



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

ADMINISTRATIVE IMPACT STATEMENT

Date: December 3, 2020

Ordinance/Resolution No. 2020-259: Westmoreland Place - Deed of Dedication

Patron: CM Addison

Legislative History:

Administrative Staff Presenting: M. S. Khara, P.E., City Engineer - DPW;
Brian Copple, ROW Manager - DPW; Howard Glenn, DPU

Impact Statement Summary: An Ordinance to authorize the Chief Administrative Officer (CAO) to enter into an agreement between the City of Richmond and the Westmoreland Place Association for a Deed of Dedication pursuant to which the Association shall convey to the City an easement of right-of-way for public travel and use over, upon, and across, and through the streets located within the boundaries of the Westmoreland Place subdivision

Staff Position: **Not in support until the following issues are resolved.**

Administrative Impact Statement of draft Ordinance No. 2020-259:

SECTION OF AGREEMENT / REQUIREMENT	AMENDMENT RECOMMENDATION
State Maintenance Funds	1. <u>FISCAL IMPACT</u> - Per the Proposed Ordinance and Agreement, the City will NOT be eligible and will NOT receive annual State Maintenance Funds in the amount of <u>\$41,770 / year</u> (3.3 MLM X \$12,735 per moving lane mile) (Based on FY 20 State Payment) due to these streets NOT having a minimum 30' unrestricted right of way.

<p>Survey / Easements</p>	<p>1. <u>OPERATIONAL IMPACT</u> - Additional three feet (3') Permanent Maintenance Easement (in addition to 2' Prior Easement) for a total of 5' (five feet) Permanent Maintenance Easement behind the curb on both sides of street must be dedicated to the City and shown on the plat.</p> <p><u>(Without 5' total easement, City/Contractor will be unable to perform street maintenance work)</u></p>
<p>Indemnity and Maintenance</p>	<p>1. <u>CITY LIABILITY</u> - City will need to be provided <u>indemnification</u> by Association for the public use and travel due to the travel way width not meeting Complete Streets or minimum street standard requirements and not being adequate for vehicle and pedestrian travel. Pedestrians walking within the public right of way will be required to be indemnified by the Association as proposed public right-of-way ends at the curb and there is no public space for pedestrian facilities or sidewalks. Pedestrian incidents or accidents that occur within the paved surface area are to be indemnified.</p> <p>2. The City shall be indemnified from liability for any <u>City Operational</u> issues that may damage any private improvement located in the Prior Easement (mailbox, walls etc. adjacent to the paved surface area) by the individual property owners and Association and requested additional 3' Permanent Maintenance Easement (i.e. damage to property as a result of snow removal).</p>

Fiscal Impacts if Ord is acted upon without addressing issues mentioned above:

Description	Estimated Impact in \$
<p>Loss of Annual State Maintenance Funds (with the Proposed Ordinance and Agreement, the City will no longer be eligible to receive these annual maintenance funds.)</p>	<p><u>\$ 41,770 per year</u> (3.3 MLM X \$12,735 per moving lane mile) based on FY20 State Maintenance Payment</p>