

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: NOV 12 2019 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 09 2020 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

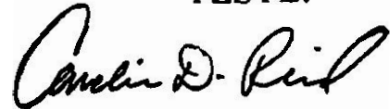
Works and (ii) the turnaround is transferred to the City pursuant to a transfer of interest document approved as to form by the City Attorney.

§ 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-9108
SEP 18 2019
Office of the Chief Administrative Officer

O&R REQUEST

DATE: September 9, 2019 EDITION: 1

TO: The Honorable Members of City Council

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

Lenora G. Reid Acting On 9/26/19

THROUGH: Selena Cuffey-Ortm, Chief Administrative Officer

THROUGH: Robert Steidel, Deputy Chief Administrative Officer

THROUGH: Bobby Vincent Jr., Director Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer Department of Public Works

FROM: Brian Cople, Right of Way Manager Department of Public Works

RE: 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

ORD. OR RES No. _____

PURPOSE: To close to public use and travel public rights of way for a portion of Greenville Avenue and portion of a 16' alley in the adjacent block on its eastern side from points south of Kansas Avenue to their southern terminus containing 22,760 square feet, and authorize the Chief Administrative Officer to accept a 500 square foot right of way dedication for a turnaround near the new southern terminus of the alley, as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28879 dated 09/09/2019 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" at the request of the applicant Christopher and Jody Liesfield.

REASON: Letter of request dated September 5, 2018 from Randy Hooker with Engineering Design Associates, on behalf of the property owner

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 \$35,170.80.
7. The applicant(s)/owner(s)/successor(s) shall dedicate right of way for a turnaround to the City adjacent to the new end of the public alley as shown on the attached DPW drawing.
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.

BACKGROUND:

The current property owner owns all properties which are adjacent to either side of the rights of way which are proposed to be closed. The owner desires to reconfigure his three large parcels and the vacated rights of way to create four smaller lots which will front on Carter Street and one large parcel out of the remainder. It would be similar to what is shown on the attached Conceptual Layout Plan.

The existing unimproved rights-of-way which are proposed for closing have become areas where individuals are dumping trash, appliances, etc. By closing these rights of way and having control over their use the property owner would be able to clean up trash in these areas and prevent further illegal dumping.

The existing topography of the portions of the proposed right-of-way closure is challenging and would prevent construction of future roadways within the existing rights of way. Therefore the the closing of

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

The value of the right of way to be vacated (22,760 sf) has been determined to be \$35,960.80 (\$1.58 per square foot) and is based on assessed values of adjacent parcels. The fee due to the City has been reduced by \$790.00 to \$35,170.80 to offset the 500 square feet which will be dedicated as right of way to the City for a turnaround at the new end of the alley.

FISCAL IMPACT/COST: None anticipated

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$300 application and processing fee; \$35,170.80 for the value of the land

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

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-28879
Conceptual Layout Plan

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

ENGINEERING DESIGN ASSOCIATES

P.O. BOX 50067 RICHMOND, VIRGINIA 23250

(804) 236-0190

FAX: (804) 236-0194

www.edaenr.com

September 5, 2018

Mr. Bobby Vincent
Director of Public Works
City of Richmond
900 W. Broad Street
Richmond, VA 23219



RE: Kansas Avenue

Dear Mr. Vincent,

I am writing to you on behalf of our client to request the following alley and road right-of-way's be vacated.

- Portion of Greenville Avenue, from a point 149.97' south of Kansas Avenue to end, having an area of 0.402 square feet.
- Portion of Alley between Greenville Avenue and Carter Street, from a point 200.02' south of Kansas Avenue to end, having an area of 0.120 square feet.

The reasons for this request are as follows;

- The current property owner owns all three properties between the alley, just east of Georgia Avenue, to the west line of Carter Street. The owner desires to make the three properties contiguous.
- The existing unimproved right-of-way's have become areas where individuals are dumping trash, appliances, etc. The property owner desires to clean up these areas.
- The topography, of the portions of the rights of way proposed to be vacated, consists of slopes greater than 70%. Construction of future roadways within the existing right-of-way's is not practical.

For your reference, enclosed is a copy of plat depicting the proposed vacated areas.

Please advise if you need any additional information or documentation.

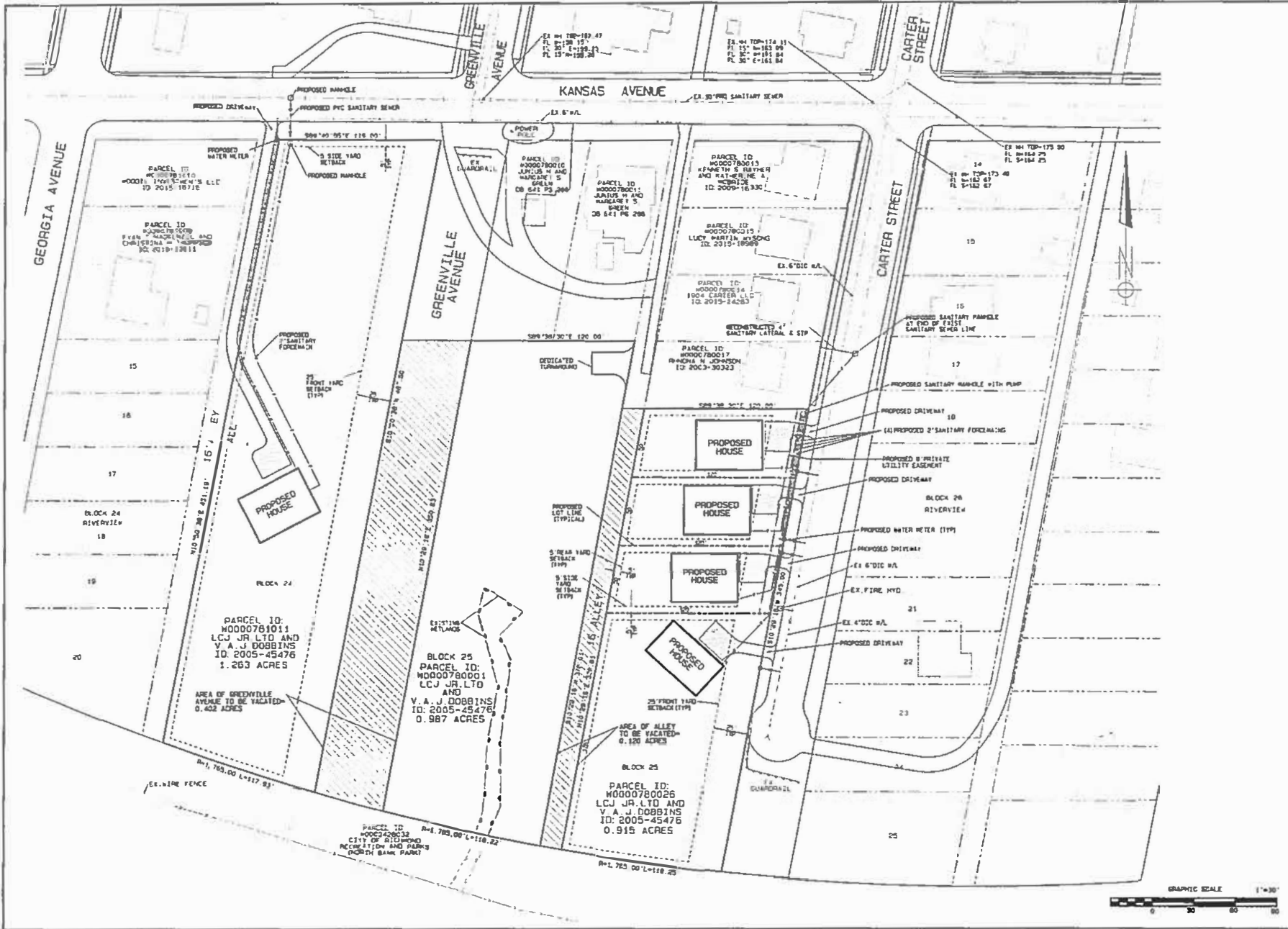
If you have any comments, questions or concerns please do not hesitate to contact me at (804) 236-0190.

Regards,

A handwritten signature in black ink, appearing to read "Randy Hooker".

Randy Hooker
Project Manager

Cc: Chris Liesfeld



EDA

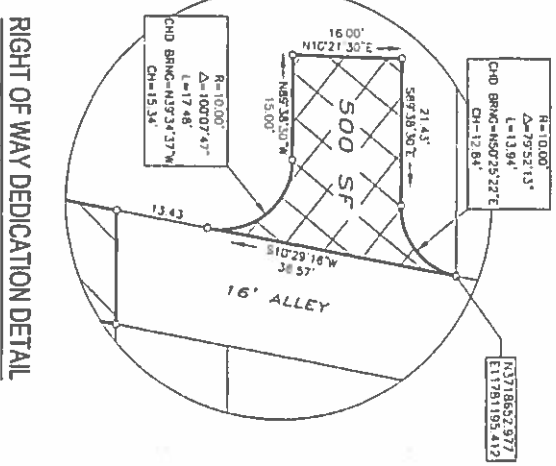
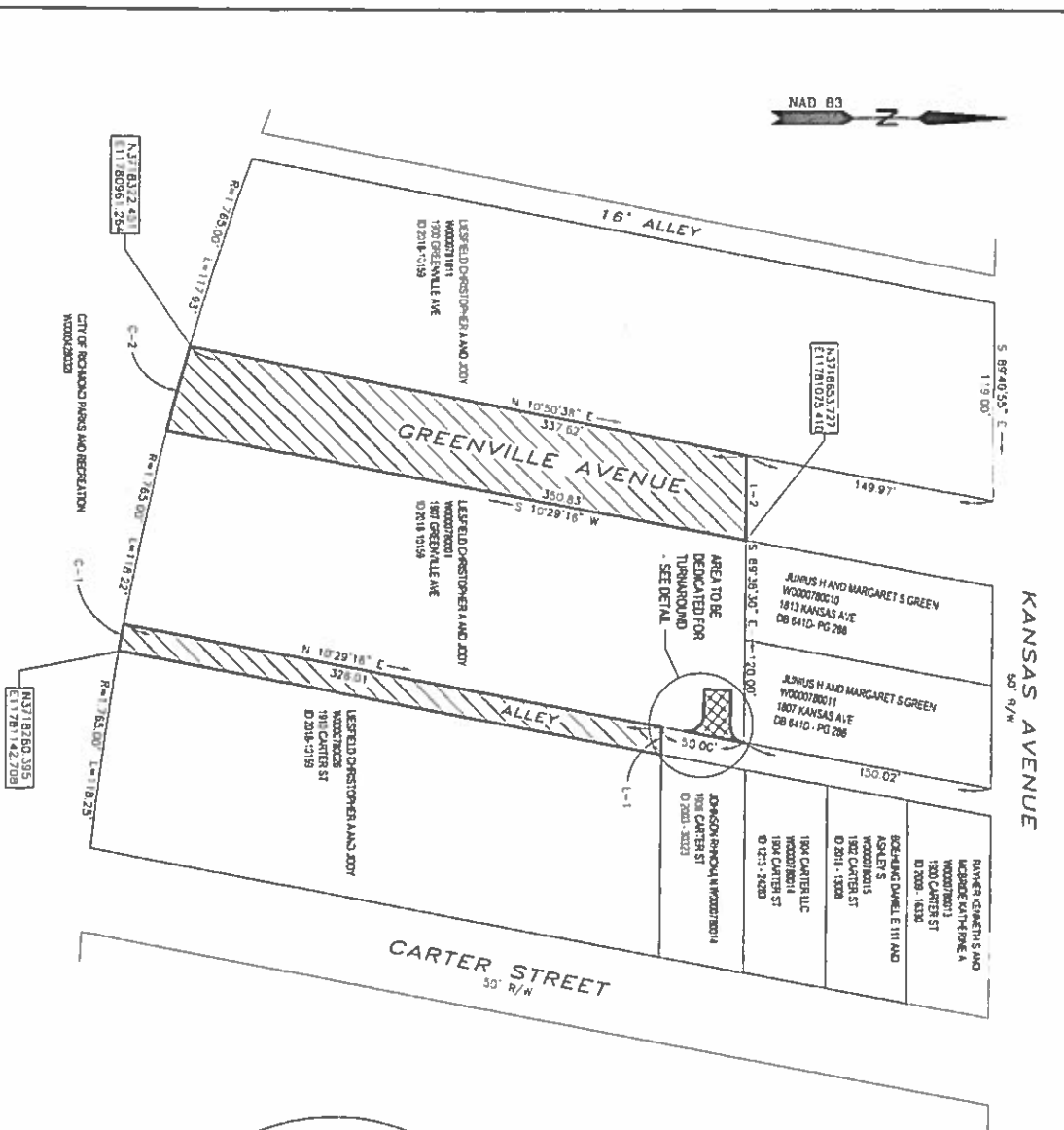
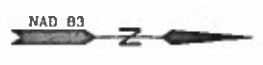
ENGINEERING DESIGN ASSOCIATES

5425 LARRENHAM AVENUE
 BIRMINGHAM, VIRGINIA 22031
 PHONE: 804-254-7700
 FAX: 804-254-0744

PO BOX 438
 WOODMONT CLAYTON 22079
 PHONE: 804-680-2227
 FAX: 804-680-3334

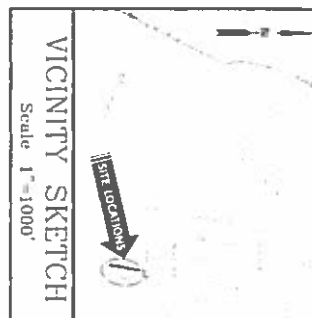
NO.	DATE	DESCRIPTION

KANSAS AVENUE PROPERTY
 CITY OF RICHMOND, VIRGINIA
CONCEPTUAL LAYOUT PLAN
 DRAWN BY: CJA CHECKED BY: BMS
 SCALE: 1" = 30' DATE: MAY 13, 2013 PROJECT NO.: 11739



RIGHT OF WAY DEDICATION DETAIL
SCALE: 1" = 12.5'

L-1	S89°38'30"E	16.25'
L-2	S89°38'30"E	50.63'
C-1	R=1765.00'	L=16.00'
C-2	R=1765.00'	L=52.12'



- NOTES:
- THE PORTIONS OF PUBLIC RIGHTS OF WAY THAT ARE PROPOSED TO BE CLOSED TO PUBLIC USE AND TRAVEL ARE SHOWN IN BOLD LINES AND HATCHED.
 - AREA TO BE DEDICATED AS RIGHT OF WAY FOR A TURNAROUND IS SHOWN IN BOLD LINES AND CROSSHATCHED.
 - THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND A DRAWING BY ENGINEERING DESIGN ASSOCIATES TITLED "PLAY SHOWING THE PARTIAL VACATION OF GREENVILLE AVENUE AND AN EXISTING 16' ALLEY, SITUATED WITHIN THE RIVER VIEW SUBDIVISION DATED APRIL 2, 2019, REVISED JUNE 10, 2019.

- GREENVILLE AVENUE = 17,522 SQUARE FEET
- ALLEY = 5,238 SQUARE FEET
- TURNAROUND = 500 SQUARE FEET

NOTES:
OWNERS CORRECT AS OF JUNE 30, 2019
ORDINANCE:
ADOPTED:
ACCEPTED:
REFERENCES: BL 145E

Drafting Technician
[Signature]
Engineering Support Supervisor
[Signature]
Signer of City Manager

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



DRAWN BY: JMA
CHECKED BY: MVA

FIELD NOTE
SCALE: 1" = 50'
DATE: 09/09/2019
PROJECT: W-780-VAC
DRAWING NO: N28879

Council District 5
Block No. W. 780

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

REFERENCES: BL 145E	REVISIONS	DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA	DRAWN BY: JMA CHECKED BY: MVA	FIELD NOTE	SCALE: 1" = 50'	DATE: 09/09/2019	PROJECT: W-780-VAC	DRAWING NO: N28879
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