

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-011

To close to public travel and retain for public use as park property a portion of Spottswood Road, running from the south line of Shirley Lane to such portion's southern terminus and consisting of 5,732± square feet; to close to public use and travel a public alley, running from the south line of Shirley Lane to such alley's southern terminus and consisting of 3,070± square feet; and to accept the dedication for public use as park property of a portion of 1001 Spottswood Road, consisting of 11,025± 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 (i) a portion of right-of-way known as Spottswood Road, running from the south line of Shirley Lane to such portion's southern terminus and consisting of approximately 5,732 square feet, is hereby closed to public travel as a right-of-way of the City of Richmond and retained by the City for public use as park property, as shown enclosed with bold lines on a plan prepared by the Department of Public Works, designated as DPW Drawing No. N-28669, dated November 15, 2016, and entitled "Proposed Closing to Public Use and Travel of Spottswood Road and an Alley from the South Line of Shirley Lane to Their Southern Terminus and the Dedication

AYES:            9            NOES:            0            ABSTAIN:        \_\_\_\_\_

ADOPTED:    MAR 13 2017    REJECTED:        \_\_\_\_\_    STRICKEN:        \_\_\_\_\_

of a Portion of Parcel W0001101002 to the City of Richmond for Parks Use,” hereinafter referred to as “the Plan,” a copy of which is attached to this ordinance, and (ii) a public alley, running from the south line of Shirley Lane to such alley’s southern terminus and consisting of approximately 3,070 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 and cross-hatched on the Plan.

§ 2. That this ordinance, as to the closing of the rights-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 in force:

(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 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, it 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 right-of-way, or any of them, on account

thereof, it shall defend the City in any such suit or proceeding at its 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, it 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.

(c) The applicant shall make arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the rights-of-way areas to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance and repair thereof, in a manner approved by the Director of Public Utilities, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(d) The City shall retain a temporary utility easement over the entire area of the public alley to be closed until such time as the Director of Public Utilities determines that all public utilities have been relocated from the alley and authorizes the vacation of the easement in an instrument approved as to form by the City Attorney.

(e) An ordinance is adopted granting a special use permit for the property known as 1000 Westover Road and identified as Tax Parcel No. W000-1101/001 in the 2017 records of the City Assessor, the portion of the property known as 1001 Spottswood Road and identified as Tax Parcel No. W000-1101/002 in the 2017 records of the City Assessor not being dedicated to the City pursuant to this ordinance, and the public alley to be closed by this ordinance.

(f) The applicant dedicates to the City for public use as park property, through a deed and such other documents as may be deemed necessary and approved as to form by the City Attorney, a portion of portion of the property known as 1001 Spottswood Road and identified as

Tax Parcel No. W000-1101/002 in the 2017 records of the City Assessor, consisting of approximately 11,025 square feet and shown with bold lines and hatched on the Plan.

(g) The applicant satisfies all terms and conditions requisite for the closing of the rights-of-way areas to be closed by this ordinance and provides the Department of Planning and Community Development, 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 Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept from the applicant the dedication of the respective interests in the portions of property described in subsection (f) of section 2 of this ordinance, provided the City Attorney has first approved as to form the deeds and other documents necessary to consummate such dedications.

§ 4. That, at such time as this ordinance becomes effective, the City shall have no further right, title or interest in the closed rights-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
4-6094
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: December 14, 2016 EDITION: 1

TO: The Honorable Members of City Council

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

[Handwritten initials]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

[Handwritten initials]

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

[Handwritten initials]

THROUGH: Emmanuel Adediran, Director
Department of Public Works

[Handwritten initials]

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

[Handwritten initials]

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

[Handwritten initials]

FROM: Doug Mawby
Department of Public Works

[Handwritten initials]

RECEIVED

JAN 06 2017

OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF SPOTTSWOOD ROAD AND AN ALLEY FROM THE SOUTH LINE OF SHIRLEY LANE TO THEIR SOUTHERN TERMINUS AND THE DEDICATION OF A PORTION OF PARCEL W0001101002 TO THE CITY OF RICHMOND FOR PARKS USE

ORD. OR RES No. \_\_\_\_\_

PURPOSE: To close to public use and travel an alley containing 3,070 square feet, to close to public use and travel as a public street Spottswood Road containing 5,732 square feet and to accept the dedication of private property for park use containing 11,025 as shown on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28669 dated November 7, 2016 (Project No. W-1101-AC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF SPOTTSWOOD ROAD AND AN ALLEY FROM THE SOUTH LINE OF SHIRLEY LANE TO THEIR SOUTHERN TERMINUS AND THE DEDICATION OF A PORTION OF PARCEL W0001101002 TO THE CITY OF RICHMOND FOR PARKS USE" at the request of the applicant.

**REASON:** Letter of request dated December 14, 2016 from Parke Richeson, Executive Director of the Maymont Foundation. This closure is to allow for the expansion and reconfiguration of the Foundation office, the creation of an event space and the construction of an improved, relocated entrance to the park.

**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 alley right-of-way. The applicant shall agree to relocate any existing public utilities in a manner approvable to the Department of Public Utilities.
3. A temporary utility easement shall be retained by the City over the entire alley to be closed until such time as all public utilities have been relocated from the alley. The Director of Public Utilities (or his designee) shall have the authority to determine when the easement is no longer needed, and the easement shall be vacated according to accepted practices upon his written notice.
4. The 11,025 sf parcel presently owned by the Maymont Foundation (shown on the attached plat in hatched and bold lines) shall be conveyed to the City.
5. The companion Special Use Permit must be approved by City Council. Should this approval be denied the closure of the alley will not go into effect.
6. 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.
7. The applicant(s)/owner(s)/successor(s) shall be responsible for surface overflow in the area to be closed.
8. 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.
9. 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.

**BACKGROUND:** The Maymont Foundation is undertaking improvements to the Children's Farm, the Farm parking area and their headquarters building outside the park. This request addresses changes needed to implement the planned improvements. These include the renovation and expansion of the existing foundation offices and the creation of an event space and the construction of a new improved entrance into the park. The alley closing facilitates the Foundation headquarters renovations. The road closing and property dedication facilitates the entrance improvements.

The Foundation's overall plan includes the demolition of the existing house adjacent to the current park entrance (currently owned by the Foundation), the closing of the portion of Spottswood Road that provides access to the park and the dedication of Foundation property to the City and

construction of a new entrance that will be further from Park Drive. This will improve the access by creating more stacking area for cars and buses on Shirley Lane; ultimately becoming a significant safety improvement. A Special Use Permit is slated to be introduced related to the Foundation Headquarters part of this project; the alley closing component of this request is a companion to that special Use Permit application. (EnerGov Plan Number SUP-004114-2016).

The Foundation has agreed to relocate any DPU facilities within the alley to be closed to the satisfaction of DPU. As the alley is between two parcels currently owned by the Foundation, no other party will be impacted by this closure.

The alley to be closed measures 3,070 square feet. The value for this City right of way has been calculated to be \$29,146.83, based on assessed values of the adjacent parcels. It is standard practice to require the applicant to pay the City for right of way requested to be vacated. The Foundation will be dedicating approximately 11,025 square feet of land to the City (more than 3 times the area being vacated), the value of which is calculated to be \$104,672.25 and the Foundation will construct the new park entrance for the City; therefore, Staff recommends waiving the requirement to pay the City for this right of way. Spottswood Road is being closed as a public street but is being retained by the City as Park Property so is not factored into the value calculation.

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.

**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.:** Companion paper to Special Use Permit request to be introduced with this paper (EnerGov Plan Number SUP-004114-2016).

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

**ATTACHMENTS:** Applicant's request letter, DPW Dwg. No. N-28669

**STAFF:**

Prepared for Emmanuel Adediran

Prepared by Doug Mawby

Research and Drawing Coordinated By: Marvin Anderson and Raquel Aguirre

Department of Public Works

646-0435



# MAYMONT®

An American Estate

14 December 2016

Dr. Emmanuel Adediran  
Interim Director – Public Works  
900 East Broad Street, 7<sup>th</sup> Floor  
Richmond, VA 23219

Re: Right of Way Closing – Maymont

Dear Dr. Adediran:

The Maymont Foundation continues to invest in Maymont on behalf of the City of Richmond to improve the quality of the visitor experience. We have been working with the City on a number of projects including improvements in the Children's Farm, the parking area, and the renovation of our building on Westover Ave for our headquarters. As a part of this plan, we are asking to vacate public right of way. As a result, we will be dedicating additional property to the City of the park as well as creating a new parcel for our headquarters building.

The attached exhibit shows the rights of way to be vacated including an alley south of Shirley Lane and Spottswood Road (south of Shirley Lane). Both rights of way are adjacent to either Maymont Foundation or City property. We will be relocating the existing utilities from the alley right of way to new park property, dedicated to the City by the Maymont Foundation.

We have met with Mark Olinger, Tom Flynn and Doug Mawby over time to review the plans for Maymont. Attached is the conceptual plan showing the development of the building on Westover Road for the new headquarters and the new entrance road to the Children's Farm parking area. This new road, located further east on Shirley Lane and further away from the Park Drive intersection, will improve the access to the park for vehicles and pedestrians. The vacation of the alley will allow us to expand the existing residence to accommodate our headquarters needs as well as create gathering spaces for events. The existing residence on Spottswood Road will be demolished to accommodate these plans.

As you can see from the exhibit, we are proposing to dedicate property from the Maymont Foundation to the City with the dedication to the park of 0.215 acres. Please let us know if we need to work with a separate agency to accomplish this property transfer.

We are asking for your support and for you to prepare the appropriate documentation needed by City Council to act upon this request. Enclosed please find a check for \$300 as required. The Maymont Foundation is also seeking a Special Use Permit for the Westover Road property. We are hoping to coordinate the approval of all the Council actions.

We would be happy to meet with you to discuss this request. If you have any questions, you may call me at 804-358-7166 ext. 345 or our consultant, Diane Linderman at VHB, 804-441-7451 or [dlinderman@vhb.com](mailto:dlinderman@vhb.com)

Sincerely,



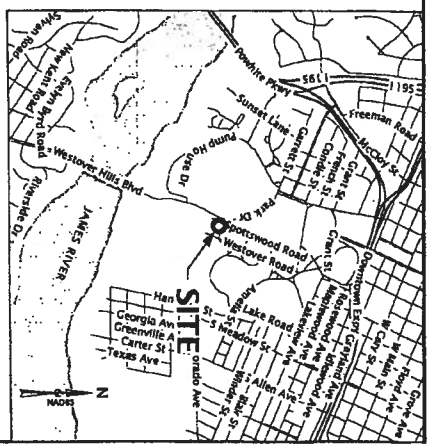
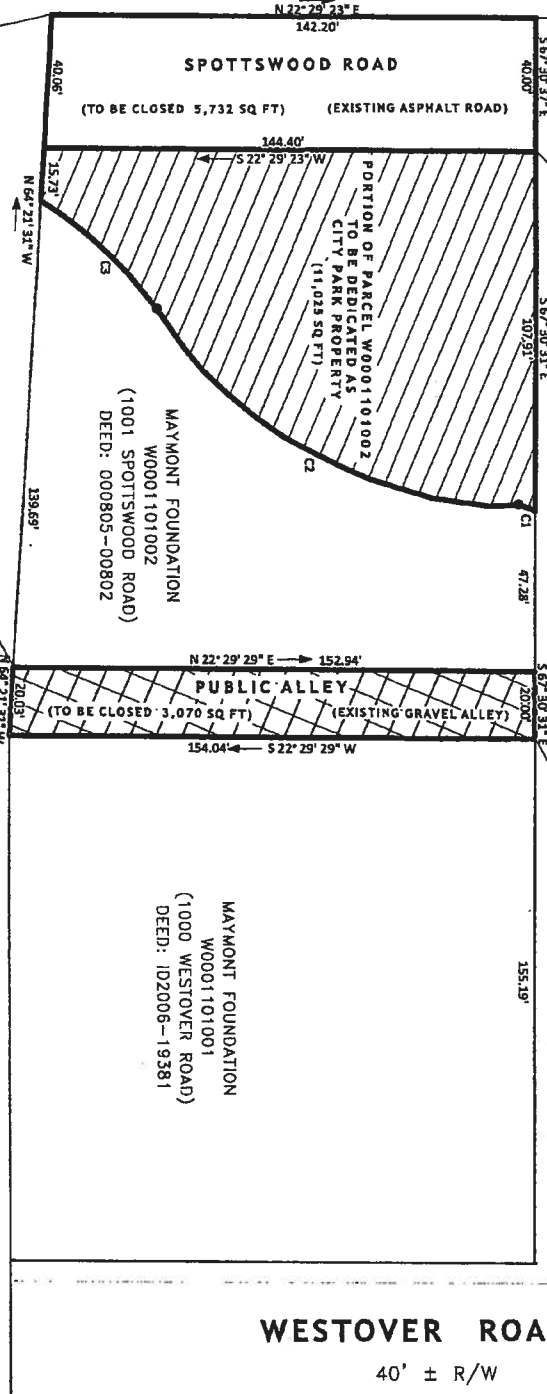
Parke Richeson  
Executive Director

Cc: Diane Linderman, VHB  
Marvin Anderson, City of Richmond

**SPOTTSWOOD ROAD** 40' ± R/W

CURVE TABLE						
LABEL	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	9.50	5.23	31.55	2.68	5.16	S 38° 28' 31" W
C2	127.50	126.68	56.93	69.12	121.54	S 51° 10' 00" W
C3	102.50	47.18	26.37	24.02	46.77	S 66° 26' 37" W

**SHIRLEY LANE**  
50' ± R/W



- NOTES:**
1. PORTION OF SPOTTSWOOD ROAD R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES.
  2. PORTION OF ALLEY R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL AND RETAINED AS A TEMPORARY FULL WIDTH UTILITY EASEMENT IS SHOWN IN BOLD LINES AND CROSS HATCHED.
  3. PORTION OF PARCEL TO BE DEDICATED TO THE CITY OF RICHMOND - RECREATION AND PARKS IS SHOWN IN BOLD LINES AND HATCHED.

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES. A FIELD SURVEY CONDUCTED BY VANASSE HANGEN BRUSTLIN, INC. IN MARCH OF 2013, AND A PLAN PREPARED BY VHB TITLED "VACATION OF A 20' ALLEY AND SPOTTSWOOD ROAD, DEDICATION OF 0.215 ACRE OF LAND AND SUBDIVISION OF LAND OWNED BY THE MAYMONT FOUNDATION" AND DATED 10/6/16.

Council District: 5  
Block No. W-1101

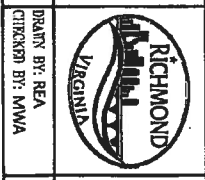


**NOTES**

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

Prepared by: *[Signature]*  
Survey: *[Signature]*  
Revisions: *[Signature]*

DEPARTMENT OF PUBLIC WORKS  
RICHMOND, VIRGINIA



PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF SPOTTSWOOD ROAD AND AN ALLEY FROM THE SOUTH LINE OF SHIRLEY LANE TO THEIR SOUTHERN TERMINUS AND THE DEDICATION OF A PORTION OF PARCEL W0001101002 TO THE CITY OF RICHMOND FOR PARKS USE

Requested by: Letter of Request from Norman O. Burns, II Executive Director, Maymont, dated 3/19/2015

FIELD NOTE: \_\_\_\_\_  
SCALE: 1" = 25'  
DATE: 11/15/2016  
PROJECT: W-1101-AC-SC-08D  
DRAWING NO. N-28669