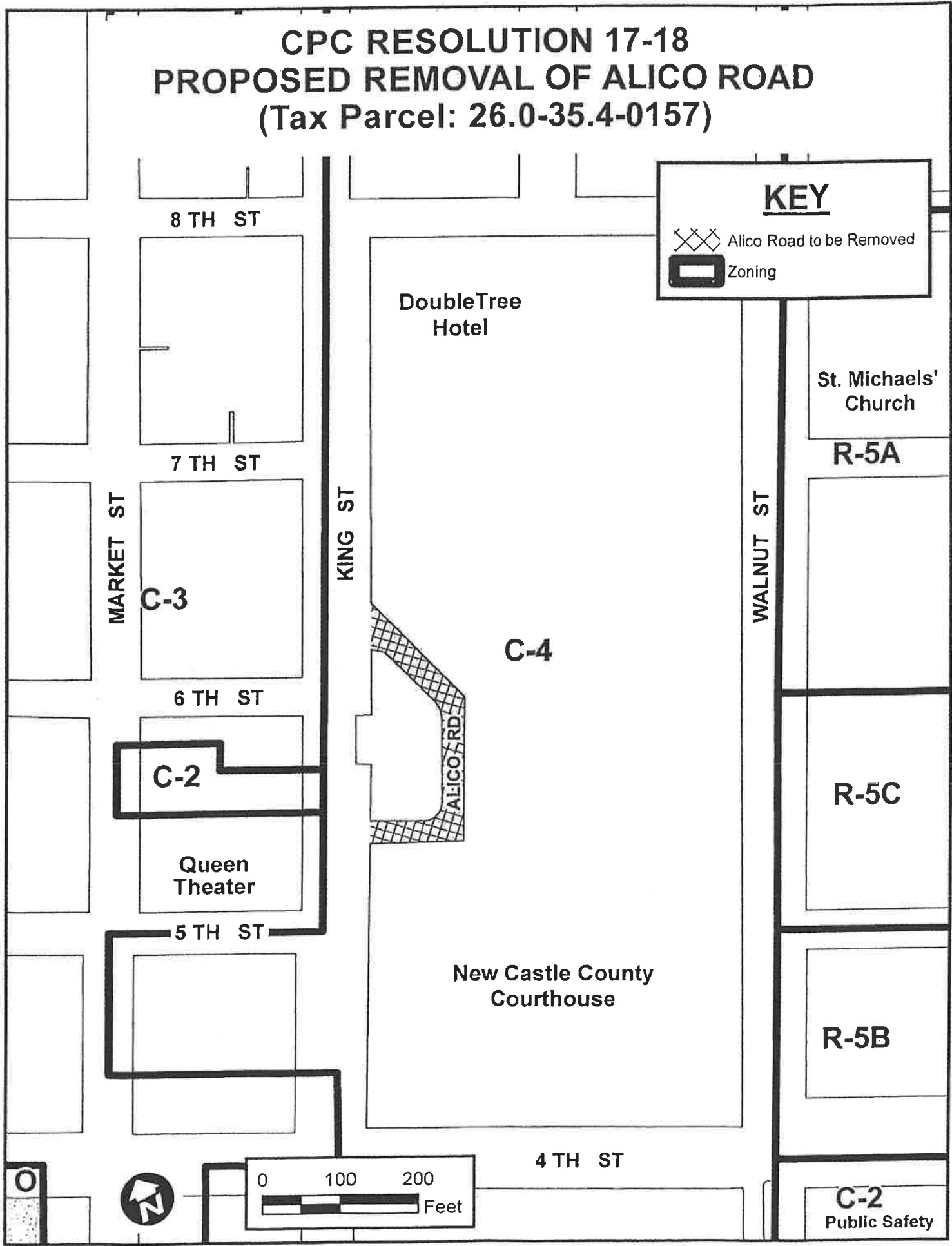
W0101832

EXHIBIT A

CPC RESOLUTION 17-18 PROPOSED REMOVAL OF ALICO ROAD (Tax Parcel: 26.0-35.4-0157)

KEY

-  Alico Road to be Removed
-  Zoning



WCD

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DEED



06188

THIS DEED, Made this 31st day of *March*, in the year of our Lord one thousand nine hundred and eighty-three.

BETWEEN:

CHRISTINA GATEWAY CORPORATION, a Delaware corporation, party of the first part,

AND

THE CITY OF WILMINGTON, a municipal corporation of the State of Delaware, party of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of FORTY-FIVE THOUSAND FORTY-TWO and 71/100 DOLLARS (\$45,042.71), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

ALL THAT CERTAIN tract, piece or parcel of land shown as Parcel D on a plat prepared by Vandemark & Lynch, Inc., Consulting Engineers and Surveyors, Wilmington, Delaware dated June 21, 1982 and revised through March 30, 1983 entitled "Christina Gateway Plan", 4th Street to 7th Street, King Street to Walnut Street, City of Wilmington, New Castle County, Delaware ("the plat"), as recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, at Microfilm # 6691, being more particularly described, as follows, to wit:

BEGINNING at a point on the southeasterly side of King Street (at 85.5 feet wide), said point being a corner for Parcel B-1 on the plat and being distant South 28°-46'-00" West, 473.10 feet measured along the said southeasterly side of King Street from its intersection with the southwesterly side of 8th Street; thence from said point of Beginning and along the southwesterly line of said Parcel B-1, South 16°-12'-30" East, 172.45 feet to a point; thence along the northwesterly lines of Parcels B-1, B-2 and E on the plat, South 28°-47'-30" West, 188.76 feet to a point; thence along the northeasterly line of said Parcel E, North 61°-02'-45" West, 121.81 feet to a point on the said southeasterly side of King Street; thence thereby, North 28°-46'-00" East, 30.00 feet to a point, a corner for Parcel C on the plat; thence along the lines of said Parcel C, the six following described courses and distances: (1) South 61°-02'-45" East, 69.76 feet to a point of curvature; (2) Northeasterly by a curve to the left having a radius of 22.00 feet, an arc distance of 34.62 feet to a point of tangency, said point being distant by a chord of North 73°-52'-22.5" East, 31.16 feet from the last described point; (3) North 28°-47'-30" East, 104.72 feet to a point of curvature; (4) Northeasterly by a curve to the left having a radius of 47.00 feet, an arc distance of 36.91 feet to a point of tangency, said point being distant by a chord of North 06°-17'-30" East, 35.97 feet from the last described point; (5) North 16°-12'-30" West, 86.44 feet to a point; and (6) North 47°-16'-23" West, 17.54 feet to a point on the said southeasterly side of King Street; thence thereby, North 28°-46'-00" East, 55.25 feet to the point and place of Beginning. Containing within said metes and bounds, 0.299 acres of land be the same more or less.

SUBJECT to the terms and conditions of the following agreements: agreement by Wilmington Housing Authority, dated October 15, 1968 and recorded in Deed Record K, Volume 81, Page 653, New Castle County records; agreement by The City of Wilmington, dated September 12, 1975 and recorded in Deed Record X, Volume 90,

page 181, New Castle County Records; agreement between The City of Wilmington and Customs House Square Associates, recorded in Deed Record X, Volume 90, Page 318, New Castle County Records.

BEING the same lands and premises which Gilpin Wilmington, Inc., et al., by Deed dated coincident herewith and intended to be recorded immediately prior hereto in the Office of the Recorder of Deeds, in and for New Castle County, Delaware, did grant and convey unto Christina Gateway Corporation, a Delaware corporation, in fee.

IN WITNESS WHEREOF, the said Christina Gateway Corporation, a Delaware corporation, has hereunto caused its hand and seal to be hereunto set.

SEALED AND DELIVERED
In the Presence of:

CHRISTINA GATEWAY CORPORATION

Robert L. Thomas

By: *[Signature]* (SEAL)

ATTEST: *W. E. [Signature]* (SEAL)

STATE OF DELAWARE;
; SS.
NEW CASTLE COUNTY;

BE IT REMEMBERED, That on this 31st day of March 1983, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, DAVID W. SINGLETON who acknowledged himself to be the PRESIDENT of CHRISTINA GATEWAY CORPORATION, a Delaware corporation, and that such being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the public body by himself and as said

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Robert L. Thomas
Notary Public



REC'D FOR RECORD
APR - 4 1983
4:32 PM
REC. 1 DUGAN & BOND



CITY OF WILMINGTON
REALTY TRANSFER TAX

Validation Number _____
Amount of City Tax \$ EXEMPT
Cancelled by [Signature]