

INTRODUCED: September 28, 2020

AN ORDINANCE No. 2020-216

To close, to public use and travel, Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue consisting of 18,660± square feet, upon certain terms and conditions.

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

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

PUBLIC HEARING: NOV 9 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue, consisting of approximately 18,660 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-28893, dated August 12, 2020, and entitled “Proposed Closing to Public Use & Travel of Anderson Street and an East/West Alley That Bisects Anderson St, Located at TThe [sic] Northwest Corner of the

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

ADOPTED: NOV 9 2020 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

Intersection of Government Road and Glenwood 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 (2020), as amended, and shall become effective only when, within 18 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 \$73,580.40 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 submits and obtains approval by the Director of Planning and Development Review a plan of development, pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2015), as amended, for the construction of the improvements on the site. If the Director of Planning and Development Review disapproves the plan of development, this ordinance shall be void.

(f) The applicant agrees in a writing approved as to form by the City Attorney to remove all cobblestones, bricks, granite curbs, and other infrastructure materials from the right-of-way area to be closed and delivers all such cobblestones, bricks, granite curbs, and other

infrastructure materials in an undamaged and cleaned condition to a location to be determined by the Director of Public Works.

(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.

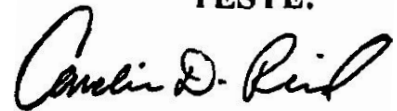
§ 3. That the City shall retain a public utility easement within the alley to be closed, as shown in hatched lines in the Drawing. The maximum extent of the easement, consisting of approximately 7,696 square feet, is shown hatched on the Drawing. The Director of Public Utilities may approve the City's vacation of the easement if the Director determines that the easement is no longer necessary to satisfy the requirements of the Department of Public Utilities. The retention of the easement and any vacation thereof shall be only by deed 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 "Camille D. Reil". The signature is written in a cursive, flowing style.

**City Clerk**



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

**O&R REQUEST**


**DATE:** August 23, 2020 **EDITION:** 1

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


**THROUGH:** The Honorable Levar M. Stoney, Mayor 

**THROUGH:** Lenora Reid, Acting 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 Copple, Right of Way Manager  
Department of Public Works 

**RE:** **PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF ANDERSON STREET AND AN EAST/WEST ALLEY THAT BISECTS ANDERSON ST, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GOVERNMENT ROAD AND GLENWOOD AVENUE**

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

**PURPOSE:** To close to public use and travel a portion of Anderson Street and an east/west alley that bisects Anderson Street consisting of 18,660 sq. feet as shown on DPW Drawing # N- 28893 dated 8/12/2020 and entitled "PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF ANDERSON STREET AND AN EAST/WEST ALLEY THAT BISECTS ANDERSON ST, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GOVERNMENT ROAD AND GLENWOOD AVENUE".

**REASON:** Letter of request dated August 14, 2019 from Mark Baker with Baker Development Resources, on behalf of the applicant, Evolve HLD, LLC. Evolve HLD, LLC is purchasing the property from 3012 Park Avenue LLC. The Applicant (Evolve HLD, LLC) proposes construction of a mix of

multi-family residential units and a corner commercial use which may serve day-to-day convenience needs of a neighborhood residents and provide opportunities for residents to live and work within the neighborhood. The applicant has submitted a conceptual plan with proposed 104 dwelling units and 1,500 square feet of corner commercial use that includes access and parking. The applicant will be submitting a Plan of Development (POD).

**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. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$73,580.40
6. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within eighteen (18) months. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
7. The vacated alley rights of way shall be retained by the City as a "Public Utility Easement" and the area is designated on DPW Drawing No. N-28893 by hatched lines and contains 7,696 square feet.
8. The applicant shall agree in writing that any City material (granite and cobblestone) found on the site shall be removed and returned to the City.
9. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within eighteen (18) 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 subject property consists of approximately 2.6 acres and is currently vacant and undeveloped. The property was previously improved as a mobile home park that has since been razed. The Master Plan Rezoning of the area in 2010 placed the property in an R-63 Multi-Family Urban Residential District. The applicant is proposing a development that would include a mix of multi-family residential units and a corner commercial use which may serve day-to-day convenience needs or neighborhood residents.

Anderson Street is a 50' right of way that intersects the north line of Government Road and extends north onto the Property, terminating at 3811 Glenwood Avenue. The alleys have a 15' wide right of way and run east and west, perpendicular to Anderson Street. These rights of way are unimproved and consists of approximately 18,660 square feet.

Vacating these rights of way would allow the proposed development to move forward in a more cohesive and efficient manner.

The value of the right of way to be vacated (18,660 sf) has been determined to be \$ 83,970 (\$ 4.50 per square foot) and is based on assessed values of adjacent parcels. Due to the fact that the City will retain a utility easement over the vacated portion of the alley, this amount will be reduced by 30% for the retained easement area (30% x \$4.50 x 7,696) or \$10,398.60. Thus the amount due will be \$73,580.40.

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.

**FISCAL IMPACT/COST:** None. City is not receiving State Maintenance Funds for the portion of Anderson Street that is being proposed to be closed; therefore, no fiscal impact/cost to City.

**FISCAL IMPLICATIONS:** None anticipated.

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

**REVENUE TO CITY:** \$300 application and processing fee; \$73,580.40 for value of vacated right of way.

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** September 28, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** November 9, 2020

**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-28893

**STAFF:**

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Brian Copple – Right of Way Manager. – DPW

Research and Drawing Coordinated by James Flannery – DPW

Department of Public Works

646-0435





August 14, 2019

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

**RE: Right-of-Way Vacation Request:**  
3800 Government Road (E001-0142/001)  
3800 (Rear) Government Road (E001-0142/002)  
3828 Government Road (E001-0142/008)  
3811 Glenwood Avenue (E000-1116/037)  
3901 Glenwood Avenue (E001-0142/006)

Dear Mr. Vincent,

I represent Evolve HLD, LLC in its application for vacation of Anderson Street and two east-west alleys ("the Vacation") generally located in the block bounded by Glenwood Avenue to the east and Government Road to the South. 3012 Park Avenue, LLC owns 3800 Government Road, 3800 (Rear) Government Road, 3828 Government Road, 3910 Glenwood Avenue and 3811 Glenwood Avenue (collectively, "the Property") in the vicinity. Anderson Street and the two alleys, form a cross-shaped right-of-way which divides 3800 Government Road, 3800 (Rear) Government Road, 3828 Government Road and 3910 Glenwood Avenue into four quadrants. The fifth parcel, 3811 Glenwood Avenue, is located at the terminus of Anderson Street. But for the intervening rights-of-way, the Property could be consolidated and developed as one parcel. This request would authorize the vacation of Anderson Street and the two alleys in order to allow for that consolidation and the efficient development of the Property.

Anderson Street consists of a 50' wide right of way that intersects the north line of Government Road and extends north into the Property, terminating at 3811 Glenwood Avenue. This right-of-way is generally unimproved and includes 11,731 square feet of land area. The two alleys extend east and west, roughly perpendicular to Anderson street. The eastern alley includes approximately 2,096 square feet of land area while the western alley includes approximately 4,850 square feet of land area. Both alleys are 15' wide and are unimproved except for an existing sewer line. All three rights-of-way are abutted by parcels owned by the petitioner with the exception of the property located at the western terminus of the western alley (3629 Broad Street), with 15' of frontage. None of the abutting properties are provided access by the subject rights-of-way.

The abutting property to the west is located at a significantly higher elevation with access via East Broad Street – it cannot be accessed or provided services by the western alley due to topography.

The Property includes roughly 2.6 acres of land area and is now vacant. The Property was most recently improved as a mobile home park, which was developed in 1963 and included as many as 48 mobile home units. A master plan-driven rezoning of the area in 2010 placed the Property in an R-63 Multi-Family Urban Residential District. The applicant is now proposing to develop the Property consistent with the R-63 regulations. That development would include a mix of multi-family residential units and a corner commercial use which may serve day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.

The Vacation would allow the Property to be developed in a more cohesive and efficient manner. The conceptual site plan entitled "Government Road Plan," prepared by ADO Design, dated August 14, 2019 ("the Conceptual Plan") is attached. The Conceptual Plan depicts one possible development scenario which would include 104 dwelling units and 1,500 square feet of corner commercial use. This concept would rely on improving the area which is now Anderson Street for access and parking. It also depicts parking on some of the unimproved alley right-of-way. In both cases, the Vacation would allow for flexibility in the use of these areas beyond what would be permitted if they were to remain right-of-way. The actual future development would be subject to the review and approval of a Plan of Development ("POD").

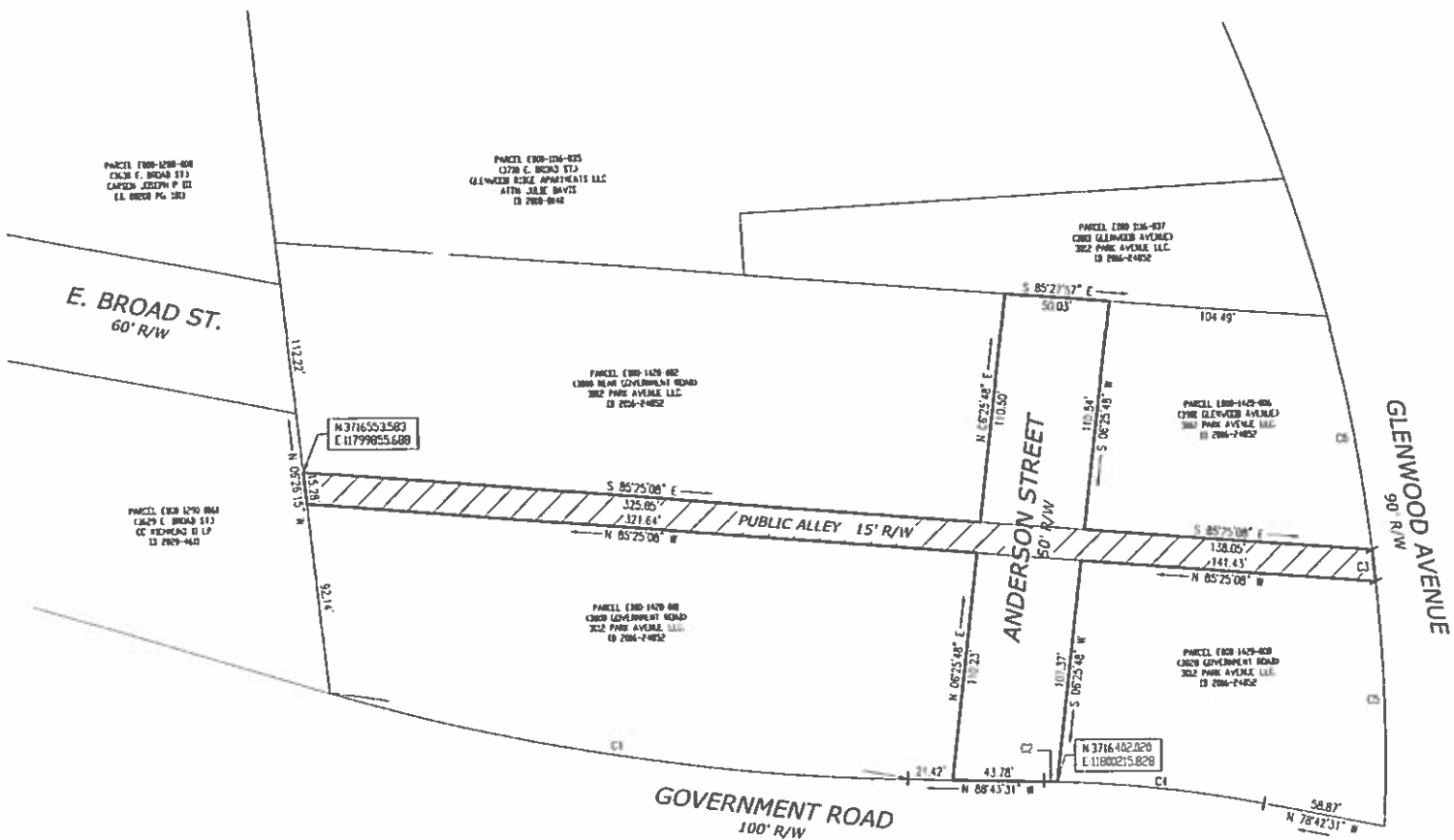
The abutting property owner to the west has been receptive to the notion of vacating the western alley as proposed. The Vacation would allow access and services to the abutting property to continue as they have historically been provided. Access and services for the Property would be ensured through the review and approval of the required POD for the proposed use. There would be no adverse impact to any properties in the vicinity. In addition, based on preliminary discussions with the Department of Public Utilities, an easement could be granted for the existing sewer line. The proposed improvements would not inhibit the City's ability to maintain the sewer line once the alleys are vacated. As mentioned, the City would retain the ability to review and approve the final improvements through the POD and permitting processes.

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,



Mark R. Baker  
Baker Development Resources, LLC



**NOTES**

- PROPOSED CLOSING OF RIGHT OF WAY TO PUBLIC USE AND TRAVEL ANDERSON STREET AND ALLEYS RUNNING EAST AND WEST AREA ENCLOSED IN GOLD LINES 18 680 SF (0.427AC)
- PROPOSED UTILITY EASEMENT TO BE RETAINED BY CITY OF RICHMOND SHOWN AS HATCHED AREA 7,696 SF (0.177AC)
- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND A PLAT BY EDWARDS, KRETZ, LOHR AND ASSOCIATES PLLC DATED 08/15/2019 3.056 ACRES OF LAND BOUNDED BY GOVERNMENT ROAD AND GLENWOOD AVENUE IN THE CITY OF RICHMOND, VA

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1057.06'	280.70'	279.87'	N 81°07'20" W	15°12'53"
C2	606.14	6.39'	6.39'	S 88°25'23" E	0°36'16"
C3	846.97	15.27'	15.27'	N 06°13'00" W	1°01'59"
C4	606.14	99.55'	99.43'	S 83°24'58" E	9°24'35"
C5	846.97	118.49'	118.40'	S 01°41'15" E	8°00'57"
C6	846.97	114.66'	114.57'	S 10°36'23" E	7°45'23"

Council District 7

Block No E-1420

**NOTES**

- Property owners correct as of MARCH 24TH, 2020.
- Ordinance \_\_\_\_\_
- Adopted \_\_\_\_\_
- Accepted \_\_\_\_\_

Drafting Technician *[Signature]*  
 Surveys Superintendent *[Signature]*  
 Right Of Way Manager *[Signature]*

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



**PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF ANDERSON STREET AND AN EAST/WEST ALLEY THAT BISECTS ANDERSON ST, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF GOVERNMENT ROAD AND GLENWOOD AVENUE**

Requested By: LETTER DATED AUGUST 14, 2019 - MARK BAKER

REFERENCES: BL 25 NW

REVISIONS

DEPARTMENT OF PUBLIC WORKS  
 RICHMOND, VIRGINIA

DRAWN BY: JF  
 CHECKED BY: M.W.A.

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
	1"=40'	8/12/2020	E-1420-SC.AC	N-28893