

**AN ORDINANCE TO APPROVE THE LIBERTY STREET PROPERTIES MAJOR SUBDIVISION PLAN AND AUTHORIZE THE CITY TO REMOVE LIBERTY STREET, NANCY STREET, AND TWO UNNAMED ALLEYS FROM THE OFFICIAL CITY MAP AND ACCEPT THE DEDICATION OF NEW SEGMENTS OF LIBERTY STREET, LOWER LINDEN STREET, AND LOWER ELM STREET AS PUBLIC RIGHTS-OF-WAY AND ADD THEM TO THE OFFICIAL CITY MAP**

**#0364**  
**Sponsor:**  
**Council Member Harlee**

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, Foresite Associates, Inc., on behalf of Reybold Venture Group XIV (collectively, the “Applicants”), has requested that the City approve and adopt the major subdivision plan known as “Liberty Street Properties,” which is attached hereto and incorporated herein as Exhibit “A” (the “Plan”); and

WHEREAS, as part of the Plan, the Applicants have requested that fourteen (14) current contiguous tax parcels (being Tax Parcel Nos. 26-042.20-015, 26-042.20-016, 26-042.20-017, 26-042.20-018, 26-042.20-019, 26-042.20-020, 26-042.20-021, 26-042.20-023, 26-042.20-024, 26-042.20-025, 26-042.20-026, 26-042.20-027, 26-042.20-095, and 26-042.20-096) be subdivided into six (6) new parcels (being Lots 1, 2, 3, 4, 5, and 6), as depicted on the Plan attached hereto as Exhibit “A”; and

WHEREAS, as part of the Plan, the Applicants have requested the removal of the following streets from the Official City Map, as more particularly illustrated in the Plan attached hereto as Exhibit “A”: (i) a 315 feet long by 40 feet wide segment that constitutes Liberty Street, (ii) a 315 feet long by 10 feet wide segment that constitutes Nancy Street between Lower Elm Street and Lower Linden Street, and (iii) two (2) unnamed, three-foot

wide alleys on the site (collectively, the “Street Beds”); and

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

**WHEREAS**, there are no findings to suggest that the removal of the Street Beds would create a detriment to the public or to public safety; and

**WHEREAS**, there is a lack of public interest in the Street Beds; and

**WHEREAS**, as part of the Plan, the Applicants have requested that the City accept the dedication of four (4) new segments of streets as public rights-of-way, as depicted in the Plan attached hereto as Exhibit “A,” as follows: (i) a relocated portion of Liberty Street, (ii) a portion of Lower Linden Street, and (iii) two (2) portions of Lower Elm Street (collectively, the “New Street Segments”); and

**WHEREAS**, as part of the Plan, the Applicants have requested that the City add the New Street Segments to the Official City Map and give them the names of the respective streets to which they are related, namely “Liberty Street,” Lower Linden Street,” and “Lower Elm Street;” and

**WHEREAS**, there are no findings to suggest the acceptance of the New Street Segments would be detrimental to the surrounding properties, the public, or public safety; and

**WHEREAS**, the street beds of the New Street Segments are owned by Reybold Venture Group XIV; and

**WHEREAS**, once the New Street Segments are built in compliance with all City standards, including, but not limited to, all requirements of the Department of Public Works, they, including their street beds, will be conveyed by Reybold Venture Group XIV to the

City; and

**WHEREAS**, the Department of Land Use and Planning reviewed the proposed street names of “Liberty Street,” Lower Linden Street,” and “Lower Elm Street” in accordance with the City Planning Commission’s “Guidelines for the Naming and Renaming of Streets” and found that proposed names met such guidelines; and

**WHEREAS**, the Department of Public Works and all other relevant departments have reviewed the proposed names of the New Street Segments and support them; and

**WHEREAS**, the Fire Marshal’s Office has no comments or objections to the Plan; and

**WHEREAS**, the City Planning Commission has adopted Planning Commission Resolution 7-23, which recommends the approval of the Applicants’ Plan, including the removal of the Street Beds from the Official City Map and the acceptance of the dedication of the New Street Segments and their addition to the Official City Map with the names of “Liberty Street”, Lower Linden Street”, and “Lower Elm Street”, respectively, subject to the satisfaction of certain requirements set forth in Resolution 7-23 that were requested by the Department of Public Works’ Transportation Division (the “Requirements”); and

**WHEREAS**, City Council deems it necessary and appropriate to approve the Applicants’ Plan and the removal of the Street Beds from the Official City Map and to accept the dedication of the New Street Segments and add them to the Official City Map with the names of “Liberty Street”, Lower Linden Street”, and “Lower Elm Street”, respectively.

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

**SECTION 1.** The Plan (being the major subdivision plan known as “Liberty Street Properties”) is hereby approved as depicted on Exhibit “A” attached hereto and incorporated herein, subject to satisfaction of the Requirements.

**SECTION 2.** The removal of the Street Beds from the Official City Map, which is illustrated on Exhibit “A” attached hereto and incorporated herein, is hereby approved.

**SECTION 3.** The property rights to the Street Beds shall be determined judicially in accordance with applicable State statutes.

**SECTION 4.** The acceptance of the dedication of the New Street Segments to be known as “Liberty Street,” Lower Linden Street,” and “Lower Elm Street,” respectively, as depicted on Exhibit “A” attached hereto and incorporated herein, is hereby approved.

**SECTION 5.** All City Departments are hereby authorized to take any and all necessary actions required for the execution and recordation of the Plan, the removal of the Street Beds from the Official City Map, the acceptance of the dedication of the New Street Segments, and the addition of the New Street Segments to the Official City Map.

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

First Reading..... November 2, 2023  
Second Reading..... November 2, 2023  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance approves the “Liberty Street Properties” major subdivision plan, authorizes the City to remove Liberty Street, Nancy Street, and two unnamed alleys from the Official City Map, and authorizes the City to accept the dedication of new segments of Liberty Street, Lower Linden Street, and Lower Elm Street and add them to the Official City Map.

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

W0122899

# **EXHIBIT A**

**LEGEND**

**EXISTING FEATURES**

- 4 SIGN
- UTILITY POLE
- TELEPHONE MANHOLE (TELMH)
- ▭ WATER METER
- TOP OF CURB
- BOTTOM OF CURB
- PROPERTY LINE
- PROPERTY LINE (TO BE EXTINGUISHED)
- RIGHT-OF-WAY LINE
- ▨ BUILDING
- ▨ EASEMENT
- ▨ STORM SEWER W/ CATCH BASIN
- ▨ SANITARY SEWER W/ MANHOLE
- ▨ WATER MAIN W/ VALVE & FIRE HYDRANT
- ▨ GAS MAIN W/ VALVE
- ▨ CHAIN LINK FENCE
- ▨ OVERHEAD ELECTRICAL
- ▨ FLOODLINE
- ▨ VEGETATION
- ▨ CONCRETE
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE

**PROPOSED FEATURES**

- BOUNDARY LINE
- CROSS ACCESS EASEMENT
- BUILDING RESTRICTION LINE

SUBJECT PROPERTIES				
TAX PARCEL #	ADDRESS	OWNER	DEED REFERENCE	ZONING
26-042.20-015	200 MARYLAND AVE.	REYBOLD VENTURE GROUP XIV LLC	I.N. 20010523-0039400	C-2
26-042.20-016	206 MARYLAND AVE.	REYBOLD VENTURE GROUP XIV LLC	I.N. 20010523-0039400	C-2
26-042.20-017	210 MARYLAND AVE.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2710-110	C-2
26-042.20-018	212 MARYLAND AVE.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2661-316	C-2
26-042.20-019	214 MARYLAND AVE.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2661-318	C-2
26-042.20-020	218 MARYLAND AVE.	REYBOLD VENTURE GROUP XXXI LLC	I.N. 20130729-0049015	C-2
26-042.20-021	222 MARYLAND AVE.	REYBOLD VENTURE GROUP XVII LLC	I.N. 20081017-0068997	C-2
26-042.20-023	110 LOWER LINDEN ST.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2661-321	C-2
26-042.20-024	221 LIBERTY ST.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2661-318	C-2
26-042.20-025	209 LIBERTY ST.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2664-187	C-2
26-042.20-026	102 LOWER ELM ST.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2697-25	C-2
26-042.20-027	113 LOWER LINDEN ST.	REYBOLD VENTURE GROUP XVII LLC	D.B. 2661-321	C-2
26-042.20-095	224 MARYLAND AVE.	REYBOLD VENTURE GROUP XIV LLC	D.B. 2578-261	C-2
26-042.20-096	107 LOWER LINDEN ST.	REYBOLD VENTURE GROUP XIV LLC	D.B. 2578-261	C-2

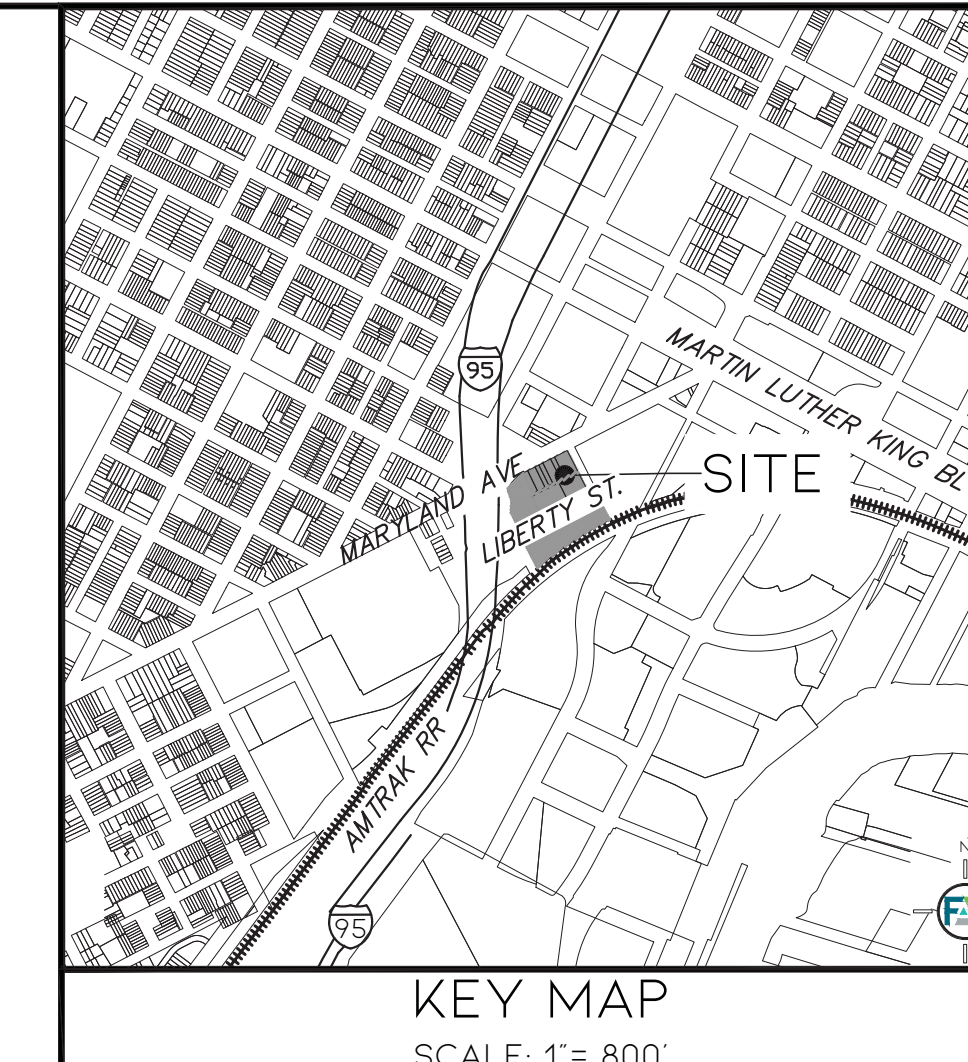
NOTE: ALL INTERIOR LOT LINES TO BE EXTINGUISHED BY THIS PLAN.

**EASEMENTS AND RESTRICTIONS OF RECORD:**

- TAX PARCELS 26-042.20-015 & 26-042.20-016 ARE SUBJECT TO RESTRICTIONS INCLUDING LAND USE, EXCAVATION, AND GROUND WATER PER INSTRUMENT NUMBERS 20010503-0033219 AND 20010514-0036025.
- TAX PARCELS 26-042.20-017, 26-042.20-018, 26-042.20-019, 26-042.20-023, 26-042.20-024, 26-042.20-025 & 26-042.20-027 ARE SUBJECT TO RESTRICTIONS INCLUDING LAND USE AND GROUND WATER PER DEED BOOK 2651, PAGES 177, 180, 183, 186, 189, AND 201 AND DEED BOOK 2658, PAGE 339.
- TAX PARCELS 26-042.20-017, 26-042.20-018, 26-042.20-019, 26-042.20-023, 26-042.20-024, 26-042.20-025, 26-042.20-027, 26-042.20-095 & 26-042.20-096 ARE SUBJECT TO RESTRICTIONS ISSUED BY DNREC-SIRB AND AS SHOWN ON THE PROPOSED PLAN OF REMEDIAL ACTION PER DEED BOOK 2674, PAGES 19, 25, 31, 49, AND 55; DEED BOOK 2744, PAGE 160 AND DEED BOOK 2758, PAGE 270.
- TAX PARCEL 26-042.20-026 IS SUBJECT TO RESTRICTIONS INCLUDING LAND USE AND FLOOR SLAB DISTURBANCE REMOVAL PER DEED BOOK 2690, PAGE 238.
- THE PORTION OF LIBERTY STREET PROPOSED TO BE VACATED ON THIS PLAN IS SUBJECT TO THE LAND USE, EXCAVATION, AND/OR GROUND WATER RESTRICTIONS PER INSTRUMENT NUMBER \_\_\_\_\_.

**GENERAL NOTES:**

- TOPOGRAPHY & BOUNDARY SURVEY PERFORMED BY TRANSITION ENGINEERING SURVEYING ON FEBRUARY 9, 2021 AND REVISED ON NOVEMBER 17, 2021 & AUGUST 15, 2022.
- FLOOD PLAIN: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 10003C0156L, EFFECTIVE DATE 01.22.20. NO AREAS OF THE SITE ARE WITHIN THE 1% INUNDATION AREA AND A PORTION OF THE EXISTING ROW AND PARCEL 26-042.20-027 LIES WITHIN THE 0.2% INUNDATION AREA.
- UTILITIES:
  - WATER SUPPLY: CITY OF WILMINGTON. SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE STATE DIVISION OF PUBLIC HEALTH.
  - SANITARY SEWER: CITY OF WILMINGTON. SUBJECT TO THE CITY OF WILMINGTON.
  - STORM DRAINAGE: DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF WILMINGTON CODE AND THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS DATED APRIL 11, 2005 OR AS LATER AMENDED. DRAINAGE FACILITIES SHALL BE OWNED AND MAINTAINED BY THE DEVELOPER DURING CONSTRUCTION AND THE PROPERTY OWNER ONCE CONSTRUCTION HAS BEEN COMPLETED.
- EXISTING UTILITIES ARE SHOWN WITH THE BEST AVAILABLE TECHNOLOGY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATIONS. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE.



KEY MAP  
SCALE: 1" = 800'

**SITE DATA**

OWNER/DEVELOPER:	REYBOLD VENTURE GROUP XVII, XIV, AND XXXI LLC. 116 E. SCOTLAND DRIVE BEAR, DELAWARE 19701 302.832.7100
SITE ADDRESS:	200, 206, 210, 212, 214, 218, 222 & 224 MARYLAND AVENUE, 102 LOWER ELM STREET, 209 & 221 LIBERTY ST., AND 107, 111 & 113 LOWER LINDEN ST., WILMINGTON, DELAWARE 19805
SUBJECT TAX MAP NO.:	26-042.20-015, 26-042.20-016, 26-042.20-017, 26-042.20-018, 26-042.20-019, 26-042.20-020, 26-042.20-021, 26-042.20-023, 26-042.20-024, 26-042.20-025, 26-042.20-026, 26-042.20-027, 26-042.20-095 AND 26-042.20-096
EXISTING ZONING:	C-2 (SECONDARY BUSINESS COMMERCIAL CENTERS)
HORIZONTAL DATUM:	NAD 83
VERTICAL DATUM:	N.A.V.D. 88
GROSS ACREAGE:	PARCEL 26-042.20-015: 5,871± SF PARCEL 26-042.20-016: 1,961± SF PARCEL 26-042.20-017: 3,522± SF PARCEL 26-042.20-018: 1,869± SF PARCEL 26-042.20-019: 1,747± SF PARCEL 26-042.20-020: 3,522± SF PARCEL 26-042.20-021: 1,973± SF PARCEL 26-042.20-023: 1,242± SF PARCEL 26-042.20-024: 3,261± SF PARCEL 26-042.20-025: 11,984± SF PARCEL 26-042.20-026: 8,262± SF PARCEL 26-042.20-027: 42,821± SF PARCEL 26-042.20-095: 8,146± SF PARCEL 26-042.20-096: 4,878± SF TOTAL: 117,437± SF (2.32± AC)
PROPOSED R.O.W. (LOT 5 & 6):	21,455± SF (0.47± AC)
NET ACREAGE:	95,992± SF (2.40± AC)
SETBACK REQUIREMENTS:	C-2 ZONING - OTHER USES
MIN. BUILDING (FT.):	NONE
MIN. SIDE YARD (FT.):	NONE
MIN. REAR YARD (FT.):	15'
MAX. BUILDING HEIGHT:	15 STORIES / 180'
PURPOSE OF PLAN:	TO ELIMINATE EXISTING LOT LINES FOR THE SUBJECT PARCELS AND CREATE SIX LOTS AND CROSS ACCESS EASEMENTS. LOTS 5 AND 6 ARE PROPOSED PUBLIC RIGHT-OF-WAY.

**CERTIFICATE OF OWNERSHIP**

I, JEROME S. HEISLER, JR., MANAGER OF REYBOLD VENTURE GROUP XVII, XIV, AND XXXI LLC, HEREBY CERTIFY THAT REYBOLD VENTURE GROUP LLC (RBVG) IS THE OWNER OF THE PROPERTY SHOWN ON THIS PLAN. THAT THIS SUBDIVISION THEREOF WAS MADE AT THE DIRECTION OF RBVG, THAT RBVG ACKNOWLEDGES THE SAME TO BE RBVG'S ACT AND PLAN AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO THE LAW, AND IN ACCORDANCE WITH THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE CITY OF WILMINGTON.

MANAGER: JEROME S. HEISLER, JR.  
REYBOLD VENTURE GROUP XVII LLC  
DATE: 09/28/2023

**CERTIFICATE OF ACCURACY**

I, ANDREW C. HAYES, PE RLA CERP HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES.

ANDREW C. HAYES, PE RLA CERP  
DE. LICENSE NO. 13280  
DATE: 09/28/2023

**CERTIFICATE OF ACCURACY**

I, JOHN J. TRAYNOR III, P.E., P.L.S. HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE EXISTING PROPERTY BOUNDARY AND TOPOGRAPHIC DATA SHOWN AND DESCRIBED HEREON, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES.

JOHN J. TRAYNOR III, P.E., P.L.S.  
DE. LICENSE NO. 907  
DATE: 09/28/2023

**APPROVED FOR RECOMMENDATION**

DIRECTOR OF DEPARTMENT OF PLANNING AND DEVELOPMENT  
DATE: \_\_\_\_\_  
FORESITE ASSOCIATES, INC. ALL RIGHTS RESERVED.



CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
ECOLOGICAL RESTORATION

FORESITE ASSOCIATES INC.  
2401 PHILADELPHIA PIKE  
CLAYMONT, DE 19703  
PHONE: 302.351.3421  
INFO@FORESITEASSOCIATES.COM

SURVEYOR:  
TRANSITION ENGINEERING SURVEYING  
18 SHEA WAY, SUITE 116  
NEWARK, DE 19713

**LIBERTY STREET PROPERTIES  
PRELIMINARY SUBDIVISION PLAN**

**REYBOLD VENTURE GROUP XIV, LLC**  
116 EAST SCOTLAND DRIVE, BEAR, DELAWARE 19701

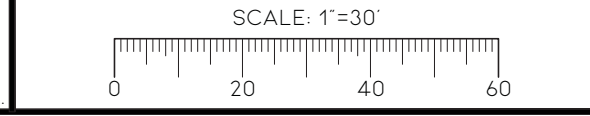
#	COMMENT	BY	DATE
2	PURPOSE NOTE & LINE WEIGHTS	AJ	09/28/23
1	FOR AGENCY REVIEW	AJ	08/18/23



**INDEX SHEET  
SUBDIVISION PLAN**

**LIBERTY STREET PROPERTIES**

WILMINGTON HUNDRED NEW CASTLE COUNTY	CITY OF WILMINGTON DELAWARE
DATE: 02/13/23	PROJECT #: 00128
SURVEYED BY: TES	SHEET: 1
CREATED BY: DSS	1 OF 2
DRAWN BY: ALH	
CHECKED BY: ACH	



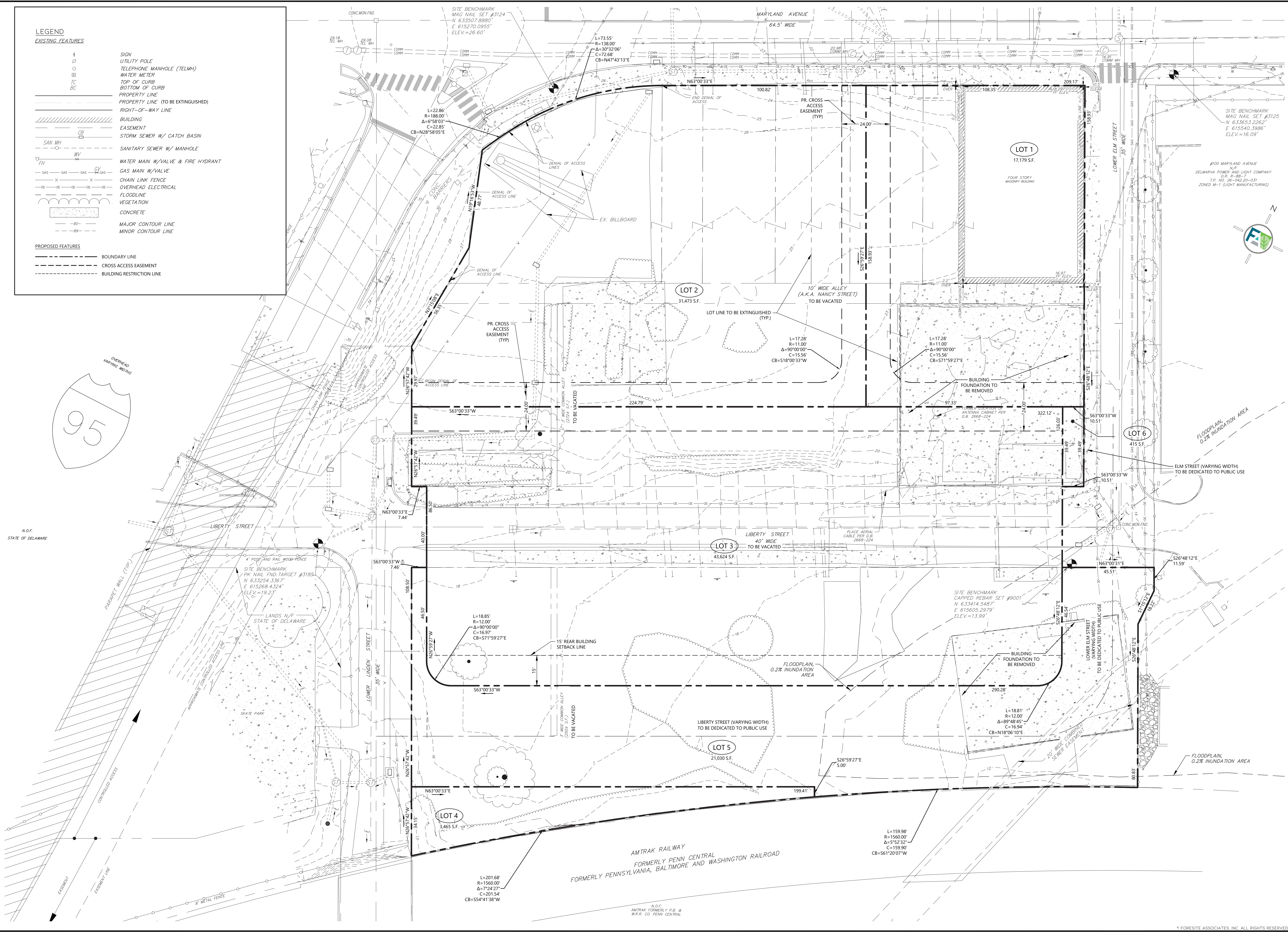
**LEGEND**

**EXISTING FEATURES**

- 4 SIGN
- UTILITY POLE
- TELEPHONE MANHOLE (TELMH)
- WATER METER
- TOP OF CURB
- BOTTOM OF CURB
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ▨ BUILDING
- ▨ EASEMENT
- SAN MH
- WV
- SANITARY SEWER W/ MANHOLE
- FH
- WATER MAIN W/ VALVE & FIRE HYDRANT
- GAS
- GAS MAIN W/ VALVE
- CHAIN LINK FENCE
- OVERHEAD ELECTRICAL
- FLOODLINE
- VEGETATION
- CONCRETE
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE

**PROPOSED FEATURES**

- BOUNDARY LINE
- CROSS ACCESS EASEMENT
- BUILDING RESTRICTION LINE



**FORESITE ASSOCIATES**

- CIVIL ENGINEERING
- LANDSCAPE ARCHITECTURE
- ECOLOGICAL RESTORATION

FORESITE ASSOCIATES INC.  
2401 PHILADELPHIA PIKE  
CLAYMONT, DE 19703  
PHONE: 302.351.3421  
INFO@FORESITEASSOCIATES.COM

SURVEYOR:  
TRANSITION ENGINEERING SURVEYING  
18 SHEA WAY, SUITE 116  
NEWARK, DE 19713

**LIBERTY STREET PROPERTIES**  
**PRELIMINARY SUBDIVISION PLAN**  
**REYBOLD VENTURE GROUP XIV, LLC**  
 116 EAST SCOTLAND DRIVE, BEAR, DELAWARE 19701

#	COMMENT	BY	DATE
2	PURPOSE NOTE & LINE WEIGHTS	AD	09.28.23
1	FOR AGENCY REVIEW	AL	08.18.23

**FORESITE ASSOCIATES**

PLAN VIEW  
**SUBDIVISION PLAN**

**LIBERTY STREET PROPERTIES**

WILMINGTON HUNDRED CITY OF WILMINGTON  
NEW CASTLE COUNTY DELAWARE

DATE:	PROJECT #:
02.13.23	00128
SURVEYED BY:	SHEET:
TES	2
CREATED BY:	2 OF 2
DOS	
DRAWN BY:	
ALH	
CHECKED BY:	
ACH	

SCALE: 1"=20'

0 10 20 30 40

© FORESITE ASSOCIATES, INC. ALL RIGHTS RESERVED.