



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-131: To close to public use and travel a portion of public right of way containing 5418 square feet and shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28655 dated March 3, 2016 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF PUBLIC R/W KNOWN AS N. 32ND STREET LOCATED SOUTH OF E. FRANKLIN STREET AND NORTH OF WILLIAMSBURG AVENUE" at the request of the owners of the adjacent properties.

To: City Planning Commission
From: Land Use Administration
Date: May 16, 2016

PETITIONER

Emmanuel O. Adediran, Department of Public Works

LOCATION

City of Richmond

PURPOSE

To close to public use and travel a portion of public right of way containing 5418 square feet and shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28655 dated March 3, 2016 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF PUBLIC R/W KNOWN AS N. 32ND STREET LOCATED SOUTH OF E. FRANKLIN STREET AND NORTH OF WILLIAMSBURG AVENUE" at the request of the owners of the adjacent properties.

SUMMARY & RECOMMENDATION

The right-of-way area to be vacated is the intersection of the right-of-way for N. 32nd Street with a former railroad right-of-way once owned by CSX Transportation, Inc. One adjacent owner, Chimx, LLC, has recently acquired any interests which CSX may have in the proposed closing area along with other adjacent parcels which were also formerly CSX r/w and lying north and south of this proposed r/w closing.

The adjacent property owners are planning a development of the area that includes the old CSX right-of-way. The applicant states that the area of the proposed closing is important to the development of parking and landscaping of the project.

This public right-of-way to be vacated does not provide any benefit for public use nor offers the potential for public improvements that would benefit vehicular travel.

The calculated value of the right of way to be vacated is \$7,748.00. This calculation is based upon the following: The area of the proposed r/w closure was previously comprised of City and

CSX right of way. CSX quitclaimed their interests in this parcel to the applicant along with other adjacent parcels, which were also former CSX right-of-way. The unit price for the CSX parcels was \$1.43 per square foot. The applicant has proposed that the City also accept this unit price for the subject City right-of-way to be vacated. This equates to \$7,748.00 for the 5418 square foot area. The Division of Right of Way Management recommends acceptance and approval of this Ordinance.

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

The Department of Public Works offers no objections to the proposed right-of-way closing, and requests 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 that may be 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 identify and protect the rights of any private and public owners of utilities who may have a vested interest in or facilities located within the subject right of way. This condition may be satisfied by the applicant(s)/owner(s)/successor(s) providing the City with a written affidavit (1) testifying that all such rights have been protected (or that no such rights exist) and (2) indemnifying the City from any claims asserting such rights.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing.
5. The applicant shall pay the City a sum of \$7,748.00 which is the value of the right of way to be closed.
6. A twelve (12) month expiration clause shall be included whereby all conditions set forth must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City prior to ordinance going into effect.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Department of Public Works and the Law Department with written evidence that all conditions of the ordinance have been completed. Should this written evidence not be submitted to the said offices prior

to the expiration date, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

The Department of Public Works recommends adoption of this ordinance.

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Department of Public Works 646-0435