

INTRODUCED: June 13, 2016

AN ORDINANCE No. 2016-186

To close, to public use and travel, a portion of an alley bounded by Nine Mile Road, North 31st Street, V Street and North 30th Street, consisting of 542± square feet, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 25 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of an alley in the block bounded by Nine Mile Road, North 31st Street, V Street, and North 30th Street, consisting of approximately 542 square feet, is hereby closed to public use and travel as a right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28698, dated May 6, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley in the Block Bounded by Nine Mile Rd., N. 31st St., V St., and N. 30th St.,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 25 2016 REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the closing of the right-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.

(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, they shall indemnify, reimburse, and keep and hold the City free and harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the right-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alleys, or any of them, on account

thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid right-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses or whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$2,590.76 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) 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 area other than that expressly retained under the 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 upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

MAY 18 2016

Chief Administration Office
City of Richmond

4-5195

O&R REQUEST

DATE: May 11, 2016 EDITION: 1

TO: The Honorable Members of City Council

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

Handwritten initials: DCJ, SW

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer

Handwritten signature: JJB

FOR: Emmanuel Adediran, Director
Department of Public Works

Handwritten initials: EAD

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

Handwritten signature: MSK

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

Handwritten signature: BC

FROM: Doug Mawby
Department of Public Works

Handwritten signature: DM

RECEIVED

JUN 03 2016

OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING OF A PORTION OF AN ALLEY WITHIN THE
BLOCK BOUNDED BY NINE MILE RD., N 31ST ST., V ST. AND N 30TH ST.

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a portion of the right of way for a public alley
containing 542± square feet as shown enclosed with bold lines on a plan prepared by the
Department of Public Works and designated as DPW Dwg. No. N-28698 dated May 6, 2016
(Project No. E-795-AC) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A
PORTION OF AN ALLEY IN THE BLOCK BOUNDED BY NINE MILE RD., N 31ST ST., V
ST. AND N 30TH ST. at the request of the applicant.

REASON: Letter of request dated January 11, 2016 from Jeff Keith of Advanced Engineering,
LLC. He is representing the owner of the adjacent property at 3001 Nine Mile Road. This adjacent
owner, Khattab Ventures Inc., wishes to obtain this piece of right of way to develop their property
on Nine Mile Road. This portion of the right of way is outside of the current line of the physical
alley and is not used for travel on the alley; the applicant has therefore asked to purchase it.

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 public and/or private owners of utilities who may have a vested interest or facilities in subject right-of-way.
3. A twelve-month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within twelve months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
4. The applicant(s)/owner(s)/successor(s) shall be responsible for surface overflow in the area to be closed.
5. 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.
6. The cost of the right of way to be vacated has been determined to be \$2,590.76. This must be paid to the City.
7. 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 applicant is requesting this closure at the behest of his client, Khattab Ventures, Inc., the owner of 3001 Nine Mile Road. Two public alley pass behind this address and intersect directly behind this property. At this intersection point there is a triangular piece of right of way that protrudes into the Khattab property at the point where the property is the shallowest. This situation limits the options the owner has for developing this property. Closing this portion of the right of way would eliminate this significant impediment to the property owner.

This portion of the alley to be closed is currently not carrying any pedestrian or vehicular traffic as it is not within the existing alley surface. It will not serve any public purpose were it to be improved as part of the alley and is not and will not be needed for any other road improvement project. Staff therefore recommends that it be closed.

The value of the right of way to be vacated has been determined to be \$2,590.76 and is based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way. In this case the owner of the adjacent parcel has agreed to pay this amount to the City.

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

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application & processing fee, \$2,590.76 for the cost of the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 13, 2016

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2016.

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Land Use Housing and Transportation Standing Committee

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Economic and Community Development, Public Utilities; Assessor; Budget and Strategic Planning; Fire Department; Police Department.

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28698

STAFF:

Prepared for Emmanuel Adediran

Prepared by Doug Mawby

Research and Drawing Coordinated By: Marvin Anderson and Raquel Aguirre

Department of Public Works

646-0435



ADVANCED ENGINEERING, LLC.

P.O. BOX 72692
RICHMOND, VA 23235

PH# (804) 909-3633
FAX# (804) 893-3554
EMAIL: AdvEngineering@aol.com

TO : City of Richmond January 11, 2016
Department of PW - Right of Way Management
900 East Broad Street, Room 110
Richmond, VA 23219

ATTN: Dr. Emmanuel Adediran
Director of Department of Public Works

RE : Existing Commercial Property
3001 Nine Mile Road
Richmond, VA
Tax Parcel # E0000795001

Dear Sir, At the request of the owner, we are requesting the closing/vacating of a portion of the alley at the rear of the referenced property and as shown on the attached drawings.

The portion of the alley to be returned to the owner basically has no benefit to the city but could be used by the owner to expand his current business at that location.

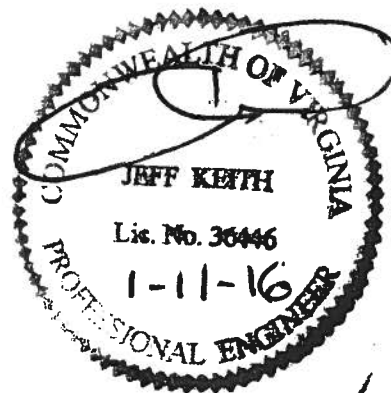
The proposed closing/vacating would not effect the useful width of the remaining alley and will not have any adverse effects or hardships to the adjacent property owners or the city in the use of the current alley.

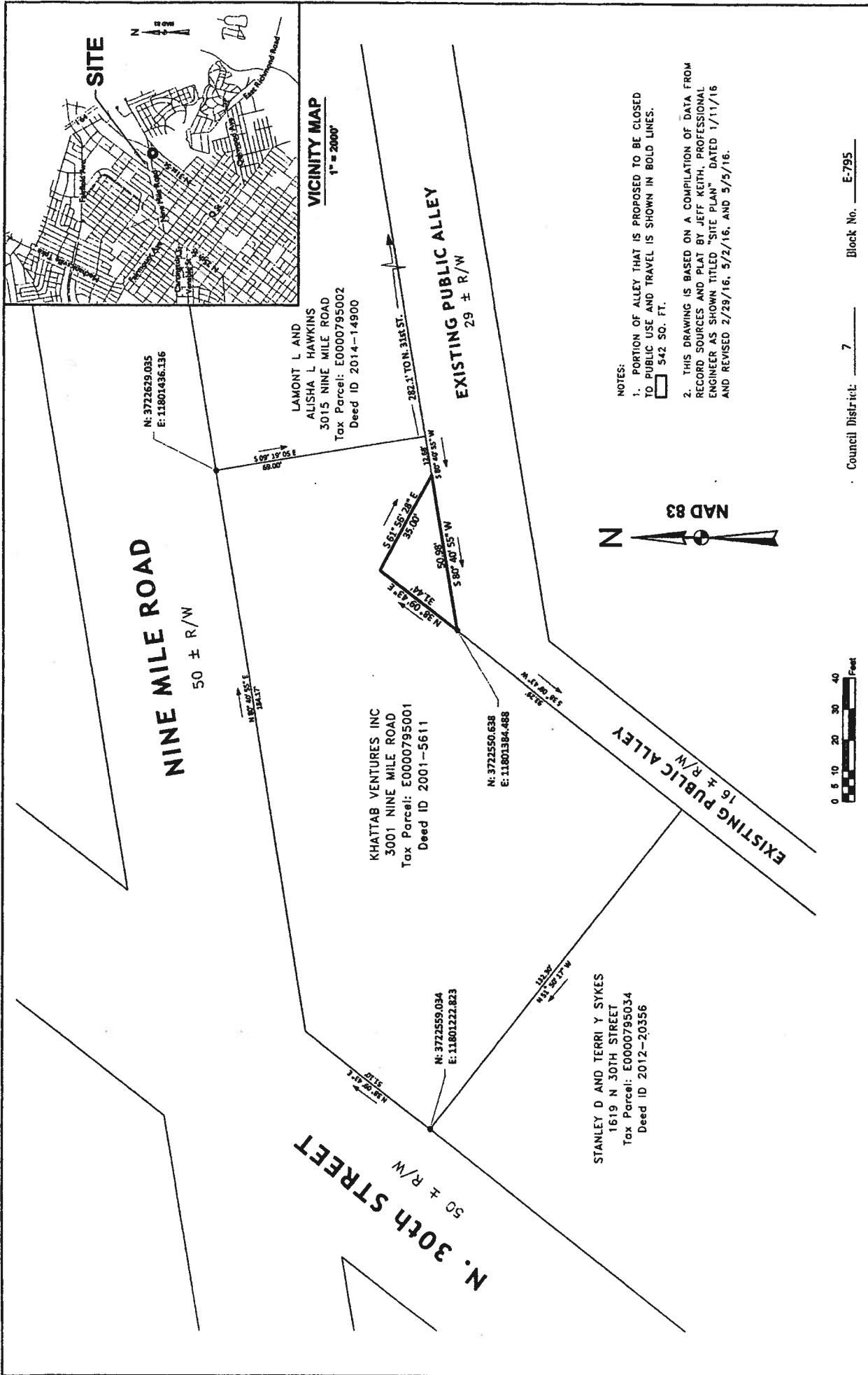
There are also no utilities located in the portion of the alley that we are requesting to be closed/vacated and so this will require no relocation or disruptions of any existing utility services.

Please review this request and attached drawings and call if you have any questions or concerns regarding this request.

This request and letter have been made in accordance with generally accepted engineering practices, and we make no other warranties, expressed or implied, as to the professional advice under the terms of our agreement and included in this letter.

Sincerely,
Jeff Keith P.E.





<p>NOTES</p> <p>1. Lot dimensions from records.</p> <p>2. Property owners correct as of 5/6/2016.</p> <p>3. Ordinance No. _____</p> <p>4. Adopted _____</p> <p>5. Accepted _____</p> <p>REFERENCES: BL 235E, 235W</p>	<p>Drafting Technician: <i>Jacqueline</i></p> <p>Survey Superintendent: <i>Jim W. Clark</i></p> <p>Right-of-Way Manager: <i>[Signature]</i></p> <p>REVISIONS</p>	<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p> <p>900 E. Broad Street, Richmond, Va. 23219 Room 600 City Hall</p> <p>Surveys Division</p>	<p>RICHMOND VIRGINIA</p> <p>DRAWN BY: REA CHECKED BY: MWA</p>	<p>Field Note</p> <p>Scale: 1" = 20'</p> <p>Date: 5/6/2016</p> <p>Project: E-795-AC</p> <p>Drawing No.: N-28698</p>
	<p>Requested By: Letter of Request from Jeff Keith, PE dated 1/11/2016</p>	<p>Council District: 7</p> <p>Block No.: E-795</p>	<p>PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY IN THE BLOCK BOUNDED BY NINE MILE RD., N. 31ST ST., V ST., AND N. 30TH ST.</p>	