

INTRODUCED: December 11, 2017

AN ORDINANCE No. 2017-245

To close, to public use and travel, an alley bounded by McDonough Street, West 12th Street, Perry Street, and West 13th Street, consisting of 1,219± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 8 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by McDonough Street, West 12th Street, Perry Street, and West 13th Street, consisting of approximately 1,219 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-28800, dated October 13, 2017, and entitled “Proposed Closing to Public Use and Travel of an Unimproved Public Alley in the Block Bounded by McDonough Street, W 12th Street, Perry Street and W 13th Street,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 8 2018 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 right-of-way, 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 \$7,694.00 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) An ordinance granting a special use permit for the properties known as 314 West 12th Street, 316 West 12th Street, 318 West 12th Street, 322 West 12th Street, 1208 McDonough Street, and 1212 McDonough Street, and identified as Tax Parcel Nos. S000-0088/010, S000-0088/009, S000-0088/007, S000-0088/006, S000-0088/004, and S000-0088/003, respectively, in the 2017 records of the City Assessor and the right-of-way area to be closed by this ordinance is adopted.

(f) 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, 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.

§ 4. 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

4-7236

NOV 14 2017

Office of the Chief Administrative Officer

O&R REQUEST

DATE: November 13, 2017 EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Robert Steidel Deputy Chief Administrative Officer for Operations

THROUGH: Bobby Vincent, Director Department of Public Works

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

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

FROM: James Ellis, P.E. Department of Public Works

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL PORTION OF AN UNIMPROVED PUBLIC ALLEY IN THE BLOCK BOUNDED BY MCDONOUGH STREET, W 12TH STREET, PERRY ST, AND W 13TH STREET

Handwritten signature and date 11/16/17

Handwritten signature and date 14-Nov-17

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RECEIVED DEC 07 2017 OFFICE OF CITY ATTORNEY

ORD. OR RES No. _____

PURPOSE: To close to public use and travel an alley containing 1,219 square feet as shown on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28800 dated October 13, 2017 entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL PORTION OF AN UNIMPROVED PUBLIC ALLEY IN THE BLOCK BOUNDED BY MCDONOUGH STREET, W 12TH STREET, PERRY ST, AND W 13TH STREET" at the request of the applicant.

REASON: Letter of request dated June 26, 2017 from Ben Adamson, Manager at Manchester Partners 5, LLC. This closure is to allow for a mixed used development that is pedestrian focused with commercial tenants on the first floor and residential units above. All adjacent parcels are owned by Manchester Partners 5, LLC. Therefore, no other party will be impacted by this closure.

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. The portion of a 10' alley at McDonough St is subject to the City adoption of Special Use Permit-023101-2017.
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 \$7,694.
7. 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.
8. 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: A significant number of structures have been demolished within the historic neighborhood and it is felt that this project, along with numerous other infill development projects already complete or underway, enforce the solidity and desirability of the neighborhood as a viable residential address in very close proximity to Richmond's city center. Proposed commercial and residential spaces open to and view their part of both 12th and McDonough Streets and the corner which will provide enhanced security and contribute to the sense of community in this area of the Manchester neighborhood. The portion of the alley closing facilitates the project ability to construct the proposed development.

The broader picture includes a mixed used development that is pedestrian focused with commercial tenants on the first floor and residential units above. Plans for this work have been reviewed by City agencies and are currently still under review.

The small section of the alley is no longer in use and has no functional capacity. Additionally, the alley is between seven parcels currently owned by the Manchester Partners 5, LLC, therefore, no other party will be impacted by this closure.

The section of the alley to be closed measures 1,219 square feet. The value for this City right of way has been established to be \$7,694, based on the assessed value 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 applicant has agreed to purchase the closed portion with such agreement in accordance with Section 15.2-2008 of the Virginia Code and approved as to form and legality by the City Attorney.

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. \$7,694 for the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: December 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 8, 2018

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, CAO's Office, Finance, Mayor's Office.

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28800

STAFF:

Prepared for Bobby Vincent

Prepared by James Ellis

Research and Drawing Coordinated By: Jane Amory

Department of Public Works

646-0435

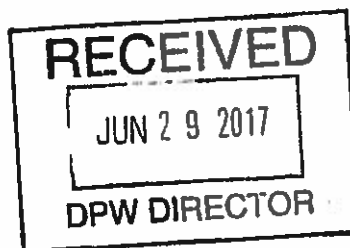
MANCHESTER PARTNERS 5, LLC

PO BOX 7217

RICHMOND, VIRGINIA 23221

TEL: (804) 814-6269

Bobby Vincent, Jr.
Director of Public Works
City Hall, Room 701
900 E. Broad Street
Richmond, Virginia 23219



June 26, 2017

Mr. Vincent,

I am writing to formally request the vacation of a section of alley along the 1200 block of McDonough Street in Manchester. This small section of alley (1,219.38 sf) is no longer in use and has no functional capacity. Through Manchester Partners 5, LLC I own all adjoining parcels and am in the planning stages of a new infill development. The end result will be a mixed-use development that is pedestrian focused with commercial tenants on the first floor and residential units above. The alley bisects the proposed development and will need to be vacated before we can move forward. Preliminary meetings to initiate a Special Use Permit for the project are scheduled for next week. I hope to have all entitlements in place by late Fall. Pictures of the existing condition of the alley are attached.

In response to the Guidelines for Initiating a Right of Way Closing:

- a) Letter – See above.
- b) Deposit - \$300 application fee is attached.
- c) Survey – Attached.
- d) N.A.
- e) Adjoining Landowner Consent - Manchester Partners 5, LLC owns all adjoining parcels.
- f) Primary Ingress/Egress - The alley serves zero function currently and does not act as ingress or egress for anyone.
- g) Adjoining Landowner Consent - The closure only affect Manchester Partners 5, LLC
- h) N.A.

Thank you in advance for your help. If you or anyone have any questions please do not hesitate to reach out to me at 804.814.6269 or bkadamson@mac.com

My Best,

A handwritten signature in black ink, appearing to read "Ben Adamson".

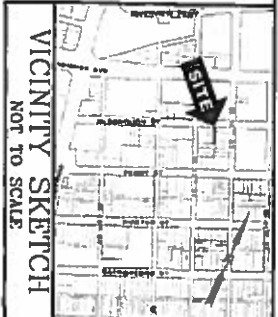
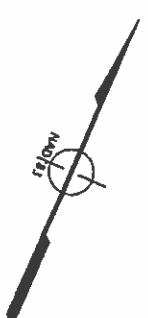
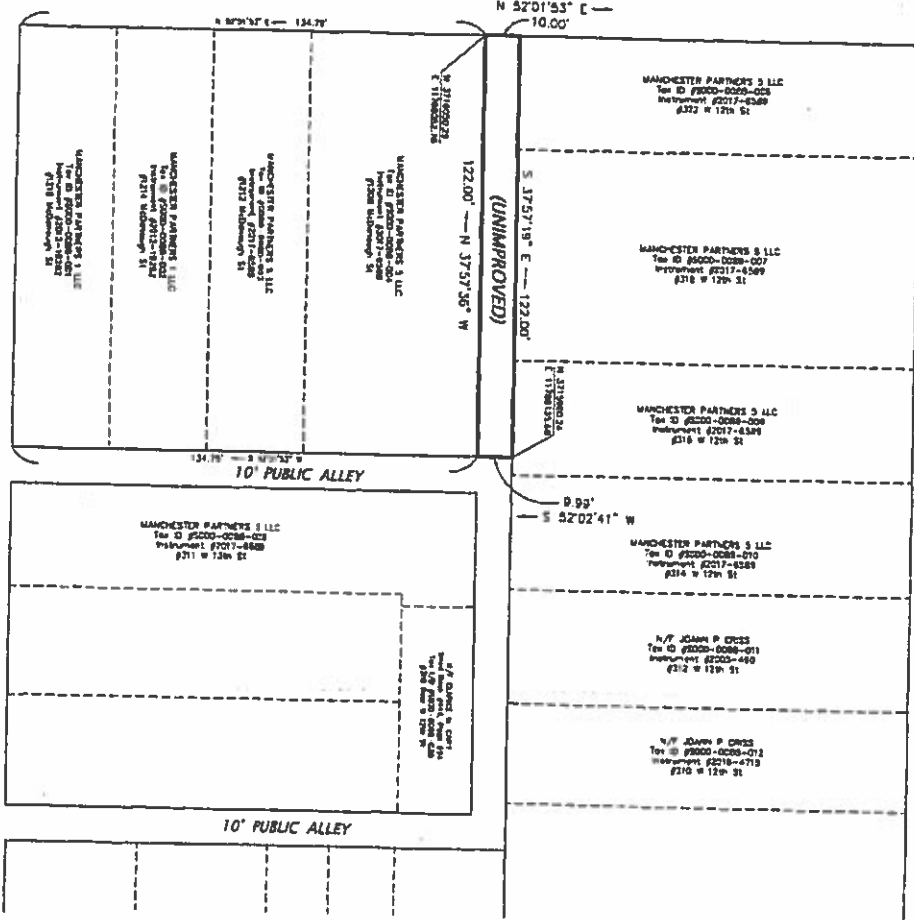
Ben Adamson

McDONOUGH STREET

(65'-f- R/W)

W 13th STREET
(33' R/W)

W 12th STREET
(50' R/W)



- NOTES**
1. PORTION OF PUBLIC ALLEY R/W TO BE CLASSIFIED TO PUBLIC USE AND TRAVEL IS ENCLOSED IN BOLD LINES AND CONTAINS 1219 SQUARE FEET.
 2. THIS PLAN IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY BY STRADACH & ASSOCIATES, LLC AS SHOWN ON A PLAT TITLED SURVEY PLAT SHOWING THE VACATION OF A 0.023 AC. PORTION OF A 10' ALLEY ALONG McDONOUGH STREET, CITY OF RICHMOND, VIRGINIA, DATED JUNE 6, 2017.

NOTES:

1. PROPERTY OWNERS CORRECT AS OF OCTOBER 13, 2017
 2. DEPARTMENT
 3. ADOPTED
 4. ACCEPTED
- DEPARTMENT OF PUBLIC WORKS
DATE: JUNE 6, 2017
REV. 1202 0-2532

Drafting Technician
Surveys Superintendent

Right of Top Manager
Surveys Division, Room 600 City Hall
600 E. Broad Street, Richmond, Va, 23219
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



CREATED BY: N/A
CHECKED BY: N/A

Council District 5
Block No. S-88

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL
PORTION OF AN UNIMPROVED PUBLIC ALLEY
IN THE BLOCK BOUNDED BY McDONOUGH STREET,
W 12TH STREET, PERRY STREET AND W 13TH STREET

FIELD NOTE
SCALE 1"=25'
DATE 10/13/17
PROJECT S-88-AC
DRAWING NO. N-28800

Approved by letters of request from the Attorney of Manchester Partners 3, LLC.

REASON BY: N/A
CHECKED BY: N/A

Proposed Closing to Public Use and Travel
Portion of an Unimproved Public Alley
in the Block Bounded by McDonough Street,
W 12th Street, Perry Street and W 13th Street