

AN ORDINANCE No. 86-266-242

ADOPTED OCT. 27 1986

To authorize Seventh and Franklin Parking Associates, owner, and any successors, to encroach in, under, across, through and along the right of way line of 8th Street between Franklin Street and Grace Street with existing columns, for a distance of 44 feet, more or less, as shown on plan prepared by the Department of Public Works, designated D.P.W. Drawing No. M-21591, entitled: "Existing Encroachments in 8th Street Between Franklin and Grace Streets. (Parking Deck)", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Seventh and Franklin Parking Associates,
3. owner, and any successor thereof, hereinafter referred to as
4. "Licensee", is hereby permitted to encroach in, under,
5. across, through and along the right of way line of 8th
6. Street between Franklin Street and Grace Street with
7. existing columns, for a distance of 44 feet, more or less,
8. as shown on plan prepared by the Department of Public Works,
9. designated D.P.W. Drawing No. M-21591, entitled: "Existing
10. Encroachments in 8th Street Between Franklin and Grace
11. Streets. (Parking Deck)", dated September 18, 1986, a copy
12. of which is attached to the draft of this ordinance. The
13. permission herein granted shall continue until such time as

1. the encroachments or a substantial part or parts thereof
2. shall be removed or destroyed subject to the provisions and
3. conditions contained in Section 2.04(e) of the Charter of
4. the City of Richmond.

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

8. (a) That all cost shall be borne by the Licensee
9. or successor.

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

16. (c) That the Licensee, or successor, shall
17. indemnify, keep and hold the City free and harmless from
18. liability on account of injury or damage to persons, firms
19. and corporations and property growing out of such use of the
20. streets and the installation, construction, maintenance,
21. repair, operation and removal of the encroachments, and in
22. the event that suit shall be brought against the City,
23. either independently or jointly with the Licensee on account
24. thereof, the Licensee will defend the City in any such suit

1. at its cost, and in the event of a final judgment being
2. obtained against the City either independently or jointly
3. with the Licensee, it will pay such judgment and all costs
4. and hold the City harmless therefrom.

5. (d) That the Licensee, or successor, shall insure
6. its liability in connection with the encroachments providing
7. indemnities of not less than \$500,000 for bodily injuries
8. and property damage resulting from such encroachments. The
9. City shall be named as an additional insured under the
10. insurance contract. The Licensee, or successor, shall keep
11. the insurance in full force and effect at all times during
12. the installation, maintenance, existence and removal of the
13. encroachments. The Licensee shall provide the City with a
14. certificate of such insurance which shall contain a state-
15. ment that the insurance is provided to enable the Licensee
16. to perform its obligation under this paragraph (d) and that
17. the insurance will not lapse or otherwise expire prior to
18. sixty days' written notice thereof given by the Licensee's
19. insurance carrier to the City Manager of the City, anything
20. in such insurance contract to the contrary notwithstanding.

21. (e) That the Licensee, or successor, shall furnish
22. the City a bond with corporate surety approved by the City
23. Attorney in the sum of ten thousand dollars conditioned upon
24. the replacement and restoration of the streets and any

1. public utility therein damaged, disturbed or destroyed
2. thereby in a manner and with such materials to the
3. satisfaction of the Directors of Public Works, Public
4. Utilities and Public Safety on order to do so by the
5. Council, or upon repeal of this ordinance, or upon the
6. failure, refusal or neglect of the Licensee to comply fully
7. and in all respects with the provisions of this or any other
8. ordinance relating thereto. The Licensee, or successor,
9. shall pay all premiums chargeable for the bond and shall
10. keep the same in full force and effect at all times during
11. the existence and removal of the encroachments. The bond
12. shall contain a provision that it shall not be terminated or
13. otherwise allowed to expire prior to sixty days written
14. notice to that effect given to the City Manager of the City.
15. In lieu of such bond, the Licensee may substitute an
16. irrevocable letter of credit approved as to form by the City
17. Attorney.

18. (f) Prior to commencing work in, over, upon,
19. through or along 8th Street any and all permits required for
20. such work shall be obtained under provisions of ordinances
21. and regulations relating to issuance of such permits. All
22. work performed pursuant to such permits shall be performed
23. in a manner satisfactory to the Directors of Public Works,
24. Public Safety, and Public Utilities.

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

11. (h) Licensee, or its successor, shall restore and
12. replace portions of streets and public utilities of the City
13. disturbed or destroyed.

14. (i) This ordinance is adopted pursuant to the power
15. granted the Council by law. It is not intended by the
16. adoption of this ordinance to offer or grant a franchise and
17. the permission hereby granted shall at all times be subject
18. to revocation by the Council and the terms and conditions
19. upon which granted shall be subject to modification at any
20. time and from time to time by the Council. Upon such
21. revocation or modification the Licensee, or successors,
22. shall immediately conform to the requirements, if any,
23. prescribed by the Council with respect thereto.

1. § 3. This ordinance shall be in force upon adoption
2. and shall become effective when within six months of the
3. date of adoption the Licensee shall furnish the required
4. insurance and bond (or irrevocable letter of credit) and
5. files with the City Clerk a written statement in form
6. satisfactory to the City Attorney to the effect that the
7. Licensee agrees to the terms and conditions upon which such
8. permission is granted and agrees to be bound thereby and to
9. observe and comply therewith, and any contractor of said
10. Licensees furnishes required insurance.

11. § 4. Seventh and Franklin Parking Associates shall
12. be responsible for satisfying all terms and conditions for
13. this ordinance becoming in force and effect.

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City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

October 21, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 20, 1986, the City Planning Commission voted
(8-0) to recommend APPROVAL of:

Ordinance No. 86-266

**To authorize Seventh and Franklin Parking Associates, owner,
*** to encroach in, *** 8th Street between Franklin Street
and Grace Street with existing columns, etc.**

The purpose of this ordinance is to authorize existing encroachments within the sidewalk area along the west side of 8th Street between Grace and Franklin Streets. The encroachments are to accommodate three building columns which are approximately three feet in width and extend six inches into the sidewalk area. The sidewalk is twelve feet in width. A final survey of the recently constructed parking deck on the adjacent property revealed the encroachment of three of the five building columns. The petitioner requests the encroachment ordinance to satisfy financial and insurance requirements for the building. The columns will not interfere with public use of the sidewalk area. The ordinance contains the normal provisions pertaining to proper maintenance, liability insurance and payment of encroachment fees.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Alexander C. Graham - Attorney for Applicant

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No.86-266.....	Subject
Requested by City Manager, By Request.....	Surface and Overhead Sidewalk Encroachment in 8th Street/ Seventh & Franklin Parking Associates.
Received City Manager's Office--.....	
Summarized10/20/86.....	

SUMMARY

This Ordinance would approve existing encroachments within the sidewalk area along the west side of 8th Street between Grace and Franklin Streets.

The encroachments are to accommodate 3 building columns which are 3 feet in width and extend 6 inches into the sidewalk area.

The sidewalk is 12 feet wide, thus the 6-inch encroachment will not interfere with public use of the sidewalk.

The petitioner requests the encroachment ordinance to satisfy insurance and financial requirements.

Revenue -- \$5.50 annually.

Department of Public Works offers no objections; terms and conditions to include:

1. Applicant to bear all cost.
2. Liability insurance shall be maintained in effect for life of the encroachment.

Planning Commission granted approval (8-0) on October 20, 1986.

COUNCIL ACTION

On Docket10/27/86.....
Amended
Adopted
Rejected