

INTRODUCED: March 26, 2018

AN ORDINANCE No. 2018-115

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Right of Way Agreement between the City of Richmond and the Virginia Department of Transportation to allow temporary access to certain portions of Little John Park located at 1401 Little John Road in the city of Richmond for the purpose of constructing improvements to State Highway Route 95 east of its intersection with Hermitage Road.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: APR 23 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Right of Way Agreement between the City of Richmond and the Virginia Department of Transportation to allow temporary access to certain portions of Little John Park located at 1401 Little John Road in the city of Richmond for the purpose of constructing improvements to State Highway Route 95 east of its intersection with Hermitage

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

ADOPTED:    APR 23 2018    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

Road. The Right of Way Agreement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-7555
FEB 28 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: February 23, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor JS 2/22/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer SCG

THROUGH: Debbie P. Jackson, Interim DCAO - Human Services DJ

FROM: Christopher E. Frelke, Director for Parks, Recreation and Community Facilities CEF

RE: Right of Way Agreement for property located at Little John Park

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

PURPOSE: To authorize the CAO, for and on behalf of the City of Richmond to execute a Right of Way Agreement between the City of Richmond and the Virginia department of Transportation (VDOT) to allow temporary access to certain properties located within Little John Park for the purpose of construction and improvements to Route 95 near Hermitage Road.

REASON: VDOT plans to extend the northbound deceleration lane of State Route 95 to Hermitage Road. Temporary access is needed to a small portion of Little John Park located at 1401 Little John Road for the purpose of constructing, improving and completing the project.

RECOMMENDATION: The Department of Parks, Recreation and Community Facilities recommends that City Council approve the Right of Way Agreement.

BACKGROUND: The VDOT improvements are necessary to widen and improve State Route 95 to provide easier transportation along this stretch of highway.

FISCAL IMPACT / COST: There is no increased fiscal impact or associated cost to the City. VDOT will pay \$9,620 as compensation into the Adopt-A-Tree account for the removal of trees due to this construction project.

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: None

RECEIVED

MAR 22 2018

OFFICE OF CITY ATTORNEY

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** March 26, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** April 9, 2018

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Parks, Recreation and Community Facilities

**RELATIONSHIP TO EXISTING ORD. OR RES.:**

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

**ATTACHMENTS:** Attachment A – Right of Way Agreement  
Attachment B – Plat Map  
Attachment C – Preliminary Title Report  
Attachment D - VDOT Right of Way Acquisition Report (w/photos)

**STAFF:** Deborah Morton, Deputy Director, Parks, Recreation & Community Facilities  
Marlie Smith, Park Operations Manager, Parks, Recreation and Community Facilities

TAX MAP #N0001111035  
G-PIN #N/A

RW-29  
Revised 9/16  
UPC 107796

**PREPARED BY VDOT  
UNDER SUPERVISION OF THE  
OFFICE OF THE ATTORNEY GENERAL**

Exempted from recordation taxes  
and fees under Sections 58.1-811(A)(3),  
58.1-811(C)(5), 58.1-3315, 25.1-418,  
42.1-70, 17.1-266, and 17.1-279(E)

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by  
and between **CITY OF RICHMOND**, (hereinafter referred to as "Grantor") and the  
**COMMONWEALTH OF VIRGINIA**, (hereinafter referred to as "Grantee");

**WITNESSETH:**

**WHEREAS**, it is proposed by the Commonwealth to widen or improve State Highway Route  
95, Project 0095-127-858, R201, from 0.282 Miles East of Hermitage Road to 0.135 Miles East of  
Hermitage Road in the City of Richmond, Virginia; and

**WHEREAS**, in the improvement it is necessary that the Grantee enter upon the lands of the  
Grantor located in the aforesaid City to extend the road slopes and/or other construction onto the lands,  
from opposite approximate Station 24+10 to opposite approximate Station 102+02.19 as shown on Plan  
Sheet Nos. 3, 3RW, 4 & 4RW for the above project on file in the office of the Department of  
Transportation, Richmond, Virginia;

**NOW, THEREFORE**, for and in consideration of the premises and of the benefits accruing or to  
accrue to the Grantor by reason of such improvement, and for the further consideration of ten thousand  
one hundred twenty dollars (\$10,120.00), cash in hand paid to the Grantor, receipt of which is hereby  
acknowledged, the Grantor grants and conveys to the Grantee the temporary right and easement to use the

areas from opposite approximate Station 24+10 to opposite approximate Station 102+02.19, containing 3,896 square feet, more or less, and as shown outlined in ORANGE on a photocopy of Plan Sheet Nos. 3, 3RW, 4 & 4RW, for the proper execution of the work, which photocopy is hereto attached as a part hereof and recorded simultaneously herewith in the State Highway Plat Book \_\_\_\_\_, Page \_\_\_\_\_. This temporary easement will terminate at such time as the construction of the project is completed.

The Grantor by the execution of this instrument acknowledges that the plans for the project as they affect their property have been fully explained to them or their authorized representative.

The Grantor covenants and agrees that the consideration mentioned above and paid to them shall be in lieu of any and all claims to compensation, including all costs to cure and all incurable damages to the value of the Grantor's remaining property caused by this acquisition, if any.

[SIGNATURE APPEAR ON FOLLOWING PAGE]

WITNESS the following signature and seal:

City of Richmond, Virginia

By \_\_\_\_\_

Name \_\_\_\_\_ (SEAL)

Title \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

CITY OF RICHMOND

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
2018, by \_\_\_\_\_, \_\_\_\_\_, of  
(Name of Officer or Agent) (Title of Officer or Agent)

The City Richmond, Virginia, a municipal corporation of the Commonwealth of Virginia.

My Commission expires \_\_\_\_\_.

Notary Registration No.: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

Route 95  
State Project: 0095-127-858, RW201  
Federal Project: STP-5A01 (213)  
City: Richmond  
UPC: 107796

RIGHT OF WAY – Property of the City of Richmond, a Virginia municipal corporation  
Parcel 001

To: Ms. Lori A. Snider, State Right of Way & Utilities Director

Plans for a temporary construction easement on Parcel 001, as part of the construction of improvements to I-95 have been fully explained, and the City of Richmond is fully aware of the effects on the City of Richmond's property. The undersigned grants to the Commonwealth of Virginia, Department of Transportation, its employees, agents, assigns, and contractors (hereinafter "VDOT"), permission to enter upon the City of Richmond's property for the purpose of extending slopes and/or other construction work, as shown on the attached plan sheets detailing the location and work for the project.

The City of Richmond reserves all rights, title and interest in and to the location to be occupied by VDOT. Nothing contained herein shall prejudice the City of Richmond's right to just compensation relating to the right-of-way acquisition of the temporary construction easement.

IN WITNESS WHEREOF, the City of Richmond has affixed its signature:

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_

City Attorney for the City of Richmond



**PRELIMINARY TITLE REPORT  
CURRENT OWNER SEARCH**

County: Richmond  
Magisterial District: N/A  
UPC I.D.: 107796

TO: Lori A. Snider

Parcel No.: 001

Re: Route 0095, Project 0095-127-858, R201

Description of real estate: All that certain parcel of land lying in the City of Richmond, Virginia, more particularly described as follows:

Beginning at the intersection of the eastern line of Loxley Road with the southern line of Little John Road; thence south  $46^{\circ} 57'$  west a distance of 44.66 feet; thence north  $41^{\circ} 23' 40''$  west a distance of 1.27 feet; thence south  $48^{\circ} 35' 20''$  west a distance of 9.94 feet to the northern right-of-way line of The Richmond-Petersburg Turnpike; thence north  $65^{\circ} 22' 10''$  west along said northern right-of-way line a distance of 164.25 feet; thence continuing along said northern right-of-way line north  $61^{\circ} 09' 10''$  west a distance of 163.32 feet; thence continuing along said northern right-of-way line north  $57^{\circ} 22' 40''$  west a distance of 379.33 feet; thence north  $40^{\circ} 08' 10''$  west a distance of 63.46 feet to a point on the southern line of Little John Road; thence south  $66^{\circ} 27' 40''$  east along the southern line of Little John Road a distance of 594.87 feet; thence continuing along said southern line of Little John Road on a curve to the right having a radius of 347.36 feet a distance of 202.58 feet to the point of beginning, containing 1.24 acres as shown on a plat entitled "Plat of a parcel of land situated on the south line of Little John Rd., in 'Sherwood Park', City of Richmond, Va." dated January 20, 1959, prepared by George M. Stephens, Jr., C.L.S.

I hereby certify that I have made an examination of the title to the above described property, as disclosed by the general indices to the records in the Clerk's Office of the Circuit Court of Richmond, Virginia, and that **CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia** has good and fee simple title thereto, free from all encumbrances, subject only to the following:

- (1) Taxes: Tax exempt.
- (2) Any unrecorded leases or unfiled mechanic's liens. None found for the examination period.
- (3) Such state of facts as might be disclosed by a physical survey of the premises. See also Plat recorded in the aforementioned Clerk's Office in Plat Book 17, at Page 63.
- (4) Deeds of trust (copies attached): None found for the examination period.

NOTE: An agreement with the landowner for compensation would be subject to an eminent domain clause in the mortgage which assigns the proceeds to the lender, and payment of any compensation to the landowner without lenders consent might subject the debt to call in full and could result in foreclosure.

- (5) Leases: None found for the examination period.
- (6) Recorded liens: None found for the examination period.
- (7) Zoning restrictions, special use permits or proffers (copies attached): None found for the examination period.

- (8) Conditions and restrictions: None found for the examination period.
- (9) Easements: None found for the examination period.

Notes:

- (1) Source of title: Deed from Elizabeth Carper Grigg, widow, John Edward Grigg and Anne M. Grigg, his wife and Sam Kornblau and Helen S. Kornblau, his wife, to City of Richmond, a municipal corporation of the Commonwealth of Virginia.

Recorded in Deed Book 642C, Page 341

Date of Deed: November 23, 1966

Date of Recordation: December 6, 1966

- (2) Assessment: City of Richmond  
Name: City of Richmond Recreation and Parks  
Address: 1209 Admiral Street, Richmond, VA 23220  
Description: 1401 Little John Road, Richmond, VA 233227  
Tax Map: N0001111035

Amount of Tax: N/A  
Assessment Year: 2017

Land: \$30,000  
Improvements: \$3,000  
Tax rate per \$100.00 N/A

- (3) Conveyances within preceding five years: None

None  (Check if applicable)

This title opinion is subject to certain express exclusions and conditions, as follows:

This title opinion is based on an examination of the public land records for a certain period of time, the beginning and ending date of which is shown in the opinion. No opinion is given as to any matter which would be discoverable by physical survey or visual inspection of the property. No opinion is given as to building and/or zoning ordinances, or any other law, ordinance or governmental regulation restricting, regulating or prohibiting the occupancy, use or enjoyment of the property. In giving this title opinion, it is assumed that all relevant instruments were properly recorded and indexed, that all recitations therein are true and correct and that all such instruments contain genuine signatures by competent persons of legal age, and if made in a representative capacity, were signed with due and proper authority. For indices which contain direct and indirect listings, we have only reviewed the direct entries in the indices. We have assumed that the respective corporations in the chain of title were in existence during the period they held title, and that they were authorized to hold and convey real property. We have limited our adverting of all natural persons in the chain of title, during the period they held record title to the property, to the surname and the first name or initials by which each person acquired the estate and the name or initials by which each person conveyed the estate.

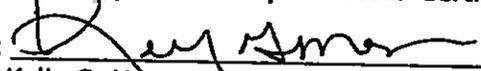
Real estate taxes which are not yet due and payable as of the date of this title opinion may constitute a lien upon the property.

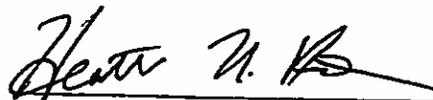
Any matters which would not be disclosed by examination of the public land records during the period of the title examination, such as mechanic's liens not placed of record, suits affecting title not placed of record by virtue of a properly recorded and indexed *lis pendens*, rights in the property obtained through adverse possession or prescription or title vested through operation of the bankruptcy laws are not covered in this title opinion. This title opinion is given with the understanding that there are certain risks in regard to title to real estate, including forgery or fraud in the chain of title, incorrect statement of

marital status, undisclosed heirs, mental incompetency of party, adequacy or payment of consideration, actual notice by subsequent purchasers of prior unrecorded conveyances, boundary lines, survey lines, conflicts of boundary lines, vacancies, excesses, rights of parties in use and possession, improper indexing of instruments or confusion due to similar or identical names which are not covered in this title opinion but which may be insured against by a title insurance policy issued by a title insurance company.

**PERIOD OF EXAMINATION AND DISCLAIMER:** This title examination covers a period from November 23, 1966 to December 11, 2017, has been prepared with the assistance of non-lawyer agency personnel and is issued to and for the benefit only of the Commonwealth of Virginia/Department of Transportation. It is submitted in compliance with Va. Code § 25.1-204(D) and a copy will be provided to a property owner only for the purpose of satisfying a requirement of Va. Code § 33.2-1001 and for no other purpose. Use of this report by anyone other than the Virginia Department of Transportation is prohibited. Certification is expressly limited accordingly.

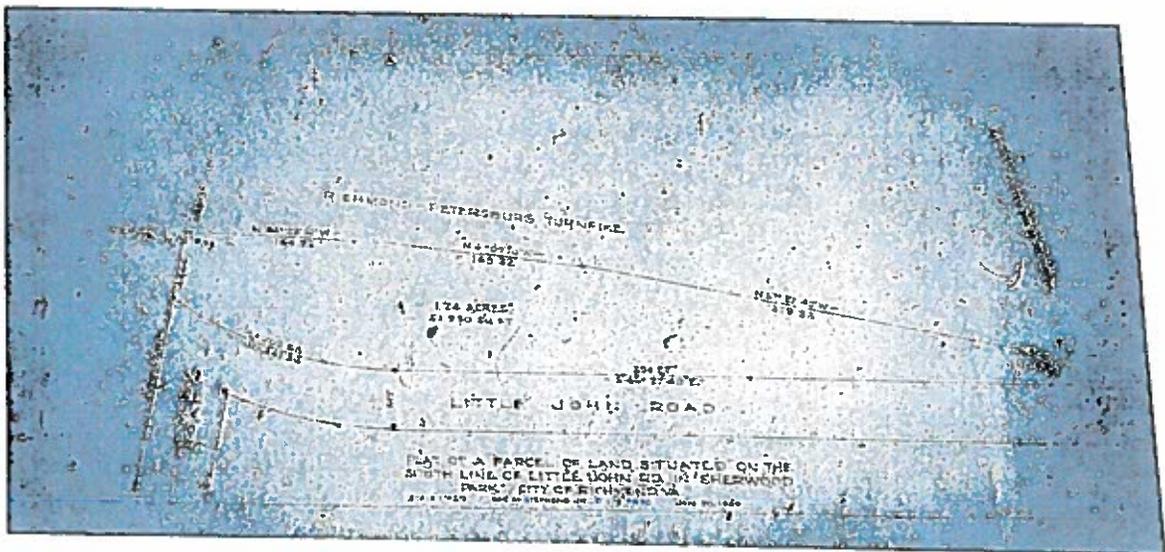
Examined by:

  
Kelly G. Mason



Heather Pritts,  
Assistant Attorney General

FB 17/63





**BASIC ADMINISTRATIVE REPORT (BAR)  
RIGHT OF WAY ACQUISITION**

Project, Parcel and Ownership Information					
Parcel No.	001				
Project No.	0095-127-858, R201	City: Richmond			
Federal Project No.	OC-095-1(344)				
UPC No.	107796				
Parcel Address	1401 LITTLE JOHN ROAD				
Parcel City, State and Zip	RICHMOND, VA 23227				
Owner Name	CITY OF RICHMOND RECREATION AND PARKS				
Owner Address	1209 ADMIRAL STREET,				
Owner City, State and Zip	RICHMOND, VA, 23220				
Agent Name	Mary Stephens				
Zoning, Use and Assessment Information					
Tax Map #	N0001111035	Assessed Land	\$	30,000.00	
Zoning	Residential (Single Family)	Assessed Improv.	\$	3,000.00	
Current Use	Park/Playground	Total Assessed Value	\$	33,000.00	
Parcel Size Before Acquisition	1.259 acres	Parcel Size After Acquisition	1.259 acres		
ESTIMATE OF JUST COMPENSATION					
ITEM	UNIT	SIZE	UNIT VALUE	% OF VALUE APPLIED	ESTIMATED VALUE
TEMPORARY EASEMENT	SF	3,896	\$ 0.56	20%	\$ 500
		0	\$ -	0%	\$ -
		0	\$ -	0%	\$ -
		0	\$ -	0%	\$ -
Value of Land and Easements					\$ 500
Value of Improvements (List and Comment Below)					
Cost to Cure Items (Explanation and Calculation Below)					\$ 9,620
<b>TOTAL ESTIMATED COMPENSATION</b>					<b>\$ 10,120</b>
Comments, Explanations and Calculations (e.g. if any, area of residue acquired)					
\$9,620.00 will be paid to the City of Richmond for compensation of trees for Adopt-A-Tree. See attached supporting documentation (Tree Remediation Worksheet).					
Signatures and Date Approved for Acquisition					
Agent Signature	<i>Mary Stephens</i>				
Date	January 5, 2018				
Manager Signature	<i>Pamela D. Rodgers</i>				
Date Approved for Acquisition	January 5, 2018				

Land prices are based on a range of values derived from property transfers in your neighborhood.

# Tree Remediation Worksheet

revised 12/9/2015

Tree Removal Remediation for: David Steele

Date: July 2017

## Inventory of Trees to be Removed

Reference Number	Description	Side-Site	Species	DBH	Site ID #
	1401 Little John Road	W3	Tree of Heaven	2	
	1401 Little John Road	W7	Pin Oak	4	
	1401 Little John Road	W4	Loblolly Pine	6	
	1401 Little John Road	W5	Loblolly Pine	4	
	1401 Little John Road	W6	Loblolly Pine	3	
	1401 Little John Road	W2	Malberry	5	
	1401 Little John Road	W1	Willow Oak	28	

Total Number of trees: 7

32 Total DBH to be Removed

Replacement trees to be planted:

Reference Number	Address	Side-Site	Species	DBH	Site ID #
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**OR/AND**

Total Number of trees: \_\_\_\_\_

0 Total DBH to be Replaced

The City of Richmond presently has a contract for planting 1.5" caliper trees at an each cost of:

$$\begin{array}{r}
 34.67 \\
 1.5 \overline{) 52} \\
 \hline
 \end{array}
 \begin{array}{l}
 \text{total DBH removed} \\
 \text{" caliper}
 \end{array}
 \times
 \begin{array}{r}
 34.67 \text{ 1.5" caliper replacement trees} \\
 \hline
 \$277.50 \text{ each} \\
 \hline
 \$9,620.00
 \end{array}$$

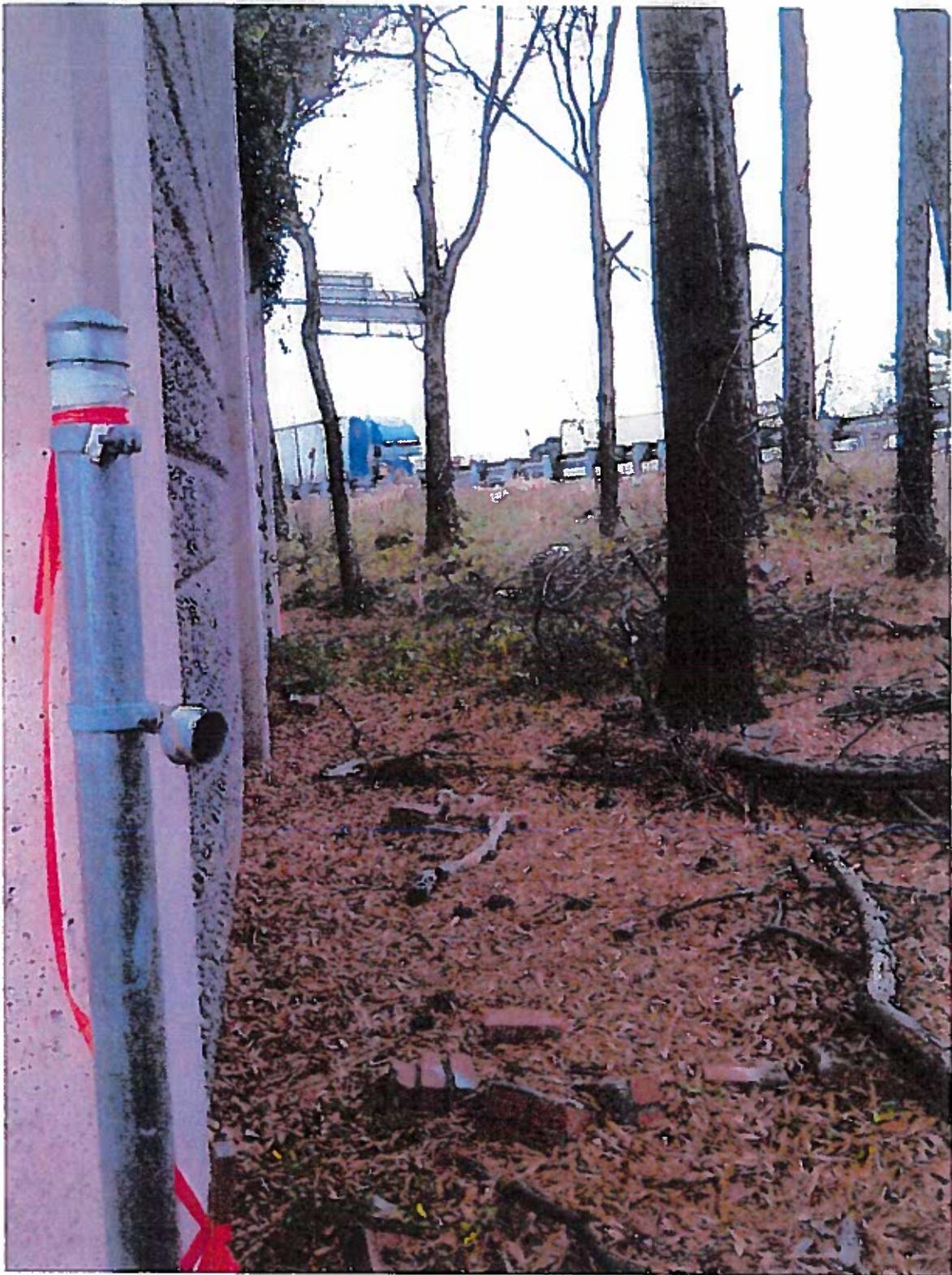
~~34.67~~  
\$277.50

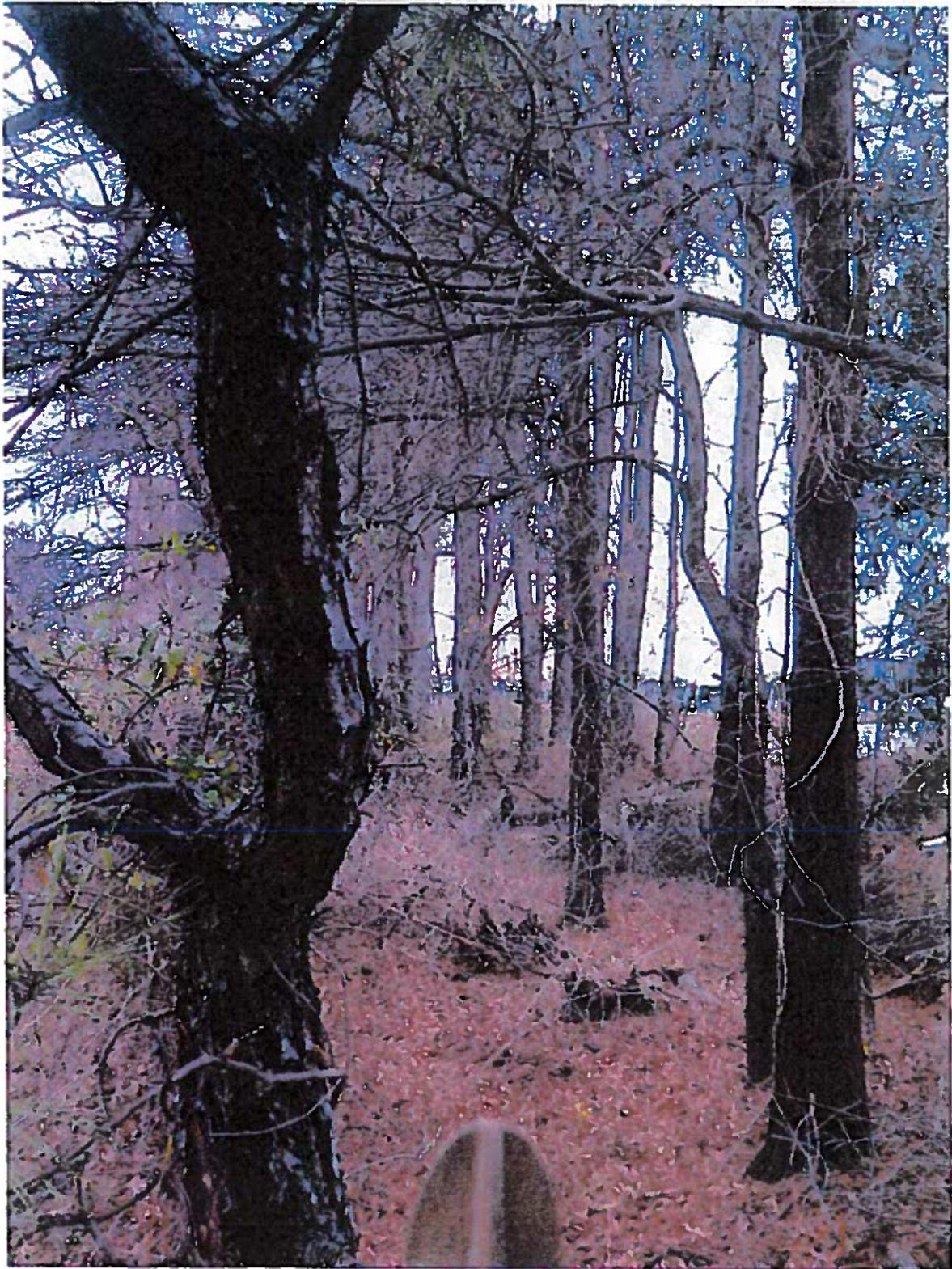
Lost canopy - Compensation amount:

Amount to be transferred to UFD via Journal Voucher

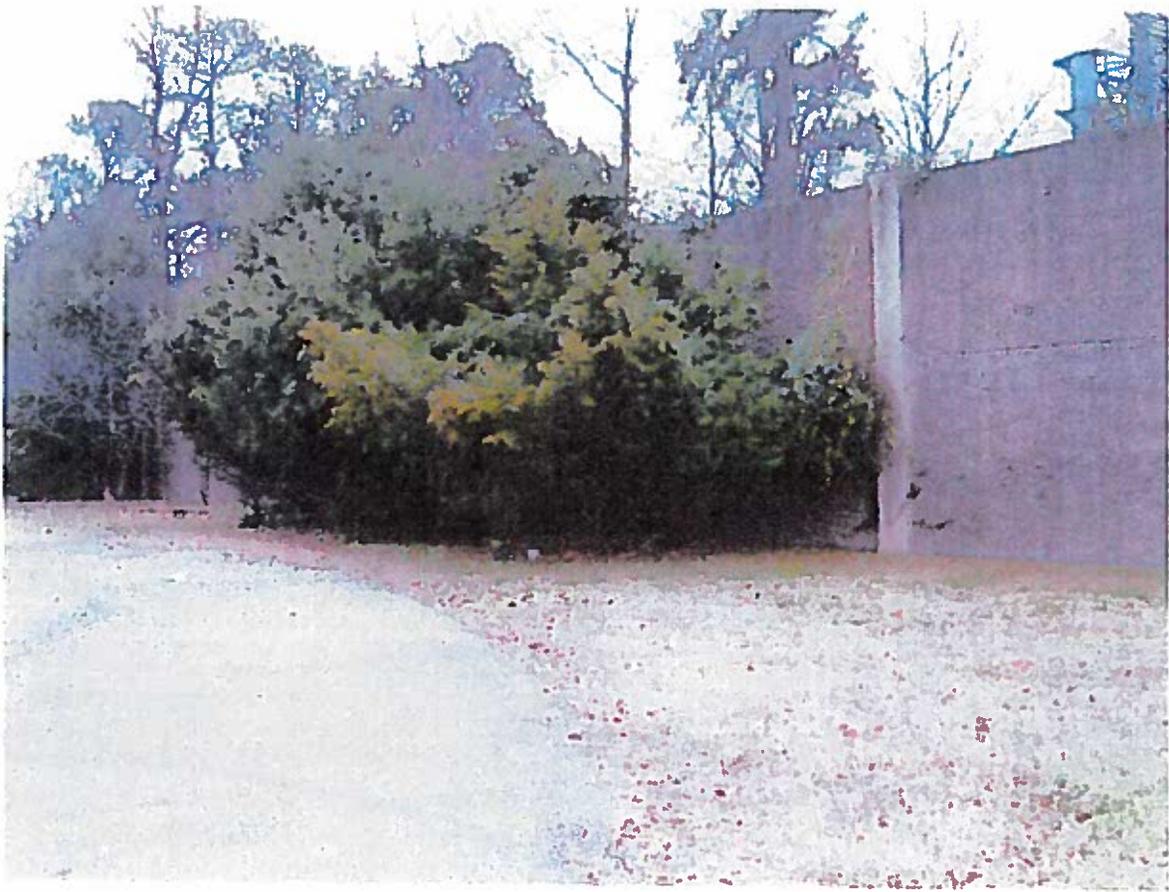
Amount to be issued to the Adopt-A-Tree (AAT) account





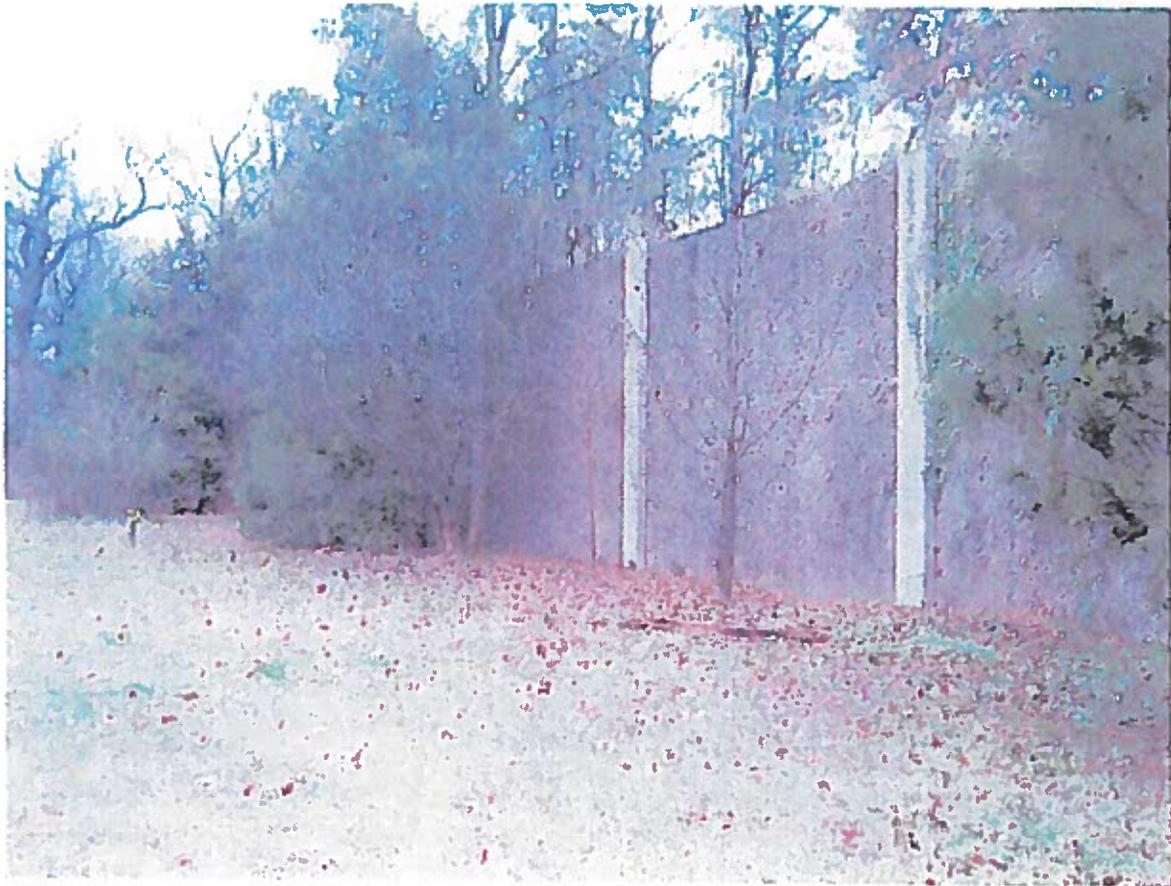


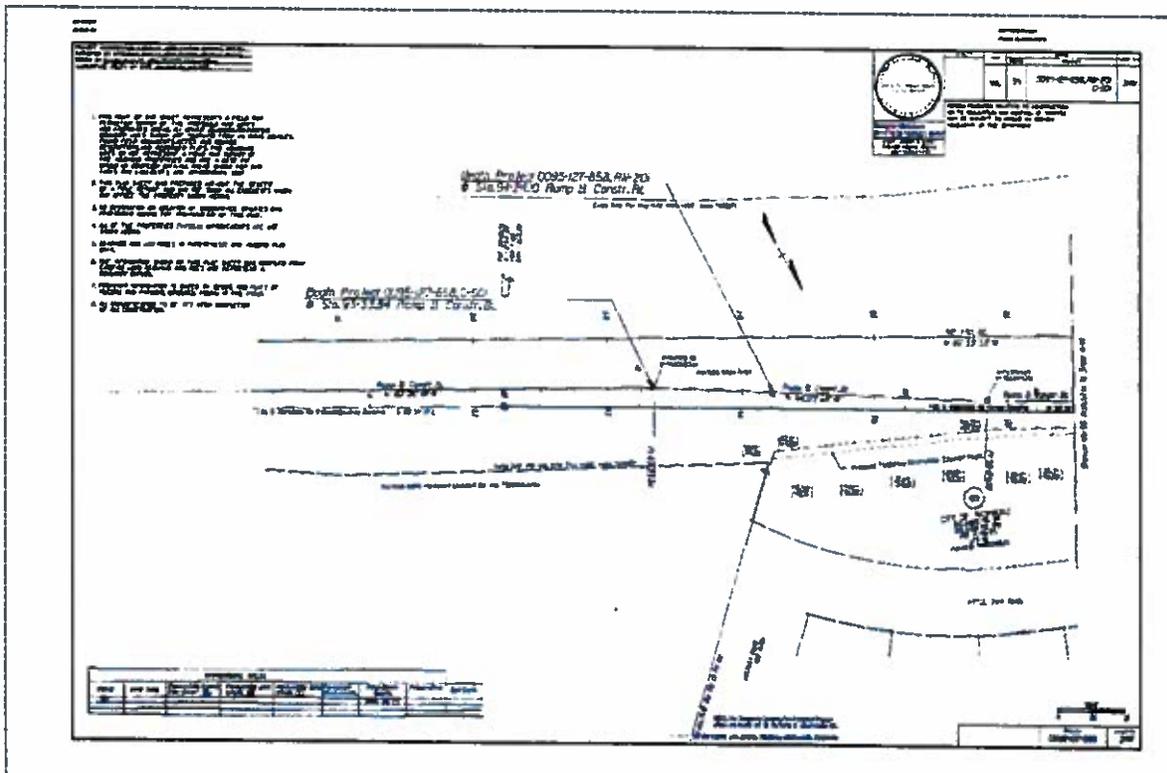


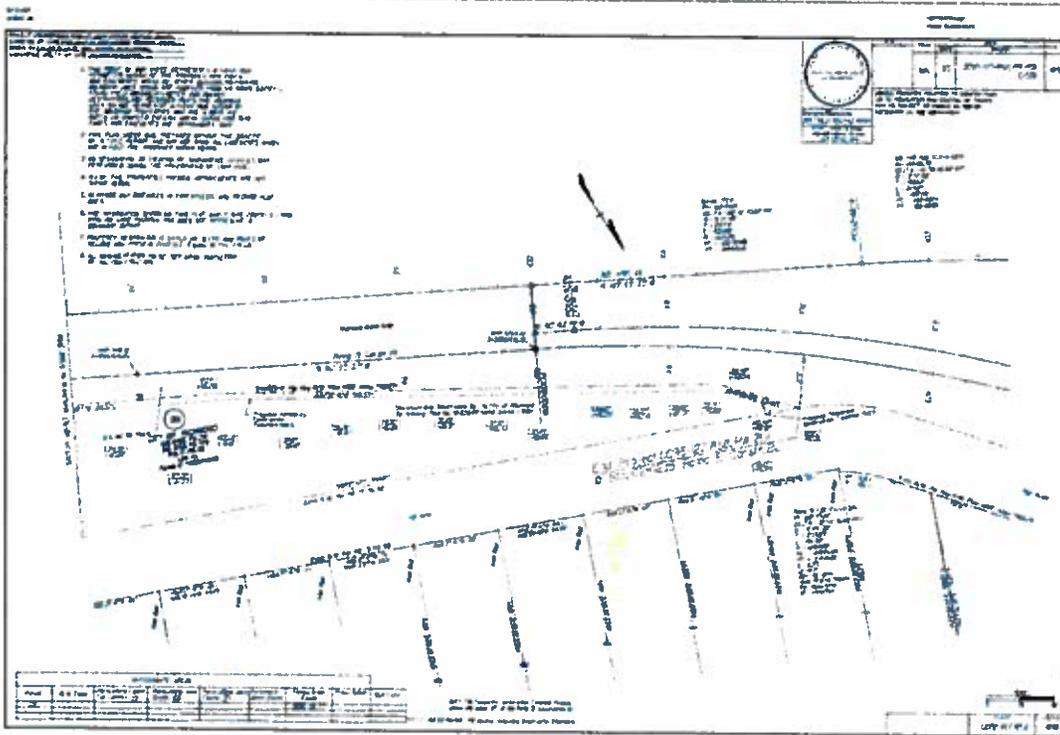












-RELAY-  
RIGHT OF WAY DATA SHEET

NO.	DESCRIPTION	DATE	EASMENT				REMARKS
			TYPE	DATE	STATUS	REMARKS	
1	...	...	...	...	...	...	
2	...	...	...	...	...	...	
3	...	...	...	...	...	...	
4	...	...	...	...	...	...	
5	...	...	...	...	...	...	
6	...	...	...	...	...	...	
7	...	...	...	...	...	...	
8	...	...	...	...	...	...	
9	...	...	...	...	...	...	
10	...	...	...	...	...	...	



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
RICHMOND DISTRICT  
2430 Pine Forest Drive  
COLONIAL HEIGHTS, VA 23834  
[www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov)

Stephen C. Brich, P.E.  
COMMISSIONER

January 22, 2018

Transportation Facility: Route: 95  
State Project: 0095-127-858, R201  
Federal Project: OC-095-1(344)  
City: Richmond  
UPC: 107796

**RIGHT OF WAY - Property of CITY OF RICHMOND RECREATION AND PARKS  
Parcel 001**

HAND DELIVER

Ms. Deborah E. Morton  
Deputy Director of the City of Richmond's Parks,  
Recreation & Community Facilities  
1209 Admiral Street  
Richmond, VA 23220

Dear Ms. Morton:

As you have been advised, the Virginia Department of Transportation (VDOT) is in the process of acquiring rights of way for the construction, maintenance and/or operation of the above referenced public transportation facility, specifically, Route 0095 in Richmond City, Virginia. A public hearing was held previously in the City of Richmond. Advertisements announcing the public hearing schedule were run in the local newspapers in advance of the hearing. Citizens' comments received by VDOT during this hearing were considered in the development of the final plans. The final project plans show that your property is needed for this transportation facility, and VDOT hereby offers to acquire the property that is needed, as shown on the enclosed plan sheets.

The Virginia Department of Transportation seeks to acquire your property to use for the construction, maintenance and/or operation of the referenced public transportation facility including any components thereof such as, but not limited to, storm water management systems, drainage systems, traffic control equipment, curbs, gutters, sidewalks and bike trails. Where it is necessary to the construction, maintenance and/or operation of the referenced transportation facility, your property may be used for the relocation, installation, improvement or maintenance of a utility service provided by a public utility provider, or for the relocation, installation, improvement or maintenance of railroad facilities. Pursuant to Section 25.1-204(B) of the Code of Virginia, the undersigned hereby certifies that the acquisition of your property has been reviewed by the Commissioner of Highways for purposes of complying with Section 1-219.1 of the Code of Virginia.

VDOT hereby offers to acquire the property and/or property rights needed, as shown on the enclosed plan sheets, for the total sum of \$10,120.00. This offer is based solely upon the valuation referenced below and in the attachment to this letter. This offer is made in an effort to settle any potential dispute between us over the value of this acquisition.

WE KEEP VIRGINIA MOVING

A study of the real estate market in your area was made to determine the value of the area needed and is the basis for our offer. After careful inspection and with full consideration of the impact of the proposed transportation facility on your property, the market value was established at \$10,120.00. A breakdown of this value is as follows:

Category	Unit	Unit Value	% of Value Applied	Size	Estimated Value
Temporary Construction Easement	SF	0.56	20%	3,896	\$ 500.00
Adopt-A-Tree Account					9,620.00
<b>Total Offer</b>					<b>\$ 10,120.00</b>

Enclosed is a complete copy of the approved Basic Administrative Report (BAR) and a copy of the title examination of your property. Plan Sheets 3, 3RW, 4 & 4RW are enclosed showing specific features highlighted in the following color: in ORANGE the area required for the temporary construction easement. Other documents enclosed include an IRS Taxpayer Identification Number Form (IRS Form W-9) that asks for your Social Security Number or Taxpayer ID. Another form is an authorization for your mortgage company allowing us to obtain mortgage lien information on your property. This information will be necessary to expedite closing and our payment to you of money owed.

Today my objective is to explain the appraisal, the title report and the plans (including cuts, fills, elevations and grades, as applicable.) As applicable, I want you to have an understanding of all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and approximate grade of entrances to your property. I also want to give you the opportunity to ask whatever questions you may have about all of this information.

If you feel it is necessary, I would be happy to meet with you again to further discuss this project and answer any additional questions you may have that were not addressed in today's meeting. You may contact me by postal mail, email or telephone. A business card with my contact information is enclosed for your ready reference.

You may be entitled to a reimbursement or reduction of your real estate taxes, depending on the circumstances at the time the transfer is concluded; however, should you have any questions pertaining to this, please contact your local treasurer for further details.

Thank you for your consideration of our offer to purchase the needed rights of way. Through your cooperation, Virginia's transportation system will remain among the nations finest.

Sincerely,



Rosalyn R. Richardson  
Land Acquisition & Property Mgmt. Agt II

:rrr

Enclosures

cc: Ms. Lori A. Snider, State Right of Way & Utilities Director