



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2023-045 - To close, to public use and travel, a portion of South 9th Street located just east of the Manchester Bridge and on Brown's Island, consisting of 3,936± square feet, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: February 21, 2023

PETITIONER

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

LOCATION

Portion of South 9th Street East of Manchester Bridge

PURPOSE

To close to public use and travel of a portion of the S 9th Street right-of-way consisting of 3936 sq. feet as shown on DPW Drawing No. N-29025 dated 12/09/2022 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF THE S 9TH STREET RIGHT OF WAY LOCATED JUST EAST OF THE MANCHESTER BRIDGE AND ON BROWN'S ISLAND" at the request of the applicant.

SUMMARY & RECOMMENDATION

The purpose of this right-of-way closing request is for Dominion Energy's expansion of the 12th Street Electrical Substation on Brown's Island, which serves both network and metropolitan services in the downtown Richmond area. This expansion will include a new Switchgear Building housing additional circuit/panels. The improvements at the 12th Street Substation will meet current engineering standards and significantly improve reliability.

A letter of request dated October 4, 2022 from Brian K. Jackson with Hirschler Fleischer Law on behalf of Dominion Energy Virginia, the only property owner adjacent to the proposed closing area.

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. 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.

6. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$182,394.24.

7. If any portion of the Canal Walk is within the proposed closing area, Dominion has the option to relocate the walk as directed by and approved by the appropriate City agency; or, the City will retain an easement over the subject area which shall be defined on a plat provided by Dominion and approved by the Department of Public Works.

8. Should Dominion Energy Virginia or any future entity cease to operate within the proposed closing area in the manner proposed by Dominion in this request, the closure of the public right-of-way shall be null and void and the right-of-way closed by this ordinance will automatically revert to the City as public right-of-way, without cost to the City.

9. 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.

Staff recommends approval of this request.

FINDINGS OF FACT

SITE DESCRIPTION

The area of closing consists of public right-of-way associated with S 9th Street across the Manchester Bridge. A similar right-of-way vacation request was previously granted by the City for part of S 9th Street, north of the 12th Street Substation. This request is supported by Venture Richmond, Inc., which manages the City's portion of Brown's Island. There are no parcels owned by others adjacent to the Right-of-Way. The value of the right of way to be vacated (3936 sf) has been determined to be \$182,394.24 (\$46.34 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 will not negatively impact the local City

transportation network. Other reviewing administrative agencies offered no objections to the right-of-way closing request.

PROPOSED USE FOR THE PROPERTY

Public Utility Expansion

MASTER PLAN

The City's Richmond 300 Master Plan designates a future land use for the subject property as Open Space which is defined as development "Public and quasi-public parks, recreation areas, open spaces, and cemeteries."

Development Style: Includes passive and active recreation, natural habitats, cemeteries, and large plazas.

Ground Floor: Not applicable.

Access: Designed in a manner to allow access by all modes of transportation, while emphasizing connections to bicycle and pedestrian amenities, such as sidewalks, bike lanes, and shared-use paths. Bike parking and other such amenities are provided as well.

Density/Height: Not applicable.

Primary Uses: Open space.

Secondary Uses: Cultural, institutional, and governmental.

ZONING

M-1 Light Industrial

SURROUNDING AREA

The area surrounding these parcels is zoned primarily M-1 Light Industrial to the East, with some B-4 Central Business District to the North across the Tredegar Canal and Downtown Civic and Cultural (DCC) to the west.

Staff Contact:

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