

INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-232

To close, to public use and travel, a portion of an alley and a turnaround bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of 6,557± square feet, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept a dedication of property, consisting of 443± square feet, for a new turnaround for right-of-way purposes in the block bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of an alley and a turnaround in the block bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of approximately 6,557 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-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2016 REJECTED: _____ STRICKEN: _____

Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” a copy of which drawing is attached to this ordinance.

§ 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 \$22,805.22 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 dedicates for turnaround right-of-way purposes a portion of property consisting of approximately 443 square feet adjacent to the new end of the public alley as shown with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled "Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road," a copy of which drawing is attached to this ordinance, with such dedication being by deed approved as to form by the City Attorney.

(f) 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 the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept from Virginia Commonwealth University Health System Authority the dedication for turnaround right-of-way purposes of a portion of property containing approximately 443 square feet adjacent to the new end of the public alley as shown enclosed with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” with such dedication being by deed approved by the City Attorney.

§ 4. 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.

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

Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” a copy of which drawing is attached to this ordinance.

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(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 \$22,805.22 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 dedicates for turnaround right-of-way purposes a portion of property consisting of approximately 443 square feet adjacent to the new end of the public alley as shown with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled "Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road," a copy of which drawing is attached to this ordinance, with such dedication being by deed approved as to form by the City Attorney.

(f) 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 the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept from Virginia Commonwealth University Health System Authority the dedication for turnaround right-of-way purposes of a portion of property containing approximately 443 square feet adjacent to the new end of the public alley as shown enclosed with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” with such dedication being by deed approved by the City Attorney.

§ 4. 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.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

JUN 28 2016
4-5345
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: June 24, 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

THROUGH: Emmanuel Adediran, Director
Department of Public Works

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

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

FROM: Doug Mawby
Department of Public Works

RE: PROPOSED CLOSING OF A PORTION OF AN ALLEY AND DEDICATION
OF A NEW TURNAROUND WITHIN THE BLOCK BOUNDED BY
BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, I-95/64
AND ROBIN HOOD ROAD.

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a portion of the right of way for a public alley
containing 6,557± square feet as shown enclosed with bold lines, and to authorize the Chief
Administrative Officer to accept the dedication of a new turnaround as shown with bold lines and
hatching on a plan prepared by the Department of Public Works and designated as DPW Dwg. No.
N-28712 dated June 16, 2016 (Project No. N-858-AC) entitled "PROPOSED CLOSING TO
PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND
THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY
BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, I-95/I-64 AND ROBIN
HOOD ROAD" at the request of the applicant.

REASON: Letter of request dated October 23, 2015 from McGuire Woods on behalf of the Virginia Commonwealth University Health System Authority. The property surrounding the requested alley closure is under control of the Authority, and they are constructing a new healthcare facility at this location. The alley closure is needed to allow construction of a parking lot to serve this facility.

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 applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$22,805.22.
7. The applicant(s)/owner(s)/successor(s) shall dedicate right of way for a turnaround to the City adjacent to the new end of the public alley as shown on the attached DPW drawing.
8. 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 requested closure is for an alley that served parcels sited on Brookland Parkway that are now owned by the VCU Health System Authority and parcels sited on Sherwood Avenue that are currently occupied by the Crippled Children's Hospital (a non-profit whose sole member is the Authority). This alley is unimproved and is no longer needed as it does not connect or potentially provide access to other public rights of way.

The Authority is currently constructing a new facility on portions of the property that they control at this location. They are requesting the closing to construct a parking lot to serve this new facility.

The new turnaround they are to dedicate will allow the use of the remainder of the alley that is not being closed to serve the purposes of the Luther Memorial School.

The value of the right of way to be vacated (6,557± sf) has been determined to be \$24,457.61 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 fee which will actually be paid to the City has been reduced by \$1,652.39 due to the new turnaround area (443± sf)

which will be dedicated to the City from lands owned by the applicant. The actual fee to be paid is \$22,805.22.

The closing of this alley will not adversely affect the remaining portion of the alley or its users and will not negatively impact the local City transportation network. 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, \$22,805.22 for the adjusted cost of the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: July 25, 2016.

CITY COUNCIL PUBLIC HEARING DATE: September 12, 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; 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-28712

STAFF:

Prepared for Emmanuel Adediran

Prepared by Doug Mawby

Research and Drawing Coordinated By: Marvin Anderson and James Flannery

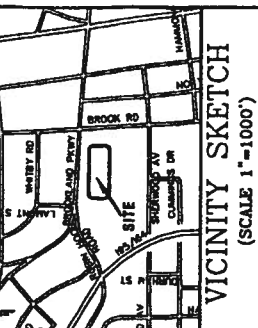
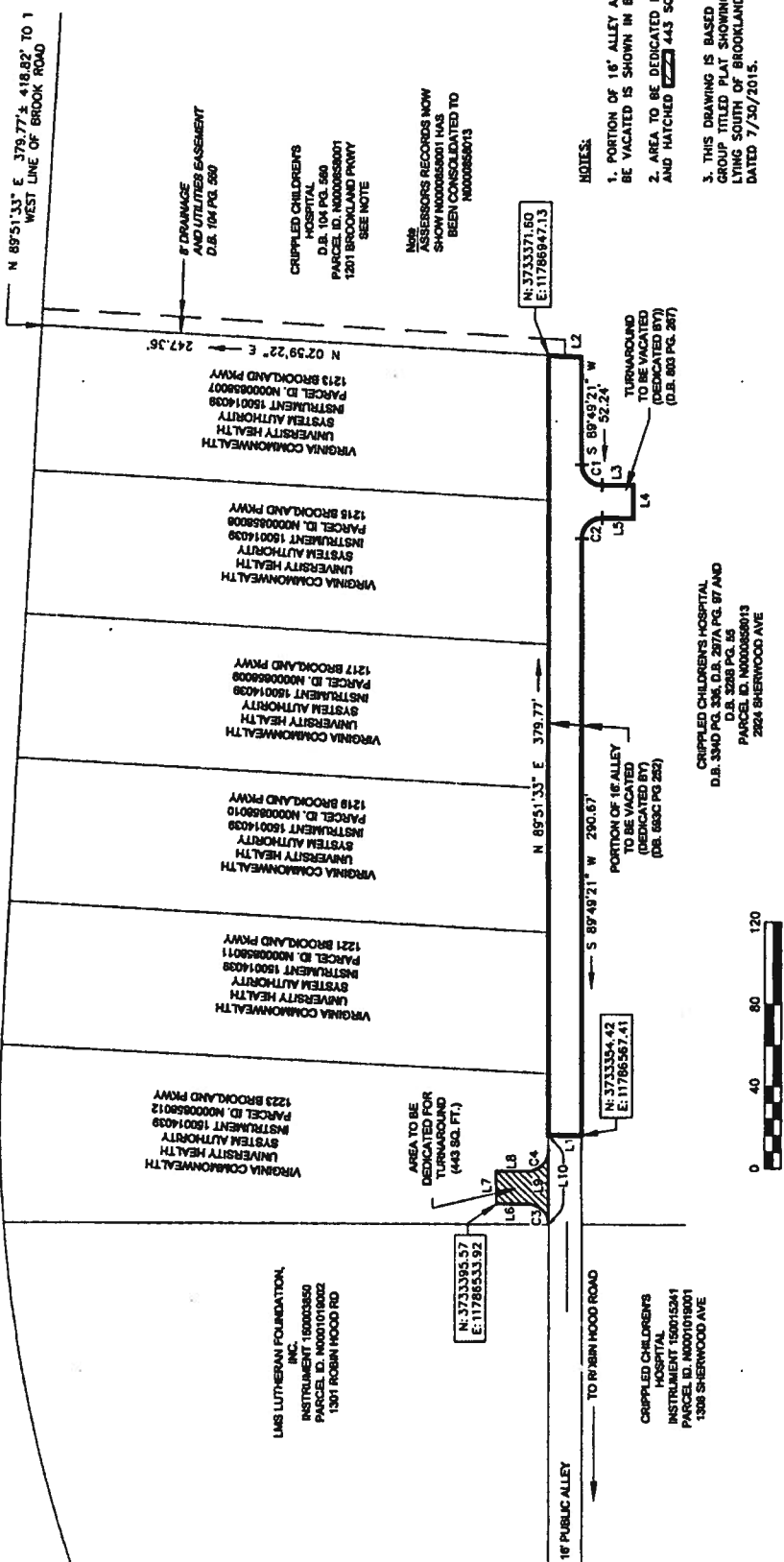
Department of Public Works

646-0435

LINE	BEARING	DISTANCE
L1	N 00°10'39" W	16.24'
L2	S 02°59'22" W	18.02'
L3	S 00°11'21" E	15.00'
L4	S 89°49'21" W	15.98'
L5	N 00°09'57" W	15.00'
L6	N 00°10'39" W	14.98'
L7	N 89°49'21" E	16.00'
L8	S 00°10'39" E	15.00'
L9	S 89°51'33" W	36.00'
L10	S 89°51'33" W	43.38'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	10.00'	15.71'	90°00'42"	14.14'	N 44°49'00" E
C2	10.00'	15.71'	90°00'42"	14.14'	N 45°10'18" W
C3	10.00'	15.71'	90°02'12"	14.15'	S 44°50'27" W
C4	10.00'	15.70'	89°57'48"	14.14'	N 45°09'33" W

BROOKLAND PARKWAY 120'± R/W



N 89°51'33" E 379.77'± 418.82' TO 1 WEST LINE OF BROOK ROAD

F DRAINAGE AND UTILITIES EASEMENT D.B. 104 PG. 560

CRIPPLED CHILDREN'S HOSPITAL D.B. 104 PG. 560 PARCEL ID. N000058001 1201 BROOKLAND PKWY SEE NOTE

NEW ASSESSORS RECORDS NOW SHOW N000058001 HAS BEEN RECLASSIFIED TO N000068013

NOTES:

1. PORTION OF 16' ALLEY AND TURNAROUND PROPOSED TO BE VACATED IS SHOWN IN BOLD LINES. 6957 SQ. FT.
2. AREA TO BE DEDICATED FOR TURNAROUND SHOWN IN BOLD LINES AND HATCHED 443 SQ. FT.
3. THIS DRAWING IS BASED ON A SURVEY PLAT FROM TIMMONS GROUP TITLED PLAT SHOWING A 16' ALLEY AND A TURNAROUND LYING SOUTH OF BROOKLAND PARKWAY TO BE VACATED. DATED 7/30/2015.

Block No. N-858

Council District 2

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, 195/164 AND ROBIN HOOD ROAD

Requested by: LITTELL DATED OCTOBER 28, 2015 - Anne Nell Crosby

FIELD NOTE SCALE DATE PROJECT DRAWING NO.
1"=40' 6/16/2016 N-858-AC N-28712

DRAWN BY: J.P. CHECKED BY: M.M.A.

Surveyors Division, Room 800 City Hall
900 E. Broad Street, Richmond, Va. 23219
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

Drawing Technician: *[Signature]*
Survey Superintendent: *[Signature]*
Right of Way Manager: *[Signature]*

NOTES

1. Property owners correct as of JUNE 5, 2016.
2. Ordinance
3. Adopted
4. Accepted

REFERENCES: BL 18 NE N-20661A, M-13177

REVISIONS:

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Tel 804.775.1000
Fax 804.775.1061
www.mcguirewoods.com

M. Ann Neil Cosby
Direct: 804.775.7737

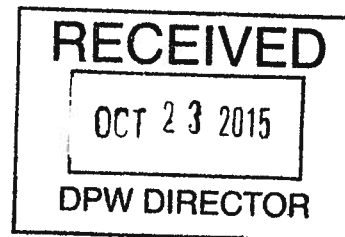
McGUIREWOODS

acosby@mcguirewoods.com
Fax: 804.698.2011

October 23, 2015

VIA HAND DELIVERY

Mr. Emmanuel Adediran
Director of Public Works
Richmond City Hall
900 East Broad Street, Suite 701
Richmond, Virginia 23219



**RE: Parcels N0000858012, N0000858011, N0000858010, N0000858009,
N0000858008, N0000858007**

Dear Mr. Adediran,

I am writing on behalf of Virginia Commonwealth University Health System Authority (the "Authority") to request the City's vacation of the public right-of-way for that portion of an alley (the "Alley") lying between the six parcels noted above (the "Lots") and parcel number N0000858013 which is owned by Crippled Children's Hospital ("CCH"). CCH is a nonprofit corporation whose sole member is the Authority. The Authority operates the Children's Hospital of Richmond of the VCU Health System (the "Hospital") on parcel N0000858013 and several adjacent parcels.

The Alley currently dead ends at the eastern edge of the Lots, where the Alley meets the western boundary of CCH's property (Parcel N0000858001). The Alley does not currently access any other public right-of-way or provide ingress/egress to any property not otherwise owned by the Authority or CCH. The Alley that the Authority proposes to vacate is currently unimproved and covered in grass with some residual hard-packed gravel. Use of the Alley ceased when the residences on the Lots were demolished several years ago. The vacation of the Alley will not impact the remaining portion of the Alley currently used by Luther Memorial School (which consents to this request as described further herein). The use of the Alley is obsolete for any current and/or future public purposes. The vacation of the Alley will not adversely impact emergency service or refuse collection services in the area. There will be no impact on pedestrian or vehicular traffic.

Purpose and Reason

Children's Hospital and Healthcare Services Foundation donated the Lots to the Authority. A portion of the Lots is proposed to be developed with a new parking lot (the "Parking Lot") to serve the Hospital. The Alley needs to be vacated so that the Authority may construct the new Parking Lot free of the public alleyway encumbrance. Attached as Attachment 1 is a plat (the "Plat") of the proposed plan showing the portion of the Alley to be vacated.

As required by the Department of Public Works (the "Department"), the Plat has been prepared by a licensed professional land surveyor and shows the following minimum criteria: (i) the exact extent and dimension of the closing, (ii) the names, parcel numbers and deed reference of adjoining properties, (iii) metes and bounds based on a NAD83 datum, (iv) area of proposed closure and; (v) a minimum of two NAD 83 State Plan coordinates. The Authority is unaware of any existing public utilities that would need to be located should the Alley be vacated, pursuant to Section 90-329 of the Code of the City of Richmond. However, the Authority understands and agrees that it will be responsible for the cost of relocating or removing any public utility facilities that may be located in the vacated portion of the Alley.

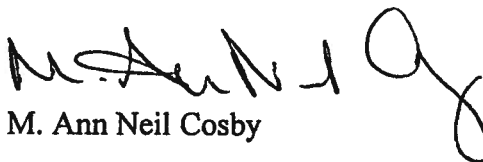
In support of this request, letters of consent from LMS Lutheran Foundation, Inc., and CCH, as adjacent property owners, are enclosed. The Authority is not aware of any individuals and/or entities that use the alley for a primary and/or necessary point of ingress/egress. The Authority is similarly unaware of any opposition to this request.

A check in the amount of \$300 made payable to the City of Richmond for processing this request is enclosed.

Please advise me if you require any additional information to process this request or if you have any questions.

With appreciation for your assistance, I am

Sincerely,



M. Ann Neil Cosby

cc: Paul Neimeyer, Esquire, VCU Health System
Leslie G. Wyatt, SVP, Children's Services & Executive Director
Gloria Freye, Esquire