

INTRODUCED: September 23, 2024

AN ORDINANCE No. 2024-258

To close, to public use and travel, an alley in the block bounded by Hull Street, East 20th Street, Decatur Street and East 21st Street, consisting of 1,320± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by Hull Street, East 20th Street, Decatur Street and East 21st Street, consisting of approximately 1,320 square feet, is hereby closed to public use and travel as a right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-29118, dated August 13, 2024, and entitled “Proposed Closure and Vacation of the 10’ Public Alley Bound by E 21st Street, Hull Street, E 20th Street and Decatur Street,” a copy of which drawing is attached to this ordinance.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the closing of the right-of-way identified above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2020), as amended, and shall become effective only when, within twelve months from the day this ordinance is adopted:

(a) The applicant obtains consent to the closing from each of the owners of land, buildings or structures from whom consent is required under section 24-314 of the Code of the City of Richmond (2020), as amended, which consents shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(b) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the right-of-way area to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance and repair thereof, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(c) The applicant bears all costs associated with the closing, including, but not limited to, realignment, relocation or removal of utilities or infrastructure, installation of new utilities or infrastructure, new or revised street name or directional signs, streetlights, and similar infrastructure, as required by City agencies, and agrees in writing with the City that, for itself, its successors and its assigns, they shall indemnify, reimburse, and keep and hold the City free and harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the right-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the

owner or owners of all the property abutting the aforesaid alleys, or any of them, on account thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid right-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses or whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$14,580.00 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within twelve months of the date of adoption of this ordinance, then the closing shall be null and void.

(e) The applicant submits and obtains approval by the Director of Planning and Development Review of a plan of development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of the improvements on the site and the proposed right-of-way closure and vacation, or if no plan of development is required, the applicant must apply for and be issued a building permit pursuant to the Virginia Uniform Statewide Building Code. Should approval of the plan of development or building permit be denied, this closure of the public right-of-way shall not go into effect.

(f) The applicant provides written evidence satisfactory to and approved as to form by the City Attorney that all facilities of the Department of Public Utilities in the right-of-way area to be closed have been removed or relocated from the right-of-way area to be closed in such a manner

satisfactory to the Director of Public Works, provided that the Chief Administrative Officer, for an on behalf of the City, is hereby authorized to retain a full width utility easement for the portion of the right-of-way area to be closed and to execute all documents necessary to consummate such easement upon the failure of the applicant to provide the written evidence required by this subsection in accordance with this ordinance.

(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and Development Review, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

§ 3. That, at such time as this ordinance becomes effective, the City shall have no further right, title or interest in the closed right-of-way areas other than that expressly retained under provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

§ 4. This ordinance shall be in force and effect only upon the satisfaction of the terms and conditions set out above.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-1200

File ID: Admin-2024-1200

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 09/16/2024

Subject:

Final Action:

Title: TO CLOSE TO PUBLIC USE AND TRAVEL AN ALLEY IN THE BLOCK BOUNDED BY HULL STREET, EAST 20TH STREET, DECA-TUR STREET AND EAST 21ST STREET

Internal Notes:

Code Sections:

Agenda Date: 09/23/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2024-1200_AATF Ord Alley Closure
HullE20thDecaturE21st, ADMIN-2024-1200_Alley
Vacation Request Ltr, ADMIN-2024-1200_DPW Drwg
N29118_Final

Enactment Number:

Contact:

Introduction Date:

Drafter: Joseph.DavenportJr@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	9/16/2024	M.S. Khara	Approve	9/17/2024
1	2	9/16/2024	Joseph Davenport - FYI	Notified - FYI	
1	3	9/17/2024	Bobby Vincent	Approve	9/17/2024
1	4	9/17/2024	Joseph Davenport - FYI	Notified - FYI	
1	5	9/17/2024	Robert Steidel - FYI	Notified - FYI	
1	6	9/17/2024	Jeff Gray	Approve	9/18/2024
1	7	9/17/2024	Joseph Davenport - FYI	Notified - FYI	
1	8	9/17/2024	Lincoln Saunders	Approve	9/26/2024
1	9	9/17/2024	Joseph Davenport - FYI	Notified - FYI	
1	10	9/17/2024	Mayor Stoney	Approve	10/3/2024
1	11	9/17/2024	Joseph Davenport - FYI	Notified - FYI	

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1200

Title

TO CLOSE TO PUBLIC USE AND TRAVEL AN ALLEY IN THE BLOCK BOUNDED BY HULL STREET, EAST 20TH STREET, DECA-TUR STREET AND EAST 21ST STREET

Body

O & R Request

DATE: September 17, 2024 **EDITION:** 2

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

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

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

RE: TO CLOSE TO PUBLIC USE AND TRAVEL AN ALLEY IN THE BLOCK BOUNDED BY HULL STREET, EAST 20TH STREET, DECA-TUR STREET AND EAST 21ST STREET

PURPOSE: To close, to public use and travel, an unimproved alley in the block bounded by Hull Street, East 20th Street, Decatur Street and East 21st Street, consisting of approx. 1320 square feet as shown on DPW Dwg. No. N-29118 dated 8/13/2024 and entitled “PROPOSED CLOSURE AND VACATION OF THE 10’ PUBLIC ALLEY BOUNDED BY E 21ST STREET, HULL STREET, E 20TH STREET AND DECATUR STREET” at the request of the applicant.

BACKGROUND: A letter of request dated July 31, 2024, from Andrew Campbell, with Timmons Group, on behalf of Swansboro Place, LLC.

This proposed vacation is for an approximate 10-foot-wide unimproved public alley; the alley length being approximately 132 feet. The alley is located between the properties at 2008 Hull Street and 2021 Decatur Street, both owned by Swansboro Place, LLC. The vacation is proposed to allow the development of the two (2) parcels into a four-story 90-unit affordable apartment building with outdoor greenspace and adjacent parking lot.

The value of the right of way to be vacated (1320 sq. ft.) has been determined to be \$14,580 (\$11.05 per sq. ft.) and is based on assessed values of the adjacent parcels.

The proposed right-of-way closing will not negatively impact the local City transportation network. Other reviewing administrative agencies were contacted regarding this closure and offered no objections to the right-of-way closing.

COMMUNITY ENGAGEMENT: After introduction, the proposed Ordinance will be referred to a future Planning Commission meeting for discussion, public encouraged to attend and provide comment; subsequent to Planning Commission recommendation to City Council, Council to hold a public hearing regarding the proposed Ordinance.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan (Goal 14: Housing); City Council Resolution No. 2023-R019 (Declare a housing crisis).

FISCAL IMPACT / COST: \$14,580 (one-time payment received as revenue to the City).

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 23, 2024

CITY COUNCIL PUBLIC HEARING DATE: October 15, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: DPW Dwg. No. N-29118 (dated 8/13/2024); Applicant's request letter (Andrew Campbell, Timmons Group)

STAFF: Prepared for Bobby Vincent, Jr., Director, DPW (646-6444)
Prepared by M.S. Khara, City Engineer, DPW (646-5413)
Research and Drawing Coordinated By: DPW/Right-of-Way Management



1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmons.com

July 31, 2024

Bobby Vincent, Jr.
Director of Public Works
900 E. Broad St.
City Hall, Room 701
Richmond, VA 23219

Mr. Vincent,

The closure and vacation of the 10' Public Alley located along 21st Street South of Hull Street, State Route 360 and North of Decatur Street as shown on city of Richmond Baseline sheet 29NE. Currently the alley way is not paved and there is nothing existing on site to define the alley nor is there an existing curb cut or driveway entrance to allow entry to the alley from the street and it does not appear that this alley is the primary means of access to any of the adjacent properties.

The purpose of this alley closure and vacation is to accommodate development of a 4 story, 90 unit affordable apartment building with outdoor greenspace and adjacent parking lot on the properties of Swansboro Place, LLC located at 2008 Hull Street (property abuts the northern line of the alley) and 2021 Decatur Street (property abuts the southern line of the alley). The land disturbance permit for the apartments is enumerated as LDIS-130992-2023 and is currently under review by the City of Richmond planning office.

The only other adjoiner to the alley is a vacant lot located at 2011 Decatur Street owned by Zion Baptist Church which abuts the alley on the east. Over the past four months we have attempted to make contact directly with the church and indirectly through letters and phone calls and to date have received no response to our request for consent to the closure of the alley.

Having been unable to make contact and get a response from Zion Baptist Church we reached out to Richmond Councilwoman Reva Trammell and Kevin Vonck Director of the City of Richmond Department of Planning and Development Review in an attempt establish communication with Zion Baptist Church through them. Even with the aid of the Councilwoman and Planning Director we have received no response to date from Zion Baptist Church.

As such we requested the consent of City of Richmond Mayor Levar Stoney who indicated his consent and endorsement of the alley closure and has directed his office to send a letter requesting the same to the Director of Public Works.

Closing,

Robert P, Sidam, LS
804-200-6959
robert.sidam@timmons.com

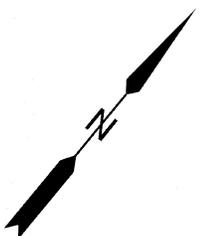
Andrew Campbell, PE
804-200-6492
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Junior Burr, President
Canterbury Enterprises
804-530-2109
junior@cbury.net

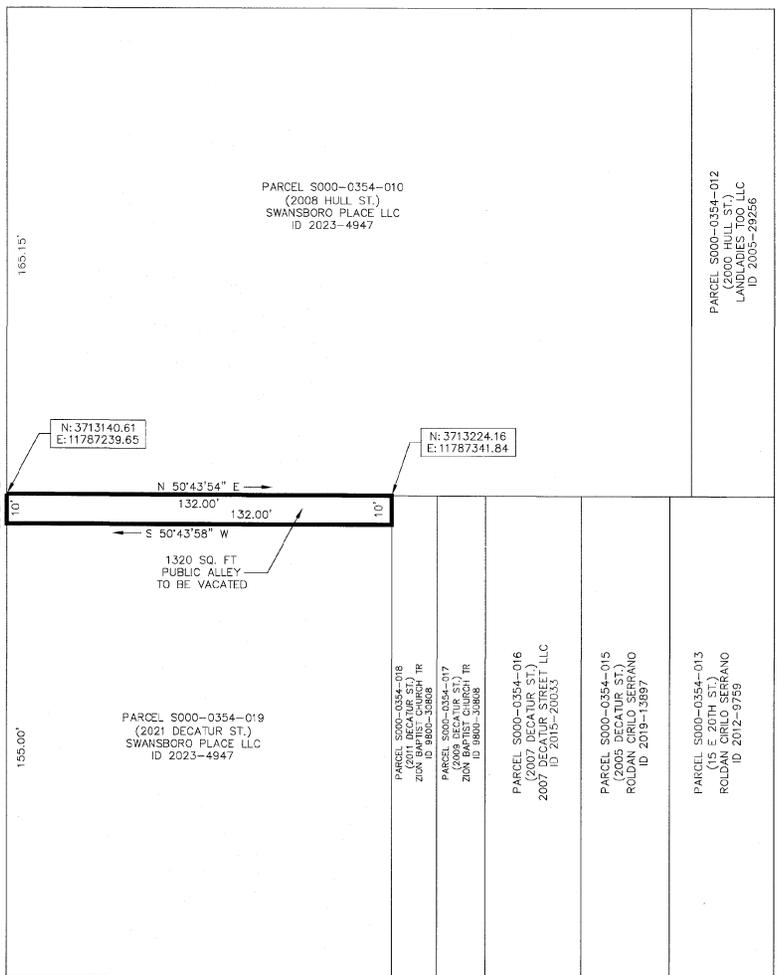
HULL STREET
65'± R/W



VICINITY SKETCH
(SCALE 1"=1000')



E 21ST STREET
33'± R/W



E 20TH STREET
33'± R/W

DECATUR STREET
66' R/W



- NOTES:
1. AREA OF ALLEY PROPOSED TO BE CLOSED SHOWN IN BOLD **□** 1320 SQ. FT.
 2. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES.

Council District 8

Block No. S-354

NOTES

1. Property owners correct as of August 13, 2024
2. Ordinance No: _____
3. Adopted: _____
4. Accepted: _____

Engineering Specialist: *[Signature]*
Surveys Superintendent: *[Signature]*
Right Of Way Manager: *[Signature]*

Surveys Division, Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23219
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



PROPOSED CLOSURE AND VACATION OF
THE 10' PUBLIC ALLEY IN THE BLOCK BOUND BY EAST
21ST STREET, HULL STREET, E 20TH STREET
AND DECATUR STREET

Requested By: Junior Burr

REFERENCES: BL 29NE

REVISIONS

DRAWN BY: J.F
CHECKED BY:

FIELD NOTE	SCALE 1"=30'	DATE 8/13/2024	PROJECT S-354-AC	DRAWING NO. N-29118
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