UTILITY COMMITTEE

The Utility Committee Meeting was held on March 12, 2012 at 5:32 p.m. with Chairman Bonar presiding. Members present were Mr. Lynn, Mr. Blakeman, and Mr. Snaman. Mrs. Williams was absent. Members of Council present were Council President Leary and Mr. Hutchison.

AGENDA ADDITIONS/DELETIONS

By unanimous consent, the agenda was approved as presented.

Request for Amendment to Resolution #2010-07 (Adopted August 9, 2010) - Wesley College Alley and Street Abandonment

During their Regular Meeting of August 9, 2010, City Council adopted Resolution #2010-07, vacating and abandoning the alleys and streets surrounding Wesley College on the condition that the Wesley College Plan include the replacement of existing parking and an increase in total parking, that the utility easements remain in effect, that public access easements for Fulton and Cecil Streets be part of the plan, that the timing of the street and alley closures be coordinated with the site plan approval, and that the aforementioned Development Advisory Committee (DAC) comments generated by this process and those included in the DAC Application Review Commentary *(see Exhibit #9 to the July 12, 2010 Council Minutes)* were included as part of the plan, and that public access easements be provided through the campus along Fulton and Cecil Streets.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Wesley College has requested a revision to the conditions of approval for the abandonment of several improved streets and alleys in the vicinity of Wesley College. Specifically, City Council had adopted staff's recommendation that the City maintain ownership and maintenance of the streets and alleys until they are physically altered by construction in accordance with site plan approval from the Planning Commission. She indicated that the College is requesting that these streets and alleys be abandoned immediately so that they can complete the parcel consolidation and other aspects of their site plan.

Mrs. Townshend assured members that the Wesley College project has been moving forward. Members were advised that in the Summer of 2011, a Site Development Master Plan (S-11-13) was filed for review outlining the site planning and streetscape campus enhancements associated with the abandonment of designated sections of North Bradford Street, Fulton Street, Cecil Street, and several alleys in the Wesley College campus area. The submission included the Record Plan for vacated right-of-way and a Master Plan consisting of five (5) phases of site improvements, including pedestrian amenities, paving, landscaping, and parking lot reconfiguration/construction. At their meeting of August 15, 2011, the City of Dover Planning Commission granted conditional approval of the Site Development Master Plan for the Wesley College Master Plan for Streetscape Campus Enhancements. The approval was granted in accordance with the conditions of approval outlined in the DAC Report dated August 4, 2011. In addition, members were advised that the applicant had taken the next steps and filed the Administrative Site Plan (S-12-01) for the Wesley College Streetscape project, including an overall plan showing the areas to be vacated. This submission is currently under review by staff and other City Departments and agencies.

Staff recommended approval of the request to allow the street and alley abandonment of the designated areas (Areas #1-7) to occur immediately rather than coinciding with physical construction activities. The previous concerns of staff regarding the abandonment of the public streets and alleys

occurring without an approved plan for redevelopment and incorporation of the areas into the Campus has been mitigated through actions taken by Wesley College. The College has presented and received conditional approval from the Planning Commission for a Site Development Master Plan to develop a series of streetscape and campus enhancements in these areas. Wesley College is also working on the Record Plans to document the formal transfer of ownership. In addition, staff recommended that, upon abandonment, the one-way segments of North Bradford Street that will remain public streets be open to two (2) way traffic to provide adequate access and circulation for those properties that are accessed off these segments of North Bradford Street.

Mrs. Townshend advised members that the Planning Commission recommended approval of the revisions requested by Wesley College to allow for the immediate abandonment of the streets and alleys.

In response to Mr. Lynn's concerns regarding the rights of third parties, Mr. Scott Koenig, City Manager, stated that the utilities that have pole attachments associated with these areas have been working with the City's Electric Department. He assured members that all the utilities with facilities in the area are aware of the project and all work is being coordinated between the City and the project managers for Wesley College and the utility companies.

Mr. Lynn moved to recommend approval of the Planning Commission's recommendation to approve the request by Wesley College for an Amendment to Resolution #2010-07 to allow for the immediate abandonment of the streets and alleys, seconded by Mr. Blakeman and unanimously carried. *(It is Recommended that a Public Hearing be Set to Consider Resolution No. 2012-05 (Attachment #1) Amending Resolution No. 2010-07.)*

Request for Alley Abandonment (Improved) - East Side of North Bradford Street (Additional Alley in Conjunction with the Wesley College Streetscape Master Plan)

Members considered a request of Wesley College that the City abandon an alley located on the Wesley College campus on the east side of North Bradford Street. This request is being made as part of the implementation of the Wesley College Master Plan. Members were reminded that in August 2010, a related request to abandon a series of street segments and alleys (Areas #1-7) in the vicinity of the Wesley College Campus was approved by City Council. As part of the work to develop the Record Plat to document the vacation of those streets and alleys, this additional alley, known as the Fulton Street Alley South, was discovered.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the subject right-of-way requested for abandonment consists of a public alley dedicated to the City of Dover. This segment of Fulton Street Alley South is approximately 125.35 feet in length and ten feet in width. However, this alley (Area #8) does not function as an alley that is a path of travel between two connecting streets/alleys. She noted that the alley is part of the current layout of an existing parking lot and is adjacent on both sides to other properties owned by Wesley College. She indicated that the Site Development Master Plan (S-11-13), Wesley College Master Plan for Streetscape Campus Enhancements, shows that this parking lot is proposed to be reconfigured to improve the traffic circulation and layout of the parking lot.

The Planning Commission recommended approval of the alley abandonment for Area #8 - Fulton Street Alley South, as requested by Wesley College. In formulating this recommendation, the Commission considered staff's support of the alley abandonment request since the specific alley does not function as an alley within the overall street network of the area. In addition, portions of the street and the alley immediately connecting to this alley segment were approved for abandonment by City Council with Resolution #2010-07. The area is to be incorporated into an improved parking lot area associated with the site improvements to create a pedestrian-oriented campus for Wesley College. To the extent that long-term abandonment of the subject alley will help accomplish this objective, staff recommended approval of the request.

Mr. Blakeman moved to recommend approval of the request for abandonment of a segment of the Fulton Street Alley South located on the east side of North Bradford Street, as recommended by the Planning Commission. The motion was seconded by Mr. Lynn and unanimously carried. ***(City Clerk's Note: In accordance with the City's Procedure for Alley Abandonments, Resolution No. 2012-03 setting the Public Hearing (Attachment #2) will be presented to Council for consideration for adoption.)***

Review of Utility Related Capital Investment Plan (CIP) ***(Electric and Water/Wastewater)***
Members were provided a Project Tracking Report, as of January 31, 2012, for the Utility (Electric and Water/Wastewater) Related Capital Investment Plan (CIP).

Update - National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit
With regard to the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit, Mr. Scott Koenig, City Manager, reminded members that the City has submitted a report to the Department of Natural Resources and Environmental Control (DNREC) and that, to date, no response has been received. He noted that the report was submitted in December and that a response from DNREC is not expected for 60-90 days, which is the typical response time.

30-Day Update - Garrison Oak Technical Park Project
Mr. Scott Koenig, City Manager, stated that staff met last week with Mr. Greg Moore, Becker Morgan Group, who is the design engineer for the Garrison Oak Technical Park Project. It is anticipated that the subdivision plats will be signed and recorded in the very near future. He advised members that there have also been discussions with the County Engineer's Office regarding the sewer layout, which will enhance wastewater service on the east side of the City.

As mentioned during previous meetings, Mr. Koenig stated that staff is continuing discussions with Calpine Corporation regarding the proposed construction of the Garrison Energy Center, a new power plant, and that representatives of Calpine are continuing to work with local representatives as well as State legislators on the project. The Calpine Project is scheduled for consideration by the Planning Commission on March 19, 2012.

By unanimous consent, the meeting adjourned at 5:43 P.M.

David L. Bonar
Chairman

DLB/DD/jg/js/tm
S:\AGENDAS & MINUTES\Committee-Minutes\2012\03-12-2012 UTILITY.wpd

Attachments
Attachment #1 - Resolution No. 2012-05 Amending Resolution No. 2010-07 - Alley Abandonment - Wesley College
Attachment #2 - Resolution No. 2012-03 - Alley Abandonment - East Side of North Bradford Street

City of Dover

MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2012-05

A RESOLUTION AMENDING RESOLUTION NO. 2010-07 WHICH VACATED AND ABANDONED CERTAIN ALLEYS AND STREETS SITUATED IN THE CITY OF DOVER.

WHEREAS, Resolution No. 2010-07, adopted by City Council on August 9, 2010 vacated and abandoned the following streets and alleys: and

Area #1	The 100 block of North Governors Avenue Alley West
Area #2	The southern portion of the 200 block of North Governors Avenue Alley East
Area #3	A portion of the unit block of North Bradford Street
Area #4	The unit block of Fulton Street
Area #5	A portion of the unit block of Cecil Street
Area #6	A portion of the 200 block of North Bradford Street
Area #7	The northern portion of the unit block of North State Street Alley West

WHEREAS, the timing of the abandonment was such that the City would 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; and

WHEREAS, Resolution No. 2010-07 was to be effective upon the filing of a revised plot plan of the aforesaid streets and alleys; and

WHEREAS, the applicant for the alley and street abandonment has requested that the street and alley abandonment and transfer of ownership occur immediately to allow the consolidation of the parcels and filing of the revised plot plan.

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

THAT Resolution No. 2010-07 be amended by deleting Section 4, Paragraph 1 - Timing of Abandonment and deleting duplicate Section 4 - Effective upon the filing of a revised plot.

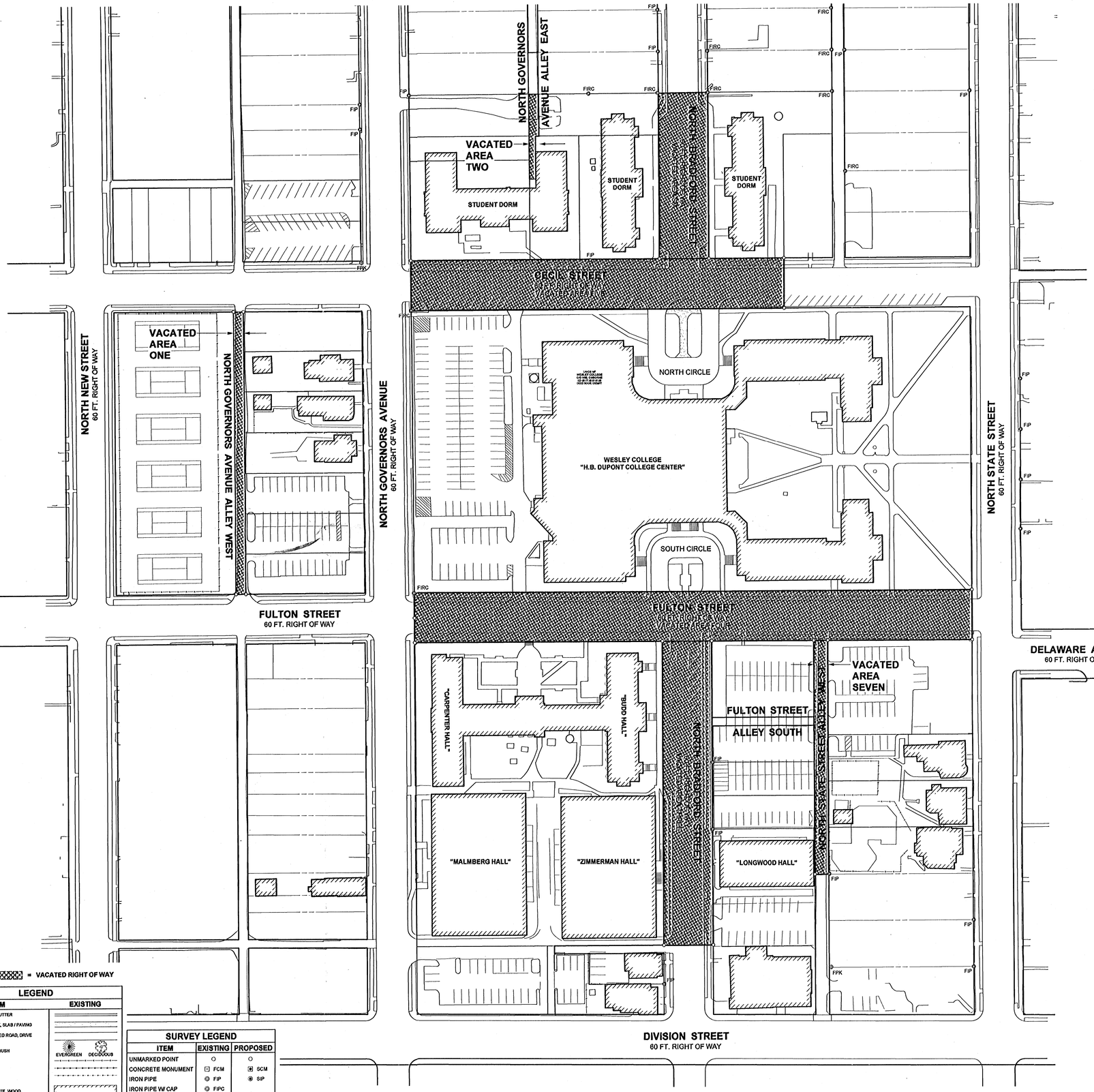
ADOPTED: *

S:\RESOLUTIONS & PROCLAMATIONS\2012\Draft\2012-05 Amending Res. No. 2010-07 - Abandonment of Streets and Alleys - Wesley College.wpd

CARLETON E. CAREY, SR.
MAYOR

THOMAS J. LEARY
COUNCIL PRESIDENT

Actions History:
April 9, 2012 - Introduced at City Council

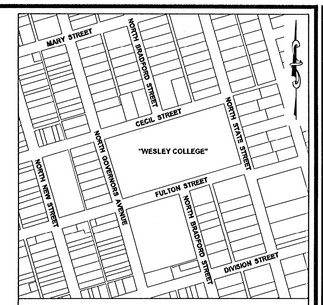


LEGEND

ITEM	EXISTING
CONCRETE CURB & GUTTER	
CONCRETE SIDEWALK, SLAB / PAVING	
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT	
INDIVIDUAL TREE OR BUSH	EVERGREEN, DECIDUOUS
WIRE FENCE	
CHAINLINK FENCE	
STOCKADE FENCE	
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	
PROPERTY OR RIGHT-OF-WAY LINE	

SURVEY LEGEND

ITEM	EXISTING	PROPOSED
UNMARKED POINT	○	○
CONCRETE MONUMENT	⊡ FCM	⊡ SCM
IRON PIPE	◎ FIP	◉ SIP
IRON PIPE W/ CAP	◎ FIPC	
IRON ROD	◎ FIR	◉ SIR
IRON ROD W/ CAP	◎ FIRC	◉ SIRC



LOCATION MAP SCALE : 1" = 400'



SITE DATA

1. OWNER OF RECORD: WESLEY COLLEGE, COLLEGE SQUARE, DOVER, DE 19901
2. ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC., 309 SOUTH GOVERNORS AVENUE, DOVER, DE 19904, 302-734-7950
3. PROPERTY MAP NUMBERS:

ED-05-68.17-02-07.00	ED-05-76.08-03-64.00	ED-05-77.05-01-28.00
ED-05-68.17-02-08.00	ED-05-76.08-03-65.00	ED-05-77.05-01-27.00
ED-05-68.17-02-09.00	ED-05-76.08-03-66.00	ED-05-77.05-01-28.00
ED-05-68.17-02-10.00	ED-05-76.08-03-67.00	ED-05-77.05-01-29.00
ED-05-68.17-02-11.00	ED-05-76.08-03-68.00	ED-05-77.05-01-35.00
ED-05-68.17-02-12.00	ED-05-76.08-03-69.00	ED-05-77.05-01-36.00
ED-05-68.17-02-41.00	ED-05-77.05-01-01.00	ED-05-77.05-01-37.00
ED-05-76.08-03-56.00	ED-05-77.05-01-02.00	ED-05-77.05-01-38.00
ED-05-76.08-03-63.00	ED-05-77.05-01-25.00	

4. ZONING CLASSIFICATION: EXISTING: IO - INSTITUTIONAL AND OFFICE ZONE; RGO - GENERAL RESIDENCE AND OFFICE ZONE
5. PRESENT USE: COLLEGE CAMPUS
6. DEED SUMMARY: EXEMPT
7. PLAT REFERENCE : P.B. 11 / 95
8. TOTAL VACATED R.O.W.:

VACATED AREA ONE:	4,082 S.F.	(0.0937 ACs)
VACATED AREA TWO:	997 S.F.	(0.0229 ACs)
VACATED AREA THREE:	21,832 S.F.	(0.5012 ACs)
VACATED AREA FOUR:	40,681 S.F.	(0.9339 ACs)
VACATED AREA FIVE:	27,225 S.F.	(0.6250 ACs)
VACATED AREA SIX:	11,938 S.F.	(0.2741 ACs)
VACATED AREA SEVEN:	4,767 S.F.	(0.1094 ACs)
TOTAL VACATED AREA:	+ 111,522 S.F.	(2.5602 ACs)

GENERAL NOTES :

1. THE TOPOGRAPHIC DATA SHOWN HEREON WAS COMPILED FROM AN AERIAL TOPOGRAPHIC SURVEY FLOWN IN JANUARY 2011 AND MAPPED BY COOPER AERIAL SURVEY CO. IN FERUARY 2011 AND A FIELD SURVEY PERFORMED BY BECKER MORGAN GROUP, INC. , DOVER, DE. IN APRIL 2011. PROJECT VERTICAL DATUM IS BASED ON NAVD 88 AND PROJECT HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE (NAD83), GPS DERIVED FROM N.G.S. CONTROL MONUMENTS.
2. RIGHT OF WAY LINES AND WIDTHS SHOWN HEREON HAVE BEEN ESTABLISHED BASED ON RECORD PLAT INFORMATION AND KENT COUNTY TAX MAPS AND IN CONJUNCTION WITH PHYSICAL EVIDENCE DISCOVERED IN THE FIELD.
3. THE VACATED RIGHT-OF-WAY AREAS SHOWN SHALL COINCIDE WITH THE CONDITIONS OUTLINED IN THE ABANDONMENT RESOLUTION #2010-07.
4. THE CITY SHALL RETAIN A UTILITY/ PEDESTRIAN EASEMENT FOR THE ENTIRE LENGTH AND WIDTH OF THE AFORESAID STREETS AND ALLEYS AS OUTLINED IN THE ABANDONMENT RESOLUTION #2010-07. ALL COST OF CONVEYANCE SHALL BE BORNE BY THE PROPERTY OWNER.

APPROVED BY : CITY OF DOVER PLANNING COMMISSION

CITY CLERK (SIGNATURE) _____ PRINTED NAME _____ DATE _____

PLANNING COMMISSION MEMBER _____ PRINTED NAME _____ DATE _____

PLANNING COMMISSION CHAIRMAN _____ PRINTED NAME _____ DATE _____

RECORDED: _____ PLAT BOOK: _____ PAGE: _____

OWNERS CERTIFICATION

WE, WESLEY COLLEGE, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

SURVEYORS CERTIFICATION

I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JEFFREY C. DODD P.L.S. NO. 782 DATE _____

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

WESLEY COLLEGE CAMPUS

STATE STREET & GOVERNORS AVE.
CITY OF DOVER
KENT COUNTY, DELAWARE

SHEET TITLE

OVERALL VACATED RIGHT OF WAY PLAN

0 30 60 120
SCALE : 1" = 60'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	12/06/11	REVISED PER THE CITY OF DOVER COMMENTS MADE ON JULY 28, 2011.

LAYOUT STATE: (NONAL)

PROJECT NO.: 2009132.00
DATE: 07/01/11
SCALE: 1" = 60'
DRAWN BY: D.S.G. | PROJ. MGR.: J.C.D.
SHEET
1 OF 3

COPYRIGHT 2011

F:\AutoCAD\Projects\2009\2009132\dwg\2009132-VACATED-ROW-PLAT.dwg, Dec 21, 2011 - 5:03pm

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2012-03

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN ALLEY 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 favors the vacating and abandoning of the following alley:

All that certain piece, parcel, or tract of land situated in the City of Dover, Kent County, State of Delaware, lying on the east side of North Bradford Street, being bounded on the north by lands of Wesley College, on the east by North State Street Alley West, on the south by other lands of Wesley College, and on the west by North Bradford Street, and being more particularly described as follows:

> Beginning at a point in the easterly right of way line of North Bradford Street at the northwest corner of a 10-foot-wide public alley and lands now or formerly of Wesley College, said point of beginning being South 16°13'11" West 92.67 feet, as measured from the southeast intersection of North Bradford Street and Fulton Street right of way lines, thence from said point of beginning and running with said lands of Wesley College; 1) North 73°46'49" East 125.35 feet to a point in the westerly right of way of North State Street Alley West, thence turning and running with said right of way of North State Street Alley West; 2) South 16°13'11" West 10.00 feet to a point at a corner of said public alley and other lands now or formerly of Wesley College, thence turning and running with said lands of Wesley College; 3) South 73°46'49" West 125.35 feet to a point at a corner of said public alley and in line of the easterly right of way line of North Bradford Street, thence turning and running with said easterly right of way line of North Bradford Street; 4) North 16°13'11" West 10.00 feet to the point and place of beginning and containing 1,254 square feet of land be the same, more or less.

Section 2. The Council of the City of Dover will sit on Monday, April 23, 2012, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 158, Volume 36, Laws of Delaware).

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five or more public places in the City of Dover.

Draft

ADOPTED: *

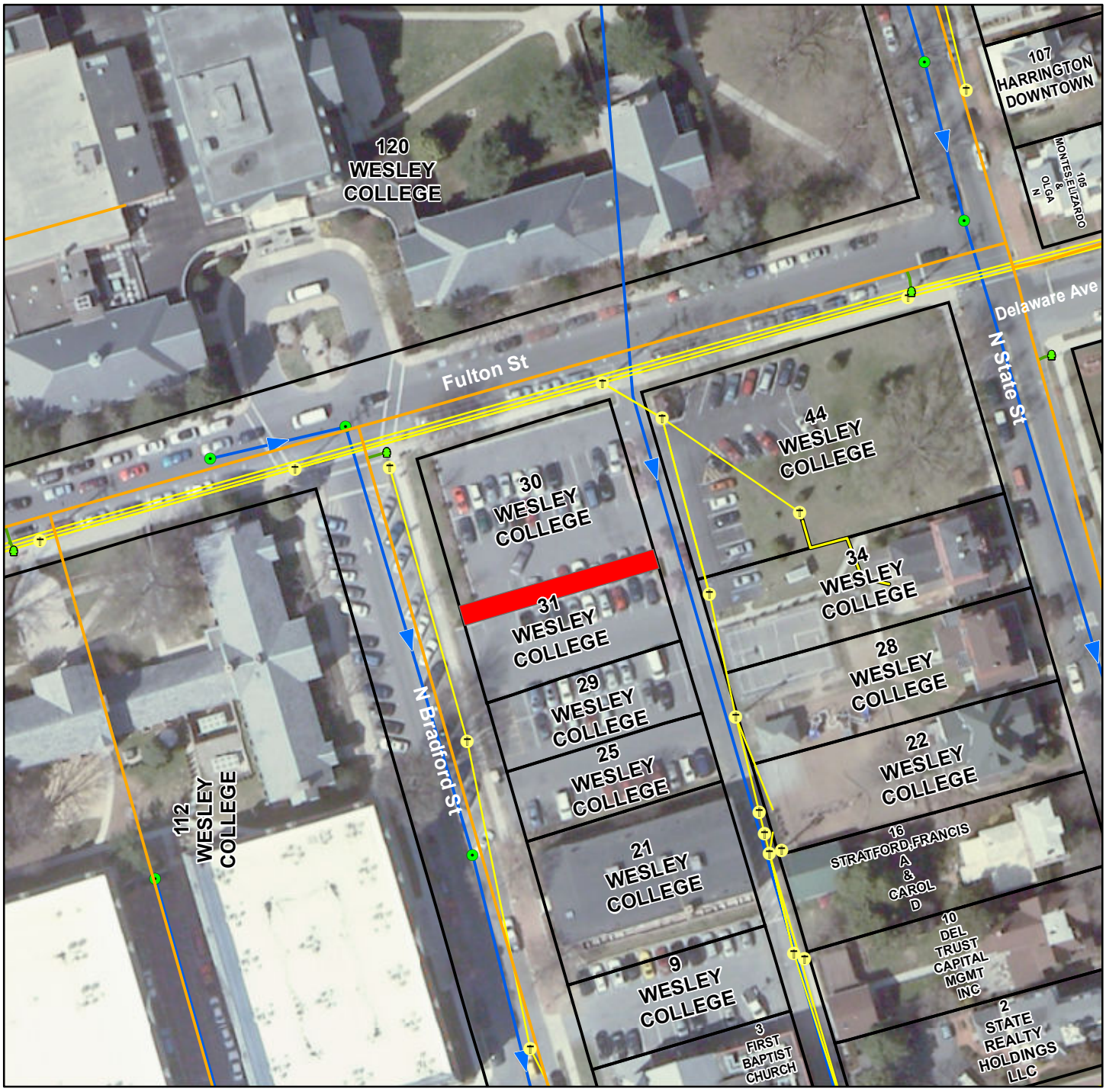
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CARLETON E. CAREY, SR. MAYOR	THOMAS J. LEARY COUNCIL PRESIDENT

Actions History:
April 9, 2012 - Introduced at City Council

Draft

Fulton Street Alley South
Proposed Alley Abandonment



0 50 100 200 Feet

N

Date Printed: January 20, 2012
File: m:\gis_data\projects/tech_mxds
\street_abandonment_map_wesley_college
Department: Public Services GIS
City of Dover, Delaware

Legend

- Overhead Electric Pole
- Underground Electric Lines
- Overhead Electric Lines
- Secondary OH Conductor
- Water Main
- Hydrant Line
- Hydrants
- Manholes
- Sewer Line
- Right of Way to be Abandoned
- Dover Parcels