

INTRODUCED: February 8, 2016

AN ORDINANCE No. 2016-023

To authorize the acquisition by condemnation, in the manner prescribed by City Charter § 18.03, of certain interests in a portion of the property known as 1200 Spruance Road for the public purpose of constructing multimodal transportation and drainage improvements along Jahnke Road between its intersection with Blakemore Road and its intersection with Forest Hill Avenue.

\_\_\_\_\_  
Patron – Mayor Jones

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

PUBLIC HEARING: FEB 22 2016 AT 6 P.M.

WHEREAS, by Ordinance No. 2014-109-82, adopted May 27, 2014, the Council of the City of Richmond declared that a public necessity existed for the acquisition of certain fee simple interests, permanent drainage easements, and temporary construction easements for the public purpose of constructing multimodal transportation and drainage improvements along Jahnke Road between its intersection with Blakemore Road and its intersection with Forest Hill Avenue; and

WHEREAS, the acquisition for which the Council declared such public necessity includes interests in a portion of property owned by Yaneique Cain-Gooden, known as 1200

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

ADOPTED:    FEB 22 2016      REJECTED:    \_\_\_\_\_      STRICKEN:    \_\_\_\_\_

Spruance Road, identified as Tax Parcel No. C005-0544/020 in the 2016 records of the City Assessor, and more particularly described on sheet 5 of a plan prepared by the Department of Public Works, Richmond, Virginia, designated as DPW Drawing No. O-28396, and dated June 10, 2011;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, or the designee thereof, be and is hereby authorized to acquire, in the manner prescribed by section 18.03 of the Charter of the City of Richmond (2010), as amended, a portion of the property known as 1200 Spruance Road, identified as Tax Parcel No. C005-0544/020 in the 2016 records of the City Assessor, and more particularly described on sheet 5 of a plan prepared by the Department of Public Works, Richmond, Virginia, designated as DPW Drawing No. O-28396, and dated June 10, 2011, a copy of which is attached to and incorporated into this ordinance, for the public purpose of constructing multimodal transportation and drainage improvements along Jahnke Road between its intersection with Blakemore Road and its intersection with Forest Hill Avenue.

§ 2. That the Chief Administrative Officer, or the designee thereof, be and is hereby authorized to (i) direct the City Attorney to file the necessary petition to undertake the condemnation of such property for such public purpose, (ii) deposit the amount of money estimated to be the fair value of the land taken, or interest therein sought, and damage done with the Circuit Court of the City of Richmond, (iii) sign the necessary legal documents, and (iv) otherwise proceed with the condemnation.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

JAN 26 2016

Chief Administration Office
City of Richmond

4-4437

O&R REQUEST

DATE: JANUARY 14, 2016 EDITION: 2
TO: THE HONORABLE MEMBERS OF CITY COUNCIL
THRU: THE HONORABLE DWIGHT C. JONES, MAYOR
THRU: SELENA CUFFEE-GLENN, CHIEF ADMINISTRATIVE OFFICER
THRU: JOHN J. BUTURLA, INTERIM DEPUTY CHIEF ADMINISTRATIVE OFFICER
THRU: DR. EMMANUEL ADEDIRAN, DIRECTOR OF PUBLIC WORKS
FROM: M. S. KHARA, P.E., CITY ENGINEER
FROM: LAMONT L. BENJAMIN, PE, CAPITAL PROJECTS ADMINISTRATOR
RE: ACQUISITION FOR TEMPORARY CONSTRUCTION EASEMENT AT 1200 SPRUANCE ROAD, PARCEL 017, OWNED BY YANIQUE-CAIN GOODEN, BY SECTION 18.03 CONDEMNATION ACTION

ORD. OR RES. NO.

PURPOSE: To authorize the acquisition by Section 18.03 ("quick take") condemnation action of a portion of property at 1200 Spruance Road, Parcel 017, owned by Yanique-Cain Gooden, as shown on DPW Drawing No. O-28396, sheet 5 dated 6-10-11 entitled "Jahnke Road Improvements".

REASON: The Council, by adoption of a previous ordinance, declared the public necessity exists and authorized the acquisition of necessary property rights in order to undertake improvements to Jahnke Road. The owner of the property has refused the fair market offer made by the City.

RECOMMENDATION: Approval is recommended by the Department of Public Works.

FEB 03 2016
OFFICE OF CITY ATTORNEY

**BACKGROUND:** Through coordination with the Virginia Department of Transportation (VDOT) and the Metropolitan Planning Organization (MPO), this project is funded primarily with RSTP (Regional Surface Transportation Program) funds. These improvements were designed by CH2M HILL Consulting Engineers as construction plans noted as DPW Drawing No. O-28396.

Project improvements consist of two travel lanes with a grass median. A continuous 5 ft sidewalk on the south side of the project corridor, and an 8 ft shared use path along the north side of the corridor that extends from Newell Road to the CSX rail crossing, to the existing sidewalk that continues to Forest Hill Avenue. A green space for landscaping is provided on both sides of the project corridor. The green space is 6 ft adjacent to the sidewalk and 8 ft adjacent to the shared use path.

These improvements require additional right-of-way, temporary easements, permanent easements, and utility easements for eighty-four (84) parcels, as part of the project. In order to prepare for the construction of the project, it will be necessary for the City of Richmond to acquire temporary construction easement (945 sq. ft.) from the property at 1200 Spruance Road, Parcel 017. The Department of Public Works has attempted to negotiate with the property owner. Yanique-Cain Gooden has decided to hire private counsel. Based on assessment information, the fee for the temporary construction easement is estimated to have a value of \$1,522, which is budgeted in the City CIP and will be reimbursed with Federal funds.

**FISCAL IMPACT:** None

**COST TO THE CITY:** \$1,522 is the cost to acquire the temporary construction easement, which is budgeted in Jahnke Road Project account number 29101-0601-1219-SV1503-100570, which will be paid through Federal reimbursable funds.

**FISCAL IMPLICATIONS:** None

**REVENUE TO THE CITY:** None

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** *February 8, 2016*

**CITY COUNCIL PUBLIC HEARING:** *February 22, 2016*

**REQUESTED AGENDA:** Consent Agenda

**O&R Request**  
**January 14, 2016**  
**Page 3 of 3**

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation Standing Committee meeting (*February 16, 2016*)

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

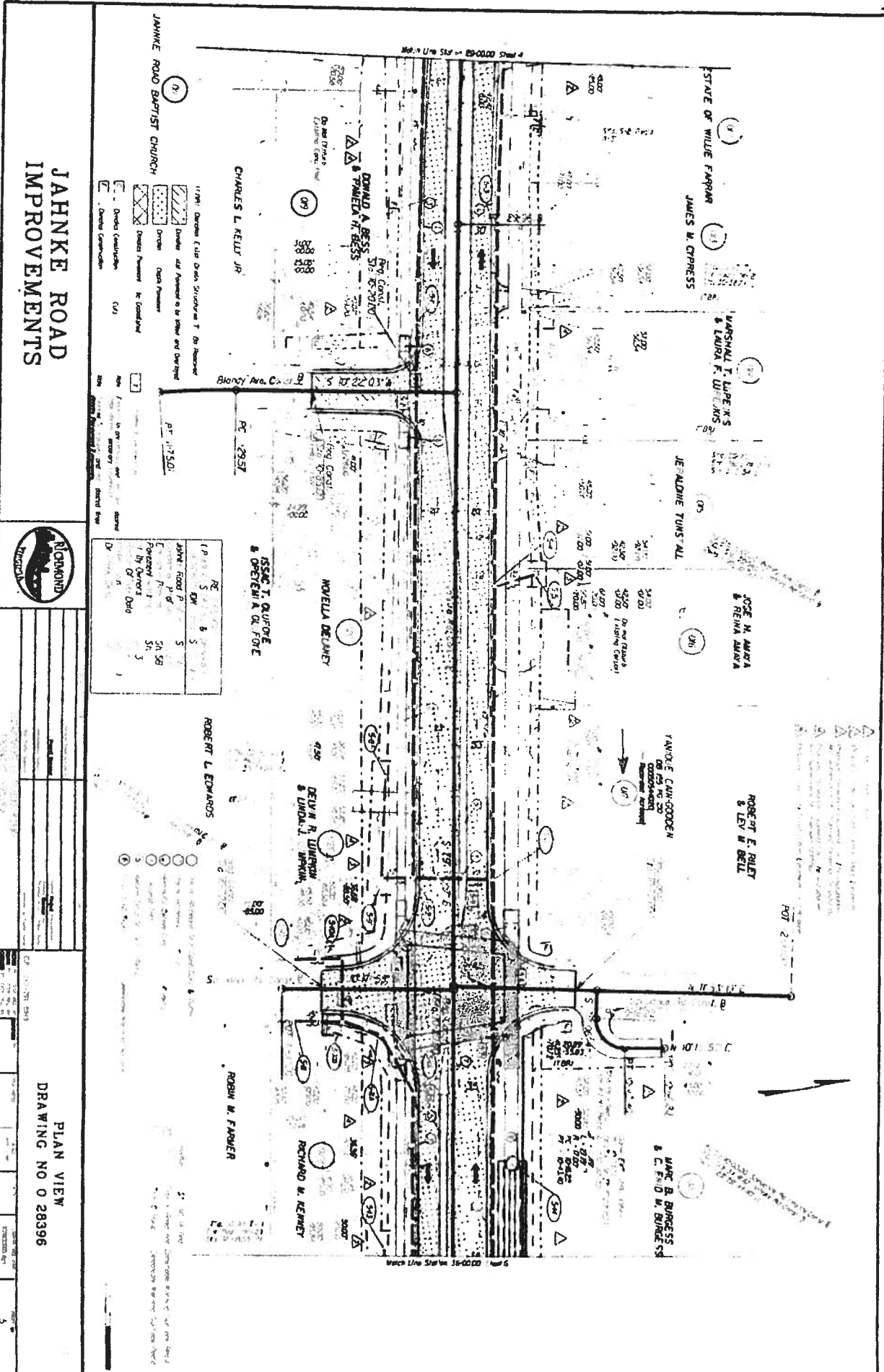
**AFFECTED AGENCIES:** Public Works, Law Department, Department of Parks, Recreation and Community Facilities, Finance Department, Budget and Strategic Planning. Copies also sent to: City Mayor (Honorable Dwight C. Jones); Chief Administrative Officer (Selena Cuffee-Glenn), Interim Deputy Chief Administrative Officer – Operation (John Buturla), and City Attorney (2)

**RELATIONSHIP TO EXISTING ORD. OR RES:** Ordinance No. 2014-109-82 adopted May 27, 2014

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

**ATTACHMENTS:** DPW Drawing No. *O-28396, sheet 5*

**STAFF:** M. S. Khara, City Engineer – 646-5413  
Lamont Benjamin, Capital Project Administrator – 646-6339  
Marvin Tart, Project Manager – 646-6396  
Pamela Porter, Real Estate Specialist – 646-5047



**JAHNKE ROAD  
IMPROVEMENTS**



1/4" = 1' (Scale)  
 1. Proposed  
 2. Existing  
 3. To Be Demolished  
 4. Utility Lines  
 5. Easement  
 6. Right of Way  
 7. Boundary  
 8. Survey  
 9. Other

1. P	5	5
2. P	5	5
3. P	5	5
4. P	5	5
5. P	5	5
6. P	5	5
7. P	5	5
8. P	5	5
9. P	5	5

PLAN VIEW  
 DRAWING NO O 28396

DATE	DESCRIPTION