

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-172

To close, to public use and travel, a portion of Rowe Street located between South 1st Street and South 2nd Street, consisting of 1,177± square feet, and a 4'± strip of South 2nd Street along its northwest line at its intersection with Rowe Street, consisting of 527± square feet, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of right-of-way known as Rowe Street, located between South 1st and South 2nd Street and consisting of approximately 1,177 square feet, and an approximately four-foot-wide strip of South 2nd Street along its northwest line at its intersection with Rowe Street, consisting of approximately 527 square feet, are hereby closed to public use and travel as rights-of-way of the City of Richmond, all as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28687, dated April 8, 2016, and entitled “Proposed Closing to Public Use and Travel of Rowe Street between S. 1st St. & S.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 27 2016 REJECTED: _____ STRICKEN: _____

2nd St. and of a 4' ± Strip of S. 2nd Street along its NW Line at Intersection with Rowe St.," a copy of which drawing is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the rights-of-way identified above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2010), as amended, and shall become effective only when, within 12 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 (2015), 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. At this time, the applicant has a 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.

(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, it is responsible for the drainage, flow or overflow of surface or subsurface water in the right-of-way area proposed to be closed.

(d) 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.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

4-5111
APR 15 2016

O&R REQUEST

DATE: April 12, 2016 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

FOR: Emmanuel Adediran, Director
Department of Public Works

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

THROUGH: Brian Copple, Right of Way Manager
Department of Public Works

FROM: Doug Mawby
Department of Public Works

RECEIVED
MAY 13 2016
OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION
OF ROWE ST. BETWEEN S 1ST ST. AND S 2ND ST. AND OF A 4' +/- STRIP
OF S 2ND ST. ALONG ITS NORTHWEST LINE AT THE INTERSECTION
WITH ROWE ST.

ORD. OR RES No. _____

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 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 1ST ST. AND S 2ND ST. AND OF A 4' +/- STRIP OF S 2ND STREET
ALONG ITS NW LINE AT INTERSECTION WITH ROWE ST." at the request of the owner of
the adjacent properties, the Commonwealth of Virginia.

REASON: Letter of request dated September 17, 2015 from Holly Law Eve, Director of Real
Estate Services, Commonwealth of Virginia, Department of General Services. The adjacent

properties are associated with the Virginia War Memorial. The proposed closures are to allow for expansion of the War Memorial facility.

Per the letter, the work planned for the site includes expansion of the shrine, offices and exhibition space. Also included is a new underground parking deck. The portion of Rowe Street to be closed is an unimproved "paper" street. The strip along 2nd Street to be closed is excess right of way beyond what actually exists for 2nd Street at other locations where it fronts the War Memorial site.

The rights of way to be closed do not currently carry vehicular traffic and are not needed for future traffic needs. Closing them will not adversely impact the City of Richmond.

RECOMMENDATIONS: 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.

BACKGROUND: 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 2nd 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 2nd 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.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None (application fee of \$300 and value of right of way to be closed, \$85,200, will not be charged to the State)

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: May 9, 2016

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2016.

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor’s Office, CAO’s Office, Finance, Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28687

STAFF:

Prepared for Emmanuel O. Adediran

Prepared by Doug Mawby

Research and Drawing Coordinated By: Raquel Aguirre and Marvin Anderson

Department of Public Works

646-0435



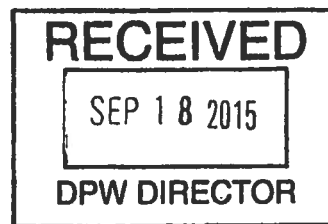
COMMONWEALTH of VIRGINIA
Department of General Services

Division of Real Estate Services

September 17, 2015

1100 Bank Street, 3rd Floor
Richmond, Virginia 23219
Telephone: (804) 371-7200
Fax: (804) 225-4673

Dr. Emmanuel O. Adediran
Director, Department of Public Works
City of Richmond
City Hall, Room 701
900 E. Broad Street
Richmond, VA 23219



RE: Closure of Rowe Street Eastward of South 1st Street and Closure of a Portion of 2nd Street Near Rowe and South 1st Streets

Dear Dr. Adediran:

By Deed dated September 1, 1954, the City of Richmond conveyed to the Commonwealth of Virginia certain land located within that area bounded by Belvidere Street, Rowe Street and the 2nd Street Approach and an additional parcel located north of Rowe Street and east of 1st Street. Thereafter, by City of Richmond Ordinance Number 54-265-233 adopted on November 22, 1954, the City closed to public use and travel and abandoned as public streets portions of Holly Street, Church Street and 1st Street located within that area bounded by Belvidere Street, Rowe Street and the 2nd Street Approach, with the result that the Commonwealth became the owner of the land under such abandoned streets (subject to a certain retained easement over a portion of the closed Holly Street).

The purpose of these acts by the City was for the erection of a World War II Memorial. As you are aware, such memorial was constructed and is now known as the Virginia War Memorial. The property is under the possession and control of the Department of General Services. The Commonwealth approaches you today to request certain additional partial road enclosures to enable the expansion of the Virginia War Memorial. In particular, the intent is to expand the memorial's shrine, offices and exhibition space

Dr. Emmanuel O. Adediran

Page 2

September 17, 2015

and to construct an underground parking structure. This expansion will extend the existing improvements across Rowe Street onto that portion of property the City conveyed located north of Rowe Street and east of 1st Street. To do so, entails constructing improvements over the portion of Rowe Street that is eastward of South 1st Street. This portion of Rowe Street, for which the Commonwealth requests closure and abandonment, is an unimproved, "paper" street. Presently, Rowe Street to the west of 1st Street only serves as the entrance approach to the Virginia War Memorial and to the adjoining Virginia Housing Development Authority. No adverse impact to public travel will occur as a result of this requested closure.

In addition to seeking the closure and abandonment of the "paper" portion of Rowe Street, the Commonwealth also requests the closure and abandonment of an unimproved strip of 2nd Street that is 3.80 feet wide and approximately 140.95 feet long. This abandonment will allow for the most efficient design and location of the underground parking structure, including the ingress/egress point to and from such structure at 2nd Street. The present right-of-way width of 2nd Street along the Virginia War Memorial property is approximately 65 feet wide, then approximately 69 feet wide and finally approximately 77 feet wide, when measured from the south to the north of the Virginia War Memorial's eastern property line. No adverse impact to public travel will occur as a result of this requested closure. This closure results in the elimination of one of the two jogs in the right-of-way line that abuts the Virginia War Memorial property.

In the instance of each closure, the only adjoining property owner is the Commonwealth of Virginia, Department of General Services. No person uses the proposed closed areas for ingress or egress.

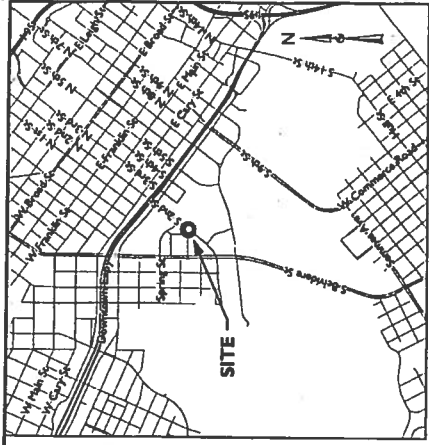
Enclosed are the aforementioned 1954 Deed and Ordinance and the plats referred to in each, a conceptual site plan for the improvements to the Virginia War Memorial and two sets of plats showing the two areas requested to be closed and abandoned. Please do not hesitate to contact me or our project manager, Lyman Brown, at 804-225-4001 to respond to any questions or to provide additional information.

Thank you,

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF GENERAL SERVICES



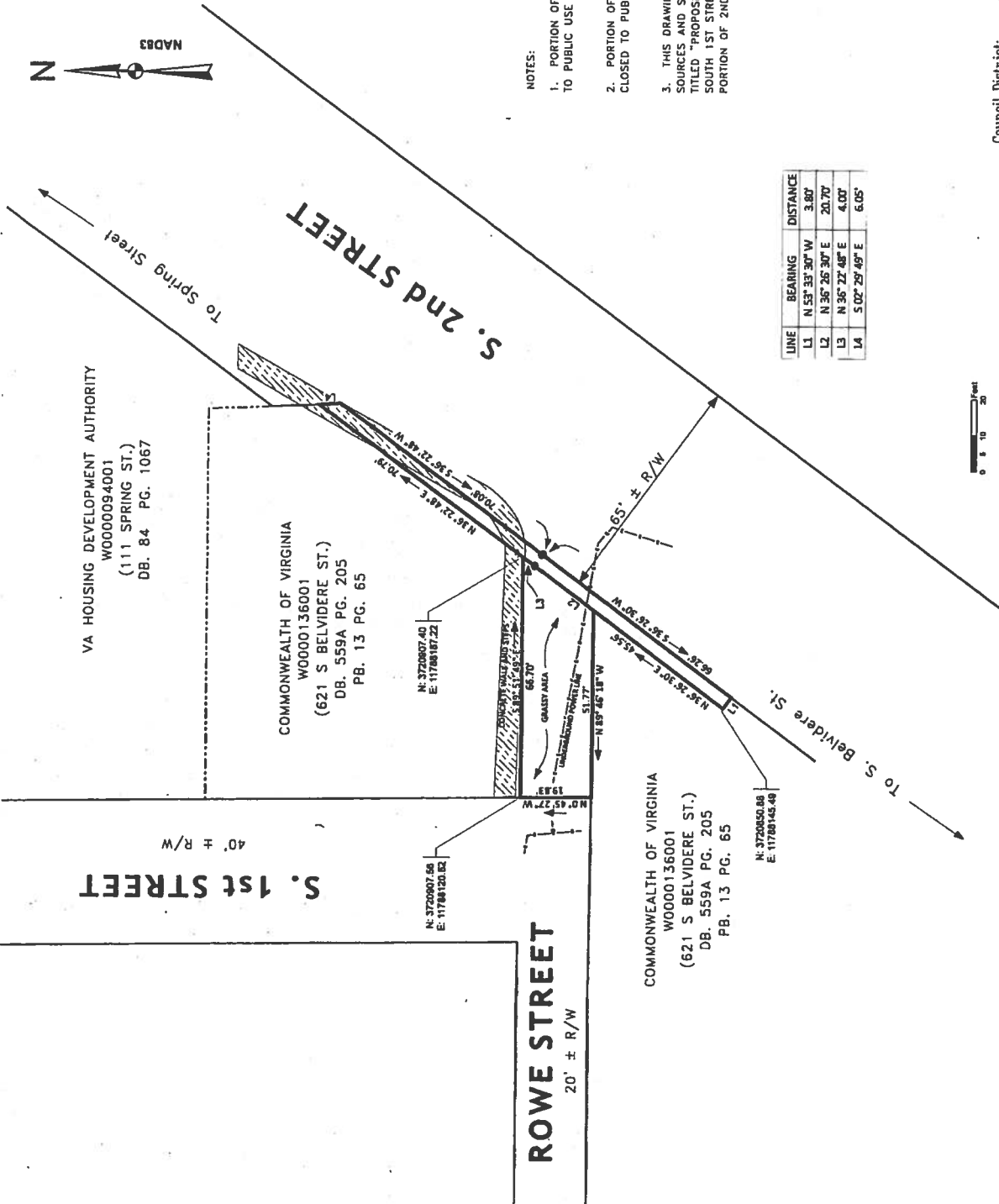
Holly Law Eve
Director, Division of Real Estate Services



VICINITY MAP
1" = 2000'

NOTES:

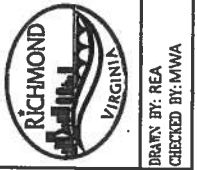
1. PORTION OF ROWE STREET R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES. \square 11177 SQ. FT.
2. PORTION OF SOUTH SECOND STREET R/W THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES. \square 527 SQ. FT.
3. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND SURVEY BY DRAPER ADEN ASSOCIATES AS SHOWN ON PLATS TITLED "PROPOSED CLOSING OF ROWE STREET FROM THE EAST LINE OF SOUTH 1ST STREET EASTWARD" DATED 12/17/14 AND "PROPOSED CLOSING OF A PORTION OF 2ND STREET NEAR ROWE & SOUTH 1ST STREET" DATED 7/17/15.



LINE	BEARING	DISTANCE
L1	N 53° 33' 30" W	3.80'
L2	N 36° 26' 30" E	20.70'
L3	N 36° 22' 48" E	4.00'
L4	S 02° 29' 49" E	6.05'

Council District: 5 Block No. W-136

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF ROWE STREET BETWEEN S. 1ST ST. & S. 2ND ST. AND OF A 4' ± STRIP OF S. 2ND STREET ALONG ITS NW LINE AT INTERSECTION WITH ROWE ST.



Surveys Division
Room 600 City Hall
900 E. Broad Street, Richmond, Va. 23219
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

Drafting Technician *[Signature]*
Surveys Superintendent *[Signature]*
Right-of-Way Manager *[Signature]*

NOTES
1. Lot dimensions from records.
2. Property owners correct as of 4/8/2016.
3. Ordinance No. _____
4. Adopted _____
5. Accepted _____
REFERENCES O-27621, O-22364, O-27044B, 3 NE, 2 NW,
PB. 44 PG. 46, DB. 84 PG. 1067

FIELD NOTE SCALE 1" = 20' DATE 4/08/2016 PROJECT W-136-5C DRAWING NO. N-28687