AN ORDINANCE No. 2016-190

To declare that a public necessity exists and to authorize the acquisition by gift, purchase, condemnation, or otherwise of certain fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements, for the purpose of constructing transportation improvements as part of the East Riverfront Transportation Improvement Program project in the Transportation category of the Fiscal Year 2016-2017 Capital Budget.

Patron – Mayor Jones

Approved as to form and legality by the City Attorney

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

WHEREAS, in the opinion of the Council of the City of Richmond, a public necessity exists for the acquisition of certain fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements, on properties identified as Parcel Nos. 001, 002, 003, 004, 005, 006, 007, 010, 011, 012, 013, 014, 016, and 019 on sheet 1 of a drawing designated as DPW Drawing No. O-28708, dated May 25, 2016, and entitled "East Riverfront Transportation Improvement," as described and shown on sheets 1 through 7 of such drawing, for the purpose of constructing transportation improvements as part of the East Riverfront

AYES:	9	NOES:	0	ABSTAIN:	
-		_			

STRICKEN:

REJECTED:

ADOPTED:

JULY 25 2016

Transportation Improvement Program project in the Transportation category of the Capital Budget for the fiscal year commencing July 1, 2016, and ending June 30, 2017;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a public necessity exists for the acquisition of certain fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements, on properties identified as Parcel Nos. 001, 002, 003, 004, 005, 006, 007, 010, 011, 012, 013, 014, 016, and 019 on sheet 1 of a drawing designated as DPW Drawing No. O-28708, dated May 25, 2016, and entitled "East Riverfront Transportation Improvement," as described and shown on sheets 1 through 7 of such drawing, for the purpose of constructing transportation improvements as part of the East Riverfront Transportation Improvement Program project in the Transportation category of the Capital Budget for the fiscal year commencing July 1, 2016, and ending June 30, 2017.

§ 2. That the Chief Administrative Officer or the designee thereof is hereby authorized and directed to, within the constraints imposed by this ordinance, (i) acquire, by gift, purchase, condemnation or otherwise, the aforementioned fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements (ii) act for and on behalf of the City of Richmond in agreeing or disagreeing with the owners of the properties from whom such fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements must be acquired upon the compensation to be paid therefor, and (iii) to execute the deeds and other documents necessary to complete the acquisition and acceptance of such fee simple interests, temporary construction easements, permanent drainage easements, and permanent utility easements provided that all such deeds and other documents first must be approved as to form by the City Attorney or the designee thereof.

§ 3. That in the event the City cannot agree with any owner of such a fee simple interest, temporary construction easement, permanent drainage easement, or permanent utility easement to be acquired pursuant to this ordinance on the terms of purchase thereof, the City Attorney is authorized to acquire such fee simple interest, temporary construction easement, permanent drainage easement, or permanent utility easement by undertaking appropriate condemnation proceedings to exercise the City's power of eminent domain for the purpose of constructing transportation improvements as part of the East Riverfront Transportation Improvement Program project in the Transportation category of the Capital Budget for the fiscal year commencing July 1, 2016, and ending June 30, 2017.

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

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CITY OF RICHMOND INTRACITY CORRESPONDENCE



JUN 1 2016

Chief Administration Office

			City of Richmond
	O&R REQ	UEST	
DATE:	May 26, 2016	EDITION: 1	JUN 1 0 2016
<u>TO</u> :	The Honorable Members of	City Council	
THROUGH:	The Honorable Dwight C. Jo	ones, Mayor DCA '	OFFICE OF CITY ATTORNE
<u>THROUGH</u> :	Selena Cuffee-Glenn, Chief	Administrative Officer	0
THROUGH:	John J. Buturla, Interim Dep	uty Chief Administrative Office	Per
THROUGH:	Emmanuel Adediran, Direct	or of Public Works	than
THROUGH:	M. S. Khara PE, City Engin	eer Millen	1
FROM:	Lamont Benjamin, PE, Capi	tal Projects Administrator <	ton
<u>RE</u> :	THORIZE THE CHIEF A DESIGNEE THEREOF, T TERESTS, AND PERMA EASEMENTS, BY VOLU DEMNATION PROCEEI	UBLIC NECESSITY EXISTS ADMINISTRATIVE OFFICE O ACQUIRE CERTAIN FEE NANENT, TEMPORARY A UNTARY CONVEYANCE O DINGS, FOR THE CONSTR ANSPORTATION IMPROVI	CR (CAO) OR E SIMPLE IN- ND UTILITY DR BY CON- RUCTION OF
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ORD. OR RES. NO:

<u>PURPOSE</u>: To declare that a public necessity exists and to authorize the Chief Administrative Officer or designee thereof, to acquire certain fee simple interests, permanent, temporary and utility easements, by voluntary conveyance or condemnation proceedings for the construction of East Riverfront Transportation Improvement Project as illustrated on plans prepared by Whitman, Requardt and Associates (WRA) and designated as DPW Dwg. No. O-28708, sheets 1 to 7 dated May 25, 2016 entitled "East Riverfront Transportation Improvement".

REASON: Additional right of way and easements are required to construct these improvements.

RECOMMENDATIONS: Department of Public Works recommends approval of this Ordinance.

BACKGROUND: For many years, the East Riverfront area has been cited for future development to help unveil the City's riverfront properties. Most recently, the City and developers have

O&R Request

Page 2 of 3

presented plans that will spur the development of the East Riverfront area over the next several years. In FY16 the East Riverfront Transportation Improvements project was adopted by City Council. The project includes the relocation of Dock Street from Peach Street to Pebbles Street; the installation of a roundabout at the intersection of relocated Dock Street and East Main Street; widening and streetscape improvements along East Main Street to allow for parking, pedestrians, bike lanes, and two (2) Bus Rapid Transit stations; signal installation at the intersection of East Main and Nicholson Street; streetscape improvements along Nicholson Street; and the closure of Water Street from Ash Street to Nicholson Street.

The project is funded in the FY16-FY20 Capital Improvement Program in the amount of \$7.9 million. Design was funded in FY16 (\$800,000) and the Right of Way and Construction phases are funded in FY17 and FY18 (\$7.1 million).

The project improvements will require additional right-of-way, temporary easements, permanent easements and utility easements from a total of nineteen (19) parcels, as part of this project. Of the nineteen 19 parcels, five (5) belongs to the City of Richmond, two (2) belongs to Economic Development Authority (EDA) and twelve (12) are privately owned parcels.

These acquisitions are shown in the attached plans prepared by Whitman, Requardt and Associates (WRA) designated as DPW Dwg. No. O-28708, sheets 1 to 7. The estimated cost of the ROW acquisition is approximately \$420,500 based on assessed property values which is budgeted in FY17 CIP in project award number 500627. The project construction is scheduled to start in the spring of 2017 and finish in the fall of 2017 in order to accommodate the grand opening of the Bus Rapid Transit (October 2017).

There are no relocation of businesses or residences required with this project. Property rights will be purchased using fair market value and negotiations. However, if we are unable to negotiate with property owners the department will request that the Chief Administrative Officer exercise the authority delegated through Council to perform condemnation action of fee simple and all easements required under City code section 18.03. If condemnation is required, the City will continue negotiations with the property owners during the condemnation process. This will allow the project to maintain the schedule.

The approval of this paper is imperative for the department to meet the project schedule of construction. The East Riverfront Project is schedule to be advertised in December 2016.

FISCAL IMPACT: \$420,500 Anticipated. Actual acquisition cost to be determined through negotiations.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No.

Page 3 of 3

<u>COST TO CITY</u>: \$420,500 Anticipated. The actual acquisition cost is to be negotiated by the right-of-way Consultant, and will be set at fair market value as determined by appropriate state and local regulations. The Cost is budgeted in Project Award account number 500267.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 27, 2016

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2016

REQUESTED AGENDA: Consent.

SUGGESTED COUNCIL COMMITEE: None

CONSIDERATION BY OTHER ENTITIES: City Planning Commission (July18, 2016)

<u>AFFECTED AGENCIES</u>: Public Works, Law Department, Planning & Community Development, Economic Development, Public Utilities, Finance Department, Budget and Strategic Planning. Copies also sent to: City Mayor (Honorable Dwight C. Jones); Chief Administrative Officer and City Attorney (2).

RELATIONSHIP TO EXISTING ORD. OR RES: None

REQUIRED CHANGES TO WORK PROGRAMS: None

ATTACHMENTS: DPW Dwg. No. O-28708, sheets 1 to 7.

STAFF:M. S. Khara, P.E., City Engineer, 646-5413Lamont L. Benjamin, P.E., Capital Project Administrator, 646-6339Adel Edward, P.E., Engineer III, 646-6584 (Project Manager)

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