

AN ORDINANCE No. 88-16-35

ADOPTED FEB 22 1988

To authorize Margaret Freund, owner, and any successor thereof, to encroach in, on, upon, across, through, over, beneath and along North Dock Street at its intersection with the south right of way line of South 17th Street, in the block bounded by North Dock Street, East Cary Street, and South 17th and 18th Streets, with surface and overhead encroachments, as shown shaded (surface encroachment) and by dashed lines (overhead encroachment) on plan prepared by the Department of Public Works, designated DPW Drawing No. N-21647-A, entitled: "Dock Street Sidewalk Encroachment Bounded by 17th, 18th, Dock, and Cary Streets", upon certain terms and conditions.

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Patron - City Manager (By Request)

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Approved as to form and legality  
by City Attorney

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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Margaret Freund, owner, and any successor thereof, hereinafter referred to as "Licensee", is hereby permitted to encroach in, on, upon, across, through, over, beneath and along North Dock Street a maximum width of 3.17 feet (2.67 feet at the surface thereof) for a distance of 14.25 feet (13.25 feet at the surface), in the block bounded by North Dock Street, East Cary Street, and South 17th and 18th Streets, with surface and overhead encroachments (45 square feet, more or less), to the extent and in the manner as shown shaded (surface encroachment) and by dashed lines (overhead encroachment) on plan prepared by the Department of Public Works, designated DPW Drawing No. N-21647-A,

entitled: "Dock Street Sidewalk Encroachment Bounded by 17th, 18th, Dock, and Cary Streets", dated September 9, 1987, a copy of which is attached to the draft of this ordinance. The permission herein granted shall continue until such time as the encroachments or a substantial part or parts thereof shall be removed or destroyed subject to the provisions and conditions contained in Section 2.04(e) of the Charter of the City of Richmond.

§ 2. That the permission granted in § 1 of this ordinance is granted upon and subject to the following terms and conditions:

(a) That all cost shall be borne by the Licensee, Margaret Freund, or successors.

(b) That the Licensee, or successors, shall pay to the City for the use and occupancy of the space in the street such charges as Council has heretofore or may hereafter prescribe for such use of the public streets which may be increased or decreased or otherwise modified at any time and from time to time by the Council.

(c) That the Licensee, or successors, shall indemnify, keep and hold the City free and harmless from liability on account of injury or damage to persons, firms and corporations and property growing out of such use of the street and the installation, construction, maintenance,

repair, operation and removal of the encroachment, and in the event that suit shall be brought against the City, either independently or jointly with the Licensee on account thereof, the Licensee shall defend the City in any such suit at her cost, and in the event of a final judgment being obtained against the City, either independently or jointly with the Licensee, she shall pay such judgment and all costs and hold the City harmless therefrom.

(d) That the Licensee, or successors, shall insure its liability in connection with the encroachment providing indemnities of not less than \$300,000 for bodily injuries and property damage resulting from such encroachment. The City shall be named as an additional insured under the insurance contract. The Licensee, or successors, shall keep the insurance in full force and effect at all times during the installation, maintenance, existence and removal of the encroachment. The Licensee shall provide the City with a certificate of such insurance which shall contain a statement that the insurance is provided to enable the Licensee to perform her obligation under this paragraph (d) and that the insurance shall not lapse or otherwise expire prior to sixty days' written notice thereof given by the Licensee's insurance carrier to the City Manager of the City, anything in such insurance contract to the contrary notwithstanding.

(e) The Licensee, or her successors, shall furnish the City a bond with corporate surety approved by the City Attorney in the sum of \$10,000 conditioned upon the removal of the encroachment and replacement and restoration of the street and any public utility therein damaged, disturbed or destroyed thereby in a manner, with such materials and to the satisfaction of the Directors of Public Works, Public Utilities and Public Safety when ordered to do so by the Council, or upon repeal of this ordinance, or upon the failure, refusal or neglect of the Licensee to comply fully and in all respects with the provisions of this or any other ordinance relating thereto. The Licensee, or successors, shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times during the existence and removal of the encroachment. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty days written notice to that effect given to the City Manager of the City. In lieu of such bond, Licensee may provide the City an irrevocable letter of credit in the amount of \$10,000, such letter of credit to be approved as to form by the City Attorney.

(f) Prior to commencing work in, over, upon, through or along any street any and all permits required for such work shall be obtained under provisions of ordinances

and regulations relating to issuance of such permits. All work performed pursuant to such permits shall be performed in a manner satisfactory to the Directors of Public Works, Public Safety and Public Utilities.

(g) That the Licensee shall require any contractor or contractors engaged by it to furnish a public liability and property damage insurance contract or contracts naming therein the City as an insured thereunder, which shall provide indemnities of not less than \$500,000 combined coverage for bodily injuries and damage to property resulting from the construction. Such policy shall provide for the payment of any final judgment that may be rendered against the City by reason of any person being injured or damaged in any way in person or property by the construction.

(h) Licensee, or successors, shall restore and replace portions of streets and public utilities of the City disturbed or destroyed.

(i) Licensee shall pay the cost of relocating curbing in North Dock Street in order that paved portion of sidewalk and the surface encroachment be not less than four feet in width.

(j) This ordinance is adopted pursuant to the power granted the Council by law. It is not intended by the adoption of this ordinance to offer or grant a franchise and

the permission hereby granted shall at all times be subject to revocation by the Council and the terms and conditions upon which it is granted shall be subject to modification at any time and from time to time by the Council. Upon such revocation or modification the Licensee, or successors, shall immediately conform to the requirements, if any, prescribed by the Council with respect thereto.

§ 3. This ordinance shall be in force upon adoption and shall become effective when within twelve months of the date of adoption, the Licensee shall furnish the required insurance and bond and files with the City Clerk a written statement in form satisfactory to the City Attorney to the effect that the Licensee agrees to the terms and conditions upon which such permission is granted and agrees to be bound thereby and to observe and comply therewith, and any contractor engaged by the Licensee furnishes required insurance.

§ 4. Margaret Freund shall be responsible for satisfying all terms and conditions for this ordinance coming into force and effect.

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804•780-6304

January 20, 1988

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of January 19, 1988, the City Planning Commission voted  
(9-0) to recommend a 45-DAY CONTINUANCE of:

Ordinance No. 88-16

To authorize Margaret Freund, owner, \*\*\*, to encroach in, on,  
upon, across, through, over, beneath and along North Dock  
Street at its intersection with the south right of way line  
of south 17th Street, \*\*\* with surface and overhead  
encroachments, \*\*\* upon certain terms and conditions.

This paper would authorize surface and overhead encroachments into the  
public sidewalk area on the north side of Dock Street in Shockoe Bottom.  
Encroachments of this nature are, by Planning Commission policy, normally  
referred to the Urban Design Committee for review prior to Commission  
action. Urban Design review has not taken place, and a 45-day continuance  
is recommended in order that the U.D.C. can consider the design  
implications of this proposal at its next meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon P. Weersing". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jon P. Weersing  
Secretary

JPW:lk

cc: Director - Department of Public Works

SOUTH 18TH STREET

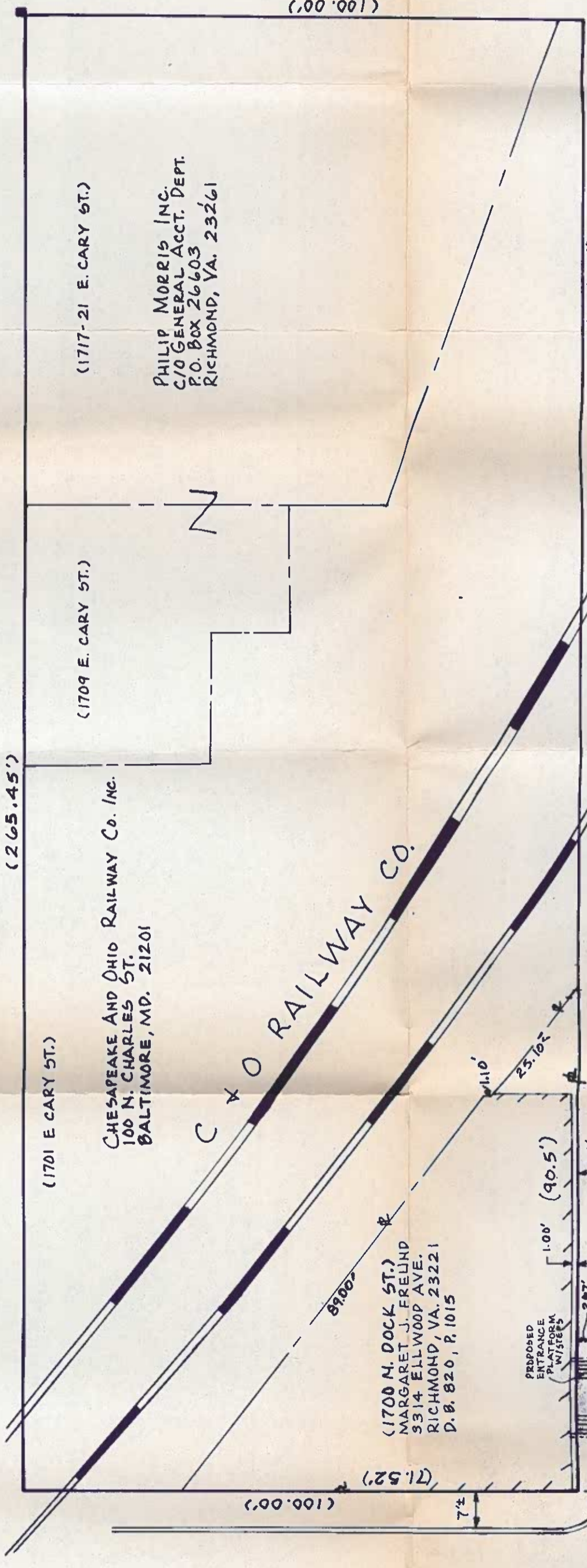
66'±

66'±



EAST CARY STREET

NORTH DOCK STREET



SOUTH 18TH STREET

66'±

66'±

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

<b>Resolution</b>	<b>Subject</b>
Ordinance No. <u>88-16</u>	Allow encroachment in 1700
Patron(s) <u>City Manager (By Request)</u>	Dock Street - an entrance platform

**SUMMARY**

This Ordinance would authorize surface and overhead encroachment into the public sidewalk on the north side of Dock Street in the block bounded by 17th, 18th, Cary and Dock Streets. The encroachment is necessary in order to provide steps, a landing and roof to serve as an entryway to the adjacent building.

The steps would encroach a maximum of 2.67 ft. into the sidewalk for a distance of 13.25 ft. which would reduce useable sidewalk width to less than the 4 ft. minimum standard.

The petitioner shall bear the cost of relocating the curb a distance of .5 ft. into Dock Street so that the 4 ft. sidewalk requirement is retained.

Estimated Revenue - 11.25 annually

Planning Commission granted approval (6-0) February 16, 1988.

**COUNCIL ACTION**

On Docket <u>02/22/88</u>
Amended _____
Adopted _____
Rejected _____
Stricken _____