

AN ORDINANCE NO. 86-264-247

ADOPTED NOV 24 1986

To authorize MLH Income Realty Partnership IV, owner, and any successor of the same, to encroach in, on, upon, over, above, under, across, through and along the south right of way line of Main Street between 7th Street and 8th Street a distance of 49.5 feet, more or less, with surface encroachments (new sidewalk consisting of concrete and granite paving, matching the granite paving at the entrance to the building), as shown on plan prepared by the Department of Public Works, designated D.P.W. Drawing No. N-21590, entitled: "Proposed Sidewalk Encroachments Along the South Line of Main St. Between 7th and 8th Streets.", 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 MLH Income Realty Partnership IV, owner,
3. and any successor thereof, hereinafter referred to as
4. "Licensee", is hereby permitted to encroach in, on, upon,
5. over, above, under, across, through and along the south
6. right of way line of Main Street between 7th Street and 8th
7. Street a distance of 49.5 feet, more or less, with surface
8. encroachments, i.e., new sidewalk consisting of concrete and
9. granite paving matching the granite paving at the entrance
10. to the building at 707 East Main Street, to the extent and
11. in the manner, as shown on plan of the Department of Public
12. Works, designated D.P.W. Drawing No. N-21590, entitled:

1. "Proposed Sidewalk Encroachments Along the South Line of
2. Main St. Between 7th and 8th Streets.", dated September 16,
3. 1986, a copy of which is attached to the draft of this
4. ordinance. The permission herein granted shall continue
5. until such time as the encroachments or a substantial part
6. or parts thereof shall be removed or destroyed subject to
7. the provisions and conditions contained in Section 2.04(e)
8. of the Charter of the City of Richmond.

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

12. (a) That all cost shall be borne by the Licensee
13. or its successor.

14. (b) That the Licensee, or its successor, shall pay
15. to the City for the use and occupancy of the space in the
16. streets such charges as Council has heretofore or may here-
17. after prescribe for such use of the public streets which may
18. be increased or decreased or otherwise modified at any time
19. and from time to time by the Council.

20. (c) That the Licensee, or its successor, shall
21. indemnify, keep and hold the City free and harmless from
22. liability on account of injury or damage to persons, firms
23. and corporations and property growing out of such use of the
24. streets and the installation, construction, maintenance,

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

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

1. (e) That the Licensee, or its successor, shall
2. furnish the City a bond with corporate surety approved by
3. the City Attorney in the sum of ten thousand dollars con-
4. ditioned upon the replacement and restoration of the streets
5. and any public utility therein damaged, disturbed or
6. destroyed thereby in a manner and with such materials to the
7. satisfaction of the Directors of Public Works, Public
8. Utilities and Public Safety on order to do so by the
9. Council, or upon repeal of this ordinance, or upon the
10. failure, refusal or neglect of the Licensee to comply fully
11. and in all respects with the provisions of this or any other
12. ordinance relating thereto. The Licensee, or its successor,
13. shall pay all premiums chargeable for the bond and shall
14. keep the same in full force and effect at all times during
15. the existence and removal of the encroachments. The bond
16. shall contain a provision that it shall not be terminated or
17. otherwise allowed to expire prior to sixty days written
18. notice to that effect given to the City Manager of the City.

19. (f) Prior to commencing work in, over, upon,
20. through or along any street any and all permits required for
21. such work shall be obtained under provisions of ordinances
22. and regulations relating to issuance of such permits. All
23. work performed pursuant to such permits shall be performed
24. in a manner satisfactory to the Director of Public Works,
25. Public Safety, and Public Utilities.

1. (g) That the Licensee shall require any contractor
2. or contractors engaged by it to furnish a public liability
3. and property damage insurance contract or contracts naming
4. therein the City as an insured thereunder, which shall
5. provide indemnities of not less than \$500,000 combined
6. coverage for bodily injuries and property damage resulting
7. from the construction. Such policy shall provide for the
8. payment of any final judgment that may be rendered against
9. the City by reason of any person being injured or damaged in
10. any way in person or property by the construction.

11. (h) Licensee, or its successor, shall restore and
12. replace portions of streets and public utilities of the City
13. disturbed or destroyed.

14. (i) This ordinance is adopted pursuant to the power
15. granted the Council by law. It is not intended by the
16. adoption of this ordinance to offer or grant a franchise and
17. the permission hereby granted shall at all times be subject
18. to revocation by the Council and the terms and conditions
19. upon which granted shall be subject to modification at any
20. time and from time to time by the Council. Upon such
21. revocation or modification the Licensee, or its successors,
22. shall immediately conform to the requirements, if any,
23. prescribed by the Council with respect thereto.

24. § 3. This ordinance shall be in force upon adoption

1. and shall become effective when within twelve months of the
2. date of adoption the Licensee shall furnish the required
3. insurance and bond and files with the City Clerk a written
4. statement in form satisfactory to the City Attorney to the
5. effect that the Licensee agrees to the terms and conditions
6. upon which such permission is granted and agrees to be bound
7. thereby and to observe and comply therewith, and any
8. contractor of said MLH Income Realty Partnership IV, or
9. successor, furnishes required insurance.

10. § 4. MLH Income Realty Partnership IV, or successor
11. shall be responsible for satisfying all terms and conditions
12. for this ordinance becoming in force and effect.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-264 City Manager	Subject
Requested by By Request	Sidewalk Encroachment at 703 East Main Street/Concrete and Granite Paving
Received City Manager's Office --	
Summarized 11/17/86	

SUMMARY

This Ordinance would authorize MLH Income Realty Partnerships, IV to encroach into the public sidewalk area of the south side of East Main Street between 7th and 8th Streets adjacent to the Eight and Main Building.

The owners, proposal includes replacement of the existing concrete sidewalk adjacent to the entrance plaza with a granite and concrete pattern sidewalk to compliment the granite pavers to be installed in the plaza.

Encroachment - Width 11 feet (full width of sidewalk)
Length 50 feet

Annual Revenue -- \$132.50

The encroachment would not impair public use of the sidewalk and is consistent with the improvements planned in the adjacent privately-owned entrance plaza.

The Urban Design Committee granted approval
November 10, 1986.

The Planning Commission granted approval (8-0)
November 17, 1986.

COUNCIL ACTION

On Docket	11/24/86
Amended	
Adopted	
Rejected	

City of Richmond
City Planning Commission



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

November 18, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of November 17, 1986, the City Planning Commission voted
(8-0) to recommend APPROVAL of:

Ordinance No. 86-264

To authorize MLH Income Realty Partnership, IV, owner, * to
encroach in, *** Main Street between 7th Street and 8th
Street, etc.**

The purpose of this paper is to authorize MLH Income Realty Partnership, IV to encroach into the public sidewalk area on the south side of East Main Street between 7th and 8th Streets adjacent to the Eighth and Main Building. The owners of the building are in the process of making interior and exterior improvements, including improvements to the building lobby and entrance plaza. In conjunction with the project, it is proposed to replace the existing concrete sidewalk adjacent to the entrance plaza with a granite and concrete pattern sidewalk to compliment the granite pavers to be installed in the plaza. The encroachment would extend the full width of the sidewalk (11 feet) for a distance of approximately 50 feet. The Urban Design Committee has approved the design of the sidewalk. The proposed encroachment would not impair public use of the sidewalk and is appropriate in the context of the improvements planned in the adjacent privately-owned entrance plaza. The ordinance contains the normal encroachment conditions regarding proper installation and maintenance, payment of annual fees and liability protection for the City.

Very truly yours,

Jon P. Weersing
Jon P. Weersing
Secretary

JFW:lk

cc: Mr. Edward T. LaGrassa - Applicant
Director - Department of Public Works

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No.	86-264.....	Subject	
Requested by City Manager, By Request			Sidewalk Encroachment at 707 East Main Street/Concrete and Granite Paving.
Received City Manager's Office			
Summarized	10/20/86.....		

SUMMARY

CONTINUE THIS PAPER UNTIL NOVEMBER 24, 1986

City Administration shall request continuance of this Paper.

The Urban Design Committee (UDC) has not reviewed the plans to date, in accordance with policy the UDC review is required prior to Planning Commission and Council action.

~~Planning Commission granted approval (8-0) on October 20, 1986.~~

COUNCIL ACTION

On Docket	10/27/86.....
Amended	
Adopted	
Rejected	

Continued

City of Richmond
City Planning Commission



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

October 21, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 20, 1986, the City Planning Commission voted
(8-0) to recommend CONTINUANCE of:

Ordinance No. 86-264

To authorize MLH Income Realty Partnership, IV, owner, *** to
encroach in, *** Main Street between 7th Street and 8th
Street, etc.

The purpose of this paper is to authorize by encroachment granite sidewalk paving within a portion of the public right-of-way along the south side of Main Street between 7th and 8th Streets. In accordance with normal policy, Urban Design Committee review of the plans is necessary prior to Commission and City Council action. It is recommended that the paper be continued to the November 24 meeting of City Council to enable consideration by the U.D.C. at its next meeting. The continuance has been discussed with the petitioners' representative, and the delay will not have an impact on the project.

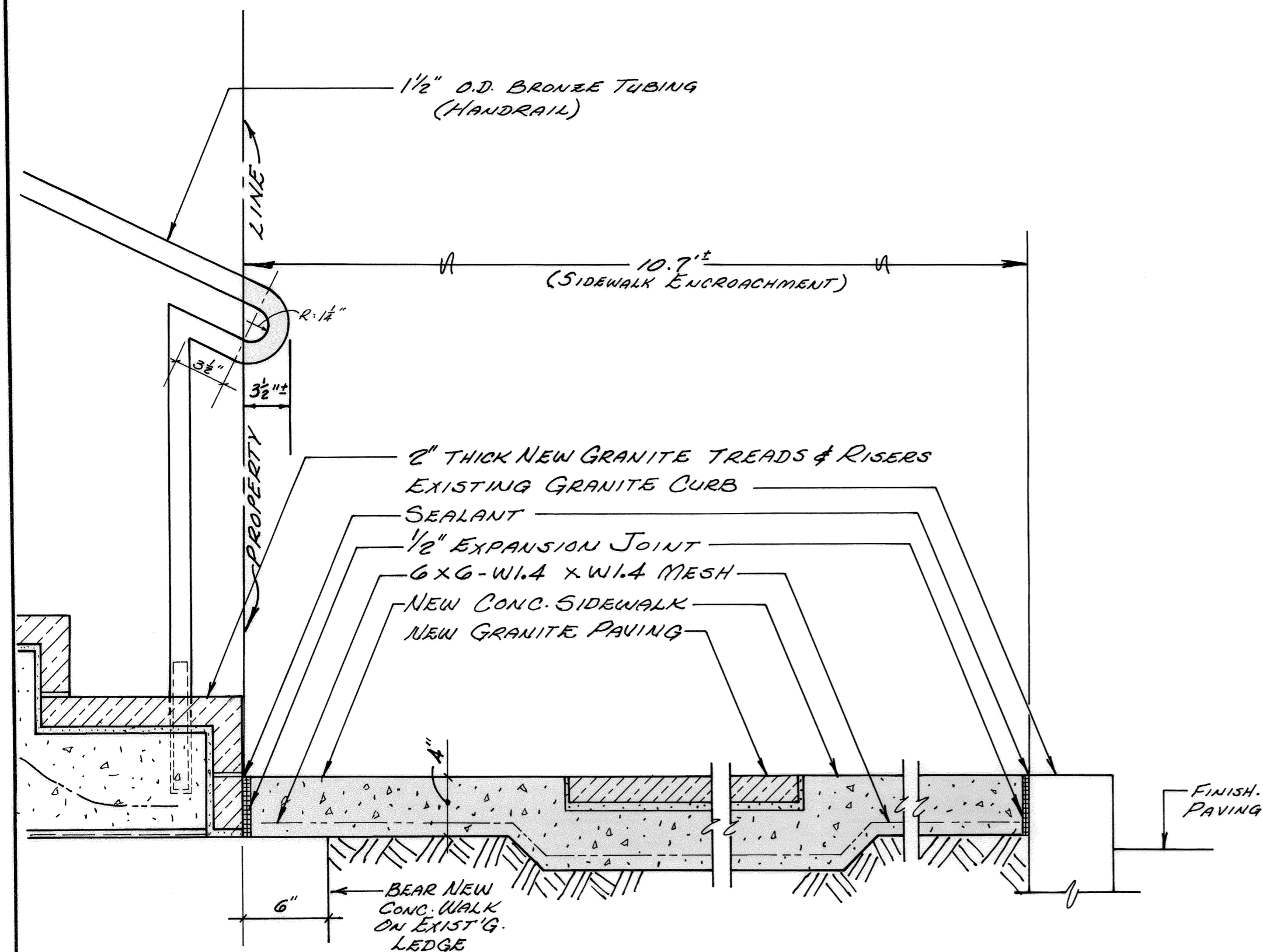
Very truly yours,

A handwritten signature in cursive script, appearing to read "Jon P. Weersing".

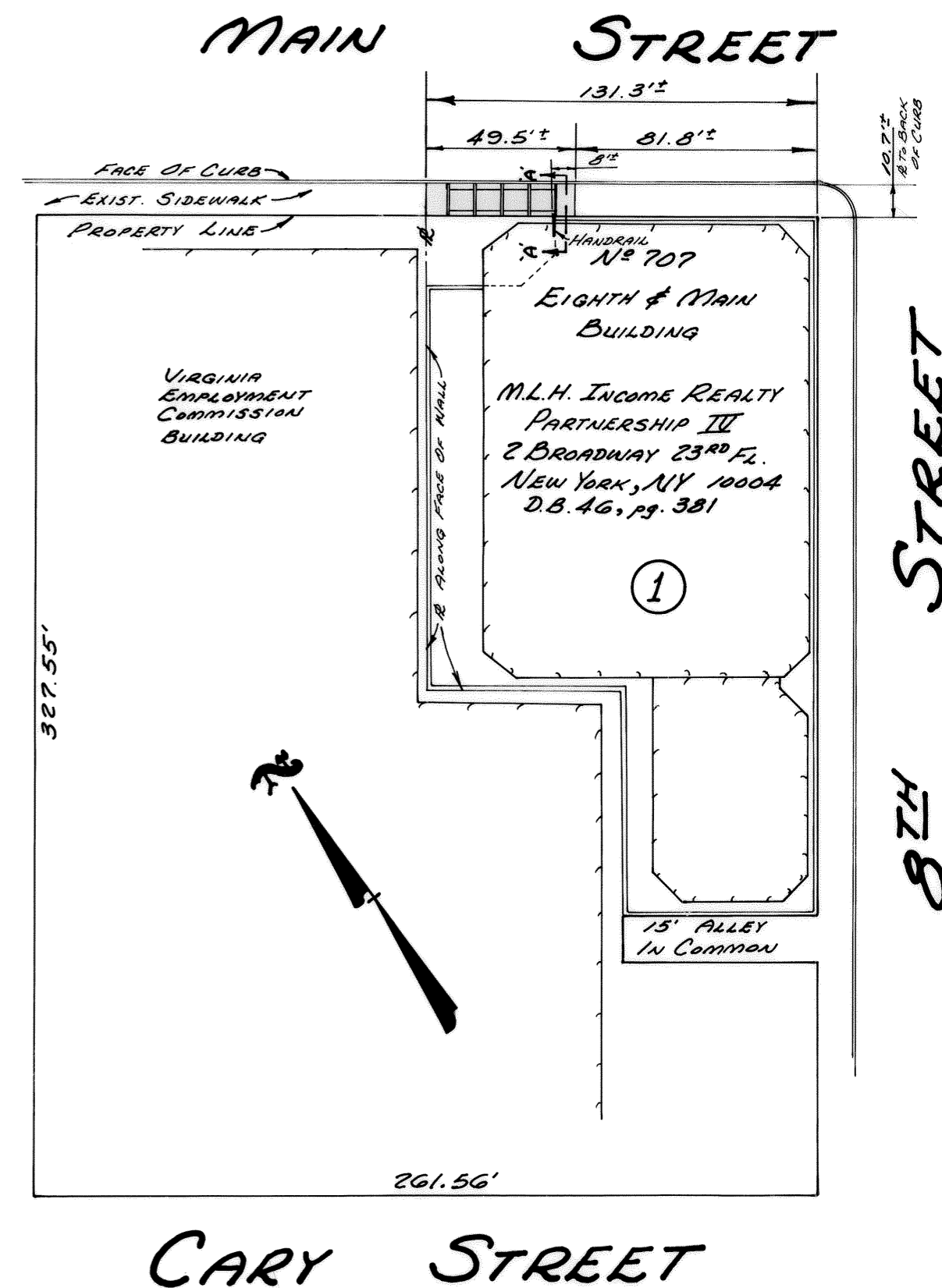
Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Edward T. LaGrassa - Applicant



SECTION A-A'
(No Scale)



NOTE:
1. AREA OF PROPOSED SIDEWALK ENCROACHMENTS SHOWN SHADED.
AREA = 530± Sq. Ft.

- NOTES**
- Cuts and fills shown represent the difference in elevation of ground at property line and the sidewalk grade.
 - 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.
 - Lot dimensions in parentheses are from deeds.
 - Property owners correct as of 9-16-1986.

Surveys Administrator *Arthur M. Madley*
 Streets & Sewers Administrator *[Signature]*
 Permits & Engr. Services Administrator *[Signature]*
 Chief, Bureau of Engineering *[Signature]*
Raymond C. Jones 9/23/86
 Director of Public Works

**PROPOSED SIDEWALK ENCROACHMENTS
ALONG THE SOUTH LINE OF MAIN ST.
BETWEEN 7TH AND 8TH STREETS.**

AUTHORITY: DIRECTOR - LTR. OF REQ. FROM E.T. LAGRASSA DATED 8-18-86.

REFERENCES CONSULT & ARCHIT. PLANS
B/L 2NE, 2NW

REVISIONS

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

DESIGNED BY
DRAWN BY KWT
CHECKED BY W.T.E.

FIELD NOTES

SCALE
1" = 50'

DATE
9-16-86

PROJECT
1-1-172-1MM
SHEET OF

DRAWING NO.
N-21590