

AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF MARSH LANE, LOCATED BETWEEN 1175 AND 1190 EAST SEVENTH STREET, FROM THE OFFICIAL CITY MAP

#0215

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

WHEREAS, Enneagon Associates LLC (the “Applicant”) has requested the removal of a 0.277-acre portion of an undeveloped paper street known as Marsh Lane or Meadow Lane, located between 1175 and 1190 East Seventh Street (being Tax Parcel Nos. 26-052.00.005 and 26-052.00-002, respectively), as more particularly illustrated on Exhibit “A” attached hereto (the “Street Bed”), from the Official City Map; and

WHEREAS, the removal of the Street Bed will allow the Applicant to enter into a brownfield development agreement with the Delaware Department of Natural Resources and Environmental Control regarding 1175 East Seventh Street; and

WHEREAS, there are no records to determine current ownership of the Street Bed, nor is there any evidence that the City holds legal title to the Street Bed; and

WHEREAS, the Department of Public Works supports the proposed removal of the Street Bed from the Official City Map because there are (1) no plans to develop the Street Bed and (2) no public utilities located beneath the Street Bed; and

WHEREAS, the Department of Land Use and Planning has no objection to the removal of the Street Bed from the Official City Map because (1) the Applicant’s proposal is consistent with the City comprehensive development plan entitled “Wilmington 2028: A Comprehensive Plan for Our City and Communities” and (2) there are no findings to suggest

that the removal of the Street Bed would create a detriment to the surrounding properties or the general public; 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 adopted Planning Commission Resolution 3-22, which recommended approval of the Applicant's request to remove the Street Bed from the Official City Map; and

WHEREAS, 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 the Street Bed (being a portion of Marsh Lane located between 1175 and 1190 East Seventh Street), 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 removal of the Street Bed from the Official City Map.

SECTION 3. The property rights to the Street Bed shall be determined judicially in accordance with applicable state statutes.

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

First Reading.....August 25, 2022
Second Reading.....August 25, 2022
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2022.

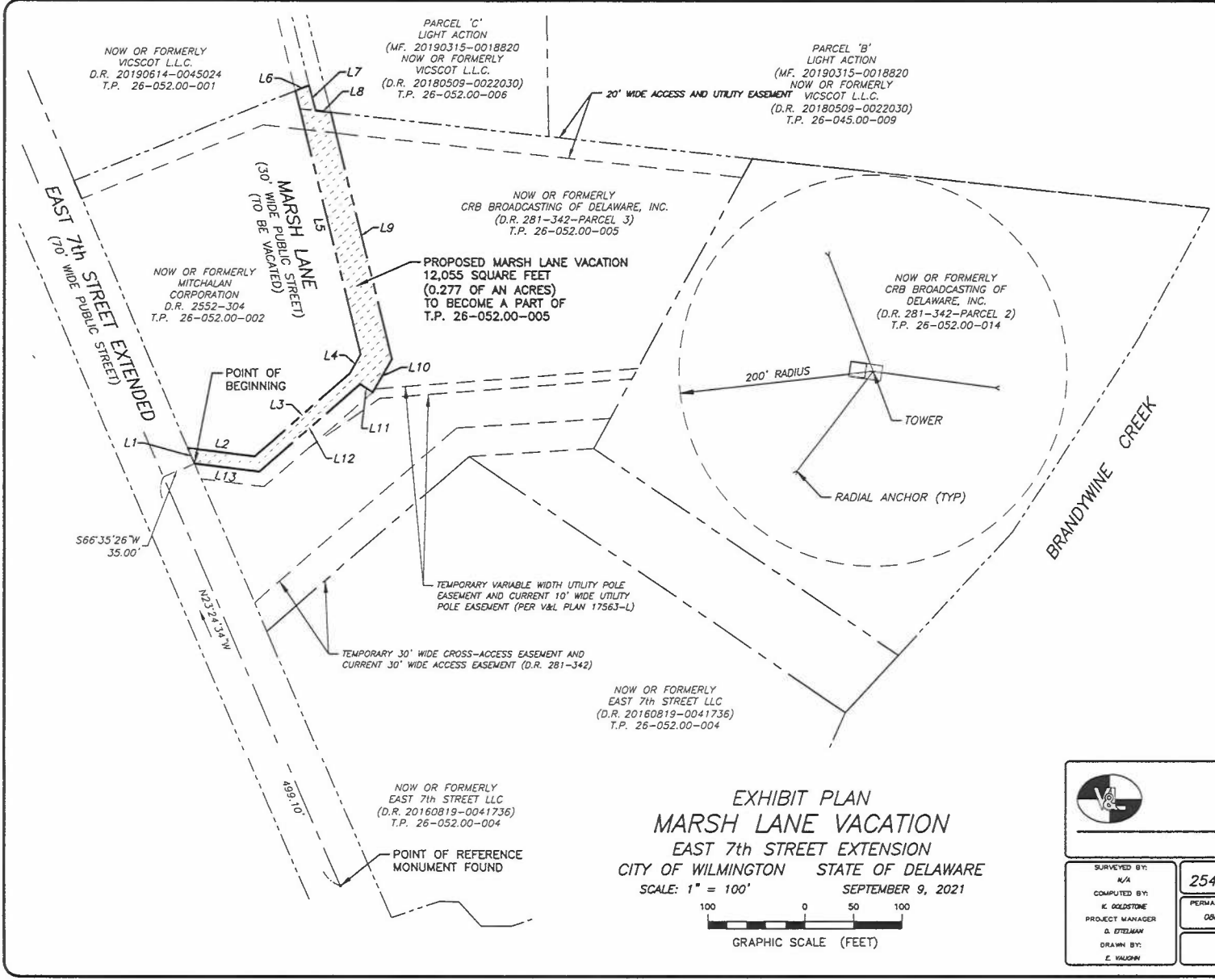
Mayor

SYNOPSIS: This Ordinance authorizes the removal of a portion of Marsh Lane, located between 1175 and 1190 East Seventh Street, from the Official City Map.

FISCAL IMPACT STATEMENT: This Ordinance has no negative fiscal impact.

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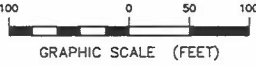
EXHIBIT A



LINE DATA		
LINE No.	BEARING	DISTANCE
L1	N23°24'34"W	17.39'
L2	S83°01'49"E	69.34'
L3	N49°07'11"E	129.56'
L4	N29°58'41"E	21.99'
L5	N14°02'49"W	276.86'
L6	N68°03'09"E	15.14'
L7	S14°02'49"E	26.93'
L8	S83°53'19"E	15.98'
L9	S14°02'49"E	258.63'
L10	S29°58'41"W	39.20'
L11	N55°58'49"W	15.54'
L12	S49°07'11"W	137.20'
L13	N83°01'49"W	67.20'



**EXHIBIT PLAN
MARSH LANE VACATION
EAST 7th STREET EXTENSION
CITY OF WILMINGTON STATE OF DELAWARE**
SCALE: 1" = 100' SEPTEMBER 9, 2021



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COMPUTED BY: K. GOLDSTONE	PERMANENT FILE 085/320	QA REVIEW S	1
PROJECT MANAGER D. ETEMAN	APPROVED BY:		
DRAWN BY: E. WAUGH			