

**VIRTUAL REGULAR MEETING OF WILMINGTON CITY COUNCIL  
AUGUST 20, 2020 @ 6:30 P.M.**

**AGENDA**

- I. Call to Order**
  - Prayer**
  - Pledge of Allegiance**
  - Roll Call**
- II. Approval of Minutes**
- III. Acceptance of Treasurer's Report**
- IV. Non-Legislative Business**

Harlee	Sympathy Hortense Priest
Harlee	Sympathy Estella Moffett White
Harlee	Sympathy Mary Ann Jones-Demby
Harlee	Sympathy Julia Ray Farrell
Oliver	Sympathy Yvette L. Jones
Oliver	Sympathy Darryl Wheeler
Oliver	Sympathy Randy Ray Hall
Oliver	Sympathy Brenda Lynn Boardley
Oliver	Sympathy Daniel Powell
Oliver	Sympathy Gloria Lane
Oliver	Sympathy Mae Osburn
Shabazz	Sympathy Allan Loudell
Shabazz	Sympathy Lamonte Fitzgerald Matthews
Shabazz	Sympathy U.S. Representative John Robert Lewis
Shabazz	Sympathy Henry L. Sharp
Shabazz	Sympathy Ruperta Morales Reyes Sanchez
Shabazz	Sympathy Tyler "T.Y." Brooks
Shabazz	Sympathy Reverend Carol Smith
Shabazz	Sympathy David "Dawud" Pennewell
Shabazz	Retirement Darlene Johnson
Turner	Sympathy Robert Antoine Charles
Walsh	Sympathy Eleanor Bernhardt Matas

**V. Legislative Business**

**OLIVER**

#4844      An Ordinance to Rezone the Parcels of Land Located at (i) 1914, 1920, 2004, and 2006 North Market Street; (ii) 50 Race Street; and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street from C-1 (Neighborhood Shopping) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification  
**(1<sup>st</sup> & 2<sup>nd</sup> Reading)**

**Synopsis:** *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance rezones the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street; (ii) 50 Race Street; and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers).*

#4845 A Resolution Scheduling a Public Hearing on the Ordinance to Rezone the Parcels of Land Located at (i) 1914, 1920, 2004, and 2006 North Market Street; (ii) 50 Race Street; and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street from C-1 (Neighborhood Shopping) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification

**Synopsis:** *This Resolution is being presented by the Administration for Council's review and approval. This Resolution schedules a public hearing on September 17, 2020 at 6:30 p.m. regarding the proposed rezoning of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street; (ii) 50 Race Street; and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers). Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.*

#### **HARLEE**

#4846 A Resolution Approving the City's Acceptance of a Pumping Station at the Riverfront from the Riverfront Development Corporation

**Synopsis:** *This Resolution is being presented by the Administration for Council's review and approval. This Resolution approves the agreement of the City to accept the assignment of a sanitary sewer right-of-way with its related water lines and equipment, including a pump station, located on Tax Parcel No. 26-049.00-022.*

#### **MCCOY**

#4847 An Ordinance to Rezone the Parcels of Land Located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street from M-2 (General Industrial) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification  
**(1<sup>st</sup> & 2<sup>nd</sup> Reading)**

**Synopsis:** *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance rezones the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street, Wilmington, Delaware from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers).*

- #4848 A Resolution Scheduling a Public Hearing on the Ordinance to Rezone the Parcels of Land Located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street from M-2 (General Industrial) Zoning Classification to C-2 (Secondary Business Centers) Zoning Classification

**Synopsis:** *This Resolution is being presented by the Administration for Council's review and approval. This Resolution schedules a public hearing on September 17, 2020 at 6:30 p.m. regarding the proposed rezoning of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street, Wilmington, Delaware from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers). Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.*

- #4849 An Ordinance to Approve the Removal of a Portion of Anchorage Street, Between Lower Oak and Beech Streets, From the Official City Map **(1<sup>st</sup> & 2<sup>nd</sup> Reading)**

**Synopsis:** *This Ordinance is being presented by the Administration for Council's review and approval. This Ordinance authorizes the removal of a portion of Anchorage Street, between Lower Oak and Beech Streets, from the Official City Map.*

#### **GUY**

- #4850 An Ordinance to Amend Chapter 2 of the City Code Regarding the Term of the City's Active Depository, M&T Bank **(1<sup>st</sup> & 2<sup>nd</sup> Reading)**

**Synopsis:** *This Ordinance is being presented by City Council for Council's review and approval. This Ordinance amends § 2-351 of the City Code to provide that the M & T Bank is designated as the active depository of the City through June 30, 2024.*

#### **SHABAZZ (Walsh presenting on behalf of Shabazz)**

- #4851 A Resolution Certifying a Vacancy in the Second Councilmanic District

**Synopsis:** *This Resolution is being presented by City Council for Council's review and approval. This Resolution formally certifies that a vacancy exists in the Second Councilmanic District.*

#### **WALSH**

- #4852 An Ordinance Amend Chapter 48 to Require Applicants to Obtain a Certificate of Appearance from Civic Associations and Neighborhood Planning Councils Prior to Submitting an Application to the Zoning Board of Adjustment Design Review Committee, or Preservation Commission **(1<sup>st</sup> & 2<sup>nd</sup> Reading)**

**Synopsis:**     *This Ordinance is being presented by City Council for Council's review and approval. An Ordinance to amend Chapter 48 of the City code to require developers to notify the Civic Association and Neighborhood Planning Council of the community in which the project is located of their intent to develop. Developers shall be required to obtain a certificate of appearance from the Civic Association and Neighborhood Planning Council as a prerequisite to submitting an application to Zoning Board of Adjustment Design Review Committee, or Preservation Commission.*

## **VI.    Petitions and Communications**

## **VII.   Adjournment**

**Note:** In following Governor Carney's Proclamation #17-3292, due to the outbreak of the COVID-19, public meetings are currently being conducted virtually to maintain social distancing and to keep all constituents safe. Members of the public are invited to join the City Council meeting by accessing the meeting as follows:

<https://zoom.us/j/94636582601> or log on to WITN22 website [www.witn22.org](http://www.witn22.org) or YouTube link <https://www.youtube.com/user/WITNWilmington/> or listen in only by calling one of the following phone numbers (929) 205-6099 or (301) 715-8592. You will be asked for the Webinar ID. Please enter **Webinar ID: 946 3658 2601** and then #.

[www.wilmingtoncitycouncil.com](http://www.wilmingtoncitycouncil.com) or [www.WITN22.org](http://www.WITN22.org)

**AN ORDINANCE TO REZONE THE PARCELS OF LAND LOCATED AT (I) 1914, 1920, 2004, AND 2006 NORTH MARKET STREET; (II) 50 RACE STREET; AND (III) 1901, 1903, 1905, 1907, 1915, 1925, 1927, AND 1929 HUTTON STREET FROM C-1 (NEIGHBORHOOD SHOPPING) ZONING CLASSIFICATION TO C-2 (SECONDARY BUSINESS CENTERS) ZONING CLASSIFICATION**

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**#4844**

**Sponsor:**

**Council  
Member  
Oliver**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its July 21, 2020 meeting and adopted Planning Commission Resolution 15-20, which recommended approval of the rezoning of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, and 26-029.10-038, respectively) (collectively, the “Parcels”) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, City Council deems it necessary and appropriate to rezone the Parcels from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

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

**SECTION 1.** Section 48-97 of the Wilmington City Code and the “Building Zone Map of Wilmington, Delaware”, dated January 19, 2006 (as subsequently amended), are

hereby amended by changing the zoning classification of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel ID Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel ID No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel ID Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, and 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**SECTION 2.** The rezoning of the Parcels described herein and identified in Exhibit “A” attached hereto and made a part hereof is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”.

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

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

**SYNOPSIS:** This Ordinance rezones the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26-029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26-029.10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers).

W0111504

# **EXHIBIT A**



# PROPOSED REZONING

RESOLUTION 15-20

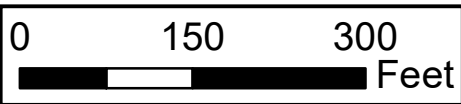
C-1 Neighborhood Shopping to  
C-2 Secondary Business Commercial Centers

Area to be  
Rezoned to C-2

(Total 13 Parcels)



July 2020



Wilmington, Delaware  
August 20, 2020

**#4845**

**Sponsor:**

**Council  
Member  
Oliver**

**WHEREAS**, contemporaneous with this Resolution, an Ordinance will be introduced to the Wilmington City Council that will propose amendments to the City’s Official Building Zone Map relating to changing the zoning classification of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26.029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26.029-10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029-10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) (collectively, the “Parcels”) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers); and

**WHEREAS**, the City Planning Commission, by its Resolution 15-20, recommended the approval of the proposed rezoning at its July 21, 2020 regular meeting after holding a duly advertised public hearing; and

**WHEREAS**, the City Council proposes to schedule a public hearing for review of the proposed rezoning Ordinance, or a Substitute thereto, to be duly advertised in conformity with Wilmington City Code Section 48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that City Council hereby schedules a public hearing on said proposed rezoning Ordinance, or a Substitute thereto, to be held on September 17, 2020 at 6:30 p.m., to

consider the proposal to rezone the land described in the proposed Ordinance, being the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26.029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26.029-10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel Nos. 26-029.10-031, 26-029-10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers).

**BE IT FURTHER RESOLVED** that due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

**BE IT FURTHER RESOLVED** that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

Passed by City Council,

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

**SYNOPSIS:** This Resolution schedules a public hearing on September 17, 2020 at 6:30 p.m. regarding the proposed rezoning of the parcels of land located at (i) 1914, 1920, 2004, and 2006 North Market Street, Wilmington Delaware (being Tax Parcel Nos. 26-029.10-017, 26-029.10-016, 26-029.10-013, and 26.029.10-012, respectively); (ii) 50 Race Street, Wilmington, Delaware (being Tax Parcel No. 26.029-10-030); and (iii) 1901, 1903, 1905, 1907, 1915, 1925, 1927, and 1929 Hutton Street, Wilmington, Delaware (being Tax Parcel

Nos. 26-029.10-031, 26-029.10-032, 26-029.10-033, 26-029.10-034, 26-029.10-035, 26-029.10-036, 26-029.10-037, and 26-029.10-038, respectively) from a zoning classification of C-1 (Neighborhood Shopping) to a zoning classification of C-2 (Secondary Business Centers). Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

W0111519

Wilmington, Delaware  
August 20, 2020

**#4846**  
**Sponsor:**  
**Council Member Harlee**

**WHEREAS**, Section 8-204 of the Wilmington City Charter provides that the Department of Public Works of the City of Wilmington (the “Department”) may with the specific authority of Council by resolution accept on behalf of the City of Wilmington (the “City”) the gift of real estate, which in this case is the assignment of a sanitary sewer right-of-way located in the Riverfront; and

**WHEREAS**, the Riverfront Development Corporation (“RDC”) pursuant to a Sanitary Sewer Right-of-Way Agreement dated May 23, 2012 (the “Agreement”) previously accepted from the Red Brick Building LLC the responsibility for the installation, maintenance and repair of certain sewer lines and related equipment including located on Tax Parcel No. 26-049.00-022; and

**WHEREAS**, RDC now intends to convey, and the Department intends to accept on behalf of the City, the assignment of many of those rights and responsibilities outlined in the Agreement pertaining to this right-of-way, including the responsibility for the maintenance, improvement and repair of certain sewer lines, related equipment and a pumping station, as they are more particularly described in a document and its exhibits styled “Assignment of Sanitary Sewer Right-of-Way Agreement” (the “Assignment”) attached and incorporated here as Exhibit “A”;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that pursuant to Section 8-204 of the City Charter that the attached Assignment is approved, thereby authorizing the Department to accept on behalf of the City the rights and responsibilities described therein.

Passed by City Council,

Attest: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This resolution approves an agreement where the City accepts by assignment ownership and responsibility for a sanitary sewer right-of-way along with the related lines and equipment, including a pump station, located on Tax Parcel No. 26-049.00-022.

W0111172

Tax Parcel No.: 26-049.00-022  
Prepared by / Return to:  
Monzack Mersky McLaughlin and Browder, P.A.  
1201 North Orange Street, Suite 400  
Wilmington, DE 19801

**ASSIGNMENT OF SANITARY SEWER RIGHT-OF-WAY AGREEMENT**

**THIS ASSIGNMENT OF SANITARY SEWER RIGHT-OF-WAY AGREEMENT**

(“Assignment”) is made this \_\_\_\_ day of \_\_\_\_\_ 2020, by and between Riverfront Development Corporation of Delaware, a Delaware corporation (“Assignor” or “RDC”) and the City of Wilmington, a Delaware municipal corporation (“Assignee” or the “City”).

**WITNESSETH:**

- A. **WHEREAS**, Assignor is the “Grantee” under that certain Sanitary Sewer Right-of-Way Agreement dated May 23, 2012 (the “Sewer Agreement”) which is attached as Exhibit A and incorporated by reference herein and made part of this Assignment; and
- B. **WHEREAS**, Assignee wishes to take over full responsibility for the installation, maintenance and repair of certain sewer lines and related equipment to be located on the property subject to the Sewer Agreement including, without limitation, replacement of the existing pump station.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor and Assignee, each intending to be legally bound, do hereby agree as follows:

1.     **Incorporation by Reference.** Recitals A and B are incorporated by reference and made part of this Assignment.
  
2.     **Assignment of Interest.** Assignor hereby assigns all of its right, title and interest, without representation or warranty, to the City of Wilmington.
  
3.     **Assumption of Responsibilities.** Assignee hereby accepts the assignment and agrees to assume full responsibility for the operation, maintenance, repair and replacement, including installation of a new pump station and such additional sewer lines as may be required.
  
4.     **Indemnification and Hold Harmless.** Assignee agrees to indemnify and hold Assignor harmless from any and all claims, losses, costs or expenses related to the responsibilities assumed by the Assignee for the operation, maintenance, repair and replacement, including installation, maintenance and continued operation of the new pump station and such additional sewer lines as may be required, including without limitation, any and all liability arising directly or indirectly out of the provisions of the Sewer Agreement. It is further understood that the provisions in Paragraph 9 of the Sewer Agreement, which specifically limit damage claims by either party shall apply to this Assignment as well; provided however, that



RDC agrees to indemnify and hold the City harmless from any and all environmental conditions located on the property covered by the Sewer Agreement and any injuries or damages to person or property as a result thereof that arise solely out of the environmental condition of the Sewer Agreement property which exists as of the effective date of this Assignment; it being specifically understood that RDC shall assume no liability whatsoever for any acts or conditions which arise after the effective date of this Assignment.

5.     **Notice.** For purposes of this Assignment, all notices required hereunder shall be given by certified mail, return receipt requested, or by overnight courier service (with receipted delivery), or by hand delivery to:

Assignor:                     Riverfront Development Corporation of Delaware  
815 Justison Street  
Wilmington, Delaware 19801  
Attention: Executive Director  
Phone: (302) 425-4890  
Fax:   (302) 425-4897

With a copy to:             Monzack Mersky McLaughlin and Browder, P.A.  
1201 North Orange Street, Suite 400  
Wilmington, DE 19801  
Attention: Melvyn I. Monzack, Esq.  
Phone: (302) 656-8162  
Fax:   (302) 656-2769

Assignee:                    City of Wilmington  
Department of Public Works  
Louis L. Redding City/County Building  
800 North French Street, 6<sup>th</sup> Floor  
Wilmington, Delaware 19801  
Attention: Vincent R. Carroccia, Deputy Commissioner  
Phone: (302) 576-3081  
Fax:   (302) 571-4579

With a copy to: City of Wilmington Law Department  
Louis L. Redding City/County Building  
800 North French Street, 9<sup>th</sup> Floor  
Attention: City Solicitor  
Phone: (302) 576-2178  
Fax:

6. **Entire Agreement.** This Assignment and the documents which it references constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Assignment shall not be binding on either party except to the extent incorporated in this Assignment.

**[SIGNATURE PAGE TO FOLLOW]**

**ASSIGNOR/RDC:  
RIVERFRONT DEVELOPMENT  
CORPORATION OF DELAWARE**

\_\_\_\_\_(SEAL)  
Name: Megan M. McGlinchey  
Title: Executive Director

**STATE OF DELAWARE            )**  
**NEW CASTLE COUNTY         ) ss.**

Notary Public:  
My Commission Expires:

**ASSIGNEE/CITY:  
CITY OF WILMINGTON**

WITNESS

(SEAL)  
Name: Vincent R. Carroccia  
Title: Deputy Commissioner

[illegible]

On this \_\_\_\_ day of \_\_\_\_\_, 2020, there did appear before me, a Notary Public for the State and County aforesaid Vincent R. Carroccia, the Deputy Commissioner of Public Works for the City of Wilmington, who did execute the foregoing Assignment of Sanitary Sewer Right-of-Way Agreement on behalf of the City of Wilmington.

Notary Public:  
My Commission Expires:

**EXHIBIT A**  
**SANITARY SEWER RIGHT-OF-WAY AGREEMENT**

COPY



20120802-0042955

Pages: 16 F: \$288.00

08/02/12 10:11:16 AM

T20120824166

Michael E. Kozikowski  
New Castle Recorder MISC

Tax Parcel No.: 26-049.00-022

Prepared by / Return to:

Monzack Mersky McLaughlin and Browder, P.A.

1201 N. Orange Street, Suite 400

Wilmington, DE 19801

SANITARY SEWER RIGHT-OF-WAY AGREEMENT

**THIS AGREEMENT**, made this 30 day of May 2012, between Red Brick Building, LLC (hereinafter called "Grantor") and Riverfront Development Corporation of Delaware (hereinafter called "Grantee").

**WITNESSETH:**

**WHEREAS**, Grantor owns a tract of land situate in the City of Wilmington, State of Delaware, identified in the New Castle County Assessment Office as Parcel No. 26-049.00-022 (the "Property"), which Property is more particularly shown as Parcel No. 26-049.00-022 on Exhibit A attached hereto and made a part hereof.

**WHEREAS**, Grantee owns a tract of land situate in the City of Wilmington, State of Delaware identified in the New Castle County Assessment Office as Parcel No. 26-049.00-016 (the "Benefitted Parcel") (which Benefitted Parcel is more particularly shown on Exhibit A attached hereto as Parcel No. 26-049.00-016 and made a part hereof) and desires to obtain from Grantor and Grantor desires to grant to Grantee for the benefit of the Benefitted Parcel, pursuant to the express terms and provisions contained herein, the limited non-exclusive sewer line easement and right-of-way as described herein upon, over and under a portion of the Property.

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter contained and in consideration of the payment to Grantor of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by Grantor, Grantee and Grantor, each intending to be legally bound hereby, do hereby agree as follows:

1. The term "Sewer Lines", when used in this instrument, shall refer to the sanitary sewer pipe lines, conduits, manholes, drains, markers, service connections and other related accessories and appurtenances of Grantee specifically shown on the Easement Plan attached hereto as Exhibit B.

2. Grantor hereby gives and grants to the Grantee the free and uninterrupted right, liberty and privilege:

(a) To install, construct, reconstruct, replace, remove, inspect, operate, repair, make connections with and maintain perpetually that portion of the Sewer Lines to be located, upon, over and on the strip of land belonging to Grantor as shown on Exhibit B, the location of

which is more particularly identified and described by the metes and bounds description attached hereto as Exhibit C, for the benefit of the Benefitted Parcel.

(b) To transport sewage from the Benefitted Parcel through said Sewer Lines in compliance with all laws.

To have and to hold the same perpetually to Grantee and its successors or assigns, together with the right and privilege at any and all times to enter the Grantor's tract of land, or any part thereof, which is reasonably necessary for the purpose of gaining access to the strip of land described in Exhibit C, provided that prior to entry, Grantee gives to Grantor reasonable advance notification of the nature of any intended work on the premises and the expected duration of such work and the names of the persons gaining access and customary proof of insurance, for the purpose of installing, constructing, reconstructing, replacing, removing, inspecting, operating, repairing, maintaining, and/or making connections with the Sewer Lines or other appropriate means of access to the Sewer Lines; all upon the condition that Grantee will at all times during the construction, reconstruction, replacement, removal, repair or maintenance of the Sewer Lines, cause every reasonable means to be used to protect from injury or damage all property, including lawns, trees, shrubbery, fences, buildings, walls, roads, water courses, natural features, or any existing improvement thereto, and any personal property located thereon and the business activities of any business serviced by the Grantee's pumping station located on Grantor's tract of land, and will at all times after doing any work in connection with the construction, reconstruction, replacement, removal, repair or maintenance of the Sewer Lines, cause the said premises to be restored to the condition in which the same were found before such work was undertaken, including replacement and/or repair of damaged property, to the extent reasonably possible under the circumstances and consistent with the rights and privileges herein granted.

3. Grantee currently has the benefit of sewer easement(s) for the existing sewer lines and related appurtenances across the Property as shown on Exhibit D hereto as the green dotted line on the Property that is labeled "Sanitary to be Abandoned" (the "Existing Sewer Line to be Abandoned"). The grant of the easement for the Sewer Lines in paragraph 2 above is expressly conditioned upon Grantee's abandonment of the Existing Sewer Line to be Abandoned as provided herein and Grantee's relinquishment of any easement or other rights related thereto as provided herein. Grantee shall, when constructing the Sewer Line, at Grantee's sole cost and expense, discontinue use of the Existing Sewer Line to be Abandoned and cause the same to be capped, drained, cleaned and abandoned in place in accordance with standard industry practice (the "Existing Sewer Line Abandonment"). Upon completion of construction of the Sewer Lines and the corresponding Existing Sewer Line Abandonment, Grantee hereby relinquishes any easement or other rights that it may have to the Existing Sewer Lines to be Abandoned.

4. Grantee acknowledges that the Property was formerly part of a former industrial site including the Dravo Shipyard. Grantee represents that Grantee has extensive knowledge of the environmental conditions in and around the Property through its extensive development activities in the area. Grantee hereby acknowledges and agrees that it is accepting the Property and the easement area shown in the Easement Plan in its "as is" condition with any and all environmental conditions therein. Grantee is and shall be responsible to design, construct and

build the Sewer Lines in compliance with all laws, including all environmental and health and safety laws. As between Grantor and Grantee (its tenants and successors and assigns), Grantee shall be solely responsible for any and all costs and expenses incurred in connection with any environmental conditions encountered on the Property. Grantee agrees to comply with any and all requirements of the Delaware Department of Natural Resources and Environmental Control in connection with all of its activities on the Property. Grantor hereby indemnifies, defends and holds Grantee (and its tenants and successors and assigns) harmless from and against any and all costs, claims, losses, expenses, liabilities, damages, penalties and causes of action arising under any federal, state or local environmental laws, regulations, ordinances, rules and directives, common law or equity, or any other laws pertaining to the condition of the Easement Area or Property during the term of this Easement or arising out or required by Grantee's activities on the Property (whether within or outside of the easement area). Grantee shall provide Grantor prior written notice before conducting any site disturbing activities on the Property and Grantee shall provide Grantor copies of any and all reports, test results, agreements, documents and correspondence generated with respect to Grantee's activities on the Property and environmental conditions, laws and/or compliance.

5. The Sewer Lines installed pursuant to this Agreement shall remain the property of Grantee and all maintenance, repairs and removals of said Sewer Lines shall be the responsibility of and shall be done at the sole cost and expense of Grantee. Grantee shall keep and maintain its facilities in compliance with all applicable laws, codes and regulations.

6. Grantor does hereby covenant that it is lawfully seized and possessed of good and marketable title in fee simple to the aforesaid tract of land subject to all easements and restrictions of record and that it has a good and lawful right to grant the rights and privileges herein granted to Grantee.

7. The provisions of this Indenture shall be binding upon and inure to the benefit of Grantee, its successors and assigns, and Grantor, its heirs, executors, administrators, successors and assigns.

8. Any liability for personal injury or to any worker employed by Grantee or its agents for construction, maintenance or repair purposes pursuant to this agreement, or to third persons, as well as any liability for damage to the property where this easement is located, which arises as a result of construction, repair, maintenance or other activity pursuant to this agreement, shall be borne entirely by Grantee or its successors or assigns. Grantee agrees to indemnify and hold harmless Grantor from and against any and all loss or liability for personal injury or property damage when such injury or damage shall result from, arise out of, or be attributable to any construction, repair or maintenance undertaken or pursuant to this agreement. Such indemnification shall include all costs of defending any threatened or actual lawsuit, with limitation, expert witness fees, attorneys' fees and any other related matters.

9. Notwithstanding anything contained in this Agreement to the contrary, in no event shall either party be liable to the other party under this Agreement for any consequential, incidental, exemplary or punitive damages, or for lost profits.



10. For purposes of this Agreement, all notices required hereunder shall be given by certified mail, return receipt requested, or by overnight courier service (with receipted delivery) or by hand-delivery to:

If to GRANTOR:

Red Brick Building, LLC  
234 North James Street  
Newport, Delaware 19804

Attn: Manager

If to GRANTEE:

Riverfront Development Corporation of Delaware  
Chase Center on the Riverfront  
800 South Madison Street  
Wilmington, DE 19801  
Attn: Executive Director

Notices shall be effective when received or upon attempted delivery if receipt is refused, or, if sent by overnight courier service, deemed to be received (if not earlier actually received) two (2) business days after being provided to such overnight courier service.

11. This Agreement shall be a covenant running with the Property and shall bind the parties hereto, and their respective successors and assigns. This Agreement will be recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware.

12. This Agreement shall be governed by the substantive laws of the State of Delaware without regard to its conflicts of laws principles, and, except as otherwise provided herein, the State and Federal courts in the City of Wilmington, Delaware shall have exclusive jurisdiction over any proceeding seeking to enforce any provision of, or based upon any right arising out of, this Agreement.

13. This Agreement may not be amended except by a written agreement executed by Grantor and Grantee.

14. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.

15. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have caused this Indenture to be duly executed, under seal on the day and year first above written.

GRANTOR:  
**RED BRICK BUILDING, LLC**

  
WITNESS

By:  (SEAL)  
Name: Gregory Pettinaro  
Title: Manager

GRANTEE:  
**RIVERFRONT DEVELOPMENT  
CORPORATION OF DELAWARE**

ATTEST:



By:  (SEAL)  
Name:   
Title: 

On the 23<sup>rd</sup> day of May, 2012, before me personally came Gregory Pettinaro, who being duly sworn, did acknowledge that he is the Manager of Red Brick Building, LLC, a Delaware limited liability company, and that as such Gregory Pettinaro as Manager, being authorized to do so, acknowledged the foregoing instrument on behalf of said limited liability company for the purpose therein contained. In testimony whereof, I have hereunto subscribed my name.

[illegible]

On the 28<sup>th</sup> day of May, 2012, before me personally came Michael S. Ruzicki, who being duly sworn, did acknowledge that he is Exec. Director of Kinetic Development Corp a Delaware corporation, and that as such Exec. Director being authorized to do so, acknowledged the foregoing instrument on behalf of said corporation for the purpose therein contained. In testimony whereof, I have hereunto subscribed my name.

My Commission Expires: 5/2/13

[Notary Seal]



Exhibit A  
The Property

ALL that certain piece, parcel or lot of land situate in the City of Wilmington, New Castle County and State of Delaware, being Parcel "E", as shown on a certain property plan, Remainder of Parcel #1 and Parcel "D" and Parcel "E"; Harbor Associates, as prepared by Howard L. Robertson, Inc., dated November 5, 1998 also as shown on the Major Subdivision Plan, Harbor Associates, as recorded in the Office of the Recorder of Deeds in and for New Castle County in Microfilm No. 11496 and being more particularly bounded and described as follows, to wit:

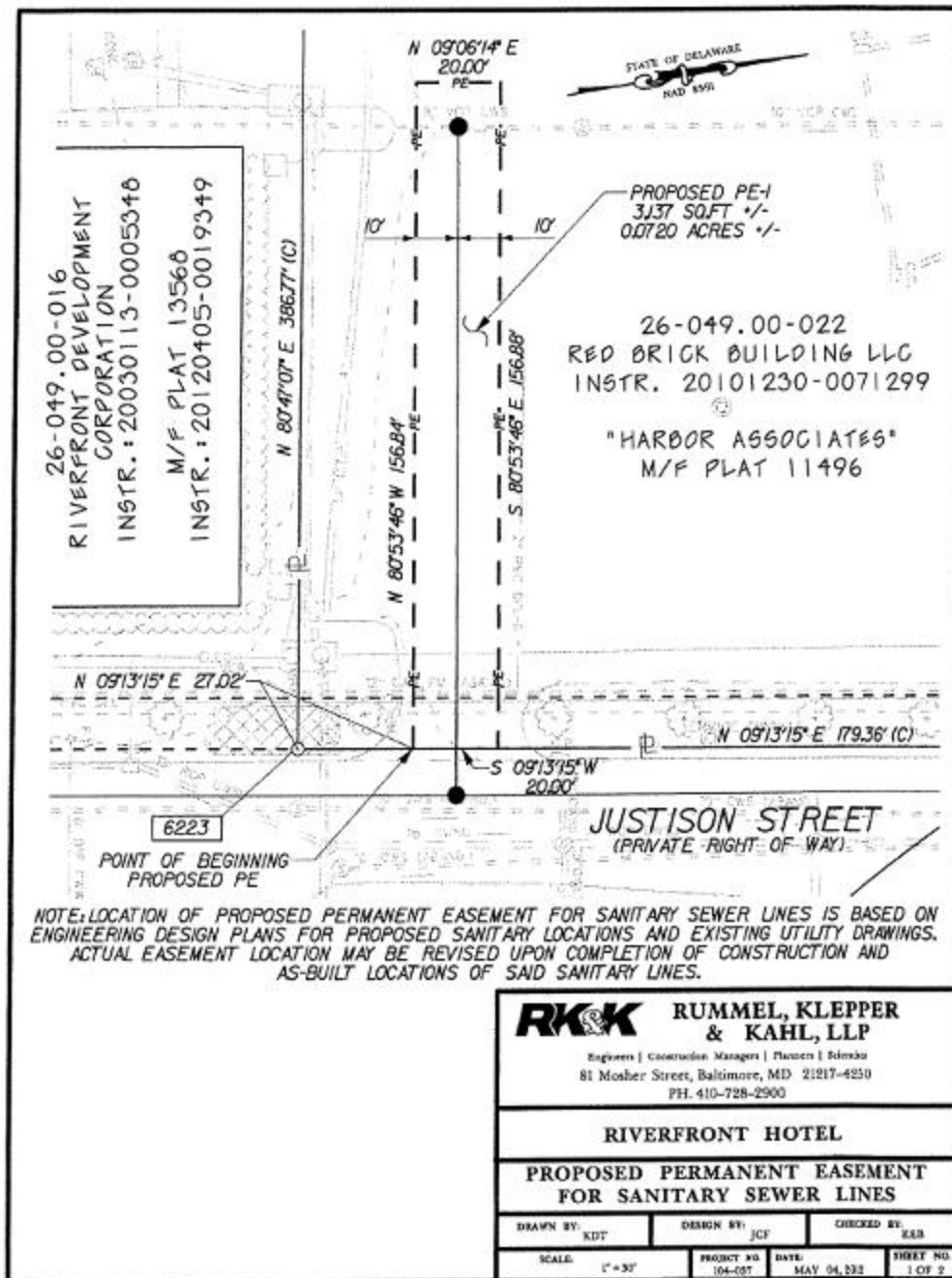
BEGINNING at a point in the Northwestern side of South Madison Street (formerly known as Marsh Road) (at 60 feet wide), a corner for Parcel "E" & Parcel "B" said point of beginning, being distant the following three courses and distances from the point of intersection of the centerline of South Madison Street (Marsh Road) at 33 feet wide with the centerline of Beech Street: (1) By the said centerline of South Madison Street, S 05 degrees 22 minutes 00 seconds W., 455 feet to a point; (2) Thence leaving the centerline of South Madison Street, N 82 degrees 09 minutes 00 seconds W., 30.02 feet to a point in the Northwestern side of South Madison Street (at 60 feet wide), (3) Thereby, S 05 degrees 44 minutes 30 seconds W., 65.35 feet to the point of beginning; THENCE from said point of beginning by the Northwestern side of South Madison Street the following two courses and distances: (1) S 05 degrees 44 minutes 30 seconds W., 13.35 feet to a point; (2) S 08 degrees 52 minutes 30 seconds W., 298.39 feet to a point in the Southwesterly terminus of South Madison Street; THENCE thereby and by the Northeasterly terminus of a 52-foot wide utilities easement and by the Northeasterly terminus of a 40-foot wide access easement, S 27 degrees 17 minutes 30 seconds E., 88.11 feet to a point, a corner for Lands now or formerly of Riverfront Development Corporation of Delaware. THENCE thereby and by the Southeasterly sides of the aforementioned 52-foot wide easement and 40-foot wide easement, S 08 degrees 52 minutes 30 seconds W., 124.68 feet to a point, a corner for Parcel "F"; THENCE thereby and crossing the aforementioned 52-foot wide easement and 40-foot wide easement, N 81 degrees 07 minutes 52 seconds W., 426.77 feet (Erroneously described in prior deed as 462.77) to a point in line of Parcel B; THENCE thereby and by the Southeasterly side of a 50-foot wide access easement the following three courses and distances: (1) N 08 degrees 52 minutes 30 seconds E., 150.66 feet to a point of curve of a curve to the right having a radius of 40 feet; (2) By said curve to the right an arc distance of 33.37 feet to a point of tangency; (3) N 56 degrees 40 minutes 34 seconds E., 487.18 feet to the point and place of Beginning. Be the contents what they may.

Exhibit B  
Easement Plan

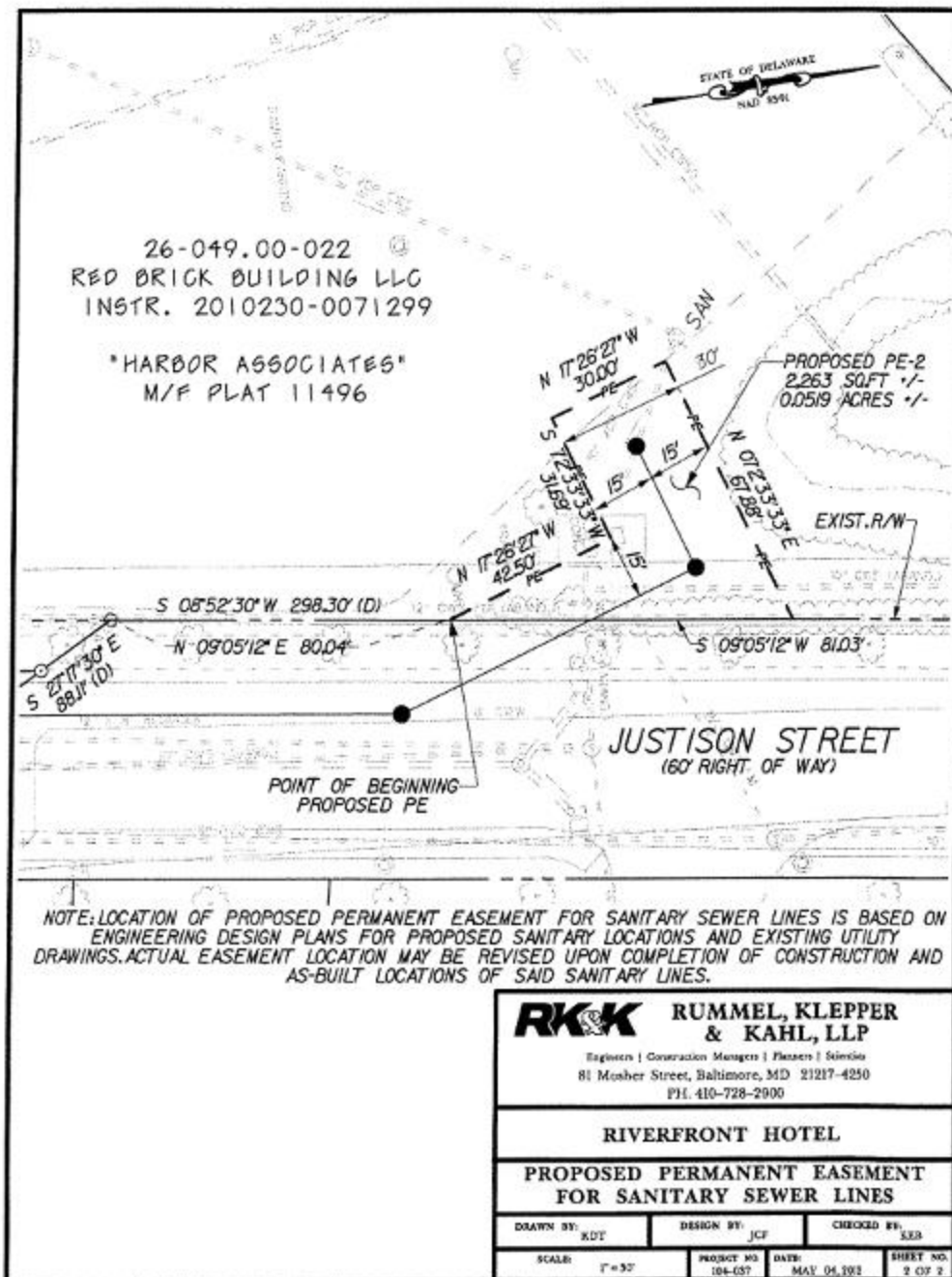


Exhibit C  
Easement Area  
(Metes and Bounds)





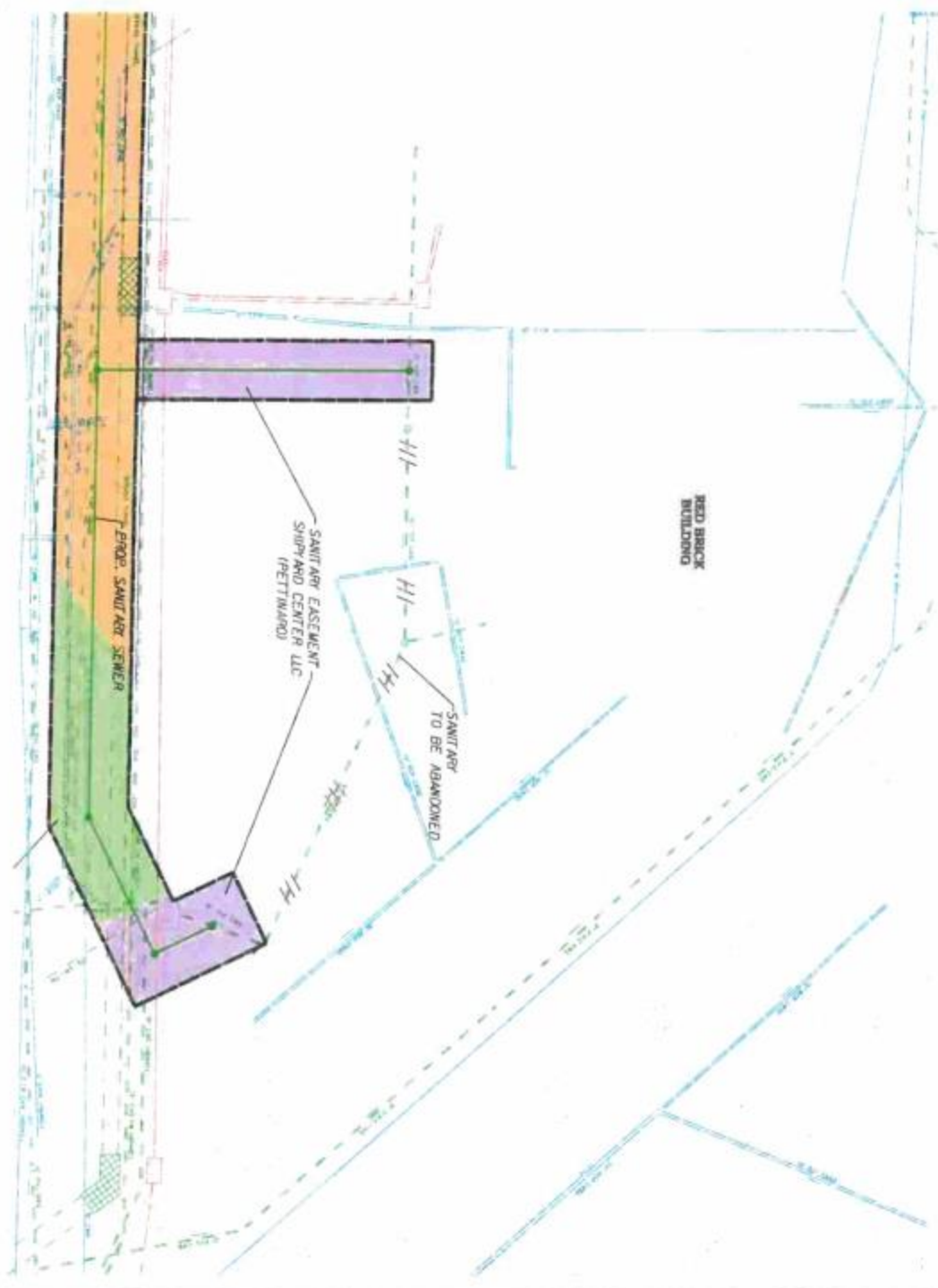
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5/16/2012  
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Exhibit D

Existing Sewer Line to be Abandoned





**AN ORDINANCE TO REZONE THE PARCELS OF LAND LOCATED AT  
700 MARYLAND AVENUE, 101 LOWER OAK STREET, AND 120 LOWER  
BEECH STREET FROM M-2 (GENERAL INDUSTRIAL) ZONING  
CLASSIFICATION TO C-2 (SECONDARY BUSINESS CENTERS) ZONING  
CLASSIFICATION**

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**#4847**

**Sponsor:**

**Council  
Member  
McCoy**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**WHEREAS**, in accordance with and pursuant to Section 48-52 of the City Code, the City Planning Commission held a duly advertised public hearing at its April 21, 2020 meeting and adopted Planning Commission Resolution 9-20, which recommended approval of the rezoning of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) (collectively, the “Parcels”), from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, City Council deems it necessary and appropriate to rezone the Parcels from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

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

**SECTION 1.** Section 48-97 of the Wilmington City Code and the “Building Zone Map of Wilmington, Delaware”, dated January 19, 2006 (as subsequently amended), are hereby amended by changing the zoning classification of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308,

respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers), as illustrated on the map attached hereto and made a part hereof as Exhibit “A”.

**SECTION 2.** The rezoning of the Parcels described herein and identified in Exhibit “A” attached hereto and made a part hereof is consistent with the recommendations of the Citywide comprehensive plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities”.

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

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance rezones the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers).

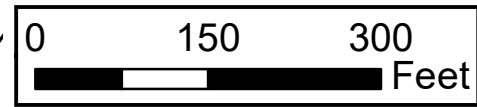
# **EXHIBIT A**



# PROPOSED REZONING

RESOLUTION 9-20


M-2 General Industrial to  
C-2 Secondary Business Commercial Centers

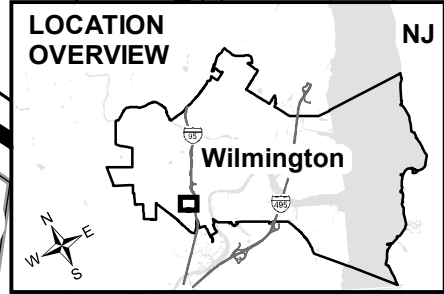
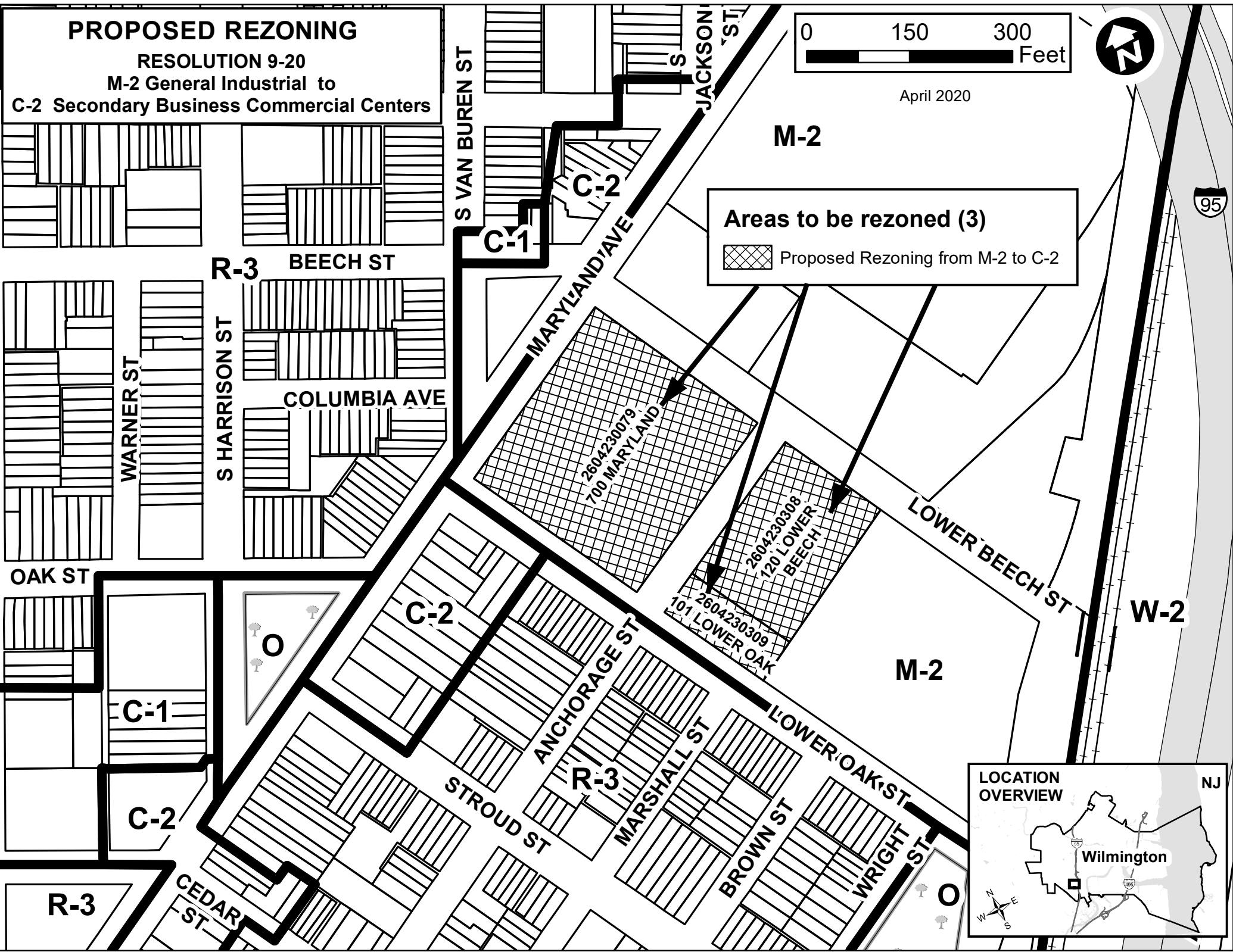


April 2020



## Areas to be rezoned (3)

 Proposed Rezoning from M-2 to C-2



Wilmington, Delaware  
August 20, 2020

**#4848**

**Sponsor:**

**Council  
Member  
McCoy**

**WHEREAS**, contemporaneous with this Resolution, an Ordinance will be introduced to the Wilmington City Council that will propose amendments to the City's Official Building Zone Map relating to changing the zoning classification of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street, Wilmington, Delaware, (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers); and

**WHEREAS**, the City Planning Commission, by its Resolution 9-20, recommended the approval of the proposed rezoning at its April 21, 2020 regular meeting after holding a duly advertised public hearing; and

**WHEREAS**, City Council proposes to schedule a public hearing for review of the proposed rezoning Ordinance, or a Substitute thereto, to be duly advertised in conformity with Wilmington City Code Section 48-51, by publication in any newspaper of general circulation, at least once, not less than fifteen (15) days prior to the date of the public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that City Council hereby schedules a public hearing on said proposed rezoning Ordinance, or a Substitute thereto, to be held on September 17, 2020 at 6:30 p.m., to consider the proposal to rezone the land described in the proposed Ordinance, being the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street, Wilmington, Delaware (Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-

042.30-308, respectively), from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers).

**BE IT FURTHER RESOLVED** that due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

**BE IT FURTHER RESOLVED** that the President of City Council and the City Clerk are hereby directed to give public notice of said hearing in the manner and form required by the provisions of the Wilmington City Charter and City Code.

Passed by City Council,

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

**SYNOPSIS:** This Resolution schedules a public hearing on September 17, 2020 at 6:30 p.m. regarding the proposed rezoning of the parcels of land located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Beech Street, Wilmington, Delaware (being Tax Parcel Nos. 26-042.30-079, 26-042.30-309, and 26-042.30-308, respectively) from a zoning classification of M-2 (General Industrial) to a zoning classification of C-2 (Secondary Business Centers). Due to the outbreak of the COVID-19 virus, this public hearing will be conducted virtually to maintain social distancing and to keep all constituents safe. The instructions to access the public hearing will be included on the agenda for the September 17, 2020 Council meeting.

W0111496

**AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF  
ANCHORAGE STREET, LOCATED BETWEEN LOWER OAK AND  
LOWER BEECH STREETS, FROM THE OFFICIAL CITY MAP**

**#4849**

**Sponsor:**

**Council  
Member  
McCoy**

**Co-Sponsor:**

**Council  
President  
Shabazz**

**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**, Reybold Venture Group XI, LLC (the “Applicant”), the owner of the former National Vulcanized Fiber site located at 700 Maryland Avenue, 101 Lower Oak Street, and 120 Lower Beech Street, Wilmington, Delaware (collectively, the “Site”), would like to redevelop the Site into a residential complex, including renovating the vacant buildings for apartments, constructing a new apartment building along Maryland Avenue and Beech Street, and providing parking; and

**WHEREAS**, a portion of Anchorage Street, located between Lower Oak and Lower Beech Streets, bisects the Site (the “Street Bed”); and

**WHEREAS**, the Applicant has requested the removal of the Street Bed from the Official City Map, as more particularly illustrated on Exhibit “A” attached hereto, in order to provide open space for the Site; and

**WHEREAS**, the City has been able to determine that it owns the Street Bed; and

**WHEREAS**, the Department of Public Works has advised that: (1) the Street Bed is not currently necessary, nor would be reasonably anticipated to be necessary in the future, to provide for general vehicular traffic circulation and the safety of vehicular and pedestrian traffic in the area of the Street Bed; (2) there is an eight inch water main and a sixty-five inch brick sewer line located within the Street Bed and therefore thirty-foot wide easements respectively centered on such water main and sewer line will be required so that the City may

retain access to such water main and sewer line; and (3) the Division of Transportation takes no exception and supports the request to vacate the Street Bed, subject to the retention of the aforementioned easements by the City; and

**WHEREAS**, the Department of Planning has no objection to the removal of the Street Bed from the Official City Map because: (1) the Street Bed does not currently contribute to the general vehicular traffic circulation or distribution pattern in the immediate area; (2) the Street Bed is proposed to remain undeveloped and subjected to the required utility easements; (3) the Street Bed is not privately owned; and (4) there are no findings to suggest that the removal of the Street Bed would create a detriment to the general public or to public safety; and

**WHEREAS**, no comments or objections were received from the Fire Marshal's Office; and

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

**WHEREAS**, the City Planning Commission has adopted Planning Commission Resolution 10-20, which recommended approval of the Applicant's request to remove the Street Bed from the Official City Map; and

**WHEREAS**, the City Council deems it necessary and appropriate to approve the removal of the Street Bed 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 portion of Anchorage Street located between Lower Oak and Lower Beech Streets, which is illustrated on Exhibit

“A” attached hereto, is hereby approved (subject to the conditions set forth in Section 2 of this Ordinance), and the Official City Map is hereby amended to reflect such removal.

**SECTION 2.** The City shall retain thirty-foot wide easements respectively centered on the eight inch water main and the sixty-five inch brick sewer line located within the portion of Anchorage Street that is being removed from the Official City Map, or such other easements as the Commissioner of Public Works shall determine are necessary.

**SECTION 3.** The conveyance of the portion of Anchorage Street that is being removed from the Official City Map to Reybold Venture Group XI, LLC, the owner of the abutting properties, is hereby authorized.

**SECTION 4.** All City departments are hereby authorized to take any and all necessary actions required for: (i) the proposed removal of the portion of Anchorage Street from the Official City Map; (ii) the proposed conveyance of the portion of Anchorage Street to Reybold Venture Group XI, LLC; and (iii) the proposed retention of the aforementioned easements for the City.

**SECTION 5.** This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

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President of City Council

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

---

Mayor

**SYNOPSIS:** This Ordinance authorizes the removal of a portion of Anchorage Street, located between Lower Oak and Lower Beech Streets, from the Official City Map.

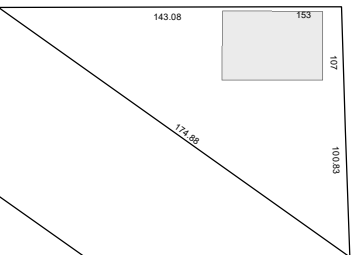
W0111495

# **EXHIBIT A**





**S Van Buren St**



**Columbia Ave**

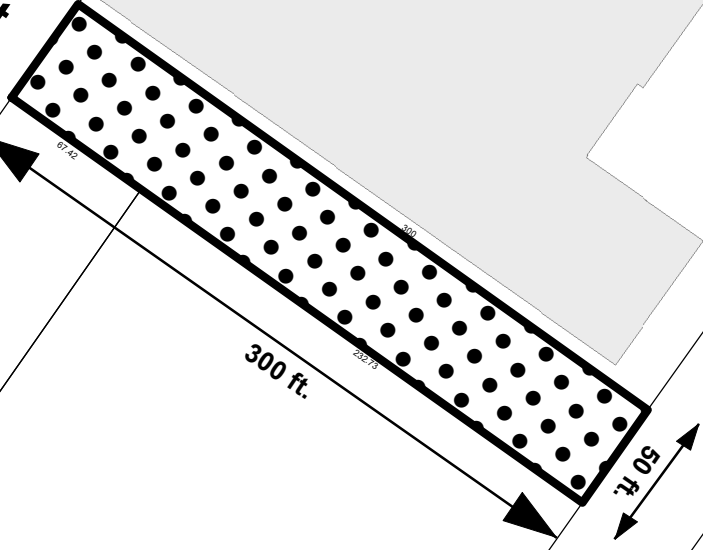
**Maryland Ave**

**Lower Oak St**

**Anchorage St**

**Marshall St**

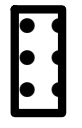
**Lower Beech St**



300 ft.

50 ft.

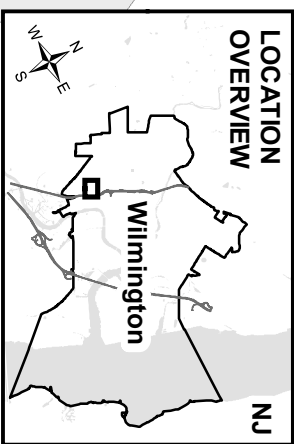
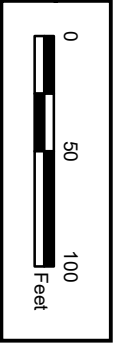
**CPC RESOLUTION 10-20**  
**A Proposal to Remove a Portion**  
**of Anchorage Street from the**  
**Official City Map**



Portion of Anchorage Street  
Subject to Removal



April 2020



**LOCATION  
OVERVIEW**

Wilmington

NJ

**AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE REGARDING  
THE TERM OF THE CITY’S ACTIVE DEPOSITORY, M&T BANK.**

**#4850**

**WHEREAS**, pursuant to Ordinance No. 16-024, §2-351 of the City Code provides

**Sponsor:**

that M&T Bank is the City’s designated active depository through June 30, 2020; and

**Council  
Member  
Guy**

**WHEREAS**, the services provided by M&T Bank are necessary for the general banking operations of the City; and

**WHEREAS**, in early 2020, the Centers for Disease Control designated the Coronavirus Disease (“COVID-19”) as a serious public health threat, and, therefore, social distancing is required to help mitigate exposure to (and community spread of) the COVID-19 virus; and

**WHEREAS**, the Governor of the State of Delaware, John C. Carney, declared a State of Emergency for the State of Delaware on Thursday, March 12, 2020 that has subsequently been modified and extended due to the ongoing serious public health threat that COVID-19 poses to Delawareans throughout the State; and

**WHEREAS**, the Mayor of the City of Wilmington declared a State of Emergency for the City of Wilmington on Friday March 13, 2020 in connection with COVID-19 and its anticipated effects that has been extended; and

**WHEREAS**, given the restrictions in place to stop the spread of COVID-19, and the public interaction associated with the competitive bidding process, it is not practical to competitively bid the contract for banking services at this time; and

**WHEREAS**, in order to provide the continuity of an essential service and to minimize disruption, the City wishes to continue the designation of the M & T Bank as the City’s active depository through June 30, 2022.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1. Defined Terms.** Chapter 2 of the City Code is hereby amended by deleting the language in brackets and by adding the underlined language to read as follows:

Sec. 2-351. Active depository.

The M & T Bank is hereby designated the active depository of the City through [June 30, 2020] June 30, 2022.

**SECTION 2. Effective Date.** This Ordinance shall become effective upon its passage by Council and approval by the Mayor.

First Reading.....August 20, 2020  
Second Reading.....August 20, 2020  
Third Reading.....

Passed by City Council,

---

President of City Council

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020

---

Mayor

**SYNOPSIS:** This Ordinance amends § 2-351 of the City Code to provide that the M&T Bank is designated as the active depository of the City through June 30, 2022.

Wilmington, Delaware  
August 20, 2020

**#4851**

**Sponsors:**

**Council  
President  
Shabazz**

**Council  
Members  
Adams  
Freel  
Johnson  
Oliver  
Walsh**

**WHEREAS**, on July 23, 2020, Council Member Ernest “Trippi” Congo II publicly stated that he was no longer a resident of the Second Councilmanic District because he had moved from such District approximately two weeks earlier; and

**WHEREAS**, City Charter Section 2-103 requires a Council Member to “remain a resident of the councilmanic district from which he was elected during his term of office”; and

**WHEREAS**, City Charter Section 2-103 provides that if a Council Member ceases to be a resident of the District from which he was elected, “his office shall immediately be forfeited and become vacant”; and

**WHEREAS**, City Charter Section 2-101 provides that when a vacancy occurs in the office of a Council Member, City Council shall certify that a vacancy exists.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that City Council, as required by Section 2-101 of the City Charter, formally certifies that the Second Councilmanic District position is vacant as of approximately two weeks prior to July 23, 2020.

Passed by City Council,

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

**SYNOPSIS:** This Resolution formally certifies that a vacancy exists in the Second Councilmanic District.

W0111417

**AN ORDINANCE AMEND CHAPTER 48 TO REQUIRE APPLICANTS TO OBTAIN A CERTIFICATE OF APPEARANCE FROM CIVIC ASSOCIATIONS AND NEIGHBORHOOD PLANNING COUNCILS PRIOR TO SUBMITTING AN APPLICATION TO THE ZONING BOARD OF ADJUSTMENT DESIGN REVIEW COMMITTEE, OR PRESERVATION COMMISSION**

**#4852**

**Sponsor:**

**Council  
Member  
Walsh**

**Co-Sponsor**

**Council  
President  
Shabazz**

**WHEREAS**, development projects within City neighborhoods can have a substantial impact on the unique characteristics of a neighborhood beyond the immediate vicinity of the project; and

**WHEREAS**, Applicants to the Zoning Board of Adjustment are required to notify adjoining property owners but not the community where development will take place; and

**WHEREAS**, local Civic Associations and Neighborhood Planning Councils are essential to engaging and soliciting feedback from the wider community; and

**WHEREAS**, notice of proposed development projects to the Civic Association and Neighborhood Planning Council will serve to engage a greater number of citizens in the development of their neighborhood.

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

**SECTION 1.** Chapter 48 of the City Code is hereby amended adding the new Section 48-7 containing the underlined language to read as follows:

**Sec. 48-7. Community Notice Required Prior To submission of Application To Zoning Board of Adjustment Design Review Committee, or Preservation Commission.**

- (a) Any person desiring to obtain the permission of the Zoning Board of Adjustment Design Review Committee, or Preservation Commission, for any purpose for which permission is required under this chapter shall notify the Civic Association and Neighborhood Planning Council of the community in which the proposed project is

located of their intent to submit an application.

- a. Notice shall include a preliminary copy of the Application including contact information for the applicant and property owner and any drawings to be included with the application.
- b. Notice should be provided with reasonable time for consideration by the Civic Association.
- (b) After a reasonable time for consideration, The Civic Association shall deliver to the applicant a Certificate of Appearance in the form of a notarized letter acknowledging receipt of the applicant's plan and the consensus of the Association.
- (c) Issuance of a Certificate of Appearance shall not substitute the applicant's duty to engage adjoining property owners as required under Sec. 48-67 of this Code.

**SECTION 2.** Chapter 48 of the City Code is hereby amended adding the underlined language to Subsection 48-67 (b) to read as follows:

(6) A Certificate of Appearance from the representative Civic Association and Neighborhood Planning Council certifying that they have been informed of the intent to develop and applicant's purpose for which the board's permission is being sought.

**SECTION 3.** This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading .....August 20, 2020  
Second Reading .....August 20, 2020  
Third Reading .....

Passed by City Council,

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President of City Council

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor

**SYNOPSIS:** This Ordinance amends Chapter 48 of the City Code to require developers to notify the Civic Association and Neighborhood Planning Council of the community in which the project is located of their intent to develop. Developers shall be required to obtain a certificate of appearance from the Civic Association and Neighborhood Planning Council as a prerequisite to submitting an application to Zoning Board of Adjustment Design Review Committee, or Preservation Commission.

W0111533