

INTRODUCED: February 8, 2016

AN ORDINANCE No. 2016-020

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 5731 Jahnke 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 Christian Torres, known as 5731 Jahnke

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 22 2016 REJECTED: _____ STRICKEN: _____

Road, identified as Tax Parcel No. C005-0616/004 in the 2016 records of the City Assessor, and more particularly described on sheet 6 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 5731 Jahnke Road, identified as Tax Parcel No. C005-0616/004 in the 2016 records of the City Assessor, and more particularly described on sheet 6 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

4-4442
O & R REQUEST

JAN 26 2016

Chief Administration Office
City of Richmond

O&R REQUEST

RECEIVED

FEB 03 2016

DATE: January 14, 2016

EDITION: 2

OFFICE OF CITY ATTORNEY

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 CONSRUCTION EASEMENT AND PERMANENT UTILITY EASEMENT AT 5731 JAHNKE ROAD, PARCEL 034, OWNED BY CHRISTIAN TORRES, 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 5731 Jahnke Road, Parcel 034, owned by Christian Torres, as shown on DPW Drawing No. O-28396, sheet 6 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.

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January 14, 2016
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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 (269 sq. ft.) and permanent utility easement (1,243 sq. ft.) from the property at 5731 Jahnke Road, Parcel 034. The Department of Public Works has made several attempts to negotiate with the property owner Christian Torres. Mr. Torres has been unresponsive. Based on assessment information, the temporary construction easement and permanent utility easement are estimated to have a combined value of \$2,676, which is budgeted in the City CIP and will be reimbursed with Federal funds.

FISCAL IMPACT: None

COST TO THE CITY: \$2,676 is the cost to acquire temporary construction easements and permanent utility easements which are 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

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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 – Operations (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: Drawing No. *O-28396, sheet 6*

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

