

RIGHT-OF-WAY CLOSURE

Following is a copy of **Ordinance No. 2023-045, adopted February 27, 2023**, and all of the required written evidence of satisfaction by the applicant (the "documents").

All of the documents have been approved by the City Attorney's Office.



Andrew A. Gore
Senior Assistant City Attorney



Brian K. Jackson
D: 804.771.9545
bjackson@hirschlerlaw.com

Hirschler Fleischer | hirschlerlaw.com
2100 East Cary Street | Richmond, VA 23223
P: 804.771.9500 | F: 804.644.0957

July 11, 2023

RECEIVED

JUL 11 2023

BY HAND

Mr. Andrew Gore
Office of the City Attorney
City of Richmond
900 East Broad Street – Suite 400
Richmond, Virginia 23219

OFFICE OF THE CITY ATTORNEY

Re: Dominion Energy ROW Closing – Ordinance No. 2023-045 (Adopted Feb 27, 2023)

Dear Mr. Gore:

On behalf of Virginia Electric And Power Company, a Virginia public service corporation d/b/a Dominion Energy Virginia (hereinafter the “Applicant”), I am writing to confirm that each of the terms and conditions of City Council’s approval of Applicant’s request to close a portion of South 9th Street, have been satisfied. On February 27, 2023, by Ordinance No. 2023-045 (the “Ordinance”), Council vacated the portion of South 9th Street (the ROW area to be closed), which was unimproved and no longer needed by the City, upon certain terms and conditions. See Ordinance attached hereto for reference as **Exhibit A**. In satisfaction of such conditions, Applicant provides the following evidence of compliance:

1. A consent letter from adjacent property owners is not required because Applicant and the City of Richmond are the only owners of land, buildings, or structures within the ROW area to be closed and accordingly, no other consents are needed pursuant to Section 24-314 of the Code of the City of Richmond (2020), as amended.
2. A copy of an email, from Miss Utility advising that there are no facilities impacted in the ROW area to be closed, was provided to the City on April 24, 2023. A copy of which is attached hereto as **Exhibit B**, together with a plat showing the location of existing Dominion underground lines (in red) within the expansion area. Except for Applicant, there are no other public utility or public service corporations whose properties or facilities are in the ROW to be closed.
3. In accordance with Section 2(c) of the Ordinance, Applicant has agreed to the City’s requirements for bearing costs associated with the closing of the ROW, including the indemnity requirements and payment for the ROW area to be closed.

4. Attached hereto as **Exhibit C**, Applicant has provided the City an executed Indemnity Agreement.
5. A check made payable to the City of Richmond in the amount of \$182,394.24, representing the full requirement payment for the ROW, will be provided to the City upon receipt of a fully signed copy of the Deed.
6. As required by Section 2(e) of the Ordinance, written approval from the Department of Public Works regarding relocation of an existing walkway is attached hereto as **Exhibit D**.
7. Applicant agrees to the requirements of Section 2(f) of the Ordinance as set forth in the deed of conveyance from the City to Applicant. A signed original of the Deed is attached as **Exhibit E**.
8. With the submission of this letter and the attached exhibits, Applicant has satisfied all terms and conditions required under the Ordinance for the closing of the ROW area and by copy of this letter and its Exhibits, written evidence of the same has been provided to the Department of Public Works, Office of the City Attorney, and the Office of the City Clerk (c/o the Office of the City Attorney).

I believe the above information and documentation provides sufficient confirmation that all terms and conditions associated with the Ordinance have been or will be satisfied. I understand that you will record the Deed and provide me with copies of the fully signed Indemnity Agreement and the recorded Deed. Should you have any questions related to the foregoing, or need any additional information, please do not hesitate to contact me.

Very truly yours,



Brian K. Jackson

/bh

Attachments

cc: Joseph Davenport, City of Richmond Department of Public Works

INTRODUCED: January 23, 2023

AN ORDINANCE No. 2023-045

To close, to public use and travel, a portion of South 9th Street located just east of the Manchester Bridge and on Brown's Island, consisting of 3,936± square feet, upon certain terms and conditions.

Patrons – Mayor Stoney (By Request) and Ms. Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 27 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of South 9th Street located just east of the Manchester Bridge and on Brown's Island, consisting of approximately 3,936 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-29025, dated December 9, 2022, and entitled "Proposed Closing to Public Use and Travel of a Portion of the S 9th Street Right of Way Located Just East of the Manchester Bridge and on Brown's Island," hereinafter referred to as "the Drawing," a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN:

ADOPTED: FEB 27 2023 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 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 (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 right-of-way area to be closed 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 \$182,394.24 for the right-of-way area to be closed; such sum may be adjusted based upon the actual area of the retained and dedicated easements to be provided to the City. 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 12 months of the date of adoption of this ordinance, then the closing shall be null and void.

(e) The applicant shall agree in a writing approved as to form by the City Attorney that, if any portion of an existing paved walkway is within the right-of-way area to be closed, the applicant may relocate such paved walkway as directed and approved by the appropriate City agency and that if the applicant does not relocate such paved walkway, the City will retain an easement over the right-of-way area to be closed, which easement shall be defined on a plat provided by the applicant and approved by the Department of Public Works.

(f) The applicant agrees in a writing approved as to form by the City Attorney that, should the applicant or any successor in interest thereto cease to operate within the right-of-way area to be closed for the purposes of improvements to the applicant's 12th Street substation the

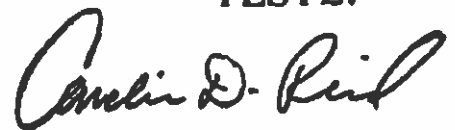
closure of the public right-of-way shall be null and void and the right-of-way closed by this ordinance will revert to the City as a public right-of-way, without cost to the City.

(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 Public Works, 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.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reil". The signature is written in a cursive style with a large initial 'C'.

City Clerk



CITY OF RICHMOND
Intra-City Correspondence

O&R REQUEST

DATE: December 14, 2022 **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 Robert C Steidel

Digitally signed by Robert C Steidel
Date: 2022.12.12 12:39:59 -0500

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

Digitally signed by Bobby
Vincent
Date: 2022.12.12 09:27:15
-0500

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

M. S. Khara,
PE

Digitally signed by M. S.
Khara, PE
Date: 2022.12.09 16:32:33
-0500

FROM: Joseph Davenport, P.E., Right-of-Way Manager
Department of Public Works

**RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF
THE S 9TH STREET RIGHT OF WAY LOCATED JUST EAST OF THE
MANCHESTER BRIDGE AND ON BROWN'S ISLAND**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel of a portion of the S 9th Street right-of-way consisting of 3936 sq. feet as shown on DPW Drawing No. N-29025 dated 12/09/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF THE S 9TH STREET RIGHT OF WAY LOCATED JUST EAST OF THE MANCHESTER BRIDGE AND ON BROWN'S ISLAND" at the request of the applicant.

REASON: A letter of request dated October 4, 2022 from Brian K. Jackson with Hirschler Fleischer Law on behalf of Dominion Energy Virginia, the only property owner adjacent to the proposed closing area.

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. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed closing area for this Ordinance to be valid.
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 (12) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve (12) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
6. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$182,394.24.
7. If any portion of the Canal Walk is within the proposed closing area, Dominion has the option to relocate the walk as directed by and approved by the appropriate City agency; or, the City will retain an easement over the subject area which shall be defined on a plat provided by Dominion and approved by the Department of Public Works.
8. Should Dominion Energy Virginia or any future entity cease to operate within the proposed closing area in the manner proposed by Dominion in this request, the closure of the public right-of-way shall be null and void and the right-of-way closed by this ordinance will automatically revert to the City as public right-of-way, without cost to the City.
9. 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 purpose of this right-of-way closing request is for Dominion Energy's expansion of the 12th Street Electrical Substation on Brown's Island, which serves both network and metropolitan services in the downtown Richmond area. This expansion will include a new Switchgear Building housing additional circuit/panels. The improvements at the 12th Street Substation will meet current engineering standards and significantly improve reliability.

The area of closing consists of public right-of-way associated with S 9th Street across the Manchester Bridge. A similar right-of-way vacation request was previously granted by the City for part of S 9th Street, north of the 12th Street Substation.

This request is supported by Venture Richmond, Inc., which manages the City's portion of Brown's Island. There are no parcels owned by others adjacent to the Right-of-Way.

The value of the right of way to be vacated (3936 sf) has been determined to be \$182,394.24 (\$46.34 per square foot) and is based on the assessed land values of the immediately adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

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

FISCAL IMPACT/COST: None. The City is not currently receiving State Maintenance Funds for the unimproved portion of S 9th Street that is being proposed to be closed; therefore, no fiscal impact/cost to City.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee; \$182,394.24 anticipated for the value of the vacated right of way.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: January 23, 2023

CITY COUNCIL PUBLIC HEARING DATE: February 27, 2023

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 dated October 4, 2022 (Brian Jackson)
DPW Dwg. No. N-29025 (dated 12/09/2022)

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Marvin Anderson, Program & Operations Manager for Surveys, DPW

Research and Drawing Coordinated By: Shenouda Guergues, Engineering Specialist, DPW
Department of Public Works / 646-0435



Brian K. Jackson
D. 804.771.9545
bjackson@hirschlerlaw.com

Hirschler Fleischer | hirschlerlaw.com
2100 East Cary Street | Richmond, VA 23223
P. 804.771.9500 | F. 804.644.0957

October 4, 2022

VIA HAND DELIVERY and EMAIL (Bobby.vincent@RVA.Gov)

Mr. Bobby Vincent
Director of Public Works
City Hall, Room 701
900 E. Broad St., 7th Floor
Richmond, VA 23219

Re: Request of Virginia Electric and Power Company, transacting business as Dominion Energy Virginia (“Dominion”), for Vacation of a Portion of the Original 9th Street Right-Of-Way, Part of Parcel ID W0000072001

Dear Mr. Vincent:

On behalf of Dominion and in accordance with Department of Public Works guidelines, please accept this request for partial extinguishment of right-of-way consisting of a part of the original 9th Street Right-of-Way adjacent to the Manchester Bridge, (part of Parcel ID W0000072001), as shown on the enclosed plat prepared by Dewberry Engineers, Inc., dated August 11, 2022 and last revised September 21, 2022 (the “Plat”). The portion to be vacated is noted on the Plat as “AREA OF ORIGINAL 9TH STREET RIGHT-OF-WAY TO BE VACATED AND TRANSFERRED TO VIRGINIA ELECTRIC AND POWER COMPANY.”

The purpose of the forgoing request is for Dominion’s expansion of the 12th Street Substation on Brown’s Island, which serves both network and metropolitan services in the downtown Richmond area. This expansion will include a new Switchgear Building housing additional circuit/panels. The improvements at the 12th Street Substation will meet current engineering standards and significantly improve reliability.

The area of interest consists of excess right of way from the realignment and construction of 9th Street and Manchester Bridge. A similar Right-of-Way vacation request from another property owner was previously granted by the City for part of original 9th Street, North of the 12th Street Substation (see Ordinance No. 88-14-25). This unused former City Street serves no current public purpose and is of limited benefit due to Dominion’s ownership of the adjacent parcel containing the

12th Street Substation. This request is supported by Venture Richmond, Inc., which manages the City's portion of Brown's Island. There are no parcels owned by others adjacent to the Right-of-Way.

Enclosed please find the required application and processing fee in the form of a \$300 check payable to the City of Richmond. Please feel free to contact the undersigned with any questions or comments.

Very truly yours,

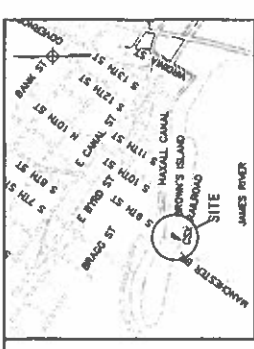


Brian K. Jackson

/bh

Enclosures

cc: Joseph L. Davenport, P.E. (via email: Joseph.DavenportJr@rva.gov)

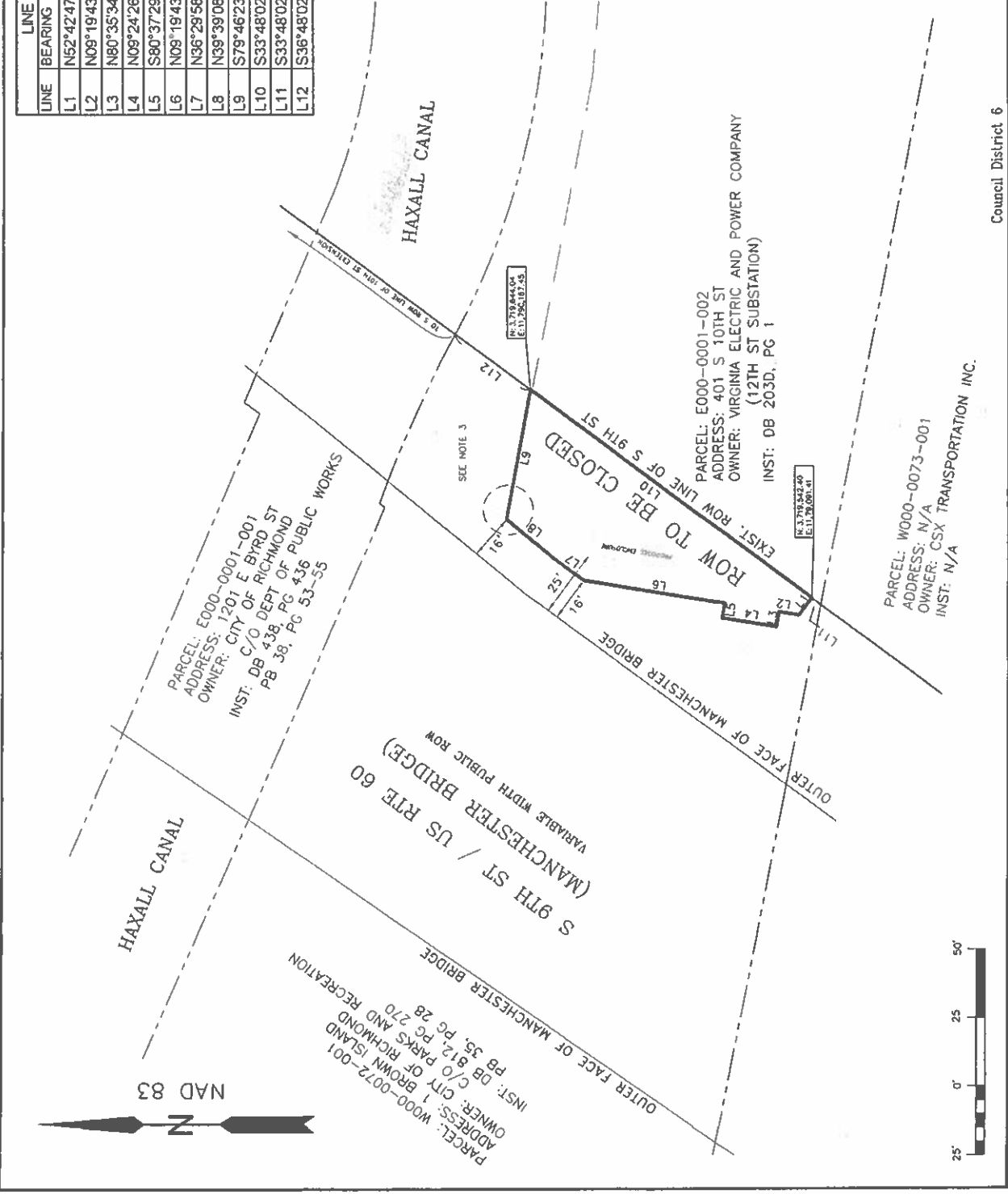


VICINITY SKETCH
(SCALE 1"=1000')

LINE TABLE		LINE	BEARING	DISTANCE
L1	N52°42'47"W	7.77'		
L2	N09°19'43"E	7.20'		
L3	N80°35'34"W	5.55'		
L4	N09°24'26"E	19.86'		
L5	S80°37'29"E	5.52'		
L6	N09°19'43"E	51.45'		
L7	N36°29'58"E	13.30'		
L8	N39°39'08"E	22.48'		
L9	S79°46'23"E	48.01'		
L10	S33°48'02"W	126.94'		
L11	S33°48'02"W	4.15'		
L12	S36°48'02"W	33.69'		

NOTES:

- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY PLAT PREPARED BY DEWBERRY ENGINEERS INC, TITLED "PLAT SHOWING VACATION OF PORTION OF 9TH STREET RIGHT OF WAY" DATED 08/11/2022 AND LAST REVISED 11/02/2022.
- THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 3936 S.F.
- IF ANY PORTION OF THE CANAL WALK IS WITHIN THE PROPOSED CLOSING AREA THEN DOMINION HAS THE OPTION TO RELOCATE THE WALK AS DIRECTED BY AND APPROVED BY THE APPROPRIATE CITY AGENCY. OR THE CITY WILL RETAIN AN EASEMENT OVER THE SUBJECT AREA WHICH SHALL BE DEFINED ON A PLAT PROVIDED BY DOMINION AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.



Block No. E-1

Council District 6



DRAWN BY: SC
CHECKED BY: MVA

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF THE S 9TH STREET RIGHT OF WAY LOCATED JUST EAST OF THE MANCHESTER BRIDGE AND ON BROWN'S ISLAND

FIELD NOTE	SCALE	DATE	DRAWING NO.
E-1-SC	1"=25'	12/09/2022	N-29025

REQUESTED BY: BRAY JACKSON OF BUSBY/CLAY FUSCO/SC LAY OF BEHALF OF DOMINION ENERGY ON 10/04/2022

Engineering Specialist: Sheronda Guergues
 Sheronda Guergues
 Op. Mgr. For Surveys: Marvin W. Anderson, CLS
 Project Manager: Joseph L. DeFoy, Jr., P.E.

NOTES

- Property owners correct as of 12/09/2022
- Ordinance
- Adopted
- Accepted

REFERENCES: B/L 25W, N21000, S53772-A, PB389PG54



EXHIBIT B

Brian Jackson

From: tickets@missutilityofvirginia.com
Sent: Monday, August 30, 2021 3:15 PM
To: Brown, Craig
Subject: VUPS EMLCFM 2021/08/30 #05991 A123801101-00A NORM RESP LREQ

[CAUTION] External Email. DO NOT click links or open attachments unless expected. Please use the "Phish Alert" button to report all suspicious emails.

EMLCFM 05991 VUPSa 08/30/21 15:14:31 A123801101-00A RESPONSE

Thank you for contacting VA811! This is an automatically generated response from the utilities who received your notice of excavation. If you have questions about the response, call the "field contact" for that utility. For your safety, please respect and protect the marks, excavate carefully around the marked utility lines and contact VA811 if you see clear evidence of unmarked utilities.

Remember, you can now reach VA811 by dialing 811.

Ticket : A123801101 Rev: 00A Taken: 08/26/21 10:45 AM

State: VA Cnty: RICHMOND CITY Place:
Subdivision: WEST SIDE OF DOMINION 12TH ST.SUBSTATION
Address : 401 S 10TH ST
Responses due by: 08/31/21 07:00 AM Expires: 09/20/21 07:00 AM

When the member Marking Code is blue, click for additional information that may be provided by the Operator/Locator.

Table with 3 columns: Marking Code, Description, Response. Rows include AT&T (ATT392), COMCAST (CMC504), RICHMOND CITY-GAS (COR103), RICHMOND CITY-WATER (COR200), RICHMOND CITY-SEWER (COR300), and RICHMOND CITY-STORM WATER (COR350).

COR In the event of damage to a facility call: (804)646-4646
 RICHMOND CITY-TRAFFIC (COR358) 08/30/21 03:14 PM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: RALPH WORLEY (804)921-9126

COR In the event of damage to a facility call: (804)646-4646
 RICHMOND CITY-STREET LIGH (COR400) 08/30/21 12:22 PM 10
 Marked
 Field Contact: RALPH WORLEY (804)921-9126

DOM In the event of damage to a facility call: (804)646-4646
 DOMINION COMMUNICATIONS (DOM408) 08/30/21 07:25 AM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: UTILIQUEST (703)754-2116

DOM In the event of damage to a facility call: (866)366-4357
 DOMINION CENTRAL DISTRIBU (DOM410) 08/30/21 07:25 AM 10
 Marked
 Field Contact: UTILIQUEST (804)286-1721

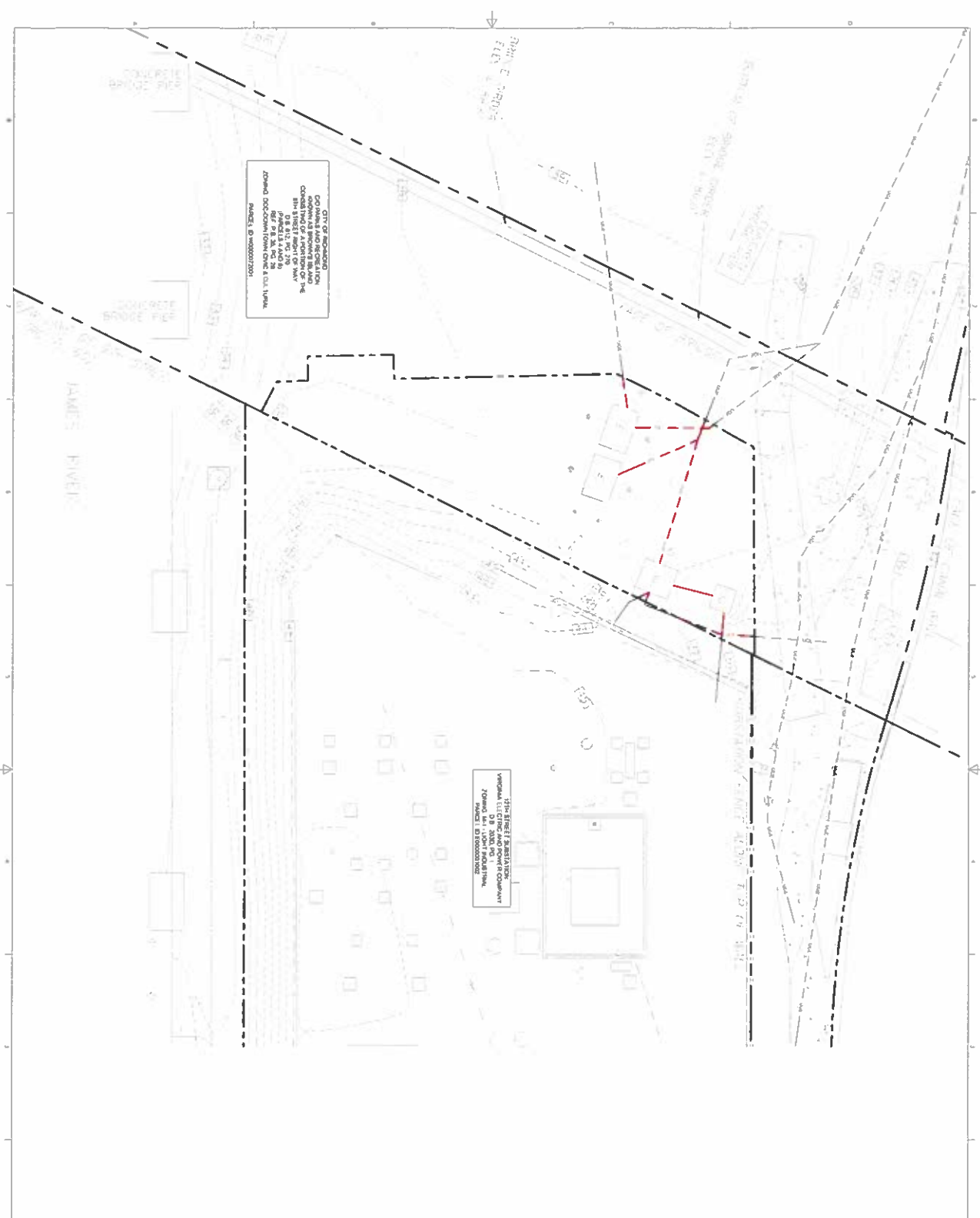
LMS In the event of damage to a facility call: (866)366-4357
 LUMOS DBA SEGRA (LMS578) 08/30/21 09:58 AM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: STAKE CENTER LOCATING (801)364-1063

LTC In the event of damage to a facility call: (877)411-6930
 LEVEL 3 - CENTURYLINK (LTC903) 08/26/21 11:43 PM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: CALL CENTER (877)366-8344

MCI In the event of damage to a facility call: (877)366-8344 ext 3
 MCI (MCII81) 08/30/21 09:58 AM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: DISPATCHER (800)289-3427

VZN In the event of damage to a facility call: (800)289-3427
 VERIZON (VZN804) 08/30/21 07:25 AM 30
 No Conflict; utility is outside of stated work area.
 Field Contact: UTILIQUEST (804)286-1721

WXN In the event of damage to a facility call: (888)483-1233
 WINDSTREAM KDL (WXN456) 08/30/21 07:21 AM 30
 No Conflict; utility is outside of stated work area.
 Comments: 30
 Field Contact: DAMAGE PREVENTION GROUP (800)289-1901
 In the event of damage to a facility call: (800)289-1901

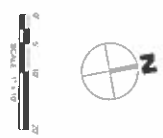


CITY OF RICHMOND
 OFFICE OF THE
 CHIEF OF UTILITIES
 701 N. 9TH ST, 7TH FLOOR
 RICHMOND, VA 23219
 REF: P.E. 24, P.E. 25
 ZONING CODE: COMMERCIAL 3 (C3.1)
 PROJECT: 180000000000

12TH STREET SUBSTATION
 VIRGINIA ELECTRIC AND POWER COMPANY
 ZONING: COMMERCIAL 3 (C3.1)
 PROJECT: 180000000000

SITE LEGEND	
[Line Style]	PROPOSED LINE
[Line Style]	EXISTING UNDERSHOWN ELECTRIC LINE
[Line Style]	EXISTING UNDERGROUND ELECTRIC LINE
[Line Style]	EXISTING UNDERGROUND ELECTRIC LINE
[Line Style]	EXISTING UNDERGROUND ELECTRIC LINE
[Line Style]	EXISTING UNDERGROUND ELECTRIC LINE
[Line Style]	EXISTING UNDERGROUND ELECTRIC LINE

NOTES
 * LAND INDICATED UTILITIES ARE SHOWN AS BEING WITHIN OR ADJACENT TO THE
 "BASE UTILITY" BLOCK. FIELD WORK IS REQUIRED TO VERIFY.



EXISTING UTILITIES EXHIBIT		
12TH STREET SUBSTATION		
CITY OF RICHMOND		
VIRGINIA		
OPERATIONAL REGION:		
PROJECT NUMBER:	DATE:	SHEET:
180000000000:	01/23:	01/23:
APPROVED BY: [Signature]		

EXHIBIT C

INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT (this "Agreement") dated as of this ____ day of _____, 2023, is made by and between **VIRGINIA ELECTRIC AND POWER COMPANY** a Virginia public service corporation transacting business in the Commonwealth of Virginia as Dominion Energy Virginia, ("Indemnitor") and the **CITY OF RICHMOND**, a municipal corporation of the Commonwealth of Virginia, (the "City").

RECITALS:

1. Pursuant to that certain Ordinance No. 2023-045, adopted February 27, 2023, the City closed to public use and travel, a portion of South 9th Street located just east of the Manchester Bridge and on Brown's Island, consisting of 3,936± square feet, upon certain terms and conditions. (the "Ordinance"); and
2. The City required, as a condition of the Ordinance, that Indemnitor indemnify and hold the City harmless for the Closure Activities (as defined herein) and agree to do so, in writing, for itself, its successors, and its assigns.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. **Recitals**. The foregoing recitals are incorporated into this Agreement by reference.
2. **Indemnity**. The Indemnitor shall at all times 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 the Ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom (collectively, the "Closure Activities"); and in the event that any suit or proceeding based on the Closure Activities 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 right-of-way, or any of them, on account thereof, Indemnitor 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 in such suit or proceeding, 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, Indemnitor 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.
3. **Severability**. If any clause or provision herein contained operates or would prospectively operate to invalidate this Agreement in whole or in part, then such clause or provision shall be deemed as though not contained herein and the remainder of the Agreement shall remain operative and in full force.

EXHIBIT C

4. Successors and Assigns. This Agreement shall be binding upon Indemnitor's successors and assigns.
5. Controlling Law. This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Virginia.
6. Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same instrument.

Witness the following signatures:

INDEMNITOR:

VIRGINIA ELECTRIC AND POWER COMPANY,
a public service corporation of the Commonwealth
of Virginia

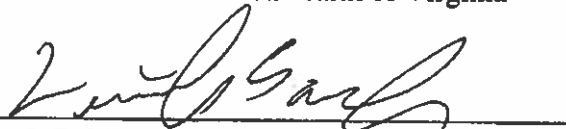
By: 

Name: Fallon Madrid

Title: Authorized Representative

THE CITY:

CITY OF RICHMOND, VIRGINIA, a municipal
corporation of the Commonwealth of Virginia

By: 

Name: J. E. Lincoln Saunders

Title: Chief Administration Officer

Pursuant to Ordinance No. 2023-045, adopted
February 27, 2023

Prepared and approved as to form:



Andrew A. Gore
Senior Assistant City Attorney

Brian Jackson

From: Davenport Jr, Joseph L. - DPW <Joseph.DavenportJr@rva.gov>
Sent: Wednesday, May 3, 2023 10:27 AM
To: Brian Jackson
Cc: Gore, Andrew A. - City Attorney; Anderson, Marvin W. - DPW; Frelke, Christopher E. - DPR; Lisa Sims; Alex Dahm
Subject: [EXTERNAL] RE: Ord No. 2023-045 (Adopted Feb 27, 2023) Dominion ROW Closing
Attachments: 2023.05.02_Sidewalk Relocation Exhibit_Updated.pdf

Good morning Brian,

As regards City Council Ordinance No. 2023-045 for the closing of a portion of the S 9th St public right-of-way, and in accordance with Section 2(e) of the Ordinance, we do hereby approve the relocation of the existing Canal Walk sidewalk as depicted within the attached plan ("SIDEWALK IMPACT PLAN 12TH STREET SUBSTATION", dated May 2, 2023).

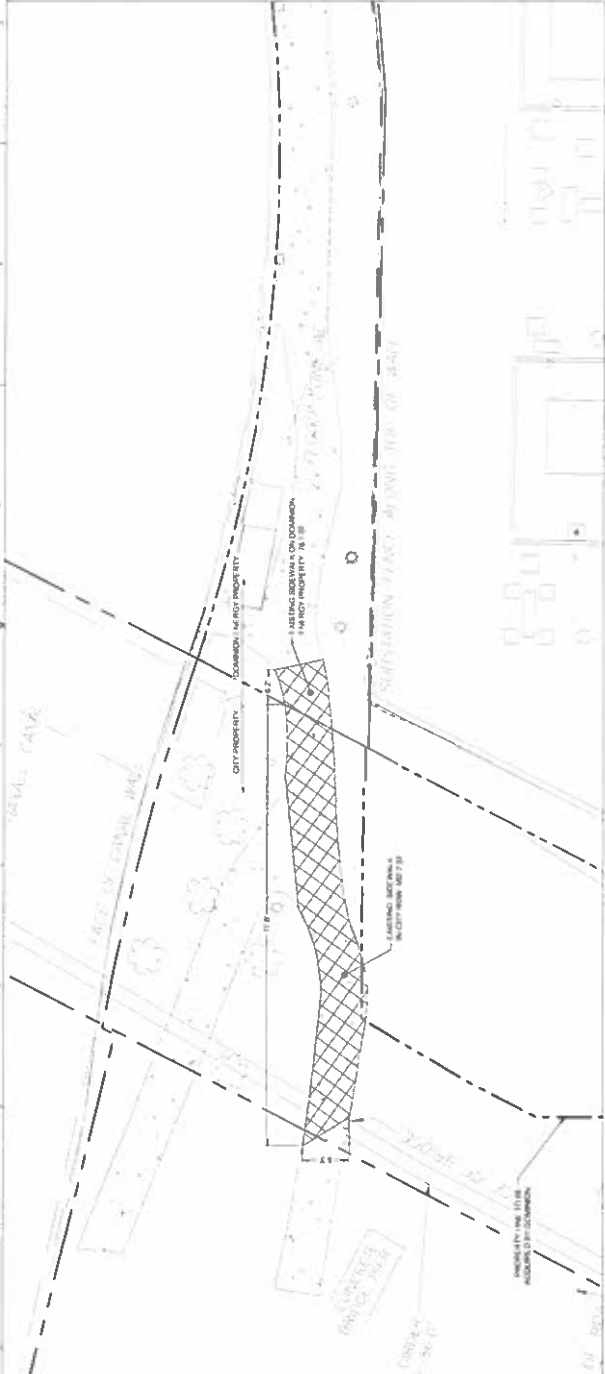
Should you have any questions regarding the foregoing, please feel free to contact me.

Regards,

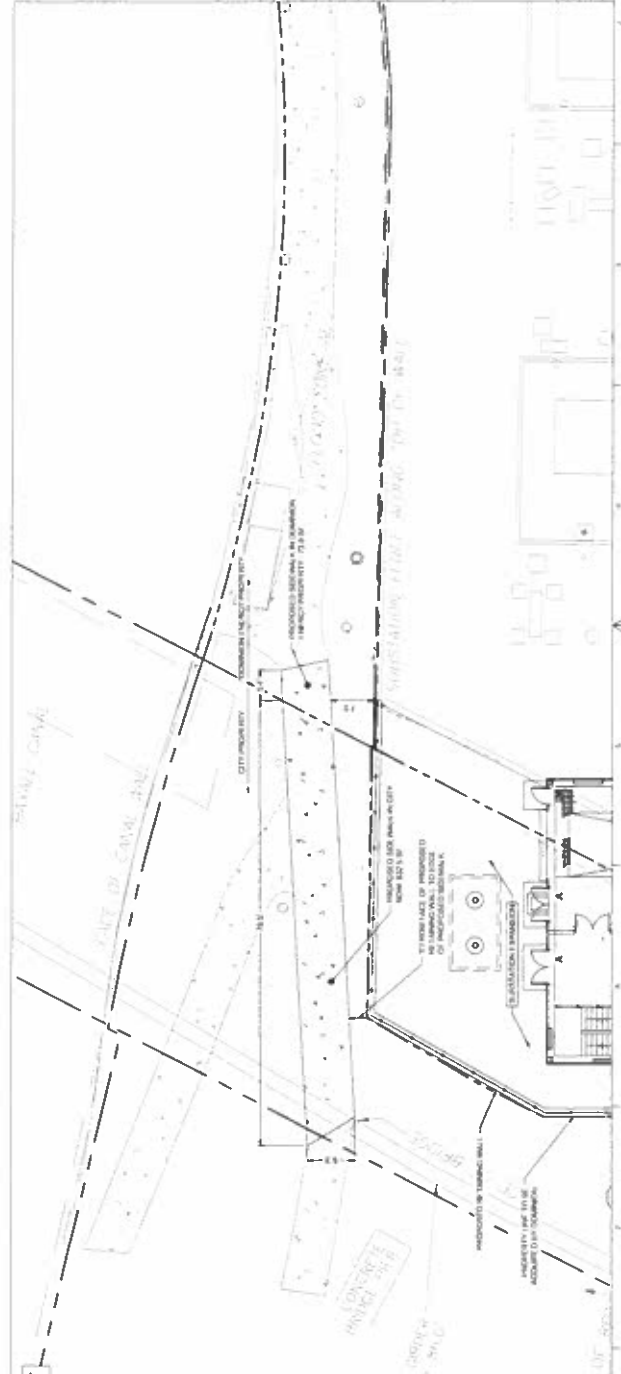
Joseph L. Davenport, P.E.
Chief of Construction & Inspection/ROW Manager

City of Richmond
Department of Public Works
900 East Broad St, 6th Floor, Suite 600
Richmond, VA 23219
O: (804) 646-6396
C: (804) 814-4472
E: joseph.davenportjr@rva.gov

PRE-DEVELOPMENT



POST-DEVELOPMENT



LEGEND

- EXISTING SIDE WALK
- EXISTING SIDE WALK TO BE REMOVED
- PROPOSED PERMANENT SIDE WALK

- NOTES**
1. REMOVE EXISTING SIDE WALK VIA SAWCUT METHOD AS SHOWN IN THIS DEVELOPMENT. PROPERTY CITY WILL SHALL
 2. PROPOSED SIDE WALK SURFACE COMPOSED OF 4" OF CONCRETE ON A 4" AGGREGATE BASE, WITH A MINIMUM OF 1000 PSI STRENGTH
 3. FINISH OF PROPOSED SIDE WALK SHALL MATCH THE BROWN LAMBS LAMAGALGA L. TALL OF SIDE WALK FROM LEVELS IN THE PROJECT AREA



Kinley+horn

ARCHITECTS

1000 N. ...



SIDEWALK IMPACT PLAN

12TH STREET SUBSTATION

CITY OF RICHMOND

VIRGINIA

DATE	NOV 11 2014
PROJECT NO.	12TH ST SUB
PROJECT NAME	12TH STREET SUBSTATION
PROJECT LOCATION	12TH STREET, RICHMOND, VA
PROJECT STATUS	PLANNING
PROJECT LEADER	...
PROJECT TEAM	...

Exhibit E

Attach Deed

EXHIBIT E
(Deed Attached)

This Document Prepared By:
Richmond City Attorney's Office
900 East Broad Street, Room 400
Richmond, Virginia 23219
Tax Parcel No. E000-001-002

Consideration: \$182,394.24
Assessed Value: N/A

QUITCLAIM DEED

THIS DEED, made this _____ day of _____, 2023, by and between the CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia, "Grantor", and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation transacting business as Dominion Energy Virginia, "Grantee";

EXEMPTION FROM TAXES

This conveyance is exempt from Grantor's Taxes pursuant to Section 58.1-811 (C)(4) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, on February 27, 2023, the City Council of the City of Richmond adopted Ordinance No. 2023-045, (the "Ordinance") authorizing the closure to public use and travel, of a portion of South 9th Street located just east of the Manchester Bridge and on Brown's Island, consisting of 3,936± square feet, (the "Closure Area") upon certain terms and conditions, as designated on DPW Drawing No. N-29025 dated December 9, 2022, (the "Drawing"), upon satisfaction of all applicable terms and conditions of such ordinance; and

WHEREAS, the applicable terms and conditions of Ordinance No. 2023-045, having been fully satisfied, the Grantor desires and intends to quitclaim its rights in the Closure Area to Grantee;

NOW, THEREFORE, in consideration of the sum of **ONE HUNDRED EIGHTY TWO THOUSAND THREE HUNDRED NINETY FOUR DOLLARS AND 24/100 (\$182,394.24)** and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby remises, releases, and forever quitclaims to the Grantee all right, title and interest in the Closure Area, as more fully described on the Drawing, and legal description attached hereto and made a part hereof as Exhibit A and Exhibit B respectively:

SEE EXHIBIT "A" and EXHIBIT "B"

This conveyance is made subject to easements, conditions and restrictions of record, as the same may lawfully apply to the Closure Area herein conveyed. The Grantor hereby retains a temporary easement for the public use of the existing portion of paved walkway to be relocated by Grantee pursuant to the Sidewalk Impact Plan dated May 2, 2023 and approved by the Department of Public Works, provided that such temporary easement shall automatically terminate upon the installation of the relocated area of such walkway as shown on the Sidewalk Impact Plan.

This conveyance is further made subject to the Ordinance, a copy of which is attached hereto as **Exhibit "C"** and made a part hereof, including, but not limited to, the requirements of § 2(f), whereby, should the Grantee or any successor in interest thereto cease to operate within the right-of-way area to be closed for the purposes of improvements to the Grantee's 12th Street substation, the closure of the public right-of-way shall be null and void and the Closure Area will automatically revert to the City as public right-of-way, without cost to the City. Upon cessation use of the Closure Area for purposes of

improvements to Grantee's 12th Street substation, Grantee will consent to the recording of a document evidencing such reversion of the Closure Area to Grantor as public-right-of-way.

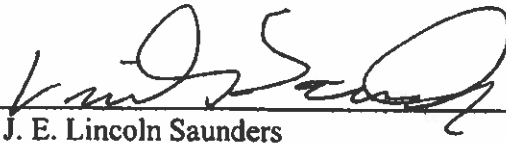
IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed on its behalf by its duly authorized representative. This Deed shall run with the land and be binding upon Grantee's heirs, successors and assigns in title. Each individual executing this Deed represents that he or she is duly authorized to bind Grantor or Grantee, as the case may be, to the terms and provisions of this Deed.

The covenants, agreements and benefits contained herein shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns and shall run with title to the land. This Deed may be executed in two or more counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same agreement.


[SIGNATURES NEXT PAGE]

GRANTOR:

CITY OF RICHMOND
A municipal corporation


By: 
J. E. Lincoln Saunders
Chief Administrative Officer

Prepared and approved as to form:


Andrew A. Gore
Senior Assistant City Attorney

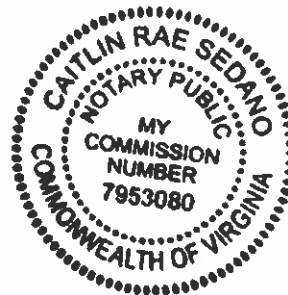
COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND to wit

The foregoing instrument was acknowledged before me, the undersigned notary public, by J. E. Lincoln Saunders, known to me as Chief Administrative Officer of the City of Richmond, a municipal corporation of the Commonwealth of Virginia, on behalf of the Grantor, under authority granted by Ordinance No. 2023-045, adopted February 27, 2023, on this 27th day of July, 2023.


Caitlin Rae Sedano
Notary Public

Notary Registration Number: 7953080

My commission expires: September 30, 2025



ACCEPTED BY GRANTEE:

VIRGINIA ELECTRIC AND POWER COMPANY,
a Virginia public service corporation transacting
business as Dominion Energy Virginia

By: Fallon Madrid

Name: Fallon Madrid

Title: Authorized Representative

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND to wit

The foregoing instrument was acknowledged before me, the undersigned notary public, by Fallon MADRID, known to me as Authorized Representative of Virginia Electric and Power Company, a stock corporation of the Commonwealth of Virginia, on behalf of the Grantee, on this 5th day of July, 2023.

Steven J. Tinley
Notary Public

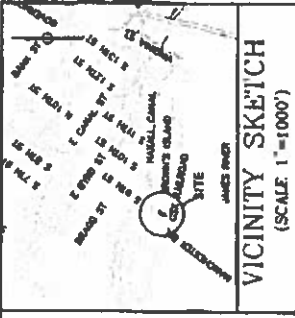
Notary Registration Number: 7771609

My commission expires: 1/31/2026

Steven J. Tinley
Notary Public
Commonwealth of Virginia
Reg. #7771609
My Commission Expires 01/31/2026

16188917.1 040008.00066

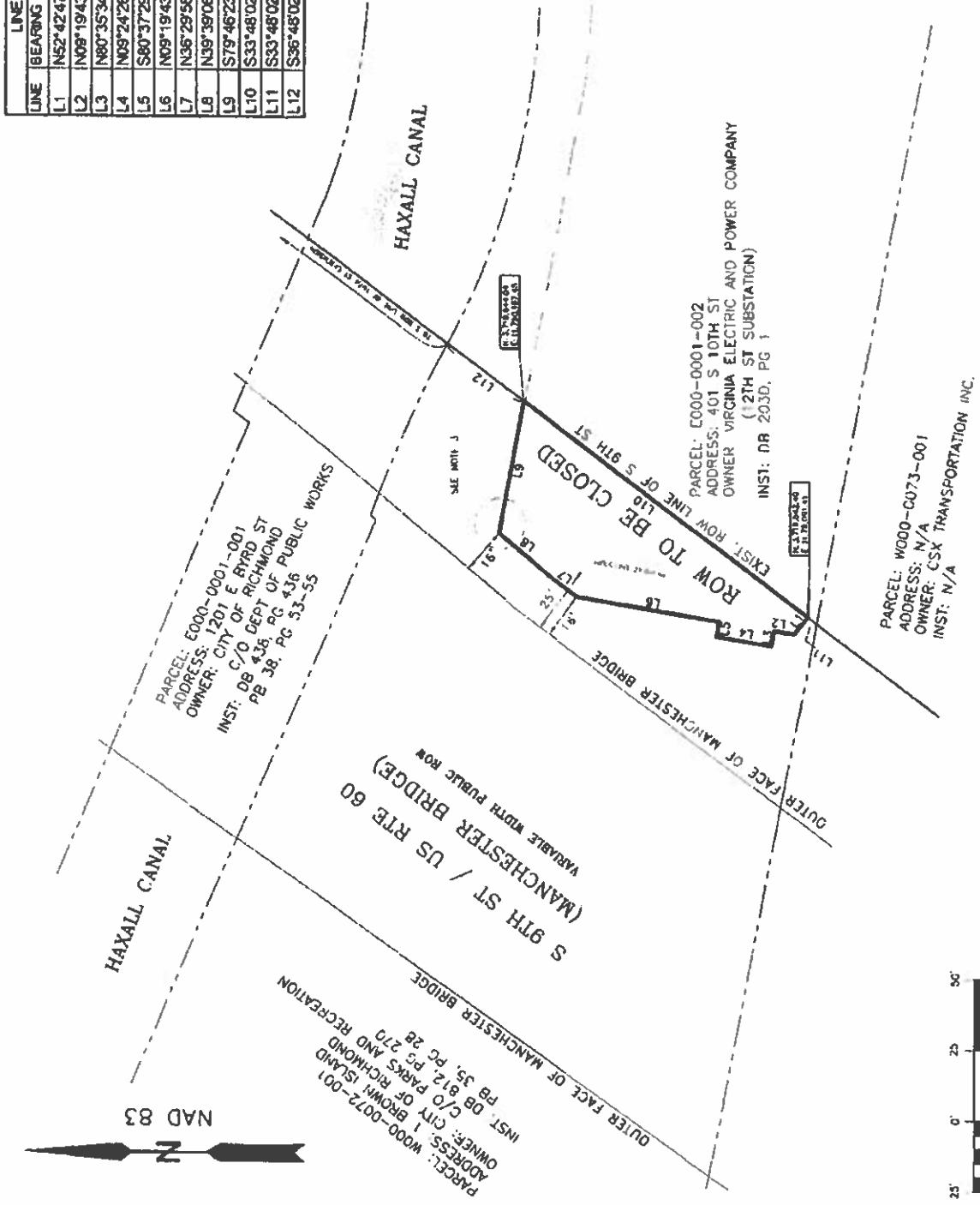
EXHIBIT A



LINE	BEARING	DISTANCE
L1	N52°42'47"W	7.77'
L2	N09°19'43"E	7.20'
L3	N80°35'34"W	5.55'
L4	N09°24'28"E	19.86'
L5	S80°37'29"E	5.92'
L6	N09°19'43"E	51.45'
L7	N36°29'58"E	13.30'
L8	N39°39'08"E	22.48'
L9	S79°46'23"E	48.01'
L10	S33°48'02"W	126.94'
L11	S33°48'02"W	4.15'
L12	S36°45'02"W	33.65'

NOTES:

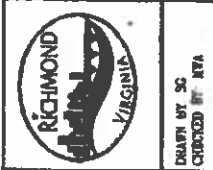
- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY PLAT PREPARED BY DEWBERRY ENGINEERS INC. THE LINED "PLAT SURVEYING" VACATION OF PORTION OF 9TH STREET RIGHT OF WAY" DA 11R1 08/11/2022, AND LAST REVISED 11/02/2022
- THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLAIMED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 3939 ST
- IF ANY PORTION OF THE CANAL WALK IS WITHIN THE PROPOSED CLOSING AREA THEN EXAMINOR HAS THE OPTION TO RELINQUISH THE WALK AS DIRECTED BY AND APPROVED BY THE APPROPRIATE CITY AGENCY OR THE CITY WILL RETAIN AN EASEMENT OVER THE SUBJECT AREA WHICH SHALL BE DEFINED ON A PLAT PROVIDED BY EXAMINOR AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.



Block No. E-1

Council District 8

<p>PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF THE S 9TH STREET RIGHT OF WAY LOCATED JUST EAST OF THE MANCHESTER BRIDGE AND ON BROWN'S ISLAND</p>	
FIELD NOTE	SCALE 1"=25'
DATE	12/09/2022
PROJECT	E-1-SC
DRAWING NO	N-29025



<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>	<p>APPROVED BY: N/A CHECKED BY: N/A</p>
---	--

<p>Magistrate/Inspector: Shononda Gurgan On: Mr. Eric Sweeney, Marco W. Anderson, CIS Mr. W. Paul Mr. Monahan, Joseph L. Department # P.E. [Signature]</p>	<p>Surveys Division, Room 600 City Hall 900 E. Broad Street, Richmond, VA 23219</p>
--	--

<p>NOTES</p> <p>1. Property owners correct as of 12/09/2022</p> <p>2. Ordinance</p> <p>3. Adopted</p> <p>4. Accepted</p>	<p>REFERENCES: B/L 25W, N21000 S5372-A, PR030PCS4</p>
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EXHIBIT B

Legal Description:

AREA OF ORIGINAL S 9th STREET RIGHT-OF-WAY TO BE VACATED AND TRANSFERRED TO VIRGINIA ELECTRIC AND POWER COMPANY

All that certain parcel of land lying and being in The City of Richmond, Virginia, being held in the name of The City of Richmond, known as Brown's Island, consisting of a portion of the S 9th Street Right-of-Way and being more particularly described as follows:

Beginning at a point on existing eastern right-of-way line of S 9th Street, which is the western line of Virginia Electric and Power Company's 12th Street Substation, Parcel ID E0000001002, said point having NAD 83 coordinates of N:3719542.40, E:11790091.41, lying N36°48'02"E 4.15 feet from the north line of CSX Railroad right-of-way line, along the existing right-of-way line of S 9th Street;

Thence, departing the line western line of 12th Street Substation, N52°42'47"W 7.77 feet to a point in the current right-of-way of S 9th Street;

Thence, N09°19'43"E 7.20 feet to a point; Thence, N80°35'34"W 5.55 feet to a point;
Thence, N09°24'26"E 19.86 feet to a point; Thence, S80°37'29"E 5.52 feet to a point;
Thence, N09°19'43"E 51.45 feet to a point; Thence, N36°29'58"E 13.30 feet to a point;
Thence, N39°39'08"E 22.48 feet to a point; Thence, S79°46'23"E 48.01 feet to a point, said point on the existing eastern right-of-way line of S 9th Street, having NAD 83 coordinates of N:3719644.04, E: 11790167.45;

Thence, along the said eastern right-of-way line of S 9th Street, along and with the western line of 12th Street Substation, S36°48'02"W 126.94 feet to the point and place of beginning and containing 3936 square feet or 0.090 acre of land being vacated from S 9th Street right-of-way and transferred to Virginia Electric and Power Company, as shown on plat by Dewberry Engineers Inc, dated 8/11/2022, last revised 11/02/2022, entitled "PLAT SHOWING VACATION OF A PORTION OF 9th STREET RIGHT OF WAY, CITY OF RICHMOND, VIRGINIA", said plat being referred to for a complete depiction of the property described herein.