



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2016-172:** To close a portion of public right of way to public use and travel containing 1,177 square feet and another portion containing 527 square feet shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28687 dated 4/08/2016 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF ROWE STREET BETWEEN S 1<sup>ST</sup> ST. AND S 2<sup>ND</sup> ST. AND OF A 4' +/- STRIP OF S 2<sup>ND</sup> STREET ALONG ITS NW LINE AT INTERSECTION WITH ROWE ST. " at the request of the owner of the adjacent properties, the Commonwealth of Virginia.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 20, 2016

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#### **PETITIONER**

Commonwealth of Virginia

#### **LOCATION**

City of Richmond

#### **PURPOSE**

To close a portion of public right of way to public use and travel containing 1,177 square feet and another portion containing 527 square feet along South 2<sup>nd</sup> Street at the request of the owner of the adjacent properties, the Commonwealth of Virginia.

#### **SUMMARY & RECOMMENDATION**

The Virginia War Memorial was constructed on property that included rights of way that were vacated in 1954 (Ord. No. 54-265-233). The facility has undergone various planned expansions and improvements on the property that the State currently maintains. The current plan is to expand the shrine with the addition of an underground parking structure and a multi-purpose learning center/auditorium to accommodate more visitors and events. This proposed closing will allow the maximum utilization of available land.

The section of Rowe Street proposed for closing is currently an unimproved section or "paper" street that shows up on City maps but does not actually exist. It carries no vehicular or pedestrian traffic and would not serve any public use were it to be improved.

The section of S 2<sup>nd</sup> Street proposed for closing is a narrow strip along the northwest side of the street in an area where there is excess right of way (more than 65 feet). This proposed closing will create a consistent right of way line along the Memorial property. This will also allow the proposed improvements to be located appropriately on the site. Currently no physical improvements nor public assets exist within this area and there are no proposed plans to construct improvements that would require the use of this area by the City.

The value of the right of way to be vacated is set at \$85,200. This figure is based on the values of the adjacent properties. It is standard practice in the past for payment of this cost to be

waived for State Agencies. Moreover, the original closing and presentation of City right of way to the State in 1954 was done without cost to the State. As this current closure request is for an expansion of the facility for which the original closure was processed, it follows that no costs will be assessed to the State. As a part of this project, the State will construct new sidewalk along S 2<sup>nd</sup> Street to connect the existing drop-off to existing City sidewalk along this frontage. The proposed improvements will enhance the existing facility, provide parking on site (freeing up the adjacent public right of way for parking for other users of City streets), and provide pedestrian connectivity that currently does not exist.

Other reviewing administrative agencies offered no objections to this closing request.

The Department of Public Works offers no objections to the proposed right-of-way closing, and requests 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 identify and protect the rights of any private and public owners of utilities who may have a vested interest in or facilities located within the subject right of way. This condition may be satisfied by the applicant(s)/ owner(s)/ successor(s) providing the City with a written affidavit (1) testifying that all such rights have been protected (or that no such rights exist) and (2) indemnifying the City from any claims asserting such rights.
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. At this time the Applicant has controlling interest in all adjacent properties. This condition is considered null and void if that is still true at the date of the acceptance of the terms and conditions.
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) is responsible for providing the Law Department with written evidence 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 twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

The Department of Public Works recommends adoption of this ordinance.

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