

INTRODUCED: September 12, 2022

AN ORDINANCE No. 2022-269

To close, to public use and travel, an unimproved portion of Tate Street located between a public alley and its terminus with Nine Mile Road, consisting of 11,613± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an unimproved portion of Tate Street located between a public alley and its terminus with Nine Mile Road, consisting of approximately 11,613 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-29007, dated August 12, 2022, and entitled “Proposed Closing to Public Use and Travel of an Unimproved Portion of Tate Street at its Terminus with the Northwestern Row Line of Nine Mile Road,” hereinafter referred to as “the Drawing,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2022 REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the closing of the right-of-way 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 18 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.

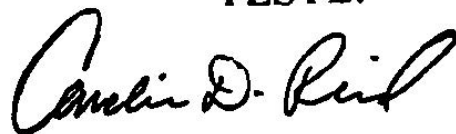
(d) The applicant pays the City the sum of \$52,835.49 for the right-of-way area to be closed; such sum may be adjusted based upon the actual area of the retained and dedicated easements to be provided to the City. This condition is satisfied when all abutting property owners execute an agreement to 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 18 months of the date of adoption of this ordinance, then the closing shall be null and void.

(e) 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, the City shall have no further right, title or interest in the closed right-of-way areas other than that expressly retained under provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

§ 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 "Caroline D. Reil".

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 CLOSING TO PUBLIC USE AND TRAVEL OF AN UNIMPROVED PORTION OF TATE STREET AT ITS TERMINUS WITH THE NORTHWESTERN ROW LINE OF NINE MILE ROAD**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel an unimproved portion of Tate Street consisting of 11,613 sq. feet as shown on DPW Drawing No. N-29007 dated 08/12/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN UNIMPROVED PORTION OF TATE STREET AT ITS TERMINUS WITH THE NORTHWESTERN ROW LINE OF NINE MILE ROAD".

REASON: This ordinance will close to public use and travel an unimproved portion of Tate Street as shown on DPW Drawing No. N-29007 dated August 12, 2022. The closing of the portion of Tate Street 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 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 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. 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 closing 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 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. 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.
6. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$52,835.49; such sum may be adjusted based upon the actual area of the retained and dedicated easements to be provided to the City.
7. 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 right-of-way closing to public use and travel of an unimproved portion of Tate Street.

The value of the right of way to be vacated (11,613 sf) has been determined to be \$52,835.49 (\$4.55 per square foot) and is based on the assessed land values of the immediately adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

The proposed right-of-way closing would allow the proposed development to move forward in a coordinated phased approach. The proposed right-of-way closing will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the right-of-way closing request.

FISCAL IMPACT/COST: None. The City is not currently receiving State Maintenance Funds for the unimproved portion of Tate Street that is being proposed to be closed; therefore, no fiscal impact/cost to City.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee; \$52,835.49 anticipated for the value of the vacated right of way.

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.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter (dated June 10, 2022 [revised August 11, 2022])
DPW Dwg. No. N-29007

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Joseph Davenport, ROW Manager, DPW

Research and Drawing Coordinated By: Shenouda Guergues, 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: Tate Street Right-of-Way Closing/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 abandonment of the 11,613 SF (0.267 acre) portion of the unimproved Tate Street public right-of-way as shown on the attached "Plat Showing the Vacation of 2 Portions of Tate Street Located Between N 29th Street & Nine Mile Road" by H&B Surveying and Mapping, LLC dated 6/9/22.

A similar request for the vacation of the 2nd piece of Tate Street public right-of-way shown on the H&B plat will be made with a future redevelopment phase.

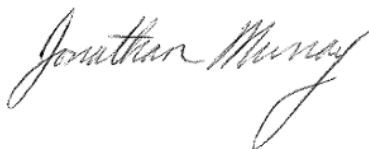
The land plan from the CUP is attached for reference on the intended redeveloped street grid, use, and ROW locations.

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

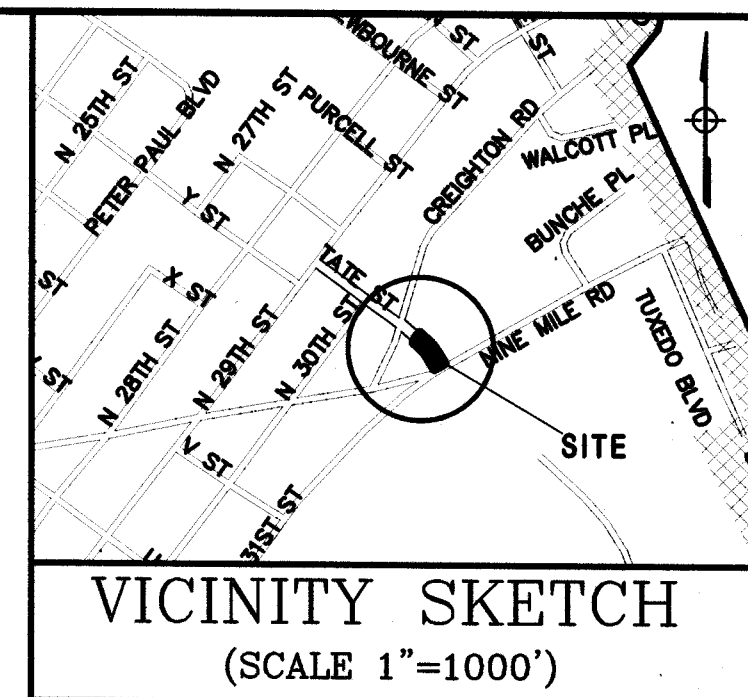
The required \$300 application and processing fee was previously submitted and processed on 5/17/21 - copy attached.

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

Sincerely,



Jon Murray, PE
Timmons Group



- | CURVE TABLE | | | | | | |
|-------------|-----------|---------|--------|--------|-------------|--------|
| | Δ | R | L | T | CHD BRG | CHD |
| C-1 | 18°56'33" | 182.72' | 60.41' | 30.48' | N39°04'21"W | 60.13' |
| C-2 | 24°22'40" | 92.00' | 39.14' | 19.87' | N38°53'20"E | 38.85' |
| C-3 | 18°56'28" | 242.72' | 80.24' | 40.49' | S39°04'23"E | 79.88' |

1. Property owners correct as of 08/12/2022
2. Ordinance _____
3. Adopted _____
4. Accepted _____

REFERENCES: B/L 23SE

Shenonda Guerrier

ROW Manager: (Joseph L. Davenport Jr, P.E.

REVISIONS:

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA



DRAWN BY: SG
CHECKED BY: MWA

REQUESTED BY: TIMMONS GROUP & TCB ON BEHALF OF RRHA 06/10/2022 Revised 08/11/2022

REQUESTED BY: H	FIELD NOTE
-----------------	------------

SCALE
1"=40'

DATE	08/12/2022
------	------------

PROJECT
E-955-SC

DRAWING NO.
N-29007