AN ORDINANCE No. 2020-169

To amend Ord. No. 2019-084, adopted Apr. 8, 2019, as previously amended by Ord. No. 2020-040, adopted Feb. 24, 2020, which declared that a public necessity exists and to authorize the acquisition of certain fee simple interests and easements for the public purpose of constructing multimodal transportation and drainage improvements along Hull Street Road between its intersection with Hey Road and its intersection with Warwick Road, to authorize the acquisition of additional fee simple and easement interests for the project.

Patron – Mayor Stoney

Approved as to form and legality by the City Attorney

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2019-084, adopted April 8, 2019, as previously amended by Ordinance No. 2020-040, adopted February 24, 2020, is hereby amended and reordained as follows:

WHEREAS, in the opinion of the Council of the City of Richmond, a public necessity exists for the acquisition of certain permanent utility easements and temporary construction easements, each hereinafter referred to as an "Interest" and all hereinafter referred to as the

AYES:	8	NOES:	0	ABSTAIN:	
_		_			
ADOPTED:	SEP 14 2020	REJECTED:		STRICKEN:	

"Interests," as shown on sheets 1 through 64 of a drawing designated as DPW Drawing No. O-28709, dated January 22, 2019, and entitled "Plat Showing Proposed Acquisitions of Right of Way and/or Easements for Hull Street Road Improvements from Just West of Hey Road to Warwick Road," with sheets 6, 29, 31, 45, 48, 49A, 49B, 51, 57, and 62 thereof being replaced by sheets [7A, 7B, 30, 32, 46, 49, 50A, 50B, 52, 58, and 63] 4, 16, 17, 19, 21, 23, 47, 50A, and 50B of a drawing designated as DPW Drawing No. O-28709, dated [December 18, 2019] May 4, 2020, and entitled "Plat Showing Proposed Acquisitions of Right of Way and/or Easements for Hull Street Road Improvements from Just West of Hey Road to Warwick Road," for the public purpose of constructing multimodal transportation and drainage improvements along Hull Street Road between its intersection with Hey Road and its intersection with Warwick Road;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a public necessity exists for the acquisition of the Interests as shown on sheets 1 through 64 of a drawing designated as DPW Drawing No. O-28709, dated January 22, 2019, and entitled "Plat Showing Proposed Acquisitions of Right of Way and/or Easements for Hull Street Road Improvements from Just West of Hey Road to Warwick Road," copies of which sheets are attached to and hereby incorporated into Ordinance No. 2019-084, adopted April 8, 2019, with sheets 6, 29, 31, 45, 48, 49A, 49B, 51, 57, and 62 thereof being replaced by sheets [7A, 7B, 30, 32, 46, 49, 50A, 50B, 52, 58, and 63] 4, 16, 17, 19, 21, 23, 47, 50A, and 50B of a drawing designated as DPW Drawing No. O-28709, dated [December 18, 2019] May 4, 2020, and entitled "Plat Showing Proposed Acquisitions of Right of Way and/or Easements for Hull Street Road Improvements from Just West of Hey Road to Warwick Road," copies of which sheets are attached to and hereby incorporated into this amendatory ordinance, for the public purpose of constructing multimodal transportation and drainage improvements along Hull Street Road between its intersection with Hey Road and its intersection with Warwick Road.

§ 2. That the Chief Administrative Officer or the designee thereof is hereby authorized and directed to, within the constraints imposed by this ordinance, (i) acquire, by gift, purchase, condemnation or otherwise, the aforementioned Interests, (ii) act for and on behalf of the City of Richmond in agreeing or disagreeing with the owners of the properties from whom such Interests must be acquired upon the compensation to be paid therefor, and (iii) to execute the deeds and other documents necessary to complete the acquisition and acceptance of such Interests, provided that all such deeds and other documents first must be approved as to form by the City Attorney or the designee thereof.

§ 3. That in the event the City cannot agree with any owner of an Interest to be acquired pursuant to this ordinance on the terms of purchase thereof, the City Attorney is authorized to acquire such Interest by undertaking appropriate condemnation proceedings to exercise the City's power of eminent domain for the purpose of constructing multimodal transportation and drainage improvements along Hull Street Road between its intersection with Hey Road and its intersection with Warwick Road.

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

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY: TESTE: melin D. Ril

City Clerk

By Beth D'Arcy at 4:02 pm, Jun 25, 2020 2020-089

CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST				
DATE:	June 25, 2020 EDITION: 1			
<u>TO</u> :	The Honorable Members of City Council			
THROUGH:	The Honorable Levar M. Stoney, Mayor J. 7/17/2020			
THROUGH:	Lenora G, Reid, Acting Chief Administrative Officer lgr			
THROUGH:	Robert C. Steidel, Deputy Chief Administrative Officer- Operations			
THROUGH:	Bobby Vincent, Director of Public Works			
THROUGH:	M. S. Khara PE, City Engineer			
<u>FROM</u> :	Lamont Benjamin, PE, Capital Projects Administrator			
<u>RE</u> :	TO AMEND AND REORDAIN ORDINANCE NO. 2020-040 AND TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER (CAO) OR DESIGNEE THEREOF, TO ACQUIRE CERTAIN PER- MANENT, TEMPORARY AND UTILITY EASEMENTS INTER- ESTS, BY VOLUNTARY CONVEYANCE OR BY CONDEMNA- TION PROCEEDINGS, FOR THE CONSTRUCTION OF MULTI- MODAL IMPROVEMENTS ON HULL STREET ROAD PHASE I PROJECT FROM HEY ROAD TO WARWICK ROAD			

ORD. OR RES. NO:

PURPOSE: To amend and re-ordain Ordinance No. 2020-040 that was introduced on February 10, 2020 and adopted on February 24, 2020, which authorized the acquisition of certain fee simple and certain easements interests for the Hull Street Road Phase 1 project which was revised as per DPW Drawing No O-28709 sheets 6,17,18,20,22,24,48,50A and 50B now dated May 4, 2020 and entitled "Plat Showing Proposed Acquisitions of Right of Way and / or Easements for Hull Street Road Improvements from just west of Hey Road to Warwick Rd" and to authorize the acquisition of additional easements interests for the project

REASON: Additional right of way consisting of certain easements interests are required to construct these improvements. These additional easements are due to the design progress development of the Project to final design stages and taking in consideration public and private utility needs as well as final roadway design profile.

RECOMMENDATIONS: Department of Public Works recommends approval of this Ordinance.

O&R Request

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BACKGROUND: The Hull Street Road Improvement project, located along the dividing line between the Midlothian and Broad Rock Planning Districts is included on the City of Richmond's Capital Improvement Plan. Hull Street Road is a mixed use Residential and Commercial corridor located on the City's southwest corporate limits and is a gateway entrance project from Chesterfield and Amelia Counties and a major access to VDOT's limited access Chippenham Parkway.

The City, in conjunction with VDOT and Chesterfield County completed a Hull Street Road – Route 360 Revitalization Study and Plan in early 2013 recommending improvements to the road-way corridor including provisions for pedestrian and bicyclist facilities, landscaping and lighting to enhance safety and mobility for all users.

The proposed improvements will provide a consistent 4 lane typical section (11' wide lanes) with two lanes each direction and a 15' wide median with left turn lanes and adequate storage length at intersections, major traffic generators and median crossovers. The improvements will include curb and gutter and a drainage system to handle storm water runoff. A 5' wide green space and 5' wide sidewalk along the south side and an 8' wide green space and 10' wide shared-use-path along the north side. This will provide pedestrian and bicycle safety and route continuity along the entire corridor and connectivity per the City's bicycle and pedestrian Plan.

The project improvements will require right-of-way take, temporary easements and permanent easements including utility and drainage easements from sixty four (64) parcels, as part of the project. These acquisitions are shown in the submitted plan sheets prepared by (JMT) Johnson, Mirmiran and Thompson Inc. and designated as DPW Dwg. No. O-28709. The estimated cost of the ROW acquisition is approximately \$1,850,000 (costs include consultant fees for acquisition) based on assessed property values. Most of the property rights needed are temporary or permanent easements. The project construction is scheduled to start during fall 2022 with anticipated completion date of the fall of 2024.

The reason for this requested amendment is that the interests to be acquired in some of the 64 parcels have significantly changed and needs Council's approval for additional permanent and temporary easements. Parcels 25, 36, 37, 39, 41, 43, 68 and 70 plats of which are attached to this amendment request in sheets 6, 17, 18, 20, 22, 24, 48, 50A and 50B have increased in permanent and temporary construction easements more than what was originally approved by Council and adopted in February 24, 2020. Those additional permanent easements and temporary construction easements development of the Project to final design stages and taking in consideration public and private utility needs as well as final roadway design profile while maintaining same overall total project acquisition cost.

The Initial Ordinance No 2019-084 for the Right of Way needs for this Project was adopted on April 8, 2019. It was later re-ordained by Ordinance No 2020-040 adopted on February 24, 2020 to correct some of the acquisitions known at that time.

The project is funded through Federal and State smart scale funds. The City previously received funds from VDOT in an amount of \$5,015,000 for the design of project. The City received smart scale funds in an amount of \$16,085,000 to be funded over a period of 5 years from FY19 to FY23

O&R Request

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to acquire Right of Way and construct the Project Improvements. Total funding for the project received is \$21,100,000

FISCAL IMPACT/COST: None. \$1,850,000 anticipated right-of-way acquisition cost. The actual acquisition cost is to be negotiated by the right-of-way Consultant and will be set at fair market value as determined by appropriate federal, state and local regulations. Acquisition cost is 100% reimbursable. All cost is included in the smart scale funds received.

FISCAL IMPLICATIONS: If this amended ordinance is not approved by City Council, DPW will not be able to proceed with right of way acquisition or start construction which might lead to the loss of federal funds allocated for this project.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REOUESTED AGENDA: Consent.

SUGGESTED COUNCIL COMMITEE: None

CONSIDERATION BY OTHER ENTITIES: City Planning Commission.

AFFECTED AGENCIES: Public Works, Law Department, Planning & Community Development, Economic Development, Public Utilities, Finance Department, Budget and Strategic Planning. Copies also sent to: City Mayor (Honorable Levar M. Stoney); Chief Administrative Officer and City Attorney (2).

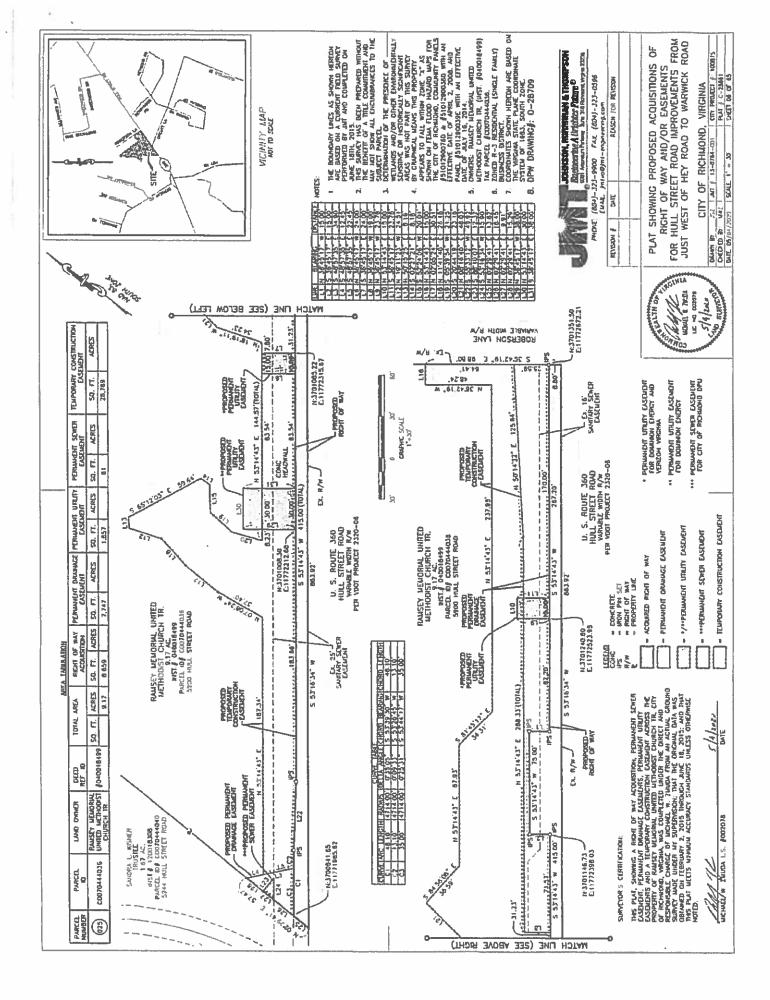
RELATIONSHIP TO EXISTING ORD. OR RES: Ordinance No 2019 -084 adopted April 8, 2019 and Ordinance No 2020-040 adopted February 24, 2020

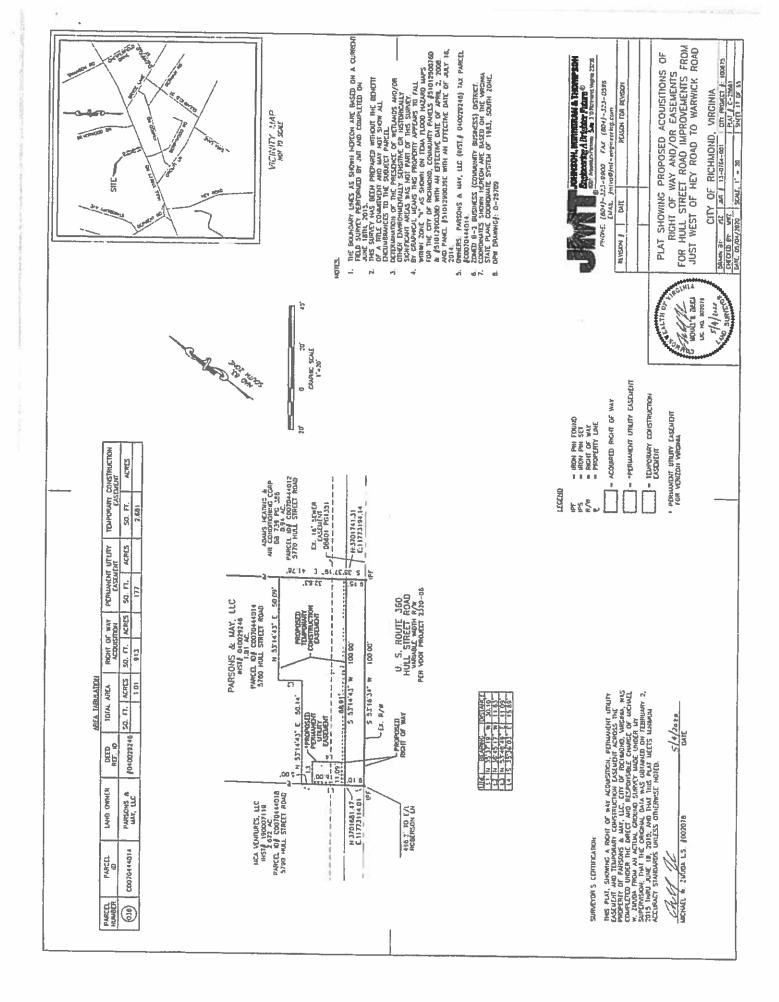
REQUIRED CHANGES TO WORK PROGRAMS: None

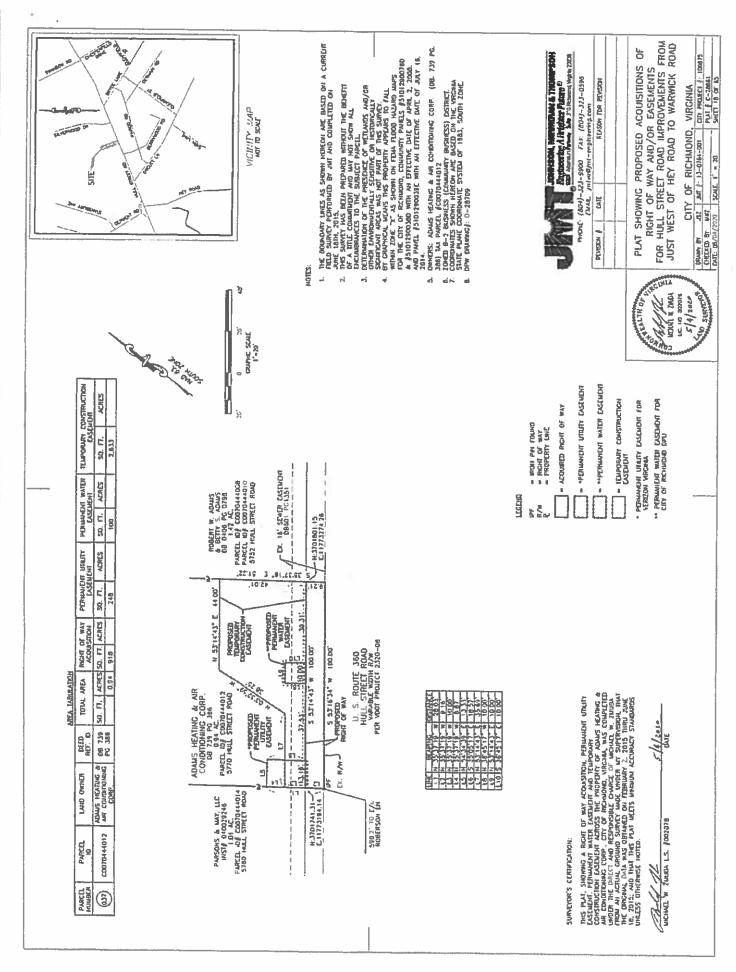
ATTACHMENTS:

1. DPW drawing No O-288709 sheets 6, 17, 18, 20, 22, 24, 48, 50A and 50B. All other previously submitted and approved sheets are not affected by this amendment request.

STAFF:M. S. Khara, P.E., City Engineer, 646-5413Lamont L. Benjamin, P.E., Capital Project Administrator, 646-6339Adel Edward, P.E., Engineer III, 646-6584 (Project Manager)







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