

INTRODUCED: December 14, 2015

AN ORDINANCE No. 2015-256

To close, to public use and travel, a portion of Northampton Street, located between Carlisle Avenue and Goddin Street and consisting of 9,978± square feet, upon certain terms and conditions.

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Patron – Mayor Jones (By Request)

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Approved as to form and legality  
by the City Attorney

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PUBLIC HEARING: JAN 11 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of right-of-way known as Northampton Street, located between Carlisle Avenue and Goddin Street, and consisting of approximately 9,978 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-28671, dated July 23, 2015, and entitled “Proposed Closing of a Portion of Public Right of Way Located between Carlisle Ave and Goddin St Known as Northampton St,” a copy of which plan is attached to this ordinance.

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

ADOPTED: JAN 11 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 60 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 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, they shall pay such judgment or comply with such decree including payment of all costs and expenses of 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 \$5,000 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) An ordinance authorizing the sale by the City to the applicant of the properties known as 900 Goddin Street and 1000 Goddin Street, identified as Tax Parcel Nos. E000-1792/001 and E000-2030/001, respectively, in the 2015 records of the City Assessor is adopted, and the applicant obtains ownership of those properties pursuant thereto.

(f) Ordinances granting special use permits for the properties known as 910 Goddin Street, 1000 Goddin Street, 4907 Goddin Court, a portion of 1000 A Carlisle Avenue, 1000 B Carlisle Avenue, 1021 Carlisle Avenue, 1000 Carlisle Avenue, and the right-of-way to be closed by this ordinance are adopted, and the applicant applies for all construction permits necessary to complete the development contemplated by these special use permits.

(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 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 the City shall retain a full-width utility easement over and within the closed portion of Northampton Street as shown on DPW Drawing No. N-28671 until the easement is abandoned in writing by both the Director of Public Works and the Director of Public Utilities.

§ 4. 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.

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



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

O & R REQUEST

DEC 4 2015

Chief Administration Office  
City of Richmond

4-4655

### O&R REQUEST

**DATE:** December 4, 2015

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

DEC 10 2015

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

**THROUGH:** John Buturla, Interim Deputy Chief Administrative Officer

12/4/15

**THROUGH:** Emmanuel Adediran, Director  
Department of Public Works

EAD

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

MSK

**THROUGH:** Brian Copple, Chief of Construction and Inspections and Right of Way  
Department of Public Works

**FROM:** Doug Mawby  
Department of Public Works

DM

**RE:** PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT OF WAY LOCATED  
BETWEEN CARLISLE AVE AND GODDIN ST KNOWN AS NORTHAMPTON ST.

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

**PURPOSE:** To close to vehicular travel a portion of public right of way containing 9,978 square feet as shown enclosed with bold lines on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28671 dated July 23, 2015 entitled "PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT OF WAY LOCATED BETWEEN CARLISLE AVE AND GODDIN ST KNOWN AS NORTHAMPTON ST" at the request Fulton Hill Properties, LLC (owner of one of the adjacent parcels); to transfer ownership of this closed portion of the right of way to the applicant in conjunction with their unsolicited bid for City properties on either side of the proposed closure.

**REASON:** Letter of request dated June 17, 2015 from Margaret Freund of Fulton Hill Properties, LLC, requesting the closure to allow for construction of a large residential development project.

**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 agree in writing to 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 identify and protect the rights of any public and/or private owners or utilities who may have a vested interest or facilities in subject right-of-way.
3. The applicant(s)/owner(s)/successor(s) shall agree in writing to be responsible for surface stormwater 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. This condition shall not apply if the applicant is the only adjacent land owner at the time of formal acceptance of conditions.
5. The applicant shall secure ownership of the City parcels (910 Goddin Street / Parcel No. E000-1792-001) (1000 Goddin Street / Parcel No. E000-2030-001) on either side of the proposed closure.
6. An expiration clause shall be included whereby all conditions set forth must be satisfied by the applicant(s)/owner(s)/successor(s) within sixty (60) months from the day this ordinance is adopted for the ordinance to become effective.
7. A companion Special Use Permit paper for the development project must be submitted for approval. Public Works is requiring that the owner/applicant must submit plans for this project to be reviewed and approved for construction by the City. Applications for all required construction permits must be made prior to the sixty (60) months from the date of adoption of this ordinance.
8. A full-width utility easement shall be retained over and within the proposed closed portion, until said easement is explicitly abandoned and recorded through written authorization by and filed in the records of the Directors of Public Works and Public Utilities, or by their respective designees.
9. The applicant shall pay the City the net sum of \$ 5,000 for the value of the right of way to be closed. This net value was determined per the appraisal report dated August 21, 2015 by EA Joseph Appraisal and Consultation as prepared for Fulton Hill Properties.
10. The applicant(s)/owner(s)/successor(s) shall be responsible for providing the City Attorney's office and the Department of Public Works with written evidence that all conditions of the ordinance have been satisfied and subsequent concurrence and acceptance by the City. Should this written evidence not be submitted to the said offices prior to the expiration date, twenty four months after adoption of the ordinance, the ordinance will become null and void automatically.

**BACKGROUND:** The applicant has requested this closing in order to facilitate the development of a larger residential project in the immediate area. The project will include multiple residential buildings on parcels that are currently owned by Fulton Hill Properties and parcels owned by the City of Richmond. The applicant has submitted an unsolicited bid to purchase the relevant parcels from the City and this will need to be finalized prior to twenty four month expiration date for this closure paper.

The larger project herein noted includes construction of a new street within the right of way to be closed. This street is intended to be private but per the submitted SUP public travel over this portion will be allowed. This closure will allow public travel/connectivity from the private street (Carlisle Street) to the public street (Goddin Street). The City shall retain a full width easement over this right of way to be closed for public utilities.

The applicant provided an appraisal report dated August 21, 2015 prepared by EA Joseph Appraisal & Consultation. The appraised value of the proposed right of way to be closed was determined to be \$ 7,837. Deducting for the value of the easement that will be retained by the City, the net value of the proposed portion to be closed is \$ 5,000.

The intent of the closed public right of way will be utilized as a private street in which the City will no longer be required to perform maintenance. The proposed residential development project will create positive economic development into the area that will create additional tax base.

Other reviewing administrative agencies offered no objections to the closing request when combined with the right of way dedication.

**FISCAL IMPACT/COST:** None anticipated.

**FISCAL IMPLICATIONS:** None.

**BUDGET AMENDMENT NECESSARY:** No amendment necessary at this time.

**REVENUE TO CITY:** \$300 application & processing fee; \$ 5,000 for the cost of the net value of the land at the time of this ordinance to be effective.

**DESIRED EFFECTIVE DATE:** Sixty (60) months after adoption.

**REQUESTED INTRODUCTION DATE:** December 14, 2015

**CITY COUNCIL PUBLIC HEARING DATE:** January 11, 2016

**REQUESTED AGENDA:** Consent Agenda.

**RECOMMENDED COUNCIL COMMITTEE:** None

**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.:** Companion paper with SUP application.

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

**ATTACHMENTS:** Applicant's request letter; DPW Dwg. No. N-28671

**STAFF:** Prepared for Emmanuel O. Adediran  
Prepared by Doug Mawby  
Research and Drawing Coordinated By: Marvin Anderson  
Department of Public Works  
646-0435



## Fulton Hill PROPERTIES

June 17, 2015

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

Re: Closure of a 0.229 acre portion of Northampton Street

Dear Dr. Adediran,

This letter serves as a request to close to public use and travel and to convey to Fulton Hill Properties, LLC a 0.229 acre portion of the paper street known as Northampton Street as shown on the attached survey. This closure is requested in connection with an unsolicited bid for the property known as 910 Goddin Street (Parcel ID: E0001792001) ("Parcel 1") and 1000 Goddin Street (Parcel ID: E0002030001) ("Parcel 2"). Pursuant to the unsolicited bid, the portion of Northampton Street would be conveyed without additional consideration to the offer. The undersigned will grant a public easement through Northampton Street allowing utility access and public access from dawn to dusk.

Please let me know if you need any other information to process this request. If possible, please prepare an ordinance to be a companion paper to the ordinance declaring surplus Parcel 1 and Parcel 2.

I look forward to hearing from you. Enclosed is a check in the amount of \$300.00 for the application and processing fee.

Sincerely,

Margaret Freund

Enclosure: survey

Cc: The Honorable Cynthia Newbille, Lee Downey, Paul McClellan

