

AN ORDINANCE TO APPROVE THE REMOVAL OF MENDENHALL COURT FROM THE OFFICIAL CITY MAP

#0068

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, the Eastside Community Learning Center Foundation (the “Foundation”) owns the majority of the block (the “Block”) bounded by Todd’s Lane, Bowers and Clayton Streets, and the City’s northern boundary, including, but not limited to, 3000 North Claymont Street, all of which is leased to the EastSide Charter School (the “School”); and

WHEREAS, the Foundation is currently under contract to purchase the remaining parcel on the Block, 3001 Bowers Street, which will allow for the School to expand; and

WHEREAS, 3000 North Claymont Street and 3001 Bowers Street surround an unused roadway known as Mendenhall Court (the “Street Bed” or “Mendenhall Court”), which is approximately 102 feet in length and 50 feet in width and intersects the north side of Todd’s Lane, midway between Bowers and Clayton Streets, within the Block; and

WHEREAS, Mendenhall Court is no longer a functioning street and does not provide for through traffic; and

WHEREAS, the Foundation and John W. Jacobson (collectively, the “Applicant”), the owners of 3000 North Claymont Street and 3001 Bowers Street, respectively, have requested the removal of the Street Bed from the Official City Map, as more particularly illustrated on Exhibit “A” attached hereto; and

WHEREAS, while the Street Bed was under private ownership at one time in the early 1900's, 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 has advised that: (1) there are sections of abandoned eight inch water main and two inch water service located within the Street Bed which do not require easements; (2) there are three sewer lines in the Street Bed which will require easements so that the City may retain access to such sewer lines; and (3) the Street Bed is not an integral part of the street network and therefore it takes no exception to the request to remove the Street Bed, subject to the retention of the aforementioned easements by the City; and

WHEREAS, the Department of Planning and Development 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 patterns in the surrounding neighborhood; (2) the Street Bed is not serviceable and the existing water service has been abandoned; (3) easements can address the City's need to access to the existing sewer lines in the Street Bed; (4) there is no evidence of ownership of the Street Bed; and (5) 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, there is a lack of public interest in the Street Bed; and

WHEREAS, the City Planning Commission has adopted Planning Commission Resolution 4-21, 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 Mendenhall Court, 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 such sewer easements within Mendenhall Court as the Commissioner of Public Works determines are necessary to access the sewer lines located within Mendenhall Court.

SECTION 3. The property rights to Mendenhall Court shall be determined judicially in accordance with applicable state statutes.

SECTION 4. All City departments are hereby authorized to take any and all necessary actions required for: (i) the removal of Mendenhall Court from the Official City Map and (ii) the retention of the aforementioned sewer 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.....June 3, 2021
Second Reading.....June 3, 2021
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

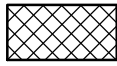
SYNOPSIS: This Ordinance authorizes the removal of Mendenhall Court from the Official City Map.

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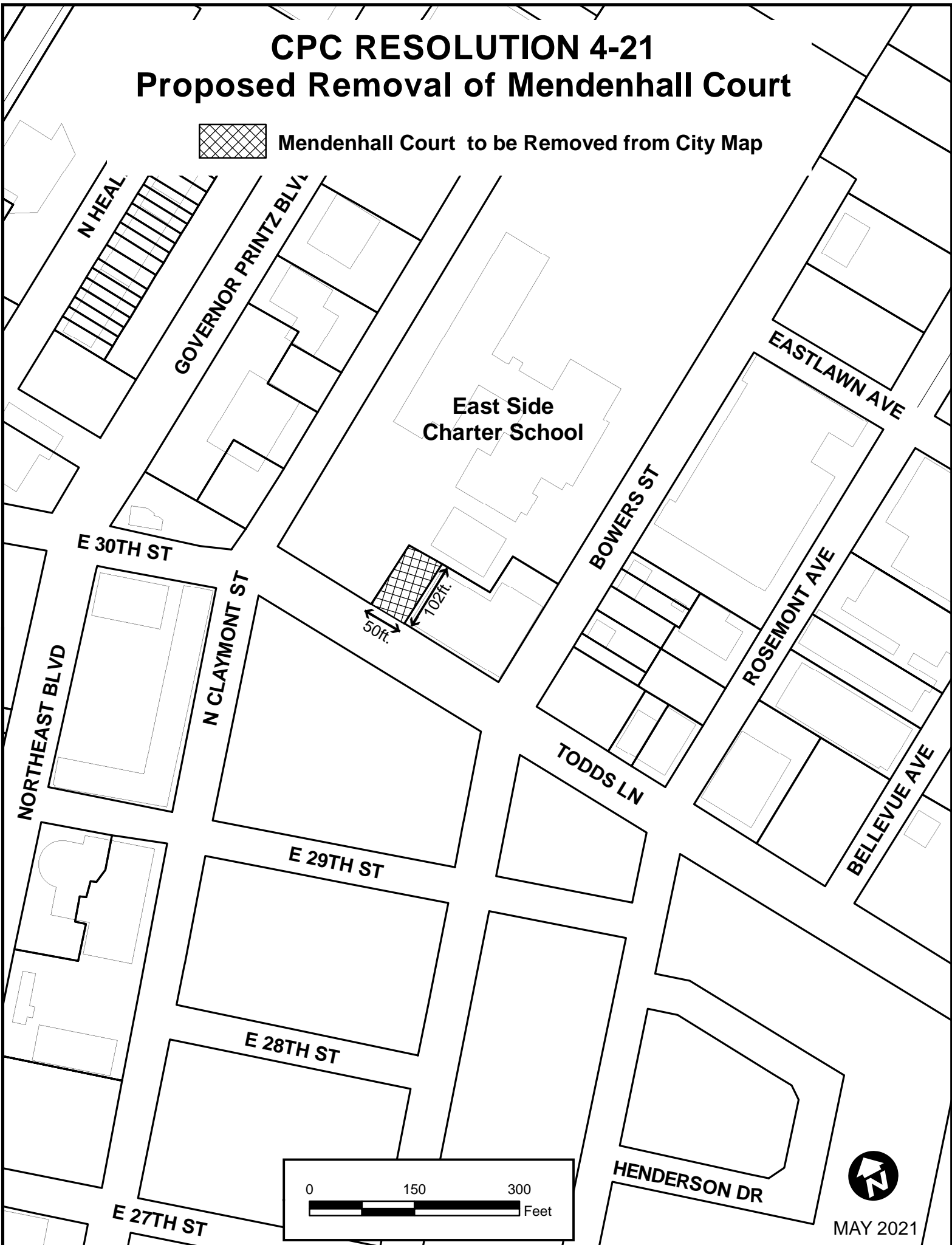
EXHIBIT A

CPC RESOLUTION 4-21

Proposed Removal of Mendenhall Court



Mendenhall Court to be Removed from City Map



MAY 2021