




**City Of Richmond, Virginia
Office of the City Clerk**

Request to Withdraw Legislation

Paper Number: Ord. 2017-012

Chief Patron: Mayor Levar Stoney (By Request)

Introduction Date: January 23, 2017

Chief Patron Signature: 

For Office Use Only

Attestation: 

Effective Date: 9/21/2017

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-012

To close, to public use and travel, a portion of Northumberland Avenue running from the south line of West Roberts Street to such portion’s southern terminus, consisting of 16,355± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 27 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of Northumberland Avenue running from the south line of West Roberts Street to such portion’s southern terminus, consisting of approximately 16,355 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-28744, dated November 9, 2016, and entitled “Proposed Closing to Public Use and Travel of Northumberland Avenue from the South Line of W. Roberts Street to its Southern Terminus,” a copy of which drawing is attached to this ordinance.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ 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 (2010), 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 (2015), 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 or whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$92,765.98 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 one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) 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 16-foot utility easement, consisting of approximately 4,237 square feet, within the right-of-way area to be closed, as shown enclosed with broken lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28744, dated November 9, 2016, and entitled "Proposed Closing to Public Use and Travel of Northumberland Avenue from the South Line of W. Roberts Street to its Southern Terminus," a copy of which drawing is attached to this ordinance.

§ 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 areas other than that expressly retained under 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 only upon the satisfaction of the terms and conditions set out above.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

DEC 19, 2016
4-6095
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: December 8, 2016 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (By Request) [Signature]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer [Signature]

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer [Signature]

THROUGH: Emmanuel Adediran, Director Department of Public Works [Signature]

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

THROUGH: Brian Copple, Right of Way Manager Department of Public Works [Signature]

FROM: Marvin Anderson, Surveys Supt. Department of Public Works [Signature]

RECEIVED
JAN 06 2017
OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF NORTHUMBERLAND AVENUE FROM THE SOUTH LINE OF W. ROBERTS STREET TO ITS SOUTHERN TERMINUS

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a portion of Northumberland Avenue containing 16,355 square feet as shown enclosed with bold lines on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28744 dated November 9, 2016 (Project No. N-530/586/627-SC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF NORTHUMBERLAND AVENUE FROM THE SOUTH LINE OF W. ROBERTS STREET TO ITS SOUTHERN TERMINUS" at the request of the applicant.

REASON: Letter of request dated September 6, 2016 from Kimberly R. Kidd with W Brook Road, LLC. Two of the three adjacent parcels to this proposed closure are owned by W Brook Road LLC and the owner of the third parcel plans to convey or release their rights to any portion of this right-

of-way which is proposed for closing to W Brook Road, LLC. They wish to use this area to provide secure limited access to their property.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed right-of-way closing and requests 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 identify and protect the rights of any public and/or private owners of utilities who may have a vested interest or facilities in subject right-of-way.
3. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface 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. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$92,765.98.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence 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, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

The ordinance shall also mandate that the closure and transfer of the portion of Northumberland Avenue be subject to the City retaining a 16' utility easement within the proposed closed portion of Northumberland Avenue. Location of said easement is as defined on previously mentioned DPW Drawing #N-28744.

BACKGROUND: The requested closure is for a stub street which provides secondary frontage and access for three parcels. The applicant, W Brook Road, LLC, purchased the area encompassing the three parcels from the United States Postal Service in 2011 and has sold one parcel to Lombardy VU Realty, LLC in 2013. The purchaser constructed apartments on the parcel and has indicated that they have no need for this street and have provided documentation to the applicant that they would grant or convey any rights which they would have to a closed Northumberland Avenue to W Brook Road, LLC.

This stub section of Northumberland Avenue was used as a property entrance by the postal service for many years and no longer serves purpose to the general public. The applicant wishes to use this r/w for a limited access to their property from Roberts Street. Their property contains an office building and two warehouse buildings which they lease to small businesses that require a central City location. Maintaining and improving their access from Roberts Street will allow for improved access to the warehouse buildings and loading dock.

The value of the right of way to be vacated (16,355 sf) has been determined to be \$100,583.25 (\$6.15 per square foot) and is based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way. In this case the fee which will actually be paid to the City has been reduced by \$7,817.27 due to a utility easement being retained over a portion of the vacated r/w (4237 sf). The actual fee to be paid is \$92,765.98.

The closing of this right 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.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application & processing fee, \$92,765.98 for the adjusted cost of the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: January 9, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 23, 2017

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Economic and Community Development, Public Utilities; Assessor; Budget and Strategic Planning; Fire Department; Police Department.

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28744

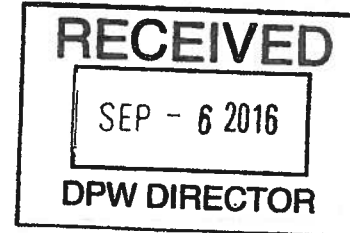
STAFF:

Prepared for Emmanuel Adediran
Prepared by Marvin Anderson
Research and Drawing Coordinated By: Raquel Aguirre
Department of Public Works
646-0435



September 6, 2016

Director of Public Works
City Hall, Room 701
900 E Broad Street
Richmond, VA 23219



Re: Closure of Unimproved City Street (Northumberland Ave)

Dear Sir or Madam:

I am writing to request that an unimproved City Street be closed to the public and the land be added to our tax parcel #N0000530010 (addressed as 2009 Brook Road). This unbuilt street is called Northumberland Avenue, and it comes off of Roberts Street, just a short distance from the intersection of Brook Road and Roberts Street. We purchased this property in 2011 from the United States Postal Service, and this unbuilt City Street had been used as a property entrance by the postal service for many years.

This unbuilt City Street serves no public purpose and is only of benefit to us; since we own most of the adjacent property as is shown on the enclosed survey plat. We wish to use this unbuilt City Street area for a limited access to our property from Roberts Street. Our property contains an office building and two warehouse buildings. Maintaining and improving our access from Roberts Street will allow for improved access to our warehouse buildings and loading dock. We are investors and lease this property to small businesses that require a central City location.

We sold an adjacent parcel, addressed as 2017 Brook Road, to Lombardy VU Realty, LLC in 2013. This purchaser constructed apartments on the 2017 Brook Road parcel and has no need for the unbuilt City Street. Lombardy VU Realty, LLC recently executed a Deed of Quitclaim; which releases all claims they have to this unbuilt City Street.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kim Kidd".

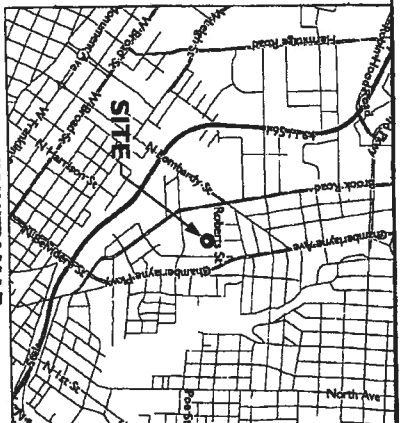
Kimberly R. Kidd

enc: Survey Plats
Quitclaim Deed-executed by Lombardy VU Realty, LLC

W. ROBERTS STREET
50' ± R/W

391.91' TO FOUND STONE AT BROOK RD.

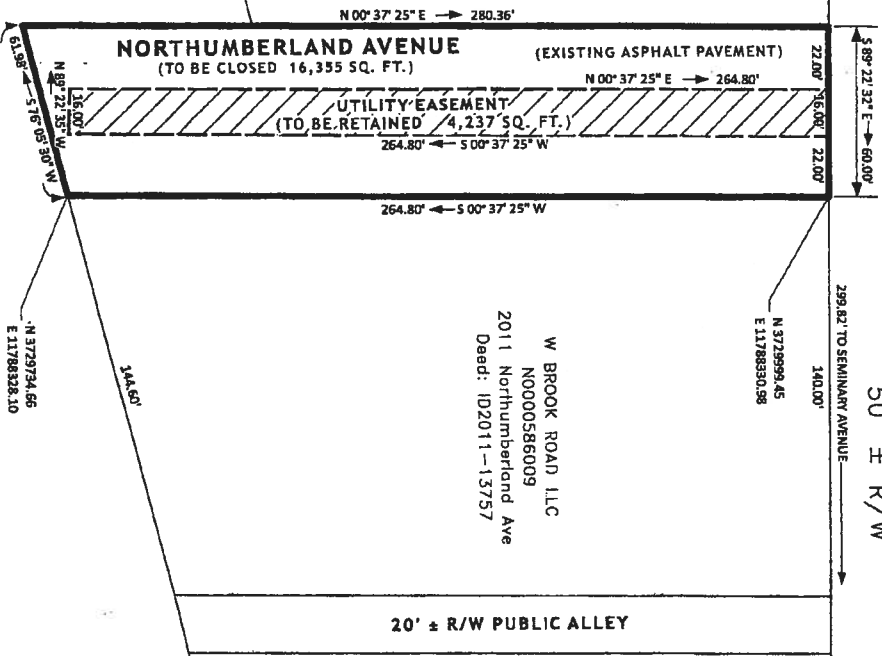
299.82' TO SEMINARY AVENUE



LOMBARDY VU REALTY LLC
N00000627010
2017 Brook Road
Deed: 2013-21790

W BROOK ROAD LLC
N00000586009
2011 Northumberland Ave
Deed: ID2011-13757

W BROOK ROAD LLC
N00000530010
2005 Brook Road
Deed: ID2011-13757
ID2013-18978



Council District: 3 Block No. N-530, N-586, N-627



- NOTES:
1. PORTION OF NORTHUMBERLAND AVENUE R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES
 2. PORTION OF NORTHUMBERLAND AVENUE R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL WITH THE CITY OF RICHMOND RETAINING A 16' UTILITY EASEMENT, 4,237 SQ. FT.
 3. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY BY HALDER SURVEYS P.C. AS SHOWN ON THE PLAT TITLED "PLAT SHOWING CLOSING OF NORTHUMBERLAND AVENUE SOUTH OF ROBERTS STREET BETWEEN BROOK ROAD & SEMINARY AVENUE CITY OF RICHMOND, VIRGINIA" DATED 9/11/2016.

NOTES

1. Lot dimensions from records.
2. Property owners correct as of 10/4/2016.
3. Ordinance No. _____
4. Adopted _____
5. Accepted _____

REVISIONS BL 19 SW, N-23032

Drafting Technician: *[Signature]*
Surveys Superintendent: *[Signature]*
Right-of-Way Manager: *[Signature]*
PROVISIONS

Surveys Division
Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23210
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



DRAWN BY: REA
CHECKED BY: MWVA

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF NORTHUMBERLAND AVENUE FROM THE SOUTH LINE OF W. ROBERTS STREET TO ITS SOUTHERN TERMINUS

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
Requested by: Letter of Request from Kimberly R. Kidd dated 9/8/2016.	1" = 30'	11/09/2016	N-530/586/627-SC	N-28744