AN ORDINANCE No. 2017-224

To declare surplus and direct the conveyance of a portion of the City-owned real estate known as 3101 Wharf Street, consisting of $6,009\pm$ square feet, for nominal consideration to the Economic Development Authority of the City of Richmond.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: DEC 11 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of the City-owned real estate known as 3101 Wharf Street and identified as Tax Parcel No. E000-0817/001 in the 2017 records of the City Assessor, consisting of approximately 6,009 square feet and depicted in black as "Area 4" on sheet 1 of a drawing prepared by Timmons Group for the Department of Public Works, designated as DPW Drawing No. N-28801, entitled "Proposed Closing to Public Use and Travel of Portions of Water Street and E. Main Street Located between Nicholson St & Gillies Creek; Acquisition from and Conveyance to EDA of Certain Real Estate; and the Dedication or Retaining of Easements," and dated October 16, 2017, sheets 1, 2, and 3 thereof hereinafter referred to as the "Drawing," a copy of which is

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ADOPTED:	DEC 11 2017	REJECTED :		STRICKEN:	

attached to and incorporated into this ordinance, such portion of real estate hereinafter referred to as the "Property," is hereby declared surplus real estate and directed to be conveyed to the Economic Development Authority of the City of Richmond for the purpose of rectifying current building encroachments and allowing the use of the Property generally as shown in the amendment to the Master Plan adopted by Ordinance No. 2017-148, adopted September 25, 2017, and for nominal consideration in accordance with the applicable provisions of Chapter 8 of the Code of the City of Richmond (2015), as amended, the Charter of the City of Richmond (2010), as amended, the Code of Virginia (1950), as amended, and the Constitution of Virginia.

§ 2. That the conveyance of the Property shall by conditioned on the City's retention of all of the following interests in such real estate:

(a) An easement under, over, and across a portion of the Property consisting of approximately 2,354 square feet and depicted on sheet 2 of the Drawing as "[A] 5' Easement for Maintenance of Utilities to Be Retained by the City" for the purpose of maintaining utilities in the surrounding area.

(b) An easement under, over, and across a portion of the Property consisting of approximately 471 square feet and depicted on sheet 2 of the Drawing as "[G] Permanent 30' Utility Easement" for a portion of the Fulton Bottom Intercepting Sewer.

(c) An easement under, over, and across a portion of the Property consisting of approximately 714 square feet and depicted on sheet 2 of the Drawing as "[H] Permanent 50' Utility Easement" for an existing sewer line.

(d) An easement under, over, and across a portion of the Property consisting of approximately 199 square feet and depicted on sheet 2 of the Drawing as "[I] Permanent 16' Utility Easement" for an existing sewer line.

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§ 3. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2015), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed and such other documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of the aforementioned portion of City-owned real estate.

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



CITY OF RICHMOND



Office of the INTRACITY CORRESPONDENCE INTRACTIONE INTRACTIONE INTRACTIONE INTRACTIONE INTRACTICE INTRACTICE

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	O&R REQUEST		84. S. S. S.
DATE:	October 18, 2017	OFFICE OF CITY ATTORNEY EDITION:	1
TO:	The Honorable Members of City Council		
THROUGH:	The Honorable Levar M. Stoney, Mayor (B	y Request)	' 7
THROUGH:	Selena Cuffee-Glenn, Chief Administrative	Officer 516	$\cap \cap$
THROUGH:	Peter L. Downey, Deputy Chief Administra ment & Planning	tive Officer for Economic Dev	relop-
THROUGH:	Robert Steidel, Deputy Chief Administrativ	e Officer for Operations	
THROUGH:	Bobby Vincent, Jr., Director, Department o	f Public Works	
THROUGH:	M.S. Khara, P.E., City Engineer, Department	nt of Public Works	they
THROUGH:	Brian Copple, Right of Way Manager, Depa	artment of Public Work	~
FROM:	Marvin Anderson, Department of Public W	orks MUA	
RE:	CLOSING OF PORTIONS OF PUBLIC R TER STREET AND E MAIN STREET; AC ESTATE FROM AND CONVEYANCE O THE RICHMOND ECONOMIC DEVELO	CQUISITION OF CERTAIN F F CERTAIN REAL ESTATE	REAL

ORD. OR RES. No.

PURPOSE: To introduce and adopt any and all necessary ordinances to accomplish the following:

- (1) To close to public use and travel a portion of the right-of-way known as Water Street, as described below, upon the satisfaction of the conditions listed below.
 - <u>Portion of Water Street to be Closed:</u> That certain portion of Water Street extending across a Richmond Economic Development Authority (the "EDA")-owned parcel of real estate listed in the records of the City Assessor as Parcel No. E0000817002 (the "Stone Bistro Parcel") from Gillies Creek to the intersection

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of E. Main Street and Nicholson Street, all as shown hatched and cross-hatched on Sheet 1 of 3 of that certain plan prepared by Timmons Group, designated as DPW Drawing No. N-28801, dated October 16, 2017, and entitled "Proposed Closing to Public Use and Travel of Portions of Water Street and E. Main Street Located Between Nicholson Street and Gillies Creek; Acquisition from and Conveyance to EDA of Certain Real Estate; and the Dedication or Retaining of Easements" (the "Plat"), a copy of which is attached hereto.

- <u>Conditions</u>: Prior to the closure taking effect, the EDA must convey to the City the following interests in the "Stone Bistro Parcel."
 - A 0.295 acre portion of the Stone Bistro Parcel in fee simple, shown as "Area 3" on the Plat, Sheet 1 of 3, for the purpose of providing vehicular access to the City-owned parcel of real estate listed in the records of the Assessor as Parcel No. E0000817001 (the "Intermediate Wharf Parcel") as generally shown on the City's Master Plan as amended by Richmond Riverfront Plan Amendment 1: Downriver Update 2017, incorporated by Ord. No. 2017-148 (as amended, the "Riverfront Plan"). If approved by the City's Chief Administrative Officer (the "CAO"), in her sole discretion, the EDA may reserve from the conveyance a temporary construction easement across Area 3 for the purpose of utilizing Area 3 to access the remainder of the Stone Bistro Parcel for construction of the Stone Bistro and Gardens pursuant to such terms and limited to such duration, if any, deemed acceptable by the CAO.
 - An easement under, over and across a 1,284 sq. ft. portion of the Stone Bistro Parcel, shown as "[F] 10' Easement for Bridge, Bulkheads, and Maintenance" on the Plat, Sheet 2 of 3, for the purpose of accessing such property to maintain the vehicular bridge crossing Gilles Creek and as otherwise needed to construct and maintain improvements to and across Gilles Creek.
- <u>Effect of Closure</u>. Upon closure, the City shall have no further right, title, or interest in the closed right-of-way other than the following:
 - Fee simple title to the portion of the Stone Bistro Parcel conveyed to the City as a condition of the closing (i.e., Area 3), including title to the portion of such property over which the to-be-closed right-of-way currently resides.
 - Any other property rights conveyed to the City as a condition of the closing.

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- All those certain easements expressly reserved by the City upon the City's conveyance of the Stone Bistro Parcel to the EDA by Special Warranty Deed recorded as Instrument #150006807 with the exception of the following easements, which shall be deemed vacated by the City upon closure.
 - The "40 R/W and Utility Easement" retained by the City on page 3 of the Special Warranty Deed, as shown on the Plat, Sheet 1 of 3.
 - The "Variable Width Easement for Public Use and Travel" reserved by the City on page 3 of the Special Warranty Deed, as shown on the Plat, Sheet 1 of 3.
- (2) To close to public use and travel two portions of the right-of-way known as E. Main Street, as described below, upon the satisfaction of the conditions listed below.
 - Portions of E. Main Street to be Closed.
 - That certain approximately 0.112 acre portion of E. Main Street, shown as "Area 1" on the Plat, Sheet 1 of 3.
 - That certain approximately 0.435 portion of E. Main Street, shown as "Area 2" on the Plat, Sheet 1 of 3.
 - <u>Conditions:</u> Prior to the closure taking effect, the EDA must:
 - Convey to the City an easement under, over, and across a 422 sq. ft. portion of the Stone Bistro Parcel, shown as "[C] Permanent 5' Utility Easement and Maintenance Easement for Roadway and BRT Station" on the Plat, Sheet 2 of 3.
 - Acknowledge, in writing, that the EDA is aware that certain facilities owned by Dominion Energy, Inc. and Windstream Holdings, Inc. run under Area 1 and Area 2, respectively, and agree, in writing, that the EDA will work in good faith with such companies to permit such companies to continue to use such property for such facilities following closure.
 - <u>Effect of Closure</u>: Upon closure, the City shall have no further right, title, or interest in the closed rights-of-way other than those listed below and the ordinance should authorize the CAO to execute such documents necessary to convey, via quitclaim deed, the City's rights, title, and interest in the closed right-of-way to the EDA, which owns the property abutting both portions of the to-be-closed

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right-of-way. The City shall reserve the following interests in the quitclaim deed.

- A temporary access and construction easement across the closed right-ofway (Areas 1 and 2) to allow for the completion of any improvements to E. Main St. which may be incomplete as of the date of closure.
- Those easements shown on the Plat, Sheet 2 of 3, as:
 - "(D) Permanent 5' Utility Easement and Maintenance Easement for Roadway & BRT Station"
 - "[E]Variable Width Permanent Utility Easement"
 - "[B] Permanent 5' Utility Easement and Maintenance Easement for Roadway & BRT Station"
- (3) To declare a public necessity exists and to authorize the CAO to acquire by gift from the EDA the following interests in the Stone Bistro Parcel.
 - A 0.295 acre portion of the Stone Bistro Parcel in fee simple, shown as "Area 3" on the Plat, Sheet 1 of 3, for the purpose of providing vehicular access to the City-owned parcel of real estate listed in the records of the Assessor as Parcel No. E0000817001 (the "Intermediate Wharf Parcel") as generally shown on the Riverfront Plan. If approved by the City's Chief Administrative Officer (the "CAO"), in her sole discretion, the EDA may reserve from the conveyance a temporary construction easement across Area 3 for the purpose of utilizing Area 3 to access the remainder of the Stone Bistro Parcel for construction of the Stone Bistro and Gardens pursuant to such terms and limited to such duration, if any, deemed acceptable by the CAO.
 - An easement under, over and across a 1,284 sq. ft. portion of the Stone Bistro Parcel, shown on the Plat, Sheet 2 of 3, as "[F] 10' Easement for Bridge, Bulkheads, and Maintenance," for the purpose of accessing such property to maintain the vehicular bridge crossing Gilles Creek and as otherwise needed to construct and maintain improvements to and across Gilles Creek.
 - An easement under, over, and across a 422 sq. ft. portion of the Stone Bistro Parcel, shown as "[C] Permanent 5' Utility Easement and Maintenance Easement for Roadway and BRT Station" on the Plat, Sheet 2 of 3.

(4) To declare surplus and authorize the CAO to convey to the EDA the following:

• An approximately 0.138 acre portion of the Intermediate Wharf Parcel in fee simple, shown as Area 4 on the Plat, Sheet 1 of 3, for the purpose of rectifying current building encroachments and allowing use of such property for the

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Stone Bistro and Gardens, as generally shown on the Riverfront Plan. The conveyance shall be subject to the City retaining (i) an easement across a 2,354 sq. ft. portion of such property, shown on the Plat, Sheet 2 of 3, as "[A] 5' Easement for Maintenance of Utilities to be Retained by the City" for the purpose of maintaining utilities in the surrounding area, (ii) 471 sq. ft. portion of such property, shown on the Plat, Sheet 2 of 3, as "[G] Permanent 30' Utility Easement" for a portion of the Fulton Bottom Intercepting Sewer, (iii) 714 sq. ft. portion of such property, shown on the Plat, Sheet 2 of 3, as "[H] Permanent 50' Utility Easement" for existing sewer line, and (iv) 199 sq. ft. portion of such property, shown on the Plat, Sheet 2 of 3, as "[I] Permanent 16' Utility Easement" for an existing sewer line.

REASON: Adoption of the ordinances is necessary to close the rights-of-way and swap certain property interests, which will facilitate vehicular access to the City's Intermediate Wharf Parcel and the completion of Stone Bistro and Gardens, both as generally shown on the Riverfront Plan.

RECOMMENDATION: The City Administration recommends adoption.

BACKGROUND:

In the past few years, the City has embarked on a variety of ventures to transform the Downriver area along the James River.

- <u>Lehigh Silos Removed and Virginia Capital Trail Opened</u>. On the Cityowned "Lehigh Parcel," the City facilitated Lehigh Cement's departure from its leased use of the site and the demolition of the industrial silos on the site. Shortly thereafter, the City opened the Downriver portion of the Virginia Capital Trail, a shared use path connecting downtown Richmond to Jamestown, a portion of which path bisects the Lehigh Parcel, crosses Gillies Creek, and continues across the City-owned Intermediate Wharf Parcel.
- East Riverfront Transportation Improvements Project. The City is nearing completion of the project, which was approved by the Planning Commission in 2016 and includes realignment of Dock and E. Main St. through the construction of new roundabout at the intersection of Dock and reconstruction of E. Main St. as a complete street, including bicycle lanes, some on-street parking, and use of the BRT Pulse, including a station on E. Main St and a pull-over lane. Completion of this project, allows for the City to close Water Street as planned.
- <u>Stone Brewing.</u> In 2014 and 2015, City Council approved and the City entered into agreements between the City, the EDA, and KoochenVagner's Brewing Co., dba/Stone Brewing Co. ("Stone") to initiate a major economic development effort in the Downriver and Fulton areas ("Stone Agreements"). The Stone Agreements contemplated certain City obligations related to the

transformative projects described herein including the demolition of the Lehigh silos, completion of the Virginia Capital Trail, improvements to E. Main Street, closure of Water Street, and transfer of property interests to the EDA for the facilities. Phase 1 of the project included a major brewing and distribution center, which is up and running. Phase 2 of the project includes redevelopment of the Intermediate Terminal Building, under which Water Street currently runs, and improvements to the surrounding property for the Stone Bistro and Gardens. The ordinances requested herein will allow for Completion of the Stone Bistro and Gardens and, therefore, further contribute to the transformation of the Downriver.

• <u>Riverfront Plan.</u> The Richmond Riverfront Plan Amendment 1: Downriver Update 2017, including a consensus approach derived after engaging the public with a variety of options, was submitted to and approved to be incorporated into the Master Plan by the Planning Commission and City Council. As amended, the Riverfront Plan sets out a vision for the development of the Lehigh Parcel and Intermediate Wharf Parcel as usable public space. The consensus approach on pages 197 and 199 shows a general layout of E. Main St., the Intermediate Wharf Parcel and access thereto, and the Stone Bistro and Gardens.

The contemplated ordinances herein follow the completion of and progress made regarding the various transformative Downriver projects and initiatives and will facilitate further progress towards the Downriver transformation as follows:

- <u>Closure of Water Street</u>. As the City nears completion of the East Riverfront Transportation Improvements Project, it is in a position to close Water Street. Closure of Water Street is necessary for the completion of the Stone Bistro and Gardens and was an obligation set forth in the Stone Agreements.
- <u>Closure of portion of E. Main Street.</u> Completion of the East Riverfront Transportation Improvements Project will result in two small remainder portions of r/w, which will not be utilized by the City. As such areas are surplus and the EDA owns the parcels abutting such areas, closure will allow the City to forgo any maintenance obligations related thereto and for such areas to be added to the EDA-owned parcels.
- EDA Conveyance of Portion of Stone Bistro Parcel to City and the City's Conveyance of a Portion of the Intermediate Wharf Parcel to the EDA.
 - <u>Background.</u> In 2015, the City declared surplus and conveyed to the EDA a portion of a larger City-owned parcel of real estate (while retaining certain easements including an easement for Water Street to continue as r/w). The portion conveyed to the

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EDA is referred to herein as the Stone Bistro Parcel and the remainder (i.e., the portion not conveyed to the EDA) is referred to herein as the Intermediate Wharf Parcel. Subsequent to the City's transfer to the EDA, the City completed the Virginia Capital Trail, CSX and Norfolk Southern formally and completely abandoned any rights in the railway lines across such area (as approved by the Surface Transportation Board), and the City adopted the amendment to the Riverfront Plan.

- <u>Requested Transfers.</u>
 - EDA to City. The City requested and the EDA agreed to convey a portion of the Stone Bistro Parcel (Area 3 on the Plat) back to the City, which will facilitate the City's improvements of such property to utilize as access to the Intermediate Wharf Parcel as generally shown on pages 197 and 199 of the Riverfront Plan, as amended.
 - City to EDA. At the time of conveyance, the location of the boundary line between the Stone Bistro Parcel and the Intermediate Wharf Parcel was drawn in consideration of potential railway rights in the area and the to-becompleted construction of the Virginia Capital Trail. Subsequent to the conveyance, any and all railway rights were fully abandoned and the trail was completed. As a result, there is a strip of property between the completed Virginia Capital Trail and the boundary line, which strip is shown on the Riverfront Plan (on pages 197 and 199) as a portion of the Stone Bistro and Gardens but is currently owned by the City (now unencumbered by any railway rights precluding the City from conveying such property). The property provides little benefit to and requires maintenance by the City and would be better utilized and maintained as a portion of the Stone Bistro and Gardens as contemplated by the Riverfront Plan. In addition, a portion of the Intermediate Terminal Building encroaches upon the property. As such, the property should be declared surplus and conveyed to the EDA to be added to the Stone Bistro Parcel. Any conveyance will retain utility easements as set forth herein.

FISCAL IMPACT / COST: N/A

FISCAL IMPLICATIONS: Decrease in r/w and other property the City currently maintains and an increase in the square footage of taxable parcels.

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BUDGET AMENDMENT NECESSARY: N/A

REVENUE TO CITY: No direct revenue to the City, however, there will be an increase in the square footage of taxable parcels.

DESIRED EFFECTIVE DATE: Upon adoption except as otherwise noted.

REQUESTED INTRODUCTION DATE: November 13, 2017

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A

AFFECTED AGENCIES: Department of Public Works, Department of Public Utilities, Department of Economic and Community Development, Department of Planning & Development Review, Law Department, Assessor's Office, Budget and Strategic Planning, Fire Department, Police Department, Mayor's Office, CAO's Office, Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No. 2014-254-2015-46; Ord. No. 2014-218-200; Ord. No. 2017-148

REQUIRED CHANGES TO WORK PROGRAM(S): N/A

ATTACHMENTS:

DPW Drawing No. N-28801, dated October 16, 2017, and entitled "Proposed Closing to Public Use and Travel of Portions of Water Street and E. Main Street Located Between Nicholson Street and Gillies Creek; Acquisition from and Conveyance to EDA of Certain Real Estate; and the Dedication or Retaining of Easements"

Richmond Riverfront Plan, Amendment 1: Downriver update 2017, Pages 197 and 199

STAFF: Marvin Anderson, DPW Matthew A. Welch, Planning/ECD





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CURVE TABLE	TANGENT DELTA CHORD BEARING	3. 11.55.625	27.15. 4*51'28" S22'3242'E	761 21 AF 800-16008 - 7022-11 - 197		Ider and a contraction of the co	224.724.724. 13-17-14- 515-1202	21848 14014. 202720 S274256E	40.2/7 21'4715" NSB'2948'E	821. 1.382. S202827E	2.85' 0'30'39° S24'43'06'E	15.07 2'41'52' 523'06'51'E							IN & EASEMENT FOR MUNTEMANCE OF UTELITES 2.154 SOFT OVERLAP WITH (G) (211 SOFT OVERLAP WITH (H) (201 SOFT OVERLAP WITH (H)	BI PERMANENT S'UTALTY EASEMENT AND MANTENANCE EASEMENT FOR ROADMAY & BRT STATION 3,238 SOFT TOTAL MANTENANCE EASEMENT FOR ROADMAY & BRT STATION 3,238 SOFT TOTAL		ID) PENAMMENT 5' UTALITY EASEMENT AND MANNTENAMCE EASEMENT FOR ROMDWAY A BAT STATION	(E) VARURE MOTH PERIMMENT UTRITY EASEMENT 6.210 SOFT TOTAL (741 SOFT OVERLAP WITH(B))	JF) IN EASEMENT FOR BRIDGE, BULKHEADS AND MAUNTENANCE (50 SOFT OVERLAP MITH(C))	16) PERMANENT JO'UTR'ITY EASEMENT (151 SOFT OVERIAP MITH/A))	jty permunent schutztty easenent [21: Soft overlade mith [4]]	(1) PERMUNENT IS UTULITY EASEMENT (80 SOFT OVERLAD WITH JA))	are from deeds. Dratting Techasician:	Logineering Project Manager	Berneved By.	

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SECTION 9: AMENDMENT 1

RICHMOND RIVERFRONT PLAN



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