

INTRODUCED: November 13, 2018

AN ORDINANCE No. 2018-300

As Amended

To close, to public use and travel, a portion of the east side of North 30<sup>th</sup> Street and a portion of the south side of M Street abutting the property known as 623 North 30<sup>th</sup> Street, consisting of 535± 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 east side of North 30<sup>th</sup> Street and a portion of the south side of M Street abutting the property known as 623 North 30<sup>th</sup> Street and identified as Tax Parcel No. E000-0632-001 in the 2018 records of the City Assessor, consisting of approximately 535 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-28843, dated August 27, 2018, and entitled “Proposed Closing to Public Use and Travel a Portion of Public Right of Way for N

AYES:            8            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    JAN 14 2019    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

30<sup>th</sup> Street and M Street Located Adjacent to #623 N 30<sup>th</sup> Street (Parcel E000-0632-001),” 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 \$10,566.25 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) A special use permit for the construction of the improvements on the site must be submitted and approved by the City within 12 months. Should approval of the special use permit be denied, this closure of the public right-of-way will not go into effect.

~~(f)~~ (e) If the building or structure on the portion of the right-of-way proposed for closing to public use and travel either be demolished or destroyed, the closure of the public right-of-way shall be null and void and the right-of-way closed by this ordinance will automatically revert to

the City without cost to the City. If the building is reconstructed after being demolished or destroyed, it shall be reconstructed within the original right-of-way line prior to the proposed closing.

~~[(g)]~~ (f) 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

O & R REQUEST
4-8250
OCT 15 2018
Office of the
Chief Administrative Officer

O&R REQUEST

DATE: October 9, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) [Signature]

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

THROUGH: Robert Steidel, Deputy Chief Administrative Officer - Operations [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: James Ellis, P.E., Development Engineer
Department of Public Works [Signature]

RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL A PORTION OF
PUBLIC RIGHT OF WAY FOR N 30TH STREET AND M STREET LOCATED
ADJACENT TO #623 N 30TH STREET (PARCEL E000-0632-001)

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

PURPOSE: To close to public use and travel a portion of public right of way containing +/-535 square feet as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28843 dated 8/27/2018 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL A PORTION OF PUBLIC RIGHT OF WAY FOR N 30TH STREET AND M STREET LOCATED ADJACENT TO #623 N 30TH STREET (PARCEL E000-0632-001)" at the request of the applicant.

REASON: Letter of request dated July 23, 2018 from Mark Baker, Baker Development Resources LLC, on behalf of RVA Sugar, LLC.

**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. A Special Use Permit (SUP-021521-2017) for the construction of the improvements on the site must be submitted and approved by the City within twelve (12) months. Should approval of the Special Use Permit be denied, this closure of the public right of way will not go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$10,566.25
8. 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.
9. Should the building or structure on the portion of right-of-way proposed for closing to public use and travel either be demolished or destroyed, the closure of the public right of way shall be null and void and the right of way closed by this ordinance will automatically revert to the city without cost to the City. If the building is reconstructed after being demolished or destroyed, it shall be reconstructed within the original right of way line prior to the proposed closing.

**BACKGROUND:** The owner of the property plans to construct one single family attached dwelling and renovate two existing single family dwellings on three vacant lots (3001 through 3011 M Street). As the lots do not meet the R-63 lot area requirements, a special use permit is required.

The proposed single family attached dwellings would be three stories in height with a mansard style roof and dormers. Each of the new dwellings would contain approximately 2,100 square feet of finished floor area and would include 2 to 3 bedrooms and 2.5 to 3.5 baths. The primary building material would be cementitious horizontal lap siding with brick foundation. The existing two-family dwellings would be

renovated as two high quality dwelling units. Those dwelling units would be configured as a single-family attached style, side-by-side units with each unity having a two level floor plan.

During the review of SUP-021521-2017 there was a discrepancy between the City Baseline Map and the historic Sanborn maps. As a result of this discussion and evaluation and resolution of this discrepancy, it was determined that in order to authorize the location of the building in relation to the right of way, the best course of action was for the applicant to request closing the portion of the right of way on which the building encroaches.

The value of the right of way to be vacated (535 sf) has been determined to be \$10,566.25 (\$19.75 per square foot) and is based on the assessed values of the adjacent parcels. This cost is customarily paid to the City by the owner of the property 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 fee plus \$10,566.25 for cost of 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.:** SUP-021521-2017

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

**ATTACHMENTS:** Applicant's request letter  
DPW Dwg. No. N-28843

**STAFF:**

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by James Ellis, P.E. – Development Engineer– DPW

Research and Drawing Coordinated by James Flannery – DPW

Department of Public Works

646-0435





July 23, 2018

Bobby Vincent, Jr.,  
Director of Public Works  
Department of Public Works, City Hall, Room 701  
900 East Broad Street  
Richmond, Virginia 23219

**RECEIVED**

JUL 25 2018

DEPT. OF PUBLIC WORKS  
CONST. & RIGHT OF WAY DIV.

**RE: Right-of-Way Vacation Request: 621-623 N 30th Street (E000-0632/001)**

Dear Mr. Vincent,

I represent RVA Sugar, LLC in its application for a special use permit (SUP) for the properties known as 621 and 623 N 30th Street and 3001 through 3011 M Street, identified as Tax Parcel E000-0632/001, 004, 005 and 006. 621 and 623 N 30<sup>th</sup> Street (the "Property") is occupied by a two-family dwelling and accessory structure which were built in the early 1800's. The Property is generally located at the southeast corner of North 30th and M Streets. This request is for a companion Right-of-Way Closing/Vacation in order to authorize the vacation of portions of the right-of-way (ROW) of N 30<sup>th</sup> Street and M Street abutting the Property.

During the review of the SUP it was realized that there is a substantial discrepancy between the actual location of the ROW as shown on the City's Baseline Map and where Property's deed history/legal description, assessor's information, monumentation located in the field, existing improvements, and historic Sanborn maps suggest the ROW should be. According to the baseline map, the existing building and accessory building on the site encroach into both the right-of-way (ROW) of N 30th Street and M Street. Obviously, this is a historic condition as the buildings on the site predate the City Baseline Map. The area of encroachment, consisting of 524 square feet, is depicted on the attached plat, titled 30<sup>th</sup> and M Subdivision, prepared By Timmons Group, dated January 22, 2018, and last revised May 11, 2018. As a result of discussion and evaluation of this discrepancy with DPW staff it was determined that, in order to authorize the location of the building in relation to the ROW, the best course of action was for the applicant to request to vacate the portion of the ROW on which the buildings encroach.

As a result of this closure request, a companion SUP request, and a subsequent subdivision request, the existing two-family dwelling would be renovated as two high quality dwelling units. Those dwelling units

621 and 623 N 23<sup>rd</sup> Street

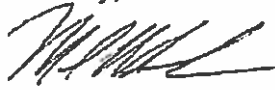
July 23, 2018

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would be configured as single-family attached style, side-by-side units with each unit having a two-level floor plan as depicted on the plans attached to the SUP.

Thank you in advance for your assistance. Should you have any questions after reviewing this request, please feel free to contact me at 874-6275.

Sincerely,

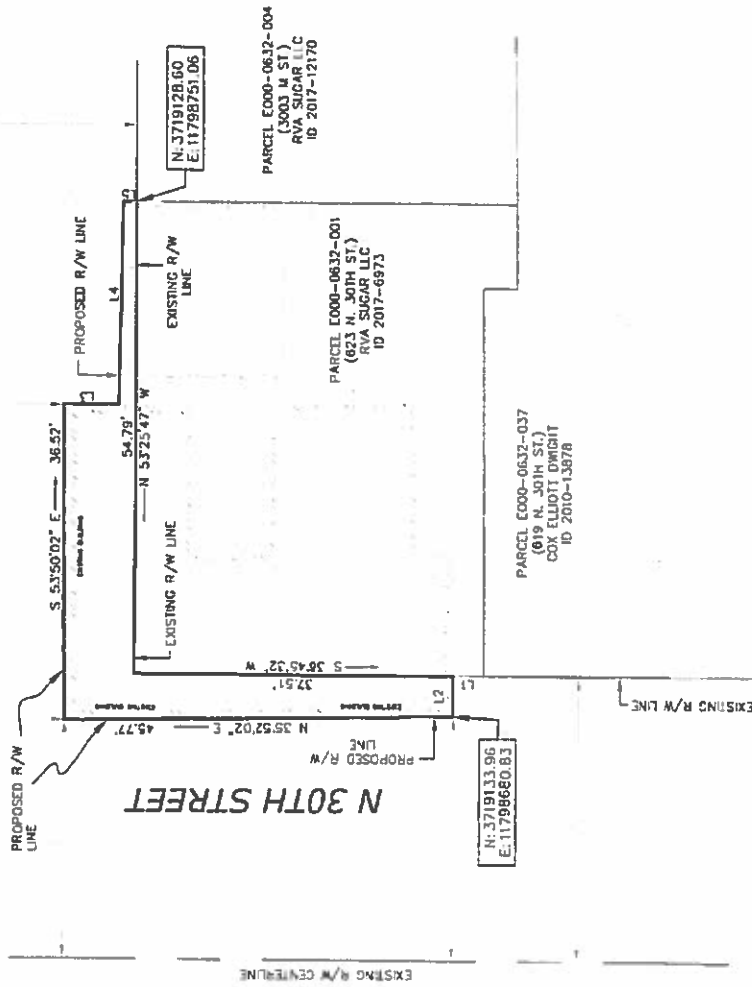
A handwritten signature in black ink, appearing to read 'Mark R. Baker', written over a horizontal line.

Mark R. Baker  
Baker Development Resources, LLC

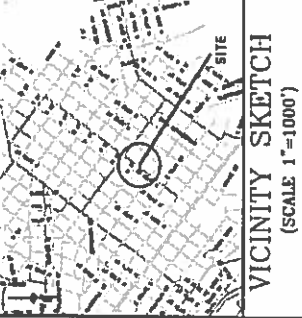
LINE	BEARING	DISTANCE
L1	S 36°45'32" W	3.51'
L2	N 53°43'44" W	4.69'
L3	S 36°21'26" W	6.47'
L4	S 52°23'14" E	23.63'
L5	S 36°43'15" W	1.59'

**M STREET**

**N 30TH STREET**



- NOTE:**
- 1 THE PORTION OF PUBLIC RIGHTS OF WAY FOR N 30TH STREET AND M STREET THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL IS SHOWN IN BOLD LINES AND TRAVEL IS SHOWN IN BOLD LINES 538 SQUARE FEET
  - 2 THIS DRAWING IS BASED ON A COMPLETION OF DATA FROM THE SURVEY AND SUBMISSION FILED BY TRUANG GROUP, L.P. WITH THE CITY OF RICHMOND, VIRGINIA ON JANUARY 22, 2018 AND REVISED MAY 11, 2018.
  - 3 THIS RAW CLOSING IS BEING PROPOSED DUE TO THE EXISTING BUILDINGS THAT ARE LOCATED WITHIN THE RIGHT OF WAY. THE ORDINANCE FOR THIS CLOSING SHALL CONTAIN A PROVISION THAT IF THE PORTION OF THE BUILDING LOCATED WITHIN THE PROPOSED CLOSING AREA IS EVER DEMOLISHED OR DESTROYED, THE VACATED R/W WILL REVERT TO CITY AND ANY NEW CONSTRUCTION MUST BE WITHIN THE LIMITS OF THE ORIGINAL R/W LINES.



Council District 7 Block No. E-632

**PROPOSED CLOSING TO PUBLIC USE AND TRAVEL A PORTION OF PUBLIC RIGHT OF WAY FOR N 30TH STREET AND M STREET LOCATED ADJACENT TO #623 N 30TH STREET (PARCEL E000-0632-001)**

Requested by: **MADE BASED ON DETAILS OF R/W SUCR. USE BY LETTER DATED JULY 23, 2018**

FIELD NOTE: \_\_\_\_\_ DATE: 8/27/2018 PROJECT: E-632-SC DRAWING NO: N-28843

SCALE: 1"=10'

DRAWN BY: J.F. CHECKED BY: M.V.A.

Surveys Division, Room 600 City Hall  
900 E. Broad Street, Richmond, Va. 23219  
**DEPARTMENT OF PUBLIC WORKS**  
RICHMOND, VIRGINIA

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**NOTES**

1. Properly owners correct as of AUG 28, 2018.
2. Ordinance:
3. Adopted:
4. Accepted:

REFERENCES: Bl. 24 SW, 9 SE