

INTRODUCED: November 8, 2021

AN ORDINANCE No. 2021-311

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Deed between the City of Richmond and the Commonwealth of Virginia, Department of General Services, for the purpose of conveying by quitclaim deed the City-owned right-of-way known as Bank Street from North 9th Street to North 14th Street, North 10th Street from East Main Street to Bank Street, North 12th Street from East Main to Bank Street, and Governor Street from East Main Street to Bank Street, consisting of 127,363.7± square feet, for nominal consideration to the Commonwealth of Virginia, Department of General Services.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, § 4-5.11 of Chapter 552 of the 2021 Acts of Assembly of Virginia, Special Session I, requires the City of Richmond to transfer ownership of those portions of the rights-of-way located in the city of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street to the Virginia Department of General Services by deed or other instrument;

NOW, THEREFORE,

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 13 2021 REJECTED: _____ STRICKEN: _____

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, in order for the City to comply with § 4-5.11 of Chapter 552 of the 2021 Acts of Assembly of Virginia, Special Session I, the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to execute a Deed between the City of Richmond and the Commonwealth of Virginia, Department of General Services, for the purpose of conveying by quitclaim deed the City-owned right-of-way known as Bank Street from North 9th Street to North 14th Street, North 10th Street from East Main Street to Bank Street, North 12th Street from East Main to Bank Street, and Governor Street from East Main Street to Bank Street, consisting of approximately 127,363.7 square feet, as shown enclosed with red lines on a drawing prepared by Austin Brockenbrough, designated as DPW Drawing No. O-28976, dated October 12, 2021, and entitled “Right-of-Way Exhibit, State Route 318,” a copy of which is attached to and made a part of this ordinance. Such Deed shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. That the City shall retain a public utility easement and an emergency access easement within the City-owned rights-of-way described in section 1 of this ordinance, as each such easement is described in the Deed approved as to form in accordance with section 1 of this ordinance.

§ 3. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2020), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, such other documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of the City-owned rights-of-way described in section 1 of this ordinance.

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

A TRUE COPY:
TESTE:
Amelia D. Reed
City Clerk




CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: October 11, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor 

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer 

THROUGH: Robert Steidel, Deputy Chief Administrative Officer 

THROUGH: Bobby Vincent Jr., Director, Department of Public Works 

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

FROM: Joseph Davenport, P.E., Acting ROW Manager, Department of Public Works 

RE: **PROPOSED CONVEYANCE OF PORTIONS OF CITY OF RICHMOND RIGHT-OF-WAY TO THE COMMONWEALTH OF VIRGINIA IDENTIFIED AS BANK STREET FROM N. 9TH STREET TO N. 14TH STREET; N. 10TH STREET FROM E. MAIN STREET TO BANK STREET; N. 12TH STREET FROM E. MAIN STREET TO BANK STREET; AND GOVERNOR STREET FROM E. MAIN STREET TO BANK STREET**

ORD. OR RES No. _____

PURPOSE: To authorize the Acting Chief Administrative Officer to convey to the Commonwealth of Virginia, via quitclaim deed substantially in the form attached and subject to the limitations stated therein, any interest the City may have in the property more particularly described as that certain tract or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements, and rights of way thereunto belonging or in anywise appertaining, consisting of 2.924 acres and situate in the City of Richmond, Virginia, shown and depicted as "BANK STREET 65' ± Right-of-Way" on that survey/plat entitled "RIGHT-OF-WAY EXHIBIT", prepared by Austin Brockenbrough, dated October 12, 2021, DPW Drawing No. O-28976.

REASON: Pursuant to § 4-5.11 of Chapter 552 of the 2021 Virginia Acts of Assembly, Special Session I ("§ 4-5.11"), and in order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Virginia General Assembly directed the Commonwealth Transportation Board to add to the state primary highway system, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from N. 9th Street to N. 14th Street; N. 10th Street from E. Main Street to Bank Street; N. 12th Street from E. Main Street to Bank Street; and Governor Street from E. Main Street to Bank Street.

Further, the Virginia General Assembly directed the City of Richmond to transfer fee ownership of the above-referenced rights-of-way to the Commonwealth of Virginia.

RECOMMENDATIONS: Recommend adoption of this ordinance to convey that portion of the existing City of Richmond right-of-way, identified as Bank Street from N. 9th Street to N. 14th Street, N. 10th Street from E. Main Street to Bank Street, N. 12th Street from E. Main Street to Bank Street, and Governor Street from E. Main Street to Bank Street, to the Commonwealth of Virginia, for inclusion within the state primary highway system.

BACKGROUND: Numerous streets and alleys have been vacated throughout the Capitol Square area over the years. Recently, the closure of 12th Street/Governor Street between Bank Street and E. Broad Street was approved by Ordinance No. 2016-105 adopted on April 25, 2016.

Furthering the Commonwealth's ability to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Virginia General Assembly in their 2021 Special Session has required that the Commonwealth Transportation Board shall add to the state primary highway system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from N. 9th Street to N. 14th Street, N. 10th Street from E. Main Street to Bank Street, N. 12th Street from E. Main Street to Bank Street, and Governor Street from E. Main Street to Bank Street. Additionally, the General Assembly has directed, pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), that DGS and DCP shall control those rights-of-way and pedestrian and vehicular traffic thereon. The City of Richmond shall transfer fee ownership of the rights-of-way identified to DGS by deed or other instrument, as determined by DGS.

The City shall retain an utility easement across the conveyed right-of-way for the purpose of inspecting, operating, maintaining, repairing, replacing, improving, and removing those utilities facilities owned by the City, or third-party telecommunication facilities and conduits, that are now located within the conveyed right-of-way area. Additionally, the City is also retaining an easement for ingress and egress across the conveyed right-of-way for the purpose of rendering emergency services.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: November 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: December 13, 2021

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): Commonwealth becomes responsible for the maintenance of the right-of-way being conveyed; reduction in City right-of-way maintenance responsibility.

ATTACHMENTS:

2021 Virginia Acts of Assembly Chapter 552 (excerpt; section 4-5.11)

Quitclaim Deed

DPW Drawing No. O-28976

STAFF:

Prepared for Bobby Vincent Jr, Director, Department of Public Works

Prepared by Joseph Davenport, Acting ROW Manager, Department of Public Works

Research and Drawing Coordinated by Marvin Anderson, Department of Public Works

Department of Public Works/646-6396

This document prepared by:
Office of the Attorney General

After recording return to:
Department of General Services
Division of Real Estate and Facilities Management
1100 Bank Street, 5th Floor
Richmond, Virginia 23219
Attn: _____

Tax Map No. E0000100009

Consideration: \$1.00
Actual Value: N/A

Title: N/A

This Deed is exempt (i) from recordation taxes pursuant to §§ 58.1-811.A.3. and 58.1-811.C.4. of the Code of Virginia (1950), as amended, and (ii) from the payment of Clerk's fees pursuant to §§ 17.1-266 and 17.1-279.E.

DEED

This DEED dated the ___ day of _____, 2021, is made by and between **CITY OF RICHMOND, VIRGINIA**, a body politic and municipal corporation of the Commonwealth of Virginia (the “**Grantor**”), and the **COMMONWEALTH OF VIRGINIA**, acting by and through the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF GENERAL SERVICES** (the “**Grantee**”).

WITNESSETH:

WHEREAS, pursuant to § 4-5.11 of Chapter 552 of the 2021 Virginia Acts of Assembly, Special Session I (“§ 4-5.11”), and in order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of government, the Virginia General Assembly directed the Commonwealth Transportation Board to add to the state primary highway system, those portions of the rights-of-way located in the City of Richmond identified as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank Street, and Governor Street from Main Street to Bank Street;

WHEREAS, pursuant to § 4-5.11, the Virginia General Assembly further directed Grantor to transfer fee ownership of the above-referenced rights-of-way to Grantee; and

WHEREAS, by Ordinance Number _____, duly adopted by Council of the City of Richmond (the “**Council**”), the Council authorized the fee transfer of the above-referenced rights-of-way, as more fully set forth below.

FURTHER WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by Grantee and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby remise, release, and forever QUITCLAIM, without warranty, unto Grantee the property situated in the City of Richmond, Virginia (the “**Property**”) more particularly described, to-wit:

ALL THAT certain tract or parcel of land, together with the improvements thereon and all rights, privileges, appurtenances, easements, and rights of way thereunto belonging or in anywise appertaining, consisting of 2.924 acres and situate in the City of Richmond, Virginia, shown and depicted as “BANK STREET 65’ ± Right-of-Way,” “NORTH 10th STREET 64’ ± Right-of-Way,” “NORTH 12th STREET 52’ ± Right-of-Way,” and “GOVERNOR STREET Variable Width Right-of-Way” on that survey/plat entitled “RIGHT-OF-WAY EXHIBIT, STATE ROUTE 318”, prepared by Austin Brockenbrough, dated October 12, 2021 (the “**Plat**”), which is recorded in the Clerk’s Office of the Circuit Court of the City of Richmond, Virginia as Instrument Number _____ (Deed Book _____, at page _____).

The Property is hereby conveyed in its “AS-IS” condition, without warranty or representation as to its condition, value, or permitted use, including without limitation any warranty or representation with regard to the presence of any toxic or hazardous substances or materials of any nature (including but not limited to petroleum, lead, radon, asbestos, or asbestos-related materials). Further, this conveyance is made expressly subject to:

- (i) Grantor hereby retaining a non-exclusive, non-assignable easement on, under, and across the Property (the “**Utility Easement**”). The Utility Easement is for the sole purpose of inspecting, operating, maintaining, repairing, replacing, improving, and removing those utilities facilities owned by Grantor that are now located within the area of the Utility Easement (the “**Utility Facilities**”). Except in the case of an emergency, Grantor shall consult with Grantee prior to any activity conducted by or on behalf of Grantor within the area of the Utility Easement. Grantor will endeavor to provide notice to Grantee as soon as practicable during any activity conducted within the area of the Utility Easement resulting from an emergency. Grantor shall exercise its rights under the Utility Easement in such manner as shall not occasion injury or inconvenience to Grantee. Upon completion of any activity by or on behalf of Grantor within the area of the Utility Easement, Grantor shall restore the area of the Utility Easement as nearly to its original condition as practicable, including backfilling of trenches, reseeding or resodding lands, replacement of equipment and facilities of Grantee, removal of trash and debris, and removal of any of Grantor’s equipment, accessories, or appurtenances not consistent with the construction, maintenance, or operation of the Utility Facilities or the exercise of any rights or privileges expressed herein. Grantor shall maintain the area of the Utility Easement and the Utility Facilities in such repair as not to endanger or otherwise limit the enjoyment or use of Grantee’s property and adjacent properties. No contractor or other third party shall commence any work on behalf of Grantor within the area of the Utility Easement unless and until such third party has obtained such insurance coverage as may be required by the Commonwealth of Virginia, Department of General Services pursuant to its written guidelines adopted in respect to § 2.2-1151 of the Code of Virginia, as such guidelines may be amended, upon written notice from Grantee to Grantor of such written guidelines or amendments. Notwithstanding the foregoing, Grantor may permit third-parties to utilize Grantor’s telecommunication facilities and conduit now located in the area of the Utility Easement under the following conditions: (a) utilization will strictly be within the area of the Utility Easement, (ii) no third-party shall install any new telecommunication facilities and conduit that does not serve Grantor exclusively, and (iii) prior to such utilization, any third party must agree to repair any damage or injury caused by them, and to consult with

Grantee prior to entering the area of the Utility Easement and regarding the activity to be conducted by them. Notwithstanding the foregoing, utilization of Grantor's telecommunication facilities and conduit now located in the area of the Utility Easement shall at all times comply with P.L. 104-104, Feb. 8, 1996, 110 Stat. 56 (the Telecommunications Act of 1996), as amended (the "**Federal Law**"). In the event that there is a conflict between the terms of this subsection (i) and the Federal Law, the Federal Law will control.

- (ii) Grantor hereby retaining an easement for ingress and egress across the Property for the sole purpose of rendering emergency services, including, but not limited to, fire, medical, and police services consistent with Grantor's and Grantee's respective jurisdictions (the "**Emergency Access Easement**").
- (iii) Any and all rights, privileges, covenants, easements, conditions, restrictions, and agreements as are of record, insofar as they may be legally applicable to the Property.
- (iv) Any unrecorded utility easements or franchise agreements existing on or before October 1, 2021, including any relocated easements for utilities and any relocated utility lines and related facilities, on, under, over, or across the Property.
- (v) Any encroachments existing on the Property as of the date of the Plat regardless of whether such encroachments are identified on the Plat.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.
SIGNATURES APPEAR ON THE FOLLOWING PAGES.]

WITNESS the following signatures and seals.

GRANTOR: CITY OF RICHMOND,
a body politic and municipal corporation of the
Commonwealth of Virginia

By: _____
Lincoln Saunders, Chief Administrative Officer

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

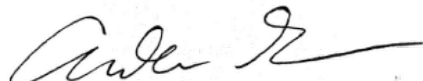
The foregoing Quitclaim Deed was acknowledged before me this _____ day of _____
2021, by Lincoln Saunders, acting in his capacity as Chief Administrative Officer of the City of
Richmond, Virginia, a body politic and municipal corporation of the Commonwealth of Virginia, on
behalf of the City.

My commission expires: _____

My commission number: _____

Notary Public

APPROVED AS TO FORM:

By: 
Name: Andrew A. Gore
Title: Assistant City Attorney

GRANTEE:

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF GENERAL SERVICES

By: _____
Joseph F. Damico, Director

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

The foregoing Quitclaim Deed was acknowledged before me this _____ day of _____ 2021,
by Joseph F. Damico, acting in his capacity as Director of the Commonwealth of Virginia, Department of
General Services, on behalf of the Commonwealth of Virginia.

My commission expires: _____

My commission number: _____

Notary Public

