

INTRODUCED: July 24, 2023

AN ORDINANCE No. 2023-220

To authorize the Chief Administrative Officer, for an on behalf of the City of Richmond, to accept the relinquishment and termination of certain franchised air rights over the City's public right-of-way of East Canal Street and Virginia Street; to authorize the Chief Administrative Officer to execute any documents necessary to effectuate the relinquishment and termination of such air rights; and to repeal Ord. No. 84-153-135, adopted Jun. 25, 1984, and Ord. No. 90-385-344, adopted Dec. 10, 1990.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2023 AT 6 P.M.

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to accept the relinquishment and termination of franchised air rights over the City's public right-of-way of East Canal Street and Virginia Street as granted to the property known as Shockoe Plaza located at 106 Shockoe Slip pursuant to Ordinance No. 84-153-135, adopted June 25, 1984, and Ordinance No. 90-385-34-4, adopted December 10, 1990.

§ 2. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute the deeds and other documents necessary to complete the

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 11 2023 REJECTED: _____ STRICKEN: _____

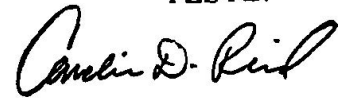
relinquishment and termination of the franchised air rights described in section 1 of this ordinance, provided that all such deeds and other documents first must be approved as to form by the City Attorney.

§ 3. That Ordinance No. 84-153-135, adopted June 25, 1984, and Ordinance No. 90-385-344, adopted December 10, 1990, be and are hereby repealed.

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

A TRUE COPY:

TESTE:

A handwritten signature in cursive script that reads "Carol D. Reed".

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0765

File ID: Admin-2023-0765	Type: Request for Ordinance or Resolution	Status: Regular Agenda
Version: 1	Reference:	In Control: City Clerk Waiting Room
Department:	Cost:	File Created: 06/23/2023
Subject:	Final Action:	
Title:		

Internal Notes:

Code Sections:

Agenda Date: 07/24/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2023-0765-Air Rights Relinq Req Ltr

Enactment Number:

Contact:

Introduction Date:

Drafter: Joseph.DavenportJr@rva.gov

Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	6/23/2023	M.S. Khara	Approve	6/26/2023
1	2	6/23/2023	Joseph Davenport - FYI	Notified - FYI	
1	3	6/26/2023	Bobby Vincent	Approve	6/26/2023
1	4	6/26/2023	Joseph Davenport - FYI	Notified - FYI	
1	5	6/26/2023	Robert Steidel	Approve	6/27/2023
1	6	6/26/2023	Joseph Davenport - FYI	Notified - FYI	
1	7	7/7/2023	Lincoln Saunders	Approve	7/5/2023
1	8	7/7/2023	Joseph Davenport - FYI	Notified - FYI	
1	9	7/19/2023	Mayor Stoney	Approve	7/27/2023
1	10	7/19/2023	Joseph Davenport - FYI	Notified - FYI	

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2023-0765

O&R REQUEST

DATE: June 23, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, 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., Right-of-Way Manager
Department of Public Works

RE: **RELINQUISHMENT AND TERMINATION OF AIR RIGHTS OVER EAST CANAL ST AND VIRGINIA ST ASSOCIATED WITH CERTAIN REAL ESTATE KNOWN AS “SHOCKOE PLAZA”**

ORD. OR RES. No.

PURPOSE: To accept the relinquishment and effect a termination of franchised air rights over the City of Richmond’s right-of-way of East Canal St and Virginia St as granted to the property located at 106 Shockoe Slip (known as “Shockoe Plaza”).

REASON: Relinquishment and termination of air rights request letter dated March 13, 2023, from Hirschler Fleischer as representatives of Highwoods Realty Limited Partnership.

RECOMMENDATION: The Department of Public Works offers no objections to the relinquishment and termination of these air rights.

BACKGROUND:

Highwoods Realty LP (applicant) is the owner of certain real estate and improvements thereon variously and commonly known as 106 Shockoe Slip, 100 Virginia Street, 1310 East Cary Street, 1315 East Cary Street, 104 Virginia Street, 1313 East Cary Street, and 1321 East Cary Street, and

identified as City Parcel Nos. E0000066024, E0000066032 and E0000066033 (the “Property”). The improvements on the Property were constructed in 1996 with aerial projections encroaching less than two (2) feet into the rights of way of each of East Canal Street and Virginia Street (the “Encroachments”). The Encroachments are permitted pursuant to City Ord. No. 83-293-84-6, adopted January 9, 1984, as amended and re-ordained in City Ord. No. 85-219-209, adopted August 26, 1985, as evidenced by that certain Deed of License dated August 28, 1986, and recorded in the Office of the Clerk of the Circuit Court for the City of Richmond, Virginia (the “Clerk’s Office”) in Deed Book 118 at page 1491 (the “Encroachment Permit”).

In connection with now-abandoned plans to expand the improvements located upon the Property over and across the right of way of East Canal Street and further into the right of way of Virginia Street, the City granted to applicant’s predecessors in title certain franchised air rights as follows: (i) to C&M Properties, Inc., franchised air rights over the right of way of East Canal Street pursuant to City Ord. No. 84-153-135, adopted June 25, 1984, as evidenced by that certain Franchise dated June 25, 1984, and recorded in the Clerk’s Office in Deed Book 242 at page 0995 (the “First Franchise”); and (ii) to Shockoe Plaza Associates, LP, franchised air rights over the rights of way of each of East Canal Street and Virginia Street pursuant to City Ord. No. 90-385-344, adopted December 10, 1990, as evidenced by that certain Franchise Agreement dated December 10, 1990, and recorded in the Clerk’s Office in Deed Book 255 at page 910 (the “Second Franchise”, and together with the First Franchise, the “Franchises”).

The applicant has determined that the Franchised air rights are no longer required for its use of the Property, since its only current encroachments into the air space above the rights of way of East Canal and Virginia Streets are the Encroachments, which are permitted pursuant to the Encroachment Permit, and it has no plans to construct further encroachments into the adjoining rights of way. In order to avoid any future clouds on its title to the Property, it has been requested that the City accept a relinquishment and termination of the franchised air rights.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 24, 2023

CITY COUNCIL PUBLIC HEARING DATE: September 11, 2023

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission.

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

RELATIONSHIP TO EXIST. ORD. OR RES.: Ord No. 84-153-135 (adopted Jun 25, 1984)
Ord No. 90-385-344 (adopted Dec 10, 1990)

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Relinquishment/Termination of Air Rights Franchises Request Letter (Hirschler Fleischer; dated March 13, 2023).

STAFF:

Prepared for Bobby Vincent Jr., Director, DPW
Prepared by Joseph Davenport, ROW Manager, DPW
Department of Public Works / 646-0435