

INTRODUCED: April 25, 2016

AN ORDINANCE No. 2016-131

To close, to public use and travel, a portion of North 32<sup>nd</sup> Street, located south of East Franklin Street and north of Williamsburg Avenue and consisting of 5,418± square feet, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

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

PUBLIC HEARING: MAY 23 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of right-of-way known as North 32<sup>nd</sup> Street, located south of East Franklin Street and north of Williamsburg Avenue and consisting of approximately 5,418 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 plan prepared by the Department of Public Works, designated as DPW Drawing No. N-28655, dated March 3, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of Public R/W Known as N 32<sup>nd</sup> Street, Located South of E Franklin Street and North of Williamsburg Avenue,” a copy of which plan is attached to this ordinance.

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

ADOPTED:    MAY 23 2016    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 in force:

(a) 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.

(b) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the alley 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 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.

(d) The applicant pays the City the sum of \$7,748 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 Public Works, 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 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 upon adoption.



CITY OF RICHMOND  
INTRACITY CORRESPONDENCE

MAR 15 2016  
4-4920  
Chief Administration Office  
City of Richmond

O&R REQUEST

DATE: March 10, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request) *D CJ*

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: John J. Buturla, Interim Deputy Chief Administrative Officer *JJB*

FOR: Emmanuel Adediran, Director  
Department of Public Works *EAD*

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

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

FROM: Marvin Anderson, Surveys Supt.  
Department of Public Works *MA*

RECEIVED  
APR 06 2016  
OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT OF WAY  
KNOWN AS N. 32<sup>ND</sup> STREET LOCATED SOUTH OF E. FRANKLIN  
STREET AND NORTH OF WILLIAMSBURG AVENUE

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

**PURPOSE:** To close to public use and travel a portion of public right of way containing 5418 square feet and shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28655 dated March 3, 2016 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF PUBLIC R/W KNOWN AS N. 32<sup>ND</sup> STREET LOCATED SOUTH OF E. FRANKLIN STREET AND NORTH OF WILLIAMSBURG AVENUE" at the request of the owners of the adjacent properties.

**REASON:** Letter of request dated March 9, 2015 from James P. Carreras. Mr. Carreras formally requested the closing in order to transfer ownership to the adjacent owners for the purpose of

including this area to be utilized for parking and landscaping within a proposed plan of development project of the undeveloped adjacent properties.

**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 that may be 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 private and public owners of utilities who may have a vested interest in or facilities located within the subject right of way. This condition may be satisfied by the applicant(s)/owner(s)/successor(s) providing the City with a written affidavit (1) testifying that all such rights have been protected (or that no such rights exist) and (2) indemnifying the City from any claims asserting such rights.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing.
5. The applicant shall pay the City a sum of \$7,748.00 which is the value of the right of way to be closed.
6. A twelve (12) month expiration clause shall be included whereby all conditions set forth must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City prior to ordinance going into effect.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Department of Public Works and the Law Department with written evidence that all conditions of the ordinance have been completed. 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 right-of-way area to be vacated is the intersection of the right-of-way for N. 32<sup>nd</sup> Street with a former railroad right-of-way once owned by CSX Transportation, Inc. One adjacent owner, Chimx, LLC, has recently acquired any interests which CSX may have in the proposed closing area along with other adjacent parcels which were also formerly CSX r/w and lying north and south of this proposed r/w closing.

The adjacent property owners are planning a development of the area that includes the old CSX right-of-way. The applicant states that the area of the proposed closing is important to the development of parking and landscaping of the project.

This public right-of-way to be vacated does not provide any benefit for public use nor offers the potential for public improvements that would benefit vehicular travel.

The calculated value of the right of way to be vacated is \$7,748.00. This calculation is based upon the following: The area of the proposed r/w closure was previously comprised of City and CSX

right of way. CSX quitclaimed their interests in this parcel to the applicant along with other adjacent parcels, which were also former CSX right-of-way. The unit price for the CSX parcels was \$1.43 per square foot. The applicant has proposed that the City also accept this unit price for the subject City right-of-way to be vacated. This equates to \$7,748.00 for the 5418 square foot area. The Division of Right of Way Management recommends acceptance and approval of this Ordinance.

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 & processing fee, \$7,748.00 for the cost of the value of the land.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** April 11, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** May 9, 2016

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** Land Use Housing and Transportation Standing Committee

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

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

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

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

**ATTACHMENTS:** Applicant's request letter, DPW Dwg. No. N-28655

**STAFF:**

Prepared for Emmanuel O. Adediran

Prepared by Marvin Anderson and Doug Mawby

Research and Drawing Coordinated By: Jane Amory

Department of Public Works

646-0435

March 9, 2015

Mr. Emmanuel O. Adediran,  
Director of Public Works  
Room 701 City Hall  
900 E. Broad Street  
Richmond, Virginia 23219

Re; Vacating 32<sup>nd</sup> Street

Dear Mr. Adediran

I am the President of P & J. Properties, Inc, which owns 3200 Williamsburg Ave., Richmond, Va., and owns Chimx, LLC, which owns a strip of land adjacent to 3200 Williamsburg Ave. A portion of 32<sup>nd</sup> Street, which has been abandoned, is on this property and is not being used as a street. Please see the plat provided. There are no other adjoining land owners.

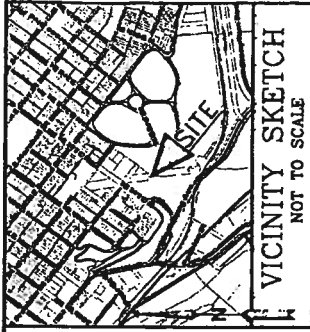
I am in the process of developing this property, and this area is important to the development of parking and landscaping for the project.

I am requesting that the City allow me to purchase that portion of 32<sup>nd</sup> street that is shown on the plat as on my property. I have enclosed \$300.00 and the professional land surveyor's plat as required.

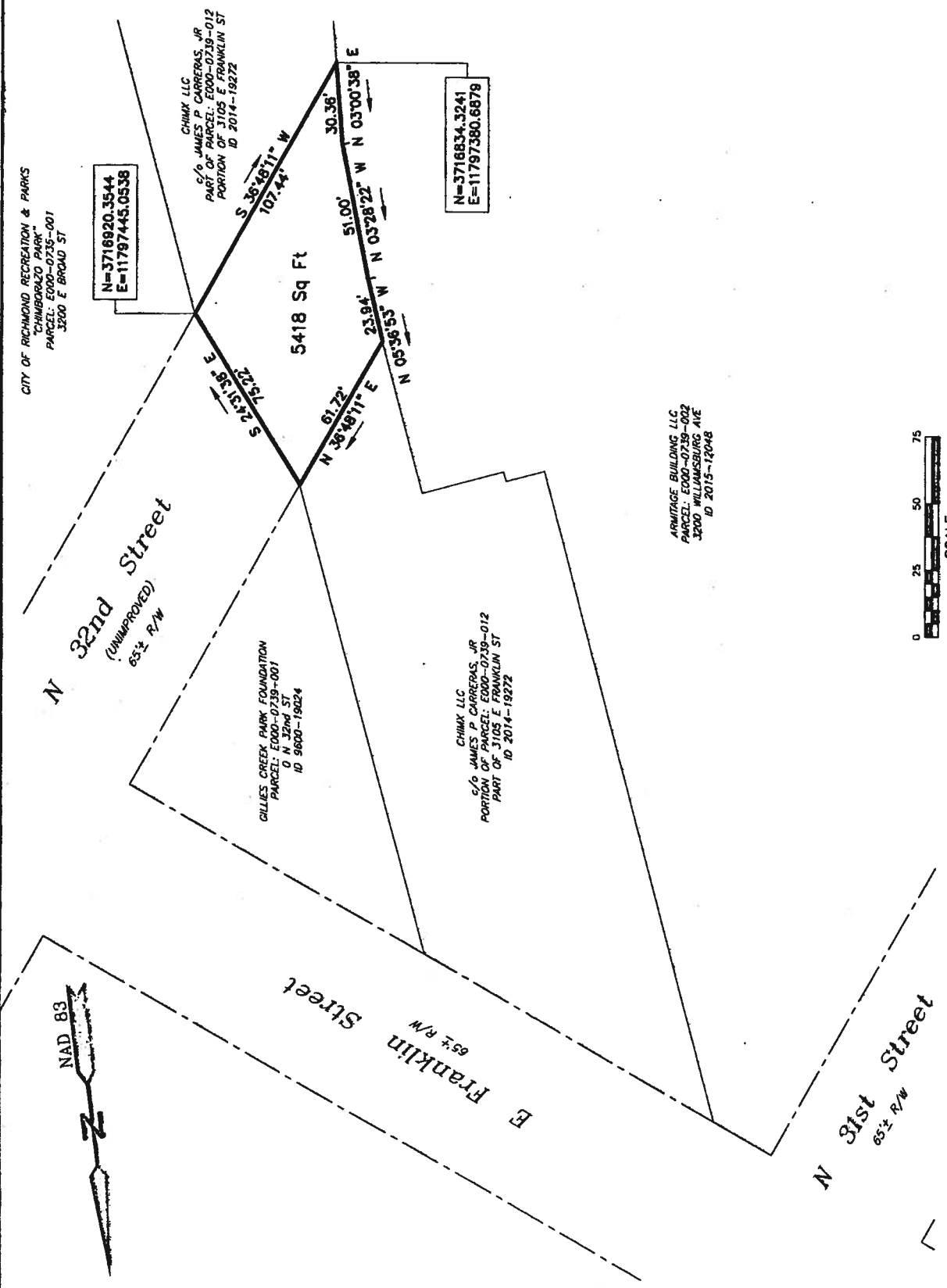
Sincerely,



James P. Carreras, President  
P & J Properties, Inc.  
P O Box 14740  
Richmond, Va. 23221



VICINITY SKETCH  
NOT TO SCALE



NOTES:

1. EMBOLDENED AREA DENOTES PUBLIC RIGHT OF WAY PROPOSED TO BE CLOSED. 5418 SQ.FT.
2. THIS DRAWING IS A COMPILATION OF DATA FROM RECORD SOURCES AND A PLAT BY MCKNIGHT & ASSOCIATES, P.C. DATED MARCH 10, 2015 AND TITLED "BOUNDARY SURVEY OF THREE PARCELS BETWEEN E FRANKLIN STREET & WILLIAMSBURG AVENUE."



Council District 7  
Block No. E-739

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL  
OF A PORTION OF PUBLIC R/W KNOWN AS N 32ND STREET  
LOCATED SOUTH OF E FRANKLIN STREET  
AND NORTH OF WILLIAMSBURG AVENUE



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

Drafting Technician: *Janet...*  
Surveys Superintendent: *...*  
Right of Way Manager: *...*

- NOTES
1. Lot dimensions in parentheses are from deeds.
  2. Property owners correct as of March 3, 2016.
  3. Ordinance No .....
  4. Adopted .....
  5. Accepted .....

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
N=3718834.3241 E=11797380.6879	1"=25'	3/3/16	E--739SC	N28655
Requested By: LETTER OF REQUEST FROM JAMES P. CARRERAS AND DATED MARCH 9, 2015				
DRAWN BY: JMA CHECKED BY: JWA				
REFERENCES: BL 15NE				