



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2017-177: To amend and reordain Ord. No. 2016-232, adopted Oct. 10, 2016, which closed, 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 authorized 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, to modify the ordinance's indemnification provisions in recognition that the Virginia Commonwealth University Health System Authority is a state institution.

To: City Planning Commission
From: Land Use Administration
Date: October 2, 2017

PETITIONER

Bobby Vincent, Director, Department of Public Works

LOCATION

A portion of an alley and a turnaround bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road

PURPOSE

To amend Ordinance 2016-232 to reflect that fact that Virginia Commonwealth University (VCU) cannot legally indemnify the City.

SUMMARY & RECOMMENDATION

The Ordinance authorizes the closure of certain right-of-way as described therein upon the satisfaction of certain terms and conditions. Section 2(c) of the Ordinance requires the applicant or its successor in the title to indemnify the City prior to the closure taking effect. The VCU Health System Authority is acquiring this property from the City to include it in an ongoing development. VCU lacks the authority to indemnify and the amendment is necessary so that, for the closure to take effect, VCU is only required to indemnify the City to the extent it may do so under applicable law.

The applicant requested the closure for the portion of the alley that is within property now owned or controlled by the VCU Health System Authority (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 requested the closing to construct a parking lot to serve this new facility. This amendment is necessary for the closure to be finalized and to allow the transfer of the closed portion of the alley to the applicant

The Department of Public Works offers no objection to the proposed amendment.

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