

AN ORDINANCE No. 86-302-274

ADOPTED DEC 8 1986

To authorize Hilton W. Goodwyn, Jr., and John W. Pearsall, Trustee, owners, and successors thereof, to encroach in, on, upon, across, into, through, under and along the south right of way line of Main Street, the east right of way line of 6th Street, and the north right of way line of an east-west alley 13.6 feet, more or less, in width that extends from the easterly right of way line of 6th Street to the westerly right of way line of 7th Street, with concrete pier bells, as shown on Department of Public Works Drawing No. N-21601, dated October 23, 1986, entitled: "Proposed Underground Encroachments (concrete pier bells) in Main St. (S/L), 6th St. (E/L), and an Alley (N/L) Between Main St. and Cary St. (Goodwyn Parking Deck)", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Hilton W. Goodwyn, Jr., and John W. Pearsall,
3. Trustee, owners, and any successor thereof, hereinafter
4. referred to as "Licensee", are hereby permitted to encroach
5. in, on, upon, across, into, through, under and along the
6. south right of way line of Main Street, the east right of
7. way line of 6th Street, and the north right of way line of
8. an east-west alley 13.6 feet, more or less, in width that
9. extends from the easterly right of way line of 6th Street to
10. the westerly right of way line of 7th Street, with concrete
11. pier bells, to the extent and in the manner shown shaded on

1. Department of Public Works Drawing No. N-21601, dated
2. October 23, 1986, entitled: "Proposed Underground Encroach-
3. ments (concrete pier bells) in Main St. (S/L), 6th St.
4. (E/L), and an Alley (N/L) Between Main St. and Cary St.
5. (Goodwyn Parking Deck)", a copy of which drawing is attached
6. to the draft of this ordinance. The license herein granted
7. shall continue until such time as the encroachments or a
8. substantial part or parts thereof shall be removed or
9. destroyed subject to the provisions and conditions contained
10. in Section 2.04(e) of the Charter of the City of Richmond.

11. § 2. That the permission granted in § 1 of this
12. ordinance is granted upon and subject to the following
13. additional terms and conditions:

14. (a) That all cost shall be borne by the Licensee,
15. Hilton W. Goodwyn, Jr., and John W. Pearsall, Trustee,
16. owners, or successors.

17. (b) That the Licensee, or successors, shall pay to
18. the City for the use and occupancy of the space occupied in
19. the streets such charges as Council has heretofore or may
20. hereafter prescribe for such use of the public streets,
21. which charges may be increased or decreased or otherwise
22. modified at any time and from time to time by the Council.

23. (c) That the Licensee, or successors, shall
24. indemnify, keep and hold the City free and harmless from
liability on account of injury or damage to persons, firms

1. and corporations and property growing out of such use of the
2. streets and the installation, construction, maintenance,
3. repair, operation and removal of the encroachments, and in
4. the event that suit shall be brought against the City,
5. either independently or jointly with the Licensee on account
6. thereof, the Licensee will defend the City in any such suit
7. at its cost, and in the event of a final judgment being
8. obtained against the City either independently or jointly
9. with the Licensee, it will pay such judgment and all costs
10. and hold the City harmless therefrom.

11. (d) That the Licensee, or successors, shall insure
12. its liability in connection with the encroachments providing
13. indemnities of not less than \$500,000 for bodily injuries or
14. property damage resulting from any one occurrence. The City
15. shall be named as an additional insured under the insurance
16. contract. The Licensee, or successors, shall keep the
17. insurance in full force and effect at all times during the
18. installation, maintenance, existence and removal of the
19. encroachments. The Licensee shall provide the City with a
20. certificate of such insurance which shall contain a
21. statement that the insurance is provided to enable
22. the Licensee to perform its obligation under this
23. paragraph (d) and that the insurance will not lapse
24. or otherwise expire prior to sixty days' written

1. notice thereof given by the Licensee's insurance carrier to
2. the City Manager of the City, anything in such insurance
3. contract to the contrary notwithstanding.

4. (e) That the Licensee, or successors, shall furnish
5. the City a bond with corporate surety approved by the City
6. Attorney in the sum of fifty thousand dollars conditioned
7. upon the removal of the encroachments if required by the
8. City or their being effectively filled or otherwise rendered
9. incapable of constituting a hazard to the public or to any
10. underakings of the City and upon replacement and restoration
11. of the streets and any public utility including facilities
12. of the City of Richmond therein damaged, disturbed or
13. destroyed thereby in a manner and with such materials to the
14. satisfaction of the Directors of Public Works, Public
15. Utilities and Public Safety on order to do so by the
16. Council, or upon repeal of this ordinance, or upon the
17. failure, refusal or neglect of the Licensee to comply fully
18. and in all respects with the provisions of this or any other
19. ordinance relating thereto. The Licensee, or successors,
20. shall pay all premiums chargeable for the bond and shall
21. keep the same in full force and effect at all times during
22. the existence and removal of the encroachments. The bond
23. shall contain a provision that it shall not be terminated or
24. otherwise allowed to expire prior to sixty days written

1. notice to that effect given to the City Manager of the City.
2. An irrevocable letter of credit in an amount of not less
3. than fifty thousand dollars may be provided in lieu of such
4. bond.

5. (f) Prior to commencing work in, on, across, into,
6. upon, through, under or along any street any and all permits
7. required for such work shall be obtained under provisions of
8. ordinances and regulations relating to issuance of such
9. permits. All work performed pursuant to such permits shall
10. be performed in a manner satisfactory to the Director of
11. Public Works, Public Safety, and Public Utilities.

12. (g) Licensee, or successors, shall restore and
13. replace portions of streets and public utilities of either
14. regulated utility companies or of the City disturbed or
15. destroyed by construction, maintenance, repair, and use of
16. the encroaching facilities.

17. (h) This ordinance is adopted pursuant to the power
18. granted the Council by law. It is not intended by the
19. adoption of this ordinance to offer or grant a franchise and
20. the permission hereby granted shall at all times be subject
21. to revocation by the Council and the terms and conditions
22. upon which it is granted shall be subject to modification at
23. any time and from time to time by the Council. Upon such
24. revocation or modification the Licensee, or successors,

1. shall immediately conform to the requirements, if any,
2. prescribed by the Council with respect thereto.

3. § 3. This ordinance shall be in force upon adoption
4. and shall become effective when within twelve months of the
5. date of adoption the Licensee shall furnish the required
6. insurance and bond (or letter of credit) and files with the
7. City Clerk a written statement in form satisfactory to the
8. City Attorney to the effect that Licensee agrees to the
9. terms and conditions upon which such permission is granted
10. and agrees to be bound thereby and to observe and comply
11. therewith. The Licensee shall be responsible for furnishing
12. all documents and data and meeting all other requirements,
13. terms and conditions imposed as a requisite for this
14. ordinance becoming effective.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-302	Subject Underground Encroachment With CAISSON BELLS/Sidewalk Areas of Main & 6th Streets
Requested by City Manager By Request	
Received City Manager's Office	
Summarized 12/3/86	

SUMMARY

This Ordinance would authorize encroachments for underground concrete pier bells (CAISSON BELLS) in the sidewalk areas of Main & 6th Streets and an east-west alley in the block bounded by Main, Cary, 6th & 7th Streets.

The concrete pier bells are necessary for structural support of a proposed 6-story parking deck.

The encroachments into the sidewalk and alley areas are entirely underground and would not affect use of the public right-of-way.

Annual Revenue -- \$389.00

Department of Public Works offers no objections; usual terms and conditions to include:

1. Applicant to bear all cost relative to encroachment;
2. Liability insurance shall be in effect during construction and life of the encroachment; and,
3. Applicant shall furnish removal bond.

Planning Commission granted approval (7-2) December 1, 1986.

COUNCIL ACTION

On Docket	12/8/86
Amended	
Adopted	
Rejected	

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

December 2, 1986

To the Honorable Council of the
City of Richmond, Virginia

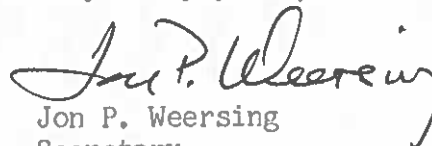
At its meeting of December 1, 1986, the City Planning Commission voted
(7-2) to recommend APPROVAL of:

Ordinance No. 86-302

To authorize Hilton W. Goodwyn, Jr., and John W. Pearsall, Trustee, owners, and successors thereof, to encroach in, on, upon, across, into, through, under and along the south right of way line of Main Street, the east right of way line of 6th Street, and the north right of way line of an east-west alley 13.6 feet, more or less, in width that extends from the easterly right of way line of 6th Street to the westerly right of way line of 7th Street, with concrete pier bells, as shown on Department of Public Works Drawing No. N-21601, dated October 23, 1986, entitled: "Proposed Underground Encroachments (concrete pier bells) in Main St. (S/L), 6th St. (E/L), and an Alley (N/L) Between Main St. and Cary St. (Goodwyn Parking Deck)", upon certain terms and conditions.

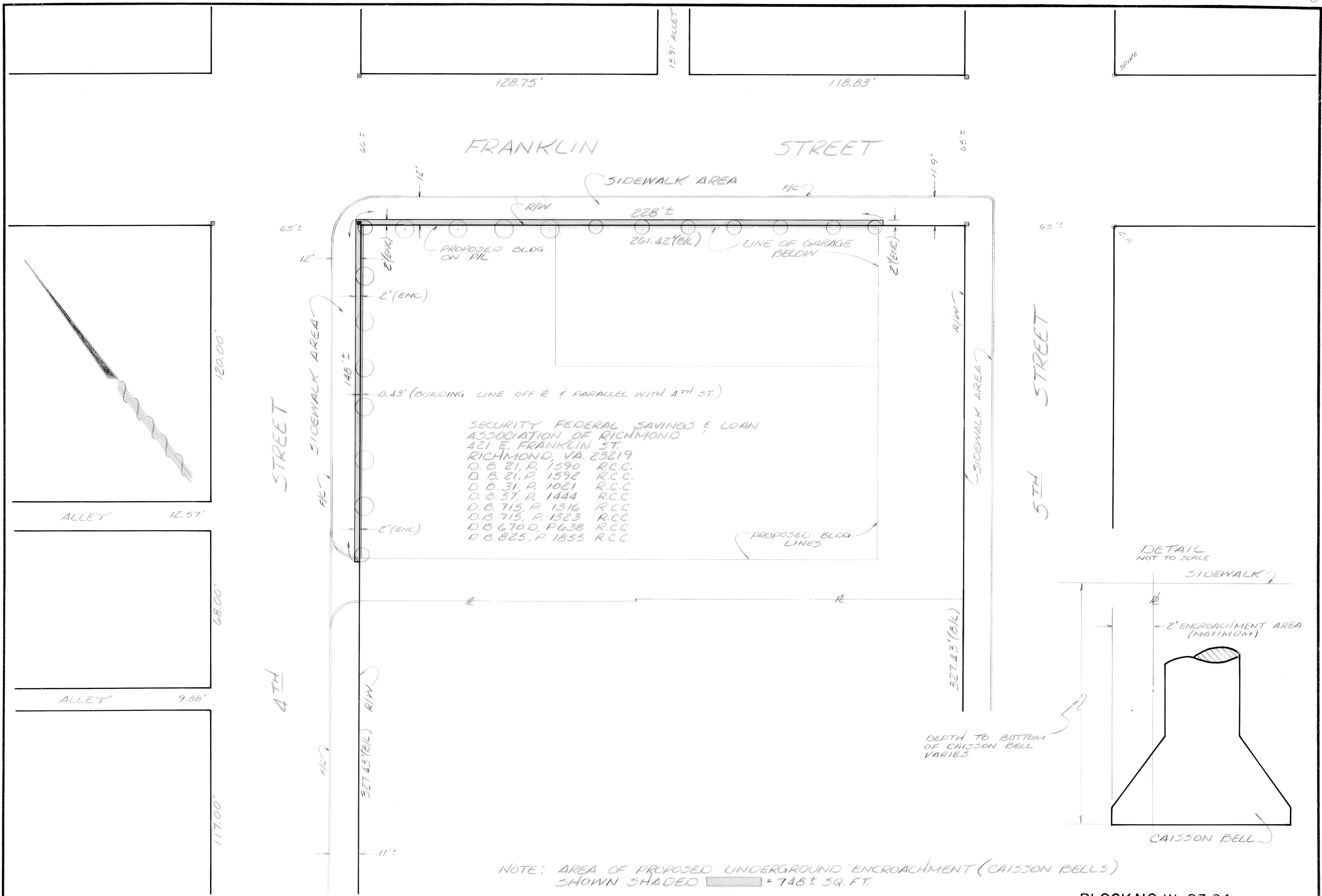
The purpose of this paper is to authorize encroachments for underground concrete pier bells (caisson bells) in the sidewalk areas of Main and 6th Streets and an east-west alley in the block bounded by Main, Cary, 6th and 7th Streets. The petitioner proposes construction of a six-story parking deck on the adjacent property at the southeast corner of 6th and Main Streets. A total of sixteen concrete pier bells are proposed to encroach into the sidewalk and alley areas. The pier bells are necessary for the structural supports for the deck. The encroachments are entirely underground and would not affect the use or appearance of the public rights-of-way. A plan of development for the structure was approved by the Planning Director and reviewed by the Planning Commission in August. The ordinance contains the normal encroachment conditions regarding proper installation, restoration of the area upon completion of construction, payment of encroachment fees and liability protection for the City.

Very truly yours,


Jon P. Weersing
Secretary

JFW:lk

cc: Mr. A. M. Dreelin, Jr. - Applicant
Director - Department of Public Works



NOTE: AREA OF PROPOSED UNDERGROUND ENCROACHMENT (CAISSON BELLS) SHOWN SHADED = 748 ± SQ. FT.

BLOCK NO. W-23,24

<p>NOTES</p> <p>1. Cuts and fills shown represent the difference in elevation of ground at property line and the sidewalk grade.</p> <p>2. Fences, walks, steps, or coping walls adjacent to the street line, affected by the grading of streets, will not be replaced or repaired at the City's expense unless otherwise shown on plan.</p> <p>3. Lot dimensions in parentheses are from deeds.</p> <p>4. Property owners correct as of 10/28, 1986.</p> <p>5. Ordinance No. 86-301-273 Adopted 12-8-86</p> <p>6. Accepted _____ (Condition to met.)</p>		<p>Surveys Administrator <i>Anthony M. Masley</i></p> <p>Streets & Sewers Administrator <i>W. Roberts</i></p> <p>Permits & Engr. Services Administrator <i>W. Roberts</i></p> <p>Chief, Bureau of Engineering <i>W. Roberts</i></p> <p><i>Robert E. Lane</i> 11-6-86 Director of Public Works</p>		<p>PROPOSED UNDERGROUND ENCROACHMENTS (CAISSON BELLS) IN THE E/L OF 4TH ST. AND THE S/L OF FRANKLIN ST. (RICHMOND OFFICE BUILDING)</p> <p>AUTHORITY: DIRECTOR - LETTER OF REQUEST DATED 10/27/86 AND SIGNED BY WILLIAM A. WALSH, JR., ATTORNEY, HUNTON & WILLIAMS.</p>					
<p>REFERENCES B/L 15W, SITE PLANS BY LEVINS & ASSOCIATES DATED 10/23/86.</p>	<p>REVISIONS</p>	<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>		<p>DRAWN BY HFJ CHECKED BY W.T.E.</p>	<p>FIELD NOTES</p>	<p>SCALE 1" = 30'</p>	<p>DATE 10/31/86</p>	<p>PROJECT 1-1-4T</p>	<p>DRAWING NO. N-21607</p>