

INTRODUCED: June 27, 2022

AN ORDINANCE No. 2022-204

To close, to public use and travel, Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue consisting of 18,660± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue, consisting of approximately 18,660 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-28893A, dated May 24, 2022, and entitled “Proposed Closing to Public Use & Travel of Anderson Street and an East/West Alley That Bisects Anderson St, Located at tthe [sic] Northwest Corner

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 REJECTED: _____ STRICKEN: _____

of the Intersection of Government Road and Glenwood Avenue,” 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 (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 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 of whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$83,970.00, less the value of any easements retained or dedicated in accordance with this ordinance, for the right-of-way area to be closed. The value of each easement retained or dedicated in accordance with this ordinance shall be calculated by multiplying the square footage of each such easement by 30 percent and then multiplying the product thereof by \$4.50. 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, 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.

(f) The applicant agrees in a writing approved as to form by the City Attorney that, if the applicant removes any cobblestones, bricks, granite curbs, and other infrastructure materials from the right-of-way area to be closed, the applicant shall deliver all such cobblestones, bricks, granite curbs, and other infrastructure materials in an undamaged and cleaned condition to a location to be determined by the Director of Public Works.

(g) The applicant submits and obtains approval by the Department of Public Works a plat of any and all easements to be retained by the City over the right-of-way areas being closed and submits and obtains approval by the Department of Public Works any and all other easements to be dedicated by the applicant to the City, which plat or plats shall identify the dimensions and location of each easement.

(h) The applicant dedicates or causes the dedication of the portions of the properties known as 3800 Government Road, 3800 Rear Government Road, 3901 Glenwood Avenue, and 3828 Glenwood Avenue and identified as Tax Parcel Nos. E000-1420-001, E000-1420-002, E000-1420-006, and E000-1420-008, respectively, in the 2022 records of the City Assessor, as shown approximately in hatched lines on the drawing entitled “3800 Government Road, 3800 Government Road, City of Richmond, VA, Sewer Easement Exhibit,” prepared by Kine Vue LLC, dated February 17, 2021, and last revised May 20, 2022, hereinafter referred to as the “3800 Government Road Drawing,” a copy of which is attached to and made a part of this ordinance, for a public utility easement or easements, which shall be more precisely shown on the plat to be prepared pursuant to section 2(g) of this ordinance. The dedication of the easement shall only be pursuant to a deed approved as to form by the City Attorney.

(i) 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 the City shall retain a public utility easement over all areas within the alley to be closed as shown approximately in hatched lines on the 3800 Government Road Drawing, as shown in hatched lines on the drawing, the location and square footage of which shall be more precisely shown on the plat to be prepared pursuant to section 2(g) of this ordinance. The maximum total extent of the easements to be retained pursuant to this section and dedicated pursuant to section 2(h) of this ordinance consists of approximately 12,238 square feet. The Director of Public Utilities may approve the City's vacation of the easement if the Director determines that the easement is no longer necessary to satisfy the requirements of the Department of Public Utilities. Any vacation of the easement shall be only by deed approved as to form by the City Attorney.

§ 4. 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.

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

A TRUE COPY:
TESTE:
Amelia D. Reed
City Clerk



CITY OF RICHMOND
Intra-City Correspondence

O&R REQUEST

DATE: May 26, 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

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

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

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

RE: **PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF ANDERSON STREET
AND AN EAST/WEST ALLEY THAT BISECTS ANDERSON ST, LOCATED AT
THE NORTHWEST CORNER OF THE INTERSECTION OF GOVERNMENT
ROAD AND GLENWOOD AVENUE**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a portion of Anderson Street and an east/west alley that bisects Anderson Street consisting of 18,660 sq. feet as shown on DPW Drawing # N- 28893A dated 5/24/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF ANDERSON STREET AND AN EAST/WEST ALLEY THAT BISECTS ANDERSON ST, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GOVERNMENT ROAD AND GLENWOOD AVENUE".

REASON: This ordinance will supersede Ordinance No. 2020-216, adopted November 9, 2020, which has expired. Ordinance No. 2020-216 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 May 13, 2022, has been received from Baker Development Resources on behalf of their client 3012 Park Avenue, LLC. 3012 Park Avenue, LLC, proposes construction of a mix of multi-family residential units and commercial use which may

serve day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The applicant has submitted a Plan of Development (POD) which is currently undergoing review by several City agencies.

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 shall have prepared and submit for Department of Public Works approval a plat of any/all easements to be retained by the City over the right-of-way areas being closed; as well as any/all other easement areas to be dedicated by the applicant to City. It is anticipated that the total easement area to be retained by and dedicated to the City shall be approximately 12,238 square feet; the exact dimensions and location to be identified on the plat. Attached to this O&R Request is applicant drawing no. EXH-1 which generally depicts the easement area(s). This drawing is provided for informational purposes only.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
5. 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.
6. 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.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$67,448.70; such sum may be adjusted based upon the actual area of the retained and dedicated easements to be provided to the City.
8. 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.
9. The applicant/developer of the property must agree in writing to preserve any existing cobblestones within the vacated rights-of-way; and, should any cobblestones be removed at a future date, the applicant/developer shall return the cobblestones in an undamaged and clean condition to the City at a location designated by the Department of Public Works.
10. 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:

This ordinance will supersede Ordinance No. 2020-216, adopted November 9, 2020, which has expired. Ordinance No. 2020-216 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 May 13, 2022, has been received from Baker Development Resources on behalf of their client 3012 Park Avenue, LLC.

The Property includes roughly 2.6 acres of land area and is now vacant. The Property was most recently improved as a mobile home park, which was developed in 1963 and included as many as 48 mobile home units. A master plan-driven rezoning of the area in 2010 placed the Property in an R-63 Multi-Family Urban Residential District. The applicant is now proposing to develop the Property consistent with the R-63 regulations. That development would include a mix of multi-family residential units and a corner commercial use which may serve day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

Anderson Street is a 50' right of way that intersects the north line of Government Road and extends north onto the Property, terminating at 3811 Glenwood Avenue. The alleys have a 15' wide right of way and run east and west, perpendicular to Anderson Street. These rights of way are unimproved and consists of approximately 18,660 square feet.

Vacating these rights of way would allow the proposed development to move forward in a more cohesive and efficient manner.

The value of the right of way to be vacated (18,660 sf) has been determined to be \$83,970.00 (\$ 4.50 per square foot) and is based on assessed values of adjacent parcels. As it is anticipated that the City will retain a utility easement over the parcel(s), including the vacated portion of the alleys, the amount due to the City will be reduced for the anticipated retained easement area (30% x \$4.50 x 12,238) by \$16,521.30. Thus the amount due the City will be \$67,448.70; such amount subject to adjustment based upon the exact easement area. Attached to this O&R Request is applicant drawing no. EXH-1 which generally depicts the easement area(s). This drawing is provided for informational purposes only.

The closing of these rights 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. The City is not currently receiving State Maintenance Funds for the portion of Anderson 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; \$67,448.70 anticipated for the value of the vacated right of way.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

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.: Ordinance No. 2020-216 (expired May 9, 2022)

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter (dated May 13, 2022)
DPW Dwg. No. N-28893A
Applicant's Dwg. No. EXH-1, Sewer Easement Exhibit (dated Feb 17, 2021)

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW
Prepared by Marvin Anderson – Program & Operations Manager for Surveys, DPW
Research and Drawing Coordinated By: James Flannery - DPW
Department of Public Works / 646-0435



May 13, 2022

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 Reauthorization Request:
3800 Government Road (E001-0142/001)
3800 (Rear) Government Road (E001-0142/002)
3828 Government Road (E001-0142/008)
3811 Glenwood Avenue (E000-1116/037)
3901 Glenwood Avenue (E001-0142/006)

Dear Mr. Vincent,

I represent 3012 Park Ave, LLC in its application to reauthorize the vacation of Anderson Street and two east-west alleys (“the Vacation”) generally located in the block bounded by Glenwood Avenue to the east and Government Road to the South. 3012 Park Avenue, LLC owns 3800 Government Road, 3800 (Rear) Government Road, 3828 Government Road, 3910 Glenwood Avenue and 3811 Glenwood Avenue (collectively, “the Property”) in the vicinity. Anderson Street and the two alleys, form a cross-shaped right-of-way which divides 3800 Government Road, 3800 (Rear) Government Road, 3828 Government Road and 3910 Glenwood Avenue into four quadrants. The fifth parcel, 3811 Glenwood Avenue, is located at the terminus of Anderson Street. But for the intervening rights-of-way, the Property could be consolidated and developed as one parcel.

“The Vacation” was authorized by Ordinance 2020-216, which was approved by Council on November 9, 2020. That approval required, among other things, that the owner receive Plan of Development (POD) approval within 18 months. The owner has diligently pursued the POD. However, while the POD is nearing approval, the 18-month time-frame for approval has run its course. This request would extend that time-frame by reauthorizing the Vacation according to similar terms.

Anderson Street consists of a 50’ wide right-of-way that intersects the north line of Government Road and extends north into the Property, terminating at 3811 Glenwood Avenue. This right-of-way is generally unimproved and includes 11,731 square feet of land area. The two alleys extend east and west, roughly perpendicular to Anderson street. The eastern alley includes approximately 2,096 square feet of land area while

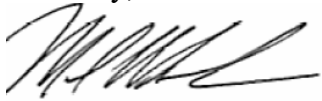
the western alley includes approximately 4,850 square feet of land area. Both alleys are 15' wide and are unimproved except for an existing sewer line. All three rights-of-way are abutted by parcels owned by the petitioner with the exception of the property located at the western terminus of the western alley (3629 Broad Street), with 15' of frontage. None of the abutting properties are provided access by the subject rights-of-way. The abutting property to the west is located at a significantly higher elevation with access via East Broad Street – it cannot be accessed or provided services by the western alley due to topography.

The Property includes roughly 2.6 acres of land area and is now vacant. The Property was most recently improved as a mobile home park, which was developed in 1963 and included as many as 48 mobile home units. A master plan-driven rezoning of the area in 2010 placed the Property in an R-63 Multi-Family Urban Residential District. The applicant is now proposing to develop the Property consistent with the R-63 regulations. That development would include a mix of multi-family residential units and a corner commercial use which may serve day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

The only other abutting property owner (to the west) has consented to the Vacation as proposed. The Vacation would allow access and services to the abutting property to continue as they have historically been provided. Access and services for the Property would be ensured through the review and approval of the required POD for the proposed use. There would be no adverse impact to any properties in the vicinity. In addition, based discussions with the Department of Public Utilities, a widened variable-width easement would be granted for the existing sewer line within the east-west alley. This easement along with the location of proposed improvements would enhance the City's ability to maintain the sewer line once the alleys are vacated. The full details of the final improvements would be determined through the ongoing POD review and future permitting processes.

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,



Mark R. Baker
Baker Development Resources, LLC



PARCEL E000-1288-008
(3630 E. BROAD ST.)
CARSON JOSEPH P III
DB. 00208 PG. 1811

PARCEL E000-1116-035
(3700 E. BROAD ST.)
GLENWOOD RIDGE APARTMENTS LLC
ATTN: JULIE DAVIS
ID 2018-8140

PARCEL E000-1420-002
(3800 REAR GOVERNMENT ROAD)
3012 PARK AVENUE, LLC.
ID 2016-24852

PARCEL E000-1290-027
(3633 E. BROAD ST.)
CCRII HOLDINGS LLC
ID 2021-4449

PARCEL E000-1420-001
(3800 GOVERNMENT ROAD)
3012 PARK AVENUE, LLC.
ID 2016-24852

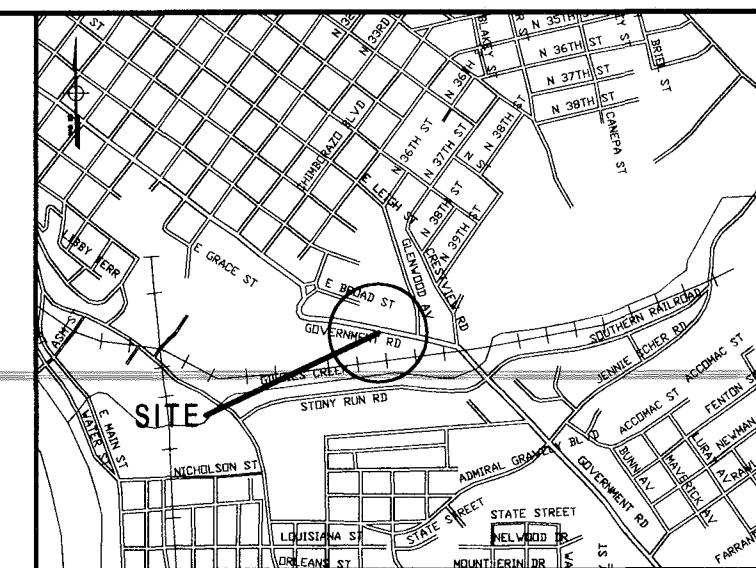
PARCEL E000-1116-037
(3811 GLENWOOD AVENUE)
3012 PARK AVENUE, LLC.
ID 2016-24852

PARCEL E000-1420-006
(3901 GLENWOOD AVENUE)
3012 PARK AVENUE, LLC.
ID 2016-24852

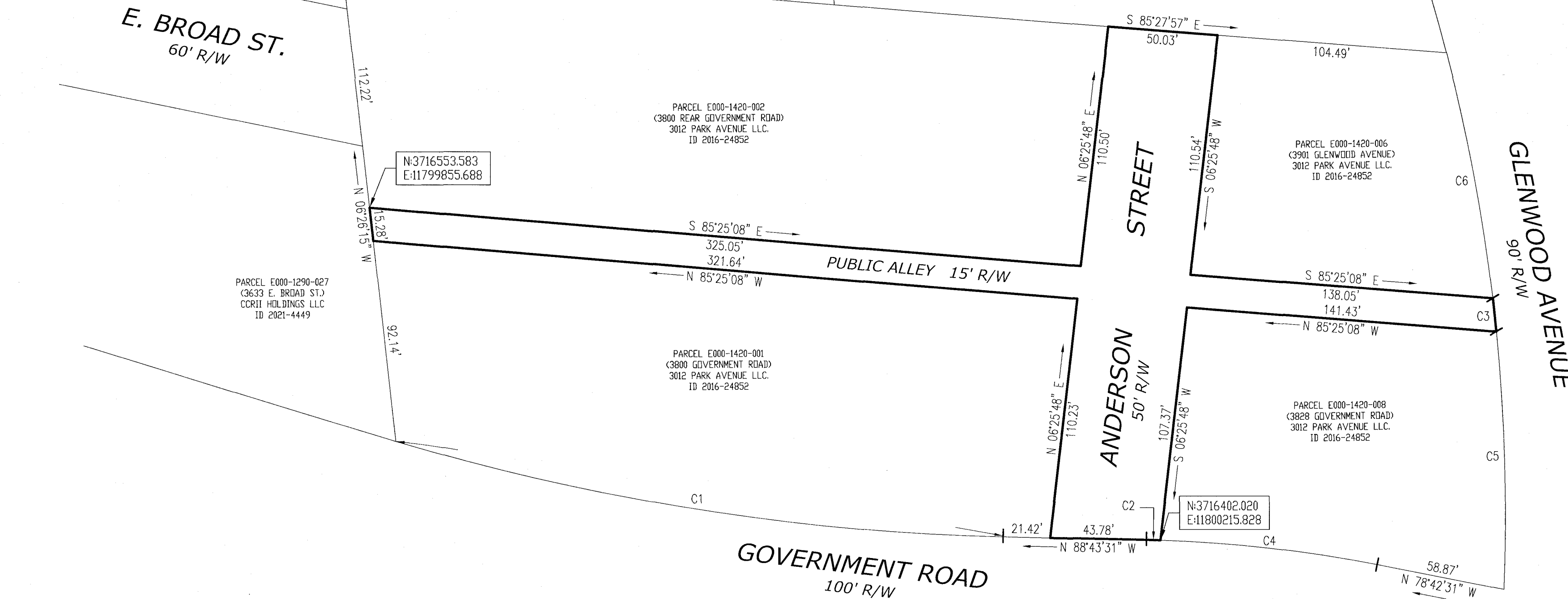
PARCEL E000-1420-008
(3828 GOVERNMENT ROAD)
3012 PARK AVENUE, LLC.
ID 2016-24852

N:3716553.583
E:11799855.688

N:3716402.020
E:11800215.828



VICINITY SKETCH
(SCALE 1"=1000')



CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1057.06'	280.70'	279.87'	N 81°07'20" W	15°12'53"
C2	606.14'	6.39'	6.39'	S 88°25'23" E	0°36'16"
C3	846.97'	15.27'	15.27'	N 06°13'00" W	1°01'59"
C4	606.14'	99.55'	99.43'	S 83°24'58" E	9°24'35"
C5	846.97'	118.49'	118.40'	S 01°41'15" E	8°00'57"
C6	846.97'	114.66'	114.57'	S 10°36'23" E	7°45'23"



NOTES:

- PROPOSED CLOSING OF RIGHT OF WAY TO PUBLIC USE AND TRAVEL ANDERSON STREET AND ALLEYS RUNNING EAST AND WEST AREA ENCLOSED IN BOLD LINES.
18,660 SF (0.427AC)
- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND A PLAT BY EDWARDS, KRETZ, LOHR AND ASSOCIATES PLLC DATED 02/05/2020 3.056 ACRES OF LAND, BOUNDED BY GOVERNMENT ROAD AND GLENWOOD AVENUE IN THE CITY OF RICHMOND, VAT.

NOTES

- Property owners correct as of MAY 22ND, 2022.
- Ordinance _____
- Adopted _____
- Accepted _____

Drafting Technician

Surveys Superintendent

Right Of Way Manager

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

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



DRAWN BY: J.F.
CHECKED BY: M.W.A.

PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF
ANDERSON STREET AND AN EAST/WEST ALLEY THAT
BISECTS ANDERSON ST, LOCATED AT THE
NORTHWEST CORNER OF THE INTERSECTION OF
GOVERNMENT ROAD AND GLENWOOD AVENUE

Requested By: LETTER DATED MAY 13, 2022 - MARK BAKER

FIELD NOTE	SCALE 1"=40'	DATE 5/24/2022	PROJECT E-1420-SC,AC	DRAWING NO. N-28893A
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Council District 7

Block No. E-1420

REFERENCES: BL 25 NW

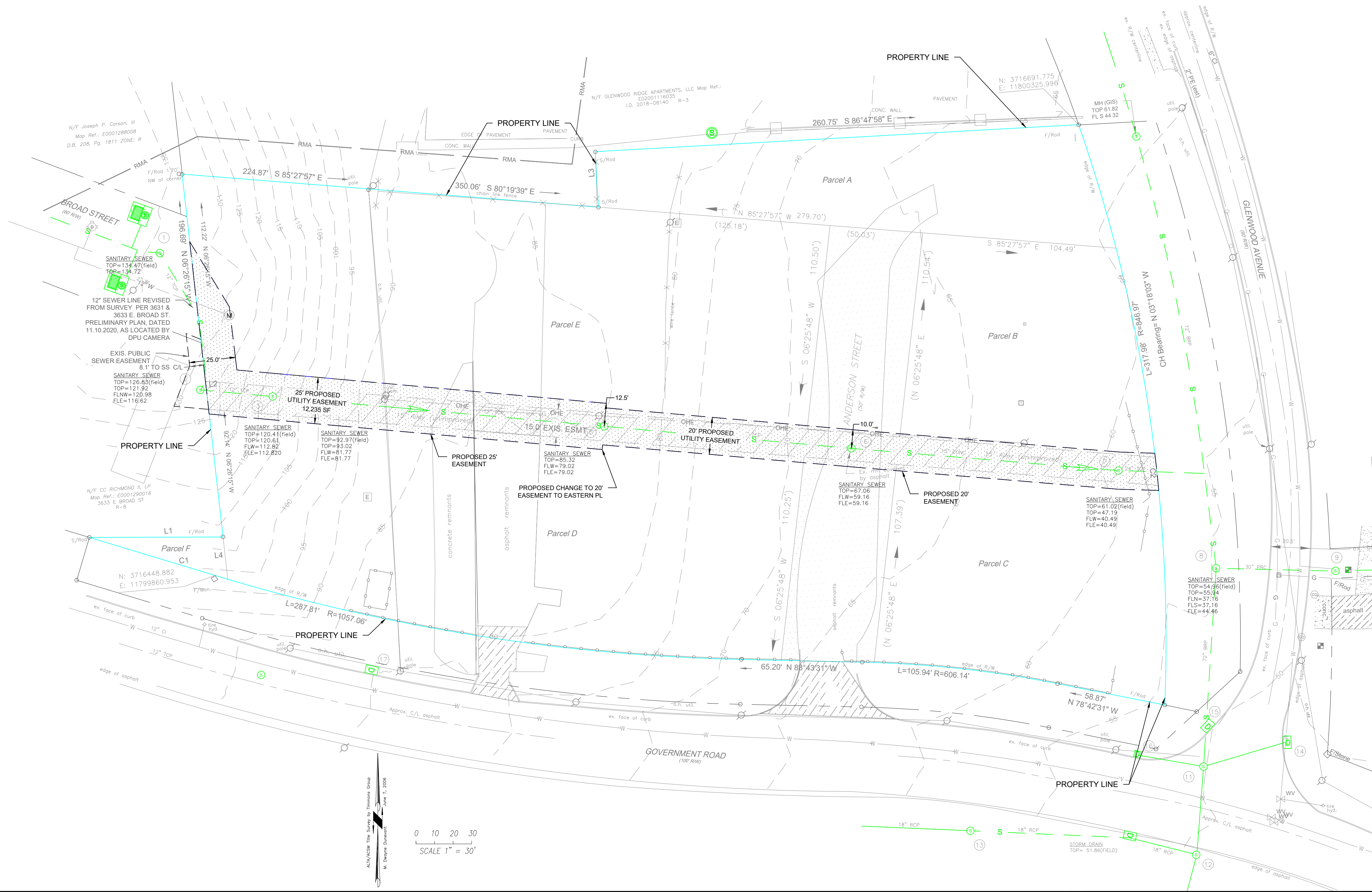
REVISIONS

C:\UTIL\3800 GOVT.dwg [Plotted on 5/20/2022 11:55 AM] by WNK

SURFACE LEGEND

- LIGHT DUTY ASPHALT
- HEAVY DUTY ASPHALT
- CONCRETE
- BUILDING

* SHADING MAY VARY BETWEEN LEGEND AND PLAN



ENGINEER
KINE VUE, LLC
CIVIL ENGINEERING CONSULTING
7100 PROSPECT AVENUE
RICHMOND, VA 23228
Tracy.KineVue@gmail.com
804.307.0733

OWNER
3012 PARK AVENUE LLC
3420 PUMP RD #169
RICHMOND, VA 23233
DANIL KLEYMAN

ARCHITECT
ADO / ARCHITECTURE DESIGN
OFFICE
105 EAST BROAD STREET
RICHMOND, VA 23219
804.343.1212

DATE	REVISION
05.20.22	GENERAL UPDATE

3800 GOVERNMENT ROAD

3800 GOVERNMENT ROAD CITY OF RICHMOND, VA

SEWER EASEMENT EXHIBIT

DATE
02.17.21

SHEET NO.
EXH 1