

INTRODUCED: February 14, 2022

AN ORDINANCE No. 2022-039

To close, to public use and travel, a portion of East 30<sup>th</sup> Street located southeast of a 16-foot public alley that runs parallel to and southeast of Stockton Street, consisting of 4,104± square feet, upon certain terms and conditions.

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

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

PUBLIC HEARING: MAR 14 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of East 30<sup>th</sup> Street located southeast of a 16-foot public alley which runs parallel to and southeast of Stockton Street, consisting of approximately 4,104 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-28941, dated January 13, 2022, and entitled “Proposed Closing to Public Use and Travel of Public Right of Way for a Stub Portion of E. 30<sup>th</sup> Street Located Sout [sic] East of a 16’ Public Alley Which Runs Parallel to and South East of Stockton St.,” a copy of which drawing is attached to this ordinance.

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

ADOPTED:    MAR 14 2022    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

§ 2. That this ordinance, as to the closing of the right-of-way area identified above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2020), 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 (2020), 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 pays the City the sum of \$17,318.88 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

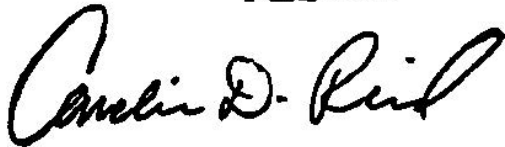
(e) The applicant either (i) applies for and receives approval by the Director of Planning and Development Review of a plan of development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of improvements on the applicant's property and the right-of-way area to be closed or (ii) if no plan of development is required, applies for and obtains a building permit from the City. If the applicant fails to obtain either approval of the plan of development or a building permit, the closing shall be null and void.

(f) 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, at such time as this ordinance becomes effective and notwithstanding any provision of Chapter 8, Article III of the Code of the City of Richmond (2020), as amended, to the contrary, the Chief Administrative Officer shall be authorized to execute all deeds and other documents, each of which first must be approved as to form by the City Attorney, necessary to convey to the applicant all right, title, and interest of the City in the closed right-of-way area, including any interests retained by the City by operation of law subsequent to the closing of the right-of-way area for which this ordinance provides.

§ 4. This ordinance shall be in force and effect only upon the satisfaction of the terms and conditions set out above.

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Ruff". The signature is written in a cursive, flowing style.

**City Clerk**




**CITY OF RICHMOND  
Intra-City Correspondence**

**O&R REQUEST**


**DATE:** January 14, 2022 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor 

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer 

**THROUGH:** Robert Steidel, Deputy Chief Administrative Officer 

**THROUGH:** Bobby Vincent Jr., Director  
Department of Public Works 

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

**FROM:** Joseph Davenport, P.E., Right-of-Way Manager  
Department of Public Works 

**RE:** **PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF THE STUB  
PORTION OF E 30<sup>TH</sup> STREET LOCATED SOUTHEAST OF A 16' PUBLIC  
ALLEY WHICH RUNS PARALLEL TO AND SOUTHEAST OF STOCKTON ST**

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

**PURPOSE:** To close to public use and travel the stub portion of E 30<sup>th</sup> Street located southeast of a 16' public alley which runs parallel to and southeast of Stockton Street consisting of 4,104 sq. ft. as shown on DPW Dwg. No. N-28941 dated 01/13/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC RIGHT OF WAY FOR A STUB PORTION OF E 30<sup>TH</sup> STREET LOCATED SOUTHEAST OF A 16' PUBLIC ALLEY WHICH RUNS PARALLEL TO AND SOUTHEAST OF STOCKTON STREET" at the request of the applicant.

**REASON:** Letter of request dated July 1, 2021 from Lory Markham with Markham Planning on behalf of their clients, Spa Development LLC and Pachino LLC, the owners of all properties adjacent to the proposed closing.

**RECOMMENDATIONS:** The Department of Public Works offers no objections to the proposed right-of-way closing and request 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 infrastructure, installment of new utilities or infrastructure, 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 be responsible for surface storm water overflow in the area to be closed.
4. 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.
5. 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 months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
6. A Plan of Development (POD) for the construction of the improvements on the site, or, if no POD is required, a building permit, must be submitted and approved by the City within twelve (12) months of ordinance adoption. Should approval of the Plan of Development, or building permit, be denied, this closure of the public right of way will not go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$17,318.88.
8. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within twelve (12) months of the ordinance adoption 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.
9. If all other conditions of the ordinance are met then the City waives its reversionary rights for any portion of the vacated right of way in which it is entitled, and agrees to have it transferred to the other adjacent owner(s)

**BACKGROUND:** The owners of the properties adjacent to this proposed vacation are proposing to develop the area as a warehouse and distribution center. The closure of this section of E 30<sup>th</sup> Street would make for a more practical and useable site for the design of this development. This stub section of E 30<sup>th</sup> Street proposed for vacation does not benefit any properties other than those owned by the requesting parties.

The value of the right of way to be vacated (4,104 sf) has been determined to be \$17,310.88 (\$4.22 per square foot) and is based on assessed values of adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

The closing of this right of way will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the closing request.

**FISCAL IMPACT/COST:** None anticipated

**FISCAL IMPLICATIONS:** None anticipated

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

**REVENUE TO CITY:** \$300 application and processing fee; \$17,318.88 for the value of the land.

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** February 14, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** March 14, 2022

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

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

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

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

**ATTACHMENTS:** Right Of Way Closure Request letter (Lory Markham)  
DPW Dwg. No. N-28941 (dated 01/13/2022)

**STAFF:**

Prepared for Bobby Vincent, Jr., Director, DPW

Prepared by Marvin Anderson, Program & Operations Manager for Surveys, DPW

Research and Drawing Coordinated by James Flannery, DPW

Department of Public Works / 646-0435



July 1, 2021

Bobby Vincent, Director  
Department of Public Works  
900 East Broad Street, Suite 700  
Richmond, VA 23219  
bobby.vincent@richmondgov.com

RE: Closing of Rights-of-Way adjacent to 3000 Playn St

Dear Mr. Vincent,

On behalf of Pachino LLC, I am writing to formally request the closure of the right-of-way adjacent to 3000 Playn St. This 0.094 acre section of the rights-of-way consists of unimproved portions of E 30<sup>th</sup> St, is not used as a functional part of the road network, and does not benefit or serve any properties other than those that are owned by Pachino LLC.

Pachino LLC currently owns all the properties adjacent to the portions of the right-of-way to be closed, and the proposed vacation is noted on the survey submitted as part of this application.

Pachino LLC has started pre-development activities for the properties under their control and the closure of these rights-of-way would make for a more practical and useable site for the design of the development. Should the right-of-way closure be approved, a detailed site plan will be submitted as part of the submission for building permits.

I have enclosed the following items in accordance with the Guidelines for Initiating a Right-of-Way Closing:

- a) This letter will serve as the letter of request.
- b) The \$300 application fee will be mailed.
- c) The plat, dated June 15, 2021 and prepared by Rodney B. Shadrach, Land Surveyor, is enclosed.
- d) Residual right-of-way from the state. This is not applicable.
- e) Adjoining landowner consent. Pachino LLC owns adjoining parcels and are the entities requesting the closure. A letter of consent is enclosed.
- f) Primary ingress and/or egress. The portion of the rights-of-way does not act as ingress or egress for anyone of than the entity requesting the closure. The rights-of-way are unimproved portions of E 30<sup>th</sup> St and Logandale Ave.



- g) Adjoining landowner consent from owners prior to ordinance introduction. Spa Development LLC and Pachino LLC own the adjoining properties and are the entities requesting the closure.
- h) Adjoining landowner consent from owners at any time through the closing process. Spa Development LLC and Pachino LLC own the adjoining properties and are the entities requesting the closure.

Thank you for your consideration of this request. Please feel free to contact me at [lory@markhamplanning.com](mailto:lory@markhamplanning.com) or (804) 248-2561 if you have any questions or require additional materials to process the request.

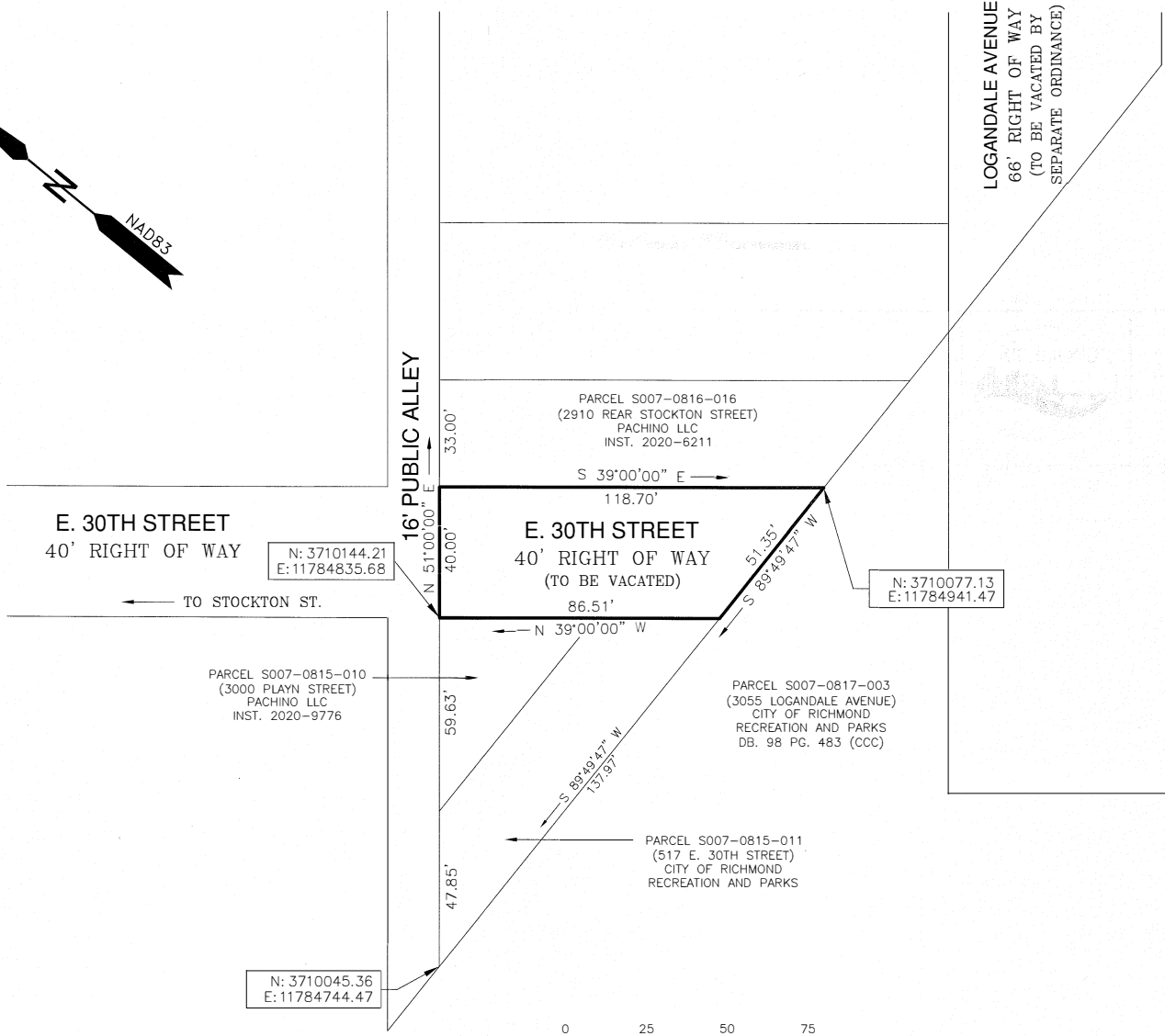
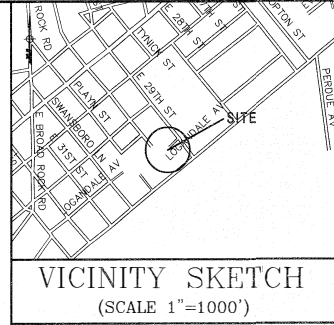
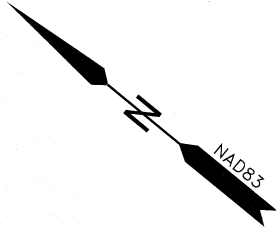
Very Truly Yours,



Lory Markham  
Markham Planning

**Enclosures**

cc: **The Honorable Reva M. Trammell, 7<sup>th</sup> District Council Representative**  
**Marvin Anderson, DPW Surveys**  
**Matthew Ebinger, Secretary to the City Planning Commission**



**NOTE:**

- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND RECENT FIELD SURVEY BY SHADRACH AND ASSOCIATES SHOWN ON PLAT TITLED "SHOWING THE VACATION OF A PORTION OF E. 30TH STREET CITY OF RICHMOND" DATED 05/28/2020 REVISED 1/12/2022
- THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 4.104 S.F.
- A PORTION OF LOGANDALE AVENUE AS NOTED ON THIS PLAT WILL ALSO BE VACATED AS PART OF PLANNED DEVELOPMENT BUT BY SEPARATE ORDINANCE (SEE N-28979)

**NOTES**

- Property owners correct as of JAN. 13, 2022.
- Ordinance No .....
- Adopted .....
- Accepted .....

Drafting Technician

Surveys Superintendent

Right Of Way Manager

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



PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PUBLIC RIGHT OF WAY FOR A STUB PORTION OF E. 30TH STREET LOCATED SOUT EAST OF A 16' PUBLIC ALLEY WHICH RUNS PARALLEL TO AND SOUTH EAST OF STOCKTON ST.

Requested By: MARKHAM PLANNING ON BEHALF OF SPA DEVELOPMENT LLC PACHINO LLC

REFERENCES: BL 29SW, N-20574, M-17341  
N-22792, N-17167, 27858, 27876

REVISIONS

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

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
	1"=25'	1/13/2022	S7-815-SC S7-816-SC S7-817-SC	N-28941

Council District 8

Block No. S7-815, S7-816, S7-817