

INTRODUCED: September 12, 2022

AN ORDINANCE No. 2022-256

To vacate the full width utility easement and full width maintenance easement previously retained in the closing to public use and travel of Bunche Place by Ord. No. 97-183, adopted Jun. 23, 1997, consisting of 1,980± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 26 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a full width utility easement and full width maintenance easement previously retained in the closing to public use and travel as a right-of-way of the City of Richmond by Ordinance No. 97-183-199, adopted June 23, 1997, and as shown on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. O-23117, dated February 18, 1997, and entitled “Proposed Closing of Creighton Rd., Walcott Pl. & Bunche Pl. (Retaining as a Full Width Utility Easement) in Creighton Court.,” hereinafter referred to as “the Drawing,” a copy of which drawing is attached to this ordinance, are hereby vacated.

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 26 2022 REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the vacation of the subject utility and maintenance easements identified in section 1 of this ordinance, 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 18 months from the day this ordinance is adopted:

(a) 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, to the extent permitted by law, 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 vacation of the utility and maintenance easements identified in section 1 of 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 easements, or either 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 of all the property abutting the aforesaid easements, or either of them, 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.

(b) The applicant 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 utility

and maintenance easements and worked out arrangements with the owners of any such utilities to protect the owner's rights. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed vacating area for this Ordinance to be valid.

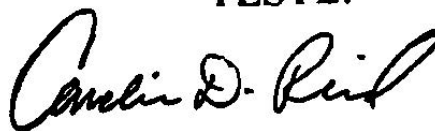
(c) The applicant shall be responsible for surface storm water overflow in the vacated utility and maintenance easement areas.

(d) The applicant satisfies all terms and conditions requisite for the subject utility and maintenance easements vacated 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, the City shall have no further right, title or interest in the subject utility and maintenance easements identified in section 1 of this ordinance other than that expressly retained under the provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance and the Chief Administrative Officer shall be authorized to execute all deeds and other documents, each of which must first be approved as to form by the City Attorney, as may be necessary to effectuate the vacation of any such right, title, and interest.

§ 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. Rind".

City Clerk



CITY OF RICHMOND
Intra-City Correspondence

O&R REQUEST

DATE: August 15, 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 VACATING OF THE FULL WIDTH UTILITY EASEMENT AND
FULL WIDTH MAINTENANCE EASEMENT PREVIOUSLY RETAINED IN
THE CLOSING TO PUBLIC USE AND TRAVEL OF BUNCHE PLACE BY
ORDINANCE NO. 97-183-199 (ADOPTED JUNE 23, 1997)**

ORD. OR RES No. _____

PURPOSE: To vacate the full width utility easement and full width maintenance easement previously retained in the closing to public use and travel of Bunche Place as shown on DPW Drawing No. O-23117 dated February 18, 1997 and entitled "PROPOSED CLOSING OF CREIGHTON RD., WALCOTT PL. & BUNCHE PL. (RETAINING AS A FULL WIDTH UTILITY EASEMENT) IN CREIGHTON COURT".

REASON: This ordinance will vacate the full width utility easement and full width maintenance easement previously retained in the closing to public use and travel of Bunche Place as shown on DPW Drawing No. O-23117 dated February 18, 1997. The vacating of the utility and maintenance easements is necessary to facilitate the first phase of the redevelopment of Creighton Court. A letter of request dated June 10, 2022 (revised August 11, 2022), has been received from the Timmons Group on behalf of the Richmond Redevelopment and Housing Authority (RRHA) and The Community Builders (TCB).

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed vacating of the utility and maintenance easements 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 vacating of the utility and maintenance easements, 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 utility and maintenance easements and worked out arrangements with the owners of any such utilities to protect the owner's rights. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed vacating area for this Ordinance to be valid.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the vacated utility and maintenance easement areas.
4. An eighteen (18) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within eighteen (18) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
5. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within eighteen (18) 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.

BACKGROUND:

The Richmond Redevelopment & Housing Authority (RRHA), and their developer (The Community Builders [TCB]), are redeveloping the Creighton Court housing complex. The project was rezoned in accordance with a plan entitled "Creighton Court Redevelopment, Community Unit Plan, Richmond, Virginia," prepared by Urban Design Associates (dated April, 2021), adopted by the City Council on September 13, 2021 by Ordinance No. 2021-182. The Community Unit Plan (CUP) proposes to develop a residential community of up to 700 dwelling units on property encompassing approximately 38 acres of land. The CUP generally includes single-family dwelling lots, multi-family dwelling lots, parking areas, community common areas and buildings, public street and alley network, and open space.

The redevelopment of Creighton Court will occur in phases; to facilitate the first phase of redevelopment, RRHA/TCB is requesting the vacation of the existing full width maintenance easement and utility easement established when "Bunche Place" was closed to public use and travel by City Council Ordinance No. 97-183-199, adopted June 23, 1997.

Vacating of these maintenance and utility easements would allow the proposed development to move forward in a coordinated phased approach.

The vacating of these maintenance and utility easements will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the easement vacation request.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 12, 2022

CITY COUNCIL PUBLIC HEARING DATE: October 10, 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.: Ordinance No. 97-183-199 (June 23, 1997)

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter (dated June 10, 2022 [revised August 11, 2022])
DPW Dwg. No. O-23117 (dated February 18, 1997)

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Joseph Davenport, ROW Manager, DPW

Research and Drawing Coordinated By: James Flannery, Engineering Specialist, DPW

Department of Public Works / 646-0435

June 10, 2022 (Revised August 11, 2022)

Mr. Bobby Vincent
Director of Public Works
City Hall, Room 701
900 East Broad Street
Richmond, VA 23219

RE: Bunche Place Easement Vacation Request, related to:
Creighton Court Redevelopment, 3100 Nine Mile Road & 2101A Creighton Road

Dear Mr. Vincent,

The developer, The Community Builders (TCB) and Richmond Redevelopment & Housing Authority (RRHA) are redeveloping Creighton Court. The project was rezoned by a Community Unit Plan (CUP) and the Ordinance No. 2021-182 was adopted by City Council on 9/13/21.

To enable the 1st phase of redevelopment, we are requesting the vacation of the 32' Private R/W and "Full Width R/W Maintenance & Utility Easement" known as Bunche Place which was retained by the city via City Ordinance 97-183-199 adopted June 23, 1997, accepted July 23, 1997 and shown on DPW DWG # O-23117 as well as the attached "Boundary Survey of Parcels Comprising The Creighton Court Housing Development" by H&B Surveying and Mapping, LLC dated 2/10/21.

A similar request for the vacation of Walcott Place Private R/W & easement will be made in the future after phase 2 relocation is complete and prior to phase 2 demolition and infrastructure construction.

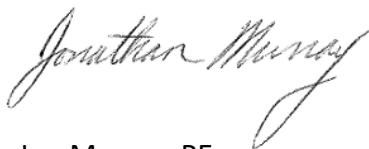
The land plan from the CUP is attached for reference on the intended redeveloped street grid, use, and ROW locations.

TCB, RRHA and Timmons have been working with Joe Davenport on this request.

The required \$300 application and processing fee was previously submitted and processed on 5/17/21 - copy attached.

Should you have any questions or comments, please feel free to contact me at 804.200.6542.

Sincerely,



Jon Murray, PE
Timmons Group

E000-0955-001
(2000-2234 & 2001-2223 CREIGHTON)
(3100-3370 NINE MILE ET AL)
(CREIGHTON COURT)
RICHMOND REDEVELOPMENT &
HOUSING AUTHORITY
901 CHAMBERLAYNE PKWY.
RICHMOND, VA 23220

E000-0955-013
(2307 CREIGHTON RD)
JERRY J. SULLIVAN
2403 CREIGHTON RD.
RICHMOND, VA 23223
D.B. 193 PG. 1360 R.C.C.

E012-0401-017
(2000 N. 29th ST.)
RICHMOND INVESTMENT CO. INC.
P.O. BOX 38069
RICHMOND, VA 23231
ID# 9600 5121 R.C.C.

E012-0401-018
(2002 N. 29th ST.)
JOSEPH L. & BESSIE L.
HENDERSON
2002 N. 29th ST.
RICHMOND, VA 23223
D.B. 451 PG. 334 R.C.C.

E012-0401-019
(2823 PURCELL ST.)
MEYER GOODMAN
5312 LEE AVE.
RICHMOND, VA 23226
D.B. 778 PG. 956 R.C.C.

E012-0374-002
(2112 N. 29th ST.)
RICHMOND INVESTMENT CO. INC.
1321 OAKLAND RD.
RICHMOND, VA 23221
D.B. 388 PG. 1736 R.C.C.

E012-0374-003
(2110 N. 29th ST.)
ELSIE DAVIS
2106 N. 29th ST.
RICHMOND, VA 23223

E012-0374-004
(2108 N. 29th ST.)
ELSIE DAVIS
2106 N. 29th ST.
RICHMOND, VA 23223

E012-0374-005
(2106 N. 29th ST.)
(2822 PURCELL ST.)
ELSIE DAVIS
C/O ELSIE D. BELL
2106 N. 29th ST.
RICHMOND, VA 23223

E012-0374-006
(2824 PURCELL ST.)
M & M CORP.
C/O MEYER GOODMAN
5312 LEE AVE.
RICHMOND, VA 23226

E012-0320-011
(2208 N. 29th ST.)
MAGGIE Y. LAWSON
2208 N. 29th ST.
RICHMOND, VA 23223
ID# 9600 1 8172

E012-0320-012
(2206 N. 29th ST.)
LESLIE W. & MARGARET S.
ROBINSON
2206 N. 29th ST.
RICHMOND, VA 23223
D.B. 696 B PG. 83 R.C.C.

E012-0320-013
(2204 N. 29th ST.)
ROSE E. WALKER
2204 N. 29th ST.
RICHMOND, VA 23223
E012-0320-014
(2202 N. 29th ST.)
ROBERT R. & DORA L. HOPKINS
2202 N. 29th ST.
RICHMOND, VA 23223

E012-0320-015
(2200 N. 29th ST.)
LOUISE V. MOORE
2308 E. MARSHALL ST.
RICHMOND, VA 23223
ID# 9620 1 71 R.C.C.

E012-0294-001
(2300 CREIGHTON RD.)
HARRY T. & LUCY B. JONES
10216 WOLF MANOR CT.
GLEN ALLEN, VA 23060

E012-0294-002
(2302 CREIGHTON RD.)
MEREDITH T. RICHARDSON
3307 EDGEWOOD AVE.
RICHMOND, VA 23222

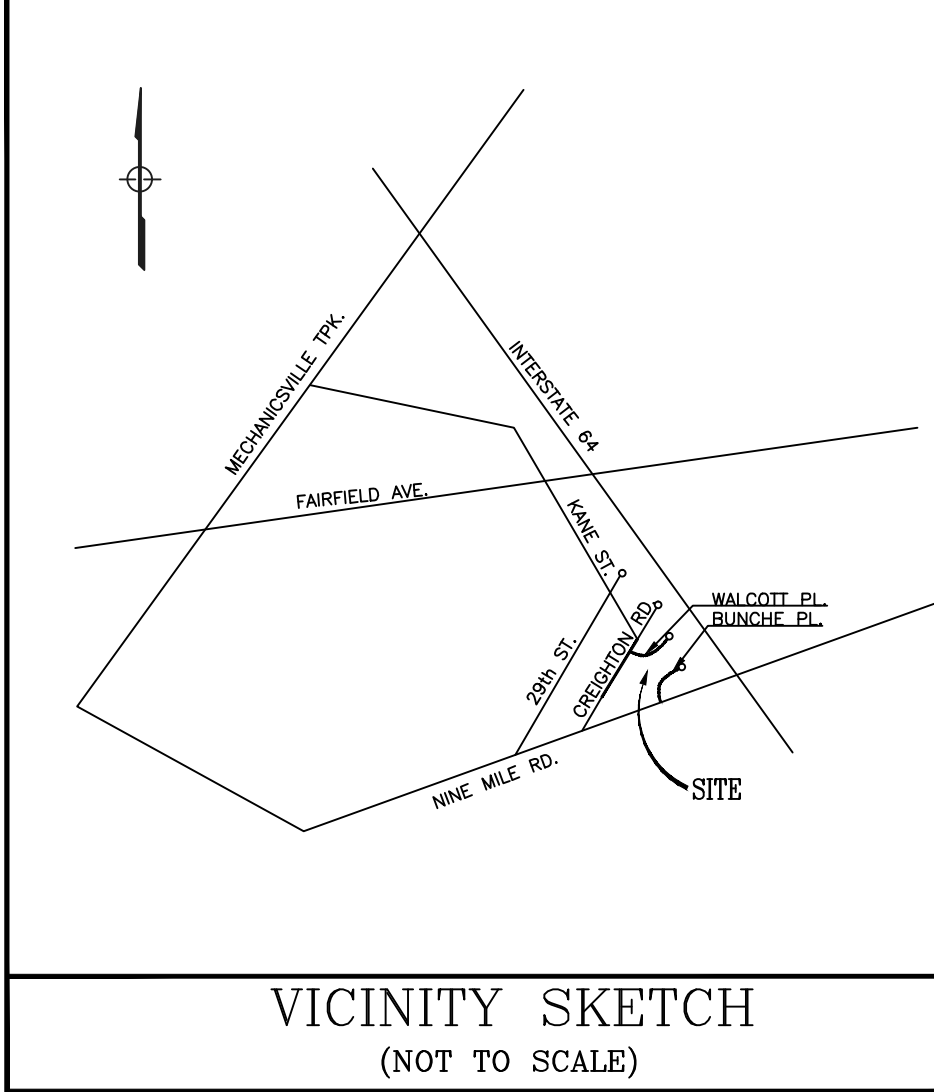
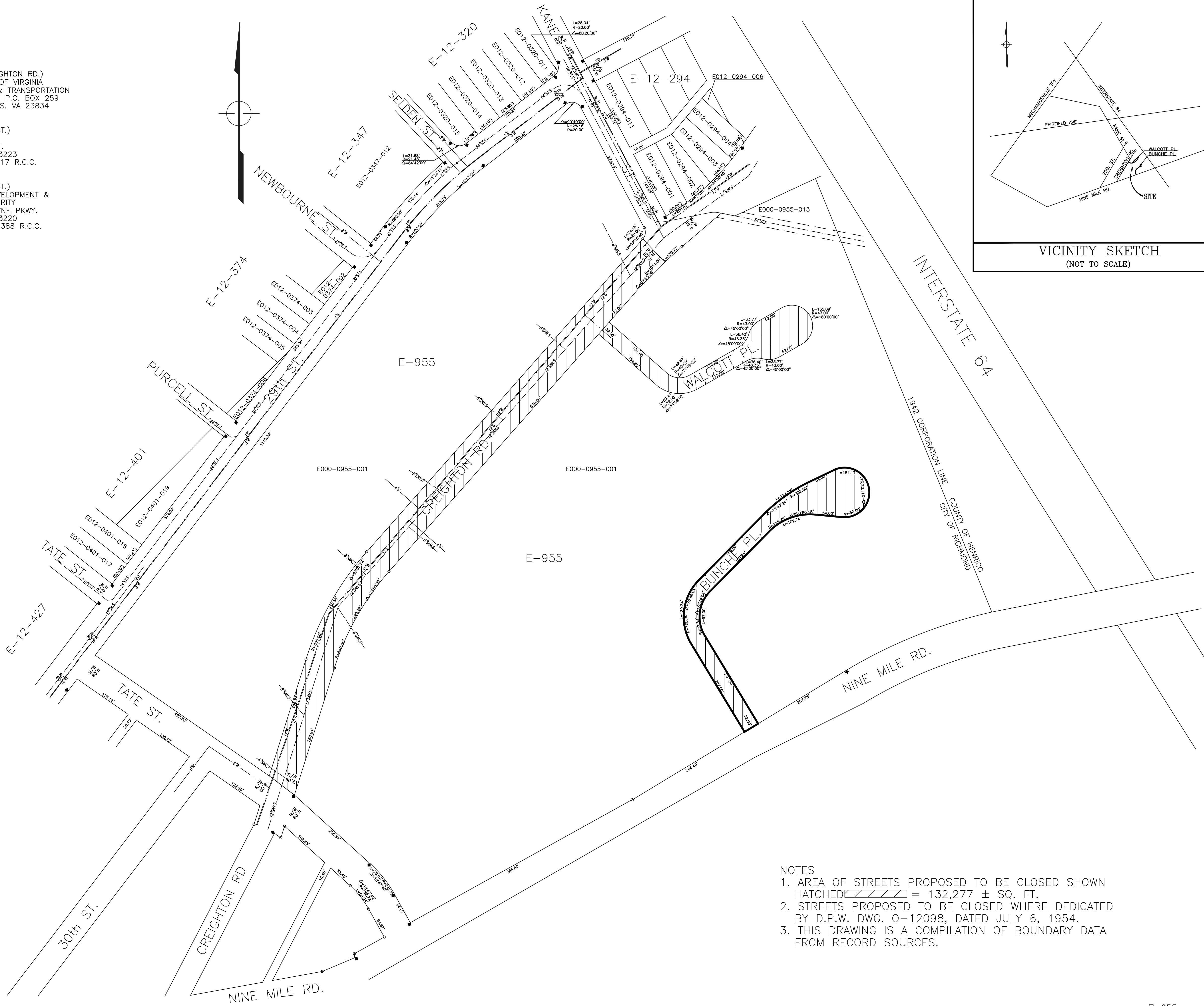
E012-0294-003
(2304 CREIGHTON RD.)
NATHAN & LUBERTA JENKINS
3016 FOURTH AVE.
RICHMOND, VA 23222
D.B. 682 C PG. 543 R.C.C.

E012-0294-004
(2306 CREIGHTON RD.)
JOYCE I. SHELTON
2306 CREIGHTON RD.
RICHMOND, VA 23223
D.B. 726 PG. 634 R.C.C.

E012-0294-006
(ADJ. 2306 CREIGHTON RD.)
COMMONWEALTH OF VIRGINIA
DEPT. HIGHWAY & TRANSPORTATION
C/O L. E. BRETT P.O. BOX 259
COLONIAL HEIGHTS, VA 23834

E012-0294-011
(2301 N. 29th ST.)
MARY V. HARRIS
2301 N. 29th ST.
RICHMOND, VA 23223
D.B. 731 PG. 1217 R.C.C.

E012-0347-012
(2124 N. 29th ST.)
RICHMOND REDEVELOPMENT &
HOUSING AUTHORITY
901 CHAMBERLAYNE PKWY.
RICHMOND, VA 23220
D.B. 685 C PG. 388 R.C.C.



- NOTES
1. AREA OF STREETS PROPOSED TO BE CLOSED SHOWN HATCHED = 132,277 ± SQ. FT.
 2. STREETS PROPOSED TO BE CLOSED WHERE DEDICATED BY D.P.W. DWG. O-12098, DATED JULY 6, 1954.
 3. THIS DRAWING IS A COMPILATION OF BOUNDARY DATA FROM RECORD SOURCES.

NOTES				-LEGEND-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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