

INTRODUCED: October 10, 2016

AN ORDINANCE No. 2016-263

To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law of certain easements upon, over, under, and across certain property located in Joseph Bryan Park at 4308 Hermitage Road for the construction, maintenance, and operation of sewer improvements and associated appurtenances in accordance with a certain Deed of Utilities Easement.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 14 2016 AT 6 P.M.

WHEREAS, following the introduction of this ordinance, the City Clerk has caused to be advertised, once a week for two successive weeks in a newspaper of general circulation published in the city of Richmond, a descriptive notice of the Deed of Utilities Easement attached to this ordinance, which notice:

1. included a statement that a copy of the full text of the ordinance is on file in the office of the City Clerk;
2. invited bids for the easements offered to be granted in and by this ordinance, which bids were to be:

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 14 2016 REJECTED: _____ STRICKEN: _____

- a. delivered in writing to the presiding officer of the Council of the City of Richmond at its regular meeting to be held on November 14, 2016, at 6:00 p.m., in open session;
 - b. presented by the presiding officer to the Council; and
 - c. then dealt with and acted upon in the mode prescribed by law;
3. required that all bids for the easements hereby offered to be granted shall be submitted in writing as required by law; and
 4. reserved the Council's right to reject any and all bids; and

WHEREAS, the deadline for the receipt of bids has passed, all bids have been received, and the Council is prepared to act in accordance with sections 15.2-2102 or 15.2103, or both, of the Code of Virginia (1950), as amended;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That there shall be granted in the manner prescribed Article VII, Section 9 of the Constitution of Virginia and Title 15.2, Chapter 21, Article 1, §§ 15.2-2100—15.2-2108.1:1 of the Code of Virginia (1950), as amended, certain easements upon, over, under, and across certain property located in Joseph Bryan Park at 4308 Hermitage Road for the construction, maintenance, and operation of sewer improvements and associated appurtenances on that property as described and under the conditions set forth in the Deed of Utilities Easement, a copy of which is attached to and incorporated into this ordinance, to the following tenant:

County of Henrico.

§ 2. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute the Deed of Utilities Easement between the City of Richmond as grantor and the grantee identified in section 1 of this ordinance to grant certain

easements upon, over, under, and across certain real property located in Joseph Bryan Park at 4308 Hermitage Road for the construction, maintenance, and operation of sewer improvements and associated appurtenances by such grantee, provided that:

(a) The Deed of Utilities Easement has first been approved as to form by the City Attorney and is substantially in the form of the document attached to this ordinance;

(b) The tenant identified in section 1 of this ordinance has first executed a bond, with good and sufficient security, in favor of the City of Richmond, Virginia, in the amount of \$50.00 and conditioned upon the construction, operation and maintenance of the sewer improvements and associated appurtenances as provided for in the granted easements, with such bond in a form acceptable to the Chief Administrative Officer and approved as to form by the City Attorney; and

(c) The tenant identified in section 1 of this ordinance has first paid all costs incurred in connection with the advertisement of this ordinance, as required by section 15.2-2101 of the Code of Virginia (1950), as amended.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE



O&R REQUEST

4-5655

DATE: September 1, 2016

EDITION: O & R REQUEST

TO: The Honorable Members of City Council

SEP 7 2016

THROUGH: Dwight C. Jones, Mayor

Chief Administration Office
City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrator Officer

THROUGH: Debra Gardner, Deputy Chief Administrative Office Human Services

THROUGH: John Buturla, Deputy Chief Administrative Officer Operations

THROUGH: Robert C. Steidel, Director DPU

THROUGH: Barry Russell, Deputy Director Parks, Recreation and Community Facilities

THROUGH: Rosemary H. Green, Deputy Director DPU

FROM: Charles "Scott" Yates, Operations Manager, DPU

RECEIVED

RE: Upham Brook Trunk Sewer Easements; County of Henrico

SEP 20 2016

ORD. OR RES. No. _____

OFFICE OF CITY ATTORNEY

PURPOSE: To declare a public necessity and to grant Henrico County, pursuant to Section 15.2-2100 of the State Code, easements with a term of 40 years on property along Bryan Park Avenue owned by the City [Parks and Recreation] known as "Bryan Park" [Parcel #N017025001] as shown on Sheets 1 through 7 of plats identified as "PLAT SHOWING VARIABLE WIDTH UTILITY EASEMENTS AND VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS TO BE ACQUIRED THROUGH THE PROPERTY OF THE CITY OF RICHMOND RECREATION & PARKS IN THE CITY OF RICHMOND, VIRGINIA" prepared by Precision Measurements, Inc.

As a result of the construction that will follow after declaring a public necessity and granting this easement, there will be some loss of tree canopy that the County project provides funding to restore. A separate paper will be submitted to accept this gift once the actual inches of tree caliper removed has been determined.

REASON: An existing portion of the County's sanitary sewer facilities currently crosses through City owned property and City owned right-of-way. Capacity improvements are needed for these sanitary sewer facilities due to growth projections in the sewer shed and increased flow projections from contributing wastewater pump stations. Additional capacity is also required for the control of wet weather flows.

These issues were identified in the County's *2007 Water and Sewer Facilities Plan*. Therefore, the County is seeking to upgrade their infrastructure by constructing parallel sewer facilities that will allow the County to continue to serve the applicable areas and alleviate concerns with system overflows and maintain compliance with Sections 9 VAC 25-790-310 and 320 of the SCAT Regulations, which are the governing regulations through DEQ.

The County has agreed to provide compensation to the City through the Enrichmond Foundation for City trees removed during construction that satisfies all applicable City requirements related to the areas upon which these easements will be established. Work conducted within the City owned right-of-way will be subject to the typical permitting requirements enforced by the City.

RECOMMENDATION: The proposed ordinance would facilitate the County's ability to perform this system upgrade with no foreseen impairments to the City other than those resulting from/during the actual construction activities. The recommendation is to approve the proposed ordinance to authorize the Chief Administrative Officer to take the actions set forth in the proposed ordinance.

The requested ordinance, if adopted, would authorize the Chief Administrative Officer to execute a Deed of Easement Agreement ["Deed of Easement"] with Henrico County. This agreement would require updating prior to the expiration of the forty [40] year period by the County, if it so desires, with approval by the City.

BACKGROUND: The County began design on the needed sanitary sewer capacity upgrades in November 2012 and approached the City about the need for the temporary and permanent easements during this design process. The County has held public meetings for City and County residents living near Bryan Park with attendance by Councilman Chris Hilbert at the City meeting. The County expects to complete their project design by summer 2016 and bid the project. Construction could begin as early as January 2017. The easements were considered and approved by the Planning Commission at the April 18th meeting.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None. Payment estimated between \$110,000 to \$186,856 will be made to Enrichmond Foundation to restore lost tree canopy as discussed above.

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: September 26, 2016

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Public Safety

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: NA

AFFECTED AGENCIES: Department of Parks, Recreation & Community Facilities and Department of Public Works

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Deed of Easement

STAFF:

Department of Public Utilities: Robert C. Steidel; Rosemary H. Green, C. Scott Yates

Department of Public Works: Emmanuel Adediran, M. Khara, Brian Copple, John Chupek

Department of Parks and Recreation: Barry Russell

Department of Planning and Development Review: Mark Olinger

Prepared by and after recording return to:
City of Richmond, Department of Public Utilities
900 East Broad Street
Richmond, VA 23221
Attn: Scott Yates

Tax Map No. N0170250001

DEED OF UTILITY EASEMENT

THIS DEED OF UTILITY EASEMENT (this "Deed") is made this _____ day of _____, 2016, by and between the CITY OF RICHMOND, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantor (the "GRANTOR"), and _____, to be indexed as grantee (the "GRANTEE").

EXEMPTION FROM TAXES

This conveyance is exempt from Recordation Taxes pursuant to Sections 58.1-811(A)(3) and 58.1-811 (C)(4) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, GRANTOR holds fee simple title to certain real property situated in Richmond, Virginia, designated as Tax Parcel No. N0170250001 and being a portion of the same real estate conveyed to GRANTOR by deed recorded in the Clerk's office of the Circuit Court of Richmond, Virginia, in Deed Book 205 at page 373 (the "Property"); and

WHEREAS, GRANTEE desires to construct, operate and maintain sewer improvements and associated appurtenances (the "Facilities") on the Property and requests from GRANTOR two variable width easements of forty (40) years' duration and two variable width temporary construction easements within the Property for such purposes, which easements GRANTOR is willing to convey.

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby convey to GRANTEE, with General Warranty of Title, two variable width easements totaling 17,470 sq. ft. to last forty (40) years (the "Forty-Year Easements") and two temporary construction easements totaling 55,999 sq ft., one 15 ft. wide and the other of variable width (the "Temporary Easements"), upon, over, under and across the land owned by GRANTOR for the construction, operation and maintenance of the Facilities the location of which Forty-Year Easements and Temporary Easements (collectively the "Easements") is more particularly shown on the plat entitled, "Plat Showing Variable Width Permanent Utility Easements and Variable Width Temporary Construction Easements to Be Acquired Through the Property of the City of Richmond Recreation & Parks in the City of Richmond" prepared by Precision Measurements, Inc., dated August 14, 2015, and marked as Attachment A, attached hereto and incorporated herein. The Temporary Easements will expire upon GRANTEE's completion of both the Work and any subsequent restoration of the Property, as described in paragraph 3 of this Deed.

The Easements shall be SUBJECT to the following conditions:

1. The Facilities shall be and remain the property of GRANTEE.
2. GRANTEE shall have the right to relocate the Facilities and to make additions, extensions, alterations, or substitutions thereto, including the right to install additional improvements, within the Forty-Year Easements as GRANTEE may from time to time deem advisable or expedient. GRANTEE shall notify GRANTOR's Director of Parks, Recreation and Community Facilities in writing of GRANTEE's intent to perform such relocation of, or addition, extension, alteration or substitution to, the Facilities at least thirty (30) days prior to engaging in any such activity.
3. GRANTEE shall have the right to alter or remove any structures or obstructions, natural or artificial, in the Easements that it deems to interfere in any way with the proper and efficient construction, operation, or maintenance of the Facilities. GRANTEE, at its own expense, shall restore, as nearly as possible, the Property to the condition existing on the date of this Deed. Restoration shall include, but not be limited to, the removal of all debris and trash, the backfilling and compaction of trenches, the replacement of topsoil and fences, and the reseedling of lawns or pasture areas. Except as provided herein, Restoration shall not include the replacement of structures, trees, shrubbery, landscaping or other facilities located within the Easements; provided, however, GRANTEE will grant a cash sum to the Enrichmond Foundation ("Enrichmond"), in accordance with the terms of GRANTEE's Application for a Variance to the Municipal Tree Policy, dated December 10, 2015, attached hereto and incorporated herein as Attachment B, as compensation to GRANTOR for trees GRANTEE may remove or damage during its initial construction of the Facilities.
4. GRANTOR reserves the right to use the Easements in a manner not inconsistent with the rights herein conveyed, or which does not interfere with or endanger the Facilities; however, GRANTOR shall not erect any buildings or other structures, except fences, within the Easements without obtaining the prior written approval of GRANTEE's Director of Public Utilities.
5. It is expressly understood and agreed that the Easements are nonexclusive and are granted subject to all currently existing valid easements, agreements, covenants, restrictions and conditions of record affecting the property or any part thereof. The provisions of this Deed shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, GRANTOR has hereunto affixed their signature and seal as of the day and year first hereinabove written.

CITY OF RICHMOND (GRANTOR)

BY: _____

Selena Cuffee-Glenn

Chief Administrative Officer

City of Richmond, Virginia

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

I, _____, Notary Public in and for the City/County and State aforesaid, do hereby certify that _____ whose name is signed to the foregoing deed of easement, bearing date _____ day of _____, 20____, personally appeared before me in my City/County and State aforesaid and acknowledged the same to be their act and deed.

Given under my hand this _____ day of _____, 20____.

Notary Public

Notary Registration Number: _____

My commission expires: _____

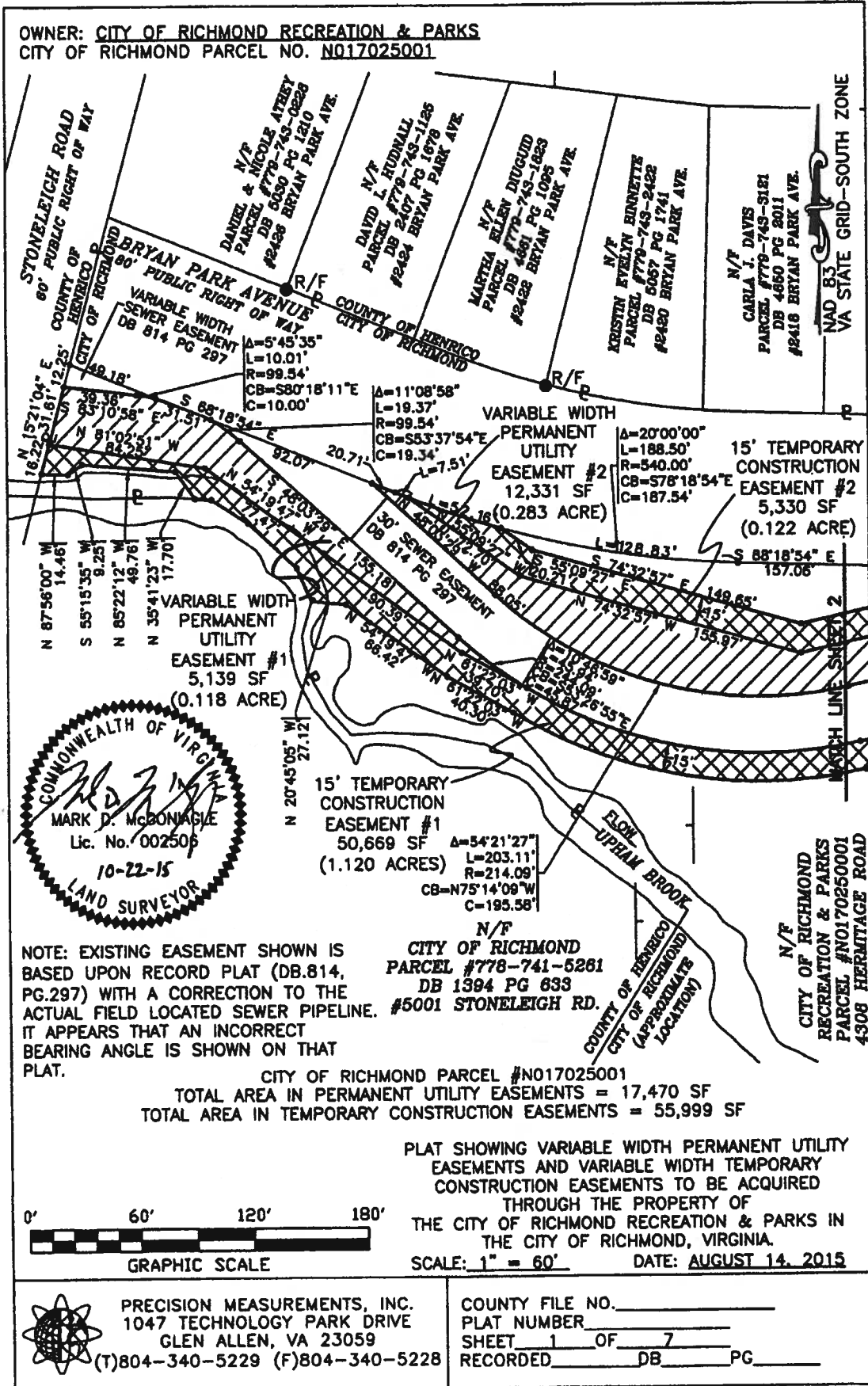
APPROVED AS TO FORM

[Signature]

Attachment A

APPROVED FOR
LOCATION
AND DESIGN
BY DPL W. J. O.
DATE 10-26-15

OWNER: CITY OF RICHMOND RECREATION & PARKS
CITY OF RICHMOND PARCEL NO. N017025001

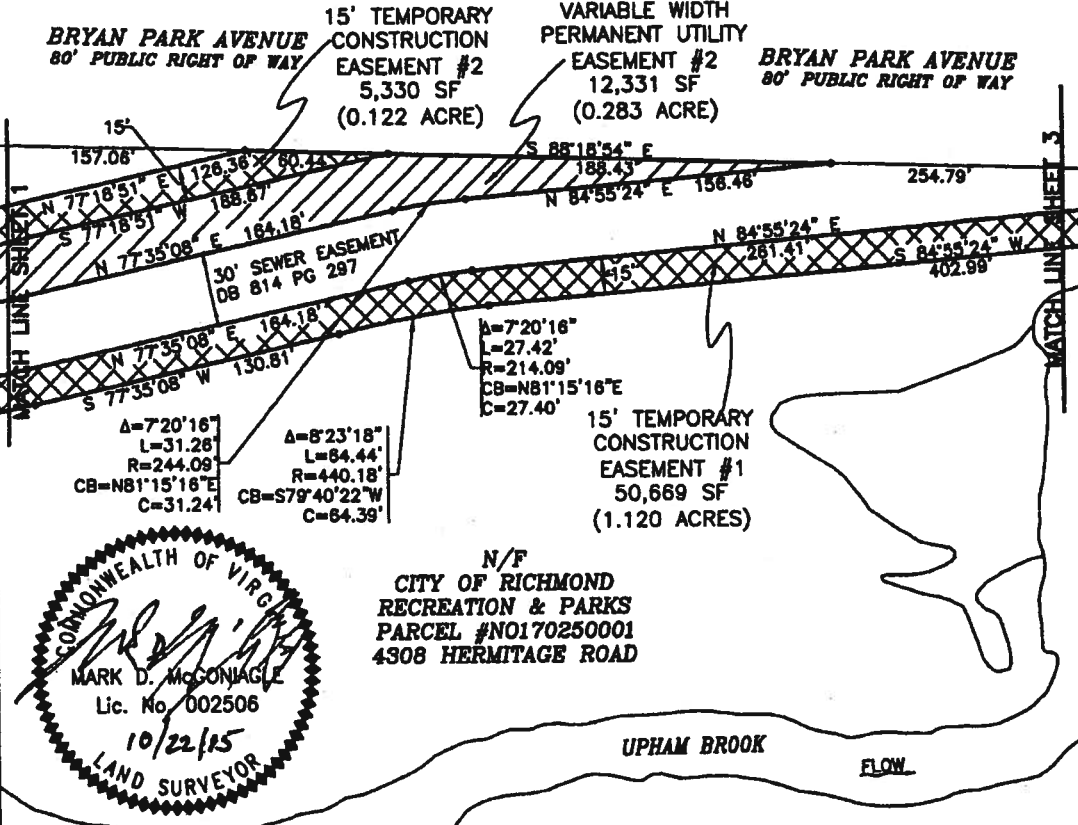


OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001

N/F CYNTHIA JANE MCKON PARCEL #779-743-3881 DB 2310 PG 2204 #2416 BRYAN PARK AVE.	N/F GAYNELLE G. BURNETTE, ET UX PARCEL #779-743-4621 DB 1744 PG 1711 #2414 BRYAN PARK AVE.	N/F IRIS N. WINSTEAD PARCEL #779-743-6321 WB 127 PG 1054 #2412 BRYAN PARK AVE.	N/F ALLISON J. SCHNURRER PARCEL #779-743-9021 DB 515 PG 937 #2410 BRYAN PARK AVE.	N/F VIRGINIA C. LOVE, ESTATE PARCEL #779-743-6820 DB 2319 PG 1676 #2408 BRYAN PARK AVE.	N/F JACOB A. & CHERYL B. PORTER PARCEL #779-743-7620 DB 8928 PG 1857 #2406 BRYAN PARK AVE.
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NAD 83
VA STATE GRID—SOUTH ZONE

COUNTY OF HENRICO
 CITY OF RICHMOND

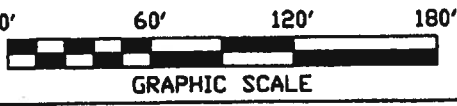


COMMONWEALTH OF VIRGINIA
 MARK D. MCGONAGLE
 Lic. No. 002506
 10/22/15
 LAND SURVEYOR

N/F
 CITY OF RICHMOND
 RECREATION & PARKS
 PARCEL #N0170250001
 4308 HERMITAGE ROAD

CITY OF RICHMOND PARCEL #N017025001
 TOTAL AREA IN PERMANENT UTILITY EASEMENTS = 17,470 SF
 TOTAL AREA IN TEMPORARY CONSTRUCTION EASEMENTS = 55,999 SF

PLAT SHOWING VARIABLE WIDTH PERMANENT UTILITY
 EASEMENTS AND VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENTS TO BE ACQUIRED
 THROUGH THE PROPERTY OF
 THE CITY OF RICHMOND RECREATION & PARKS IN
 THE CITY OF RICHMOND, VIRGINIA.

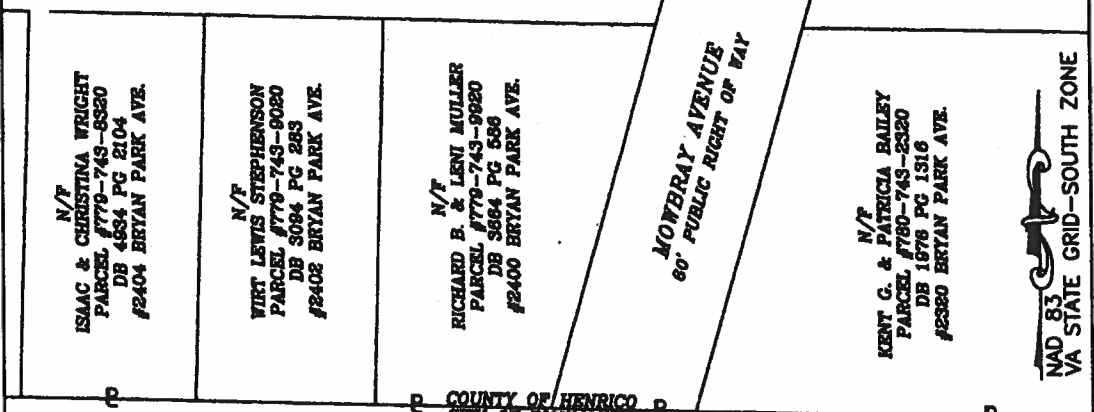


SCALE: 1" = 60' DATE: AUGUST 14, 2015

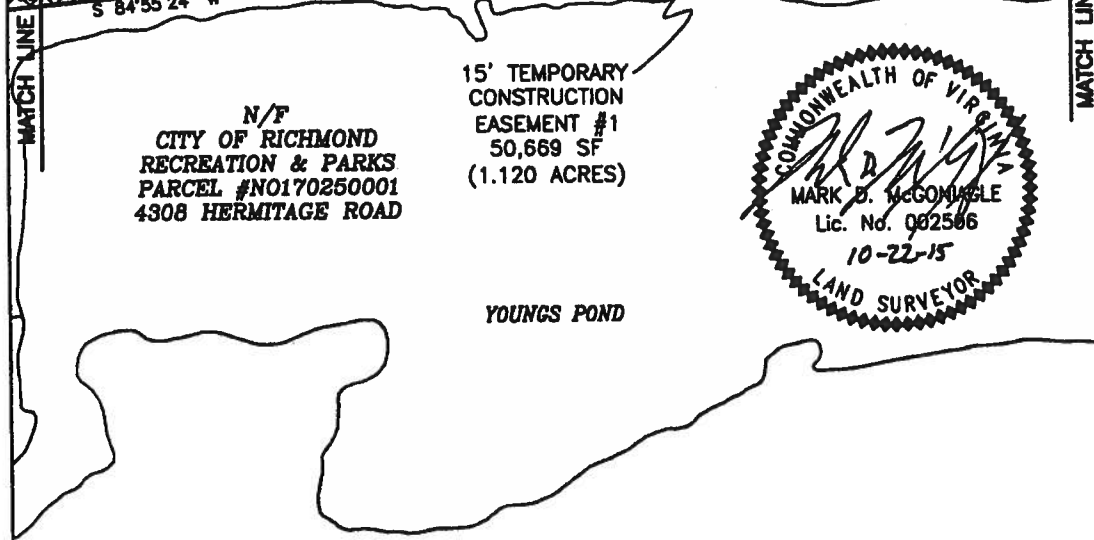
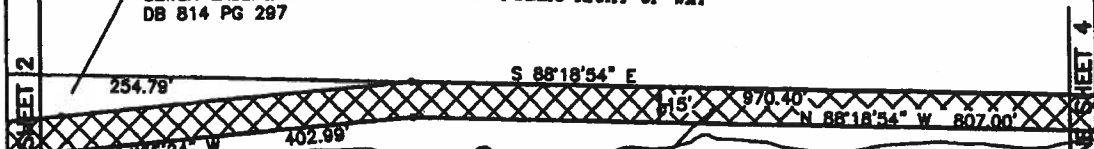
PRECISION MEASUREMENTS, INC.
 1047 TECHNOLOGY PARK DRIVE
 GLEN ALLEN, VA 23059
 (T)804-340-5229 (F)804-340-5228

COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 2 OF 7
 RECORDED _____ DB _____ PG _____

OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001



COUNTY OF HENRICO
 CITY OF RICHMOND



CITY OF RICHMOND PARCEL #N017025001
 TOTAL AREA IN PERMANENT UTILITY EASEMENTS = 17,470 SF
 TOTAL AREA IN TEMPORARY CONSTRUCTION EASEMENTS = 55,999 SF

PLAT SHOWING VARIABLE WIDTH PERMANENT UTILITY EASEMENTS AND VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENTS TO BE ACQUIRED THROUGH THE PROPERTY OF THE CITY OF RICHMOND RECREATION & PARKS IN THE CITY OF RICHMOND, VIRGINIA.
 SCALE: 1" = 60' DATE: AUGUST 14, 2015



 PRECISION MEASUREMENTS, INC.
 1047 TECHNOLOGY PARK DRIVE
 GLEN ALLEN, VA 23059
 (T)804-340-5229 (F)804-340-5228

COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 3 OF 7
 RECORDED _____ DB _____ PG _____

OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001

N/F
 KENT G. & PATRICIA BAILEY
 PARCEL #780-743-8380
 DB 1876 PG 1316
 #2380 BRYAN PARK AVE.

N/F
 WILLIAM & ELEANOR BROWN
 PARCEL #780-743-8819
 DB 3655 PG 687
 #2318 BRYAN PARK AVE.

N/F
 TIMOTHY R. & P.W. BRADFORD
 PARCEL #780-743-4518
 DB 2303 PG 1378
 #2316 BRYAN PARK AVE.

N/F
 DENISE JACOBSEN
 PARCEL #780-743-5818
 DB 6376 PG 696
 #2314 BRYAN PARK AVE.

N/F
 MICHAEL & JOAN E. KLEIN
 PARCEL #780-743-5918
 DB 4514 PG 2221
 #2310 BRYAN PARK AVE.

N/F
 EDWARD P. & SANDRA H. KIERNAST
 PARCEL #780-743-6618
 DB 4769 PG 673
 #2308 BRYAN PARK AVE.

NAD 83
 VA STATE GRID - SOUTH ZONE

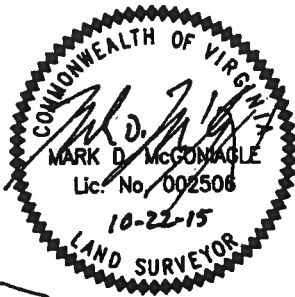
COUNTY OF HENRICO
 CITY OF RICHMOND

BRYAN PARK AVENUE
 80' PUBLIC RIGHT OF WAY

MATCH LINE SHEET 3

MATCH LINE SHEET 5

N 88°18'54" W 807.00' 970.40' S 88°18'54" E 15'



15' TEMPORARY
 CONSTRUCTION
 EASEMENT #1
 50,669 SF
 (1.120 ACRES)

N/F
 CITY OF RICHMOND
 RECREATION & PARKS
 PARCEL #N0170250001
 4308 HERMITAGE ROAD

YOUNGS POND

CITY OF RICHMOND PARCEL #N017025001
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PLAT SHOWING VARIABLE WIDTH PERMANENT UTILITY
 EASEMENTS AND VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENTS TO BE ACQUIRED
 THROUGH THE PROPERTY OF
 THE CITY OF RICHMOND RECREATION & PARKS IN
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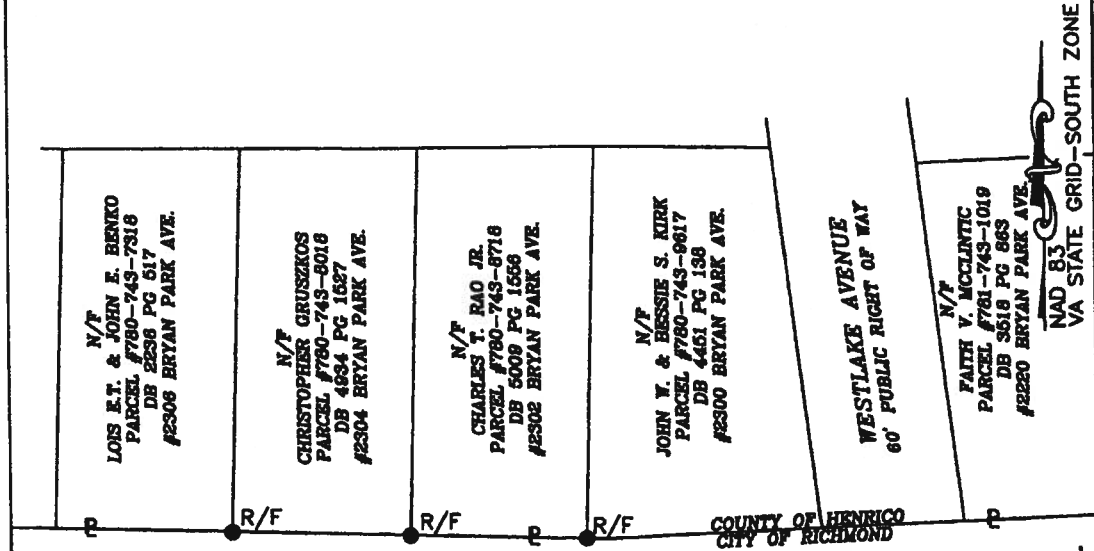
SCALE: 1" = 60' AUGUST 14, 2015



PRECISION MEASUREMENTS, INC.
 1047 TECHNOLOGY PARK DRIVE
 GLEN ALLEN, VA 23059
 (T)804-340-5229 (F)804-340-5228

COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 4 OF 7
 RECORDED _____ DB _____ PG _____

OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001



COUNTY OF HENRICO
 CITY OF RICHMOND

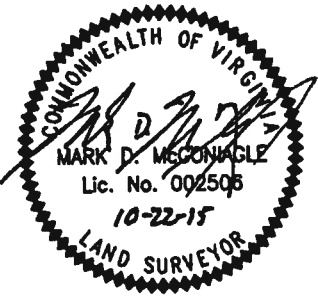
BRYAN PARK AVENUE
 80' PUBLIC RIGHT OF WAY



20' TEMPORARY
 CONSTRUCTION
 EASEMENT #1
 50,669 SF
 (1.120 ACRES)

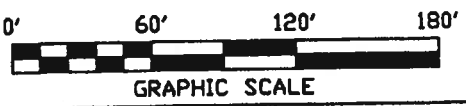
N/F
 CITY OF RICHMOND
 RECREATION & PARKS
 PARCEL #N017025001
 4308 HERMITAGE ROAD

YOUNGS POND



CITY OF RICHMOND PARCEL #N017025001
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PLAT SHOWING VARIABLE WIDTH PERMANENT UTILITY
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 THROUGH THE PROPERTY OF
 THE CITY OF RICHMOND RECREATION & PARKS IN
 THE CITY OF RICHMOND, VIRGINIA.
 SCALE: 1" = 60' DATE: AUGUST 14, 2015

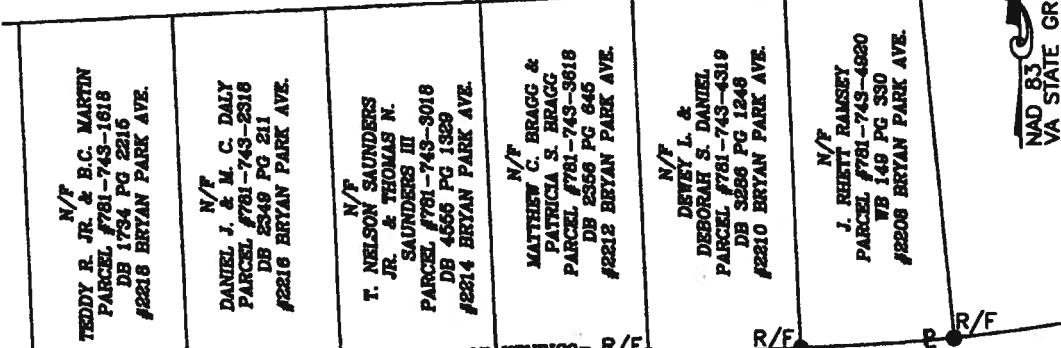


PRECISION MEASUREMENTS, INC.
 1047 TECHNOLOGY PARK DRIVE
 GLEN ALLEN, VA 23059
 (T)804-340-5229 (F)804-340-5228

COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 5 OF 7
 RECORDED _____ DB _____ PG _____

OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001

N/F
 SCOTT L. &
 JOHANNA BRUDVIG
 PARCEL #781-743-5421
 DB 2592 PG 2040
 #2206 BRYAN PARK AVE.



NAD 83
 VA STATE GRID - SOUTH ZONE

COUNTY OF HENRICO R/F
 CITY OF RICHMOND R/F

BRYAN PARK AVENUE
 80' PUBLIC RIGHT OF WAY

MATCH LINE SHEET 5

MATCH LINE SHEET 7

N 87°58'06" E 676.32'
 S 87°58'06" W 679.80'

20' TEMPORARY
 CONSTRUCTION
 EASEMENT #1
 50,669 SF
 (1.120 ACRES)

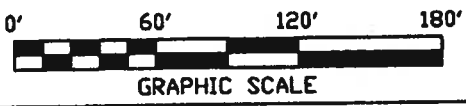


N/F
 CITY OF RICHMOND
 RECREATION & PARKS
 PARCEL #N017025001
 4308 HERMITAGE ROAD

YOUNGS POND

CITY OF RICHMOND PARCEL #N017025001
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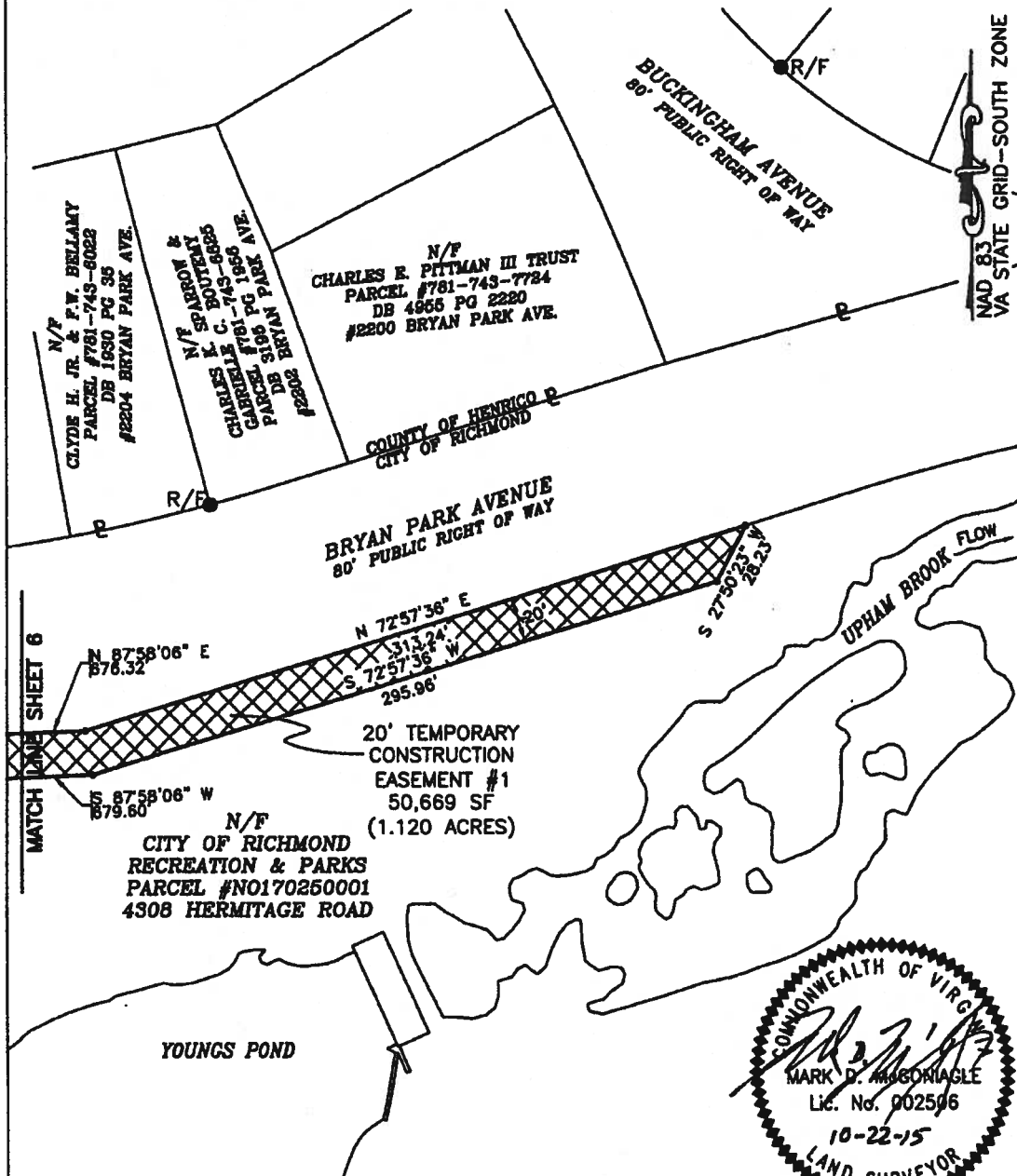
PLAT SHOWING VARIABLE WIDTH PERMANENT UTILITY
 EASEMENTS AND VARIABLE WIDTH TEMPORARY
 CONSTRUCTION EASEMENTS TO BE ACQUIRED THROUGH
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 THE CITY OF RICHMOND RECREATION & PARKS IN
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 SCALE: 1" = 60' DATE: AUGUST 14, 2015



PRECISION MEASUREMENTS, INC.
 1047 TECHNOLOGY PARK DRIVE
 GLEN ALLEN, VA 23059
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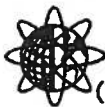
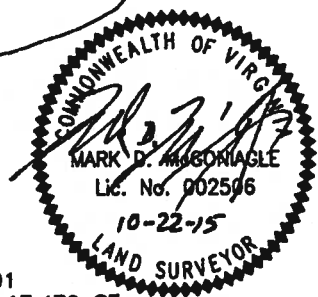
COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 6 OF 7
 RECORDED _____ DB _____ PG _____

OWNER: CITY OF RICHMOND RECREATION & PARKS
 CITY OF RICHMOND PARCEL NO. N017025001



CITY OF RICHMOND PARCEL #N017025001
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PRECISION MEASUREMENTS, INC.
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 GLEN ALLEN, VA 23059
 (T)804-340-5229 (F)804-340-5228

COUNTY FILE NO. _____
 PLAT NUMBER _____
 SHEET 7 OF 7
 RECORDED _____ DB _____ PG _____



Attachment B

CITY OF RICHMOND

Department of Public Works

Urban Forestry Division

800 Forest Lawn Dr. Richmond, VA 23227

Revised 08/18/11

Application for a Variance to the Municipal Tree Policy

After filing in this application, please submit for processing to the above address or the City of Richmond's arborist for the area the impacted tree(s) are in.

Applicant:

Date: December 10, 2015

Name: County of Henrico - Department of Public Utilities

Street Address: Parham and Hungary Springs Roads

City: Henrico

State: Virginia Zip: 23273-0775

Phone Number: (804) 501-4516

Email: pet12@henrico.us

I, the undersigned, do hereby appeal to the Director of the Department of Public Works for a variance to the Municipal Tree Policy, Section: 2 Letter: A Number: 1 as follows: (attach additional sheets, as needed)

The removal of 38 healthy trees (642 cumulative inches at diameter breast height) greater than four inch diameter to accommodate the construction of the Upham Brook Trunk Sewer project - NO. 1001/06447

This variance is requested for the tree(s) or plant sites located at: Street Address Within Bryan Park and Bryan Park Avenue and would have an affect upon the following tree(s) and/or plant site(s): Please see attached list and plans

I believe the variance is justified due to the following: (attach additional sheets, as needed)

Henrico County would like to rehabilitate their sanitary sewer system to reduce the occurrence of sanitary sewer overflows and to provide additional capacity for growth demands. The County agrees to issue a check for \$109,568 to the Adopt-A-Tree account within the Enrichmond Foundation to be put toward replacing the removed tree canopy within Bryan Park and elsewhere within the City of Richmond, as determined by the City's DPW Director. The final amount to the Adopt-A-Tree is contingent upon actual trees lost and quantified during construction.

Please see the attached letter from Arthur D. Petrinl, P.E., Director of the County of Henrico's Department of Public Utilities, dated December 23, 2014.

Signature of Applicant: Arthur D. Petrinl

Director to check decision: Variance Approved (circled), Variance Approved with Conditions (checked), Variance Denied. Director's Signature: [Signature], Date: 1/7/16



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

OFFICE OF THE COUNTY ATTORNEY

JOSEPH P. RAPISARDA, JR.
COUNTY ATTORNEY

J. T. TOKARZ
DEPUTY COUNTY ATTORNEY

RHYSA GRIFFITH SOUTH
LEE ANN ANDERSON
SENIOR ASSISTANT COUNTY ATTORNEYS

November 4, 2016

MARISSA D. MITCHELL
ANDREW R. NEWBY
AUDREY J. BURGES †
WADE T. ANDERSON †
DENISE M. LETENDRE
KAREN E. DOTTORE
JOHN D. GILBODY
JOHN D. McCHESNEY
MICHAEL F. KAESTNER
ASSISTANT COUNTY ATTORNEYS

Jean V. Capel, CMC
City Clerk, City of Richmond
900 E. Broad Street
Richmond, Virginia 23219



Dear Ms. Capel:

Attached are Henrico County's Bid Response and \$50 bond check for Ordinance No. 2016-263 scheduled for the November 14th Council meeting. Please let me know if you require anything more from Henrico to facilitate approval of the Deed of Utilities Easement request.

Very sincerely yours,

Rhysa Griffith South

Enclosure

cc: Arthur D. Petrini, P.E. (w/enc.) (email transmittal)
Neil R. Gibson, Esq. (w/enc.) (email transmittal)



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

DEPARTMENT OF PUBLIC UTILITIES

ARTHUR D. PETRINI, P.E.
DIRECTOR
(804) 501-4517

November 4, 2016

Jean V. Capel, CMC
City Clerk, City of Richmond
900 E. Broad Street
Richmond, VA 23219

**RE: Bid Response for Ordinance No. 2016-263
Deed of Utility Easement**

Dear Ms. Capel:

Respondent: County of Henrico, Virginia, a political subdivision

- The County of Henrico ("County") is a political subdivision of the Commonwealth of Virginia.
- The County wishes to obtain variable width utility easements and temporary construction easements (collectively, the "Deed of Utility Easement") to upgrade sewer infrastructure that serves the citizens of the County and the City of Richmond.

Qualifications: As the government entity providing sewer service, the County is uniquely qualified to accept the Deed of Utility Easement for public sewer service operations.

- The Deed of Utility Easement is necessary for the County to provide public sewer service to Richmond and Henrico citizens through needed capacity improvements to existing sanitary sewer facilities due to growth projections in the sewer shed, increased flow projections from contributing wastewater pump stations, and for the control of wet weather flows.
- The Deed of Utility Easement would facilitate the County's ability to perform this system upgrade with no foreseen impairments to the City other than those resulting from/during the actual constructions activities. The County has agreed to provide compensation to the City through the Enrichmond Foundation for City trees removed during construction that satisfies all applicable City requirements related to the areas upon which these easements are located. Work conducted within City-owned right-of-way will be subject to the typical permitting requirements enforced by the City.
- As the owner of the infrastructure, the County is the only party qualified to perform work, or contract for work to be performed on its behalf, on the County's sewer infrastructure.

Jean V. Capel, CMC
City Clerk, City of Richmond
November 4, 2016
Page 2 of 2

Conclusion: In conclusion, the County submits that it is ready and able to perform the sewer system operations under the proposed Deed of Utility Easement and is uniquely able to do so as the owner of the infrastructure that will be installed and modified in the easements. The County has agreed to compensate the City for trees removed due to the work performed in the easements, and the project has no foreseen impairments to the City outside of those resulting from construction activities.

Submitted by:
The County of Henrico, Virginia

A handwritten signature in black ink, reading "Arthur D. Petrini", written over a horizontal line.

Arthur D. Petrini, P.E.
Director of Public Utilities