

AN ORDINANCE TO APPROVE THE MAJOR SUBDIVISION PLAN ENTITLED "1225 & 1320 EAST EIGHTH STREET" AND TO AUTHORIZE THE REMOVAL OF A 0.175-ACRE SEGMENT OF RIGHT-OF-WAY LOCATED AT THE TERMINUS OF EAST EIGHTH STREET FROM THE OFFICIAL CITY MAP

#0418

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, VanDemark & Lynch, Inc., on behalf of St. Cyprian's Holdings, LLC (the "Applicant"), has requested that the City approve and adopt a major subdivision plan entitled "1225 & 1320 East Eighth Street" dated December 18, 2023 (last revised March 20, 2024), a copy of which is attached hereto and incorporated herein as Exhibit "A" (the "Plan"); and

WHEREAS, as part of the Plan, the Applicant has requested to remove a 0.175-acre segment of unimproved right-of-way, being 50-feet wide and 170.74-feet long located at the terminus of East Eighth Street on the East Seventh Street Peninsula (the "Street Bed"), from the Official City Map, as depicted on the Plan attached hereto as Exhibit "A"; and

WHEREAS, the Applicant owns two (2) parcels of land adjacent to the Street Bed known as 1225 East Eighth Street (being Tax Parcel No. 26-044.00-018) and 1320 East Eighth Street (being Tax Parcel No. 26-045.00-007) (collectively, the "Applicant's Property"); and

WHEREAS, the Applicant plans to consolidate the Applicant's Property into one parcel and construct three (3) evidence storage warehouses and one (1) evidence laboratory thereon to serve as the headquarters of a fire investigation company (the "Site"), and the removal of the Street Bed will allow for (i) such consolidation and (ii) the Applicant to construct a proper driveway apron leading to the Site that provides a transition from East

Eighth Street into a proposed parking lot serving the Site; and

WHEREAS, the Site is located in a W-2 (Waterfront Manufacturing/Commercial) zoning district, which permits warehouses and laboratories as a matter-of-right; and

WHEREAS, the City owns the Street Bed; and

WHEREAS, there are utilities along the East Eighth Street right-of-way that extend into 1320 East Eighth Street, but not into 1225 East Eighth Street, including (i) a ten-inch terra cotta sewer main, (ii) an eight-inch cast iron water main fed from the Alapocas water service lateral that dead ends inside the parcel at 1320 East Eighth Street, and (iii) three inactive water laterals; and

WHEREAS, the Department of Land Use and Planning supports the proposed removal of the Street Bed because (i) there are no findings to suggest that the street removal would be detrimental to the public, as it will not negatively affect traffic circulation patterns or access to public utilities due to the City's requirement that the Applicant provide a thirty-foot-wide utility easement and (ii) it will be beneficial to the surrounding area; and

WHEREAS, the Department of Public Works supports the proposed removal of the Street Bed from the Official City Map but has noted that before a building permit is issued, the Department will need to (i) review and approve any changes to the East Eighth Street water main or its location, (ii) review and approve a sewer plan, and (iii) prepare and record, if necessary, a thirty-foot utility easement from the Applicant protecting the existing water and sewer mains (collectively, the "Conditions Precedent"); and

WHEREAS, the Department of Public Works – Transportation Division supports the proposed removal of the Street Bed, contingent upon addressing the existing utility service lines within the Street Bed, because it serves no vehicular or pedestrian traffic; and

WHEREAS, the Fire Marshal's Office has no comments or objections to the proposed

removal of the Street Bed from the Official City Map; and

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

WHEREAS, the City Planning Commission has adopted Planning Commission Resolution 2-24, which recommends the approval of the Applicant's Plan, including the removal of the Street Bed from the Official City Map; and

WHEREAS, City Council deems it necessary and appropriate to approve the Applicant's Plan and the removal of the Street Bed from the Official City Map, as depicted on Exhibit "A" attached hereto and incorporated herein.

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

SECTION 1. The Plan (being the major subdivision plan entitled "1225 & 1320 East Eighth Street") is hereby approved as depicted on Exhibit "A" attached hereto and incorporated herein, subject to satisfaction of the Conditions Precedent.

SECTION 2. The removal of the Street Bed (namely, a 0.175-acre segment of unimproved right-of-way being 50-feet wide and 170.74-feet long located at the terminus of East Eighth Street on the East Seventh Street Peninsula) from the Official City Map, which is depicted on Exhibit "A" attached hereto and incorporated herein, is hereby approved, subject to satisfaction of the Conditions Precedent.

SECTION 3. The conveyance of the Street Bed to the Applicant is hereby authorized, subject to satisfaction of the Conditions Precedent.

SECTION 4. All City Departments are hereby authorized to take any and all necessary actions required for the (i) execution and recordation of the Plan, (ii) removal of the Street Bed

from the Official City Map, (iii) conveyance of the Street Bed to the Applicant, and (iv) satisfaction of the Conditions Precedent.

SECTION 5. This Ordinance shall be deemed effective immediately upon its date of passage by 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.

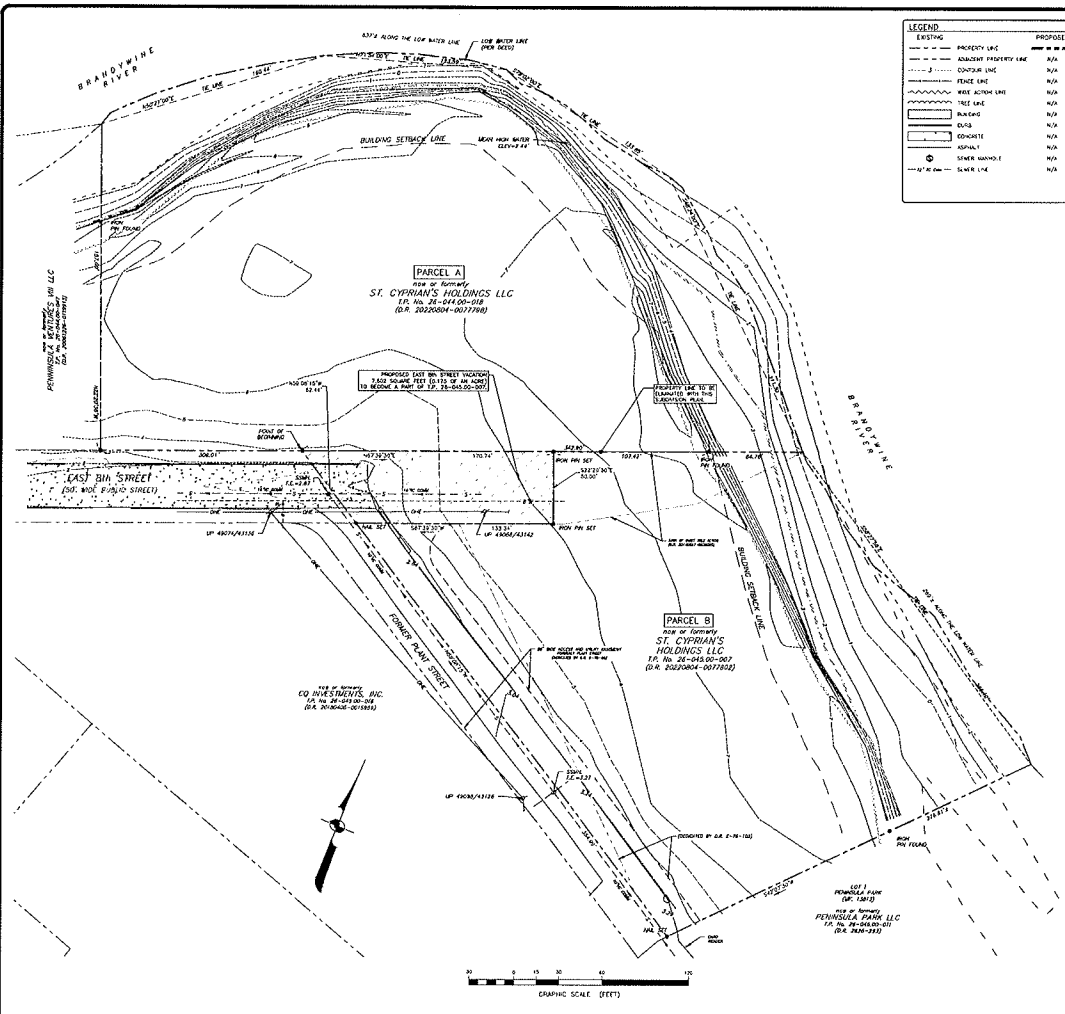
Mayor

SYNOPSIS: This Ordinance approves the major subdivision plan entitled “1225 & 1320 East Eighth Street” and authorizes the City to remove a 0.175-acre agreement of right-of-way at the terminus of East Eighth Street from the Official City Map.

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

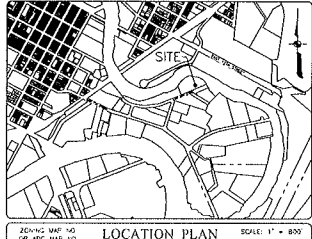
W0124578

EXHIBIT A



LEGEND

EXISTING	PROPOSED
—	—
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---
---	---



NOTES:

1. OWNER: ST. CYPRIAN'S HOLDINGS LLC
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...
11. ...
12. ...
13. ...

PARCEL	ADDRESS	TAX PARCEL	DEED RECORD
...
...

APPROVAL BLOCK

APPROVED FOR RECORDATION _____

OFFICE OF PLANNING AND DEVELOPMENT _____

SITE _____

CERTIFICATION OF GENERALSHIP

I, _____, being duly sworn, certify that I am a registered professional engineer in the State of Delaware and that I am the author of the information on this drawing. I am not providing any services as an engineer or architect for this project.

DATE: 11/24/24

CERTIFICATION OF ACCURACY

I, _____, being duly sworn, certify that I am a registered professional engineer in the State of Delaware and that I am the author of the information on this drawing. I am not providing any services as an engineer or architect for this project.

DATE: 01/26/2024

VANDEMARK & LYNCH, INC.
ENGINEERS - SURVEYORS

PROJECT NAME
1225 & 1320 EAST EIGHTH STREET

1225 & 1320 East Eighth Street, City of Wilmington, New Castle County, DE

PLAN TYPE
MAJOR SUBDIVISION PLAN

SITE PLAN
SCALE: 1"=80'

REVISIONS

NO.	DESCRIPTION

PROJECT NUMBER 2187315
SURVEYED BY _____
DRAWN BY C. HANLEY
PROJECT MANAGER N. DONOVAN
DATE 11/18/23
FILE 2187315.PRELUIM01
APPLICATION # 2023-0006
DRAWING NUMBER _____

C1.01

SHEET SIZE 24x36
SHEET 1 OF 1 REV 1