

**AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF BALL PLACE FROM THE OFFICIAL CITY MAP**

#4621

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**, Michael Marinelli (the "Applicant"), the owner of six parcels located on the northeast corner of the block bounded by Fourth, Fifth, Tatnall, and West Streets (collectively, the "Parcels"), would like to relocate his contractor shop to the Parcels; and

**WHEREAS**, the Parcels are currently developed with a vacant two-story building and an accessory parking lot; and

**WHEREAS**, the accessory parking lot abuts a short segment of Ball Place, which is approximately ten feet by forty-seven feet (the "Property"); and

**WHEREAS**, the Applicant has requested the removal of the Property from the Official City Map, as more particularly illustrated on Exhibit "A" attached hereto, in order to acquire the Property and expand the accessory parking lot; and

**WHEREAS**, the City has not been able to determine the ownership of Ball Place, which is a non-functioning alley; and

**WHEREAS**, the Department of Public Works has advised that: 1) there are no public water or sewer lines within the Property's right-of-way and 2) the Division of Transportation has no issues with the removal of the Property from the Official City Map; and

**WHEREAS**, the Department of Planning supports the removal of the Property from the Official City Map because: 1) the alleyway no longer serves the purpose for which it was established and it is not a functional alley; 2) there are no affected utilities within the alley bed; 3) existing conditions, including deteriorated road conditions, a change in topography which severely impedes access from Tatnall Street, and the presence of vegetative overgrowth and other obstacles, currently prevent the navigation of the full length of the alleyway; 4) leaving the other, longer segment of the alleyway in place assures that access rights are preserved for all of the parcels adjacent to the Property except for the Applicant's parcel; and 5) there are no findings to suggest that the street removal would create a detriment to the general public or to public safety; and

**WHEREAS**, the Fire Marshal's Office has no objection to the removal of the Property from the Official City Map because the provision of adequate access would be evaluated as a part of the subdivision and permitting processes for future development activity; and

**WHEREAS**, there is a lack of public interest in the Property; 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 22-18, which recommended approval of the Applicant'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 a ten foot by forty-seven foot portion of Ball Place, 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.** All City departments are hereby authorized to take any and all necessary actions required for the proposed removal of the ten foot by forty-seven foot portion of Ball Place from the Official City Map.

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

First Reading.....February 28, 2019  
Second Reading.....February 28, 2019  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

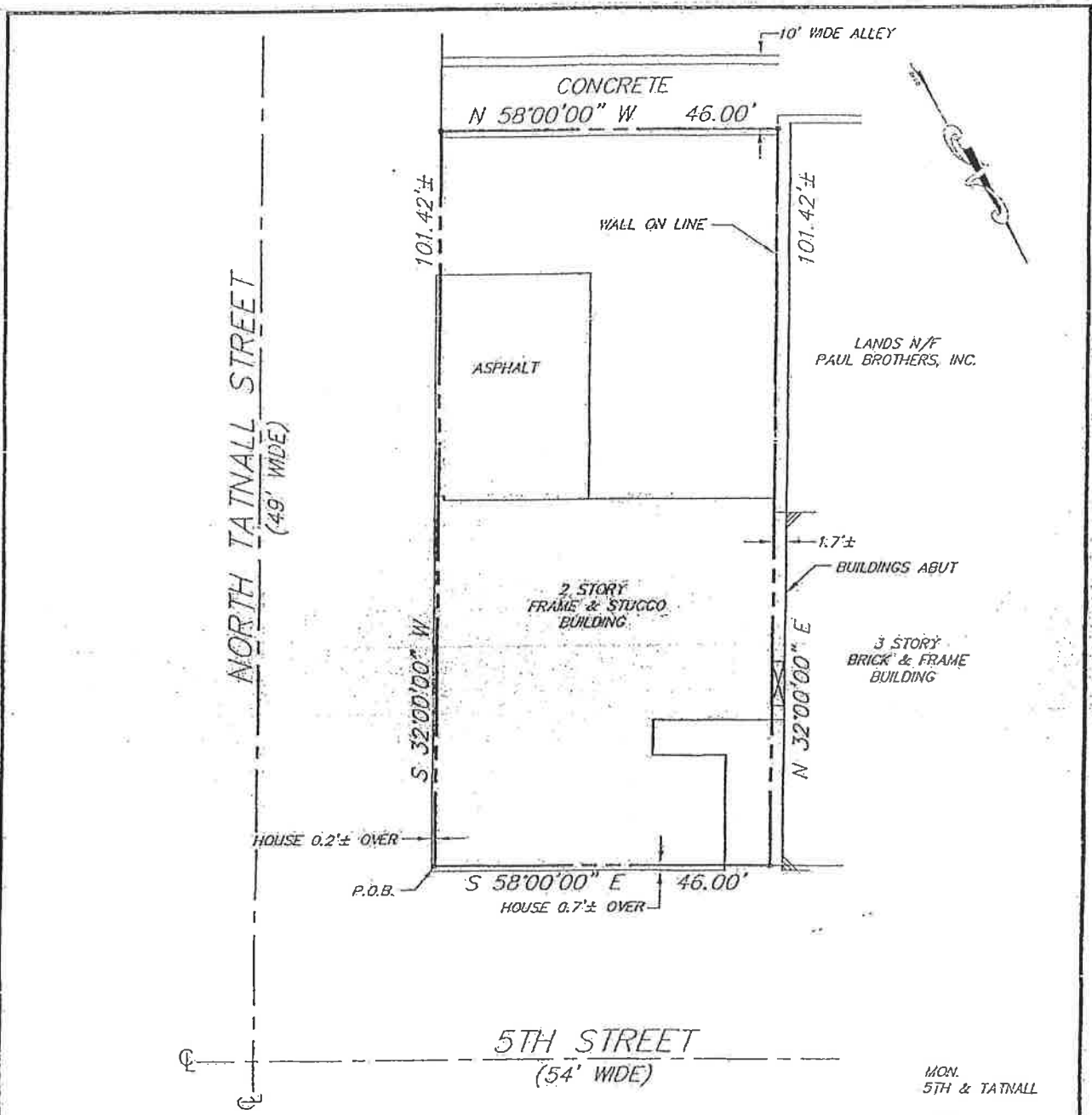
ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance authorizes the removal of a ten foot by forty-seven foot portion of Ball Place from the Official City Map.

# EXHIBIT A



THIS PLAN DOES NOT REPRESENT A PROPERTY SURVEY & SHOULD NOT BE USED FOR FURTHER IMPROVEMENTS. CORNERS HAVE NOT BEEN STAKED UNLESS NOTED. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

MON.  
5TH & TATNALL  
  
MON.  
4TH & TATNALL  
  
SURVEY CLASS: B

**MORTGAGE INSPECTION PLAN**

THE FLYNN COMPANY

415 - 427 NORTH TATNALL STREET  
CITY OF WILMINGTON  
NEW CASTLE COUNTY, DELAWARE



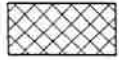
P.O. BOX 265  
YORKLYN, DE 19756  
PHONE: 302/234-8100

PROJECT	TAX PARCEL #	DEED REF.	DATE	SCALE
507-0331	VARIOUS	2017-339	11-19-03	1" = 20'

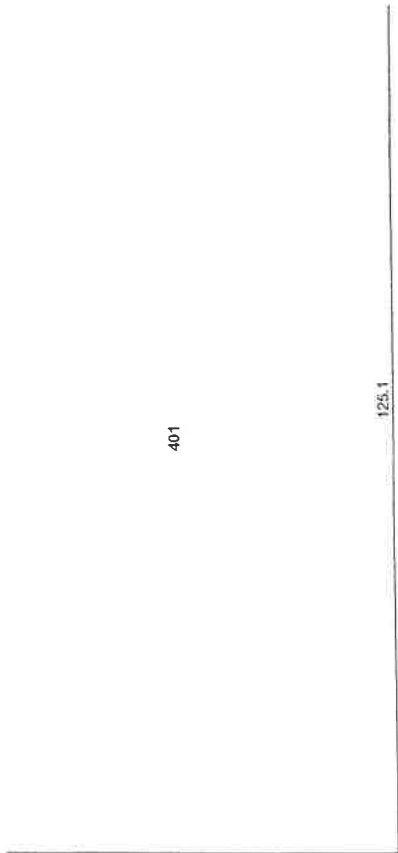
*[Signature]*  
APPROVED BY

**CPC RESOLUTION 22-18**

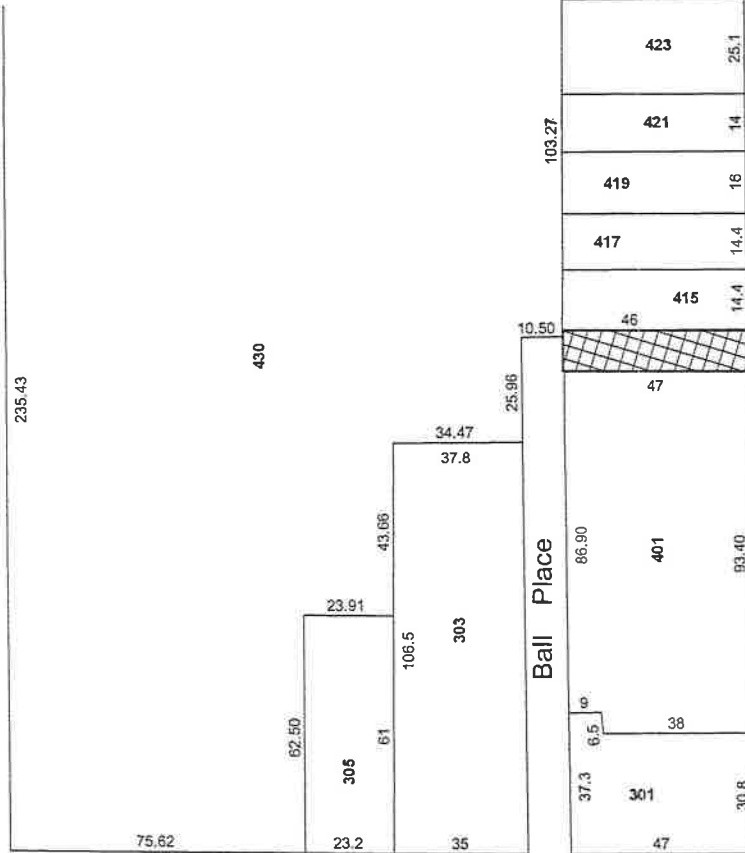
**A proposal to remove a portion of Ball Place from the Official City Map**



Portion of Alley Subject to Removal

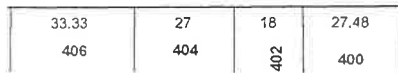


**N West St**



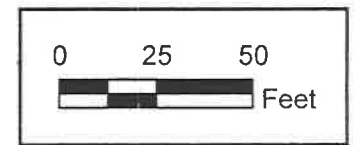
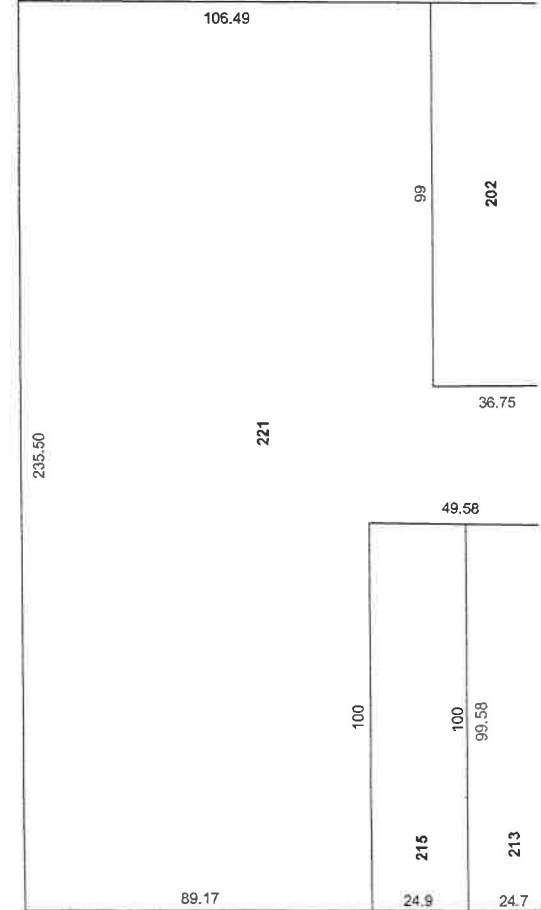
**Ball Place**

**W 4th St**



**W 5th St**

**N Tatnall St**



November 2018

