

AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF PALMERS ROW, LOCATED BETWEEN NEW STREET AND THE NORTHERN BOUNDARY OF TAX PARCEL NO. 26-029.10-124, FROM THE OFFICIAL CITY MAP

#4868

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, 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

Co-Sponsor:

**Council
President
Shabazz**

WHEREAS, Delmarva Power & Light Co. (the “Applicant”), the owner of the Brandywine substation located at 8 Palmers Row, Wilmington, Delaware (being Tax Parcel No. 26-029.10-124) (the “Site”), would like to improve the Site and the surrounding properties that it owns (the “Other Delmarva Properties”); and

WHEREAS, such improvements include the construction of a new control house on the Site, the installation of a third transformer and replacement of aging switchgear on one of the Other Delmarva Properties, and the demolition of certain structures on one of the Other Delmarva Properties; and

WHEREAS, the Applicant has requested the removal of a portion of Palmers Row that is located between New Street and the northern boundary of the Site, as more particularly described on Exhibit “A” attached hereto and more particularly illustrated on Exhibit “B” attached hereto (the “Street Bed”); and

WHEREAS, the Street Bed is entirely surrounded by the Other Delmarva Properties; and

WHEREAS, the Applicant has requested the removal of the Street Bed in order to fence it off from the general public and to provide an internal access to the new control house; and

WHEREAS, the City has not been able to determine the ownership of the Street Bed;
and

WHEREAS, the Department of Public Works has advised that: (1) the Street Bed does not provide any substantial benefit to the City's transportation network; (2) the Street Bed could require future maintenance and improvements, which the City would not be responsible for if the Street Bed were removed from the Official City Map; (3) the removal of the Street Bed would only affect parcels under the Applicant's control and would result in the parcels fronting it to be limited in purpose; (4) there are no water mains within the Street Bed; (5) there is a sewer line within Street Bed and therefore a sewer easement will be required so that the City may retain access to such sewer line; and (6) the Division of Transportation takes no exception and supports the request to vacate the Street Bed, subject to the retention of the aforementioned easement by the City; and

WHEREAS, the Department of Planning and Development has advised that: (1) it has no objection to the removal of the Street Bed from the Official City Map because (a) the Street Bed does not currently contribute to the general traffic circulation or distribution pattern in the immediate area and (b) 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; (2) several "paper" public alleys located between Palmers Row and Mabel Street may still exist on the Official City Map, as more particularly illustrated on Exhibit "C" attached hereto; (3) the "paper" alleys fall completely within the boundaries of the Brandywine substation, are physically inaccessible, and no longer serve any purpose; and (4) it recommends that the "paper" alleys be removed from the Official City Map; and

WHEREAS, the Department of Licenses and Inspections has no objections to the removal of the Street Bed from the Official City Map; 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, there is a lack of public interest in the Street Bed; and

WHEREAS, the City Planning Commission has adopted Planning Commission Resolution 13-20, which recommended approval of (i) the Applicant's request to remove the Street Bed from the Official City Map and (ii) the Department of Planning and Development's recommendation that the aforementioned "paper" alleys be removed 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 Exhibits "A" and "B", as well as the aforementioned "paper" alleys referenced in Exhibit "C", 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 Palmers Rows located between New Street and the northern boundary of Tax Parcel No. 26-029.10-124, which is described on Exhibit "A" attached hereto and illustrated on Exhibit "B" attached hereto, is hereby approved (subject to the conditions set forth in Section 3 of this Ordinance), and the Official City Map is hereby amended to reflect such removal.

SECTION 2. The removal from the Official City Map of any and all "paper" public alleys located between Palmers Row and Mabel Street, which is illustrated on Exhibit "C" attached hereto, is hereby approved, and the Official City Map is hereby amended to reflect such removal.

SECTION 3. The City shall retain such sewer easement within the portion of Palmers Row that is being removed from the Official City Map as the Commissioner of Public Works shall determine is necessary.

SECTION 4. The property rights to the Street Bed shall be determined judicially in accordance with applicable state statutes.

SECTION 5. All City departments are hereby authorized to take any and all necessary actions required for: (i) the removal of the portion of Palmers Row from the Official City Map; (ii) the removal of the “paper” public alleys located between Palmers Row and Mabel Street; and (iii) the retention of the aforementioned easement for the City.

SECTION 6. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....October 15, 2020
Second Reading.....October 15, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ___ day of _____, 2020.

Mayor

SYNOPSIS: This Ordinance authorizes the removal of a portion of Palmers Row, located between New Street and the northern boundary of Tax Parcel No. 26-029.10-124, from the Official City Map.

EXHIBIT A

May 11, 2020

PALMERS ROW RIGHT-OF-WAY – 0.0615 Acres

Description of property situate in City of Wilmington, New Castle County, State of Delaware, being Lands designated PALMERS ROW, RIGHT-OF-WAY TO BE VACATED, as shown on the Right-of-Way Exhibit Plan for Lands Now or Formerly of City of Wilmington "Palmer's Row" Right-of-Way To Be Vacated, prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 2418-03\EXHIBITS\PALMERSROW.dwg, consisting of 1 Sheet, dated May 08, 2020. Being more particularly bounded and described as follows, to wit:

BEGINNING at a point on the northwesterly side of Palmers Row (25' Wide R/W), a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-131), said point being further located from the intersection of the northwesterly side of Palmers Row and the southwesterly side of Vandever Avenue (60' Wide R/W) by the following described course and distance along the aforesaid northwesterly side of Palmers Row, South 29°-47'-09" West, 108.50 feet to the point and place of Beginning; thence, from said point of Beginning, leaving the aforesaid northwesterly side of Palmers Row, crossing from the said northwesterly side of Palmers Row to the southeasterly side of Palmers Row, South 60°-12'-51" East, 25.00 feet to a line in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-140); thence, thereby, in part, and on a line in common with lands now of formerly of Delmarva Power & Light Company (T.P.# 26-029.10-142), in part, South 29°-47'-09" West, 107.13 feet to a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-124); thence, on a line in common with said lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-124), North 60°-12'-51" West, 25.00 feet to a corner in common with lands now or formerly of Delmarva Power & Light Company (T.P.# 26-029.10-125); thence, on a line in common with said lands now or

formerly of Delmarva Power & Light Company (T.P.# 26-029.10-125), in part, lands now or formerly of

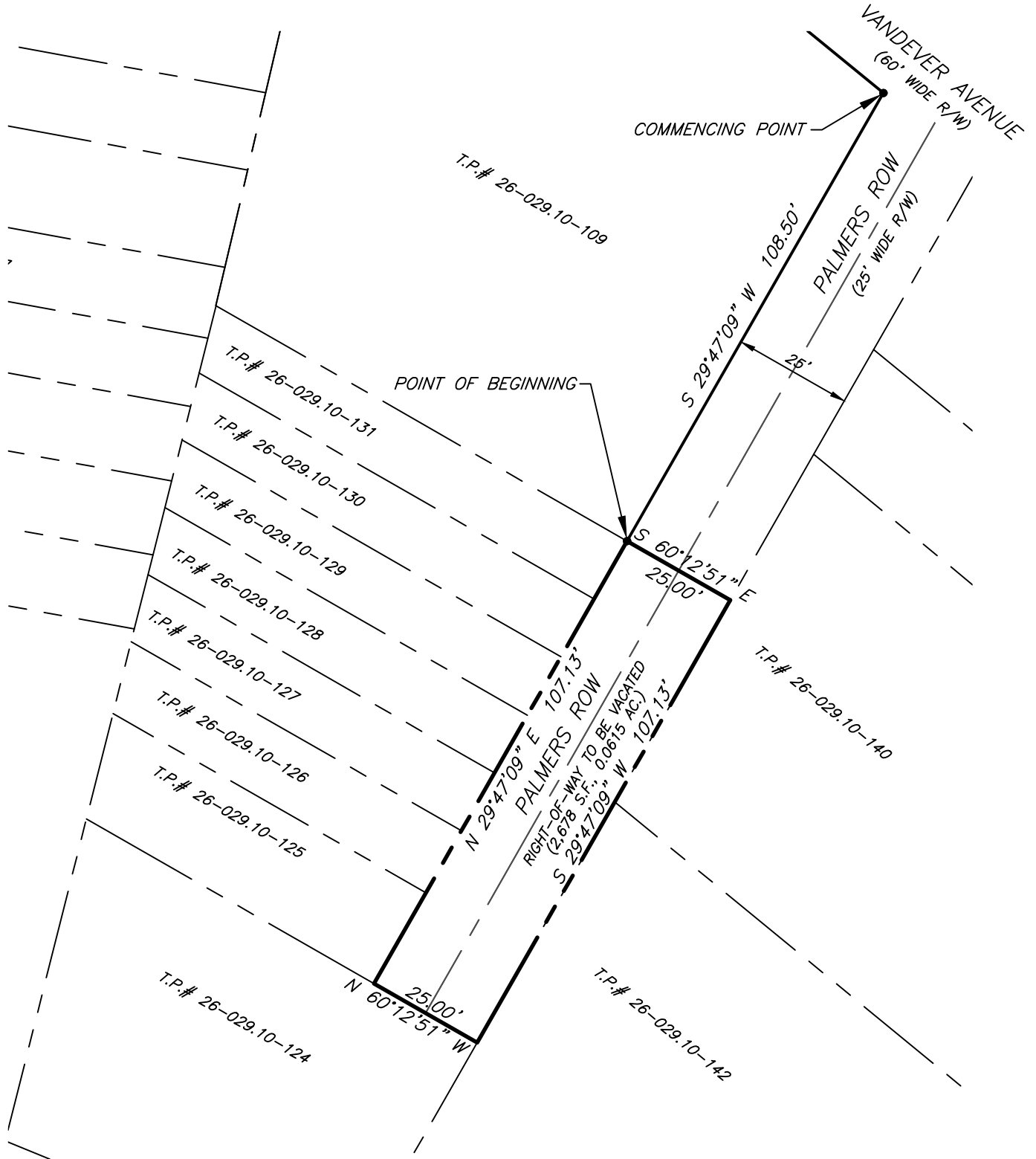
PAGE 2
PALMERS ROW RIGHT-OF-WAY – 0.0615 Acres

Delmarva Power & Light Company (T.P.# 26-029.10-126), in part, lands now or formerly of
Delmarva Power & Light Company (T.P.# 26-029.10-127), in part, lands now or formerly of
Delmarva Power & Light Company (T.P.# 26-029.10-128), in part, lands now or formerly of
Delmarva Power & Light Company (T.P.# 26-029.10-129), in part, lands now or formerly of
Delmarva Power & Light Company (T.P.# 26-029.10-130), in part, and lands now or formerly of
Delmarva Power & Light Company (T.P.# 26-029.10-131), in part, North 29°-47'-09" East,
107.13 feet to the point and place of Beginning.

Containing within said described metes and bounds 0.0615 acres of land, be the same more or less.

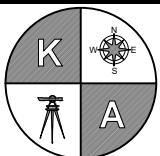
PROPERTY INFORMATION
(ADJOINING PARCELS)

T.P.#	OWNER	DEED RECORD	RECORD PLAN	ZONE
26-029.10-124	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-125	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-126	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-127	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-128	DELMARVA POWER & LIGHT COMPANY	20111215-0075045	N/A	M-1
26-029.10-129	DELMARVA POWER & LIGHT COMPANY	20111215-0075046	N/A	M-1
26-029.10-130	DELMARVA POWER & LIGHT COMPANY	20111215-0075047	N/A	M-1
26-029.10-131	DELMARVA POWER & LIGHT COMPANY	20111221-0076167	N/A	M-1
26-029.10-140	DELMARVA POWER & LIGHT COMPANY	20110923-0058529	N/A	M-1
26-029.10-142	DELMARVA POWER & LIGHT COMPANY	N/A	N/A	M-1
26-029.10-109	KAPPA MAINSTREAM LEADERSHIP INC	2906-7	N/A	M-1



RIGHT-OF-WAY EXHIBIT PLAN
FOR LANDS NOW OR FORMERLY OF
CITY OF WILMINGTON
"PALMERS ROW"
RIGHT-OF-WAY TO BE VACATED
AREA: 2,678 S.F., 0.0615 ACRES

SITUATE IN: CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE



Karins and Associates

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128 WEST MARKET STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 858-4331

DATE: 05-08-20

SCALE: 1" = 30'

DRAWN:ELG / IKY

CHECKED: JJJ

DRAWING: 2418-03\EXHIBITS\PALMERSROW.dwg

EXHIBIT B

Resolution 13-20: A proposal to remove a portion of Palmers Row, between New Street and the north boundary of Parcel # 2602910124 (Delmarva), from the Official City Map.



Portion of Palmers Row to be Removed from City Map

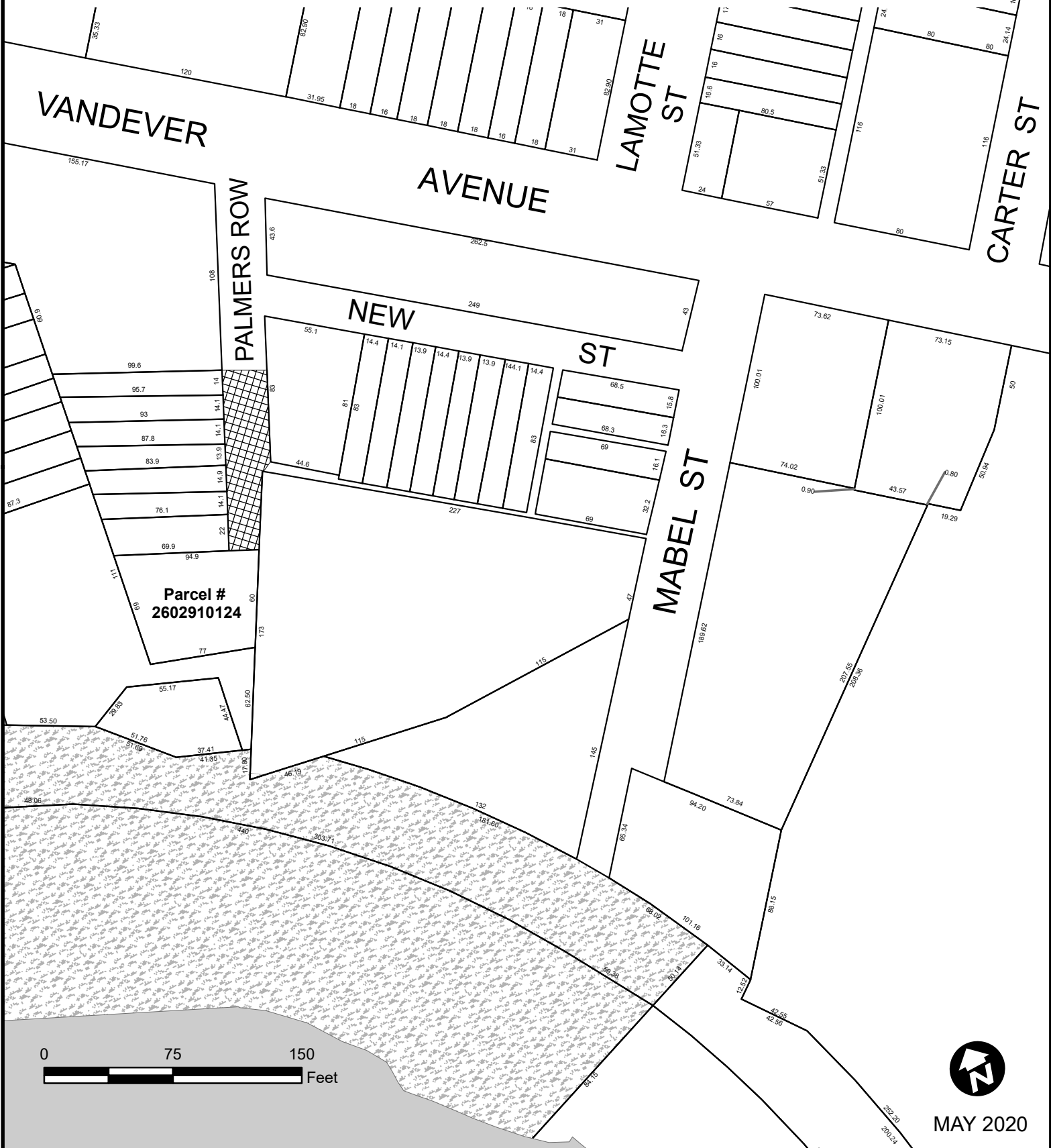


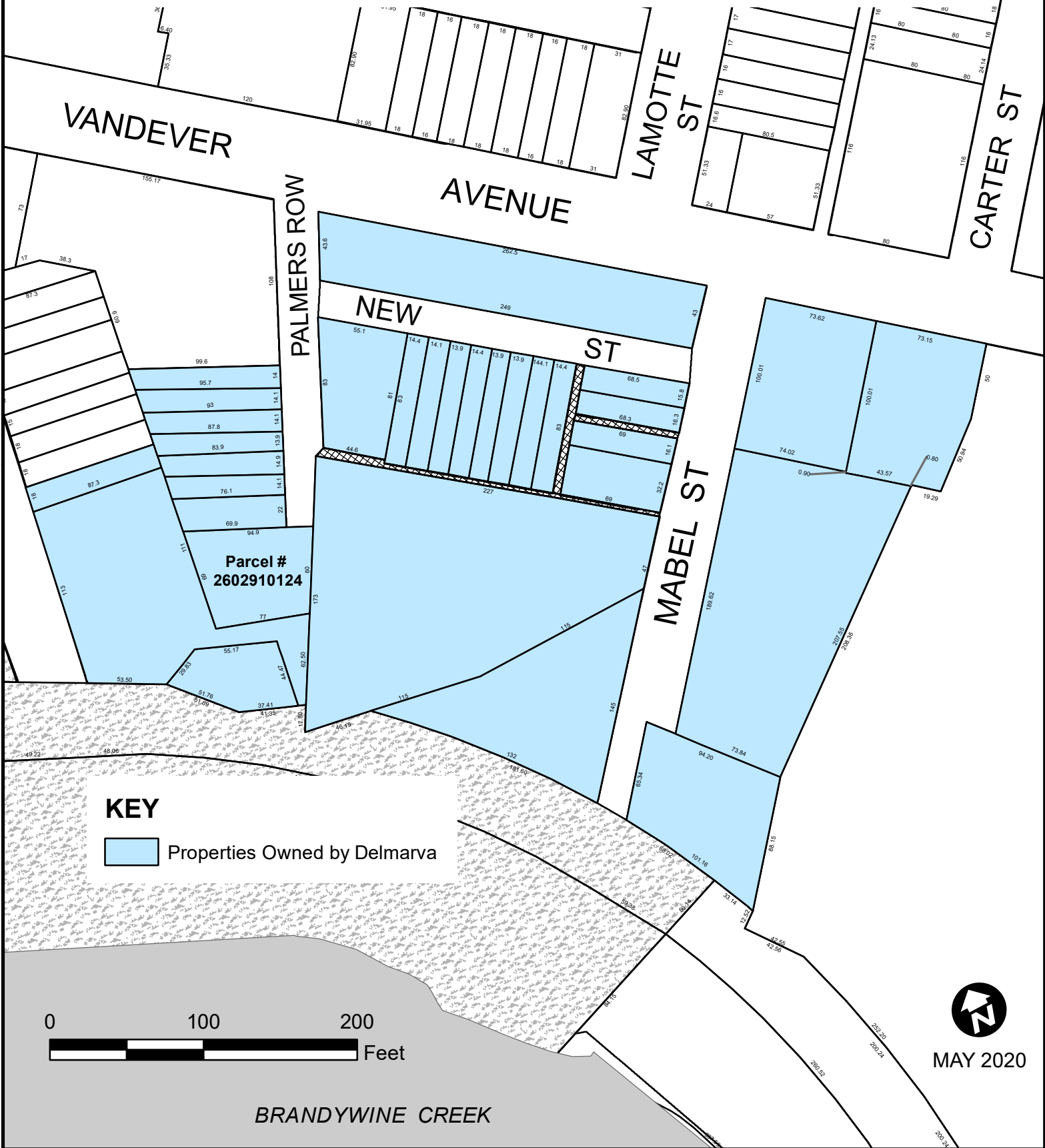
EXHIBIT C

MAP 2: Resolution 13-20

A proposal to remove a portion of Palmers Row, between New Street and the north boundary of Parcel # 2602910124 (Delmarva), from the Official City Map.



"Paper" Alleys to be Removed from City Map



KEY

 Properties Owned by Delmarva

0 100 200 Feet

BRANDYWINE CREEK



MAY 2020