

INTRODUCED: March 28, 2016

AN ORDINANCE No. 2016-099

To declare surplus and direct the conveyance of City-owned interests in real estate located east of Capitol Square for nominal consideration for the purpose of clarifying the property interests held by the City and the Commonwealth

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 11 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the City’s interests, if any, in real estate identified as Section 2(1), Section 2(2), and Section 2(3) on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28630, dated April 27, 2015, and entitled “Sketch Showing Various Areas Referenced in Ordinance Concerning Properties of the City of Richmond and the Commonwealth of Virginia,” a copy of which is attached to this ordinance, and more particularly described in a document entitled “Capitol Square Quitclaim to Commonwealth” and dated February 16, 2016, a copy of which is attached to this ordinance, are hereby declared surplus real estate and directed to be conveyed to the Commonwealth of Virginia by quitclaim deed for the purpose of clarifying the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 25 2016 REJECTED: _____ STRICKEN: _____

property interests held by the City and the Commonwealth in the area located east of Capitol Square in accordance with the applicable provisions of Chapter 8 of the Code of the City of Richmond (2015), as amended, the Charter of the City of Richmond (2010), as amended, the Code of Virginia (1950), as amended, and the Constitution of Virginia.

§ 2. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2015), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed and such other documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of such interests in real estate.

§ 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

FEB 19 2016
4-4872
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: February 16, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John Buturla, Interim Deputy Chief Administrative Officer

THROUGH: Emmanuel Adediran, Director, Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer, Department of Public Works

FROM: Marvin Anderson, Department of Public Works

RECEIVED

MAR 11 2016

OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS 12TH STREET/GOVERNOR STREET UPON CERTAIN CONDITIONS AND TRANSFER TO COMMONWEALTH OF VIRGINIA ANY CITY INTERESTS IN CERTAIN AREAS EAST OF CAPITOL SQUARE

ORD. OR RES No. _____

PURPOSE: To repeal or amend Ordinance No. 2005-231-209 and adopt any other ordinances necessary to accomplish the following:

- (1) To close to public use and travel the right-of-way beginning at the south right-of-way line of E. Broad Street, and running south on 12th Street for approximately 139 feet ± where the street name changes to Governor Street, then continuing south on Governor Street to the north right-of-way line of Bank Street, to public use and travel containing 50,377± square feet, as shown enclosed with bold lines and noted on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. O-23817, dated April 17, 2003 entitled "PROPOSED CLOSING OF 12th STREET/ GOVERNOR STREET FROM BROAD STREET TO BANK STREET." (Note: This being the same portion of right-of-way that Ordinance No. 2005-231-209 closes upon the satisfaction of certain conditions, which have not been satisfied). Such closure shall not take effect until the conditions listed on the document attached hereto entitled GOVERNOR STREET CLOSURE TERMS AND CONDITIONS and dated February 16, 2016, are satisfied (the "Conditions") and shall be subject to the terms listed thereon (the "Terms"). In relation to the closure, the ordinance(s) should also:
a. Authorize the Chief Administrative Officer to accept any property interests required to be conveyed to the City by the Conditions.

- b. Authorize the Chief Administrative Officer to execute the Memorandum of Understanding, following execution of such MOU by the Commonwealth as required by the Conditions.
 - c. Authorize the Director of Public Utilities to execute the Utilities Review Agreement, following execution of such Utilities Review Agreement by the Commonwealth as required by the Conditions.
- (2) To authorize the Chief Administrative Officer to convey via quitclaim deed any interest the City may hold in those certain areas described on the document attached hereto entitled CAPITOL SQUARE QUITCLAIM TO COMMONWEALTH, dated February 16, 2016, subject to the limitations stated thereon; such areas being generally shown labeled as Section 2(1), Section 2(2), and Section 2(3) on DPW Drawing No. N-28630, dated April 27, 2015, and entitled "Sketch Showing Various Areas Referenced in Ordinance Concerning Properties of the City of Richmond and the Commonwealth of Virginia."

REASON: Ordinance No. 2005-231-209 was adopted by City Council on October 10, 2005 in response to a previous request to close 12th Street/Governor Street between Bank Street and E. Broad Street but the conditions of the ordinance were never satisfied. After recent discussions between the Commonwealth and the City, it is requested that the closure of 12th Street/Governor Street be conditioned upon new up-to-date Conditions. To satisfy the Conditions, in part, the Commonwealth must convey to the City certain property that will support the City's redevelopment of Main Street Station and the Commonwealth's interest, if any, in certain property in the area east of Capitol Square (over which the City currently exerts control as City rights-of-way). As such, in addition to the closure of 12th/Governor Street, it is requested that the City conveys to the Commonwealth the City's interest, if any, in certain other property east of the Capitol Square area (over which the Commonwealth already exerts control for all intents and purposes) as described in the document attached entitled CAPITOL SQUARE QUITCLAIM TO COMMONWEALTH, dated February 16, 2016.

RECOMMENDATIONS: Recommend adoption of the ordinances necessary to close 12th Street/Governor Street upon the satisfaction of the Conditions and to accomplish those other items listed in the Purpose section of this request.

BACKGROUND: The closure of 12th Street/Governor Street between Bank Street and E. Broad Street was previously approved by Ordinance No. 2005-162-152, adopted July 25, 2005, which was amended by Ordinance No. 2005-231-209, adopted on October 10, 2005 but the conditions of the ordinance, as amended, were never satisfied.

Recent discussions and negotiations between the Commonwealth and the City have led to this proposed ordinance which for closing the 12th Street/Governor Street rights-of-way. In addition, the ordinances will provide clarity of property interests for both Commonwealth and the City in the area located east of Capitol Square. For example:

1. Numerous streets and alleys have been vacated throughout the Capitol Square area over the years but some uncertainty seems to exist as to whether, within certain areas, all City interests have been vacated and whether a clear title now rests with the Commonwealth. The proposed ordinances would allow for the City to quitclaim any interests it may still have in these areas.
2. During the project to relocate N 15th Street between E. Main Street and E. Franklin Street, certain property owned by the Commonwealth of Virginia was needed for right-of-way which would leave a residual parcel between the new street and the Interstate 95 right-of-way. This proposed ordinances require the conveyance of this parcel and right-of-way from the Commonwealth to the City and authorize the CAO to accept such conveyance on behalf of the City.

3. Records are unclear as to whether the City received all conveyances for rights-of-way of N.14th Street (between E. Main Street and E. Broad Street) and also Bank Street/E. Franklin Street (between N.13th St/Governor Street and existing 15th Street) during their relocations. In an attempt to establish a clearer title to these rights-of way, the proposed ordinances require for the Commonwealth to convey to the City any interests it may have in these properties and authorize the CAO to accept such conveyance on behalf of the City.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: March 14, 2016

CITY COUNCIL PUBLIC HEARING DATE: April 11, 2016

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance, City Attorney

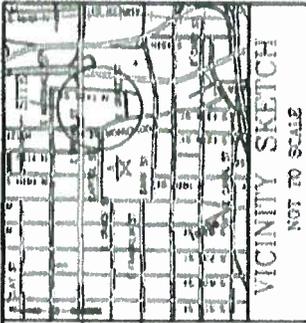
RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance Nos. 2005-231-209; 2005-162-152

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Governor Street Closure Terms and Conditions; Capitol Square Quit-Claim to Commonwealth; DPW Drawing. Numbers N-28630, O-23817, O-23955 (Sheet 1 of 1) and P-16036; Memorandum of Understanding; Utilities Review Agreement

STAFF:

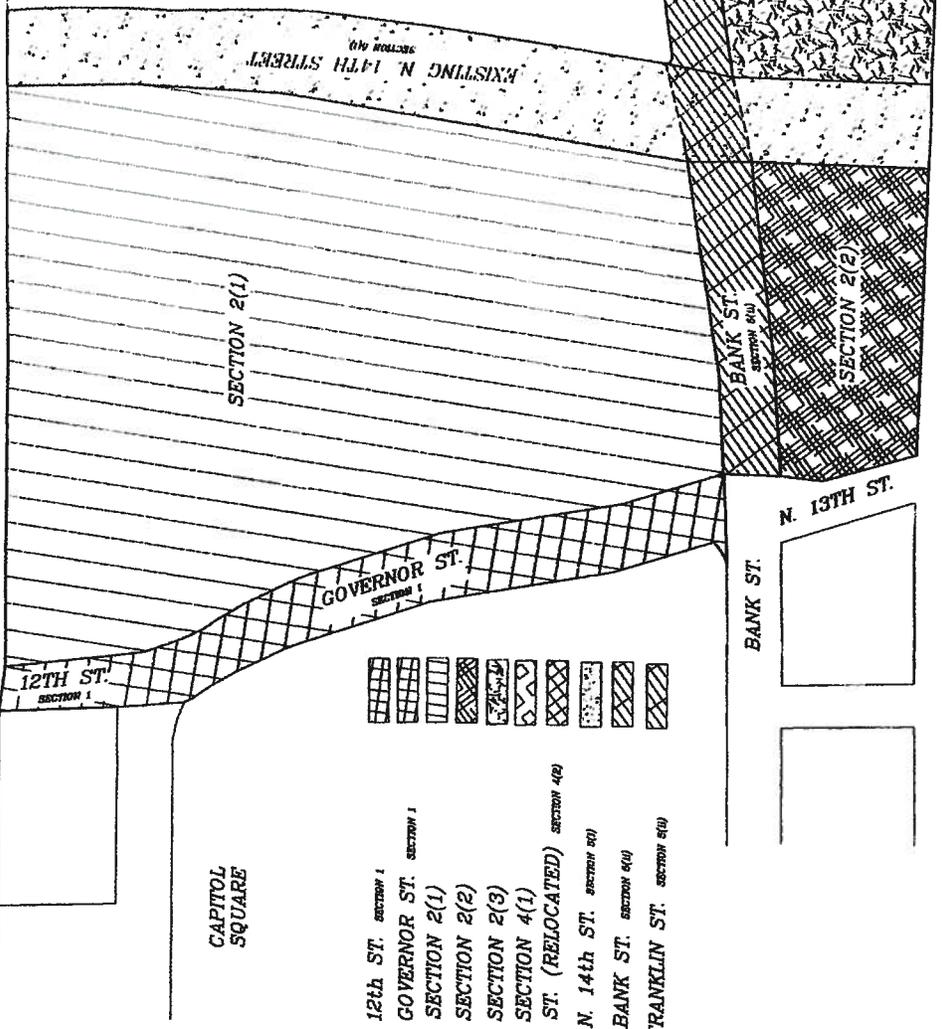
Prepared for Emmanuel Adediran
Prepared by Marvin Anderson
Research and Drawing Coordinated
Department of Public Works
646-0435



I-95



E. BROAD ST.



CAPITOL SQUARE

- 12th ST. SECTION 1
- GOVERNOR ST. SECTION 1
- SECTION 2(1)
- SECTION 2(2)
- SECTION 2(3)
- SECTION 4(1)
- N. 15th ST. (RELOCATED) SECTION 4(2)
- N. 14th ST. SECTION 4(3)
- BANK ST. SECTION 4(4)
- E. FRANKLIN ST. SECTION 4(5)



NOTES

1. Ordinance
2. Adopted
3. Accepted

REFERENCES: BL 88NE/645E

Drafting Technician
 Survey Superintendent
 Right of Way Manager
 REVISIONS



DRAWN BY: J.F.
 CHECKED BY: M.A.

SKETCH SHOWING VARIOUS AREAS REFERENCED IN ORDINANCE CONCERNING PROPERTIES OF THE CITY OF RICHMOND AND THE COMMONWEALTH OF VIRGINIA

FIELD NOTE SCALE 1"=100' DATE 4/27/2015 PROJECT

DRAWING NO. N-28630

CAPITOL SQUARE QUITCLAIM TO COMMONWEALTH

February 16, 2016

Subject to the limitations described below, it is proposed that, for the purpose of clearing title, the City convey to the Commonwealth the City's interest, if any, in those areas generally shown labeled as Section 2(1), Section 2(2), and Section 2(3) on DPW Drawing No. N-28630, dated April 27, 2015, and entitled "Sketch Showing Various Areas Referenced in Ordinance Concerning Properties of the City of Richmond and the Commonwealth of Virginia", and more particularly described as follows:

- (1) All the land, together with any improvements thereon, comprising all those current and former areas of public rights-of-way, including any sidewalk areas comprising a part thereof, in the City of Richmond, whether or not previously closed to public use and travel by adopted ordinance, located within the following area bounded by: (i) the south right-of-way line of E. Broad Street from its intersection with the east right-of-way line of 12th Street to its intersection with the west right-of-way line of existing N. 14th Street; (ii) the west right-of-way line of existing N. 14th Street from its intersection with the south right-of-way line of E. Broad Street to its intersection with the north right-of-way line of Bank Street; (iii) the north right-of-way line of Bank Street from its intersection with the west right-of-way line of existing N. 14th Street to its intersection with the east right-of-way line of Governor Street; (iv) the east right-of-way line of Governor Street from its intersection with the north right-of-way line of Bank Street to a point approximately 139 feet south of E. Broad Street. where the street name changes to 12th Street; and (v) the east right-of-way line of 12th Street from a point approximately 139 feet south of E. Broad St. where the street name changes from Governor Street to 12th Street to its intersection with the south right-of-way line of E. Broad Street; and
- (2) All the land, together with any improvements thereon, comprising all those currently and formerly existing streets and alleys, including any sidewalk areas comprising a part thereof, in the City of Richmond, whether or not previously closed to public use and travel by adopted ordinance, and whether or not still physically open and visible, located within the following area bounded by: (i) the south right-of-way line of Bank Street from its intersection with east right-of-way line of N. 13th Street to its intersection with the west right-of-way line of existing N. 14th Street; (ii) the west right-of-way line of existing N. 14th Street from its intersection with the south right-of-way line of Bank Street to its intersection with the north right-of-way line of E. Main Street; (iii) the north right-of-way line of E. Main Street from its intersection with the west right-of-way line of existing N. 14th Street to its intersection with the east right-of-way line of N. 13th Street; and (iv) the east right-of-way line of N. 13th Street from its intersection with the north right-of-way line of E. Main Street to its intersection with the south right-of-way line of Bank Street; and

(3) all the land, together with any improvements thereon, comprising all those currently and formerly existing streets and alleys, including sidewalk areas comprising a part thereof, in the City of Richmond, whether or not previously closed to public use and travel by adopted ordinance, and whether or not still physically open and visible, located within the following area bounded by: (i) the south right-of-way line of E. Franklin Street from its intersection with the east right-of-way line of existing N. 14th Street to its intersection with the west right-of-way line of N. 15th Street (relocated); (ii) the west right-of-way line of N. 15th Street (relocated) from its intersection with the south right-of-way line of E. Franklin Street to its intersection with the north right-of-way line of E. Main Street; (iii) the north right-of-way line of E. Main Street from its intersection with the west right-of-way line of N. 15th Street (relocated) to its intersection with the east right-of-way line of existing N. 14th Street; and (iv) the east right-of-way line of existing N. 14th Street from its intersection with the north right-of-way line of E. Main Street to its intersection with the south right-of-way line of E. Franklin Street.

Unless, prior to the execution of any deeds of transfer to the Commonwealth, the Director of Public Utilities waives the following requirement, in writing, the City shall retain from such conveyances any easements necessary to maintain City-owned utilities, whether above or below ground.

Unless prior to the execution of any deeds of transfer to the Commonwealth, the Director of Public Works waives the following requirement, in writing, the City shall retain any easements necessary for emergency services access and to maintain the City-owned under-ground telecommunication facilities and conduit within the area closed, and for the City to allow third-parties to utilize such City-owned telecommunication facilities and conduit under the following conditions: (i) utilization by such third-parties will strictly be within the easement area reserved by the City, (ii) no third-party shall install any new telecommunication facilities and conduit that does not serve the City exclusively and, (iii) prior to such utilization, any third party must agree to repair any damage caused by them, to indemnify the Commonwealth and hold the Commonwealth harmless from any damage or injury caused by them, and to consult with the Commonwealth's Department of General Services prior to performing any work within the easement area reserved by the City; provided, however, that the foregoing shall not be construed to require the City to repair any damage arising from a third party's utilization of such telecommunication facilities and conduit nor to indemnify the Commonwealth in any way from a third party's utilization of such telecommunication facilities and conduit. With respect to the City's maintenance of its utilities and telecommunication facilities and conduit, the City shall repair any damage caused by the City, shall cause its contractors to indemnify the Commonwealth and hold the Commonwealth harmless from any damage or injury caused its contractors, and shall consult with the Commonwealth's Department of General Services prior to performing any work within the easement area reserved by the City.