

AN ORDINANCE TO APPROVE THE REMOVAL OF A PORTION OF WILSON STREET, LOCATED BETWEEN EAST TWELFTH AND THIRTEENTH STREETS, AND TWO UNNAMED ALLEYS, LOCATED BETWEEN WILSON STREET AND CLIFFORD BROWN WALK, FROM THE OFFICIAL CITY MAP

#0417

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, Pennoni Associates, Inc., on behalf of PS#5, LLC (the “Applicant”), has submitted development plans to the City’s Department of Land Use and Planning (the “Planning Department”) entitled “Community Education Building Youth Development Center - Existing Conditions and Vacation Plan,” which provide for the removal of a 38-foot-wide by 300.5-foot-long portion of Wilson Street located between East Twelfth and East Thirteenth Streets from the Official City Map, as more particularly depicted on Exhibit “A” attached hereto (the “Street Bed”) and as more particularly described on Exhibit “B” attached hereto; and

WHEREAS, the Applicant is the owner of thirty-seven (37) parcels totaling approximately 1.74 acres situated on the block bounded by North Walnut Street, East Twelfth Street, Clifford Brown Walk, and East Thirteenth Street, which it intends to consolidate, as more particularly described on Exhibit “B” attached hereto, to facilitate the construction of a 40,236 square foot youth development center and adjacent outdoor playgrounds and ball courts to serve the Community Education Building located one-half block away at 1200 North French Street; and

WHEREAS, upon the removal of the Street Bed from the Official City Map, the Applicant will create a private gated access drive utilizing the Street Bed to facilitate the construction of the youth development center; and

WHEREAS, in reviewing the Applicant’s request, the Planning Department identified two (2) unnamed three-foot-wide and four-foot-wide alleys located between Wilson Street and Clifford Brown Walk, which are shown on the Official City Map and which have been paved over as a parking lot for decades, as more particularly described on Exhibit “B” attached hereto (collectively, the “Alleys”); and

WHEREAS, the Planning Department has recommended that the Alleys also be removed from the Official City Map; and

WHEREAS, the City has been able to determine that (i) the Applicant owns the southernmost 153-foot-5-inch length of Wilson Street that connects into East Twelfth Street and (ii) the City owns the northernmost 147-foot length of Wilson Street that connects into East Thirteenth Street (the “City Street Bed Portion”); and

WHEREAS, the ownership of the Alleys is unknown; and

WHEREAS, the Planning Department supports the removal of the Street Bed and the Alleys from the Official City Map because the proposed private access drive to serve the youth development center will not negatively affect traffic circulation or access to public utilities due to the City requirement that the Applicant provide a thirty-foot wide utility easement; and

WHEREAS, the Department of Public Works supports the proposed removal of the Street Bed from the Official City Map but noted that before a building permit is issued, the Department of Public Works will need to (i) review and approve any changes to the City’s water main or its location, (ii) review and approve a sewer relocation plan for the sewer line,

and (iii) prepare and record a thirty-foot easement protecting the City’s existing water main, as more particularly described on Exhibit “B” attached hereto (collectively, the “Conditions Precedent”); and

WHEREAS, the Department of Public Works - Transportation Division supports the proposed removal of the Street Bed from the Official City Map, contingent upon addressing the existing utility service lines within the roadway, because (i) even after the removal of the Street Bed, a roadway will remain to provide internal movements within the Applicant’s proposed design and layout of the site of the youth development center, (ii) Wilson Street is a minor local street that supports the immediate neighborhood, and (iii) there is a sufficient roadway network surrounding Wilson Street to effectively handle the increased vehicular traffic; 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 or the Alleys would create a detriment to the general public or to public safety; and

WHEREAS, there is a lack of public interest in the Alleys; and

WHEREAS, at its March 5, 2024 regular meeting, the City Planning Commission adopted Planning Commission Resolution 1-24, which recommended approval of the removal of the Street Bed and the Alleys from the Official City Map; and

WHEREAS, City Council deems it necessary and appropriate to approve the removal of the Street Bed and the Alleys from the Official City Map as depicted in Exhibit “A” and described in Exhibit “B”, which are attached hereto and incorporated herein.

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

SECTION 1. The removal from the Official City Map of the Street Bed (namely, a 38-foot-wide by 300.5-foot-long portion of Wilson Street located between East Twelfth and East Thirteenth Streets) and the Alleys (namely, two (2) unnamed three-foot-wide and four-foot-wide alleys located between Wilson Street and Clifford Brown Walk), which are depicted on Exhibit “A” and described on Exhibit “B” attached hereto and incorporated herein, is hereby approved, and the Official City Map is hereby amended to reflect such removal, subject to satisfaction of the Conditions Precedent.

SECTION 2. The conveyance of the City Street Bed Portion to the Applicant is hereby authorized, subject to satisfaction of the Conditions Precedent.

SECTION 3. All City departments are hereby authorized to take any and all necessary actions required for the (i) removal of the Street Bed and the Alleys from the Official City Map, (ii) conveyance of the City Street Bed Portion to the Applicant, and (iii) satisfaction of the Conditions Precedent.

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

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

First Reading.....April 18, 2024
Second Reading.....April 18, 2024
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2024.

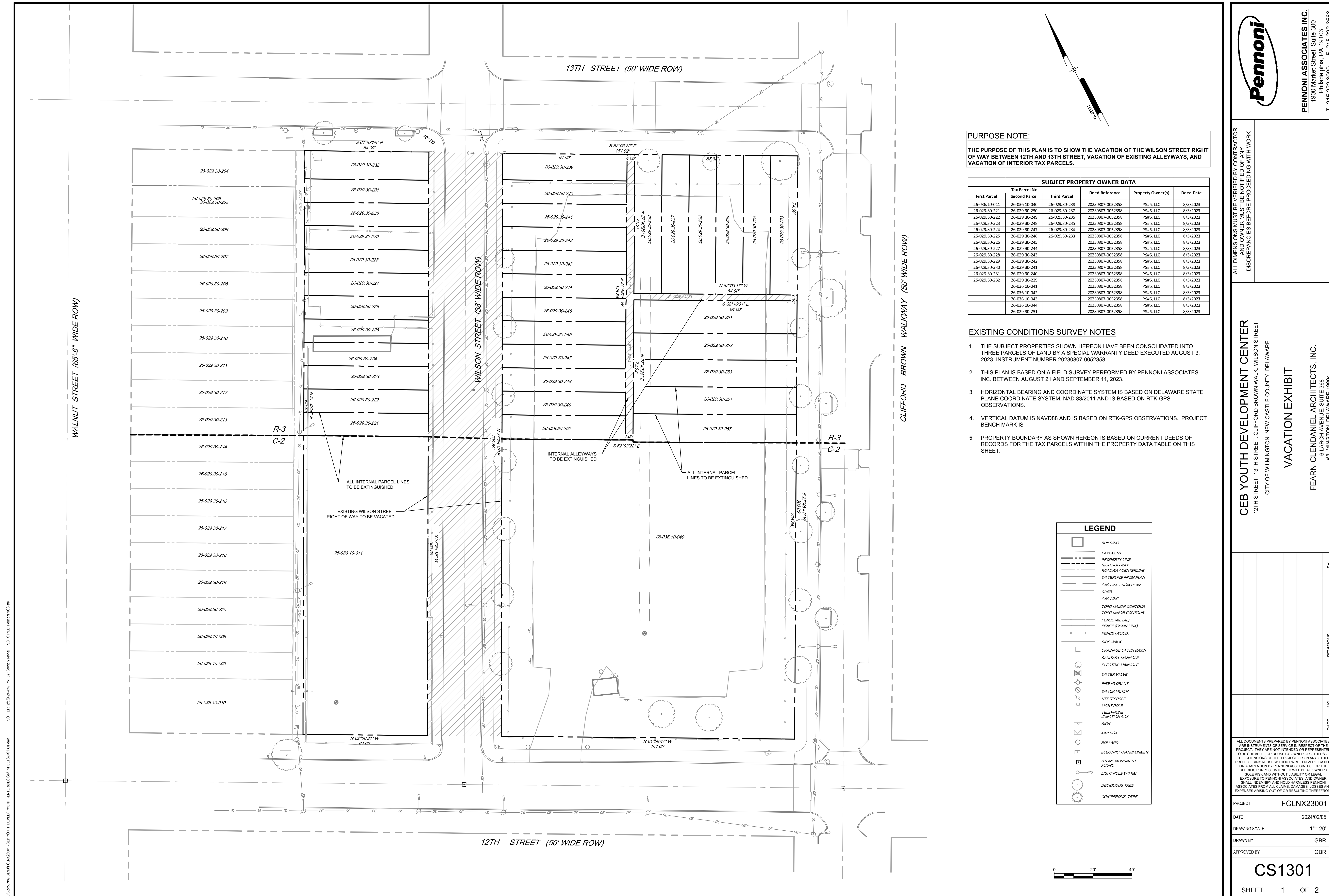
Mayor

SYNOPSIS: This Ordinance authorizes the removal of a portion of Wilson Street, located between East Twelfth and Thirteenth Streets, and two unnamed alleys, located between Wilson Street and Clifford Brown Walk, from the Official City Map.

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

W0124589

EXHIBIT A



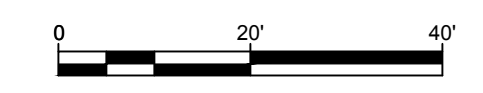
PURPOSE NOTE:
 THE PURPOSE OF THIS PLAN IS TO SHOW THE VACATION OF THE WILSON STREET RIGHT OF WAY BETWEEN 12TH AND 13TH STREET, VACATION OF EXISTING ALLEYWAYS, AND VACATION OF INTERIOR TAX PARCELS.

SUBJECT PROPERTY OWNER DATA						
First Parcel	Tax Parcel No	Second Parcel	Third Parcel	Deed Reference	Property Owner(s)	Deed Date
26-036.10-011	26-036.10-040	26-029.30-238	26-029.30-238	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-221	26-029.30-250	26-029.30-237	26-029.30-237	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-222	26-029.30-249	26-029.30-236	26-029.30-236	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-223	26-029.30-248	26-029.30-235	26-029.30-235	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-224	26-029.30-247	26-029.30-234	26-029.30-234	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-225	26-029.30-246	26-029.30-233	26-029.30-233	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-226	26-029.30-245	26-029.30-232	26-029.30-232	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-227	26-029.30-244	26-029.30-231	26-029.30-231	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-228	26-029.30-243	26-029.30-230	26-029.30-230	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-229	26-029.30-242	26-029.30-229	26-029.30-229	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-230	26-029.30-241	26-029.30-228	26-029.30-228	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-231	26-029.30-240	26-029.30-227	26-029.30-227	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-232	26-029.30-239	26-029.30-226	26-029.30-226	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-229	26-036.10-041	26-036.10-041	26-036.10-041	20230807-0052358	PS&S, LLC	8/3/2023
26-036.10-042	26-036.10-042	26-036.10-042	26-036.10-042	20230807-0052358	PS&S, LLC	8/3/2023
26-036.10-043	26-036.10-043	26-036.10-043	26-036.10-043	20230807-0052358	PS&S, LLC	8/3/2023
26-036.10-044	26-036.10-044	26-036.10-044	26-036.10-044	20230807-0052358	PS&S, LLC	8/3/2023
26-029.30-251	26-029.30-251	26-029.30-251	26-029.30-251	20230807-0052358	PS&S, LLC	8/3/2023

- EXISTING CONDITIONS SURVEY NOTES**
- THE SUBJECT PROPERTIES SHOWN HEREON HAVE BEEN CONSOLIDATED INTO THREE PARCELS OF LAND BY A SPECIAL WARRANTY DEED EXECUTED AUGUST 3, 2023, INSTRUMENT NUMBER 20230807-0052358.
 - THIS PLAN IS BASED ON A FIELD SURVEY PERFORMED BY PENNONI ASSOCIATES INC. BETWEEN AUGUST 21 AND SEPTEMBER 11, 2023.
 - HORIZONTAL BEARING AND COORDINATE SYSTEM IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, NAD 83/2011 AND IS BASED ON RTK-GPS OBSERVATIONS.
 - VERTICAL DATUM IS NAVD88 AND IS BASED ON RTK-GPS OBSERVATIONS. PROJECT BENCH MARK IS
 - PROPERTY BOUNDARY AS SHOWN HEREON IS BASED ON CURRENT DEEDS OF RECORDS FOR THE TAX PARCELS WITHIN THE PROPERTY DATA TABLE ON THIS SHEET.

LEGEND

[Symbol]	BUILDING
[Symbol]	PAVEMENT
[Symbol]	PROPERTY LINE
[Symbol]	RIGHT-OF-WAY
[Symbol]	ROADWAY CENTERLINE
[Symbol]	WATERLINE FROM PLAN
[Symbol]	GAS LINE FROM PLAN
[Symbol]	CURB
[Symbol]	GAS LINE
[Symbol]	TOPO MAJOR CONTOUR
[Symbol]	TOPO MINOR CONTOUR
[Symbol]	FENCE (METAL)
[Symbol]	FENCE (CHAIN LINK)
[Symbol]	FENCE (WOOD)
[Symbol]	SIDE WALK
[Symbol]	DRAINAGE CATCH BASIN
[Symbol]	SANITARY MANHOLE
[Symbol]	ELECTRIC MANHOLE
[Symbol]	WATER VALVE
[Symbol]	FIRE HYDRANT
[Symbol]	WATER METER
[Symbol]	UTILITY POLE
[Symbol]	LIGHT POLE
[Symbol]	TELEPHONE JUNCTION BOX
[Symbol]	SIGN
[Symbol]	MAILBOX
[Symbol]	ROLLAND
[Symbol]	ELECTRIC TRANSFORMER
[Symbol]	STONE MONUMENT FOUND
[Symbol]	LIGHT POLE WARM
[Symbol]	DECIDUOUS TREE
[Symbol]	CONIFEROUS TREE



Pennonni
 PENNONI ASSOCIATES INC.
 1900 Market Street, Suite 300
 Philadelphia, PA 19103
 T 215.222.3000 F 215.222.3588

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

CEB YOUTH DEVELOPMENT CENTER
 12TH STREET, CLIFFORD BROWN WALK, WILSON STREET
 CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE

VACATION EXHIBIT

FEARN-CLENDANIEL ARCHITECTS, INC.
 6 LARCH AVENUE, SUITE 368
 WILMINGTON, DELAWARE 19804

NO.	DATE	BY	REVISIONS

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: FCLNX23001
 DATE: 2024/02/05
 DRAWING SCALE: 1"= 20'
 DRAWN BY: GBR
 APPROVED BY: GBR

U:\Account\CLM\CLM2024\CEB YOUTH DEVELOPMENT CENTER\DESIGN SHEETS\CS1301.dwg PLOTTED: 2/20/24 4:57 PM BY: GBR/ghbr PLOT STYLE: Pennonni.ctb

EXHIBIT B

WILSON STREET VACATION

Beginning at a point in the northern right-of-way line of E. 12th Street, at 50' wide, and the southwest property corner of Tax Parcel #26-036.10-040, now or formerly of PS#5 LLC, thence **N62°00'09"W 38.00'** in the direction of the northern right-of-way line of E. 12th Street, to the southeast property corner of Tax Parcel #26-036.10-011, now or formerly of PS#5 LLC, thence **N27°35'19"E 300.25'** along the eastern property lines of thirteen (13) properties (Tax Parcel #26-036.10-011 and #'s 26-029.30-221 thru -232), all now or formerly of PS#5 LLC, to the northeast property corner of Tax Parcel #26-029.30-232, now or formerly of PS#5 LLC, also being a point in the southern right-of-way line of E. 13th Street, at 50' wide, thence **S61°27'33"E 38.01'** in the direction of the southern right-of-way line of E. 13th Street, to the northwest property corner of Tax Parcel #26-029.30-239, now or formerly of PS#5 LLC, thence **S27°35'19"W 299.89'** along the western property lines of thirteen (13) properties (Tax Parcel #'s 26-029.30-239 thru -250 and #26-036.10-040), all now or formerly of PS#5 LLC, to the point of beginning, property of which encompasses **11,403 SF** of land.

ALLEY VACATIONS

Beginning at a point in the southern right-of-way line of E. 13th Street, at 50' wide, said point also being the northeast property corner of Tax Parcel #26-029.30-239, now or formerly of PS#5 LLC, thence **S62°03'22"E 4.00'** in the direction of the southern right-of-way line of E. 13th Street to a point in the southern right-of-way line of E. 13th Street, said point also being the northwest property corner of Tax Parcel #26-029.30-238, now or formerly of PS#5 LLC, thence **S27°49'28"W 71.50'** along the western property line of Tax Parcel #26-029.30-238, now or formerly of PS#5 LLC, to the southwest property corner of Tax Parcel #26-029.30-238, now or formerly of PS#5 LLC, thence **S62°03'17"E 84.00'** along the southern property lines of six (6) properties (Tax Parcel #26-029.30-233 thru -238), all now or formerly of PS#5 LLC, to a point in the western right-of-way line of Clifford Brown Walk, at 50' wide, said point also being the southeast property corner of Tax Parcel #26-029.30-233, now or formerly of PS#5 LLC, thence **S27°45'41"W 3.00'** in the direction of the western right-of-way line of Clifford Brown Walk to a point in the western right-of-way line of Clifford Brown Walk, said point also being the northeast property corner of Tax Parcel #26-029.30-251, now or formerly of PS#5 LLC, thence **N62°16'31"W 84.00'** along the northern property line of Tax Parcel #26-029.30-251, now or formerly of PS#5 LLC, to the northwest property corner of Tax Parcel #26-029.30-251, now or formerly of PS#5 LLC, thence **S27°49'28"W 72.02'** along the western property lines of five (5) properties (Tax Parcel #26-029.30-251 and #'s 26-036.10-041 thru -044), all now or formerly of PS#5 LLC, to the southwest property corner of Tax Parcel #26-036.10-041, now or formerly of PS#5 LLC, thence **N62°03'22"W 4.00'** to the southeast property corner of Tax Parcel #26-029.30-250, now or formerly of PS#5 LLC, thence **N27°49'28"E 146.84'** along the eastern property line of twelve (12) properties (Tax Parcel #26-029.30-239 thru -250), all now or formerly of PS#5 LLC, to the point of beginning, property of which encompasses **853 SF** of land.

CONSOLIDATED PROPERTY

Beginning at a point at the northwest intersection of E. 12th Street, at 50' wide, and Clifford Brown Walk, at 50' wide, thence along the northern right-of-way line of E. 12th Street **N61°59'47"W 151.02'** to a point in the northern right-of-way line of E. 12th Street, thence **N62°00'09"W 38.00'** to a point in the northern right-of-way line of E. 12th Street, thence **N62°00'31"W 64.00'** to a point in the northern right-of-way line of E. 12th Street, said point also being the southeast corner of a 4' wide alley, thence **N27°35'20"E 300.30'** along the western property lines of thirteen (13) properties (Tax Parcel #26-036.10-011 and #'s 26-029.30-221 thru -232), all now or formerly of PS#5 LLC, to a point in the southern right-of-way line of E. 13th Street,

at 50' wide, said point also being the northwest property corner of Tax Parcel #26-029.30-232, now or formerly of PS#5 LLC, thence along the southern right-of-way line of E. 13th Street **S61°57'59"E 64.00'** to a point in the southern right-of-way line of E. 13th Street, thence **S61°27'33"E 38.01'** to a point in the southern right-of-way line of E. 13th Street, thence **S62°03'22"E 151.92'** to a point at the southwest intersection of E. 13th Street, at 50' wide, and Clifford Brown Walk, at 50' wide, thence **S27°45'41"W 300.05'** along the western right-of-way line of Clifford Brown Walk to the point of beginning, property of which encompasses **76,055 SF** of land.

WATER MAIN EASEMENT

Beginning at a point in the northern right-of-way line of E. 12th Street, at 50' wide, thence **N62°00'09"W 30.00'** in the direction of the northern right-of-way line of E. 12th Street to a point, thence **N27°48'51"E 93.81'** to a point, thence **N02°45'41"E 30.26'** to a point, thence **N27°45'41"E 53.41'** to a point, thence **N53°27'50"E 29.71'** to a point, thence **N27°48'51"E 98.82'** to a point in the southern right-of-way line of E. 13th Street, at 50' wide, thence **S61°27'33"E 30.00'** in the direction of the southern right-of-way line of E. 13th Street to a point, thence **S27°48'51"W 105.27'** to a point, thence **S53°27'50"W 29.70'** to a point, thence **S27°45'41"W 39.92'** to a point, thence **S02°45'41"W 30.27'** to a point, thence **S27°48'51"W 100.57'** to the point of beginning, property of which encompasses **9,176 SF** of land.