

INTRODUCED: September 24, 2018

AN ORDINANCE No. 2018-263

To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law of certain easements upon, over, under, and across certain property located in the athletic field adjacent to the Hickory Hill Community Center at 3000 East Belt Boulevard for the relocation of communication lines and associated appurtenances in accordance with a certain Deed of Easement.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

WHEREAS, following the introduction of this ordinance, the City Clerk has caused to be advertised, once a week for two successive weeks in a newspaper of general circulation published in the city of Richmond, a descriptive notice of the Deed of Easement attached to this ordinance, which notice:

1. included a statement that a copy of the full text of the ordinance is on file in the office of the City Clerk;
2. invited bids for the easements offered to be granted in and by this ordinance, which bids were to be:

AYES:                    9                    NOES:                    0                    ABSTAIN: \_\_\_\_\_

ADOPTED:    NOV 13 2018    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

- a. delivered in writing to the presiding officer of the Council of the City of Richmond at its regular meeting to be held on November 13, 2018, at 6:00 p.m., in open session;
  - b. presented by the presiding officer to the Council; and
  - c. then dealt with and acted upon in the mode prescribed by law;
3. required that all bids for the easements hereby offered to be granted shall be submitted in writing as required by law; and
  4. reserved the Council's right to reject any and all bids; and

WHEREAS, the deadline for the receipt of bids has passed, all bids have been received, and the Council is prepared to act in accordance with sections 15.2-2102 or 15.2103, or both, of the Code of Virginia (1950), as amended;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That there shall be granted in the manner prescribed Article VII, Section 9 of the Constitution of Virginia and Title 15.2, Chapter 21, Article 1, §§ 15.2-2100—15.2-2108.1:1 of the Code of Virginia (1950), as amended, certain easements upon, over, under, and across certain property located in the athletic field adjacent to the Hickory Hill Community Center at 3000 East Belt Boulevard for the relocation of communication lines and associated appurtenances on that property as described and under the conditions set forth in the Deed of Easement, a copy of which is attached to and incorporated into this ordinance, to the following tenant:

Verizon Virginia, LLC.

§ 2. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute the Deed of Easement between the City of Richmond as grantor and the grantee identified in section 1 of this ordinance to grant certain easements upon,

over, under, and across certain real property located in the athletic field adjacent to the Hickory Hill Community Center at 3000 East Belt Boulevard for the relocation of communication lines and associated appurtenances by such grantee, provided that:

(a) The Deed of Easement has first been approved as to form by the City Attorney and is substantially in the form of the document attached to this ordinance;

(b) The tenant identified in section 1 of this ordinance has first executed a bond, with good and sufficient security, in favor of the City of Richmond, Virginia, in the amount of \$50.00 and conditioned upon the construction, operation and maintenance of the sewer improvements and associated appurtenances as provided for in the granted easements, with such bond in a form acceptable to the Chief Administrative Officer and approved as to form by the City Attorney; and

(c) The tenant identified in section 1 of this ordinance has first paid all costs incurred in connection with the advertisement of this ordinance, as required by section 15.2-2101 of the Code of Virginia (1950), as amended.

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



# CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O & R REQUEST

4-8138  
AUG 30 2018

Office of the  
Chief Administrative Officer

**O&R REQUEST**

**DATE:** August 21, 2018

**EDITION:** 1

**TO:** The Honorable Members of City Council

**RECEIVED**

**THROUGH:** Levar M. Stoney, Mayor

*LS* 9/12/18

SEP 18 2018

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

*SCG*

OFFICE OF CITY ATTORNEY

**THROUGH:** Reginald E. Gordon, Interim Deputy CAO for Human Services

*REG*

**FROM:** Christopher Frelke, Director  
Parks, Recreation and Community Facilities

*CF*

**RE:** Proposed Telecommunications Easement at Hickory Hill Athletic Field

**ORDINANCE OR RESOLUTION NO.:** \_\_\_\_\_

**PURPOSE:** To authorize the Chief Administrative Officer to grant to the person, firm, or corporation to be ascertained in the manner prescribed by law an easement with a term of 40 years for the purpose of relocating communication lines beneath the athletic field located adjacent to Hickory Hill Community Center as shown on the attached drawing entitled "Exhibit A", Tax Map Parcels C0090612010 and C0090612002.

**REASON:** The City of Richmond through its Department of Parks, Recreation and Community Facilities (DPRCF) constructed an athletic field on a vacant parcel formally bisected by a vacated right-of-way, Platinum Road. Power and communication lines serving an adjacent residential community were located above ground along this right-of-way. The Dominion Energy Power lines have been relocated and currently remaining is a wood pole containing communication lines. The athletic field cannot be used without the removal of the pole and burying of the lines.

**RECOMMENDATION:** It is recommended that this easement be granted as outlined in the attached agreement.

**BACKGROUND:** Capital Improvement Funds were allocated in fiscal year 2014 for the design and construction of a multi-use athletic field adjacent to Hickory Hill Community Center. Construction of the field began during the summer of 2017 and was completed during the fall of 2017. During the process, a Dominion Virginia electrical power line and a City of Richmond water line were relocated. The Department of Parks, Recreation and Community Facilities has been in contact with Verizon to facilitate the relocation the line. An easement must be granted in order to accomplish this task.

**FISCAL IMPACT/COST:** None anticipated

**FISCAL IMPLICATIONS:** None anticipated

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** None anticipated

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 24, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** October 8, 2018

**REQUESTED AGENDA:** Consent Agenda

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Department of Parks, Recreation, and Community Facilities

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Deed of Easement

**STAFF:** Heywood Harrison, Capital Projects Manager  
Parks, Recreation and Community Facilities, 646-5608

## DEED OF EASEMENT

THIS DEED OF EASEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between City of Richmond, Virginia, a municipal corporation and political subdivision of the Commonwealth of Virginia, herein after called Grantor and \_\_\_\_\_, herein after called Grantee

### WITNESSETH:

For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a non-exclusive easement and right of way, for a forty year term (the "Easement") to install, construct, operate, maintain, inspect, improve, relocate, alter, replace and remove a communication system consisting of such poles, fixtures, braces, guys, anchors, wires, cables, pole-mounted cabinets, buried cables, buried wires, vaults, conduits, manholes, handholes, and related above-ground facilities, including but not limited to, posts, terminals, location markers, equipment housings, electronic equipment housings, remote terminal units, cabinets, power generators and other appurtenances (the "Facilities"), as Grantee may from time to time require, upon, under, across and over Grantor's real property being located in the Planning District of Broad Rock, City of Richmond, Commonwealth of Virginia more particularly identified as Vacated section of Platinum Rd, between Belt Blvd and CSX Transportation Railway, (the "Property") as shown and described on a plat identified as Exhibit "A", numbered PAOHCBC-18-271390-R, attached hereto and made a part hereof (the "Easement Area").

Said Easement is hereby granted and conveyed unto Grantee together with the following rights and covenants:

Grantee shall have the right of ingress and egress over, upon and across the Property, including Grantor's private roads, to and from the communications system and Easement, including the right to temporarily open and close fences, for the purposes of exercising the rights herein granted.

Grantee shall have the right to trim, cut and remove trees, shrubbery, undergrowth and other obstructions within the Easement Area which interfere with or threaten the efficient and safe operation, construction or maintenance of it facilities or impedes the access thereto. Prior to cutting down or removing of any tree on the Property, Grantee shall submit a written request for approval to the Director of Public Works and obtain the express written permission of the Director of Public Works as required by section 8-287 of the Code of the City of Richmond, as it may hereafter be amended.

The communications system constructed hereunder is and shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, remove and relocate its communications system, or any part thereof, within the Easement Area, and may make such alterations, substitutions, additions in and to or extensions of its facilities as it deems advisable without the prior consent of the Grantor.

Grantor covenants that it is seized of the Property and has the right to convey the Easement, rights and privileges herein conveyed to Grantee and that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid Easement, rights and privileges hereby granted.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying

IN WITNESS WHEREOF, the following signature(s) and seal(s):

APPROVED AS TO FORM



Assistant City Attorney

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA / STATE OF \_\_\_\_\_:  
County/City of \_\_\_\_\_; to wit:

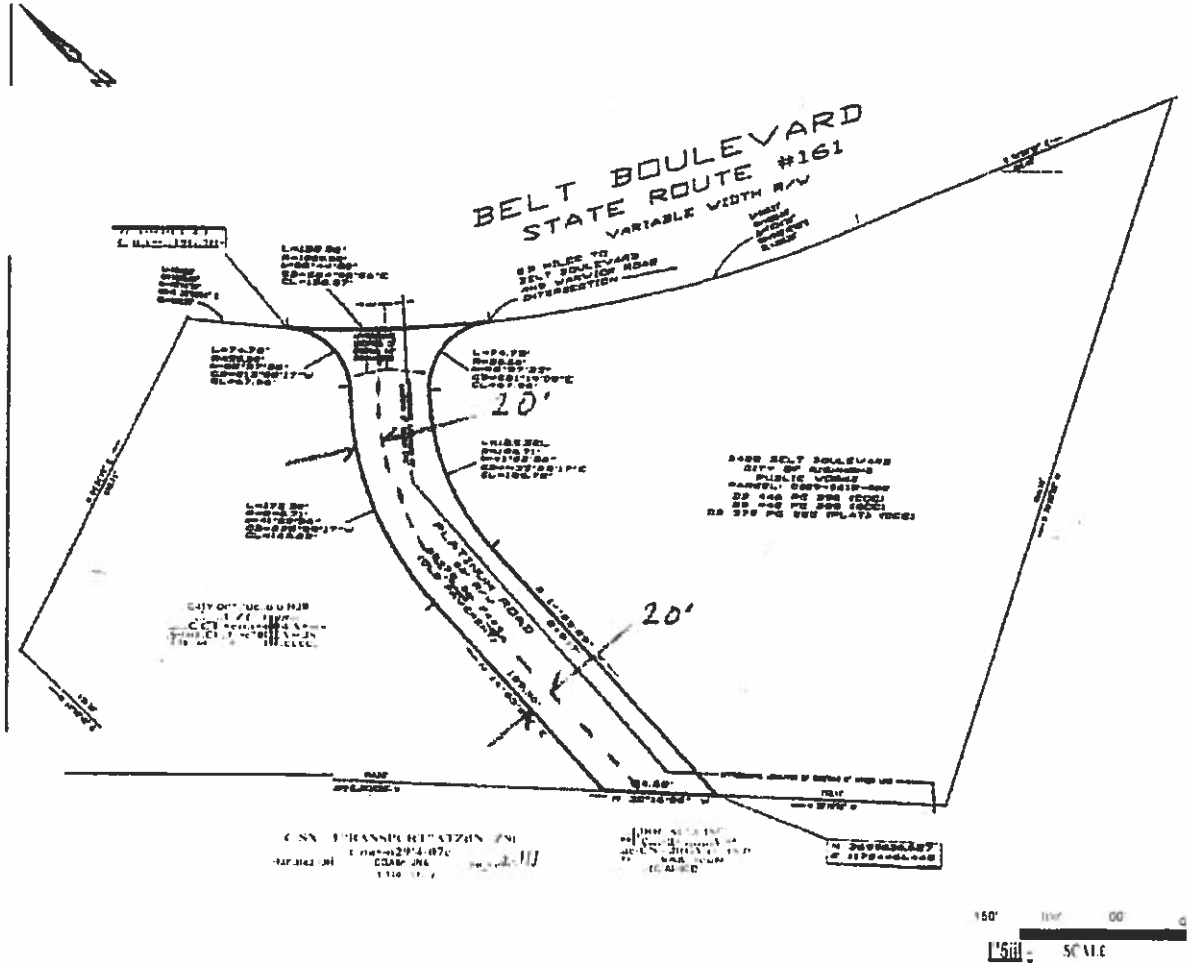
I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid do hereby certify that \_\_\_\_\_ (as \_\_\_\_\_ of \_\_\_\_\_ for Corp, LLC, LP, GP, Govt Entity) did personally appear before me and acknowledge the foregoing writing dated \_\_\_\_\_ in the jurisdiction aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public

EXHIBIT 'A'



PARCEL/SITE DESCRIPTION/PLAN REFERENCE VACATED PLATINUM RD 3400/3422 BELT BLVD  
 PROJECT C-906-SC, OPW DRAWING No. N-28589 HICKORY HILL ATHLETIC FIELD RICHMOND VA 23234

|  |   |  |
|--|---|--|
| PROPOSED EASEMENT<br>EXHIBIT 'A'   | RANTOR/OWNER:<br>CITY OF RICHMOND, VA<br>DEPARTMENT OF PARKS AND RECREATION<br>ADDRESS 1209 ADMIRAL ST<br>RICHMONO VA 23220 | CITY /COUNTY<br>CITY OF RICHMOND, VA<br>MAGISTERIAL DIST |
| DENOTES PROPERTY LINE  | CONTACT TEL NO 804-646-5733   | TAX MAP NO<br>C0090612010<br>C0090612002                 |
| LIMITS OF EASEMENT<br>20' UNLESS DENOTED<br>OTHERWISE                          | GRANTOR<br>CITY OF RICHMOND VA  | ORDINANCE No. 2014-140-135<br>ADOPTED 14 JULY 2014       |
| E.A. PAUL GESTWICK<br>PHONE NO. 804-923-1537                                   | GRANTOR<br>CITY OF RICHMOND VA  | SH 3<br>GRSM 6227 E-W G N-S 4 OF 3                       |
| CENTRAL OFFICE HULL STREET<br>VZ NUMBER PAOHCBC-18-271390 R<br>COVER SHEET CS- | GRANTOR<br>CITY OF RICHMOND VA  | ICGS MAP I 00 2 1 on d f 0 0 2 3<br>WORK ORDER 4A007HL   |