

AN ORDINANCE NO. 85-217-201

ADOPTED AUG 26 1985

To permit Richmond Redevelopment and Housing Authority, organized pursuant to the provisions of Chapter 1, Housing Authorities Law of Title 36, Housing, of the Code of Virginia, to encroach into, on, over, across, and upon Marshall Street from a point 33 feet, more or less, west of an extension of the west right of way line of a north-south alley (23.63 feet in width, that extends north from the north right of way line of Marshall Street) to a point 27 feet, more or less, west of the former west right of way line of 6th Street, with existing underground encroachments (conduits containing an electric duct bank, extending basically north-south, and chill water lines, extending basically east-west), as shown shaded on a plan on file in the Department of Public Works designated Drawing No. N-21379, entitled: "Plan Showing Encroachments Along and Across Marshall Street Between 5th and 7th Streets (Blues Armory)", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Richmond Redevelopment and Housing
3. Authority, organized pursuant to the provisions of Chapter
4. 1, Housing Authorities Law of Title 36, Housing, of the Code
5. of Virginia, and its successors in title, hereinafter
6. referred to as "Licensee", is hereby permitted to encroach
7. into, on, over, across, and upon Marshall Street from a
8. point 33 feet, more or less, west of an extension of the
9. west right of way line of a north-south alley (23.63 feet in

1. width, that extends north from the north right of way line
2. of Marshall Street) to a point 27 feet, more or less, west
3. of the former west right of way line of 6th Street, with
4. existing underground encroachments (conduits containing an
5. electric duct bank, extending basically north-south, and
6. chill water lines, extending basically east-west), as shown
7. shaded on a plan on file in the Department of Public Works
8. designated Drawing No. N-21379, entitled: "Plan Showing
9. Existing Encroachments Along and Across Marshall Street
10. Between 5th and 7th Streets (Blues Armory)", dated June 6,
11. 1985, a copy of which is attached to the draft of this
12. ordinance and to be read as a part hereof, until such time
13. as the encroachments or a substantial part or parts thereof
14. shall be removed or destroyed subject to the provisions and
15. conditions contained in Section 2.04(e) of the Charter of
16. the City of Richmond.

17. § 2. That the permission granted in § 1 of this
18. ordinance is granted upon and subject to the following terms
19. and conditions:

20. (a) That all cost shall be borne by the Licensee,
21. Richmond Redevelopment and Housing Authority.

22. (b) That Richmond Redevelopment and Housing
23. Authority, its successor, or any contractor engaged by it,
24. at any time as it shall repair, maintain, or remove the said

1. encroachments do so in a manner satisfactory to the
2. Directors of Public Works, Public Safety and Public
3. Utilities.

4. (c) That Richmond Redevelopment and Housing
5. Authority, its successor, or contractor, shall secure any
6. required work permits prior to commencing work.

7. (d) That any portion of the streets or sidewalks
8. and any public utility owned by the City or any other
9. corporation that may be disturbed or destroyed by reason of
10. the installation, construction, repair, reconstruction,
11. maintenance, or removal of said encroachments shall be
12. restored and replaced in a manner satisfactory to the
13. directors and with materials approved by them.

14. (e) That any successor of the Licensee not entitled
15. to exemption of payment of the hereinafter referred to
16. charges, shall pay to the City for the use and occupancy of
17. the space in the streets such charges as Council has here-
18. tofore or may hereafter prescribe for such use of the public
19. streets and alleys which may be increased or decreased or
20. otherwise modified at any time and from time to time by the
21. Council.

22. (f) That the Licensee and any successor shall
23. indemnify, keep and hold the City free and harmless from
24. liability on account of injury or damage to persons, firms

1. and corporations and property growing out of such use of the
2. streets and the installation, construction, maintenance,
3. repair, operation and removal of the encroachments, or any
4. of them, and in the event that suit shall be brought against
5. the City, either independently or jointly with the Licensee
6. on account thereof, the Licensee shall defend the City in
7. any such suit at its cost, and in the event of a final judg-
8. ment being obtained against the City, either independently
9. or jointly with the Licensee, it shall pay such judgment and
10. all costs and hold the City harmless therefrom.

11. (g) That in the event of the repair, reconstruction,
12. maintenance or removal of the encroachments or any of them
13. the Licensee or its successor shall require the contractor
14. or contractors engaged by it to furnish a public liability
15. and property damage insurance contract naming therein the
16. City as one of the insured thereunder, which shall provide
17. indemnities of not less than \$500,000 for bodily injuries or
18. property damage resulting from the installation, mainten-
19. ance, construction and removal. Such policy shall provide
20. for the payment of any final judgment that may be rendered
21. against the City by reason of any person being injured or
22. damaged in any way in person or property by the encroach-
23. ments.

24. (h) That removal of encroachments at any time in
25. the future shall be at the sole expense of the Licensee,

1. Richmond Redevelopment and Housing Authority, or its
2. successors in title.

3. (i) That the Licensee shall furnish the City a bond
4. with corporate surety approved by the City Attorney in the
5. sum of twenty thousand dollars (\$20,000) conditioned upon
6. the removal of the encroachments and replacement and
7. restoration of any street, alley, sidewalk or public utility
8. damaged, disturbed or destroyed thereby in a manner and with
9. such materials to the satisfaction of the directors when
10. ordered to do so by the Council or upon repeal of this
11. ordinance, or upon the failure, refusal or neglect of the
12. Licensee to comply fully and in all respects with the
13. provisions of this or any other ordinance relating thereto.
14. The Licensee shall pay all premiums chargeable for the bond
15. and shall keep the same in full force and effect at all
16. times during the existence and removal of the encroachments
17. and replacement and restoration of any street, alley,
18. sidewalk or any public utility damaged, disturbed or
19. destroyed thereby. The bond shall contain a provision that
20. it shall not be terminated or otherwise allowed to expire
21. prior to sixty days written notice to that effect given to
22. the City Manager of the City.

23. (j) That the Licensee shall furnish the City a
24. public liability and property damage insurance contract

1. naming therein the City as an insured thereunder, which
2. shall provide indemnities of not less than \$500,000 for
3. bodily injuries or property damage resulting from any
4. construction, maintenance, repair and removal (including
5. replacement or repair of any street, alley, sidewalk or
6. public utility) of such encroachments. Such policy shall
7. provide for the payment of any final judgment that may be
8. rendered against the City by reason of any person being
9. injured or damaged in any way in person or property by the
10. encroachments. The Licensee shall pay all premiums charge-
11. able for such contracts of insurance and keep the same in
12. full force and effect at all times during the existence and
13. removal of the encroachments and replacement and restoration
14. of any public utility affected by such encroachments. Such
15. contract of insurance shall contain a provision that it
16. shall not be terminated or otherwise allowed to expire prior
17. to sixty days after written notice to that effect is given
18. the directors.

19. (k) That for any failure, refusal or neglect to
20. conform fully with the provisions of this ordinance or
21. amendment, revocation or repeal thereof the Licensee shall
22. be subject to a fine of not less than ten dollars nor more
23. than one hundred dollars, each day's continuance thereof
24. shall constitute a separate offense.

1. (1) That this ordinance is adopted pursuant to the
2. power granted the Council by law. It is not intended by the
3. adoption of this ordinance to offer or grant a franchise and
4. the permission hereby granted shall at all times be subject
5. to revocation by the Council and the terms and conditions
6. upon which it is granted shall be subject to modification at
7. any time and from time to time by the Council. Upon such
8. revocation or modification the Licensee shall immediately
9. conform to the requirements, if any, prescribed by the
10. Council with respect thereto.

11. § 3. This ordinance shall be in force upon adoption
12. and shall become effective when within twelve months of the
13. date of adoption the Licensee shall furnish the required
14. insurance and bond and files with the City Clerk a written
15. statement in form satisfactory to the City Attorney to the
16. effect that the Licensee agrees to the terms and conditions
17. upon which such permission is granted and agrees to be bound
18. thereby and to observe and comply therewith.

19. § 4. The Licensee shall be responsible for pro-
20. viding all documents and taking all actions requisite for
21. this ordinance becoming effective.
22.
23.
24.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-217	Subject
Requested by .. Director of Public Works	Encroachment/Marshall Street
Received City Manager's Office	
Summarized 8/19/85	

SUMMARY

This Ordinance would authorize underground conduit and chill water line encroachments in Marshall Street as shown shaded on a plan prepared by the Department of Public Works designated N-21379 and entitled, "Plan Showing Existing Encroachments Along And Across Marshall Street Between 5th and 7th Streets. (Blues Army)"

This was requested in a letter dated May 7, 1985, and signed by Roland L. Turpin, Executive Director of Richmond Redevelopment & Housing Authority. The electrical duct bank and the chill water lines are necessary to facilitate the restoration of Blues Army in connection with the Sixth Street Festival Marketplace project. In order to avoid delay in the sixth Street Festival Marketplace scheduling, the lines were installed prior to Council approval. All permits were approved and issued.

Some 1,756⁺ sq. ft., @ \$0.25 per sq. ft. = \$439.00 annually (unless waived by City Council).

The Department of Public Works offers no objections to the proposed encroachments subject to the usual terms and conditions to include:

1. All cost incident to the encroachment to be borne by the applicant
2. Liability and insurance shall be maintained in effect during construction and the life of the encroachment.
3. Applicant shall secure proper permits and work to be performed in a manner satisfactory to the Directors of Public Works, Utilities and Safety
4. A twelve month's expiration clause be included
5. An annual fee be charged for occupying street with subject encroachment, unless waived by City Council
6. Applicant shall furnish removal bond.

COUNCIL ACTION

On Docket 8/26/85
Amended
Adopted
Rejected