



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-8705
MAR 27 2019
Office of the Chief Administrative Officer

O&R REQUEST

DATE: March 22, 2019 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Robert Steidel, Deputy Chief Administrative Officer - Operations

THROUGH: Bobby Vincent, Director
Department of Public Works

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

FROM: Brian Cople, Right of Way Manager
Department of Public Works

RE: PROPOSED CLOSING OF W. MARSHALL STREET BETWEEN THE
WEST LINE OF HERMITAGE ROAD AND PARCEL #N000-1396-014

ORD. OR RES No. _____

PURPOSE: To close a portion of public right of way (consisting of 41,468 sq. ft.) shown enclosed with bold lines and hatched on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28775A (Sheet 1 of 3) dated March 21, 2019 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF W. MARSHALL STREET BETWEEN THE WEST LINE OF HERMITAGE ROAD AND PARCEL #N000-1396-014 AND RETAINAGE AND CONVEYANCES OF UTILITY AND PUBLIC ACCESS EASEMENTS" at such time that the City issues Work in Street Permits for the proposed construction of the Whole Foods Grocery Store.

REASON: Letter of request dated February 21, 2017, from Bradford Sauer, to close the portion of W. Marshall Street between Hermitage Road and Sauer Properties. Sauer Properties has submitted and received approval for a Plan of Development for the Whole Foods Grocery Store. Improvements (in addition to the approximately 40,000 sq. ft. building) will include bicycle and pedestrian access pathways, new pavement, lighting and landscaping.

RECOMMENDATIONS: The Department of Public Works supports this proposed right-of-way closing to public use and travel, and requests that upon adoption by City Council, the closing to public use and travel will take effect upon the City's issuance of Work in Streets Permits for the construction of the Whole Foods Grocery Store.

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 provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within the subject right of way and worked out arrangements with the owners of any such utilities to protect the owner's rights.
3. The applicant(s)/owner(s)/successor(s) shall dedicate a new public access easement to provide pedestrian and vehicular access as shown on Drawing #N-28775A Sheet 3 of 3.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water 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. At this time the Applicants have a controlling interest in all adjacent properties. This condition is considered null and void if that is still true at the date of the acceptance of the terms and conditions.
6. A twelve (12) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve (12) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
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 after final approval of the ordinance, the ordinance will become null and void automatically.

The ordinance shall also mandate that the closure and transfer of the portion of W. Marshall Street be subject to the following:

1. Retainage of utility easement (19,562 sq. ft) as shown on Drawing #N-28775A (Sheet 1 of 3).
2. Retainage of public access easement (31,474 sq. ft.) as shown on Drawing #N-28775A (Sheet 2 of 3).

BACKGROUND:

As part of the mixed-use development consisting of new and historic buildings on W. Broad Street and Hermitage, The C.F. Sauer Companies is constructing a 40,000 square foot building that will be Whole Foods Grocery Store. In order to fulfill the parking requirements for the Whole Foods Grocery Store project, this ordinance will close to public use and travel, a portion of West Marshall Street located between the west line of Hermitage Road and the eastern boundary of the property known as 2220 West Broad Street, consisting of 41,468 square feet will provide a public access easement, consisting of 60,011 square feet, over certain parcels adjacent to the closed portion of West Marshall Street, in connection with vehicular and pedestrian access to a proposed mixed-use development in the area.

Previously adopted Ordinance 2017-244 (adopted on January 8, 2018) is null and void due to Owner/Developer not satisfying the conditions of that Ordinance within the required 12 month timeframe.

New Ordinance is required due to:

1. Conditions of Ordinance 2017-244 not satisfied within 12 month timeframe;
2. Owner/developer has shifted the location of the public access easement requiring new plats to be prepared. Square footage of dedications and easements have not changed.

FISCAL IMPACT/COST: By closing portion of W. Marshall Street right-of-way, City will lose 0.12 moving lane miles of street inventory. This will result in a loss of State Maintenance Funds in the amount of \$ 1,484 per year, based upon FY18 State Maintenance Reimbursement of \$ 12,365 per moving lane mile. However, the City will no longer be required to perform maintenance of closed portion of W. Marshall Street. Maintenance will be the sole responsibility of the Owner.

The City will be receiving a new 60,011 sq. ft. vehicular and pedestrian access easement as shown on DPW Drawing # N-28775A Sheet 3 of 3. The City will not be required to maintain this easement as the Owner will be responsible.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application fee. The value of the right of way to be closed (41,468 sq. ft.) has been calculated at \$ 705,785. The City will be retaining a utility easement (19,562 sq. ft.) valued at \$ 166,472. Net remaining value to the City is \$539,313. However, the City is retaining public access easements (31,474 sq. ft.) for vehicular and pedestrian access over the closed portion of W. Marshall Street (Sheet 2 of 3) and receiving an additional new easement (60,011 sq. ft.) for vehicular and pedestrian access along the entrance into the property off of Broad Street to the north property boundary (Parcel N000-1096-006) as shown on Sheet 3 of 3 (attached drawings). This value of new public access easements is equivalent or greater to the net remaining value. DPW recommends waiving the net remaining value to the City based upon the fact that the City will receive this new access easement and will not be responsible for maintenance of new access easement. Combined together (91,485 sq. ft.) the amount of public access easement the City is receiving is considerably greater than the amount of right-of-way the City is closing (41,468 sq. ft.) as well as not being responsible for maintenance. This proposed development initiative will have a positive impact by increasing the tax base, sales tax, and payroll tax.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: April 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 13, 2019

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance 2017-244 adopted January 8, 2018.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter,
Landowner consent letter
DPW Dwg. No. N-28775A (Sheet 1 of 3)
DPW Dwg. No. N-28775A (Sheet 2 of 3)
DPW Dwg. No. N-28775A (Sheet 3 of 3)

STAFF:

Prepared for Bobby Vincent, Director DPW
Prepared by Brian Cople, RW Manager – DPW
Research and Drawing Coordinated By: James Flannery
Department of Public Works
646-0435

ESTABLISHED 1887

THE C.F. SAUER COMPANY

HIGHEST AMERICAN AND
EUROPEAN AWARDS
CABLE ADDRESS "SAUER RICHMOND"

IMPORTERS OF VANILLA BEANS
ETC. MFR'S OF SPECIAL BRANDS
EXTRACTS & DRUGS

SOLE OWNERS AND MFR'S
SAUER'S EXTRACTS

DUKE'S MAYONNAISE PRODUCTS

SAUER'S SPICES

2000 WEST BROAD STREET
RICHMOND, VIRGINIA 23220
(804) 359-5786

February 21, 2017

Director of Public Works
City of Richmond
Public Works
City Hall, Room 701
900 E. Broad Street
Richmond, Virginia 23219

RE: THE SAUER CENTER

Dear Sir:

We would like to request the closing of West Marshall Street between our property, parcel N0001396014, on the west end of Marshall Street, to the right-of-way of Hermitage Road, containing 0.952 acres and 634 LF of roadway. Marshall Street dead ends into our property and we own both sides of the right-of-way with the exception of 20 feet which is owned by Long Term Investments, Inc. (Lee's Chicken).


We are making this request for the following reasons:

1. We have submitted a POD for The Sauer Center and this ROW is needed for parking, walkways and landscaping.
2. We also need to regrade this area to provide ADA access to parcels on the north side of West Marshall Street and other site amenities.
3. We are acquiring the 20 ft. ROW from Lee's Chicken which will make us the only property owners served by this section of West Marshall Street.
4. This will relieve the City of any road maintenance and will allow us to maintain the proposed walks, pavements, lighting and landscaping.
5. This 0.952 acres will then be taxable real estate.


We hope you will look favorably upon this request. Should you have any questions please do not hesitate to call.

Very truly yours,

The C. F. Sauer Company

By 
Bradford B. Sauer
Executive Vice President

Sauer Properties, Inc.

By 
Bradford B. Sauer
Vice President

Enclosure

c.: Mr. Monte Lewis

February 16, 2017

Mr. Brian Copple
City of Richmond
Right-of-Way Management
900 E. Broad St., Suite 600
Richmond, VA 23219

Re: Closure of West Marshall Street

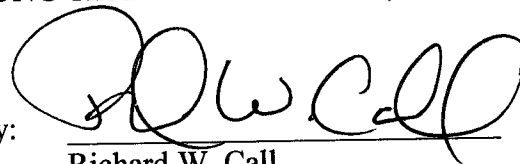
Dear Mr. Copple:

Long Term Investments, LLC is the owner of a parcel of land adjacent to West Marshall Street. Our parcel is identified on the enclosed plat by E. D. Lewis & Associates, P.C. as "NO. 2200 Long Term Investments Inc. Tax Parcel N0001095012". Long Term Investments, LLC consents to the closure of West Marshall Street as shown on the enclosed plat.

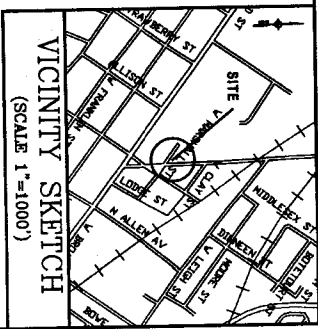
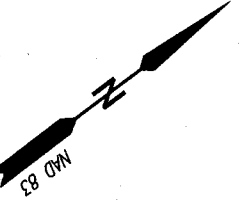
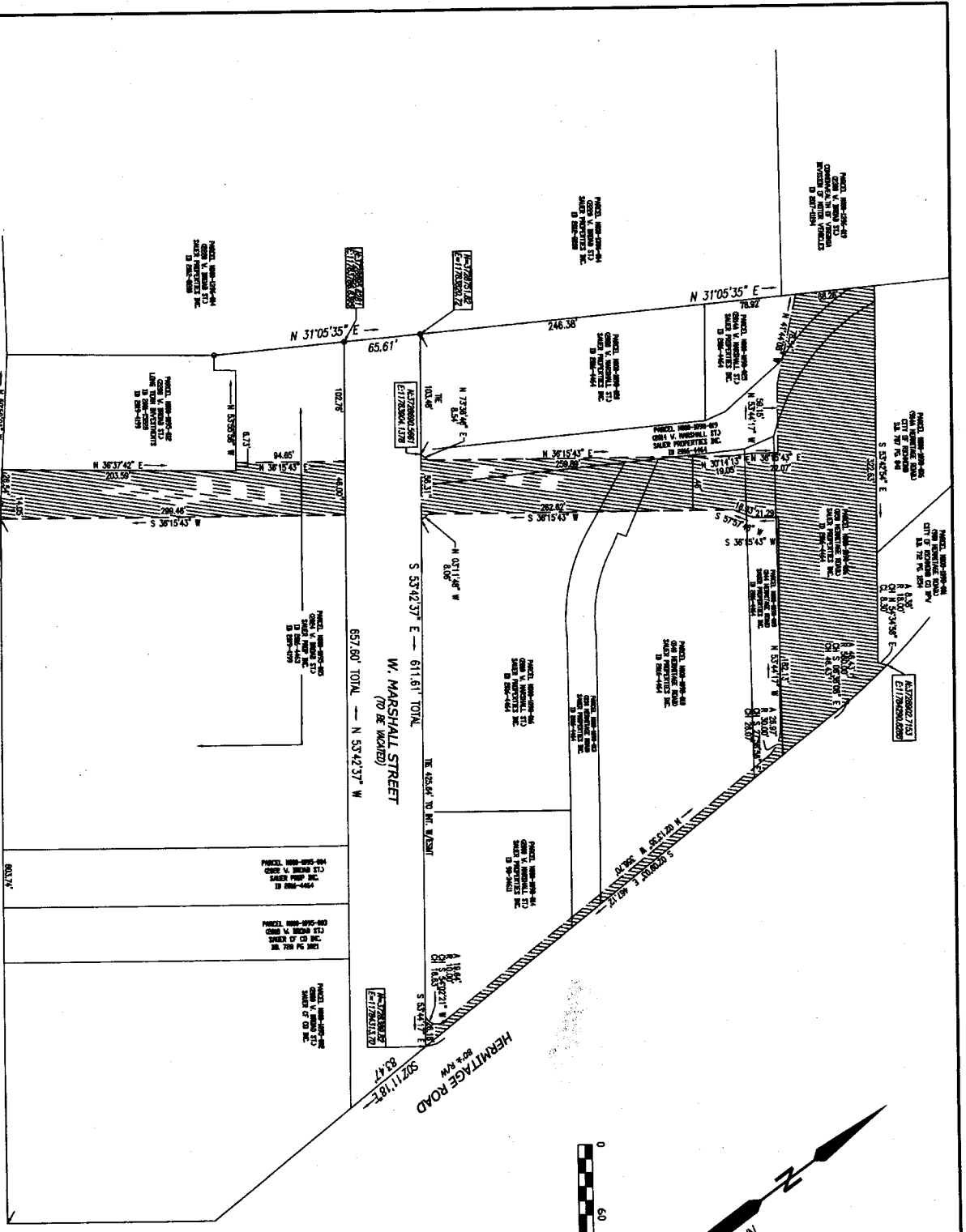
Sincerely,

LONG TERM INVESTMENTS, LLC

By:



Richard W. Call
Manager



- NOTES:
1. ACCESS EASEMENTS FOR PUBLIC TRAVEL TO BE CONVERTED TO THE CITY OF RICHMOND ARE SHOWN AS HATCHED AREAS CONTAINING 60/011 SQ. FT.
 2. THIS DRAWING IS BASED ON PLATS AND CAD FILES PROVIDED BY E.D. LEWIS AND ASSOCIATES, P.L.C. DATED APRIL 24, 2017 WITH VARIOUS REVISIONS AFTERWARDS.
 3. SEE DPW DRAWING, AM-28755A, SHEET 1 OF 3, FOR CLOSURE OF W. MARSHALL AND RETAINING OF UTILITY EASEMENTS
 4. SEE DPW DRAWING AM-28755A, SHEET 2 OF 3, FOR RETAINING OF ACCESS EASEMENTS FOR PUBLIC TRAVEL WITHIN THE W. MARSHALL STREET PROPOSED CLOSING AREA

Block No. N-1098, N-1095, N-1396

Council District 3

W. BROAD STREET
(VARIABLE WIDTH R/W)

N 31°05'35" E
65.61'

N 31°05'35" E
246.58'

N 31°05'35" E
70.82'

N 31°05'35" E
65.61'

N 31°05'35" E
65.61'

NOTES

1. Property owners correct as of March 22, 2019.
2. Ordinance _____
3. Adopted _____
4. Accepted _____

REFERENCES: BL 5 NW 0-71944, N-7209-1, N-21523 0-18984, 0-21954, N-22150

Engineering Specialist: *[Signature]*
 Engineering Support Supervising: *[Signature]*
 Right of Way Manager: *[Signature]*

Surveyors Division, Room 600 City Hall
 900 E. Broad Street, Richmond, Va. 23219
 DEPARTMENT OF PUBLIC WORKS
 RICHMOND, VIRGINIA



DRAWN BY: J.F.
 CHECKED BY: M.W.A.

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF W. MARSHALL STREET BETWEEN THE WEST LINE OF HERITAGE ROAD AND PARCEL #N000-1396-014 AND RETAINANCE AND CONVEYANCES OF UTILITY AND PUBLIC ACCESS EASEMENTS"

Requested By: Letter Dated February 21, 2017 - Submitted 3/21/2019

FIELD NOTE SCALE 1"=60' DATE 3/21/2019 PROJECT N-1098, N-1095, N-1396 DRAWING NO. N-28775A SHEET 3 OF 3

