

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.

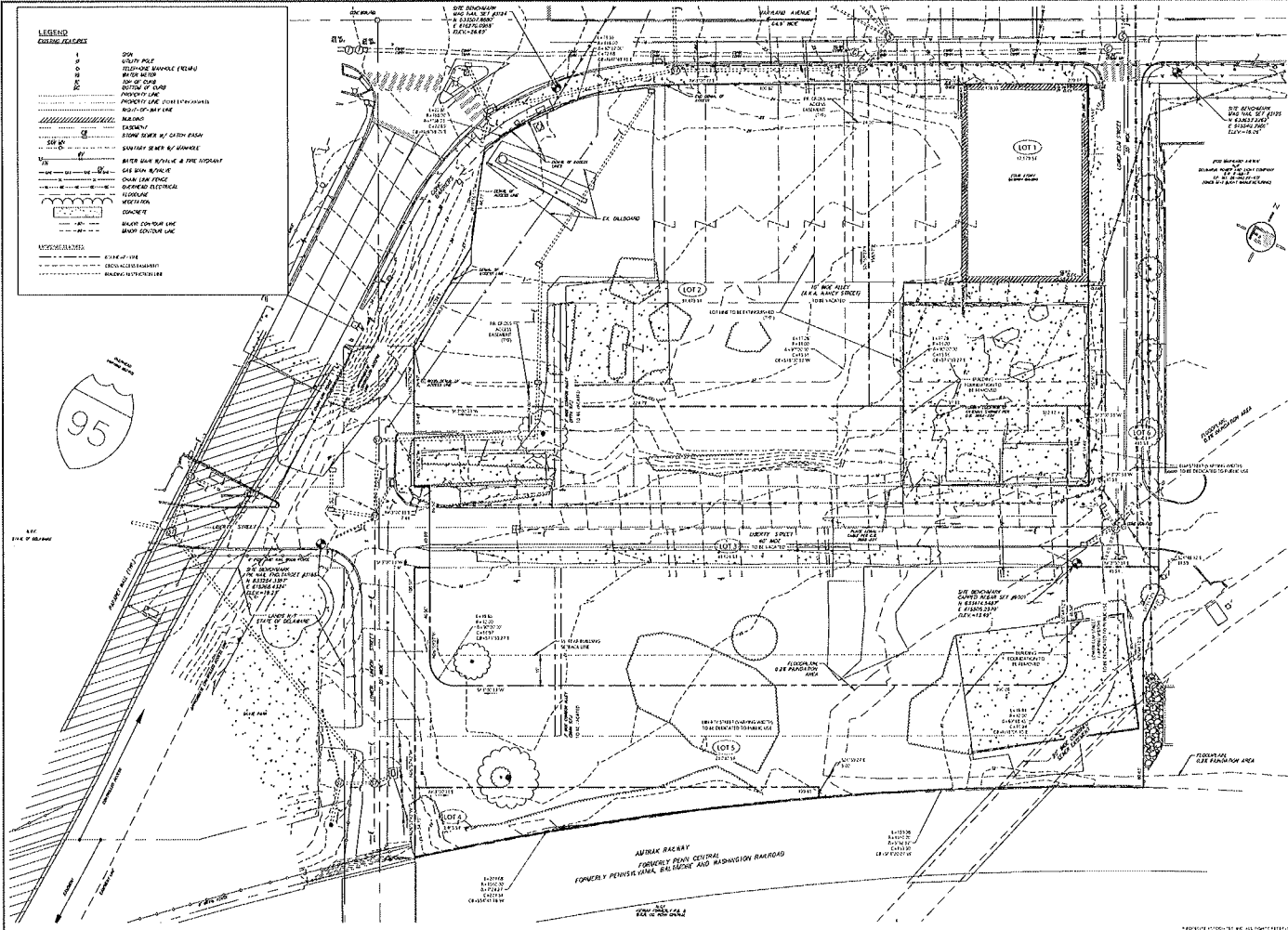
Mayor

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



FORESITE
ASSOCIATES

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
GEOLOGICAL INVESTIGATION
FORESITE ASSOCIATES INC.
2001 PINELAND AVENUE
CLAYMONT DE 19026
PHONE: 302-381-0331
WWW.FORESITELANDSCAPE.COM

DATE: 10/15/10
PROJECT: LIBERTY STREET PROPERTIES
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN

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

DATE	10/15/10
PROJECT	LIBERTY STREET PROPERTIES
DRAWN BY	J. B. BROWN
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PRELIMINARY SUBDIVISION PLAN

LIBERTY STREET PROPERTIES	
TOWNSHIP	NEW CASTLE COUNTY
SECTION	36
LOT	1, 2, 3, 4
SHEET NO.	2
TOTAL SHEETS	2 OF 2
SCALE	AS SHOWN