INTRODUCED: June 5, 2017

AN ORDINANCE No. 2017-108

To close, to public use and travel, a portion of Fergusson Road located between Henri Road and Somerset Avenue, a portion of Henri Road located between Wesley Road and Fergusson Road, and a portion of a public alley in the block bounded by Henri Road, Fergusson Road, Somerset Avenue, and Bay Street, together consisting of 27,548± square feet, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept a dedication of right-of-way improvements and property, consisting of 8,271± square feet, and a sight distance easement, consisting of 203± square feet, in connection with the relocation of Fergusson Road.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUNE 26 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of (i) a portion of Fergusson Road located between Henri Road and Somerset Avenue, (ii) a portion of Henri Road located between Wesley Road and Fergusson Road, and (iii) a portion of a public alley in the block bounded by Henri Road, Fergusson Road, Somerset Avenue, and Bay Street, together consisting of approximately 27,548 square feet, is hereby closed to public use and travel as right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works,

AYES:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	JUNE 26 2017	REJECTED:		STRICKEN:	
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designated as DPW Drawing No. N-28773, dated April 5, 2017, and entitled "Proposed Closing to Public Use and Travel of Portions of Fergusson Rd., Henri Rd. and an Alley; the Dedication of Right-of-Way from Three Parcels and the Dedication of a Sight Distance Easement, All for the Relocation of Fergusson Rd. between Somerset Ave. and Henri Rd.," hereinafter referred to as the "Drawing," a copy of which is attached to this ordinance.

- § 2. That this ordinance, as to the closing of the right-of-way area identified in section 1 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 dedicates or causes the dedication of the portions of 610 Somerset Avenue, 611 Somerset Avenue, and 621 Henri Road, with Tax Parcel Nos. W021-0282/008, W021-0283/009, and W021-0282/007, respectively, in the 2017 records of the City Assessor, consisting of approximately 8,271 square feet, as shown crosshatched on the Drawing, to the City for right-of-way purposes, with such dedication being by deed approved as to form by the City Attorney.
- (e) The applicant dedicates or causes the dedication of an easement over a portion of 611 Somerset Avenue, with Tax Parcel No. W021-0283/009 in the 2017 records of the City Assessor, consisting of approximately 203 square feet, as shown with no fill between lightweight solid and dashed lines on the Drawing, to the City as a variable width sight distance easement, with such dedication being by deed approved as to form by the City Attorney.

- (f) The applicant obtains approval by the Director of Planning and Development Review of a plan of development for the realignment of Fergusson Road and the construction of a new parking lot. If the Director of Planning and Development Review disapproves the plan of development, this ordinance shall be void.
- (g) The applicant agrees in a writing approved as to form by the City Attorney to construct the relocated Fergusson Road in accordance with the standards of the City and the Virginia Department of Transportation and to provide, or cause the applicant's contractor to provide, a surety bond approved as to form by the City Attorney in an amount set by the Director of Public Works conditioned on the completion of all improvements to be constructed in the new right-of-way.
- (h) The applicant conveys or causes the conveyance of (i) the portion of 621 Henri Road, with Tax Parcel No. W021-0282/007 in the 2017 records of the City Assessor, identified as "residual" on the Drawing to the owner of 611 Henri Road, with Tax Parcel No. W021-0282/006 in the 2017 records of the City Assessor, and (ii) the portion of 610 Somerset Road, with Tax Parcel No. W021-0282/008 in the 2017 records of the City Assessor, identified as "residual" on the Drawing to the owner of 608 Somerset Road, with Tax Parcel No. W021-0282/009 in the 2017 records of the City Assessor, so that those areas identified as "residual" become a part of the parcels to which they are adjacent.
- (i) The applicant relocates (i) an existing ten-inch cast iron water main currently located within the portion of Fergusson Road to be closed to the new right-of-way and (ii) any other existing public utilities in the right-of-way area to be closed. Prior to beginning any work to relocate the main or any other existing public utilities in the right-of-way area to be closed, the applicant shall obtain the approval of the Director of Public Utilities of the plans therefor.

- (j) 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 City shall retain a variable width utility easement within the right-of-way area to be closed. The maximum extent of the easement is shown hatched between dashed lines on the Drawing. The Director of Public Utilities may approve the retention of an easement over a smaller area than that shown on the Drawing if the Director determines that a smaller area will satisfy the requirements of the Department of Public Utilities. The Director of Public Utilities may approve the City's vacation of the easement if the Director determines that the easement is no longer necessary to satisfy the requirements of the Department of Public Utilities. The retention of the easement and any vacation thereof shall be only by deed approved as to form by the City Attorney.
- § 4. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept the dedications described in subsections (d) and (e) of section 2 of this ordinance.
- § 5. 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.
 - § 6. This ordinance shall be in force and effect upon adoption.





CITY OF RICHMOND

INTRACITY CORRESPONDENCE

MAY 1 9 2017 4-6566 Office of the Chief Administrative Officer

O&R REQUEST

DATE:

May 17, 2017

EDITION:

OFFICE OF CITY ATTORNEY

TO:

The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (By Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Robert Steidel, Interim Deputy Chief Administrative Office

THROUGH: Bobby Vincent, Interim Director

Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer

Department of Public Works

THROUGH: Brian Copple, Right of Way Marias

Department of Public Works

FROM:

Department of Public Works DM

RE:

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL PORTIONS OF

FERGUSSON ROAD, HENRI ROAD AND AN ALLEY, AND THE DEDICATION OF RIGHT-OF-WAY AND A SIGHT DISTANCE

EASEMENT FROM PORTIONS OF THREE PARCELS TO THE CITY OF RICHMOND FOR THE RELOCATION OF THE CLOSED PORTION OF

FERGUSSON ROAD

ORD. OR RES No.

PURPOSE: To close to public use and travel portions of Fergusson Road and Henri Road, at the point of their intersection, and to close a portion of a City alley, together containing 27,548 square feet and to accept the dedication of private property containing 8,271 square feet as right-of-way for the relocation of the closed portion of Fergusson Road as shown on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. N-28773 dated April 5, 2017 (Project No. W21-208, W21-282, W21-203 - AC, SC, DED, EA) entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF PORTIONS OF FERGUSSON RD., HENRI RD. AND AN ALLEY; THE DEDICATION OF RIGHT-OF-WAY FROM THREE PARCELS AND THE DEDICATION OF A SIGHT DISTANCE EASEMENT; ALL FOR THE RELOCATION OF

FERGUSSON RD. BETWEEN SOMERSET AVE. AND HENRI RD." at the request of the applicant.

REASON: Letter of request dated January 31, 2017 from Keith Scholten of Draper Aden, Associates, representing St. Christopher's School. This requested closure will allow the school to relocate an existing parking lot such that users will no longer need to cross the public street to access the campus. It will also allow the school to lengthen their drop off loop by a little more than 150 feet, providing space for parents to que up on site rather than on the City street. To complete this request, the school will construct a new, relocated portion of one of the streets being closed to eliminate a very sharp, acute angle that currently exists in the City street grid at this location.

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 alley right-of-way. The applicant shall agree to relocate any existing public utilities in a manner approvable to the Department of Public Utilities.
- 3. The three areas denoted on the attached plat as being for right-of-way dedication (totaling 8,271 SF) shall be conveyed to the City.
- 4. The 203 SF area denoted on the attached plat as being for a Variable Width Sight Distance Easement shall be conveyed to the City.
- 5. The Plan of Development (EnerGov Plan POD-013052-2017 currently under review) for the construction of a new parking lot and the relocation and reconstruction of Fergusson Road must be approved by the City. Should the Plan of Development approval be denied, this closure of the public right of way will not go into effect.
- 6. The applicant(s)/owner(s)/successor(s) shall agree to construct the relocated Fergusson Road to meet City and VDOT standards. The Owner or Contractor will be required to post a surety in an amount approved by DPW for the cost of the proposed improvements within City right-of-way.
- 7. The small residual areas of Parcels W0210282007 and W0210282008 lying on the south side of the dedicated rights-of-way for relocated Fergusson Road shall be consolidated with the adjacent parcels to their south.
- 8. 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.
- 9. The applicant(s)/owner(s)/successor(s) shall be responsible for surface overflow in the area to be closed.
- 10. 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.
- 11. 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.

- 12. The closure and transfer of the right-of-ways proposed for closure are subject to the City retaining a variable width utility easement within the closed portions of right of way. Location of this variable width easement is defined on previously mentioned DPW Drawing #N-28773. The location and width of this retained easement may be decreased by the Director of Public Utilities (or designee) prior to the effective date of this Ordinance. It shall also be mandated that if at any time the Director of Public Utilities (or designee) determines this easement is no longer needed, they shall have the authority to have the easement vacated according to accepted practices upon his written notice.
- 13. The existing 10" cast iron water main located within Fergusson shall be relocated within the new right-of-way. This relocation shall be accomplished within twelve months of effective date of Ordinance. Relocation plans shall be submitted to Department of Public Utilities for review and approval prior to relocation.

BACKGROUND: Saint Christopher's School has operated in their current location for many years and has made improvements to their properties as well as City right of way. This closing request is necessary as part of the next phase of planned improvements to be constructed on the campus.

Currently the intersection of Fergusson Road and Henri Road meet at an acute angle. This angle creates difficult turning movements at this intersection. As this is the designated drop-off area for the school, this creates traffic congestion and an increased potential for accidents. Additionally, the school owns a gravel parking lot on the other (south) side of Fergusson Road that is used by students and faculty. Users of this lot must cross Fergusson or Henri roads to get to the campus. Finally, the available queue length of space on the campus currently available for dropping off and picking up students is approximately 244 feet. This creates a queueing of vehicles in the public street waiting to enter the campus proper. This creates vehicular and pedestrian safety issues as well as added congestion for the neighborhood.

The proposed closing of portions of Fergusson and Henri Roads along with a portion of a City alley will assist with mitigating these safety and congestion issues. The proposed plan, which is currently under review to ensure the design meets all applicable City and State requirements, relocates Fergusson Road to the south and expands the gravel parking lot to the north. The parking lot will be located on the St. Christopher's campus in order to prevent students and other pedestrians from crossing the public street to get to the school. The drop off road will be increased from 244 to 395 feet, significantly increasing the queue length for waiting parent's vehicles. The acute angle of the current intersection of Fergusson and Henri Roads makes the turn difficult to drive. Also, the portions of Fergusson and Henri Roads to be vacated do not curb and gutter or sidewalk. Reconstructed Fergusson Road will have curb, gutter and sidewalk and the new connection to Henri will become a 90 degree intersection thereby improving the functionality and safety of the street.

The right of way to be closed (portions of Fergusson and Henri Roads and of a City alley) total 27,548 square feet. The value for this City right of way has been calculated to be \$285,121.80 based on assessed values of the adjacent parcels. As this closed right of way will be encumbered by a variable width utility easement, the value is reduced by 40%, bringing it to \$171,073.08. It is standard operating practice to require the applicant to pay the City for right of way being requested to be vacated. St. Christopher's will be dedicating 8,271 square feet of property to the City in order to relocate and reconstruct Fergusson Road. The value of this 8,271 square feet of property is

calculated to be \$85,604.85. A sight distance easement is also being dedicated to the City. The values of this easement has been calculated to be the value of the land reduced by 40%, valuing the easement at \$1260.64. The estimate of costs for the reconstruction of this new, upgraded portion of Fergusson Road is \$349,030. The combined value of right of way being received and construction costs of the new, improved street section to the City is \$435,895.49. As this net value is greater than the value of the right of way to being vacated by the City, staff recommends waiving the requirement to pay the City for this right of way. Existing street does not have curb and gutter or sidewalks and the pavement is in fair condition. New street will have curb and gutter, drainage, and sidewalks on both sides of street.

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

FISCAL IMPACT/COST: The City receives State funds to help cover maintenance of City streets. This is provided based upon moving lane miles; that is lanes on a street that vehicles may drive on. The amount received annually by the City for local streets is \$12,161 per moving lane mile. With the vacation of portions of Henri and Fergusson Roads and the dedication of relocated Fergusson Road there will be a net loss of 0.06 lane miles. This equates to loss of \$688.00 in annual maintenance funds to the City.

With the transfer of the closed right of way to the applicant, which is a larger area than the land the applicant is dedicating to the City, the tax liability will increase over what it was previously. This will serve to partially mitigate the loss of funds from the State for road maintenance. Additionally, once accepted as a newly constructed City asset, the street will likely not need any regular maintenance in the near future.

FISCAL IMPLICATIONS: \$688 loss in State funds which is a relatively minimal reduction in maintenance funds received from the State. Increase in overall value of City assets.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application & processing fee.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: May 22, 2017

CITY COUNCIL PUBLIC HEARING DATE: June 26, 2017

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.: Companion paper to Plan of Development currently under review by City agencies (EnerGov Plan Number POD-013052-2016).

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Dwg. No. N-28773

STAFF:

Prepared for Bobby Vincent
Prepared by Doug Mawby
Research and Drawing Coordinated By: Marvin Anderson and James Flannery
Department of Public Works
646-0435



8090 Villa Park Drive Richmond, Virginia 23228 (804) 264-2228 • Fax (804) 264-8773 www.daa.com

January 31, 2017

Mr. Emmanuel Adediran Director of Public Works Department of Public Works 900 E. Broad Street, suite 704 Richmond, VA 23219



RE: St. Christopher's School - Parking Lot and Road Re-Alignment Draper Aden Associates Project No. R01322-45

Dear Mr. Adediran:

This firm is assisting the Church Schools in the Diocese of Virginia d/b/a St. Christopher's School ("STC") in its requests to realign Fergusson Road and corresponding right of way closures and dedications. As more particularly shown on the attached plat prepared by Draper Aden Associates, entitled "Plat showing part of Fergusson and Henri Roads R/W and a Portion of City Alley to be Vacated, 3 Parcels of Land to be Dedicated to the City of Richmond as Fergusson Road R/W, a new Variable width Sight Distance Easement, a new Variable Width Utility Easement and Part of 2 remaining Parcels (1 & 2) to Transfer to adjoining Parcels" dated January 31, 2017 (the "Plat"), STC requests the partial closure of Fergusson Road, Henri Road and a portion of the 15' public alley, with a dedication of STC property as Right-of-Way for the relocated Fergusson Road.

STC currently uses the two parcels south of the existing Ferguson Road, identified as tax parcel numbers W0210262008 and W0210282007, as gravel parking for students and faculty with Fergusson Road separating the STC campus from the parking area. STC is in the process of improving parking access, paving, pedestrian access and landscaping as shown on attached Plan Sheet C4.0 Site Layout and Utility Plan (the "Plan") and in connection with these improvements, STC proposes to also improve the pedestrian accommodation and safety of the existing Fergusson Road through the realignment.

Currently, Fergusson Road intersects Henri Road at an acute angle of 72 degrees and Somerset Avenue intersects Fergusson Road at an angle of 51 degrees leading to difficult turning maneuvers and sightlines at both intersections for vehicular and pedestrian traffic. The Fergusson Road realignment will create safer, 90 degree intersections with both Henri Road and Somerset Avenue. As shown on the Plan, STC proposes constructing a new 24' wide asphalt road with curb & gutter, sidewalks, landscaping, within the 50' right of way, all to City standards. Upon realignment of Fergusson Road, STC will construct a new asphalt parking lot, landscaping and entrance drive to the north of Fergusson Road. With these improvements STC's entrance drive for student drop-off and pick-up increases in length from 244' to 395', reducing queuing traffic on Fergusson Road and increasing pedestrian safety.

The Plat identifies the square footage of those portions of public right-of-way proposed to be vacated, as well as those portions of private property to be dedicated as right-of-way. Also enclosed with this request are estimated values of the public improvements to be constructed by STC for your reference. Please circulate this request the appropriate City agencies. If you have any questions please feel free to call me at (804) 550-1213 or Katie Chernau, Director of Capital Improvements, with St. Christopher's School at (804) 282-3185.

Sincerely,

DRAPER ADEN ASSOCIATES

Keith Scholten, PE Senior Civil Engineer

Enclosures

cc: Katie Chernau-St. Christopher's David Reynolds-St. Christopher's

Richard Salopek-Bowie Gridley Architects

Jennifer Mullen, Esq. - Roth Doner Jackson, PLC

