

INTRODUCED: June 27, 2022

AN ORDINANCE No. 2022-203

To close, to public use and travel, an alley in the block bounded by Maury Street, East 4th Street, Everett Street, and East 3rd Street, consisting of 1,980± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by Maury Street, East 4th Street, Everett Street, and East 3rd Street, consisting of approximately 1,980 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-28992, dated March 25, 2022, and entitled “Proposed Closing to Public Use and Travel of Public Alley Located in Block Bounded by Maury Street, E 4th Street, Everett Street, and E 3rd Street,” hereinafter referred to as “the Drawing,” a copy of which drawing is attached to this ordinance.

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 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 (2020), as amended, and shall become effective only when, within 18 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 (2020), 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 \$22,507.42 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 submits and obtains approval by the Director of Planning and Development Review a plan of development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of the improvements on the site and the proposed right-of-way closure and vacation, or if no plan of development is required, the applicant must apply for and be issued a building permit pursuant to the Virginia Uniform Statewide Building Code. Should approval of the plan of development be denied or a building permit not be issued, this closure of the public right-of-way shall not go into effect.

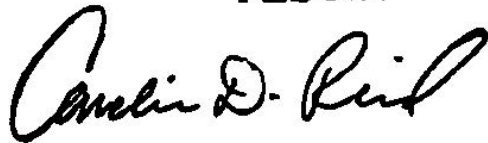
(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and Development Review, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms 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 area other than that expressly retained under the 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, reading "Carlin D. Reid". The signature is written in a cursive, flowing style.

City Clerk



CITY OF RICHMOND
Intra-City Correspondence

O&R REQUEST

DATE: May 12, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Robert Steidel, Deputy Chief Administrative Officer

THROUGH: Bobby Vincent Jr., Director
Department of Public Works

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

FROM: Joseph Davenport, P.E., Right-of-Way Manager
Department of Public Works

RE: **PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC RIGHT-OF-WAY FOR AN ALLEY IN THE BLOCK BOUNDED BY MAURY STREET, E 4TH STREET, EVERETT STREET AND E 3RD STREET**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel the public right-of-way for an alley in the block bounded by Maury Street, E 4th Street, Everett Street and E 3rd Street consisting of 1980 sq. ft. as shown enclosed in bold lines on DPW Dwg. No. N-28992 dated 03/25/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PUBLIC ALLEY IN THE BLOCK BOUNDED BY MAURY STREET, E 4TH STREET, EVERETT STREET AND E 3RD STREET" at the request of the applicant.

REASON: Letter of request dated December 22, 2021 from William C. Gerwitz, L.S., Survey Project Manager with Townes Site Engineering, on behalf of their client, CDP Holdings LLC, the future owner of the property surrounding to the proposed closing.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed right-of-way closing and request that any approvals be subject to, and including without limitation, the following terms and conditions:

1. The applicant (CDP Holdings LLC) for this right of way closing request is not presently the owner of the property that abuts the proposed alley closing request but is in negotiation to purchase the property from the present owner (Dennis Truck & Trailer Repair, Inc.). At the time that the City Attorney is confirming that conditions of the Ordinance have been met, whomever is the current owner of the property will have the right to sign any necessary documents.
2. 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 infrastructure, installment of new utilities or infrastructure, new or revised street name or directional signs, streetlights, etc., as required or directed by City Agencies.
3. The applicant(s)/owner(s)/successor(s) shall provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within the subject right of way and worked out arrangements with the owners of any such utilities to protect the owner's rights.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water 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. An eighteen (18) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within eighteen (18) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
7. A Plan of Development (POD) for the construction of the improvements on the site, or, if no POD is required, a building permit, must be submitted and approved by the City within eighteen (18) months of ordinance adoption. Should approval of the Plan of Development, or building permit, be denied, this closure of the public right of way will not go into effect.
8. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$22,507.42.
9. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within eighteen (18) months of the ordinance adoption 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 after final approval of the ordinance, the ordinance will automatically become null and void.

BACKGROUND: CDP Holdings LLC, the future owner of the property adjacent to this proposed vacation, are in the planning stages of a development that will use the vacated alley area. The alley to be vacated dead ends within the block and is unimproved and does not benefit any properties other than those owned by the present property owner.

The planned development is for a townhome or "3 over 3" rental community. The development plans to differentiate itself from other existing and upcoming rental offerings in the Manchester area by filling a supply gap for larger, townhome style rentals. Existing B-7 zoning allows this plan of development by-right.

The value of the right of way to be vacated (1980 sf) has been determined to be \$22,507.42 (\$11.37 per square foot) and is based on assessed values of adjacent parcels.

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 anticipated

FISCAL IMPLICATIONS: None anticipated

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee; \$22,507.42 for the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 13, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Public Utilities; City Attorney's Office; Planning and Development Review; Economic and Community Development; Assessor; Finance; Fire Department; Police Department, Mayor's Office, CAO's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Right Of Way Closure Request letter (dated 12/22/2021)
DPW Dwg. No. N-28992 (dated 03/25/2022)

STAFF:

Prepared for Bobby Vincent, Jr., Director, DPW

Prepared by Marvin Anderson, Program & Operations Manager for Surveys, DPW

Research and Drawing Coordinated by Shenouda Guergues, DPW

Department of Public Works / 646-0435



December 22, 2021

Attn: Mr. Bobby Vincent
Director of Public Works
City of Richmond
City Hall, Room 701
900 E. Broad Street
Richmond, VA 23219

RECEIVED
12-28-21
DPW Administration.

RE: UNIMPROVED ALLEYWAY CLOSURE REQUEST

Dear Mr. Vincent,

Our client, CDP Holdings LLC, is in the process of purchasing the property at 301 Maury Street. There is a residual 12-foot alley that is a City of Richmond alleyway. This block is entirely owned by one entity and the alleyway was never improved. As there are no other users and it has not been used for the public benefit, my client is requesting that the alleyway be closed. Currently there are no immediate plans on how they wish to develop the block but if during the closure process something comes up, I will notify you.

I am enclosing a plat showing the proposed closure parcel, an ALTA survey I just completed, an old plat showing the alley, and the \$300.00 application fee. The purchaser's contact information is as follows:

Client information:

Jess Achenbach
Castle Development Partners
230 Court Square, Suite 202, Charlottesville, VA 22902
www.castledp.com
jachenbach@castledp.com
(w) 434-260-6628

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Gerwitz", is written over a faint blue circular stamp.

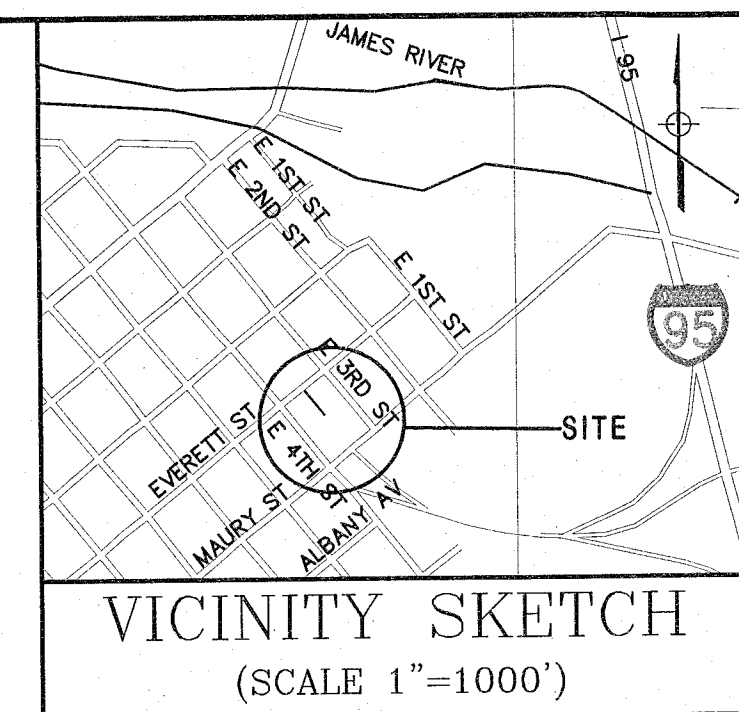
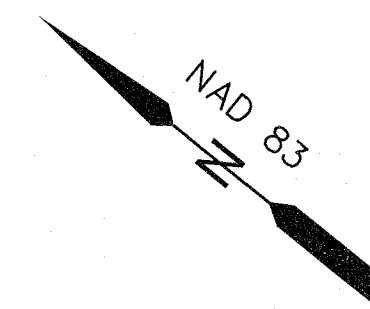
William C. Gerwitz, L.S.
Survey Project Manager

C:\Users\wgerwitz\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\AKEA440J\Unimproved Alleyway Closure Request.docx

ASK US HOW.

1 Park West Circle, Suite 108, Midlothian, VA 23114
804-748-9011 Fax 804-748-2590 www.cctownes.com

E 3RD STREET
33' +/- PUBLIC ROW



NOTES:

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY PLAT PREPARED BY TOWNES SITE ENGINEERING, TITLED "PLAT OF ALLEY VACATION ON 301 MAURY STREET" DATED 12/20/2021.
2. THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES : 1980 S.F.

EVERETT STREET
50' +/- PUBLIC ROW

MAURY STREET
50' +/- PUBLIC ROW

PARCEL: S000-0177-006
ADDRESS: 301 MAURY ST
OWNER: DENNIS TRUCK & TRAILER REPAIR INC
INST: 0980100903



E 4TH STREET
33' +/- PUBLIC ROW

NOTES

1. Property owners correct as of 03/25/2022
2. Ordinance _____
3. Adopted _____
4. Accepted _____

REFERENCES: B/L 11SE

Engineering Specialist: Shenouda Guergues

Shenouda Guergues

Op. Mgr. For Surveys: Marvin W. Anderson, CLS

Marvin W. Anderson

ROW Manager: Joseph L. Davenport Jr, P.E.

Joseph L. Davenport Jr

REVISIONS:

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



DRAWN BY: SG
CHECKED BY: MWA

Council District 6

Block No. S-177

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC
ALLEY LOCATED IN BLOCK BOUNDED BY MAURY STREET,
E 4TH STREET, EVERETT STREET, AND E 3RD STREET

REQUESTED BY: TOWNES SITE ENGINEERING ON BEHALF OF CDP HOLDINGS LLC 12/22/2021

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
	1"=25'	03/25/2022	S-177-AC	N-28992