

MOTION

To amend Ordinance No. 2019-294 as follows:

Page 3, Line 11

After the words “sum of”, strike the dollar amount “\$35,178.80”, and insert the dollar amount “\$25,171.99”

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-294

As Amended

To close, to public use and travel, a portion of Greenville Avenue between its southern terminus and Kansas Avenue and a portion of a 16' alley located in the adjacent block to the east of Greenville Avenue and bounded by Kansas Avenue to the north and Carter Street to the east, together consisting of 22,760± square feet, and to authorize the Chief Administrative Officer to accept the dedication of a 500 square foot right-of-way area for a turnaround near the proposed new southern terminus of the alley, all for the purpose of facilitating redevelopment of the area, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of a portion of Greenville Avenue between its southern terminus and Kansas Avenue and a portion of a 16-foot alley located in the adjacent block to the east of Greenville Avenue and bounded by Kansas Avenue to the north and Carter Street to the east, together consisting of approximately 22,760 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 and hatched lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

N-28879, dated September 9, 2019, and entitled “Proposed Closing to Public Use & Travel of a Portion of Greenville Avenue and a Portion of a 16’ Alley in the Adjacent Block on Its Eastern Side from Points South of Kansas Avenue to Their Southern Terminus,” 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 (2019), 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 of whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of [~~\$35,170.80~~] \$25,171.99 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 dedicates or causes the dedication of a 500 square foot right-of-way area for a turnaround near the proposed new southern terminus of the alley, as shown enclosed with bold lines and crosshatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28879, dated September 9, 2019, and entitled "Proposed Closing to Public Use & Travel of a Portion of Greenville Avenue and a Portion of a 16' Alley in the Adjacent Block on Its Eastern Side from Points South of Kansas Avenue to Their Southern

Terminus,” a copy of which is attached to this ordinance, with Tax Parcel No. W000-0780/001 in the 2019 records of the City Assessor, to the City for right-of-way purposes, with such dedication being by a deed approved as to form by the City Attorney

(f) The applicant enters into a written agreement, approved as to form by the City attorney, to construct, in accordance with the requirements of the Director of Public Works and within 24 months from the day this ordinance is adopted, a turnaround in the 500 square foot right-of-way area described in subsection (e) of this section.

(g) 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 the Chief Administrative Officer is authorized to accept the dedication of a 500 square foot right-of-way area for a turnaround near the proposed new southern terminus of the alley, as shown enclosed with bold lines and crosshatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28879, dated September 9, 2019, and entitled “Proposed Closing to Public Use & Travel of a Portion of Greenville Avenue and a Portion of a 16’ Alley in the Adjacent Block on Its Eastern Side from Points South of Kansas Avenue to Their Southern Terminus,” a copy of which is attached to this ordinance, and should the turnaround not be complete at the time the deed for such dedication is delivered to the City, the Chief Administrative Officer, for and on behalf of the City, is authorized to accept the turnaround, provided that (i) the Director of Public Works has confirmed in writing that the turnaround has been completed in accordance with the requirements of the Director of Public

Works and (ii) the turnaround is transferred to the City pursuant to a transfer of interest document approved as to form by the City Attorney.

§ 4. 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.

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