

AN ORDINANCE NO. 87-149-141

ADOPTED JUN 22 1987

To authorize the acquisition in the manner prescribed by Section 18.03 of the Charter of the City of Richmond of permanent easements and temporary construction easements in six parcels of land (parcels 1, 2 and 3 lying on the east right of way line of Talbert Drive; parcels 5 and 6 lying on the west right of way line of Talbert Drive and parcel 12 lying on the east right of way line of Hopkins Road), permanent easements in land being shown shaded and temporary construction easements in land being shown hatched on Department of Public Works Drawing No. O-21614, for the purpose of drainage improvements in the Goodes Creek Watershed.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney

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WHEREAS, by Ordinance No. 87-121-91, adopted May 26, 1987, the Council declared that a public necessity existed for the construction, operation and maintenance of permanent drainage improvements and for the acquisition of permanent easements and temporary construction easements in six parcels of land (parcels 1, 2 and 3 lying on the east right of way line of Talbert Drive; parcels 5 and 6 lying on the west right of way line of Talbert Drive and parcel 12 lying on the east right of way line of Hopkins Road), permanent easements in land being shown shaded and temporary construction easements in land being shown hatched on Department of Public Works Drawing No. O-21614, for the

purpose of drainage improvements in the Goodes Creek Watershed, and authorized negotiations for the acquisition of the necessary easements in land for the purpose by gift, purchase, condemnation or otherwise, but provided that no concluded action should be taken toward the acquisition of the property by purchase of said easements until the price at which said easements can be acquired shall have been reported to and the purchase authorized by the Council; nor shall the property be acquired by condemnation proceedings unless so authorized by Council and the condemnation award therefor has been approved by Council; and

WHEREAS, it has been reported to Council that a bona fide effort has been made to agree with owners of some of the property in which the drainage easement is to be constructed on the terms of purchase, but the City has been unable to agree with such owners on such terms; NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the City Attorney is hereby authorized to acquire permanent easements and temporary construction easements in six parcels of land (parcels 1, 2 and 3 lying on the east right of way line of Talbert Drive; parcels 5 and 6 lying on the west right of way line of Talbert Drive and parcel 12 lying on the east right of way line of Hopkins

Road), permanent easements in land being shown shaded and temporary construction easements in land being shown hatched on Department of Public Works Drawing No. O-21614, entitled: "Various Storm Sewer Drainage Easements for Improvements to Goodes Creek Watershed in the City of Richmond, Virginia", dated September 1986, revised November 14, 1986, and December 10, 1986, said drawing is on file in the office of the Director of Public Works and a copy of which drawing is attached to the draft of this ordinance, by condemnation proceedings in the manner prescribed by Section 18.03 of the Charter of the City of Richmond for the purpose of constructing drainage improvements in the Goodes Creek Watershed.

§ 2. That the Director of General Services is hereby authorized to act for and on behalf of the City of Richmond in agreeing or disagreeing with the owners of the property in which said drainage control easement is to be located upon the compensation to be paid therefor.

§ 3. That in order to provide funds for the acquisition of the property the sum of \$100.00 together with such additional funds as may be necessary to defray the costs thereof, is hereby authorized to be expended by the Director of Finance from the funds appropriated for the acquisition of real estate and easements necessary for the project.

§ 4. That the names and addresses of the present owners of Parcels 1, 2, 3, 5, 6 and 12 (DPW Drawing No. O-21614), together with the estimated compensation thereof, and description of same are as follows:

<u>Parcels No.</u>	<u>Owner</u>	<u>Just Compensation</u>
1, 2 and 3	Mark D. Fisher 1331 Talbert Drive Richmond, VA 23224	\$ 1.00

The property to be taken is more particularly described as follows:

ALL of that certain permanent easement, 16 feet in width, shown shaded on DPW Drawing No. O-21614, extending generally northwesterly through parcels 1, 2 and 3 (Lots 77, 76 and 75, Chestervale Subdivision, Plat Book 8, Page 127, Clerk's Office of the Circuit Court of Chesterfield County), and a temporary construction easement shown hatched on said Drawing No. O-21614 adjoining on each side of said permanent easement, said temporary easement being 10 feet in width on each side of the permanent easement (except where abutting the property of Seaboard Coastline on the northeast, property of the City of Richmond, Department of Recreation and Parks, on the south, and the right of way line of Talbert Street on the west), the permanent easement containing in aggregate 3,890 square feet, more or less, and the temporary easement 4,850 square feet, more or less.

<u>Parcel No.</u>	<u>Owners</u>	<u>Just Compensation</u>
5	Alton L. Mills and Douglas W. Mills 4306 Welford Avenue Richmond, VA 23234	\$ 1.00

The property to be taken is more particularly described as follows:

ALL of that certain permanent easement, 16 feet in width, extending from the line separating parcel 5 (Lot 37, Chestervale) from parcel 4 (Lot 36, Chestervale) along a course S 65° 38' 58" W a distance of 82.27 feet, more or less, to a point that lies 6.96 feet in a course S 87° 43' 50" E from the line separating said parcel 5 (Lot 37, Chestervale) from parcel 6 (Lot 38, Chestervale); thence continuing N 87° 43' 50" W 6.96 feet to said dividing line, containing 1437 square feet, more or less, and shown shaded on DPW Drawing 0-21614 (identified above), together with a temporary construction easement 10 feet in width on each side of the permanent the outer boundary lines of said temporary construction easement being parallel to the center line of the permanent easement, said temporary construction easement containing 1800 square feet, more or less, and shown hatched on said drawing.

<u>Parcel No.</u>	<u>Owner</u>	<u>Just Compensation</u>
6	Lois S. Belcher P. O. Box 27 Reedville, VA	\$ 1.00

The property to be taken is more particularly described as follows:

ALL of that certain permanent easement, 16 feet in width, shown shaded on DPW Drawing No. 0-21614, the center line of which permanent easement begins at a point that lies in the line separating parcel 6 (Lot 38, Chestervale) from parcel 5 (Lot 37, Chestervale) that is distant 64.71 feet in a course N 57° 12' 00" W from the right of way line of Talbert Drive, said center line of said permanent easement then extending N 87° 43' 50" W 78.17 feet; thence continuing generally westerly along a curve to the left, the radius of which is 115 feet a distance of 49.26 feet to the line separating parcel 6 (Lot 38, Chestervale) from parcel 7 (Lot 39, Chestervale), said permanent easement containing 2045 square feet, more or less, together with a temporary construction easement an

aggregate of 20 feet in width, adjoining 10 feet on each side of the permanent easement, the outer boundaries of said temporary easement lying 18 feet from the center line of the permanent easement, the permanent and temporary easement together being 26 feet in width, said temporary easement containing 2,456 square feet, more or less, and shown hatched on DPW Drawing O-21614.

<u>Parcel No.</u>	<u>Owner</u>	<u>Just Compensation</u>
12	J. J. Lotz Evelyn T. Lotz 1416 Talbert Drive Richmond, VA 23224	\$ 1.00

The property to be taken is more particularly described as follows:

ALL of that certain permanent easement, 16 feet in width, containing 2,932 square feet, more or less, shown shaded on DPW Drawing O-21614, adjoining the line separating parcel 12 (Lot 24, Chestervale) from parcel 13 (Lot 23, Chestervale), the center line of which permanent easement extends in a course S 57° 12' 00" E from the easterly right of way line of Hopkins Road, a distance of 110 feet, more or less; thence turning and extending 70.59 feet on a course N 55° 16' 10" E to the line separating parcel 12 (Lot 24, Chestervale) from parcel 11 (Lot 25, Chestervale), together with an 10-foot temporary construction easement adjoining on the east, north and south, the exterior lines of said temporary construction easement being parallel to and distant 18 feet from the center line of the permanent easement, the temporary easement being shown hatched on said drawing and containing 1,725 square feet, more or less.

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

**ORDINANCE OR RESOLUTION SUMMARY**  
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. .... 87-149 .....	Subject
Requested by ..... City Manager .....	To authorize acquisition of six (6) parcels of land for Goodes Creek Watershed
Received City Manager's Office ..... ---- .....	
Summarized ..... June 15, 1987 .....	

**SUMMARY**

This Ordinance would authorize the acquisition of permanent easements and temporary construction easements in 6 parcels of land for the purpose of drainage improvements in the Goodes Creek Watershed.

Parcels	Owner	Compensation
1, 2, 3	Mark D. Fisher 1331 Talbert Drive Richmond, VA 23224	\$1.00

These parcels are located on the east right-of-way line of Talbert Drive, continuing in aggregate 3,890 sq. ft. of permanent easement and 4,850 sq. ft. of temporary easement.

Parcels	Owner	Compensation
5	Alton L. Mills Douglas W. Mills 4306 Welford Avenue Richmond, VA 23234	\$1.00

Parcel #5 is located on west right-of-way line on Talbert Drive; contains 1,437 sq. ft. of permanent easement and 1,800 sq. ft. of temporary easement.

Parcels	Owner	Compensation
6	Lois S. Belcher P. O. Box 27 Reedville, VA	\$1.00

Parcel #6 is located on west right-of-way line of Talbert Drive; contains 2,045 sq. ft. of permanent easement and 2,456 sq. ft. temporary easement.

**COUNCIL ACTION**

On Docket ..... 6/22/87 .....
Amended .....
Adopted .....
Rejected .....

## Ordinance No. 87-149 (Cont.)

<u>Parcel</u>	<u>Owner</u>	<u>Compensation</u>
12	J. J. Lotz & Evelyn T. Lotz 1416 Talbert Drive Richmond, VA 23224	\$1.00

This parcel is located on the east right-of-way line of Hopkins Road; contains 2,932 sq. ft. of permanent easement and 1,725 sq. ft. of temporary easement.