

INTRODUCED: November 12, 2024

AN ORDINANCE No. 2024-313

To close, to public use and travel, an alley in the block bounded by Maury Street, East 4th Street, Everett Street and East 3rd Street, consisting of 1,980± square feet, upon certain terms and conditions. (6th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 9 2024 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by Maury Street, East 4th Street, Everett Street and East 3rd Street, consisting of approximately 1,980 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-28992, dated March 25, 2022, and entitled “Proposed Closing to Public Use and Travel of Public Alley Located in Block Bounded by Maury Street, E 4th Street, Everett Street and E 3rd Street,” a copy of which drawing is attached to this ordinance.

AYES: 8 NOES: 0 ABSTAIN:

ADOPTED: DEC 9 2024 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 aforesaid alley 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 \$57,791.00 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 12 months 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 of a plan of development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of the improvements on the site and the proposed right-of-way closure and vacation, or if no plan of development is required, the applicant must apply for and be issued a building permit pursuant to the Virginia Uniform Statewide Building Code. Should approval of the plan of development or building permit be denied, this closure of the public right-of-way shall not go into effect.

(f) The applicant provides written evidence satisfactory to and approved as to form by the City Attorney that all facilities of the Department of Public Utilities in the right-of-way area to be closed have been removed or relocated from the right-of-way area to be closed in such a manner satisfactory to the Director of Public Works, provided that the Chief Administrative Officer, for

an on behalf of the City, is hereby authorized to retain a full width utility easement for the portion of the right-of-way area to be closed and to execute all documents necessary to consummate such easement upon the failure of the applicant to provide the written evidence required by this subsection in accordance with this ordinance.

(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 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 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.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

A TRUE COPY:
TESTE:
Carlin 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-2024-1284

File ID: Admin-2024-1284

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 10/04/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 11/12/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2024-1284_Ordinance_Close Alley Maury Street and East 4th Street_AATF, ADMIN-2024-1284_ROW Closure Request_20240725_301 Maury, ADMIN-2024-1284_N28992 - 301 Maury St Alley Closure - Rev 0 - SIGNED

Enactment Number:

Contact:

Introduction Date:

Drafter: Joseph.DavenportJr@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/7/2024	M.S. Khara	Approve	10/7/2024
1	2	10/7/2024	Joseph Davenport - FYI	Notified - FYI	
1	3	10/10/2024	Bobby Vincent	Approve	10/8/2024
1	4	10/10/2024	Joseph Davenport - FYI	Notified - FYI	
1	5	10/10/2024	Robert Steidel - FYI	Notified - FYI	
1	6	10/22/2024	Jeff Gray	Approve	10/11/2024
1	7	10/22/2024	Joseph Davenport - FYI	Notified - FYI	
1	8	10/28/2024	Lincoln Saunders	Approve	10/31/2024
1	9	10/28/2024	Joseph Davenport - FYI	Notified - FYI	
1	10	11/4/2024	Mayor Stoney	Approve	11/13/2024
1	11	11/4/2024	Joseph Davenport - FYI	Notified - FYI	

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1284

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 4, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

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

RE: **To close to public use and travel an alley in the block bounded by MAURY Street, EAST 4TH Street, EVERETT Street and EAST 3RD Street**

ORD. OR RES. No.

PURPOSE: To close, to public use and travel, an alley in the block bounded by Maury Street, East 4th Street, Everett Street and East 3rd Street, consisting of approx. 1980 square feet as shown on DPW Dwg. No. N-28992 dated 3/25/2022 and entitled “Proposed Closing to Public Use and Travel of PUBLIC Alley LOCATED in Block Bounded by MAURY Street, E 4TH Street, EVERETT Street and E 3RD Street” at the request of the applicant.

BACKGROUND: This ordinance will supersede Ordinance No. 2022-203, adopted July 25, 2022, which has expired. Ordinance No. 2022-203 was to become effective only upon satisfaction of all listed conditions within eighteen (18) months of adoption; however, several conditions were not satisfied within the designated timeframe. A new letter of request dated July 25, 2024, has been received from Baker Development on behalf of their client, Maury Street Associates, LLC, the owner of all properties adjacent to the proposed closing.

The parcel to be developed consists of the entire block bounded by Maury Street, E 4th Street, Everett Street, and E 3rd Street. The parcel is currently occupied by a one-story vehicle service and warehouse building. The property owner is proposing to construct seventy (70) multifamily dwelling units configured as thirty-five (35) "2 over 2" townhomes on the parcel. However, the parcel is partially bisected by a public alley. As the alley only extends partially into the subject block, it does not provide through access for pedestrians or vehicles. Furthermore, the alley in its current configuration precludes the efficient utilization of the site for the proposed development. Therefore, the owner is requesting the

City to close the alley to public use and travel.

The value of the right of way to be vacated (1980 sq. ft.) has been determined to be \$57,791 (\$29.195 per sq. ft.) and is based on assessed values of the adjacent parcels.

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

COMMUNITY ENGAGEMENT: After introduction, the proposed Ordinance will be referred to a future Planning Commission meeting for discussion, public encouraged to attend and provide comment; subsequent to Planning Commission recommendation to City Council, Council to hold a public hearing regarding the proposed Ordinance.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan (Goal 14: Housing); City Council Resolution No. 2023-R019 (Declare a housing crisis).

FISCAL IMPACT: \$57,791 (revenue to be received by the City).

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 12, 2024

CITY COUNCIL PUBLIC HEARING DATE: December 9, 2024

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning & Development Review; Public Utilities; Assessor; Finance; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, and CAO's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No. 2022-203 (expired)

ATTACHMENTS: DPW Dwg. No. N-28992
Applicant's request letter (Baker Development, on behalf of Maury Street Associates, LLC)

STAFF: Prepared for Bobby Vincent, Jr., Director, DPW (646-6444)
Prepared by M.S. Khara, City Engineer, DPW (646-5413)
Research and Drawing Coordinated By: DPW/Right-of-Way Management



July 25, 2024

Bobby Vincent, Jr.,
Director of Public Works
Department of Public Works, City Hall, Room 701
900 East Broad Street
Richmond, Virginia 23219

RE: Right-of-Way Vacation Request: 301 Maury Street (S000-0177/006)

Dear Mr. Vincent,

I represent the Property owner in their application for a Right-of-Way (ROW) Vacation Request for the property known as 301 Maury Street, identified as Tax Parcel S000-0177/006. The proposed ROW vacation was originally authorized pursuant to Ord. No. 2022-203 (the "Ordinance") which was approved by the City Council on July 18, 2022. However, not all the subject conditions were satisfied within 18 months of the approval of the Ordinance, making the original ROW vacation null and void. Therefore, a new ROW vacation is needed to close the public ROW. Importantly, the proposed closure is identical to what was previously approved by the Ordinance. No changes to that approval are contemplated by this request.

The Property consists of the entire block bounded by Everett Street, E 3rd Street, Maury Street, and E 4th Street. The parcel is currently occupied by a one-story vehicle service and warehouse building. The Property owner is proposing to construct seventy (70) multifamily dwelling units configured as thirty-five (35) "2 over 2" townhomes on the Property. However, the Property is partially bisected by a public alley. As the alley only extends partially into the subject block, it does not provide through access for pedestrians or vehicles. As such, this portion of ROW is not critical to the operations and services of Richmond City. Furthermore, the alley in its current configuration precludes the efficient utilization of the site for the proposed development. Therefore, the owner is requesting to close, to public use and travel, that portion of ROW consisting of approximately 1,980 square feet and depicted on a drawing entitled "Proposed Closing to Public Use and Travel of Public Alley Located in Block Bounded by Maury Street, E 4th Street, Everett Street, and E 3rd Street," and prepared by the Department of Public Works, dated March 25, 2022.

Originally, the Ordinance conditioned the ROW vacation upon Plan of Development (POD) approval. However, the owner was not able to attain the POD approval for the proposed development within the requisite 18-month period. The inability to satisfy this condition was due, in part, to an unfavorable capital market environment in which financing for the development was temporarily paused and, in part, to the abrupt departure of the company's civil engineering lead, creating major delays in design. Whereas this condition was not satisfied previously, the owner is confident that they could attain POD approval for the proposed development in a timely manner going forward. In fact, a POD for the Property is currently under review,

tracking under POD-135449-2023, and is expected to be completed in the next couple of months. Consistent with the original Ordinance, the owner is agreeable to conditioning this ROW vacation request upon POD approval for the proposed development. If acceptable, approval of the ROW vacation ordinance conditioned upon POD approval would ensure a high-quality development with appropriate pedestrian and site improvements.

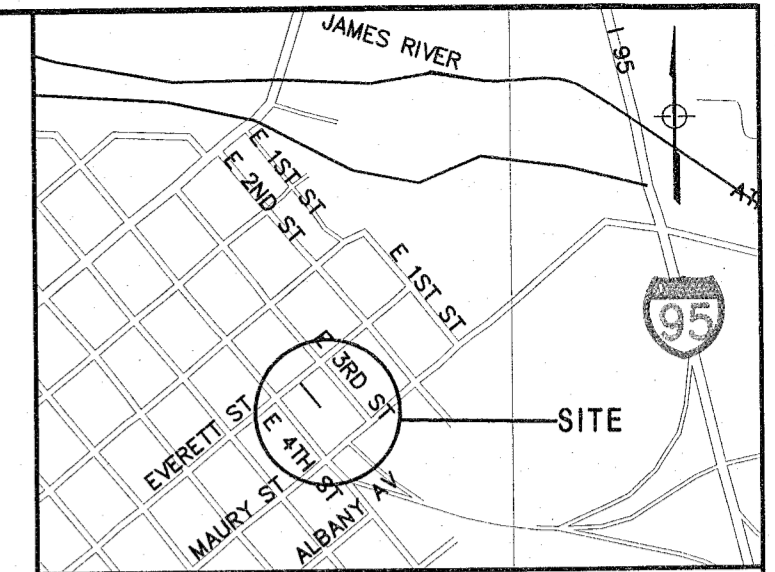
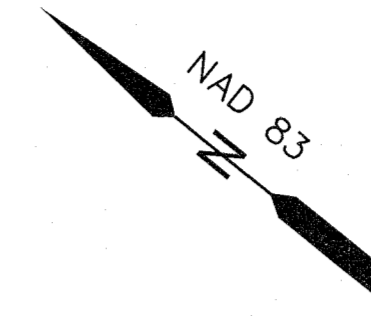
Thank you in advance for your assistance. Should you have any questions after reviewing this request, please feel free to contact me at 874-6275.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark R. Baker', written in a cursive style.

Mark R. Baker
Baker Development Resources, LLC

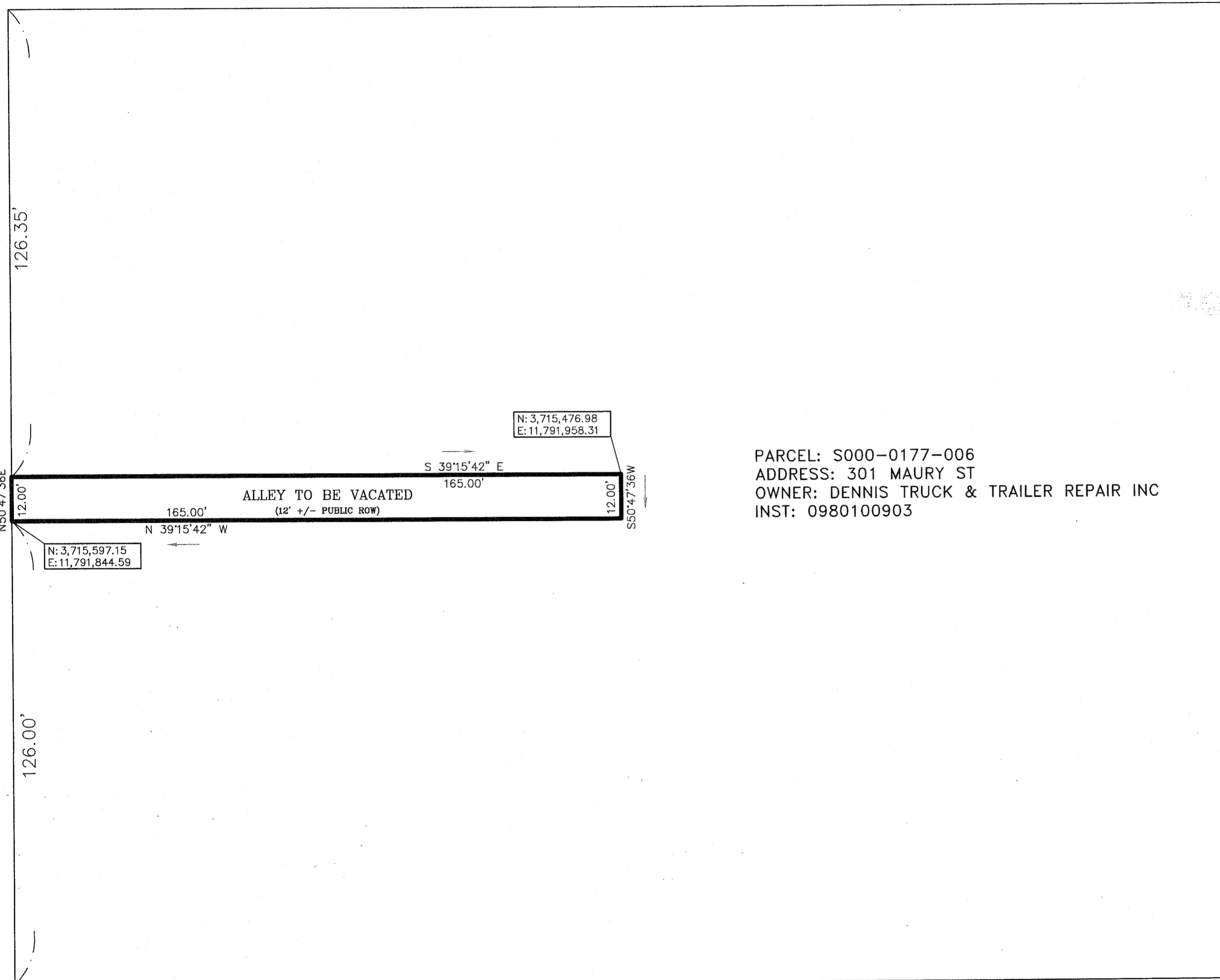
E 3RD STREET
33' +/- PUBLIC ROW



VICINITY SKETCH
(SCALE 1"=1000')

NOTES:

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY PLAT PREPARED BY TOWNES SITE ENGINEERING, TITLED "PLAT OF ALLEY VACATION ON 301 MAURY STREET" DATED 12/20/2021.
2. THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES : 1980 S.F.



PARCEL: S000-0177-006
ADDRESS: 301 MAURY ST
OWNER: DENNIS TRUCK & TRAILER REPAIR INC
INST: 0980100903

EVERETT STREET
50' +/- PUBLIC ROW

MAURY STREET
50' +/- PUBLIC ROW

E 4TH STREET
33' +/- PUBLIC ROW



Council District 6

Block No. S-177

NOTES

1. Property owners correct as of 03/25/2022
2. Ordinance _____
3. Adopted _____
4. Accepted _____

REFERENCES: B/L 11SE

Engineering Specialist: Shenouda Guergues

Shenouda Guergues

Op. Mgr. For Surveys: Marvin W. Anderson, CLS

Marvin W. Anderson

ROW Manager: Joseph L. Davenport Jr, P.E.

Joseph L. Davenport Jr

REVISIONS:

Surveys Division, Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23219

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



DRAWN BY: SG
CHECKED BY: MWA

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC ALLEY LOCATED IN BLOCK BOUNDED BY MAURY STREET, E 4TH STREET, EVERETT STREET, AND E 3RD STREET

REQUESTED BY: TOWNES SITE ENGINEERING ON BEHALF OF CDP HOLDINGS LLC 12/22/2021

FIELD NOTE	SCALE 1"=25'	DATE 03/25/2022	PROJECT S-177-AC	DRAWING NO. N-28992
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