

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-168

To declare that a public necessity exists and to authorize the acquisition by gift, purchase, condemnation, or otherwise of a permanent utility easement at 2911 Hathaway Road for the purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powhite Parkway.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 25 2017 AT 6 P.M.

WHEREAS, in the opinion of the Council of the City of Richmond, a public necessity exists for the acquisition of a certain permanent utility easement on the property known as 2911 Hathaway Road and identified as Tax Parcel No. C004-0585/001 in the 2017 records of the City Assessor, as shown on sheets 3 and 4 of a drawing prepared for the Department of Public Works, designated as DPW Drawing No. O-28520, dated April 27, 2017, and entitled “Forest Hill Avenue Improvement Project,” for the purpose of constructing multimodal transportation and drainage

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 25 2017 REJECTED: _____ STRICKEN: _____

improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powwhite Parkway;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a public necessity exists for the acquisition of a certain permanent utility easement on the property known as 2911 Hathaway Road and identified as Tax Parcel No. C004-0585/001 in the 2017 records of the City Assessor, as shown on sheets 3 and 4 of a drawing prepared for the Department of Public Works, designated as DPW Drawing No. O-28520, dated April 27, 2017, and entitled “Forest Hill Avenue Improvement Project,” copies of which sheets are attached to this ordinance, for the purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powwhite Parkway.

§ 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 permanent utility easement (ii) act for and on behalf of the City of Richmond in agreeing or disagreeing with the owner of the property from whom such permanent utility easement 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 permanent utility easement, 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 the owner of the permanent utility easement to be acquired pursuant to this ordinance on the terms of purchase thereof, the City Attorney is authorized to acquire such permanent utility easement by undertaking appropriate

condemnation proceedings to exercise the City's power of eminent domain for the purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and its intersection with the Powhite Parkway.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-6892
AUG 15 2017
Office of the Chief Administrative Officer

O&R REQUEST

DATE: August 9, 2017

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: The Honorable Levar M. Stoney; Mayor [Signature]

SEP 07 2017

THROUGH: Selena Cuffee-Glenn; Chief Administrative Officer [Signature]

OFFICE OF CITY ATTORNEY

THROUGH: Robert C. Steidel, Acting Deputy Chief Administrative Officer - Operations [Signature]

THROUGH: Bobby Vincent; Director of Public Works [Signature]

THROUGH: M.S. Khara, P.E.; City Engineer [Signature]

THROUGH: Lamont L. Benjamin, P.E; Capital Projects Administrator [Signature]

FROM: Kevin T. Newcomb, P.E., Project Manager [Signature]

RE: TO DECLARE THAT A PUBLIC NECESSITY EXISTS AND TO AUTHORIZE THE ACQUISITION BY GIFT, PURCHASE, CONDEMNATION OR OTHERWISE OF A PERMANENT UTILITY EASEMENT LOCATED ON A PORTION OF PROPERTY AT 2911 HATHAWAY ROAD.

ORD. OR RES. NO: _____

PURPOSE: To declare that a public necessity exists and to authorize the acquisition by gift, purchase, condemnation or otherwise of a permanent utility easement located on a portion of property at 2911 Hathaway Road, as shown on the plat attached entitled "Plat to Accompany Right of Way Agreement", plat number 00-14-0709 prepared by Dominion Virginia Power, page 6 of 6, and Plan sheets 3 and 4, of the Forest Hill Avenue Improvement Project, DPW Dwg. No. 0-28520 for the purpose of constructing multimodal transportation and drainage improvements along Forest Hill Avenue between its intersection with Hathaway Road and the Powhite Parkway.

REASON: The Council, by adoption of a previous ordinance, declared the public necessity exists and authorized the acquisition of necessary property rights (except for this permanent utility easement) in order to undertake improvements to Forest Hill Avenue. The owner of this property has agreed to donate the necessary rights but the process to gain release from their lenders is delaying the project. This ordinance will allow the City to file Certificate of Take to gain access to begin utility relocations and to maintain the project schedule.

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

BACKGROUND: Forest Hill Avenue is an urban minor arterial road serving regional traffic and the surrounding neighborhoods and the surrounding businesses. It connects two major limited access highways, the Powhite Parkway and Chippenham Parkway and includes a significant business corridor. This project will provide a safe, multi-modal corridor for all users and improves livability.

The project is funded through coordination with the Virginia Department of Transportation (VDOT) and the Metropolitan Planning Organization (MPO) using primarily Regional Surface Transportation Program (RSTP) funds. These improvements were designed by Stantec Consulting Engineers and construction plans so noted as DPW Dwg. No. 0-28520.

Forest Hill Avenue within the project limits will be improved to include 2 – 11' foot travel lanes in each direction, a 12' foot raised landscaped median including left turn lanes, designated 5' bike lanes (continuation of the US 1 bike route from Fairlee Road to Hathaway Road on both sides), curbs, 4' sidewalks (both sides), pedestrian crosswalks, and a closed storm sewer system that will improve drainage along Forest Hill Avenue as well as adjacent neighborhoods. The City Planning Commission granted final approval of the project on May 21, 2013. The total project cost is estimated at \$12,700,000.00. The project design is 100% complete. Right of way acquisition is 98% complete.

FISCAL IMPACT / COST: Acquisition cost is 100% reimbursable. Anticipated cost for these rights are \$1,214.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 11, 2017.

CITY COUNCIL PUBLIC HEARING DATE: September 25, 2017.

REQUESTED AGENDA: Consent Agenda.

SUGGESTED COUNCIL COMMITTEE: Land Use, Housing and Transportation Standing Committee (LUHTSC) on September 19, 2017

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Public Works, Law Department, Planning & Community Development, Economic Development, Public Utilities, Finance Department, Budget and Strategic Planning. Copies also sent to: City Mayor; Chief Administrative Officer and City Attorney.

RELATIONSHIP TO EXISTING ORD. OR RES: Feasibility Study City/State agreement was authorized by City Council on January 14, 2002 (Ordinance No. 2001-391-2002-18), Authorize the CAO to execute all City/State Agreements (Ordinance No. 2013-165-151) on July 22, 2013. To Declare the Public Necessity Exists (Ordinance No. 2014-88-62) on April 14, 2014.

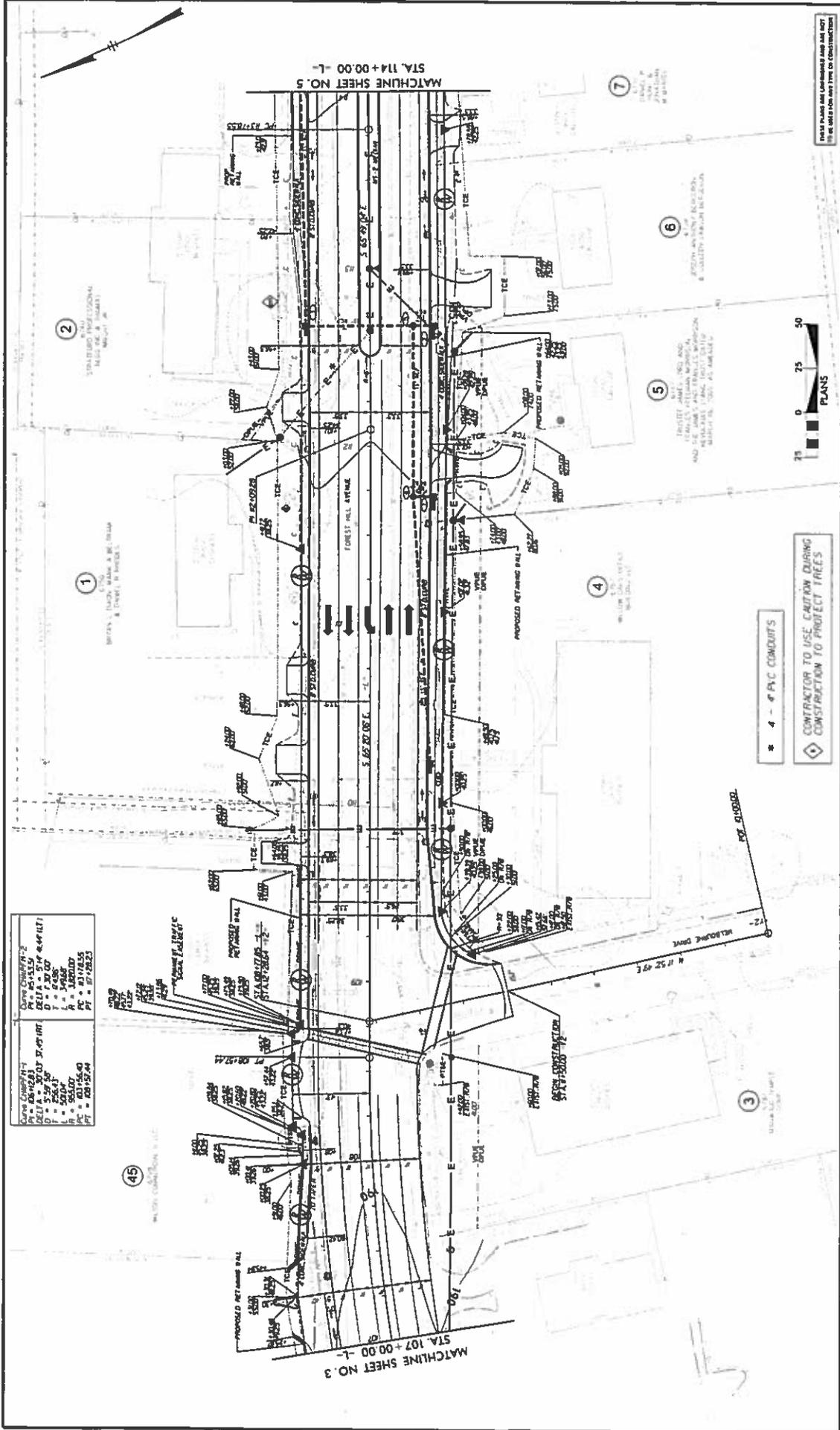
REQUIRED CHANGES TO WORK PROGRAMS: None

ATTACHMENTS:

1. Plat to Accompany Right of Way Agreement, Plat number 00-14-0709 prepared by Dominion Virginia Power, page 6 of 6.
2. Plan sheet 3, Forest Hill Avenue Improvement Project, DPW Dwg. No. 0-28520
3. Plan sheet 4, Forest Hill Avenue Improvement Project, DPW Dwg. No. 0-28520

STAFF: Lamont L. Benjamin, P.E., Capital Project Administrator, 646-6339
Kevin T. Newcomb, P.E., Project Manager, 646-1847

Curve CH107-1 PI = 88+42.83 PT = 91+23.07 D = 200.00 T = 51.31 L = 102.62 A = 180.00 PC = 83+16.55 PI = 87+82.23	Curve CH107-2 PI = 85+83.29 PT = 90+07.07 D = 200.00 T = 51.31 L = 102.62 A = 180.00 PC = 81+16.55 PI = 87+82.23
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CONTRACTOR TO USE CAUTION DURING CONSTRUCTION TO PROTECT TREES

* 4 - 8" PVC CONDUITS

THIS DRAWING IS UNLESS OTHERWISE NOTED TO BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION



FOREST HILL AVENUE IMPROVEMENT PROJECT

DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

DATE: 11/15/2011
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN

PLAN VIEW

SCALE: AS SHOWN

DATE: 11/15/2011

PROJECT: FOREST HILL AVENUE IMPROVEMENT PROJECT

SHEET NO. 4

TOTAL SHEETS: 4

CONTRACT NO. 111-1-0000

PROJECT LOCATION: FOREST HILL AVENUE, RICHMOND, VA

ADMINISTRATIVE

DATE: 11/15/2011

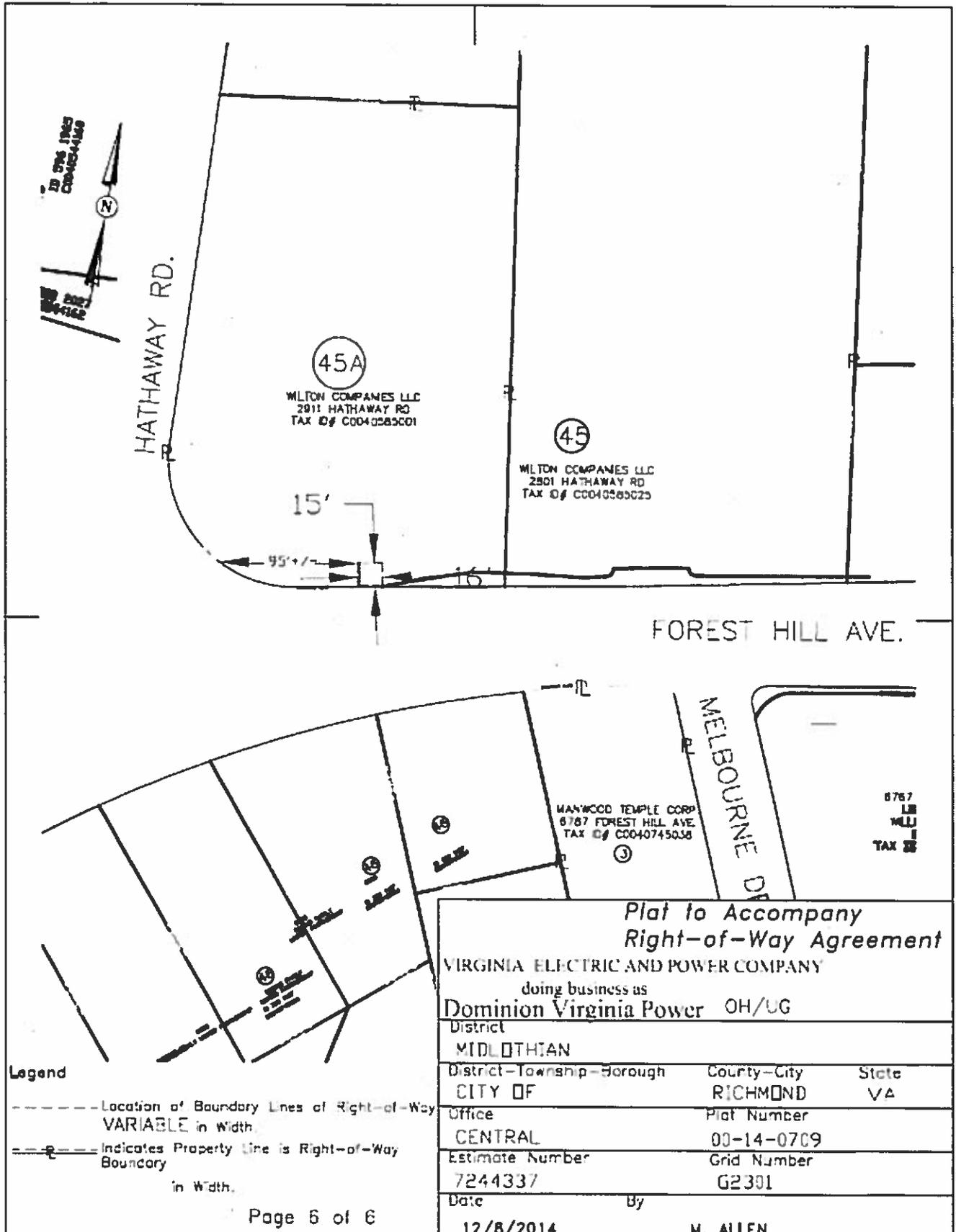
PROJECT: FOREST HILL AVENUE IMPROVEMENT PROJECT

SHEET NO. 4

TOTAL SHEETS: 4

CONTRACT NO. 111-1-0000

PROJECT LOCATION: FOREST HILL AVENUE, RICHMOND, VA



Legend

- Location of Boundary Lines of Right-of-Way VARIABLE in Width.
- Indicates Property Line is Right-of-Way Boundary in Width.

Plat to Accompany Right-of-Way Agreement		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Virginia Power OH/UG		
District MIDDLETHIAN		
District-Township-Borough CITY OF	County-City RICHMOND	State VA
Office CENTRAL	Plat Number 00-14-0709	
Estimate Number 7244337	Grid Number G2301	
Date 12/8/2014	By M. ALLEN	