

INTRODUCED: September 28, 2020

AN ORDINANCE No. 2020-217

As Amended

To close to public travel certain medians located in Monument Avenue and North Allen Avenue at or near General Robert E. Lee Circle, to retain the City’s legal interests in such medians, and to designate such medians as official City Parks, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Ms. Gray  
\_\_\_\_\_

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

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

WHEREAS, the Council believes that it is in the best interests of the City of Richmond that certain medians located in Monument Avenue and North Allen Avenue near their intersection at General Robert E. Lee Circle should be closed to public travel and designated as official City parks;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, pursuant to the authority granted to the City by section 2.03(b) of the Charter of the City of Richmond (2020), as amended, and notwithstanding any provision of Chapter 24, Article IV of the Code of the City of Richmond (2015), as amended, to the contrary, (i) [~~a portion~~

AYES:            9            NOES:            0            ABSTAIN:        \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN:        JAN 11 2021

~~of the median, beginning one foot behind the paved crosswalk, located in Monument Avenue west of the property known as General Robert E. Lee Circle at the intersection of Monument Avenue and North Allen Avenue, labeled as “Parcel A,” and consisting of approximately 27,000 square feet; (ii) a portion of the median, beginning one foot behind the paved crosswalk, located in North Allen Avenue south of the property known as General Robert E. Lee Circle at the intersection of North Allen Avenue and Monument Avenue, labeled as “Parcel B,” and consisting of approximately 13,500 square feet; (iii) a portion of the median, beginning one foot behind the paved crosswalk, located in Monument Avenue east of the property known as General Robert E. Lee Circle at the intersection of Monument Avenue and North Allen Avenue, labeled as “Parcel C,” and consisting of approximately 28,000 square feet; (iv)] a portion of the median, beginning one foot behind the paved crosswalk, located in North Allen Avenue north of the property known as General Robert E. Lee Circle at the intersection of Monument Avenue and North Allen Avenue, labeled as “Parcel D,” and consisting of approximately 10,100 square feet; and [(v)] (ii) a portion of the median, beginning one foot behind the paved crosswalk, located in North Allen Avenue north of the property known as General Robert E. Lee Circle at the intersection of North Allen Avenue and West Grace Street, labeled as “Parcel E,” and consisting of approximately 12,500 square feet, each of which medians is referred to hereinafter as a “Median Area” and all of which Median Areas are labeled and generally shown with hatched lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28926, dated September 10, 2020, and entitled “Illustration Showing Proposed Closure of Public Use and Travel of Portions of Rights of Way that Make-up Two Median Areas within Monument Avenue and Three Median Areas within N Allen Avenue near the Intersection of These Two Streets,” hereinafter referred to~~

as “the Drawing,” a copy of which is attached to and made a part of this ordinance, are hereby closed to public travel as right-of-way of the City of Richmond.

§ 2. That this ordinance, as to the closing of each Median Area, 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, with respect to that Median Area:

(a) Each owner of land abutting the Median Area executes a quitclaim deed, approved as to form by the City Attorney, that dedicates to the City, at no cost to the City, a fee simple interest in such Median Area for the public purpose of establishing such Median Area as a City park.

(b) The Chief Administrative Officer, on behalf of the City, makes arrangements satisfactory to public service corporations whose properties or facilities are in the Median Area for the continued use or maintenance of such properties or facilities in that Median Area, 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 Chief Administrative Officer causes to be prepared a survey identifying with particularity the Median Area, provided that such survey shall by no means depict, for any Median Area, the closing of an area that is greater than the corresponding Median Area shown on the Drawing.

§ 3. That the inability to fulfill the conditions set forth in section 2 of this ordinance for the closing of any one Median Area shall not prevent the closing of any other Median Area upon fulfillment of the requisite conditions therefor.

§ 4. That each Median Area closed pursuant to section 1 of this ordinance upon fulfillment of the conditions set forth in section 2 of this ordinance is deemed to be no longer needed for the public convenience for use as right-of-way, there existing a superseding public need to establish such Median Area as park property for public purposes and uses incidental thereto. Such Median Area shall not be deemed abandoned by the City, as such property is necessary for the public park purposes referred to above and shall be converted to appropriate public use in connection therewith, and the City shall retain all of its legal interests in the closed Median Area.

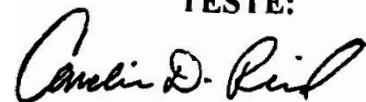
§ 5. That each Median Area, upon fulfillment of the conditions set forth in section 2 of this ordinance therefor, hereby is designated and established as a City park and incorporated into the City's park system. Notwithstanding any provision of section 8-7 through 8-10 of the Code of the City of Richmond (2015), as amended, to the contrary, each park established pursuant to this section shall be named as shown on the document entitled "List of Parcels for Conversion from Medians to City Parks (Revised December 14, 2020)," a copy of which is attached to and made a part of this ordinance. Each Median Area, upon designation as a City Park, shall be placed under the maintenance and supervision of the Department of Parks, Recreation and Community Facilities.

§ 6. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to accept the dedications described in subsection (a) of section 2 of this ordinance and to execute the deeds and such other documents as may be necessary to complete the acceptance of such dedications, provided that such deeds and other documents have first been approved as to form by the City Attorney.

§ 7. This ordinance shall be in force and effect only upon satisfaction of the terms and conditions set out above.

**A TRUE COPY:**

**TESTE:**



**City Clerk**



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Ordinance/Resolution Request

**RECEIVED**

By Barbara Fore at 10:11 am, Sep 21, 2020

**TO** Haskell Brown, Interim Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lawrence R. Anderson  
Council Chief of Staff

**FROM** William E. Echelberger, Jr, Council Budget Analyst

**COPY** Kimberly B. Gray, 2<sup>nd</sup> District Representative  
Tabrica C. Rentz, Interim Deputy City Attorney  
Meghan K. Brown, Deputy Council Chief of Staff  
Craig K. Bieber, 2<sup>nd</sup> District Liaison

**DATE** September 18, 2020

**PAGE/s** 1 of 2

**TITLE** Convert Certain Medians to City Parks

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

Kimberly B. Gray, 2<sup>nd</sup> District  
Representative

**SUGGESTED STANDING COMMITTEE**

Planning Commission

**ORDINANCE/RESOLUTION SUMMARY**

The patron requests an ordinance to:

1. Transfer the five medians marked as parcels A, B, C, D, and E on the attached map; two on Monument Avenue, and three on Allen Avenue, from the Department of Public Works to the Department of Parks, Recreation, and Community Facilities.
2. Convert such parcels to city parks. The medians to be converted are marked as parcels A, B, C, D, and E on the attached map.
  - The requested ordinance shall become effective once the adjacent property owners along each individual median have provided a quitclaim deed for such property owner's fee simple interest in the median to the City.
  - In the event that the property owners adjacent to any individual median fail to grant the required quitclaim deeds to the City, the transfer of other medians that meet the requirement, and their conversion to city parks, shall proceed.
  - The Department of Parks, Recreation, and Community Facilities shall work with the Department of Public Works to make such signage changes as are appropriate to reflect the new park names as soon as practical.
  - The Department of Public Works shall retain as Right-of-Way:
    - All crosswalks and traffic control areas, and
    - One foot behind the crosswalk to the curb.

- Department of Parks, Recreation, and Community Facilities shall charge such fees as are usually charged for usage of the parks for special events.
- The requested ordinance shall be conditioned on the City making arrangements with private utilities, whose properties or facilities are in the medians to be closed, for the removal, relocation, abandonment, or other disposition of those properties or facilities.
- Upon transfer of the each parcel to the Department of Parks, Recreation, and Community Facilities, each shall be converted to a city park with the following names:

<u>Parcel</u>	<u>Description</u>	<u>Park Name</u>
A	Westernmost of the two Monument Avenue medians	Monument Park West
B	Southernmost of the three Allen Avenue medians	Allen Avenue Common
C	Easternmost of the two Monument Avenue medians	Monument Park East
D	median in the middle of the three Allen Avenue medians	Grace Park South
E	Northernmost of the three Allen Avenue medians	Grace Park North

## BACKGROUND

### Summary:

- The patron believes that transfer of the selected medians from the department of Public Works, where they are utilized as medians in the public right-of-way, to the Department of Parks, Recreation, and Community Facilities, for utilization as city parks is in the best interest of the City of Richmond, and its residents.
- This requirement for the City to make arrangements with private utilities for disposition of those properties or facilities that are in the medians to be closed is typically imposed upon the applicants of street closings, but since this process has not been initiated by an "applicant," the City will bear the responsibility to fulfill this requirement.
- Based upon the GIS baseline maps, DPW has calculated the approximate square footages of these areas as below:

<b>Median Map Designation</b>	<b>Square Footage</b>
A	27,000
B	13,500
C	28,000
D	10,100
E	<u>12,500</u>
<b>Estimated Total</b>	<b>91,100</b>

## FISCAL IMPACT STATEMENT

Fiscal Impact Yes  No

Budget Amendment Required Yes  No

Estimated Cost or Revenue Impact

There will be a cost for signage and park maintenance, however, this cost cannot be determined at this time. Revenues generated from park fees will likely be de minimis.

Attachment/s Yes  No

Richmond City Council Ordinance/Resolution Request form/updated 10.5.2012 /irs



## **List of Parcels for Conversion from Medians to City Parks**

- Upon transfer of the each parcel to the Department of Parks, Recreation, and Community Facilities, each shall be converted to a city park with the following names:

<b><u>Parcel</u></b>	<b><u>Description</u></b>	<b><u>Park Name</u></b>
A	Westernmost of the two Monument Avenue medians	Monument Park West
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