

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-301

To close, to public use and travel, a portion of an alley in the block bounded by East Main Street, South 6th Street, East Cary Street, and South 5th Street abutting the property known as 519 East Main Street consisting of 646± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of a portion of an alley in the block bounded by East Main Street, South 6th Street, East Cary Street, and South 5th Street abutting the property known as 519 East Cary Street, and identified as Tax Parcel No. W000-0013-035 in the 2018 records of the City Assessor, consisting of approximately 646 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 and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28689, dated September 6, 2018, and entitled “Proposed Closing to Public Use and Travel of Portion of a 13’ Alley in the Block Bounded by E Main Street, S 6th Street, E Cary

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 17 2018 REJECTED: _____ STRICKEN: _____

Street & S 5th Street.,” hereinafter referred to as the “Drawing,” a copy of which is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the right-of-way area identified in section 1 above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2018), as amended, and shall become effective only when, within 12 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 (2015), 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 \$29,736.67 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 one year 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 a plan of development for the construction of the improvements on the site. If the Director of Planning and Development Review disapproves the plan of development, this ordinance shall be void.

(f) 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 area other than that expressly retained under the 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 upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-8249
OCT 15 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: October 4, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) *[Signature]* 10/5/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]*

THROUGH: Robert Steidel, Deputy Chief Administrative Officer *[Signature]*

THROUGH: Bobby Vincent Jr., Director
Department of Public Works *[Signature]*

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works *[Signature]*

THROUGH: Brian Copple, Right of Way Manager
Department of Public Works *[Signature]*

FROM: Marvin Anderson, Surveys Supt.
Department of Public Works *[Signature]*

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PORTION OF AN
ALLEY IN THE BLOCK BOUNDED BY E MAIN STREET, S 6TH STREET, E
CARY STREET AND S 5TH STREET

ORD. OR RES No. _____

PURPOSE: To close to public use and travel public right of way for portion of a 13' alley containing ± 646 square feet, but retaining same area as a full width utility easement, as shown enclosed with bold lines and hatched on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28689 dated 9/6/2018 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PORTION OF A 13' ALLEY IN THE BLOCK BOUNDED BY E MAIN STREET, S 6TH STREET, E CARY STREET AND S 5TH STREET" at the request of the applicant.

REASON: Letter of request dated May 16, 2018 from Lory Markham, Markham Planning, on behalf of the two adjacent property owners, 507 Main St Property, LLC and East Main St I, LLC.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed right-of-way closing and request 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 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 provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within the subject right of way and worked out arrangements with the owners of any such utilities to protect the owner's 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 and other property owners within the block affected by the closing.
5. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
6. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$29,736.67.
8. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within twelve (12) months of the ordinance adoption that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date after final approval of the ordinance, the ordinance will become null and void automatically.

BACKGROUND: The owners of the properties adjacent to this proposed vacation are in the planning stages of a new infill development that will be a mixed-use development that is pedestrian focused with commercial uses and a residential lobby on the first floor and residential units above. Parking for the development would be accessed from the remaining alley and will be located behind the commercial spaces on the first floor.

The portion of the alley to be vacated is a dead-end stub and does not benefit any properties other than those owned by the requesting parties. It would bisect the proposed development's parking area and its closure would make the layout of the parking more practical and useable. Additionally, closing the alley will allow for the continuance and coordinated maintenance of the parking area that will serve the proposed development without the interruption from the alley running through the middle of it.

The value of the right of way to be vacated (646 sf) has been determined to be \$42,480.96 (\$65.76 per square foot) and is based on assessed values of adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will receive the closed right of way. In this case the fee paid to the City has been reduced by \$12,744.29 due to retainage of a utility easement over the full width of the vacated right of way. The actual fee due to the City is \$29,736.67.

The closing of this right of way will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the closing request.

FISCAL IMPACT/COST: None anticipated

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee; \$29,736.67 for the value of the land

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: November 13, 2018

CITY COUNCIL PUBLIC HEARING DATE: December 10, 2018

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

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

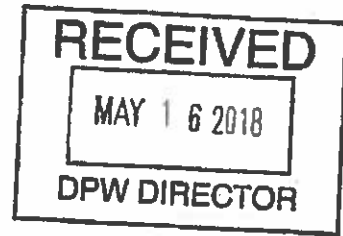
RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter
DPW Dwg. No. N-28689

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW
Prepared by Marvin Anderson – Surveys Supt. – DPW
Research and Drawing Coordinated by Jane Amory – DPW
Department of Public Works
646-0435



May 16, 2018

Mr. Bobby Vincent
Department of Public Works
900 East Broad Street, Suite 700
Richmond, VA 23219
Bobby.Vincent@richmondgov.com

RE: Closing of a portion of an alley bound by East Main, South 6th, East Cary and South 5th Streets

Dear Mr. Vincent,

On behalf of 507 Main St Property LLC and East Main St I LLC, I am writing to formally request the closure of a portion of an alley behind 519 East Main Street in the block bound by East Main, South 6th, East Cary and South 5th Streets. This small section of the 13' wide alley (646 SF) is a dead-end alley and does not benefit any properties other than those that are owned by the entity requesting the closure.

The owners of the adjacent properties are in the planning stages of a new infill development that will be a mixed-use development that is pedestrian focused with commercial uses and a residential lobby on the first floor and residential units above. Parking for the development would be accessed from the remaining alley and will be located behind the commercial spaces on the first floor. The alley bisects the proposed development's parking area and its closure would make the layout of the parking more practical and useable. Additionally, closing the alley will allow for the continuance and coordinated maintenance of the parking area that will serve the proposed development without the interruption from the alley running through the middle of it.

The development is a by-right development in the B-4 Central Business zoning district and will require a Plan of Development (POD). The plans for the POD are currently under development and will be submitted to the Department of Planning & Development Review this summer. I have enclosed the preliminary site plan for the proposed development along with the following items in accordance with the Guidelines for Initiating a Right of Way Closing:

- a) This letter will serve as the letter of request.
- b) The \$300 application fee is enclosed.
- c) The survey plat is enclosed.
- d) Residual right-of-way from the State. This is not applicable to this alley.
- e) Adjoining landowner consent. 507 Main St Property LLC and East Main St I LLC own both adjoining parcels and are the entities requesting the closure.
- f) Primary Ingress and/or Egress. The portion of the alley does not act as ingress or egress for anyone other than the entities requesting the closure.

MARKHAM PLANNING
2314 West Main Street · Richmond, Virginia 23220
(804) 248-2561

- g) Adjoining landowner consent from owners prior to ordinance Introduction. 507 Main St Property LLC and East Main St I LLC already own both adjoining parcels and are the entities requesting the closure.
- h) Adjoining landowner consent from owners at any time through the closing process. 507 Main St Property LLC and East Main St I LLC own both adjoining parcels and are the entities requesting the closure.

Thank you for your consideration of this request. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the request.

Very Truly Yours,



Lory Markham

Enclosures

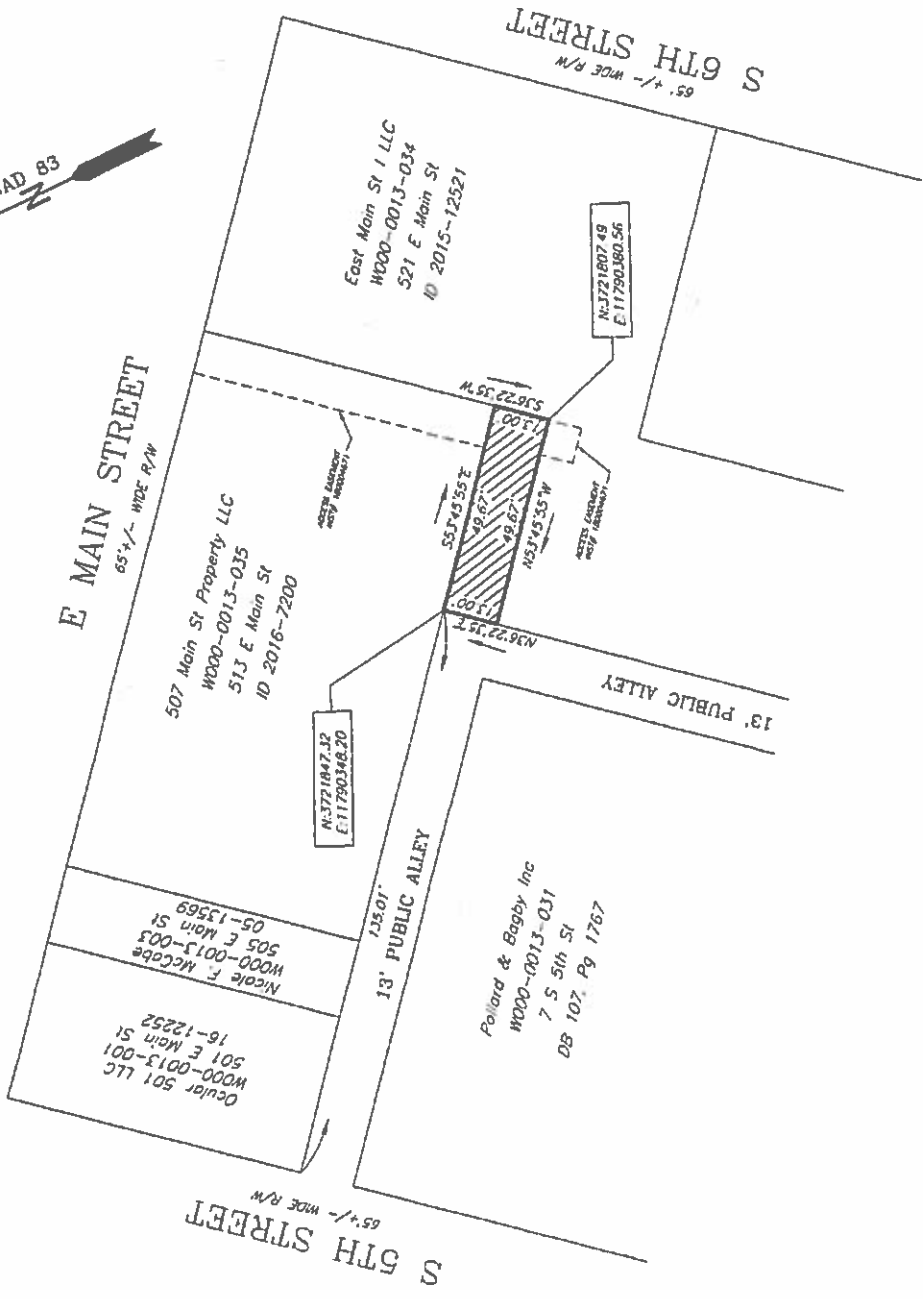
cc: The Honorable Ellen Robertson
Matthew Ebinger, Secretary to the City Planning Commission
Marvin Anderson, Surveys Superintendent



VICINITY SKETCH
NOT TO SCALE

NOTES:

- THE PORTION OF PUBLIC RIGHT OF WAY FOR 13' ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL, BUT RETAINED AS A FULL WIDTH UTILITY EASEMENT IS SHOWN IN BOLD LINES AND HATCHED: 646 SQUARE FEET
- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND TWO PLATS BY TOWNES SITE ENGINEERING.
1) TULLED DIVISION PLAT OF 0.48 ACRE OF LAND SITUATED AT EAST MAIN STREET, JUNE 22, 2015 AND LAND RESUBDIVISION OF 2.18 ACRES, VIRGINIA, DATED SEPTEMBER 28, 2015; AND 2) TULLED "ALTA/MSPS" LAND TITLE SURVEY OF 0.208 ACRES OF LAND SITUATED ON THE SOUTH SIDE OF EAST MAIN STREET BETWEEN SOUTH 5TH AND 6TH STREETS, CITY OF RICHMOND, VIRGINIA, DATED JUNE 11, 2018.



Council District 6

Block No. W-13

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL
OF PORTION OF A 13' ALLEY IN THE BLOCK BOUNDED
BY E MAIN STREET, S 6TH STREET, E CARY STREET
& S 5TH STREET.

Requested By: LETTER FROM CITY MANAGER DATED MAY 18, 2018



DRAWN BY: JNA
CHECKED BY: WTA

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

Drafting Technician *[Signature]*
Surveys Superintendent *[Signature]*
Night Of Key Manager *[Signature]*

NOTES
1. Lot dimensions in parentheses are from deeds.
2. Property owners correct as of August 8, 2018.
3. Ordinance No
4. Adopted
5. Accepted

REFERENCES: BL 15W

FIELD NOTE
SCALE
1"=20'

DATE
9/6/18

PROJECT
W-13-AC

DRAWING NO.
N-28689

EXTENSIONS