

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-299

To close, to public use and travel, a portion of an alley adjacent to 105 North Rowland Street located in the block bounded by North Rowland Street, Grove Avenue, North Meadow Street, and Floyd Avenue consisting of 21± square feet, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

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

PUBLIC HEARING: DEC 10 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of a portion of the alley adjacent to 105 North Rowland Street located in the block bounded by North Rowland Street, Grove Avenue, North Meadow Street, and Floyd Avenue, and identified as Tax Parcel No. W000-0902-037 in the 2018 records of the City Assessor, consisting of approximately 21.4 square feet, is hereby closed to public use and travel as a right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28844, dated September 10, 2018, and entitled “Proposed Closing to Public Use and Travel of Small Portion of an Alley Adjacent to 105 N Rowland Street Which is in the Block Bounded by

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

ADOPTED: DEC 17 2018 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

N Rowland Street, Grove Avenue, N Meadow Street and Floyd Avenue,” 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 (2018), 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 pays the City the sum of \$811.92 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) 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, 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.

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



**CITY OF RICHMOND**  
**INTRACITY CORRESPONDENCE**

Office of the  
Chief Administrative Officer

**O&R REQUEST**

**DATE:** October 3, 2018 **EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (By Request) *LD 10/3/18*

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

**THROUGH:** Robert Steidel, Deputy Chief Administrative Officer *[Signature]*

**THROUGH:** Bobby Vincent Jr., Director  
Department of Public Works *[Signature]*

**THROUGH:** M.S. Khara, P.E., City Engineer  
Department of Public Works *[Signature]*

**THROUGH:** Brian Cople, Right of Way Manager  
Department of Public Works *[Signature]*

**FROM:** Marvin Anderson, Surveys Supt  
Department of Public Works *[Signature]*

**RE:** **PROPOSED CLOSING TO PUBLIC USE AND TRAVEL A PORTION OF AN ALLEY ADJACENT TO 105 N ROWLAND STREET IN THE BLOCK BOUNDED BY N ROWLAND STREET, GROVE AVENUE, N MEADOW STREET AND FLOYD AVENUE**

**ORD. OR RES No.** \_\_\_\_\_

**PURPOSE:** To close to public use and travel public right of way for a portion of an alley containing ± 21.4 square feet as shown enclosed with bold lines on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28844 dated 9/7/2018 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A SMALL PORTION OF AN ALLEY ADJACENT TO 105 N ROWLAND STREET WHICH IS IN THE BLOCK BOUNDED BY N ROWLAND STREET, GROVE AVENUE, N MEADOW STREET AND FLOYD AVENUE" at the request of the applicant.

**REASON:** Letter of request dated April 11, 2018 from Trevor B. Reid, Parker, Pollard, Wilton & Peaden, PC, on behalf of the owner of 105 N Rowland Street, Daniel F. & Ann W. Marks.

**RECOMMENDATIONS:** The Department of Public Works offers no objections to the proposed right-of way closing and request 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 provide evidence that they have identified any public or private utilities that may have a vested interest in or facilities located within the subject right of way and worked out arrangements with the owners of any such utilities to protect the owner's rights.
3. The applicant(s)/owner(s)/successor(s) shall be responsible for surface storm water overflow in the area to be closed.
4. 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.
5. 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.
6. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$811.92.
7. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within twelve (12) months of the ordinance adoption 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 after final approval of the ordinance, the ordinance will become null and void automatically.

**BACKGROUND:** The owners of 105 N Rowland Street are abutted on the southern side by a 10 foot alley of which the first 60 feet from N Rowland Street is public right of way while the remainder is considered a private alley. Many years ago a concrete wall was constructed for their property which encroaches almost 15 inches into the alley over the rear  $\pm$  17 feet of the public right of way.

An ordinance previously adopted in 1986 (#86-54-59) authorized the encroachment of the wall into the public right of way. At this time the owners of 105 N Rowland are requesting that the public right of way for the alley on which the wall encroaches be vacated so that this area can be incorporated with the remainder of their property and provide a clearer title.

There are four other parcels which abut either the public or private portions of the 10 foot alley and would have the right to use said alley. None of these parcels rely on the alley for primary ingress or egress and its main use is for access to back doors and for citizens to transport trash containers to the street for collection. This closure will not impact the current use of this alley.

Although none of the four parcels that abut the portion of right of way proposed for vacation, all have provided written consent supporting the closure.

The value of the right of way to be vacated (21.4 sf) has been determined to be \$811.92 (\$37.94 per square foot) and is based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owners of the properties that will 'receive' the closed right of way.

The closing of this right of way will not negatively impact the local City transportation network. Other reviewing administrative agencies offered no objections to the closing request.

**FISCAL IMPACT/COST:** None anticipated

**FISCAL IMPLICATIONS:** None anticipated.

**BUDGET AMENDMENT NECESSARY:** No amendment necessary at this time.

**REVENUE TO CITY:** \$300 application & processing fee, \$811.92 for the value of the land.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** November 13, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** December 10, 2018

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

**AFFECTED AGENCIES:** Public Works; Public Utilities; City Attorney's Office; Planning and Development Review; Economic and Community Development; Assessor; Finance; Fire Department; Police Department, Mayor's Office, CAO's Office

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

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

**ATTACHMENTS:** Applicant's request letter  
DPW Dwg. No. N-28689

**STAFF:**  
Prepared for Bobby Vincent, Jr., Director DPW  
Prepared by Marvin Anderson – Surveys Supt. – DPW  
Research and Drawing Coordinated by Jane Amory – DPW  
Department of Public Works  
646-0435

NEAR, PINKNEY L & HENRIETTA  
 W0000902031  
 2018 FLOYD AVE  
 D.B.192, PG.2107

LONG, DAVID A C  
 & SONES, SUZANNE  
 W0000902032  
 2020 FLOYD AVE  
 ID20003-35809

N 3725851.7745  
 E 11782675.0589

LASCU, DANA NICOLETTA  
 AND OPSTELTEN, ABRAHAM A  
 W0000902033  
 2022 FLOYD AVE  
 ID2010-6345

N23°29'12"E  
 1.25'

TRACY, DONALD S & LORAINÉ  
 W0000902034  
 2024 FLOYD AVE  
 D.B.251, PG.386

125.00' TO THE  
 NORTH LINE OF  
 FLOYD AVENUE

W0000902038  
 MARKS, DANIEL F  
 & ANN W  
 W0000902037  
 105 N ROWLAND ST  
 D.B.14, PG.58

N 3725876.8331  
 E 11782620.5278

19.73' PUBLIC ALLEY

PRIVATE ALLEY

S23°29'12"W  
 1.25'

566°30'48"E  
 17.15'

566°30'48"E  
 42.85'

PROPOSED  
 PORTION OF  
 ALLEY TO BE  
 VACATED

566°30'48"W  
 17.15'

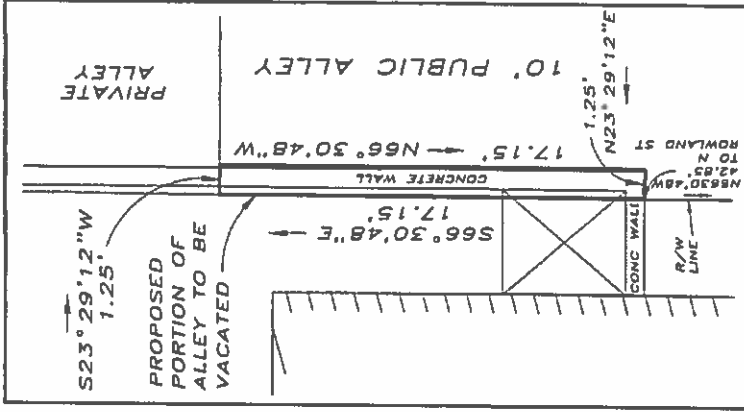
CONCRETE WALL

CONC WALL  
 R/W LINE

1.25'  
 N23°29'12"E

PRIVATE ALLEY

17.15' ← N66°30'48"W



214 SQUARE FEET

NOTES:

1. THE PORTION OF PUBLIC RIGHT OF WAY FOR ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES
2. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND A PLAN BY MCKNIGHT & ASSOCIATES, P.C. TITLED "PLAT SHOWING IMPROVEMENTS ON AND TO A PORTION OF A PUBLIC ALLEY ADJACENT TO THE SOUTH IN THE CITY OF RICHMOND, VIRGINIA DATED 02/05/2018". THE PURPOSE OF THIS CLOSING IS TO VACATE A SMALL STRIP OF RIGHT OF WAY WHERE A CONCRETE WALL HAS BEEN ENCRoACHING INTO THE ALLEY RIGHT OF WAY FOR MANY YEARS

DETAIL

NOT TO SCALE



N ROWLAND ST



VICINITY SKETCH  
 NOT TO SCALE

|                                            |                                                                                                                                      |                                                                                                                                                                                                                      |                        |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Council District 2                         |                                                                                                                                      | Block No. N-902                                                                                                                                                                                                      |                        |
|                                            |                                                                                                                                      | PROPOSED CLOSING TO PUBLIC USE AND TRAVEL<br>OF SMALL PORTION OF AN ALLEY ADJACENT<br>TO 105 N ROWLAND STREET WHICH IS IN THE BLOCK<br>BOUNDED BY N ROWLAND STREET GROVE AVENUE,<br>N MEADOW STREET AND FLOYD AVENUE |                        |
| DRAWN BY JHA<br>CHECKED BY M.T.A.          | FIELD NOTE<br>AS NOTED                                                                                                               | DATE<br>9/10/18                                                                                                                                                                                                      | PROJECT<br>N-902-AC    |
| Drafting Technician<br><i>[Signature]</i>  | Survey Superintendent<br><i>[Signature]</i>                                                                                          | Scale<br>AS NOTED                                                                                                                                                                                                    | Drawing No.<br>N-28844 |
| Right of Way Manager<br><i>[Signature]</i> | Surveys Division, Room 600 City Hall<br>900 E. Broad Street, Richmond, Va. 23219<br>DEPARTMENT OF PUBLIC WORKS<br>RICHMOND, VIRGINIA | Scale<br>AS NOTED                                                                                                                                                                                                    | Drawing No.<br>N-28844 |
| REVISIONS                                  | PROPERTY OWNERS CORRECT AS OF SEPTEMBER 7, 2018                                                                                      | Scale<br>AS NOTED                                                                                                                                                                                                    | Drawing No.<br>N-28844 |
| 2. ORDINANCE                               | 1. ADOPTED                                                                                                                           | Scale<br>AS NOTED                                                                                                                                                                                                    | Drawing No.<br>N-28844 |
| 4. ACCEPTED                                | REFERENCES: BL 16SE, M-21474                                                                                                         | Scale<br>AS NOTED                                                                                                                                                                                                    | Drawing No.<br>N-28844 |