

**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-feet-wide by 300.5-feet-long portion of Wilson Street located between East Twelfth and East Thirteenth Streets) and the Alleys (namely, two (2) unnamed three-feet-wide and four-feet-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



## **EXHIBIT B**



### WILSON STREET VACATION

Beginning at a point in the northern right-of-way line of E. 12<sup>th</sup> 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. 12<sup>th</sup> 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. 13<sup>th</sup> Street, at 50' wide, thence **S61°27'33"E 38.01'** in the direction of the southern right-of-way line of E. 13<sup>th</sup> 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. 13<sup>th</sup> 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. 13<sup>th</sup> Street to a point in the southern right-of-way line of E. 13<sup>th</sup> 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. 12<sup>th</sup> Street, at 50' wide, and Clifford Brown Walk, at 50' wide, thence along the northern right-of-way line of E. 12<sup>th</sup> Street **N61°59'47"W 151.02'** to a point in the northern right-of-way line of E. 12<sup>th</sup> Street, thence **N62°00'09"W 38.00'** to a point in the northern right-of-way line of E. 12<sup>th</sup> Street, thence **N62°00'31"W 64.00'** to a point in the northern right-of-way line of E. 12<sup>th</sup> 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. 13<sup>th</sup> 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. 13<sup>th</sup> Street **S61°57'59"E 64.00'** to a point in the southern right-of-way line of E. 13<sup>th</sup> Street, thence **S61°27'33"E 38.01'** to a point in the southern right-of-way line of E. 13<sup>th</sup> Street, thence **S62°03'22"E 151.92'** to a point at the southwest intersection of E. 13<sup>th</sup> 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. 12<sup>th</sup> Street, at 50' wide, thence **N62°00'09"W 30.00'** in the direction of the northern right-of-way line of E. 12<sup>th</sup> 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. 13<sup>th</sup> Street, at 50' wide, thence **S61°27'33"E 30.00'** in the direction of the southern right-of-way line of E. 13<sup>th</sup> 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.