



MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2010-07

A RESOLUTION VACATING AND ABANDONING A CERTAIN ALLEYS AND STREETS SITUATED IN THE CITY OF DOVER.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

Section 1. The Council of the City of Dover hereby vacates and abandons the following streets and alleys:

- Area #1 The 100 block of North Governors Avenue Alley West, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an improved public alley running north to south between Cecil Street and Fulton Street, lying on the westerly side of and running parallel to North Governors Avenue, said alley being 10 feet wide and approximately 341 feet in length and comprised of 3,410 square feet, more or less.
- Area #2 The southern portion of the 200 block of North Governors Avenue Alley East, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, being an unimproved public alley running north to south, said portion of alley located between Mary Street and Cecil Street but not adjacent to and lying on the easterly side of and running parallel to North Governors Avenue, unimproved alley being a varying width (10-15 feet) and approximately 100 feet in length, comprised of 3,410 square feet, more or less. The portion of the alley is located approximately 173 feet east of the center of Governors Avenue and 302.6 feet south of the southerly right of way line of Mary Street to the point of beginning, thence extending approximately 100 feet in a southerly direction and terminating at lands of Wesley College.
- Area #3 A portion of the unit block of North Bradford Street, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, said portion of street commencing at the southerly side of Fulton Street and running south toward Division Street but not adjacent to, being 60 feet wide and approximately 363 feet in length, comprised of approximately 21,600 square feet (0.496 acres). The portion of said street starting at the southern right of way of Fulton Street and extending approximately 363 feet in a southerly direction to the northerly right of way line of an unnamed alley.
- Area #4 The unit block of Fulton Street, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, a public street running east to west between South Governors Avenue and North State Street and being 60 feet wide and approximately 680 feet in length, comprised of 40,800 square feet (0.936 acres) more or less.

- Area #5 A portion of the unit block of Cecil Street, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, said portion of street commencing at the easterly side of South Governors Avenue and running east towards North State Street but stopping short of, being 60 feet wide and approximately 443 feet in length comprised of 26,580 square feet (0.61 acres) more or less. The portion of said street, starting at the easterly right of way line of North Governors Avenue extending 443 feet east to a point approximately 90' east of the easterly right of way line of North Bradford Street.
- Area #6 A portion of the 200 block of North Bradford Street, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, said portion of street commencing at the northerly side of Cecil Street and running north toward Mary Street but stopping short of and being 60 feet wide and approximately 194 feet in length comprised of 11,650 square feet (0.267 acres) more or less.
- Area #7 The northern portion of the unit block of North State Street Alley West, being all that certain piece or parcel of land situated in the City of Dover, Kent County, State of Delaware, an improved public alley running north to south, said portion of alley being between Fulton Street and West Division Street but not adjacent to and lying on the westerly side of and running parallel to North State Street, being 17 feet wide improved alley and approximately 275 feet in length, comprised of 4,675 square feet, more or less. The portion of said alley being located approximately 221 feet west of the centerline of North State Street, starting at the southern right of way line of Fulton Street extending approximately 275 feet in a southerly direction to the northerly property line of lands now or formerly of Francis A. Stratford.

Section 2. Since no person has been deprived of property by the vacating and abandoning of the aforesaid streets and alleys, no compensation is awarded.

Section 3. The City shall retain a utility easement for the entire length and width of the aforesaid streets and alleys and all costs of conveyance shall be borne by the property owners.

Section 4. Approval of the request is based upon the conditions that public access easements for Fulton and Cecil Streets be included as part of the Plan; that public access easements be provided through the campus along Fulton and Cecil Streets; and that the following Development Advisory Committee (DAC) comments generated by this process be included as part of the Plan, as follows:

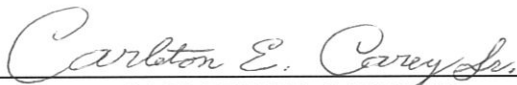
- 1) Timing of the abandonment - Staff recommends that abandonment be timed such that the City maintain ownership and maintenance of the subject streets and alleys until such time that they are physically altered by construction in accordance with a site plan approved by the Planning Commission.
- 2) Utility Easements - All public electric, water, wastewater, and storm sewer infrastructure must be located within permanent utility easements in accordance with the recommendations set forth in the Public Utilities comments from the DAC report dated April 1, 2010.

- 3) Parking – All on-street parking displaced by the abandonment must be replaced in kind (in addition to any additional off-street parking required in accordance with site plan application submissions) prior to removal of on-street parking in the areas proposed for abandonment.
- 4) DAC Comments - Planning Office Advisory Comments 1-4 from Page 6 of the Report (prepared for May 24th meeting) and the attached agency comments from the Department of Public Utilities, Delaware Department of Transportation (DelDOT), Kent Conservation District, and the Fire Marshal's Office.
- 5) All specific conditions developed by the Utility Committee as a request of public testimony and/or their deliberations must be added.

Section 4. This resolution shall be effective upon the filing of a revised plot plan of the aforesaid streets and alleys.

ADOPTED: AUGUST 9, 2010

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CARLETON E. CAREY, SR.
MAYOR



KENNETH L. HOGAN
COUNCIL PRESIDENT

Actions History:

August 9, 2010 - Introduced at City Council