

AN ORDINANCE No. 87-125 - 131

(As Amended)

ADOPTED JUN 22 1987

To authorize Wallace Hayward Baker & Associates, and any successors, to encroach in, under, across, through and along the median (a strip 70 feet in length, 10 feet in width, and rounded at its east and west ends) of Windsor Fields Lane (extends westerly from Portland Place and provides access to Windsor [~~Farms~~] Fields Subdivision), with landscaping in an area containing 700 square feet, more or less, as shown on plan prepared by the Department of Public Works, designated D.P.W. Drawing No. N-21650, entitled: "Landscaping Encroachment in the Median Strip of Windsor Fields Lane at the Entrance from Portland Place (Windsor [~~Farms~~] Fields Subdivision)", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Wallace Hayward Baker & Associates, and any successor thereof, hereinafter referred to as "Licensee", is hereby permitted to encroach in, under, across, through and along the median (a strip 70 feet in length, 10 feet in width, and rounded at its east and west ends) of Windsor Fields Lane (extends westerly from Portland Place and provides access to Windsor [~~Farms~~] Fields Subdivision), with landscaping (trees, ground cover plantings and grass) in an area containing 700 square feet, more or less, as shown on plan prepared by the Department of Public Works, designated

street and the installation, construction, maintenance, repair, operation and removal of the encroachments, and in the event that suit shall be brought against the City, either independently or jointly with the Licensee on account thereof, the Licensee will defend the City in any such suit at its cost, and in the event of a final judgment being obtained against the City either independently or jointly with the Licensee, it will pay such judgment and all costs and hold the City harmless therefrom.

(d) That the Licensee, or successor, shall insure its liability in connection with the encroachments providing indemnities of not less than \$300,000 for bodily injuries and property damage resulting from such encroachments. The City shall be named as an additional insured under the insurance contract. The Licensee, or successor, shall keep the insurance in full force and effect at all times during the installation, maintenance, existence and removal of the encroachments. The Licensee shall provide the City with a certificate of such insurance which shall contain a statement that the insurance is provided to enable the Licensee to perform its obligation under this paragraph (d) and that the insurance will not lapse or otherwise expire prior to sixty days' written notice thereof given by the Licensee's insurance carrier to the City Manager of the City, anything

in such insurance contract to the contrary notwithstanding.

(e) That the Licensee, or successor, shall furnish the City a bond with corporate surety approved by the City Attorney in the sum of five thousand dollars conditioned upon the replacement and restoration of the street and any public utility therein damaged, disturbed or destroyed thereby in a manner and with such materials to the satisfaction of the Directors of Public Works, Public Utilities and Public Safety on order to do so by the Council, or upon repeal of this ordinance, or upon the failure, refusal or neglect of the Licensee to comply fully and in all respects with the provisions of this or any other ordinance relating thereto. The Licensee, or successor, shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times during the existence and removal of the encroachments. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty days written notice to that effect given to the City Manager of the City. In lieu of such bond, the Licensee may substitute an irrevocable letter of credit approved as to form by the City Attorney.

(e.1) The final landscaping plan shall be approved by the Director of Planning and Community Development.

(f) Prior to commencing work in, over, upon, through or along Windsor Fields Lane any and all permits required for such work shall be obtained under provisions of

ordinances and regulations relating to issuance of such permits. All work performed pursuant to such permits shall be performed in a manner satisfactory to the Directors of Public Works, Public Safety, and Public Utilities.

(g) That the Licensee shall require any contractor or contractors engaged by it to furnish a public liability and property damage insurance contract or contracts naming therein the City as an insured thereunder, which shall provide indemnities of not less than \$500,000 combined coverage for bodily injuries and property damage resulting from the construction. Such policy shall provide for the payment of any final judgment that may be rendered against the City by reason of any person being injured or damaged in any way in person or property by the construction.

(h) Licensee, or its successor, shall restore and replace portions of streets and public utilities of the City disturbed or destroyed in the removal of the encroachments, maintenance of the encroachments, or by existence of the encroachments.

(i) This ordinance is adopted pursuant to the power granted the Council by law. It is not intended by the adoption of this ordinance to offer or grant a franchise and the permission hereby granted shall at all times be subject to revocation by the Council and the terms and conditions

upon which granted shall be subject to modification at any time and from time to time by the Council. Upon such revocation or modification the Licensee, or successors, shall immediately conform to the requirements, if any, prescribed by the Council with respect thereto.

§ 3. This ordinance shall be in force upon adoption and shall become effective when within twelve months of the date of adoption the Licensee shall furnish the required insurance and bond (or irrevocable letter of credit) and files with the City Clerk a written statement in form satisfactory to the City Attorney to the effect that the Licensee agrees to the terms and conditions upon which such permission is granted and agrees to be bound thereby and to observe and comply therewith, and any contractor of said Licensees furnishes required insurance.

§ 4. That Wallace Hayward Baker & Associates, or successor, shall be responsible for satisfying all terms and conditions for this ordinance becoming in force and effect.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>87-125</u> Requested by <u>City Manager, By Request</u> Received City Manager's Office <u>-----</u> Summarized <u>June 15, 1987</u>	Subject Encroachment in median strip at entrance to Windsor Fields lane from Richmond Place
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SUMMARY

This Ordinance would authorize an encroachment for a landscaped median strip in Windsor Fields lane at the entrance to a proposed new subdivision on the west side of Portland Place.

The median strip (10 ft. wide and 70 ft. in length) landscaping will include trees, ground cover plantings and grass to be enclosed by standard curb and gutter; maintenance of the landscaping in the median strip will be provided by the Windsor Fields Homeowners Association.

The Department of Public Works offers no objections, terms and conditions to include:

1. Applicant to bear all cost incident to the encroachment;
2. Liability insurance shall be in effect during construction and life of the encroachment;
3. Applicant shall furnish removal bond;
4. Applicant to secure all necessary permits prior construction;
5. Public/Private utilities to be protected.

Planning Commission granted approval (7-0) June 15, 1987.

COUNCIL ACTION

On Docket <u>6/8/87, 6/22/87</u>
Amended
Adopted
Rejected

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

June 16, 1987

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of June 15, 1987, the City Planning Commission voted (7-0)
to recommend APPROVAL of:

Ordinance No. 87-125(as amended)

To authorize Wallace Hayward Baker & Associates, *** to encroach in, under, across, through and along the median *** of Windsor Fields Lane *** with landscaping in an area containing 700 square feet, *** upon certain terms and conditions.

This paper would authorize Wallace H. Baker and Associates to encroach with a landscaped median strip in proposed Windsor Fields Lane west of Portland Place and east of Windsor Farms. The petitioner is developing the Windsor Fields subdivision and proposes to install a landscaped median in the street which will serve as access to the subdivision from Portland Place. The street and landscape improvements would be constructed by the petitioner. The median would be 70 feet in length and 10 feet in width and would include trees, low shrubs and ground cover. There would be no identification sign in the median. Maintenance would be provided by the Windsor Fields Homeowners Association. A final landscaping plan would be approved by the Director of Planning prior to installation. The landscaped median is part of a comprehensive landscaping plan which would be implemented by the developer on private property at the Windsor Fields entrance drive. The subdivision was approved by the Commission in May of last year and included a condition that the intersection be designed in accordance with normal City street standards or be authorized by Council as an encroachment. The ordinance contains the normal encroachment conditions regarding proper installation, maintenance, payment of annual encroachment fees, and liability protection for the City.

Very truly yours,

A handwritten signature in cursive script, reading "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Wallace Hayward Baker - Applicant
Director - Department of Public Works