

INTRODUCED: June 28, 2021

AN ORDINANCE No. 2021-197

To close, to public use and travel, an alley bounded by West 9th Street, Bainbridge Street, West 10th Street, and Porter Street, consisting of 1,025± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 26 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by West 9th Street, Bainbridge Street, West 10th Street, and Porter Street, consisting of approximately 1,025 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-28959, dated May 7, 2021, and entitled “Proposed Closing to Public Use and Travel of an Alley in the Block Bounded by W. 9th Street, Bainbridge Street, W. 10th Street and Porter Street,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 26 2021 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 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 (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 \$22,170.75 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.

(f) The applicant removes any and all cobblestones, bricks, granite curbs, and other infrastructure materials from the right-of-way area to be closed and delivers all such cobblestones, bricks, granite curbs, and other infrastructure materials in an undamaged and cleaned condition to a location to be determined by the Director of Public Works.

(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

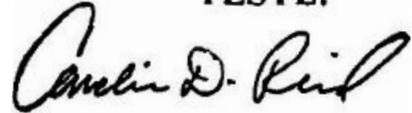
Development Review, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

§ 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 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carlin D. Reed". The signature is written in a cursive style with a large initial "C".

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: May 28, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) *[Signature]*

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer *JELS*

THROUGH: Robert Steidel, Deputy Chief Administrative Officer *[Signature]*

THROUGH: Bobby Vincent Jr., Director
Department of Public Works *[Signature]*

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

FROM: Brian Copple, Right of Way Manager
Department of Public Works *[Signature]*

RE: PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF AN ALLEY IN THE
BLOCK BOUNDED BY W 9TH STREET, BAINBRIDGE STREET, W 10TH
STREET AND PORTER STREET

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a public right of way for an alley in the block bounded by W 9th Street, Bainbridge Street, W 10th Street and Porter Street, containing 1,025 square feet, as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28959 dated 05/07/2021 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY W 9TH STREET, BAINBRIDGE STREET, W 10TH STREET AND PORTER STREET" at the request of the applicant.

REASON: Letter of request dated January 27, 2021 from Chris Blake with Miller & Associates, LLC on behalf of Urban Development Associates, the owner of all properties adjacent 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(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 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.
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 and other property owners within the block affected by the closing.
5. A twelve (12)-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.
6. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months of ordinance adoption. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$22,170.75.
8. The applicant/owner must agree in writing that if any cobblestones are found in the alley that they will remove and preserve, and return of these cobblestones to the City.
9. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within twelve (12) 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 become null and void automatically.

BACKGROUND:

Urban Development Associates, LLC owns all of the properties in the block bounded by W 9th Street, Bainbridge Street, W 10th Street and Porter Street. Urban Development Associates previously received city approval of their plan of development (POD-069228-2020) for a high density apartment complex on this site. However, at this time the developer has decided to revise the development plans in order to provide a less dense residential development with "for sale" duplex units. This revision will require the developer to submit a new plan of development and subdivision plat for City review and approval.

There is an unimproved public alley running westerly off W. 9th Street for 102.5' within this block. To achieve the desired layout for this new project they are requesting the vacation of this public alley right of way. As part of the development they will construct two private alleyways within the block that will connect W 10th Street and W 9th Street. At the time of subdivision plat recordation the developer will dedicate easements to the City within these alleyways for the City to use over, under, and across for access, utilities, refuse collection, emergency services and any other city functions or services.

Closing of this City right of way will not negatively impact the local transportation network nor will the right of way be necessary for any future Capital Improvements. Other reviewing City agencies offered no objection to this proposed closing request.

The value of the right of way to be vacated (1,025 sf) has been determined to be \$22,170.75 (\$21.63 per square foot) and is based on assessed values of adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

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; \$22,170.75 for the value of the land

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 2021

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: Applicant's request letter
DPW Dwg. No. N-28959

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW
Prepared by Marvin Anderson – Program & Operations Manager for Surveys – DPW
Research and Drawing Coordinated by James Flannery – Engineering Specialist – DPW
Department of Public Works
646-0435

MILLER & ASSOCIATES, LLC

116 EAST FRANKLIN STREET

RICHMOND, VA 23219

804.363.9177



January 27, 2021

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

Re: Request to close S-41 alley

Dear Mr. Vincent:

Urban Development Associates is hereby requesting the closure of a 10' public alley within the S-41 tax parcel block located in the Manchester neighborhood. This paper alley enters the block off of W. 9th Street and runs parallel to Bainbridge Street approximately 132' and dead ends. It serves no purpose at this time as the entire block is vacant and Urban Development Associates, LLC owns all of the parcels in the block.

Recently, we received city approval for our plan of development to construct a 75 unit apartment building on this site. However, because of the unsettled economic conditions that we're currently facing, we've decided to pivot to a less dense residential development with "for sale" duplex units. These duplexes will be targeted to owner occupants and will also provide additional workforce housing options within the neighborhood. This project will be similar to our Manchester Green development in the 1200 block between Bainbridge and Porter Streets. We plan to construct two alleyways through the block between W. 9th Street and W 10th Street and to ring the block with the residential two-family dwellings. Though the alleys will be privately owned and maintained, we will grant the city easements over, under, and across each of these alleyways for access, utilities, refuse collection, emergency services and any other city functions or services just as we did at Manchester Green. The closure of the existing alley is needed in order for us to move forward with our subdivision plan.

Enclosed please find the following items:

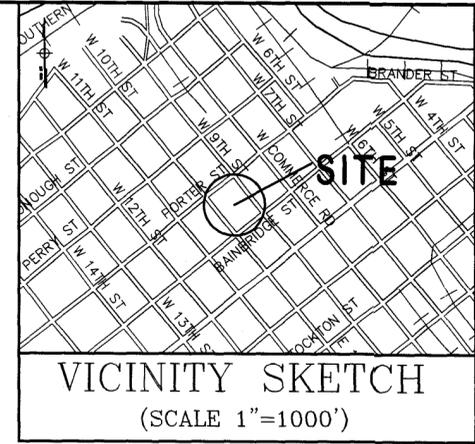
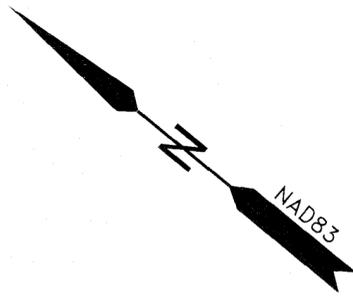
1. \$300 processing fee
2. Survey reflecting the subject streets and surrounding parcels

Please feel free to call me at (804) 363-9177 should you have any further questions or require any additional information. Robin and I would also be happy to meet with you at your convenience on site or at your office to discuss the issue further.

Best regards,

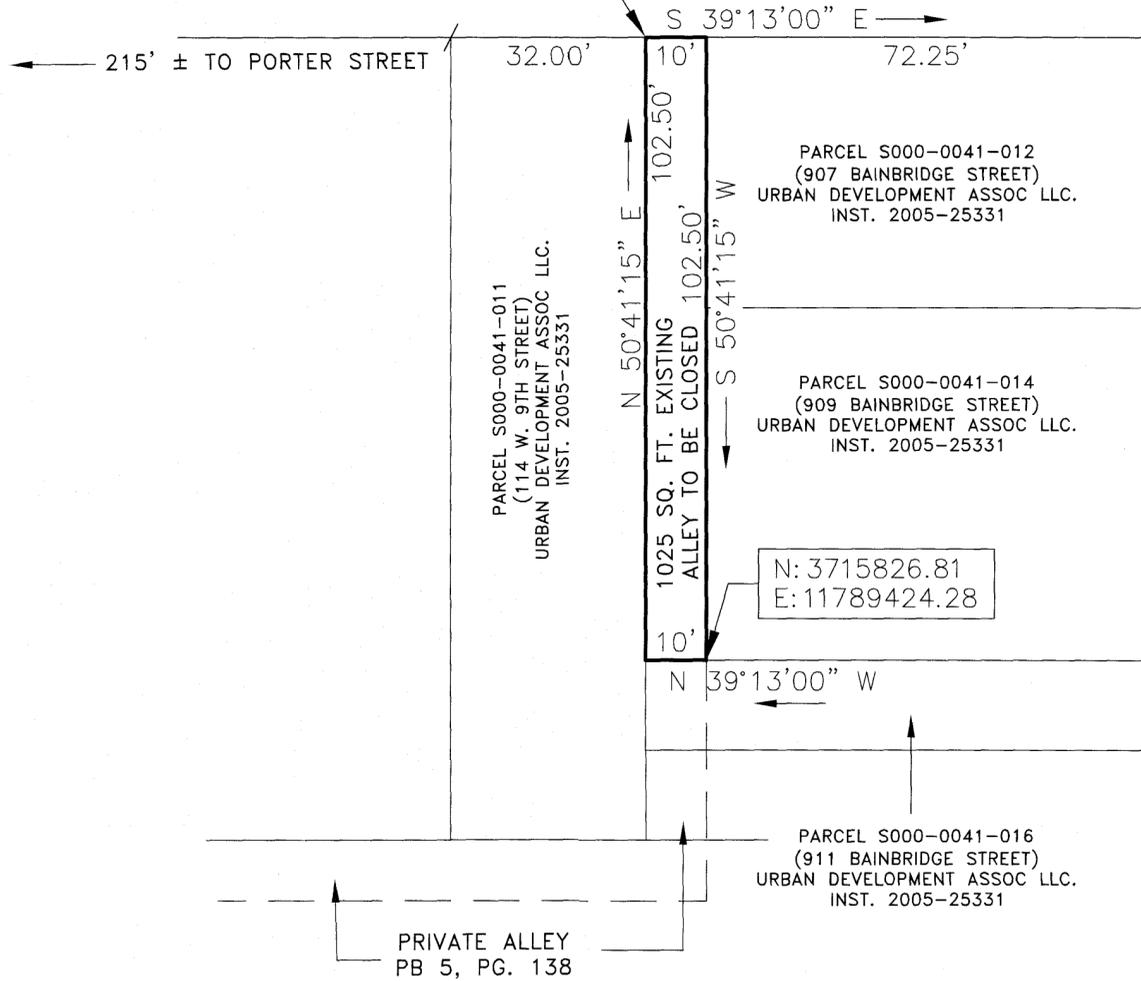
A handwritten signature in black ink, appearing to read "Chris Blake". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

Chris Blake
Miller & Associates, LLC



N: 3715899.50
E: 11789497.26

W. 9TH STREET
33' +/- RIGHT OF WAY



BAINBRIDGE STREET
66' +/- RIGHT OF WAY
(262'±)

- NOTE:**
- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND RECENT FIELD SURVEY BY SHADRACH & ASSOCIATES LLC. SHOWN ON PLAT TITLED "SHOWING THE VACATION OF A 10' PUBLIC ALLEY ALONG W. 9TH STREET " DATED 03/01/2021
 - THE ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 1,025 S.F.



Council District 6 Block No. S-41

NOTES

- Property owners correct as of MAY 7TH, 2021.
- Ordinance No
- Adopted
- Accepted

Drafting Technician *Jim W. Acker*
Surveys Superintendent *Jim W. Acker*
Right Of Way Manager *Chris Blake*

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



PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY W. 9TH STREET, BAINBRIDGE STREET, W. 10TH STREET AND PORTER STREET

REFERENCES: BL 11NW

Requested By: CHRIS BLAKE
DRAWN BY: J.F. SHROVER BY: J.F. SHROVER
FIELD NOTE SCALE DATE PROJECT DRAWING NO.
1"=20' 5/05/2021 S-41 AG N 20050