

INTRODUCED: June 11, 2018

AN ORDINANCE No. 2018-180

To close, to public use and travel, a portion of Railroad Avenue located between West 13<sup>th</sup> Street and West 14<sup>th</sup> Street, a portion of the west side of West 13<sup>th</sup> Street located between Riverview Parkway and Railroad Avenue, and a portion of the south side of Riverview Parkway near West 14<sup>th</sup> Street Extended, together consisting of 13,198± square feet, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept a dedication of right-of-way improvements and property, consisting of 11,510± square feet, in connection with the closing of such portion of Railroad Avenue.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JULY 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of (i) a portion of Railroad Avenue located between West 13<sup>th</sup> Street and West 14<sup>th</sup> Street, (ii) a portion of the west side of West 13<sup>th</sup> Street located between Riverview Parkway and Railroad Avenue, and (iii) a portion of the south side of Riverview Parkway near West 14<sup>th</sup> Street Extended, together consisting of approximately 13,198 square feet, is hereby closed to public use and travel as right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works,

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    JULY 23 2018    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

designated as DPW Drawing No. N-28783, dated April 16, 2018, and entitled “Proposed Closing to Public Use and Travel of Railroad Avenue between W 13<sup>th</sup> St & W 14<sup>th</sup> St, a Strip of R/W along the West Side of W 13<sup>th</sup> St between Riverview Pkwy & Railroad Ave; and a Stub Portion of R/W on the South Side of Riverview Parkway near W 14<sup>th</sup> St Extended,” hereinafter referred to as the “Drawing,” a copy of which is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the right-of-way area identified in section 1 above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2010), as amended, and shall become effective only when, within 12 months from the day this ordinance is adopted:

(a) The applicant obtains consent to the closing from each of the owners of land, buildings or structures from whom consent is required under section 24-314 of the Code of the City of Richmond (2015), as amended, which consents shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(b) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the right-of-way area to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance and repair thereof, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(c) The applicant bears all costs associated with the closing, including, but not limited to, realignment, relocation or removal of utilities or infrastructure, installation of new utilities or infrastructure, new or revised street name or directional signs, streetlights, and similar infrastructure, as required by City agencies, and agrees in writing with the City that, for itself, its successors, and its assigns, they shall indemnify, reimburse, and keep and hold the City free and

harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the right-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alleys, or any of them, on account thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid right-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses or whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$40,411.00 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) The applicant dedicates or causes the dedication of the portions of 1401 Railroad Avenue, 506 West 14<sup>th</sup> Street, 510 West 14<sup>th</sup> Street, and 1401 Semmes Avenue, with Tax Parcel Nos. S000-0160/001, S000-0158/003, S000-0158-001, and S000-0158/022, respectively, in the 2018 records of the City Assessor, consisting of approximately 11,510 square feet, as shown

shaded on the Drawing, to the City for right-of-way purposes, with such dedication being by deed approved as to form by the City Attorney.

(f) The applicant submits and obtains approval by the Director of Planning and Development Review of a plan of development for the construction of improvements on the site. If the Director of Planning and Development Review disapproves the plan of development, this ordinance shall be void.

(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and Development Review, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

§ 3. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept the dedications described in subsection (e) of section 2 of this ordinance.

§ 4. That, at such time as this ordinance becomes effective, the City shall have no further right, title or interest in the closed right-of-way area other than that expressly retained under the provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: April 27, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney (By Request) JS 5/16/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer SC

THROUGH: Robert Steidel, Deputy Chief Administrative Officer - Operations

THROUGH: Bobby Vincent, Director Department of Public Works

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

THROUGH: Brian Copple, Right of Way Manager Department of Public Works

FROM: Marvin Anderson, Survey Superintendent Department of Public Works MWA

RECEIVED

MAY 16 2018

OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF RAILROAD AVENUE BETWEEN W 13TH ST. & W 14 ST., A STRIP OF R/W ALONG THE WEST SIDE OF W 13TH ST. BETWEEN RIVERVIEW PKWY & RAILROAD AVE., AND A STUB PORTION OF R/W ON THE SOUTH SIDE OF RIVERVIEW PARKWAY NEAR W 14 ST. EXTENDED

ORD. OR RES No. \_\_\_\_\_

PURPOSE: To close to public use and travel 13,198 SF of public right of way and receive 11,510 SF of public right as shown on a plat prepared by the Department of Public Works designated as DPW Dwg. No. N-28783 dated April 16, 2018 entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF RAILROAD AVENUE BETWEEN W 13TH ST. & W 14TH ST., A STRIP OF R/W ALONG THE WEST SIDE OF W 13TH ST. BETWEEN RIVERVIEW PKWY & RAILROAD AVE., AND A STUB PORTION OF R/W ON THE SOUTH SIDE OF RIVERVIEW PARKWAY NEAR W 14TH ST. EXTENDED" at the request of the applicant.

**REASON:** Letter of request dated March 30, 2017 from Chris Blake, Urban Development Associates, LLC. This closure is to allow for a Plan of Development for a large parcel north of Railroad Avenue encompassing just over 4.5 acres. Proposed development to consist of residential and/or mixed-use development with parking.

**RECOMMENDATIONS:** The Department of Public Works offers no objections to the proposed right-of-way closing and request that any approvals be subject to, and including without limitation, the following terms and conditions:

1. The applicant(s)/owner(s)/successor(s) shall be responsible for any and all costs associated with the proposed closing, including without limitation, realignment, relocation, or removal of utilities, or infrastructures, installment of new utilities or infrastructures, new or revised street name or directional signs, streetlights, etc., as required or directed by City Agencies.
2. The applicant(s)/owner(s)/successor(s) shall provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within the subject right of way and worked out arrangements with the owners of any such utilities to protect the owner's rights.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
5. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing.
6. The net value of the right-of-way to be closed has been determined to be \$40,411. This must be paid to the City by the applicant.
7. A twelve (12) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve (12) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
8. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date after final approval of the ordinance, the ordinance will become null and void automatically.

**BACKGROUND:**

Urban Development Associates has been acquiring several lots bounded by Riverview Parkway, Semmes Avenue, and 13<sup>th</sup> Street and Cowardin Avenue. A portion of Railroad Avenue between 14<sup>th</sup> Street and Cowardin has been previously closed. This remaining portion of Railroad Avenue (8,967 SF) is necessary to be closed in order to promote the development of the parcels.

A portion of City right-of-way at the intersection of Riverview Parkway and 14<sup>th</sup> Street (2,720 SF) is being closed to provide a consistent 50' public right-of-way for 14<sup>th</sup> Street. As part of the vacation, the Developer will dedicate 11,234 SF of 14<sup>th</sup> Street to the City. Right-of-way along 13<sup>th</sup> Street is being closed (1,511 SF) and 276 SF of right-of-way is being dedicated by the Developer in order to provide a consistent 50' public right-of-way for 13<sup>th</sup> Street. This will allow for 13<sup>th</sup> and 14<sup>th</sup> Streets to serve as future public connectors between Semmes Avenue and Riverview Parkway.

The total amount of right-of-way to be closed is 13,198 SF. The value of this right-of-way to be closed is \$315,960 based upon assess values of the adjacent parcels (\$23.94/SF) The total amount of public right-of-way being received by the City and added to existing right-of-way for W 13<sup>th</sup> and W 14<sup>th</sup> Street is 11,510 SF. The value of the right-of-way being dedicated to the City is \$275,549. The net amount to be received by the City is \$40,411.

Other reviewing administrative agencies offered no objections to the closing request.

**FISCAL IMPACT/COST:** None

**FISCAL IMPLICATIONS:** None anticipated.

**BUDGET AMENDMENT NECESSARY:** No amendment necessary at this time.

**REVENUE TO CITY:** \$300 application fee. \$40,411 net value of right-of-way closed and dedicated.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** May 29, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** June 11, 2018

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

**ATTACHMENTS:** Applicant's request letter, DPW Dwg. No. N-28783

**STAFF:**

Prepared for Bobby Vincent, Director DPW  
Prepared by Brian Copple – RW Manager – DPW  
Research and Drawing Coordinated By: James Flannery  
Department of Public Works  
646-0435

**URBAN DEVELOPMENT ASSOCIATES, LLC**

116 EAST FRANKLIN STREET

RICHMOND, VA 23219

PH 363.9177

March 30, 2017

Mr. Bobby Vincent  
Director of Public Works  
City of Richmond  
Room 701  
900 E. Broad Street  
Richmond, VA 23219

Re: Request to close Railroad Avenue

Dear Mr. Vincent:

Urban Development Associates is requesting the closure of the City of Richmond street known as Railroad Avenue and a small area just off of Riverview Parkway identified on the attached survey. Railroad Avenue has not been used for many, many years. It is currently not much more than a trail through the woods, overgrown with vegetation and a city street only on paper. Urban Development Associates is sole owner of land on all privately abutting parcels.

The intent of the closure is to enable Urban Development Associates to move forward with plans to develop a large parcel north of Railroad Avenue encompassing just over 4.5 acres. Sweeping views of the city skyline and adequate land area for parking make this site extremely desirable for residential and/or mixed-use development.

Enclosed please find the following items:

1. \$300 processing fee
2. Survey reflecting the subject streets and surrounding parcels

Please feel free to call me at (804) 363-9177 should you have any further questions or require any additional information. Robin and I would also be happy to meet with you at your convenience on site or at your office to discuss the issue further.

Best regards,



Chris Blake

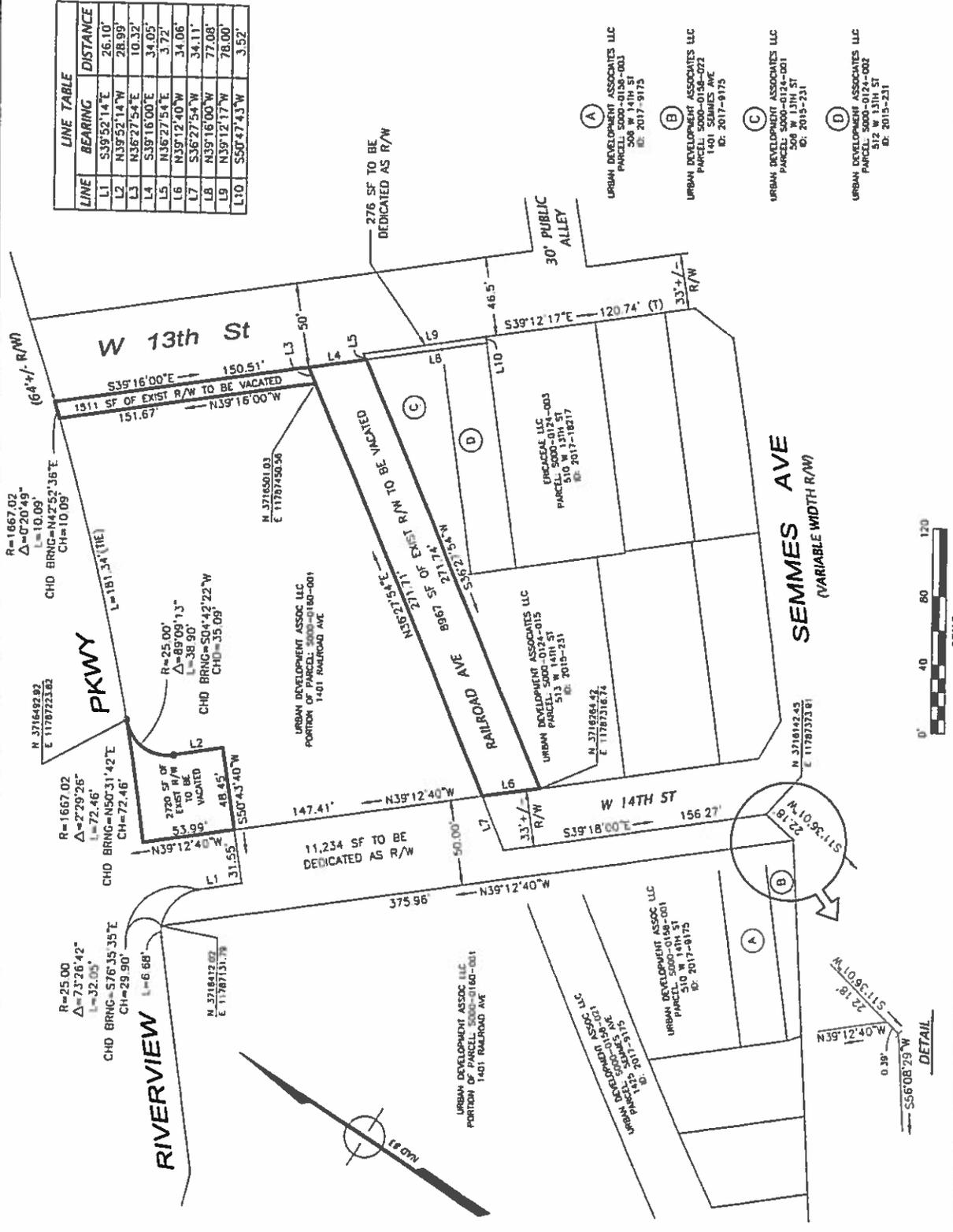
Urban Development Associates, LLC



| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| L1   | S39°52'14"E | 26.10'   |
| L2   | N39°52'14"W | 28.99'   |
| L3   | N36°27'54"E | 10.32'   |
| L4   | S39°16'00"E | 34.05'   |
| L5   | N36°27'54"E | 3.72'    |
| L6   | N39°12'40"W | 34.06'   |
| L7   | S36°27'54"W | 34.11'   |
| L8   | N39°16'00"W | 77.08'   |
| L9   | N39°12'17"W | 78.00'   |
| L10  | S50°47'43"W | 3.52'    |

**NOTES**

- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND A PLAN BY SHADRACH & ASSOCIATES, LLC, DATED FEBRUARY 23, 2018 AND TITLED "SURVEY PLAN SHOWING THE VACATION OF PORTIONS OF RAILROAD AVENUE, RIVERVIEW PARKWAY, & WEST 13TH STREET AND DEDICATION ON WEST 14TH STREET & WEST 14TH STREET, CITY OF RICHMOND, VIRGINIA."
- THE PORTIONS OF R/W FOR RAILROAD AVENUE, W 13TH STREET AND THE STUB R/W ADJACENT TO RIVERVIEW PARKWAY THAT ARE PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL ARE ENCLOSED IN BOLD LINES.
- THE AREAS WHICH ARE TO BE DEDICATED TO THE CITY OF RICHMOND FOR PUBLIC R/W AND BE ADDED TO EXISTING R/W FOR W 13TH STREET AND W 14TH STREET ARE SHOWN AS SHADED AREAS.
- DRU HAS ADVISED THAT THEY HAVE FACILITIES WITHIN THE STUB PORTION OF R/W ADJACENT TO RIVERVIEW PARKWAY WHICH IS PROPOSED FOR CLOSURE. APPLICANT IS RESPONSIBLE FOR IDENTIFYING AND PROTECTING THE RIGHTS OF ANY PUBLIC AND/OR PRIVATE OWNER OF FACILITIES WHO MAY HAVE AN INTEREST IN THE STUB PORTION OF R/W TO BE CLOSED AND THE CONDITION OF THE CLOSING DRIBBRIDGE GOING INTO EFFECT.



Council District 7  
 Block Nos. S124, S158, S160  
 PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF RAILROAD AVENUE BETWEEN W 13TH ST & W 14TH ST, A STRIP OF R/W ALONG THE WEST SIDE OF W 13TH ST BETWEEN RIVERVIEW PKWY & RAILROAD AVE, AND A STUB PORTION OF R/W ON THE SOUTH SIDE OF RIVERVIEW PARKWAY NEAR W 14TH ST EXTENDED

Requested By: LETTER OF REQUEST FROM CITIES BLADE OF URBAN DEVELOPMENT ASSOCIATES, LLC  
 Prepared By: JMA  
 DRAWN BY: JMA  
 CHECKED BY: JMA

FIELD NOTE SCALE DATE PROJECT DRAWING NO.  
 1"=40' 4/16/18 S124, S158, S160 N-28783  
 SC/DED

Surveys Division, Room 600 City Hall  
 800 E. Broad Street, Richmond, Va. 23219  
 DEPARTMENT OF PUBLIC WORKS  
 RICHMOND, VIRGINIA

Drafting Technician  
 Surveys Superintendent  
 Right of Way Manager

REVISIONS

**NOTES**  
 1. Lot dimensions in parentheses are from deeds.  
 2. Property owners correct as of April 16, 2018.  
 3. Ordinance No. ....  
 4. Adopted.....  
 5. Accepted.....

ORDINANCE BL 1282, N-2842, 161283, 0-2790-A, N-28132



DETAIL