

INTRODUCED: April 26, 2021

AN ORDINANCE No. 2021-108

To close, to public use and travel, a portion of an alley bounded by Hampton Street, Colorado Avenue, South Meadow Street, and Dakota Avenue, consisting of 2,296± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of an alley in the block bounded by Hampton Street, Colorado Avenue, South Meadow Street, and Dakota Avenue, consisting of approximately 2,296 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-28942, dated March 24, 2021, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley in Block Bounded by Hampton Street, Colorado Avenue, S. Meadow Street and Dakota Avenue,” a copy of which drawing is attached to this ordinance.

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 24 2021 REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the closing of the right-of-way identified 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 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 (2020), 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 or whatsoever nature and hold the City harmless therefrom.

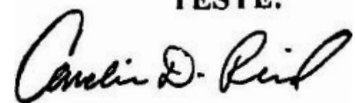
(d) The applicant pays the City the sum of \$15,085.00 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code 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 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, at such time as this ordinance becomes effective, the City shall have no further right, title or interest in the closed right-of-way areas other than that expressly retained under provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

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

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reil".

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: March 26, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) *[Signature]*

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer *[Signature]*

THROUGH: Robert Steidel, Deputy Chief Administrative Officer *[Signature]*

THROUGH: Bobby Vincent Jr., Director
Department of Public Works *[Signature]*

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works *[Signature]*

FROM: Brian Copple, Right of Way Manager
Department of Public Works *[Signature]*

RE: **PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF A PORTION OF AN ALLEY IN THE BLOCK BOUNDED BY HAMPTON STREET, COLORADO AVENUE, S MEADOW STREET AND DAKOTA AVENUE**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel public right of way for a portion of an alley in the block bounded by Hampton Street, Colorado Avenue, S Meadow Street and Dakota Avenue, containing 2,296 square feet, as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28942 dated 03/24/2021 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY IN THE BLOCK BOUNDED BY HAMPTON STREET, COLORADO AVENUE, S MEADOW STREET AND DAKOTA AVENUE" at the request of the applicant.

REASON: Letter of request dated August 22, 2020 from Robert R. Pogue and Lourdes M. Pogue, the property owners of 1401 Hampton Street.

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 \$15,085.
7. 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 owners of the property at 1401 Hampton Street submitted a request to close to public use and travel a portion of an undeveloped City alley adjacent to their home. The applicant has been maintaining this undeveloped right of way for over 20 years by controlling the vegetation and any trash accumulation and now wish to properly close the right of way and acquire the property.

Closing of this City right of way will not negatively impact the local transportation network nor will the right of way be necessary for any future Capital Improvements. Other reviewing City agencies offered no objection to this proposed closing request.

The value of the right of way to be vacated (2,296 sf) has been determined to be \$15,085. (\$6.57 per square foot) and is based on assessed values of adjacent parcels. A fee for this amount is due to the City as a condition of this ordinance.

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; \$15,085 for the value of the land

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: April 26, 2021

CITY COUNCIL PUBLIC HEARING DATE: May 24, 2021

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-28942

STAFF:

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Marvin Anderson – Program & Operations Manager for Surveys – DPW

Research and Drawing Coordinated by James Flannery – DPW

Department of Public Works

646-0435

Robert R. Pogue
Lourdes M. Pogue
1401 Hampton Street
Richmond, VA 23220
(804)307-3300

RECEIVED
8-25-20

August 22, 2020

Director of Public Works
City Hall
Room 701
900 E. Broad Street
Richmond, Virginia, 23219

To whom it may concern,

We would like to take ownership of the half of the undeveloped city-owned alley that adjoins lot 1405 Hampton St.

We have spoken with our neighbors Bill and Evelyn Murphy who reside at 1407 Hampton St. They have expressed that they would like to take ownership of the other half of the alley that adjoins their property. We approve of their request.

We have attached the following to this request.

- A letter of consent from our adjoining neighbor at 1407 Hampton Street.
- A survey that shows the location of the Alley in relation to our current deed.
- A check for \$300.

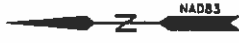
Thank you for considering this request and please let me know if there is anything else you need to process it.



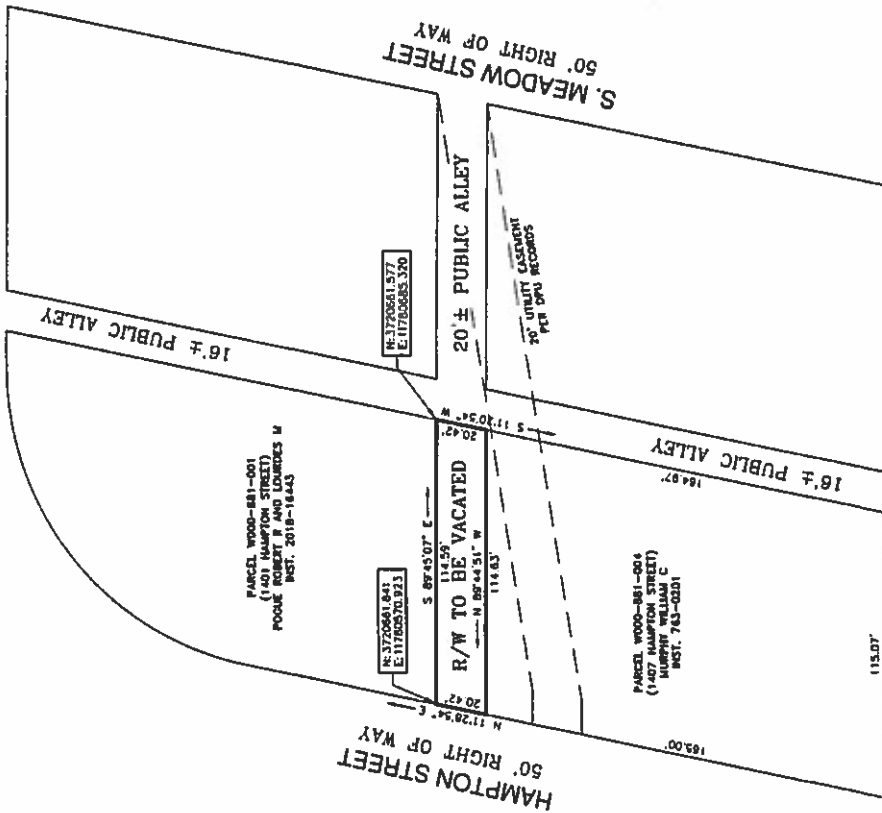
Robert R. Pogue



Lourdes M. Pogue



COLORADO AVENUE
50' RIGHT OF WAY



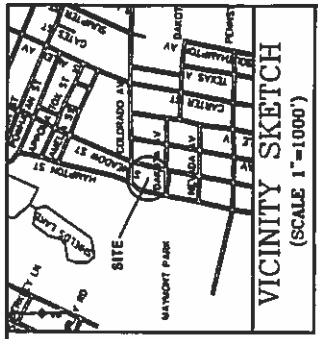
DAKOTA AVENUE
50' RIGHT OF WAY



NOTE.

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND RECENT FIELD SURVEY BY ACK-RIGHT & ASSOCIATES ON PLAT TITLED "SHOWING A PORTION OF 20' PUBLIC ALLEY BETWEEN LOT 28 & 29 PLAN OF MAYMONT GARDENS CITY OF RICHMOND" DATED 10/06/2020
2. THE PORTION OF RIGHT OF WAY PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 2,296 S.F.

VICINITY SKETCH
(SCALE 1"=1000')



NOTES

1. Property owners correct as of JAN. 13TH, 2021.
3. Ordinance No. _____
4. Adopted _____
5. Accepted _____

REFERENCES: BL 14NE

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



DRAWN BY: J.F.
 CHECKED BY: M.W.A.

Prepared by: ROBERT R. FOGUE AND LOURDES M. FOGUE
 FIELD NOTE SCALE: 1"=35' DATE: 3/24/2021 PROJECT: W-881-AC DRAWING NO.: N-28942

Council District 5 Block No. W-881

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY IN BLOCK BOUNDED BY HAMPTON STREET, COLORADO AVENUE, S. MEADOW STREET AND DAKOTA AVENUE