

AN ORDINANCE No 85-273 - 255

ADOPTED NOV 11 1985

To permit Patricia M. Asch, Trustee, to encroach in, on, upon, across, over and along the west right of way (in the sidewalk area) of 104 Shockoe Slip, between Cary Street and Canal Street, 13 square feet, more or less, with a double-faced, back-lit identification sign attached to and mounted upon a steel post anchored into the sidewalk, and requisite wiring, 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 Patricia M. Asch, Trustee, and successors
3. in title, hereinafter referred to as "Licensee", is hereby
4. permitted to encroach in, on, upon, across, over and along
5. the west right of way (in the sidewalk area) of 104 Shockoe
6. Slip, between Cary Street and Canal Street, 13 square feet,
7. more or less, with a double-faced, back-lit identification
8. sign attached to and mounted upon a steel post anchored into
9. the sidewalk, and requisite wiring (electric line to build-
10. ing), to the extent and in the manner shown on the copy of
11. the plan attached to the draft of this ordinance, entitled:
12. "Proposed Sign Encroachment in the Sidewalk Area at 104
13. Shockoe Slip, between Cary St. and Canal St.", marked
14. "Drawing No. N-21423", dated September 12, 1985, until such

1. time as the encroachment or a substantial part or parts
2. thereof shall be removed or destroyed subject to the
3. provisions and conditions contained in Section 2.04(e) of
4. the Charter of the City of Richmond.

5. § 2. That the permission granted in § 1 of this
6. ordinance is granted upon and subject to the following
7. additional terms and conditions:

8. (a) That all cost shall be borne by the Licensee,
9. Patricia M. Asch, Trustee.

10. (b) That Patricia M. Asch, Trustee, or her
11. contractor, shall install, construct, repair, maintain, and
12. remove the sign and supporting structure in a manner
13. satisfactory to the Directors of Public Works, Public Safety
14. and Public Utilities.

15. (c) That Patricia M. Asch, Trustee, or any
16. contractor engaged by her, shall secure any required work
17. permits prior to commencing work.

18. (d) Any portion of the street, sidewalk and any
19. public utility that may be disturbed or destroyed by reason
20. of the installation, construction, repair, reconstruction,
21. maintenance, or removal of said sign and supporting
22. structure shall be restored and replaced in a manner
23. satisfactory to the directors and with materials approved
24. by them.

1. (e) That the Licensee shall pay to the City for the
2. use and occupancy of the space in or over the street such
3. charges as Council has heretofore or may hereafter prescribe
4. for such use of the public streets which may be increased or
5. decreased or otherwise modified at any time and from time to
6. time by the Council.

7. (f) That the Licensee shall indemnify, keep and
8. hold the City free and harmless from liability on account of
9. injury or damage to persons, firms and corporations and
10. property growing out of such use of the street and the
11. installation, construction, maintenance, repair, operation
12. and removal of the encroachment, and in the event that suit
13. shall be brought against the City, either independently or
14. jointly with the Licensee on account thereof, the Licensee
15. shall defend the City in any such suit at her cost, and in
16. the event of a final judgment being obtained against the
17. City either independently or jointly with the Licensee, she
18. shall pay such judgment and all costs and hold the City
19. harmless therefrom.

20. (g) That the Licensee shall require any contractor
21. or contractors engaged by her to furnish a public liability
22. and property damage insurance contract or contracts naming
23. therein the City as an insured thereunder, which shall
24. provide indemnities of not less than \$500,000 combined

1. ordinance relating thereto. The Licensee shall pay all
2. premiums chargeable for the bond and shall keep the same in
3. full force and effect at all times during the existence and
4. removal of the encroachment and replacement and restoration
5. of the street, sidewalk or any public utility damaged,
6. disturbed or destroyed thereby. The bond shall contain a
7. provision that it shall not be terminated or otherwise
8. allowed to expire prior to sixty days written notice to that
9. effect given to the directors.

10. (j) That the Licensee shall furnish the City a
11. public liability and property damage insurance contract or
12. contracts naming therein the City as an insured thereunder,
13. which shall provide indemnities of not less than \$500,000
14. for combined coverage for bodily injuries and for property
15. damage resulting from the construction, repair, installation
16. and removal of the encroachment. Such policy shall provide
17. for the payment of any final judgment that may be rendered
18. against the City by reason of any person being injured or
19. damaged in any way in person or property by the encroach-
20. ment. The Licensee shall pay all premiums chargeable for
21. such contract or contracts of insurance and keep the same in
22. full force and effect at all times during the existence and
23. removal of the encroachment and replacement and restoration
24. of any public utility affected by such encroachment. Such

1. coverage for bodily injuries and for property damage
2. resulting from the construction, repair, installation and
3. removal of the encroachment. Such policy shall provide for
4. the payment of any final judgment that may be rendered
5. against the City by reason of any person being injured or
6. damaged in any way in person or property by the encroach-
7. ment. Such contract of insurance shall contain a provision
8. that it shall not be terminated or otherwise allowed to
9. expire prior to sixty days after written notice to that
10. effect is given the directors.

11. (h) Removal of the sign and supporting structure at
12. any time in the future shall be at the sole expense of the
13. Licensee, Patricia M. Asch, Trustee, or her successors in
14. title.

15. (i) That the Licensee shall furnish the City a bond
16. with corporate surety approved by the City Attorney in the
17. sum of two thousand dollars conditioned upon the removal of
18. the encroachment and replacement and restoration of any
19. street, sidewalk or public utility damaged, disturbed or
20. destroyed thereby in a manner and with such materials to the
21. satisfaction of the directors when ordered to do so by the
22. Council, or upon repeal of this ordinance, or upon the
23. failure, refusal or neglect of the Licensee to comply fully
24. and in all respects with the provisions of this or any other

1. contract of insurance shall contain a provision that it
2. shall not be terminated or otherwise allowed to expire prior
3. to sixty days after written notice to that effect is given
4. the directors.

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

15. (l) It shall be the sole responsibility of the
16. Licensee, Patricia M. Asch, Trustee, to provide all docu-
17. ments, policies, bonds and other materials or information
18. requisite for this ordinance becoming effective.

19. § 3. This ordinance shall be in force upon
20. adoption and shall become effective when within six months
21. of the date of adoption the Licensee and contractor shall
22. furnish the required insurance and Licensee furnish the bond
23. and files with the City Clerk a written statement in form
24. satisfactory to the City Attorney to the effect that the

1. Licensee agrees to the terms and conditions upon which such
2. permission is granted and agrees to be bound thereby and to
3. observe and comply therewith and any contractor furnishes
4. requisite proof of having the required liability insurance.

City of Richmond
City Planning Commission



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

November 5, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of November 4, 1985, the City Planning Commission voted (7-1-1) to recommend APPROVAL of:

Ordinance No. 85-273

To permit Patricia M. Asch, Trustee, to encroach in, on, upon, across, over and along the west right of way (in the sidewalk area) of 104 Shockoe Slip, between Cary Street and Canal Street, 13 square feet, more or less, with a double-faced, back-lit identification sign attached to and mounted upon a steel post anchored into the sidewalk, and requisite wiring, upon certain terms and conditions.

This paper would authorize an encroachment into the sidewalk area of Shockoe Slip south of Cary Street and in front of the Bowers Building. The encroachment is to accommodate a double-sided, thirteen square-foot freestanding identification sign for the Bowers Building. The design of the sign structure would be compatible with the area and would be similar to the design of City light poles used throughout the Shockoe Slip historic area. The total height of the structure would be approximately thirteen feet. It would be located adjacent to the curb, and would not impair use of the sidewalk, which is eleven feet in width at this point. The sign would be internally illuminated by an incandescent source, and the petitioner has agreed that it would remain lit only during the evening business hours of tenants of the building.

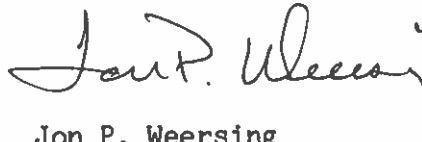
The Commission of Architectural Review, which administers the Shockoe Slip Old and Historic District regulations, has approved the design and location of the encroachment. The C.A.R. noted the unique location and orientation of the building and suggested that other sign structures in the sidewalk areas of Shockoe Slip should be discouraged. The Urban Design Committee has also reviewed the proposal and endorsed it.

During the discussion on this proposal, the Commission expressed a general feeling that private advertising signs in the public rights-of-way should be discouraged, and that a precedent for such should not be established. Some of the members felt strongly that it should be the general policy throughout the City to discourage private advertising in public areas. However, relying to a great extent on the judgement of the C.A.R. and U.D.C., and recognizing the several unique aspects in this instance, the majority of the Commission members felt the merits of this particular proposal justify its approval and would avoid precedent.

November 5, 1985

It was noted that the Bowers Building is an historic structure, and the purpose of the sign is to identify the structure, rather than to advertise a particular business or product. The location and orientation of the building are unique, in that Shockoe Slip is a pedestrian emphasis area and not a through street. The building is oriented to the plaza and has no direct exposure to or visibility from a through street. Due to its architectural features, additional identification attached to the building, particularly projecting signs, would not be appropriate and the proposed freestanding sign enables a reasonable alternative. Also, the sign itself is pedestrian-oriented in terms of scale and location. Although visible from Cary Street, its presence would not be overwhelming or inconsistent with the character of the area. Finally, the design scrutiny that has been afforded by the C.A.R. and U.D.C. in this case assures compatibility of the encroachment. Approval is, therefore, recommended.

Very truly yours,



Jon P. Weersing
Secretary

JWP:lk

cc: Mr. J. W. Daniels, Jr. - Petitioner
Director - Department of Public Works

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-273	Subject Encroachment/104 Shockoe Slip.
Requested by City Manager	
Received City Manager's Office --	
Summarized 11/4/85	

SUMMARY

This Ordinance would authorize a sidewalk encroachment with a sign as shown "shaded" and noted on a plan prepared by the Department of Public Works designated DPW Drawing No. N-21423 entitled, "Proposed Sign Encroachment in the Sidewalk Area at 104 Shockoe Slip Between Cary Street and Canal Street".

This request was made by letter dated August 27, 1985, and signed by J. W. Daniels, Jr., President, The Jackson Co. The applicant states that the sign is very important to the success of The Bowers Building which does not have high visibility from Cary Street. The sign will be similar to the lights installed by the City and would be placed in line with these existing lights.

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

1. Applicant to bear all cost incident to the encroachment.
2. A six-month expiration clause be included.
3. Liability insurance shall be maintained in effect during construction and the life of the encroachment.
4. Applicant shall furnish removal bond.
5. Applicant must obtain proper permits prior to beginning construction.
6. An annual fee be charged for subject encroachment.

COUNCIL ACTION

On Docket 11/11/85
Amended
Adopted
Rejected