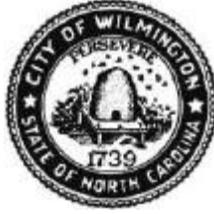


Resolution



City Council
City of Wilmington
North Carolina

Introduced By: Rebecca L. Hawke, City Manager

Date: 3/3/2026

Resolution Accepting Public Streets and Storm Drainage Facilities at Spicetree Drive and Maple Avenue

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, street and drainage improvements have been constructed and completed at both Spicetree Drive and Maple Avenue within the City of Wilmington; and,

WHEREAS, the improvements have been dedicated as public, and offered for ownership, operation, and maintenance by the City, in accordance with the City Code of Ordinances, Chapter 18, Land Development Code; and,

WHEREAS, the City has determined that the dedicated improvements and related appurtenances within the public rights-of-way and public drainage easements have been constructed to City standards and in accordance with City requirements; and,

WHEREAS, it is in the best interest of the City that the improvements at both Spicetree Drive and Maple Avenue be accepted as public.

THEREFORE, BE IT RESOLVED:

THAT, the City of Wilmington hereby accepts for ownership, operation, and maintenance the public improvements constructed and completed per City standards as identified and detailed below:

1. Spicetree Drive (Independence South Townhomes). The street proposed for acceptance is set forth in 'Exhibit A – Spicetree,' attached hereto and incorporated by reference, totaling 0.23 miles of streets eligible for Powell Bill Street Aid:

Spicetree Drive (60-foot right-of-way) from Independence Boulevard to the Villas at Echo Farms as shown on Map Book 48 at Page 75 and Map Book 49 at Page 124.

The improvements are valued as follows:

Streets (base, pavements, curbs, and sidewalks)	\$185,580
Drainage (pipes, inlets, and manholes)	\$90,961
Land Value of Rights-of-way (1.49 acres)	\$162,750
Total Value	\$439,291

2. Maple Avenue. The right-of-way and easement proposed for acceptance is set forth in Exhibit 'B' attached hereto and incorporated hereto by reference, totaling 0.11 miles of streets eligible for Powell Bill Street Aid:

Maple Avenue from 43rd St northwest to the end of the recorded right of way as shown on Map Book 8 at Page 77.

Public access easement recorded at Deed Book 6824 at Pages 2538-2542.

The improvements are valued as follows:

Streets (base, pavements, curbs, and sidewalks)	\$55,574
Drainage (pipes, inlets, and manholes)	\$29,329
Land Value of Rights-of-way (0.366 acres)	\$95,640
Land Value of Easement (0.023 acres)	\$3,672
Total Value	\$184,215

THAT, this resolution shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract, or to otherwise reduce or eliminate the rights of the City, its agents, and employees against any other party connected with or in any way related to the development of these subdivisions or the installation, operation, and maintenance of all public facilities within said subdivisions.

THAT, this resolution is not to be interpreted as a waiver of any defenses or immunities which the City, its agents, or employees may assert or have been entitled to.

THAT, all rights, privileges, and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the City and any and all benefits derived therefrom shall be ensured to the City, its agents, and employees; Such acceptance is conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the property dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purposes; that the property is free and clear of any deed of trust, mortgage, lien, or assessments, and that the said dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such public facilities against

any and all claims and demands whatsoever.

THAT, the acceptance of dedication of these facilities does not obligate the City to construct, install, maintain, repair, replace, extend, improve, build, or operate any public facilities or utilities which are not in existence as of the date of the adoption of this resolution.

THAT, upon acceptance, the City will maintain required public infrastructure only, including sidewalks, multi-use paths, pavement, curbing, and drainage. The City will not maintain decorative landscape and hardscape elements within the right-of-way or easements being accepted. The City Attorney's office and City Manager are authorized to execute necessary landscape agreement(s).

THAT, the improvement(s) described above and hereby officially accepted by the City of Wilmington, shall be subject to a **guarantee of materials and workmanship by the developer, at developer expense, for a period of eighteen (18) months** from the date of official acceptance by the City.

THAT, this official acceptance shall become effective immediately upon adoption of this resolution.

Adopted at a _____ meeting

On _____ 2026

Bill Saffo, Mayor

Attest:

Penelope Spicer-Sidbury, City Clerk