

INTRODUCED: May 8, 2023

AN ORDINANCE No. 2023-150

To declare a public necessity for the acquisition of and to authorize the Chief Administrative Officer to accept from the Friends of the Wythe/Monumental Green Space the dedication as public right-of-way a portion of a parcel along the northern line of Wythe Avenue, consisting of 4,352± square feet, for the purpose of providing for the maintenance of a public green space.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 22 2023 AT 6 P.M.

WHEREAS, in the opinion of the Council of the City of Richmond, a public necessity exists for the acceptance of the dedication as public right-of-way a portion of a parcel along the northern line of Wythe Avenue, consisting of approximately 4,352 square feet, labeled as “Parcel 1” as shown on the drawing prepared by Balzer & Associates and entitled “Compiled Plat Showing a Parcel Division on the Northern Line of Wythe Avenue, City of Richmond, Virginia,” and dated January 10, 2022, a copy of which is attached to and made part of this ordinance, from the Friends of the Wythe/Monumental Green Space, for the purpose of providing for the maintenance of a public green space;

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 22 2023 REJECTED: _____ STRICKEN: _____

NOW, THEREFORE,

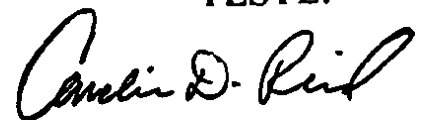
THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a public necessity exists for the acceptance of the dedication as public right-of-way a portion of a parcel along the northern line of Wythe Avenue, consisting of approximately 4,352 square feet, labeled as “Parcel 1” as shown on the drawing prepared by Balzer & Associates and entitled “Compiled Plat Showing a Parcel Division on the Northern Line of Wythe Avenue, City of Richmond, Virginia,” and dated January 10, 2022, a copy of which is attached to and made a part of this ordinance, from the Friends of the Wythe/Monumental Green Space, for the purpose of providing for the maintenance of a public green space.

§ 2. That, notwithstanding any provision of section 8-34 of the Code of the City of Richmond (2020), as amended, to the contrary, the Chief Administrative Officer is authorized to accept the dedication as public right-of-way of the portion of the parcel described in section 1 of this ordinance and to execute the deeds and other documents necessary to complete the dedication and acceptance of such portion of a parcel described in section 1 of this ordinance, provided that all such deeds and other documents first must be approved as to form by the City Attorney or the designee thereof.

§ 3. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reed".

City Clerk

2023-113



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: March 24, 2023

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature of Levar M. Stoney.

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

Handwritten signature of J.E. Lincoln Saunders.

THROUGH: Robert Steidel, Deputy Chief Administrative Officer

Robert C Steidel

Digitally signed by Robert C Steidel
Date: 2023.03.27 08:58:00 -04'00'

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

Bobby Vincent

Digitally signed by Bobby Vincent
Date: 2023.03.24 12:47:58 -04'00'

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

M. S. Khara, PE

Digitally signed by M. S. Khara, PE
Date: 2023.03.24 10:37:40 -04'00'

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

Handwritten signature of Joseph Davenport.

RE: **PROPOSED ACCEPTANCE OF A GIFT OF DEDICATION OF PUBLIC RIGHT-OF-WAY WITHIN THE 4700 BLOCK OF WYTHE AVENUE BOUNDED BY MONUMENTAL STREET, BLACKER STREET AND WYTHE AVENUE**

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to accept from the Friends of the Wythe Monumental Green Space a gift of dedication of approximately 4,352+/- square feet of public right-of-way, as shown as Parcel 1 on the plat of survey dated January 10, 2022, entitled "COMPILED PLAT SHOWING A PARCEL DIVISION ON THE NORTHERN LINE OF WYTHE AVENUE, CITY OF RICHMOND, VIRGINIA" as prepared by Balzer & Associates, and, to execute the deeds and other documents necessary to complete the dedication and acceptance of the parcel.

REASON: A gift of dedication letter dated March 1, 2023 from the Friends of the Wythe Monumental Green Space.

RECOMMENDATION: The Department of Public Works offers no objections to the acceptance of the dedication of this public right-of-way.

BACKGROUND: The City’s Board of Zoning Appeals at its meeting of January 2, 2020 adopted a resolution granting a request for a special exception in order to permit the construction of a single-family detached dwelling at 4712 Wythe Avenue subject to a number of conditions including the following:

That the owner “offer for dedication to the City of Richmond the proposed public space as depicted on the site plan dated December 9, 2019 submitted to the Board or offer to dedicate as right-of-way the proposed dedicated public space as depicted on the site plan dated December 9, 2019 submitted to the Board or offer to record a private easement of the proposed dedicated public space as depicted on the site plan dated December 9, 2019 submitted to the Board for the benefit of the property owners fronting on the 4700 block of Wythe Avenue and the 4700 block of Monumental Street for utilization as public space by the affected property owners.”

Residents of both Wythe Ave and Monumental St organized to form a “Friends of” group (“Friends of the Wythe Monumental Green Space”) to maintain the parcel as green space. Not desiring to be the owners of the parcel but rather simply the stewards of its upkeep and maintenance, the Friends group has approached the Department of Public Works with an offer of dedication. The Department of Public Works, upon consideration, agreed to accept the dedication of the parcel, understanding that routine maintenance, though ultimately the Department’s responsibility, will continue to be undertaken by the Friends group. The Friends of the Wythe Monumental Green Space is comprised of dedicated neighbors who wish to continue general upkeep and maintaining a perennial flowerbed located on the parcel. The flowerbed has been a staple in the neighborhood for several years. The Department is supportive of the community’s efforts to maintain this parcel as green space.

The Property that the Friends group wishes to gift to the City is a narrow triangular sliver that is currently undeveloped. The parcel size is approximately 4,352+/- square feet, as shown as Parcel 1 on the plat of survey dated January 10, 2022, entitled “COMPILED PLAT SHOWING A PARCEL DIVISION ON THE NORTHERN LINE OF WYTHE AVENUE, CITY OF RICHMOND, VIRGINIA” as prepared by Balzer & Associates. The parcel will be dedicated to and accepted by the Department as public right-of-way.

FISCAL IMPACT/COST: Parcel assessed value (\$32,000) removed from City tax base.

FISCAL IMPLICATIONS: Acceptance of this parcel will add to the City of Richmond’s right-of-way assets and will therefore be an additional area for the Department of Public Works to maintain; this fiscal impact is mitigated by the Friends group commitment to maintain the parcel.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: Value of parcel (\$32,000).

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 24, 2023

CITY COUNCIL PUBLIC HEARING DATE: May 22, 2023

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission.

AFFECTED AGENCIES: Public Works; 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): Additional public right-of-way will result in de minimis increase in future maintenance costs

ATTACHMENTS: Offer of Gift of Dedication Letter (Friends of Wythe Monumental Green Space; dated March 1, 2023).
Survey Plat prepared by Balzer & Associates (dated January 10, 2022)

STAFF:

Prepared for Bobby Vincent Jr., Director, DPW
Prepared by Joseph Davenport, ROW Manager, DPW
Department of Public Works / 646-0435

March 1st, 2023

Mr. Lincoln Saunders, Chief Administrative Officer
Chief Administrator's Office
900 East Broad Street, Suite 201
Richmond, VA 23219

Re: 4700 Wythe Avenue, **offer for dedication of public space or right of way** pursuant to BZA Case 51-2019

Dear Mr. Saunders:

The Virginia nonprofit (501c3) corporation, Friends of the Wythe Monumental Green Space ("**Owner**"), is the **Owner** of the **Property** known as 4700 Wythe Avenue ("**Property**"), identified as Tax Parcel No. W019-0140/003, in the 2023 City Assessor's records. The Board of Zoning Appeals, at its meeting of January 2, 2020, adopted a resolution granting the request for a special exception in order to permit the construction of a single-family detached dwelling on the **Parent Property** known as 4712 Wythe Avenue ("**Parent Property**"), identified as Tax Parcel No. W019-0140-002, subject to a number of conditions, including the following ("**BZA Condition 1**"):

- 1) That the owner "offer for dedication to the City of Richmond the proposed dedicated public space as depicted on the site plan dated December 9, 2019 submitted to the Board or offer to dedicate as right-of-way the proposed dedicated public space as depicted on the site plan dated December 9, 2019 submitted to the Board or offer to record a private easement of the proposed dedicated public as depicted on the site plan dated December 9, 2019 submitted to the Board for the benefit of the property owners fronting on the 4700 block of Wythe Avenue and the 4700 block of Monumental Street for utilization as public space by the affected property owners."

In compliance with **BZA Condition 1**, the **Parent Property** owner, CCRH Holdings LLC, a Delaware limited liability company, transferred ownership of the **Property** by Deed of Gift to the **Owner** on August 16th, 2022. To complete the full implementation of **BZA Condition 1** please accept this letter as a formal offer to the City of Richmond from the **Owner** for the gift and dedication of the public space depicted on the attached site plan dated December 9, 2019, as either real land or property for right-of-way purpose. As a condition of this gift, the **Owner** respectfully requests that the **Property** be managed as a dedicated public and forested green space in accordance with the intention of **BZA Condition 1**. The **Owner** also reserves the right to review the proposed cooperative maintenance agreement for the property currently being drafted by the City of Richmond.

Should the City be interested in pursuing this offer, the **Owner** respectfully requests your guidance as to the appropriate process. We will look forward to your response. Please let the **Owner** know if you have any further questions. Should you require any additional information after reviewing this letter, please do not hesitate to contact me.

Sincerely,



William Miller
Executive Director
Friends of the Wythe Monumental Green Space

Attachments:

BZA Case 51-2019 Approval Letter

Approved BZA Site Plan

Deed of Gift, CCRH Holdings LLC to Friends of the Wythe Monumental Green Space

CC

William Davidson - Zoning Administrator

Bobby Vincent - Director of Public Works

Cordell Hayes, Jr. - Legislative and Policy Management Analyst (Mayor's Office)

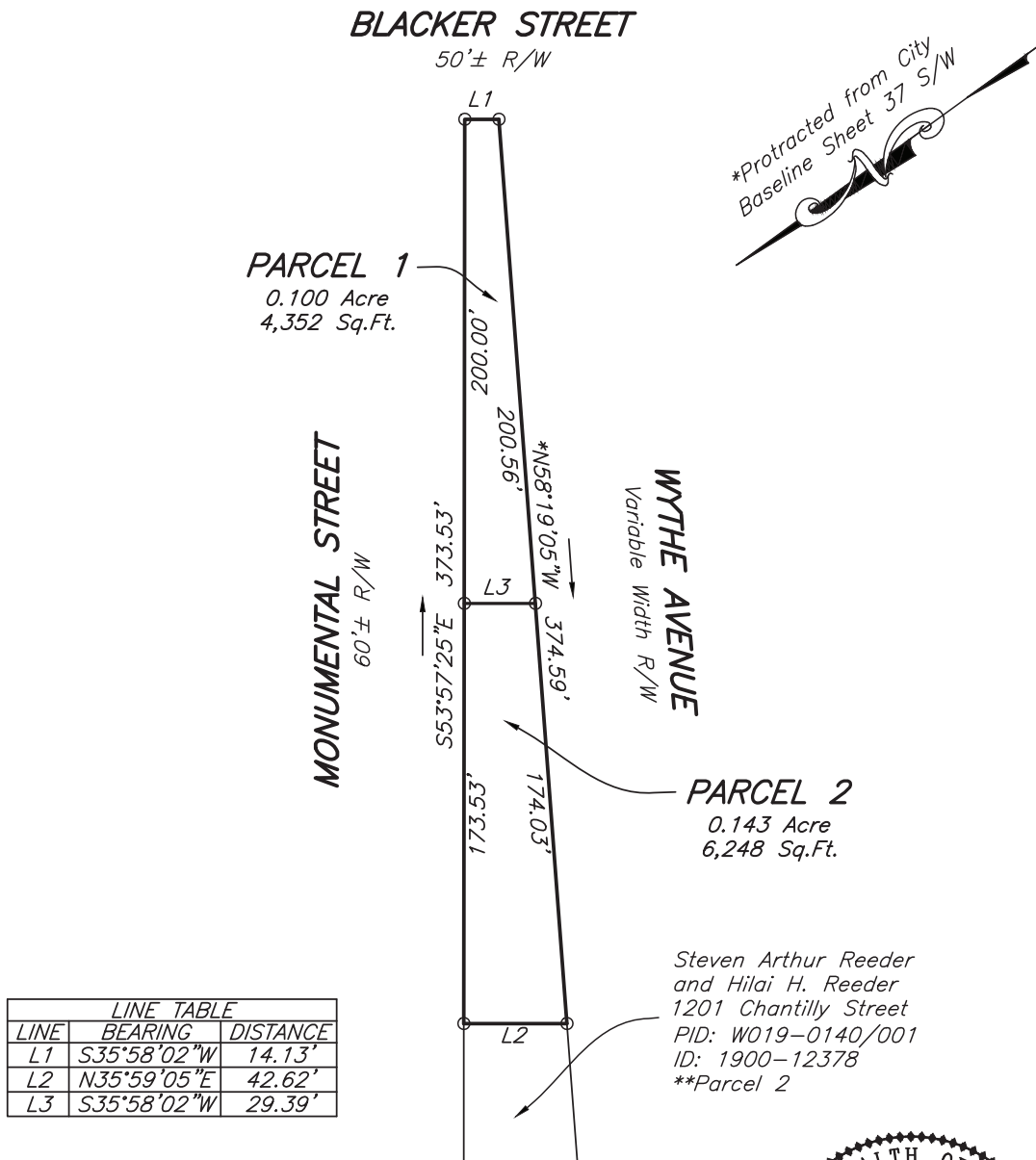
The Honorable Andreas D. Addison - Councilmember, 1st Voter District



Friends of the Wythe Monumental Green Space
5006 Riverside Drive, VA 23225 • (804) 564-7507 • millerxyz123@gmail.com

This plat is compiled from plats of record and without the benefit of a title report. No improvements and not all easements may be shown.

**As shown on a plat by Balzer & Associates entitled, "PLAT SHOWING TWO PARCELS OF LAND ON THE SOUTHERN LINE OF CHANTILLY STREET, CITY OF RICHMOND" dated 06/11/2019 and recorded in ID: 1900-12378 on 06/21/2019.



Current Owner(s):
CCRII Holdings, LLC.
PID: W019-0140/002
ID: 2100-17073

**COMPILED PLAT SHOWING
A PARCEL DIVISION ON
THE NORTHERN LINE OF
WYTHE AVENUE
CITY OF RICHMOND, VIRGINIA**

RE: Center Creek Homes
DATE: 01/10/2022
SCALE: 1"=60'
JOB NO.: 55220012.MS
DRAWN BY: NWD
CHECKED BY: JAB

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.cc



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