

AN ORDINANCE No 85-195-185

ADOPTED AUG 1 2 1985

To authorize Richmond-on-the-James and any successors of the said Richmond-on-the-James to encroach in, on, upon, over, above, under, across, through and along the east right of way line of 6th Street, south of the south right of way line of East Grace Street, with a trolley car display base and a trolley car, as shown on plan of the Department of Public Works, designated D.P.W. Drawing No. N-21377-A, entitled: "Trolley Car Display Base, Richmond-on-the-James, Inc.", and occupy said trolley as a part-time office, 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 Richmond-on-the-James and any successor
3. thereof, hereinafter referred to as "Licensee", is hereby
4. permitted to encroach in, on, upon, over, above, under,
5. across, through and along the east right of way line of 6th
6. Street, south of the south right of way line of East Grace
7. Street, with a trolley car display base and a trolley car,
8. to the extent and in the manner, as shown on plan of the
9. Department of Public Works, designated D.P.W. Drawing No.
10. N-21377-A, entitled: "Trolley Car Display Base, Richmond-
11. on-the-James, Inc.", dated July 17, 1985, a copy of which is
12. attached to the draft of this ordinance, and to occupy said
13. trolley as a part-time office during the period in which

1. said encroachment is permitted to exist. The permission
2. herein granted shall continue until such time as the
3. encroachments or a substantial part or parts thereof shall
4. be removed or destroyed subject to the provisions and
5. conditions contained in Section 2.04(e) of the Charter of
6. the City of Richmond.

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

10. (a) That all cost shall be borne by the Licensee,
11. Richmond-on-the-James, or its successor.

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

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

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

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

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

1. street and any public utility therein damaged, disturbed or
2. destroyed 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 its 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. (f) Prior to commencing work in, over, upon,
16. through or along any street any and all permits required for
17. such work shall be obtained under provisions of ordinances
18. and regulations relating to issuance of such permits. All
19. work performed pursuant to such permits shall be performed
20. in a manner satisfactory to the Director of Public Works,
21. Public Safety, and Public Utilities.

22. (g) That the Licensee shall require any contractor
23. or contractors engaged by it to furnish a public liability
24. and property damage insurance contract or contracts naming

1. therein the City as an insured thereunder, which shall
2. provide indemnities of not less than \$500,000 combined
3. coverage for bodily injuries and property damage resulting
4. from the construction. Such policy shall provide for the
5. payment of any final judgment that may be rendered against
6. the City by reason of any person being injured or damaged in
7. any way in person or property by the construction.

8. (h) Licensee, or its successor, shall restore and
9. replace portions of streets and public utilities of the City
10. disturbed or destroyed.

11. (i) Richmond-on-the-James, Inc., may occupy and use
12. the trolley for the purpose of a part-time office for the
13. dissemination of information to the public concerning a
14. proposed trolley line in the City of Richmond and other
15. attractions and activities in Downtown Richmond. In order
16. to use and occupy the trolley for such purposes, Richmond-
17. on-the-James, Inc., shall not be required to connect nor
18. provide any utility services to the trolley, and the
19. Commissioner of Buildings is authorized and instructed to
20. issue a certificate of occupancy for such usage to
21. Richmond-on-the-James, Inc.

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

1. the permission to encroach and occupy the trolley as a
2. part-time office hereby granted shall at all times be
3. subject to revocation by the Council and the terms and
4. conditions upon which granted shall be subject to
5. modification at any time and from time to time by the
6. Council. Upon such revocation or modification the Licensee,
7. or its successors, shall immediately conform to the
8. requirements, if any, prescribed by the Council with
9. respect thereto.

10. § 3. This ordinance shall be in force upon adoption
11. and shall become effective when within six months of the
12. date of adoption the Licensee shall furnish the required
13. insurance and bond and files with the City Clerk a written
14. statement in form satisfactory to the City Attorney to the
15. effect that the Licensee agrees to the terms and conditions
16. upon which such permission is granted and agrees to be bound
17. thereby and to observe and comply therewith, and any
18. contractor of said Richmond-on-the-James furnishes required
19. insurance.

20. § 4. Richmond-on-the-James, Inc., shall be
21. responsible for satisfying all terms and conditions for
22. this ordinance becoming in force and effect.

23.
24.

City of Richmond
City Planning Commission



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

August 6, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of August 5, 1985, the City Planning Commission voted (6-0-1 abstention) to recommend APPROVAL of:

Ordinance No. 85-195

To authorize Richmond-on-the-James and***successors***to encroach***on,***east right of way line of 6th Street,***with a trolley car display base and a trolley car,***and occupy said trolley as a part-time office, etc.

This ordinance would authorize Richmond-on-the-James to encroach with a trolley car and fixed display base in the curb lane on the east side of 6th Street south of Grace Street. At its meeting of June 17, the Commission recommended a similar ordinance to authorize the encroachment on the west side of 6th Street. The management of Berry-Burke, the adjacent business, subsequently opposed the original location because the trolley would impair public view of display windows. The paper was continued and the Administration was asked to work with affected parties to consider alternate sites. The Administration has submitted a report to Council identifying the sites considered and evaluating each of them.

It was concluded that the most suitable alternative site is on the east side of the street. The trolley would be placed 68 feet south of Grace Street in order to preserve an existing loading zone. Two parking spaces would be eliminated, but one new space would be created on the west side of the street. The affected businesses, Sovran Bank and Standard Drug, have indicated they have no objections to the new location.

The Commission supports the proposed new location. It would be as effective as the original in terms of visibility and exposure, would not interfere with traffic patterns and would not conflict with the operation of adjacent businesses. The petitioner is willing to relocate the trolley and display base at its expense. No opposition to the new location has been expressed to the Commission.

Very truly yours,

A handwritten signature in cursive script, reading "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Walter R. Witschey - Petitioner
Director - Department of Public Works

City of Richmond
City Planning Commission



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

August 6, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of August 5, 1985, the City Planning Commission voted (7-0)
to recommend a THIRTY-DAY CONTINUANCE of:

Ordinance No. 85-205

To amend and reordain Section 32-710.3 of the Code of the
City of Richmond, 1985, by adding therein subsection (f)
concerning parking spaces for non-dwelling uses in B-1, B-2,
and B-3 business districts existing as of August 12, 1985,
and future parking requirements in event of a use change or
alteration or addition to a building.

The purpose of this ordinance is to amend the parking provisions of the
zoning code so as to add a new subsection dealing with off-street parking
requirements for existing businesses in B-1, B-2 and B-3 Districts. It
would accept as the current parking requirement, the number of off-street
spaces specified on a certificate of occupancy or building permit issued by
the City for the current use of a property, even though such number of
spaces may not comply with the normal zoning requirement. The amendment is
intended to address one aspect of the recently identified problem of
invalid certificates of occupancy having been issued by the City in past
years.

The Carytown Merchants Association expressed support for the paper and
urged its adoption to alleviate hardships on the part of area merchants and
property owners. The Fan District Association, although not opposed to the
intent of the paper, expressed concerns as to its precedential and legal
consequences and urged further study and a more comprehensive solution to
the zoning problem.

The Commission concluded that further study should be afforded. It
deferred action for thirty days and asked the Law Department to research
further the potential legal ramifications of the proposed amendment.

Very truly yours,

Jon P. Weersing
Secretary

JPW:lk

cc: Zoning Administrator

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-195	Subject
Requested by Director of Public Works	Encroachment/Trolley
Received City Manager's Office 6/4/85	
Summarized 6/17/85	

SUMMARY

This Ordinance would authorize an encroachment in 6th Street south of Grace Street as shown on a plan designated Department of Public Works Drawing No. N-21377-A entitled, "Trolley Car Display Base (Richmond-on-the-James, Inc.)".

This was requested in a letter dated June 3, 1985, and signed by Walter R. T. Witschey, President of Richmond-on-the-James. The streetcar being from the turn of the century will serve as an additional attraction in the Sixth Street Marketplace. It also will serve as a visible reminder of the Master Plan design to connect the Sixth Street Marketplace with the Shockoe Slip and Main Street Station.

The estimated revenue is 300 sq. ft. @ \$0.25 or \$75.00 unless waived by Council.

The Department of Public Works offers no objections to the encroachment under the usual terms and conditions to include:

1. All cost to be borne by applicant.
2. Liability insurance and removal bond is required.
3. Six months expiration clause to be included.
4. Annual fee be charged unless waived by Council.
5. Use of trolley other than as a visual exhibit to be subject to all ordinances and regulations relating thereto be required and obtained from proper city agencies.

The original draft of this Ordinance was stricken July 22, 1985.

COUNCIL ACTION

On Docket 8/12/85
Amended
Adopted
Rejected