

INTRODUCED: November 11, 2013

A RESOLUTION No. 2013-R254-2015-68

To support the City Administration's efforts to settle certain claims asserted by certain owners of real property abutting Princeton Creek in the City of Richmond.

Patron – Mr. Hilbert

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 25 2013 AT 6 P.M.

WHEREAS, several years ago, under the supervision of the Virginia Department of Environmental Quality, the City undertook a project of natural stream restoration in and around the bed of Princeton Creek in the City of Richmond; and

WHEREAS, as a result of the growth of vegetation planted as a riparian buffer on both sides of Princeton Creek, those property owners whose properties Princeton Creek divides no longer enjoy full access to their entire properties; and

WHEREAS, these property owners have made claims against the City for compensation;
and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 14 2015 REJECTED: _____ STRICKEN: _____

WHEREAS, the City Administration has worked with these property owners to arrive at a settlement of the property owners' claims against the City to be paid from the City's self-insurance fund; and

WHEREAS, the Council of the City of Richmond believes that is in the best interests of the City of Richmond that the City Administration pursue the proposed settlements of the property owners' claims to their conclusion, provided that the City should only pay such a settlement upon receipt from the property owner of an appropriate waiver of future claims arising from the activities of the City in and around the bed of Princeton Creek;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council supports the City Administration's diligent pursuit of proposed settlements of the claims of the owners of certain properties divided by Princeton Creek, provided that the City should only pay such a settlement upon receipt from the property owner of an appropriate waiver of future claims arising from the activities of the City in and around the bed of Princeton Creek.



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

THROUGH Lou Ali, Council Chief of Staff *W*

FROM Vincent Jones, Deputy Council Chief of Staff *V. Jones*

COPY Chris Hilbert, 3rd District Council Member
Lisa Townes, 3rd District Liaison
Haskell Brown, Deputy City Attorney

DATE November 1, 2013

PAGE/s 1 of 2

TITLE Authorizing Princeton Creek Settlement for certain property owners

RECEIVED
NOV 05 2013
OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Chris Hilbert

SUGGESTED STANDING COMMITTEE

Finance and Economic Development

ORDINANCE/RESOLUTION SUMMARY

The patron requests a resolution to show Council's approval and support of authorizing the City Administrator to offer a settlement, provided a liability waiver of any claims in the future is signed, for certain Princeton Creek property owners.

BACKGROUND

Years ago — as an "improvement" — sections of Princeton Creek's naturally curving stream banks were straightened and piped underground. City stormwater was also added to its natural flow. As a result, the remaining open channel of the creek has been unable to handle even modest rains, and families living nearby have been subject to recurring flooding and severe erosion of their properties (Blankenship, 2001). Due to the impact of Tropical Storm Gaston in 2004, the City began a project of natural stream restoration. The City received a permit from the State's Department of Environmental Quality (DEQ) which allowed for the restoration and required five additional years of monitoring, upon completion of the project.

To that end, residents impacted by the Princeton Creek Restoration project and subsequent attempt to correct previous actions by the City, have requested that the City compensate them for the loss of use and value of their properties. This

ordinance would seek compensation for the five property owners (six lots) directly affected by this issue. The property owners affected by this issue now have limited access to and use of the parts of their property bisected by Princeton Creek. It has been established that Princeton Creek is in a flood plain, and as such the requirements for any replacement structure, depending on how substantial, may require permits beyond those issued by the City. Additionally, the natural stream restoration does allow access via riparian stones placed in the stream. This does not allow the level of access to which owners have been accustomed. Natural restoration means that there has to be a riparian buffer with planted vegetation and no manicured grass right up to the border of the creek. This impacts use of the property by residents and is a reduction in use from what was previously experienced. The impact of Gaston, as well as requirements from DEQ and the U.S. Army Corp of Engineers, impacts the type of structures that residents can use to access that portion of their property bisected by the creek.

Compensation is based on the following: The value of the obstructed portion of the lot, based on its percentage of the total lot size and current assessment of the land value. Please see the attached chart which provides the total lot size, obstructed lot size, percentage the obstructed lot size is of the total lot size, current assessment value of the land and the value of the obstructed property for which property owners will be compensated.

The City will use Risk Management funds to provide the settlement and require property owners accepting the settlement to sign a liability waiver for the City if the creek once again floods and any future claims as a result of this reduced valuation and compensation. The City will issue permits for replacement bridges that are under the City's jurisdiction for permitting, however, certain bridge designs may require additional State and Federal approvals.

This settlement and compensation will resolve all issues between said addresses and the City.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
It is expected that Administration will use budgeted Risk Management funds to cover the estimated costs of \$60,677.35.	
Budget Amendment Required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$ 0

Attachment/s Yes No

Source: www.bayjournal.com, Blankenship, July 2001

Princeton Lake Project

Lot #	Property Owners	Total Lot Size	Obstructed Lot Size	Percentage	Land Value	Value of Affected Property
1612	Booth David M	34784	4366	0.125517479	\$76,000.00	\$9,539.33
1608	Fergusson Brenda Rae Trs	16220	3448	0.212577065	\$54,000.00	\$11,479.16
1606	Perry Eunice K Life	13508	2274	0.168344685	\$62,000.00	\$10,437.37
1604	Naoroz David H & Susan M	18015	2685	0.149042465	\$69,000.00	\$10,283.93
1602	Reynolds R. Willbourne & Nancy	18500	5309	0.286972973	\$54,000.00	\$15,496.54
1600	Reynolds R. Willbourne & Nancy	11097	7637	0.688204019	\$5,000.00	\$3,441.02
					\$320,000.00	\$60,677.35