

INTRODUCED: February 12, 2018

AN ORDINANCE No. 2018-034

To authorize the institution of condemnation proceedings to finalize the acquisition of certain interests in portions of the properties known as 2801 Hathaway Road and 2911 Hathaway Road for the construction of multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powhite Parkway.

\_\_\_\_\_  
Patron – Mayor Stoney  
\_\_\_\_\_

Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 26 2018 AT 6 P.M.

WHEREAS, by Ordinance No. 2014-88-62, adopted April 28, 2014, and Ordinance No. 2017-168, adopted September 25, 2017, the Council of the City of Richmond declared that a public necessity existed for the acquisition of certain interests in portions of (i) the property owned by Wilton Commercial II, LLC, known as 2801 Hathaway Road, identified as Tax Parcel No. C004-0585/025 in the 2018 records of the City Assessor, and more particularly described on sheet 4 of a plan entitled “Plan View,” prepared for the Department of Public Works, designated as DPW Drawing No. O-28520, and dated April 27, 2017, a copy of which is attached to this ordinance and (ii) the property owned by The Wilton Companies, LLC, known as 2911 Hathaway Road,

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    FEB 23 2018    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

identified as Tax Parcel No. C004-0585/001 in the 2018 records of the City Assessor, and more particularly described on sheet 3 of a plan entitled “Plan View,” prepared for the Department of Public Works, designated as DPW Drawing No. O-28520, and dated April 27, 2017, a copy of which is attached to this ordinance, for the public purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powwhite Parkway; and

WHEREAS, the City, having filed a certificate, as defined by section 25.1-300 of the Code of Virginia (1950), as amended, describing the aforementioned interests in real property, must institute condemnation proceedings with respect to such interests in real property within 180 days of the recordation of such certificate as required by section 25.1-313 of the Code of Virginia (1950), as amended;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, or the designee thereof, be and is hereby authorized to institute condemnation proceedings to finalize the acquisition of certain interests in portions of (i) the property owned by Wilton Commercial II, LLC, known as 2801 Hathaway Road, identified as Tax Parcel No. C004-0585/025 in the 2018 records of the City Assessor, and more particularly described on sheet 4 of a plan entitled “Plan View,” prepared for the Department of Public Works, designated as DPW Drawing No. O-28520, and dated April 27, 2017, a copy of which is attached to and incorporated into this ordinance and (ii) the property owned by The Wilton Companies, LLC, known as 2911 Hathaway Road, identified as Tax Parcel No. C004-0585/001 in the 2018 records of the City Assessor, and more particularly described on sheet 3 of a plan entitled “Plan View,” prepared for the Department of Public Works, designated as DPW Drawing No. O-

28520, and dated April 27, 2017, a copy of which is attached to and incorporated into this ordinance, for the public purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powhite Parkway.

§ 2. That, in connection with the institution of such condemnation proceedings, the Chief Administrative Officer, or the designee thereof, be and is hereby authorized to (i) direct the City Attorney to file the necessary petition to confirm in the City absolute and indefeasible title to the interests in real property identified in section 1 of this ordinance for the public purpose identified in section 1 of this ordinance, (ii) sign the necessary legal documents, and (iii) otherwise prosecute the condemnation proceedings to their completion.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-7433
JAN 16 2018
Office of the Chief Administrative Officer

O&R REQUEST

DATE: January 12, 2018

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: The Honorable Levar M. Stoney; Mayor

FEB 07 2018

THROUGH: Selena Cuffee-Glenn; Chief Administrative Officer

OFFICE OF CITY ATTORNE

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer - Operations

THROUGH: Bobby Vincent; Director of Public Works

THROUGH: M.S. Khara, P.E.; City Engineer

THROUGH: Lamont L. Benjamin, P.E., Capital Projects Administrator by KTN for Lamont Benjamin

FROM: Kevin T. Newcomb, P.E., Project Manager KTN

RE: ACQUISITION FOR FEE SIMPLE RIGHT OF WAY, TEMPORARY CONSTRUCTION EASEMENT, PERMANENT UTILITY EASEMENT, PERMANENT RETAINING WALL EASEMENT AND PERMANENT SIGNAL EASEMENT LOCATED ON A PORTION OF PROPERTY AT PARCEL (045) AT 2801 HATHAWAY ROAD, OWNED BY THE WILTON COMMERCIAL II, LLC, AND PARCEL (045A) AT 2911 HATHAWAY ROAD, OWNED BY THE WILTON COMPANIES, LLC., BY INSTITUTION OF CONDEMNATION PROCEEDINGS

ORD. OR RES. NO: \_\_\_\_\_

PURPOSE: To authorize the institution of condemnation proceedings by the filing of a Petition in Condemnation to finalize acquisition of a portion of property at Parcel (045), 2801 Hathaway Road owned by Wilton Commercial II, LLC, and Parcel (045A), 2911 Hathaway Road owned by the Wilton Companies, LLC as shown on DPW Drawing No. 0-28520, sheets 3 and 4, of the Forest Hill Avenue Improvement Project.

REASON: To meet the Virginia Code § 25.1-313, amended July 1, 2017, requiring that a condemner file a Petition in Condemnation within 180 days of the filing of a Certificate.

RECOMMENDATION: Department of Public Works recommends approval of this ordinance.

**BACKGROUND:** Forest Hill Avenue is an urban minor arterial road serving regional traffic and the surrounding neighborhoods and the surrounding businesses. It connects two major limited access highways, the Powhite Parkway and Chippenham Parkway and includes a significant business corridor. This project will provide a safe, multi-modal corridor for all users and improves livability.

The project is funded through coordination with the Virginia Department of Transportation (VDOT) and the Metropolitan Planning Organization (MPO) using primarily Regional Surface Transportation Program (RSTP) funds. These improvements were designed by Stantec Consulting Engineers and construction plans so noted as DPW Dwg. No. 0-28520.

Forest Hill Avenue within the project limits will be improved to include 2 – 11' foot travel lanes in each direction, a 12' foot raised landscaped median including left turn lanes, designated 5' bike lanes (continuation of the US 1 bike route from Fairlee Road to Hathaway Road on both sides), curbs, 4' sidewalks (both sides), pedestrian crosswalks, and a closed storm sewer system that will improve drainage along Forest Hill Avenue as well as adjacent neighborhoods. The City Planning Commission granted final approval of the project on May 21, 2013. The total project cost is estimated at \$12,700,000.00. The project design is 100% complete. Right of way acquisition is 98% complete.

**FISCAL IMPACT / COST:** Acquisition cost is 100% reimbursable. Anticipated cost for these rights for Parcel (045) is \$50,172.00 and Parcel (045A) is \$16,811.00. Checks in these amounts have been provided to the court as part of the Certificates of Take, paid through Federal reimbursable funds.

**FISCAL IMPLICATIONS:** None.

**BUDGET AMENDMENT NECESSARY:** None.

**REVENUE TO CITY:** None.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** February 12, 2018.

**CITY COUNCIL PUBLIC HEARING DATE:** February 26, 2018.

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation Standing Committee (LUHTSC) on February 20, 2018.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Public Works, Law Department, Planning & Community Development, Economic Development, Public Utilities, Finance Department, Budget and Strategic Planning. Copies also sent to: City Mayor; Chief Administrative Officer and City Attorney.

**RELATIONSHIP TO EXISTING ORD. OR RES:** Feasibility Study City/State agreement was authorized by City Council on January 14, 2002 (Ordinance No. 2001-391-2002-18), Authorize the CAO to execute all City/State Agreements (Ordinance No. 2013-165-151) on July 22, 2013. To Declare the Public Necessity Exists (Ordinance No. 2014-88-62) on April 14, 2014. To Declare the Public Necessity Exists – Powhite and Forest Hill Ave (Ordinance No. 2017-164) on September 25, 2017. To Declare the Public Necessity Exists – 2911 Hathaway Road (Ordinance No. 2017-168) on September 25, 2017.

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:**

1. Plan sheet 3, Forest Hill Avenue Improvement Project, DPW Dwg. No. 0-28520
2. Plan sheet 4, Forest Hill Avenue Improvement Project, DPW Dwg. No. 0-28520

**STAFF:** Lamont L. Benjamin, P.E., Capital Project Administrator, 646-6339  
Kevin T. Newcomb, P.E., Project Manager, 646-1847

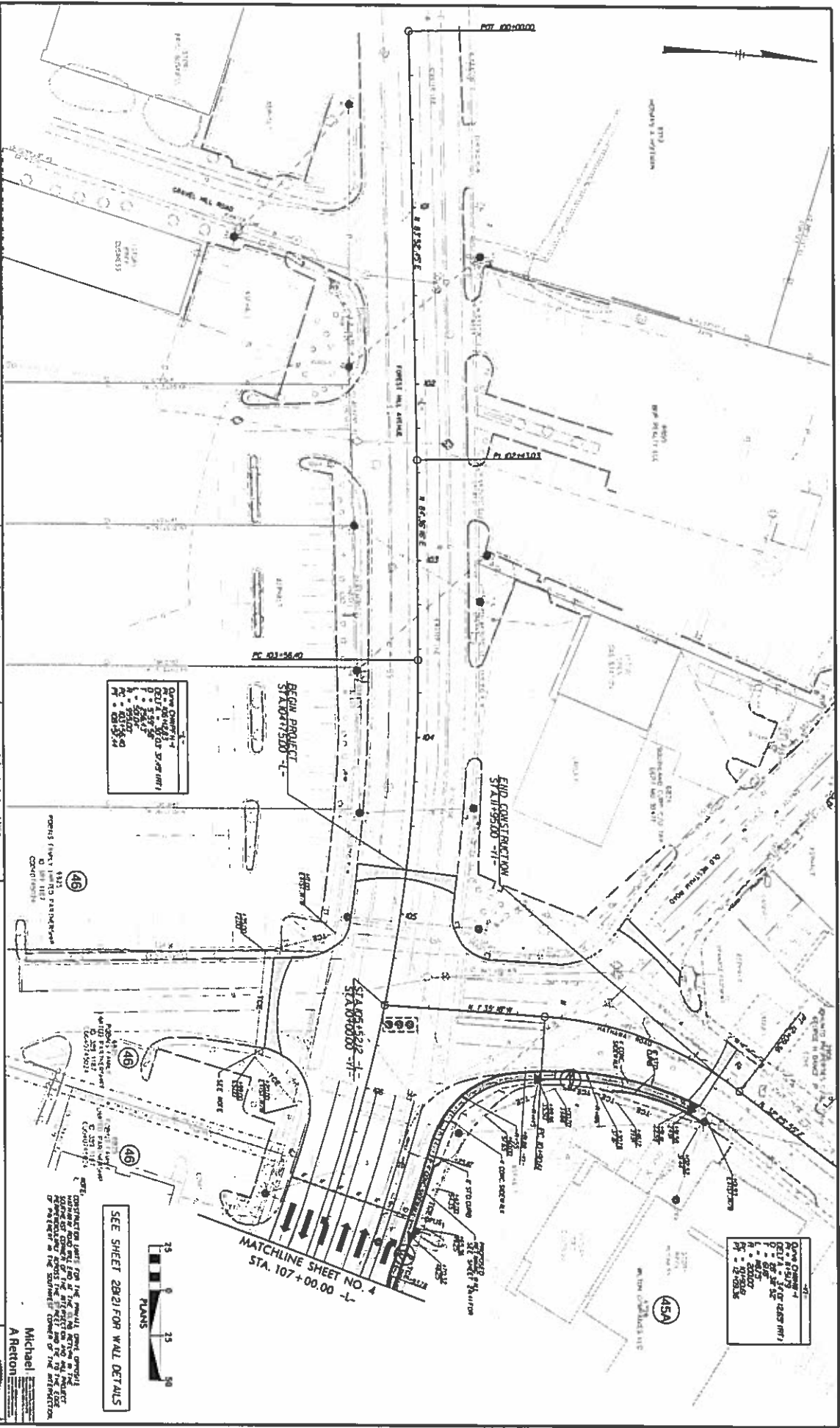
# FOREST HILL AVENUE IMPROVEMENT PROJECT



TECHNICAL		ADMINISTRATIVE	
Project Manager	James Smith	Chief Project Engineer	Michael A. Lettner
Project Engineer	John Doe	Project Engineer	John Doe
By: John Doe	Checked: John Doe	Checked: John Doe	Checked: John Doe
DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA		RICHMOND, VIRGINIA	

DATE: 10/15/2020	SCALE: 1" = 40'	PROJECT NO: 2019-001	SHEET NO: 3
PROJECT: FOREST HILL AVENUE IMPROVEMENT	DATE: 10/15/2020	SCALE: 1" = 40'	PROJECT NO: 2019-001

## PLAN VIEW



SEE SHEET 28A21 FOR WALL DETAILS



Michael A. Lettner  
A Retton



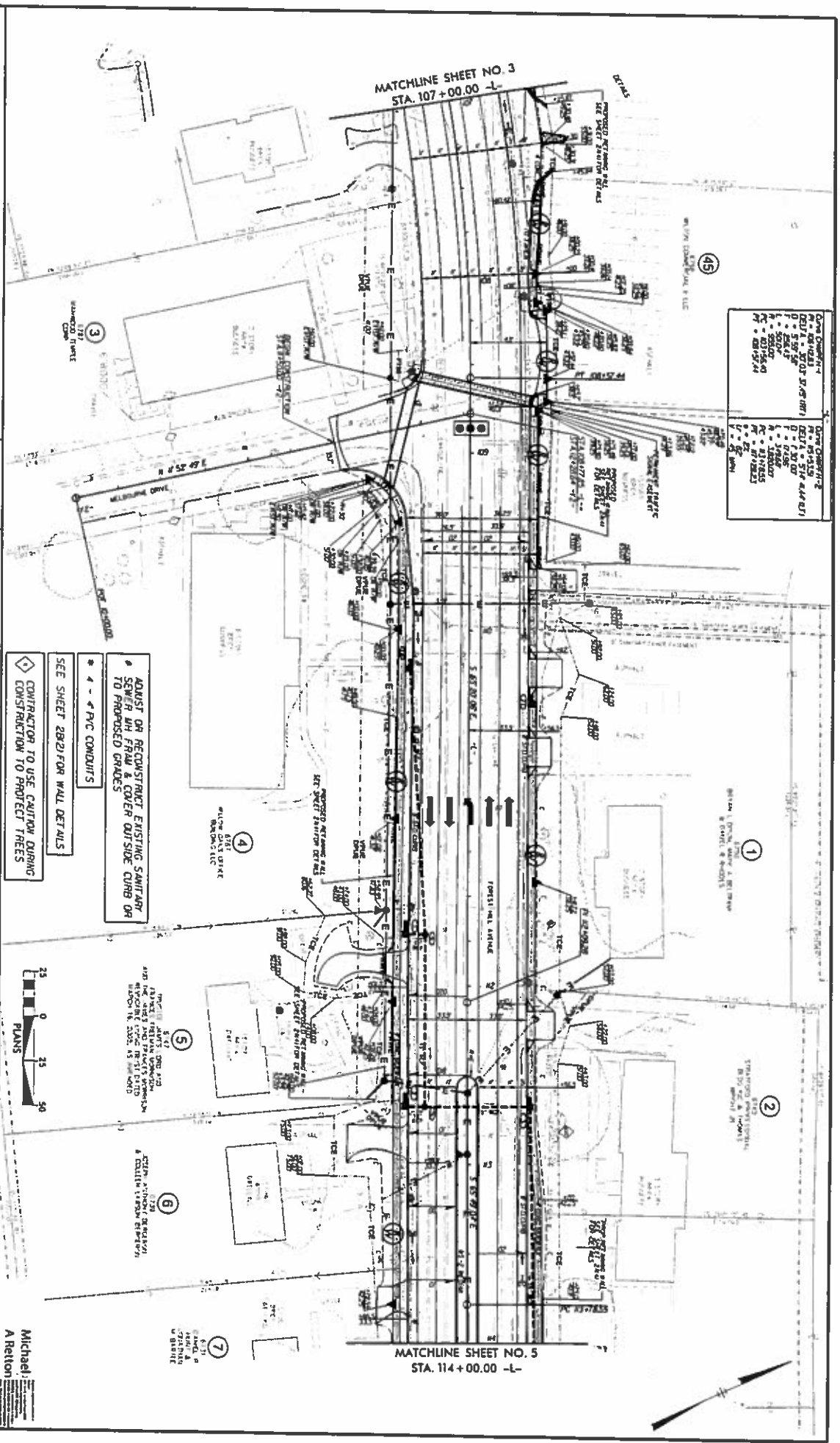
# FOREST HILL AVENUE IMPROVEMENT PROJECT



DEPARTMENT OF PUBLIC WORKS  
RICHMOND, VIRGINIA

DATE: 1-15-2020  
BY: [Signature]

PROJECT NO. 19-00000000  
SHEET NO. 4



Drawn	Checked
1. S. J. [Signature]	1. S. J. [Signature]
2. J. [Signature]	2. J. [Signature]
3. [Signature]	3. [Signature]
4. [Signature]	4. [Signature]
5. [Signature]	5. [Signature]
6. [Signature]	6. [Signature]
7. [Signature]	7. [Signature]

ADJUST OR RECONSTRUCT EXISTING SANITARY SEWER IN FRAM & COVER OUTSIDE CURB OR SEE SHEET 2822 FOR WALL DETAILS  
 \* \* \* PVC CONDUITS  
 CONTRACTOR TO USE CAUTION DURING CONSTRUCTION TO PROTECT TREES



PLAN VIEW

Michael A. Little  
A Retention