

AN ORDINANCE No. 2016-187

As Amended

To close, to public use and travel, an alley bounded by T Street, North 27<sup>th</sup> Street, [Θ] S Street, and North 26<sup>th</sup> Street, consisting of 2,040± square feet, upon certain terms and conditions.

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

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

PUBLIC HEARING: JULY 25 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by T Street, North 27<sup>th</sup> Street, [Θ] S Street, and North 26<sup>th</sup> Street, consisting of approximately 2,040 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 drawing prepared by the Department of Public Works, designated as DPW Drawing No. [~~N-28707~~] N-28707A, dated [~~May 9~~] July 6, 2016, and entitled “Proposed Closing to Public Use and Travel of an Alley in the Block Bounded by T St., N. 27<sup>th</sup> St., [Θ] S St. and N. 26<sup>th</sup> St.,” a copy of which drawing is attached to this ordinance.

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

ADOPTED:            SEPT 12 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 12 months from the day this ordinance is adopted:

(a) 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.

(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 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 their 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 or whatsoever nature and hold the City harmless therefrom.

(d) The applicant shall maintain the physical alley surface and entrance in the closed right-of-way area to serve the properties that front on North 26<sup>th</sup> Street and currently have access to the alley in the closed right-of-way area until (i) the Director of Public Works confirms in writing that construction of the physical surface of the alley identified on the drawing referred to in section 1 of this ordinance as “22’ ± R/W Public Alley” is complete and (ii) the Applicant has conveyed its portion of the closed right-of-way area and the property known as 2609 T Street and identified as Tax Parcel No. E000-0621/001 in the 2016 records of the City Assessor to the owners of the properties that front on North 26<sup>th</sup> Street so that those properties abut the alley identified on the drawing referred to in section 1 of this ordinance as “22’ ± R/W Public Alley.”

(e) 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 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 the City shall retain a temporary easement over the entire right-of-way area to be closed for the purpose of public access until such time as the Director of Public Works confirms in writing that the construction of the physical surface of the alley identified on the drawing referred to in section 1 of this ordinance as “22’ ± R/W Public Alley” is complete.

§ 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 areas 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 only upon the satisfaction of the terms and conditions set out above.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

MAY 18 2016
4-5193
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: May 13, 2016

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

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

JUN 03 2016

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

OFFICE OF CITY ATTORNEY

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

FOR: Emmanuel Adediran, Director, Department of Public Works

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

THROUGH: Brian Copple, Right of Way Manager, Department of Public Works

FROM: Doug Mawby, Department of Public Works

RE: PROPOSED CLOSING OF AN ALLEY WITHIN THE BLOCK BOUNDED BY T ST., N 27TH ST., O ST. AND N 26TH ST.

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

PURPOSE: To close to public use and travel the right of way for a public alley containing 2,040± 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-28707 dated April 22, 2016 (Project No. E-621-AC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY T ST., N 27TH ST., O ST. AND N 26TH ST." at the request of the applicant.

REASON: Letter of request dated February 22, 2016 from Mary Blow, Project Development Manager with the City Department of Economic and Community Development. The block within which this alley lies was re-subdivided by a non-profit developer, Elderhomes Corporation, working in partnership with the City. A larger alley was created that passes completely through the center of block and will serve all lots within the block. The alley this request seeks to close is not centered in the block, does not pass completely through the block and is therefore no longer needed for public use.

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.
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. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface overflow in the area to be closed.
5. The applicant(s)/owner(s)/successor(s) shall be responsible for obtaining the written consent of all abutting landowners to the closing and other property owners within the block affected by the closing.
6. The physical alley surface and entrance shall remain in place and a temporary right of way easement shall be retained over it to serve the adjacent properties that front N 26<sup>th</sup> Street and currently have access to this alley until such time as the new primary alley is constructed and accepted by the City as an asset and the properties on 26<sup>th</sup> Street been provided access to it in conjunction with the Model Block Project. At that time the easement shall become null and void.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

**BACKGROUND:** The block that contains this requested closing is part of a project called the "Model Block". This project is a partnership between the City and Elderhomes Corporation, a non-profit housing developer. The project included funding and overall project management from Economic Development and engineering services from DPW. The developer acquired several of the lots within the block and re-subdivided them to create consistent lots and a central alley to serve all the lots in the block. The City provided the design for new curbing and sidewalk around the block and the alley through it. The City is also funding and managing the future construction of these improvements.

In the previous configuration of the block, there was one lot that fronted T Street with this single alley adjacent to it. This alley is narrow and travels only half way through the block. The final step in the preconstruction phase of this project is to vacate this small alley and then combine the single lot that fronts T Street and the closed alley with the adjacent lots that front 26<sup>th</sup> Street. Elderhomes has control of some but not all the lots in this group. The owners of the adjacent lots have all given their consent to this.

The value of the right of way to be vacated (12' wide alley, 2040 square feet) has been determined to be \$17,004.60, based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way. In this case DPW Staff recommends that the charge for this cost be waived. The reason for this is that Elderhomes has previously dedicated right of way to the City for a larger (22' wide, 7,646.76 square feet), full length alley within the subject block. The value of this alley based on the calculation used for the vacated alley is \$64,691.59 which far exceeds the value of the vacated alley. Regarding the parcels abutting the alley that are not owned by Elder Homes, the owners of these lots did not initiate this project in any way, but their cooperation is needed to complete the work.

When a right of way is vacated in the City, it will revert to the property owners on either side of it. In this case the owners of the lots fronting 26<sup>th</sup> Street will each receive the portion of the half of the alley that is behind their property. There is one long lot between the alley to be closed and the alley that has been dedicated to the City that is owned by Elderhomes. This parcel will be consolidated with the other half of the alley to be closed. Once this is finalized, Elderhomes will split this single lot up among the lots that front 26<sup>th</sup> Street. This will address condition 6 above where an easement is to remain in place over the alley to be closed until such time as all the lots between the alley and 26<sup>th</sup> Street have access to the new main alley.

Other reviewing administrative agencies offered no objections to the closing request.

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

**FISCAL IMPLICATIONS:** Nothing in addition to “Fiscal Impact/Cost” information.

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

**REVENUE TO CITY:** \$300 application & processing fee – waived as this request was from a City agency.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** June 13, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** July 25, 2016.

**REQUESTED AGENDA:** Consent Agenda.

**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 Development Review; Economic & Community Development; Public Utilities; Assessor; Budget and Strategic Planning; Fire Department; Police Department.

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

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

**ATTACHMENTS:** Applicant’s request letter, DPW Dwg. No. N-28707

**STAFF:**

Prepared for Emmanuel Adediran

Prepared by Doug Mawby

Research and Drawing Coordinated By: Marvin Anderson and Raquel Aguirre

Department of Public Works

646-0435



**CITY OF RICHMOND**  
**ECONOMIC & COMMUNITY**  
**DEVELOPMENT**

February 22, 2016

Emmanuel Adediran  
Director of Public Works  
900 E. Broad Street, Room 703  
Richmond, VA 23219

Mr. Adediran:

We are seeking to initiate the process of a right of way vacation for a dead end alley located off of T Street between North 27<sup>th</sup> and North 26<sup>th</sup> Streets. This is a part of the Model Block project which is a collaboration between the City of Richmond and Project:HOMES, Inc.

The Model Block project involved the establishment of a new alley through this block from S to T Street. To accomplish this, the developer acquired the properties and dedicated the alley back to the City. The alley that we request to be closed is offset from the center of the block and does not pass through the entire block. It is no longer needed and is in fact hindering the redevelopment of the larger project.

Since the developer has already provided real estate to the City in the form of the new alley and this closure will complete the larger City sponsored project, we request that no charges be assessed for the closed right of way and that the application fee be waived.

Once the alley is closed, it will be combined with another lot owned by the developer and split among the adjacent lots to provide all lots with access to the new central alley.

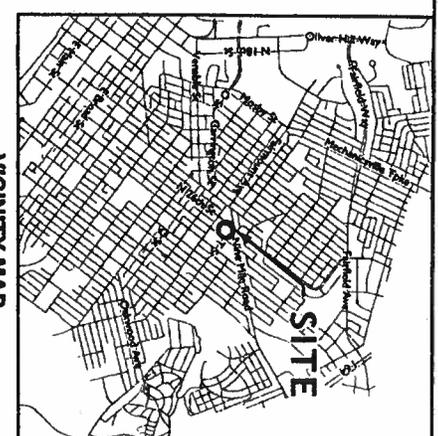
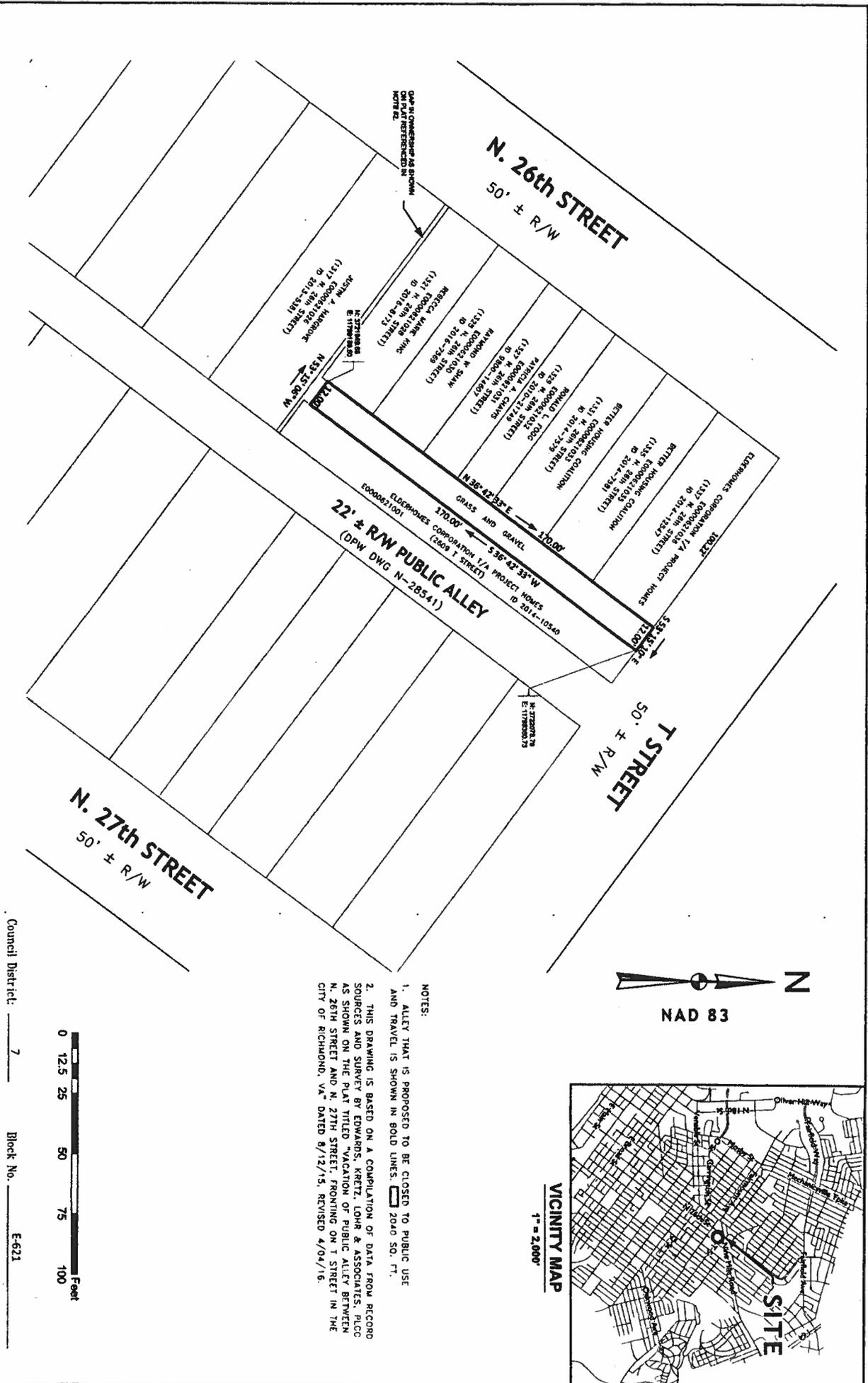
Regards,

*Mary G. Blow*

Mary G. Blow  
Project Development Manager  
Economic & Community Development

cc: Doug Mawby, DPW  
Marvin Anderson, DPW  
Marion Cake, Project:HOMES

<p><b>NOTES</b></p> <p>1. Lot dimensions from records.</p> <p>2. Property owners correct as of 5/9/2016.</p> <p>3. Ordinance No. _____</p> <p>4. Adopted _____</p> <p>5. Accepted _____</p> <p>REFERENCES: 23 SW, N-28541</p>				
<p>Drafting Technician: <i>Mark J. C.</i></p> <p>Surveyor Superintendent: <i>Tim McCall</i></p>		<p>Right-of-Way Manager: <i>[Signature]</i></p>		
<p>900 E. Broad Street, Richmond, Va. 23219</p> <p>DEPARTMENT OF PUBLIC WORKS</p> <p>RICHMOND, VIRGINIA</p>		<p>Surveyor's Division</p> <p>Room 600 City Hall</p>		
<p>DRAWN BY: REA</p> <p>CHECKED BY: MWA</p>		<p><b>RICHMOND VIRGINIA</b></p>		
<p>FIELD NOTE</p> <p>1" = 25'</p> <p>DATE: 5/9/2016</p> <p>PROJECT: E-621-AC</p> <p>DRAWING NO.: N-28707</p>		<p>Proposed by: Letter of Request from Hwy. C. Blev. dated February 22, 2016</p> <p><b>PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY T ST., N. 27TH ST., O ST. AND N. 26TH ST.</b></p>		



NOTES:

1. ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES. □ 20x0 SO. FT.

2. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY BY EDWARDS, KRETT, LOHR & ASSOCIATES, PLLC AS SHOWN ON THE PLAT TITLED "VACATION OF PUBLIC ALLEY BETWEEN N. 26TH STREET AND N. 27TH STREET, FRONTING ON T STREET IN THE CITY OF RICHMOND, VA." DATED 8/12/15, REVISED 4/04/16.



Council District: 7 Block No. E-621