



**City Of Richmond, Virginia  
Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Ord. No. 2014-71

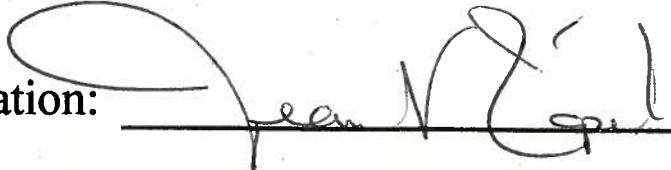
Chief Patron: Mayor Dwight Jones (By Request)

Introduction Date: March 24, 2014

Chief Patron Signature: 

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*For Office Use Only*

Attestation: 

Effective Date: Sept. 8, 2014

INTRODUCED: March 24, 2014

AN ORDINANCE No. 2014-71

To close to public use and travel, a portion of right-of-way known as East Cary Street, located in the block bounded by Pear Street, East Main Street, Peach Street and East Dock Street, and consisting of 1,973± square feet, upon certain terms and conditions.

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

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

PUBLIC HEARING: APR 28 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of right-of-way known as East Cary Street, located in the block bounded by Pear Street, East Main Street, Peach Street and East Dock Street, and consisting of approximately 1,973 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-28569, dated January 27, 2014, and entitled “Proposed Closing to Public Use and Travel of a Stub Portion of Public R/W Known as E. Cary Street Located on the East Side of Pear Street between E. Main Street and E. Dock Street,” a copy of which plan is attached to this ordinance.

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

§ 2. That section 1 of this ordinance shall become effective only when, within 12 months from the day this ordinance is adopted, the following conditions set forth in this section have been satisfied:

(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, it 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, it shall defend the City in any such suit or proceeding at its 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, it 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 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 obtains consent to the closing from each of the owners of land, buildings or structures from whom consent is required under section 90-327 of the Code of the City of Richmond (2004), 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 sum of \$37,763.22 to the City for the right-of-way 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, which 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 12 months of the day this ordinance is adopted, then the closing provided for in section 1 of this ordinance shall be null and void.

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

(f) The applicant obtains, in accordance with Chapter 114, Article X, Division 6 of the Code of the City of Richmond (2004), as amended, a special use permit for the proposed condominium project on the adjacent property known as 2801 East Main Street for which the right-of-way is to be closed.

(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 Division of Permits and Inspections of 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 section 1 of 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 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 upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

FEB 27 2014

Chief Administration Office
City of Richmond

O&R REQUEST

DATE: February 10, 2014

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Christopher L. Beschler, Deputy Chief Administrative Officer

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

FROM: Doug Mawby
Department of Public Works

RE: PROPOSED CLOSING OF A STUB PORTION OF PUBLIC RIGHT OF WAY
KNOWN AS E. CARY STREET LOCATED EAST OF PEAR STREET BETWEEN
E. DOCK STREET AND E. MAIN STREET

RECEIVED
MAR 07 2014
OFFICE OF CITY ATTORNEY

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

PURPOSE: To close to public use and travel a portion of public right of way containing 1973 square feet for the purposes of creating a large block of property for development and as shown enclosed with bold lines and illustrated on a plan prepared by the Department of Public Works, designated as DPW Dwg. No. N-28569 dated January 27, 2014 (Project No. E-534-SC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A STUB PORTION OF PUBLIC R/W KNOWN AS E. CARY STREET LOCATED EAST OF PEAR STREET BETWEEN E. DOCK STREET AND E. MAIN STREET" at the request of the applicant/owner of the surrounding property and to transfer ownership of this closed portion of the right of way to the applicant for a fee .

REASON: Letter of request dated December 4, 2013 from David S. White of Rocketts View SCP, L.P. requesting the closure of noted residual stub of right of way known as E. Cary Street for the purposes of development.

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.

201402019

**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 Community Development; Economic Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance, City Attorney

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

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

**ATTACHMENTS:** Applicant's request letter, DPW Dwg. No. N-28569

**STAFF:**

Prepared for M Khara

Prepared by Doug Mawby

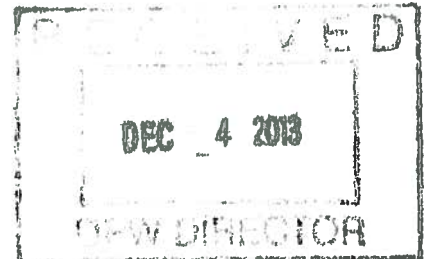
Research and Drawing Coordinated By: Marvin Anderson and James Flannery

Department of Public Works

646-0435

**Rocketts View SCP, L.P.  
1553 East Main Street  
Richmond, VA 23219**

December 4, 2013



Mr. James A. Jackson, Director  
Department of Public Works  
City of Richmond  
900 East Broad Street  
Room 701  
Richmond, VA 23219

Re: Right-of-way Closure Request  
Cary Street and Pear Street  
Parcel No. E0000534002

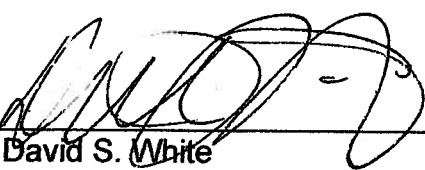
Dear Mr. Jackson:

By this letter, I would like to request the closure of an extension of East Cary Street as it enters property I own fronting the corner of E. Main Street and Pear Street (Parcel No. E0000534002 - see attached survey). The reason for my request is that I intend to build a condominium building on the referenced property. The current right-of-way extends into my proposed entry drive and lobby and elevator core. Without closure of this right-of-way, the proposed project could not be built. This is a "paper street" right-of-way and is not improved. I own all the property surrounding this requested right-of-way closure. There are not other impacted property owners.

Sincerely,

Rocketts View SCP, L.P.

By

  
David S. White  
Manager of its G.P.



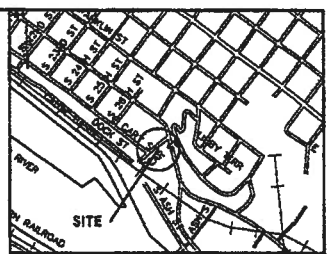
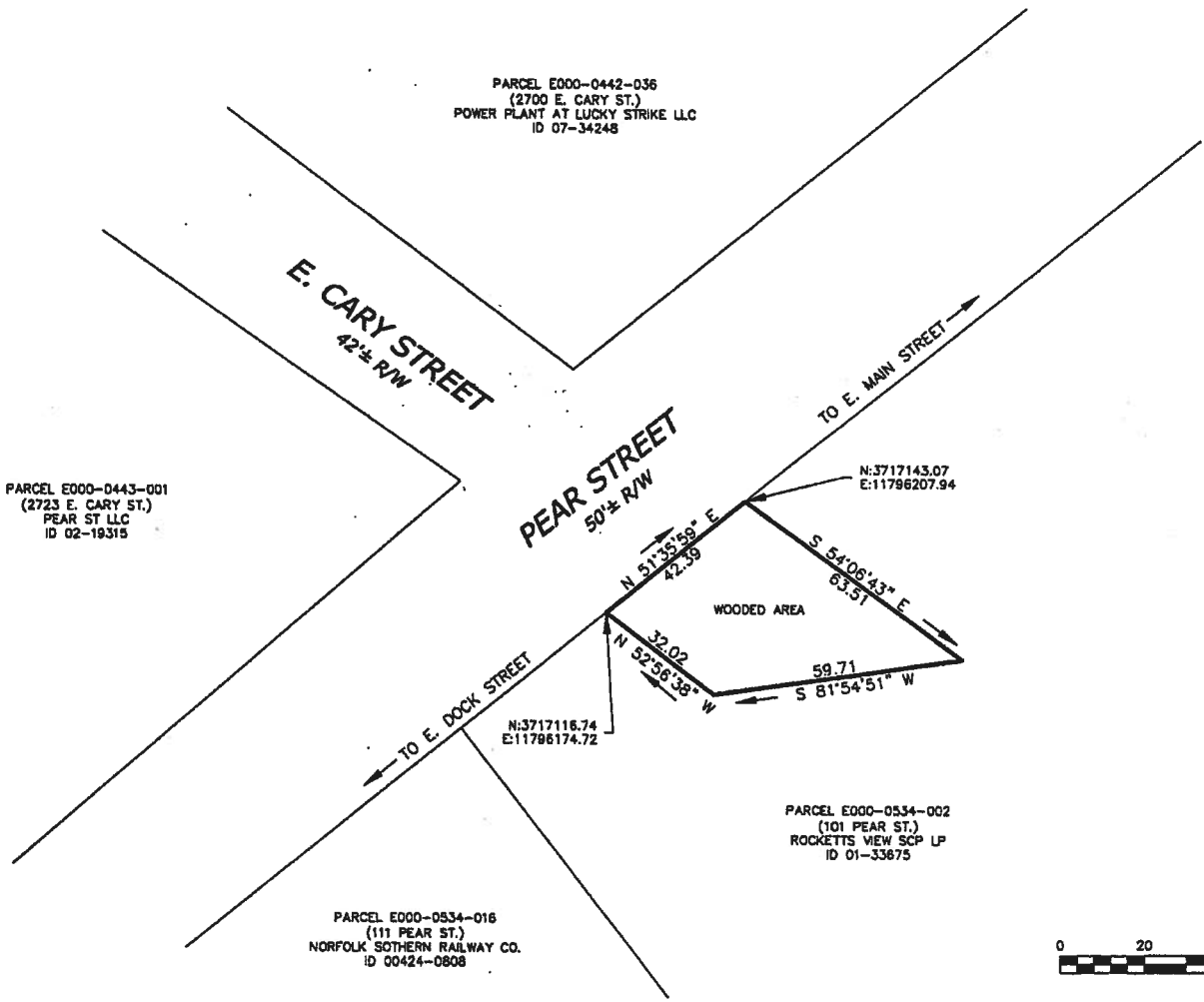
PARCEL E000-0442-036  
(2700 E. CARY ST.)  
POWER PLANT AT LUCKY STRIKE LLC  
ID 07-34248

PARCEL E000-0443-001  
(2723 E. CARY ST.)  
PEAR ST LLC  
ID 02-19315

PEAR STREET  
50'± R/W

PARCEL E000-0534-002  
(101 PEAR ST.)  
ROCKETTS VIEW SCP LP  
ID 01-33675

PARCEL E000-0534-016  
(111 PEAR ST.)  
NORFOLK SOUTHERN RAILWAY CO.  
ID 00424-0808



VICINITY SKETCH  
(SCALE 1"=1000')

**NOTE:**

1. PORTION OF E. CARY STREET R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES. 1973 SQ. FT.
2. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY BY GENE WATSON AND ASSOCIATES AS SHOWN ON A PLAT TITLED "PLAT SHOWING AN UNIMPROVED PORTION OF EAST CARY STREET TO BE VACATED SOUTHEAST OF PEAR STREET". DATED 7/02/13.



Council District 7

Block No. E-534

**NOTES**

1. Property owners correct as of JAN 6, 2014.
2. Ordinance \_\_\_\_\_
3. Adopted \_\_\_\_\_
4. Accepted \_\_\_\_\_

Drafting Technician *[Signature]*  
Surveys Superintendent *[Signature]*  
Right Of Way Manager *[Signature]*

Surveys Division, Room 600 City Hall  
900 E. Broad Street, Richmond, Va. 23219



PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A STUB PORTION OF PUBLIC R/W KNOW AS E. CARY STREET LOCATED ON THE EAST SIDE OF PEAR STREET BETWEEN E. MAIN STREET AND E. DOCK STREET.

Resurveyed By: LETTER DATED DECEMBER 4, 2013 - DAVID S. WHITE

REFERENCES: BL 10 NE

REVISIONS

DEPARTMENT OF PUBLIC WORKS  
RICHMOND, VIRGINIA

DRAWN BY: J.P.  
CHECKED BY: M.W.A.

FIELD NOTE	SCALE 1"=20'	DATE 1/27/2014	PROJECT E-534-SC	DRAWING NO. N-28569
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