INTRODUCED: June 14, 2021

AN ORDINANCE No. 2021-160

To declare that a public necessity exists and to authorize the acquisition of certain fee simple interests and easements for the public purpose of facilitating the construction of the Whitehead Road culvert replacement and sidewalk improvements project.

Patron – Mayor Stoney

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUN 28 2021 AT 6 P.M.

WHEREAS, in the opinion of the Council of the City of Richmond, a public necessity exists for the acquisition of certain fee simple interests, permanent easements, temporary construction easements, and utility easements, each hereinafter referred to as an "Interest" and all hereinafter referred to as the "Interests," as shown on drawings designated as Drawing Nos. B-28961-A through B-28961-N, prepared by H & B Surveying and Mapping, LLC, and dated March 1, 2021, for the public purpose of facilitating the construction of the Whitehead Road culvert replacement and sidewalk improvements project;

NOW, THEREFORE,

AYES:	9	NOES:	0	ABSTAIN:	
-		-			
ADOPTED:	JUN 28 2021	REJECTED:		STRICKEN:	

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a public necessity exists for the acquisition of the Interests as shown on

drawings designated as Drawing Nos. B-28961-A through B-28961-N, prepared by H & B

Surveying and Mapping, LLC, and dated March 1, 2021, copies of which sheets are attached to

and hereby incorporated into this ordinance, for the public purpose of facilitating the construction

of the Whitehead Road culvert replacement and sidewalk improvements project.

§ 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 facilitating the construction of the Whitehead Road

culvert replacement and sidewalk improvements project.

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

A TRUE COPY:

TESTE

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE:

May 12, 2021

EDITION:

1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer

THROUGH: Bobby Vincent, Director of Department of Public Works

THROUGH: Alfred Scott, Interim Director of Department of Public Utilities As

THROUGH: Pat Bradley, Deputy Director of Department of Public Utilities

FROM:

Bill Boston, Senior Capital Projects Manager, Department of Public Utilities WCB

WCB

RE: TO DECLARE THAT A PUBLIC NECESSITY EXISTS AND TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER (CAO) OR DESIGNEE THEREOF, TO ACQUIRE CERTAIN FEE SIMPLE INTERESTS, PERMANENT, TEMPORARY, AND UTILITY EASEMENTS, BY VOLUNTARY CONVEYANCE OR BY CONDEMNATION PROCEEDINGS, FOR THE CONSTRUCTION OF THE WHITEHEAD ROAD CULVERT REPLACEMENT AND PEDESTRIAN IMPROVEMENTS PROJECT.

ORD. OR RES. No.

PURPOSE: To declare that a public necessity exists and to authorize the chief administrative officer (CAO) or designee thereof, to acquire certain fee simple interests, permanent, temporary, and utility easements, by voluntary conveyance or by condemnation proceedings, for the construction of the Whitehead Road Culvert Replacement and Pedestrian Improvements Project as illustrated on plans prepared by H&B Surveying and Mapping, LLC and designated attached parcel drawing numbers (B-28961-A through B-28961-N).

REASON: Additional right of way and easements are required to construct these improvements.

Page 2 of 3

RECOMMENDATION: Departments of Public Utilities and Public Works recommends approval of this Ordinance.

BACKGROUND: The Whitehead Road Culvert Replacement and Sidewalk Improvement project was initiated to resolve the routine flooding occurrences of Whitehead Road at the crossing of Pocosham Creek and also the lack of designated pedestrian accommodations along the roadway. The project is located in the southwestern area of the City just north of Route 360 and just east of Chippenham Parkway. The primary project goals are described below:

Reduce Roadway Flooding: The existing 36" cmp culverts which convey Pocosham Creek under Whitehead Road are undersized and the roadway frequently floods. The existing culverts will be replaced with a new concrete box culvert and the vertical sag of Whitehead Road will be raised by approximately 1' within the vicinity of the stream crossing and will provide up to a 25-year storm level of protection while resulting in no increases in the 100-year FEMA floodplain.

Improve Pedestrian Safety: The existing roadway has minimal room for pedestrians to walk and is hazardous to children who utilize Whitehead Road for access to and from GH Reid Elementary School. New sidewalk and curb and gutter will be constructed along both sides of the 1,200 linear foot section of Whitehead Road from Greenbank Road to Daytona Drive. New handicap ramps and crosswalk striping will be provided at the beginning and end points of the project.

Improve Vehicular Safety: The existing Whitehead Road width of travelway averages only 19'-3" wide with nominal shoulders. In some areas there are steep drop-offs immediately adjacent to the edges of pavement. The proposed improvements will provide a safer 21' wide travelway (10.5' lanes) plus the addition of City standard curb with 18" wide concrete gutter pans. This typical section has been approved by DPW.

The existing properties along the roadway consist of a mixture of single-family homes, vacant lots, and the Residences at Brookside apartment complex. Of the eighteen (18) private properties adjacent to the roadway within the project limits, fourteen (14) require right of way and/or easement acquisition prior to project construction. These property acquisitions are illustrated on the drawings prepared by H&B Surveying and Mapping, LLC and designated attached parcel drawing numbers (B-28961-A through B-28961-N). The estimated cost of the ROW and easement acquisition is \$150,000 based on assessed property values which is budgeted under the project account number 106353.

There are no relocation of business or residences required with this project. Property rights will be purchased using fair market value and negotiations. However, if we are unable to negotiate with property owners the department will request the Chief Administrative Officer exercise the authority delegated through Council to perform condemnation action of fee simple and all easements required under City code section 18.03. If condemnation is required, the City will continue negotiations with the property owners during the condemnation process. This will allow the project to continue to proceed.

O&R Request

Page 3 of 3

Project design is currently 90% complete. Total project cost is currently estimated at \$3.7 million and is being funded with Department of Public Utilities- Stormwater Utility funds.

FISCAL IMPACT / COST: \$150,000 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 state and local regulations. The acquisition cost is budgeted in Project Account #106353.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 14, 2021

CITY COUNCIL PUBLIC HEARING DATE: June 28, 2021

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

AFFECTED AGENCIES: Public Works, Public Utilities, Law Department, Planning & Community Development, Economic Development, 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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: ROW data sheet #1A and Project parcels drawing numbers (B-28961-A through B-28961-N)

STAFF: Bill Boston, Senior Capital Projects Manager, DPU 646.8161

Lamont Benjamin, PE, Capital Projects Administrator, DPW 646.6339

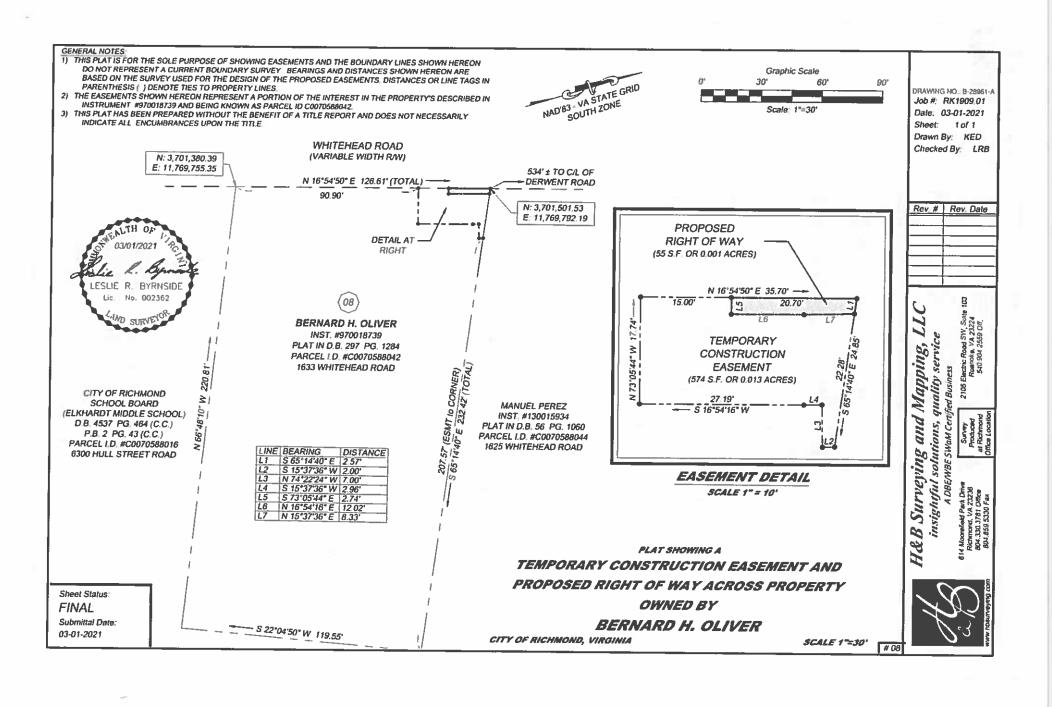
WHITEHEAD ROAD CULVERT REPLACEMENT AND SIDEWALK IMPROVEMENT PROJECT **CITY OF RICHMOND PROJECT 106353** RIGHT OF WAY ACQUISITION DATA

		LANDOWNER		AREA											
PLAN PARCEL GPIN Number ID	PLAN SHEET NO.		TOTAL	FEE TAKING (proposed right of way)			PRIVATE UTILITIES Dominion TEASOGRADY								
						FEE REMAINDER	PERMANENT		PRIV/ Dominion Energy		ATE UTILITIES Segra		TEMPORARY		
					SQ. FEET	ACRES	ACRES	SQ. FEET ACRES			1		ACRES		ACRES
				ACRES	SS SS	0.001	0.599	0	ACKES	0	0	0	0	574	0.013
8	C0070588042	Bernard H Oliver	4	0.6		-		0	0	0	0	0	0	961	0.022
9	C0070588044	Manuel Perez	4	0.39	164	0.004	0.386			692	0.016	0	. 0	2,267	0.052
10	C0070588046	Gregory Dacosta	4	1.18	127	0.003	1.177	0	0.004			0	0	905	0.021
11	C0070588004	First Baptist Church Endowment Fund Inc. ET AL	4	15.986	0	0	15.986	2,773	0.064	2565	0.059			-	0.021
12	C0070497002	Osama Fawwaz Qaiymah	4/5	0.348	0	0_	0.348	2,189	0.050	5212	0.120	0	0	924	_
17	CD070436008	Theodore Farmer	5	0.4	0	0	0.400	84	0.002	0	0	0	0	191	0.004
20	C0070553040	Brian Coddington	5	1.152	1,855	0.043	1.109	47	0.001	0	0	2111	0.048	512	0.012
21	C0070553042	Mick Construction LLC	5	1.32	2,329	0.053	1,267	0	0	0	0	2238	0.051	498	0.011
22	C0070553044	Moses Days	5	1.32	2,400	0.055	1.265	0	ß	0	0	2306	0.053	5,074	0.116
23	CD070553046	Toribio Flores	5	0.66	1,103_	0.025	0.635	0_	0	0_	0	1176	0,027	604	0.014
24	C0070553047	Simon Green	5	0.661	964	0.022	0.639	0	0	0	0	1176	0.027	810	0.019
25	C0070553075	AWE Brookside Owner LLC	4	15.209	4,283	0.098	15.111	5,002	0.115	1405	0.032	6560	0.151	8,934	0.205
26	C0070553048	Angela L Casasola Hurtado	4	0.732	1,331	0,031	0.701	0	0	0_	0	1651	0.038	1,680	0.039
27	C0070553080	AWE Brookside Owner LLC	4	7.53	0	0	7,630	0	0	0	0	1874	0	1,587	0.036
41	C0070333000	TOTALS			14,611	0.335		10,095	0.232	9,874	0.227	19,092	0.395	25,521	0.586

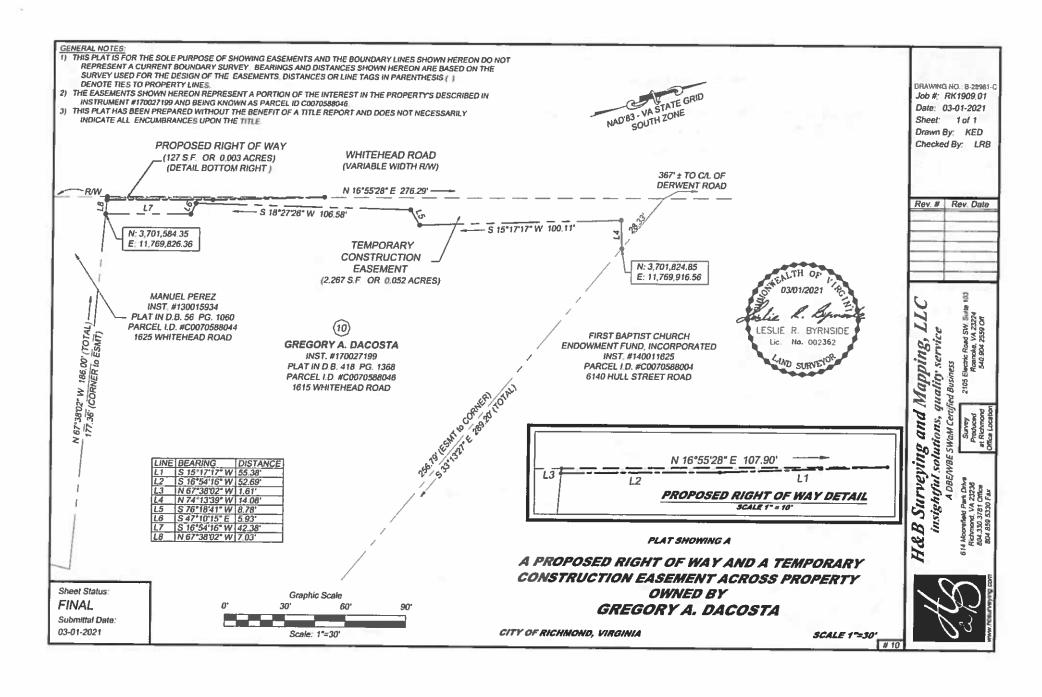
The state

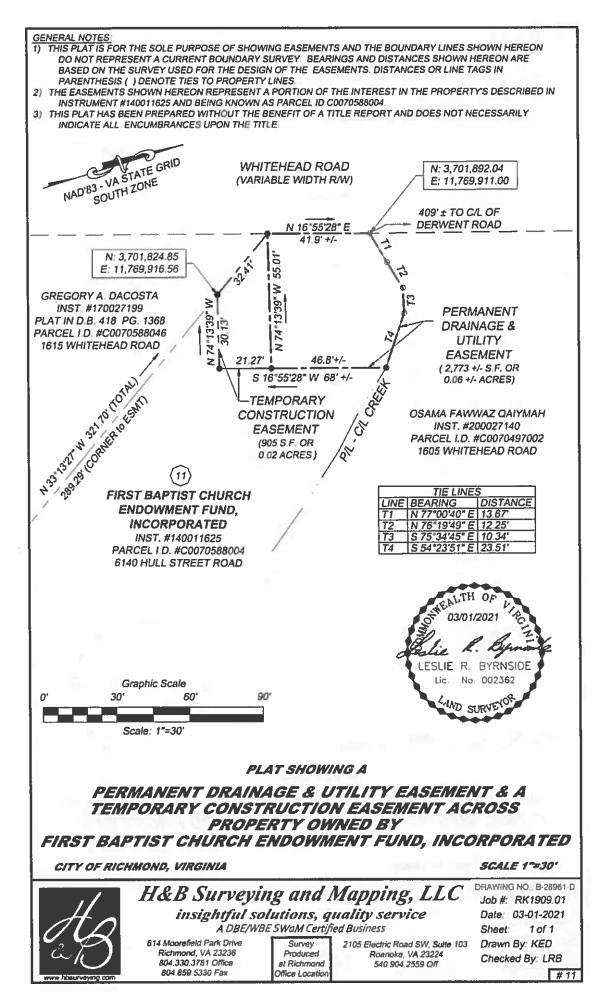
ROW DATA SHEET

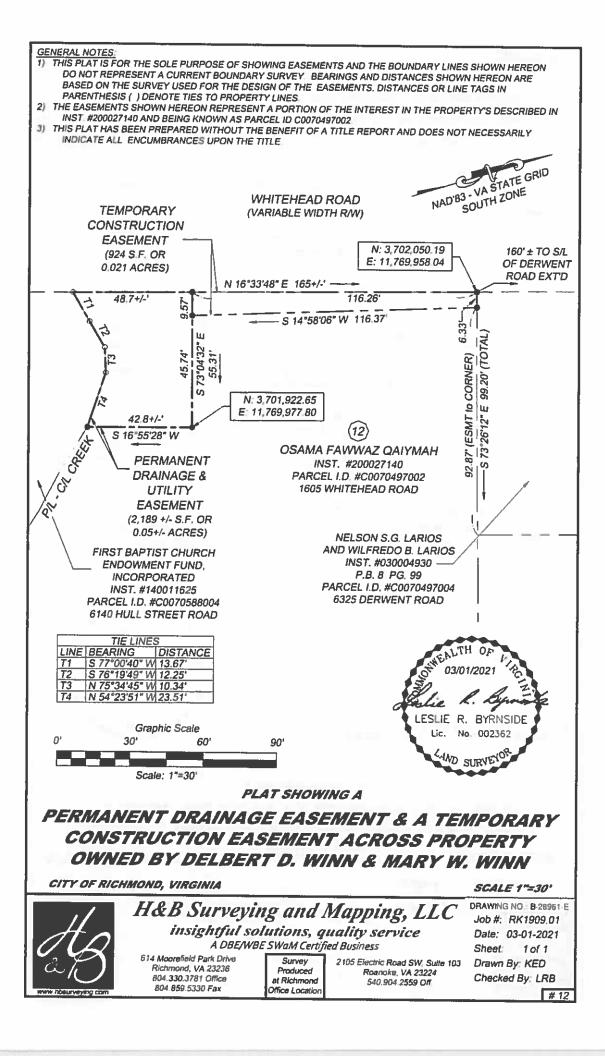
RUMMEL, KLEPPER & KAHL, LLP



GENERAL NOTES: 1) THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING EASEMENTS AND THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE EASEMENTS. DISTANCES OR LINE TAGS IN PARENTHESIS () DENOTE TIES DRAWING NO.: B-28981-B TO PROPERTY LINES. Job #: RK1909.01 2) THE EASEMENTS SHOWN HEREON REPRESENT A PORTION OF THE INTEREST IN THE PROPERTY'S DESCRIBED IN Date: 03-01-2021 INSTRUMENT #130015934 AND BEING KNOWN AS PARCEL ID C0070588044. Sheet: 1 of 1 THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY LESUE R. BYRNSIDE INDICATE ALL ENCUMBRANCES UPON THE TITLE. Drawn By: KED No. 002362 Checked By: LRB WHITEHEAD ROAD N: 3,701,501.53 (VARIABLE WIDTH R/W) 445' ± TO C/L OF E: 11,769,792.19 **DERWENT ROAD** N 16"54'50" E 90.00" Rev. # Rev. Date S 15°37'36" W 41 78" S 16'54'16" W 47.68" **PROPOSED** RIGHT OF WAY N: 3.701,584.35 (164 S.F., OR 0.004 ACRES) E: 11,769,826.36 **TEMPORARY** LINE BEARING DIST L1 \$ 67°37'58" E 1.61' L2 \$ 67°38'02" E 7.03' DISTANCE CONSTRUCTION EASEMENT (961 S.F. OR 0.022 ACRES) S 15*37'36" W 22.09 S 74*22'24" E 15.00" S 15*37'36" W 23.14" N 65*14'40" W 2.57 GREGORY A. DACOSTA BERNARD H. OLIVER Mapping, INST. #170027199 INST. #970018739 PLAT IN D.B. 418 PG. 1368 PLAT IN D.B. 297 PG. 1284 PARCEL I.D. #C0070588046 PARCEL I.D. #C0070588042 1615 WHITEHEAD ROAD 1633 WHITEHEAD ROAD to CORNER) and 09 **MANUEL PEREZ** INST: #130015934 PLAT IN D.B. 56 PG. 1060 PARCEL I.D. #C0070588044 \$ 67.38'02" 1625 WHITEHEAD ROAD insightful 177 8 PLAT SHOWING A A PROPOSED RIGHT OF WAY AND A TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY OWNED BY Sheet Status: Graphic Scale MANUEL PEREZ 201 60 FINAL Submittal Date: SCALE 1"=20 CITY OF RICHMOND, VIRGINIA 03-01-2021 Scale: 1°=20' # 09







GENERAL NOTES:

1) THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING EASEMENTS AND THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS. DISTANCES OR LINE TAGS IN PARENTHESIS () DENOTE TIES TO PROPERTY LINES.

2) THE EASEMENTS SHOWN HEREON REPRESENT A PORTION OF THE INTEREST IN THE PROPERTY'S DESCRIBED IN

D.B. 552 PG. 814 AND BEING KNOWN AS PARCEL ID C0070436008.

J) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

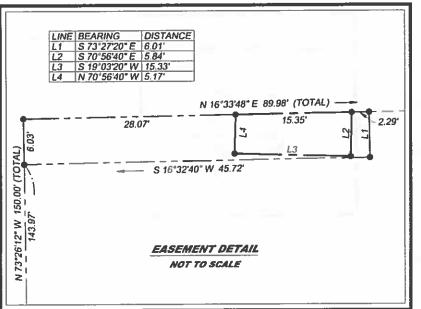




DRAWING NO. B-28961-F Job #: RK1909.01 Date: 03-01-2021 Sheet: 1 of 1 Drawn By: KED Checked By: LRB

Rev. # Rev. Date

WHITEHEAD ROAD (VARIABLE WIDTH R/W) N: 3.702.476.73 E: 11,770,084.90 N 16*33'48" E 89.98' -44.27 N: 3,702,518.83 **TEMPORARY** E: 11,770,103.69 CONSTRUCTION DAYTONA ROAD EASEMENT -DRAINAGE EASEMENT (191 S.F. OR 0,004 ACRES) (84 S.F. OR 0.002 ACRES) DETAIL AT RIGHT DETAIL AT RIGHT 77-20-12"E THEODORE E. FARMER D.B. 552 PG. 814 PARCEL I.D. #C0070436008 ŘΙ 1401 WHITEHEAD ROAD **ROMILIO MENA AND** MARGARITA MENA INST. #040005931 PARCEL I.D. #C0070436006 1407 WHITEHEAD ROAD - S 12°39'48" W 118.61" Sheet Status Graphic Scale 90' FINAL Submittal Date: Scale: 1"=30" 03-01-2021



PLAT SHOWING A

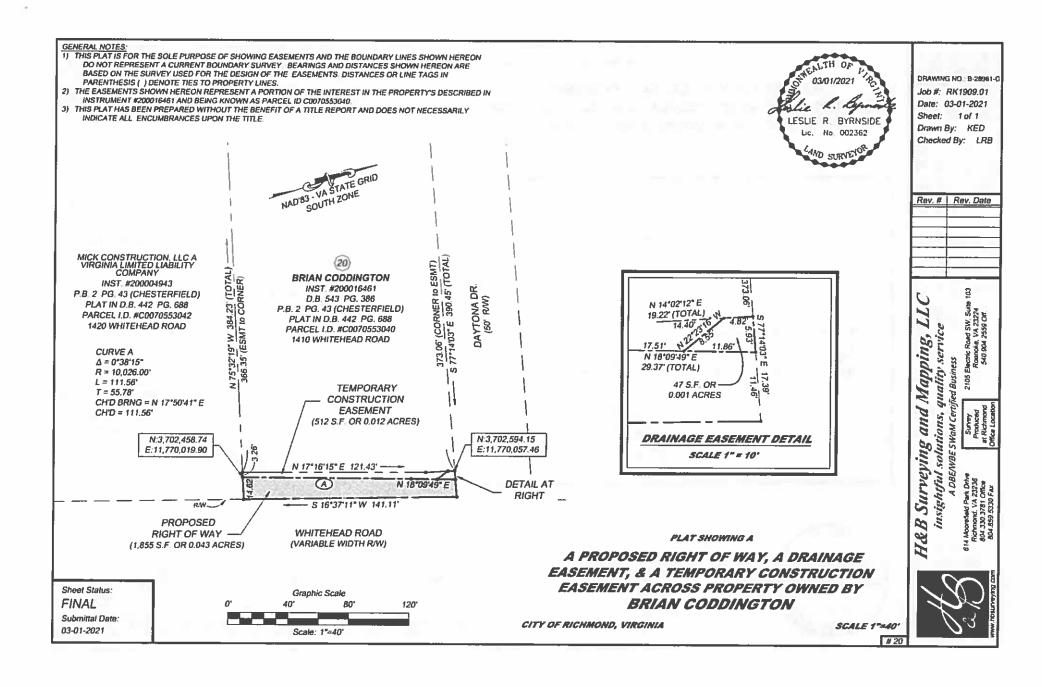
DRAINAGE EASEMENT. & A TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY OWNED BY THEODORE E. FARMER

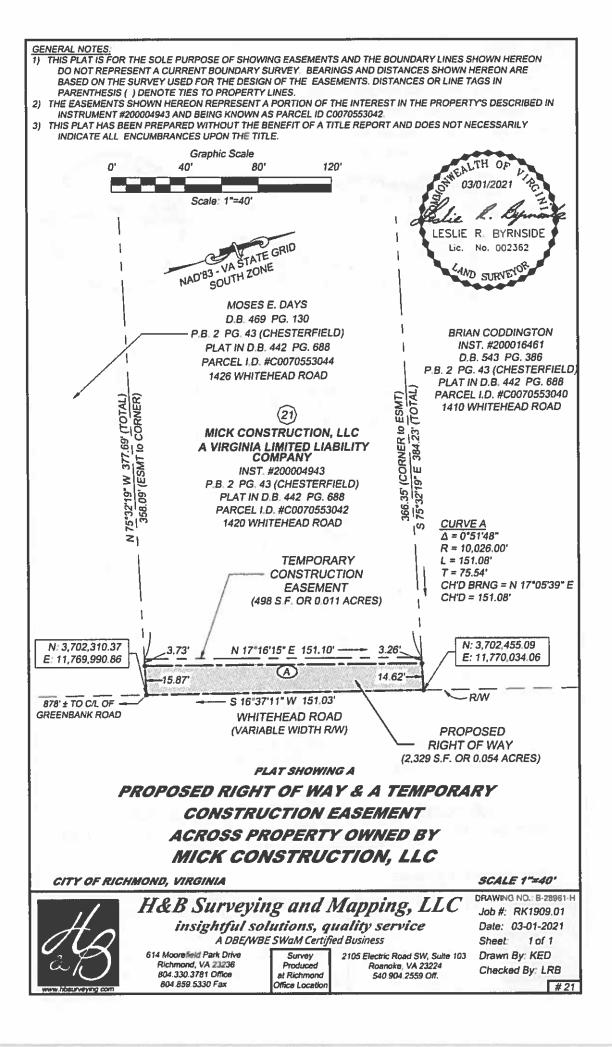
CITY OF RICHMOND, VIRGINIA

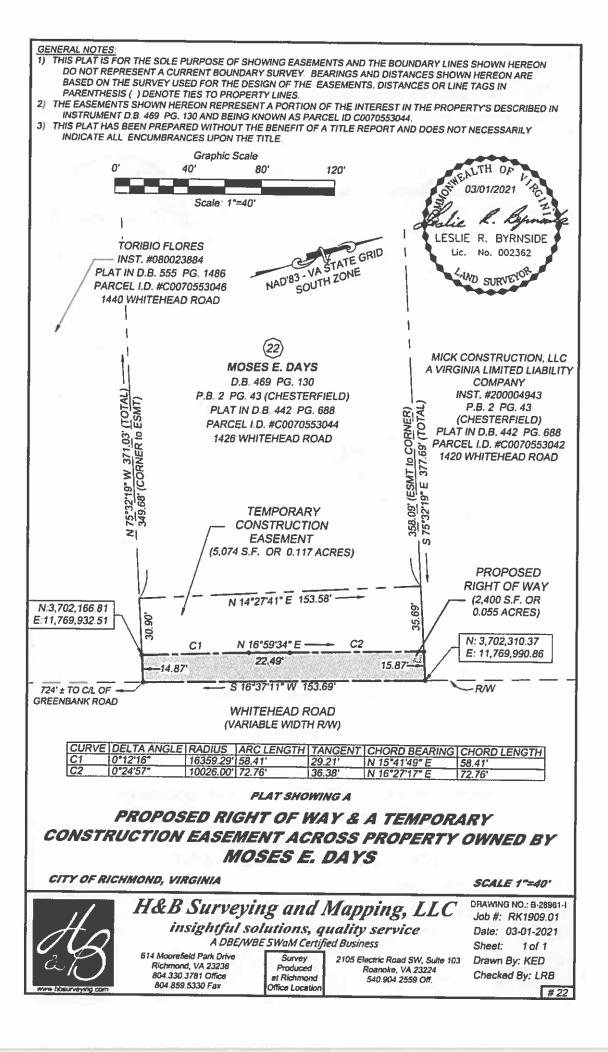
SCALE 1'=30'

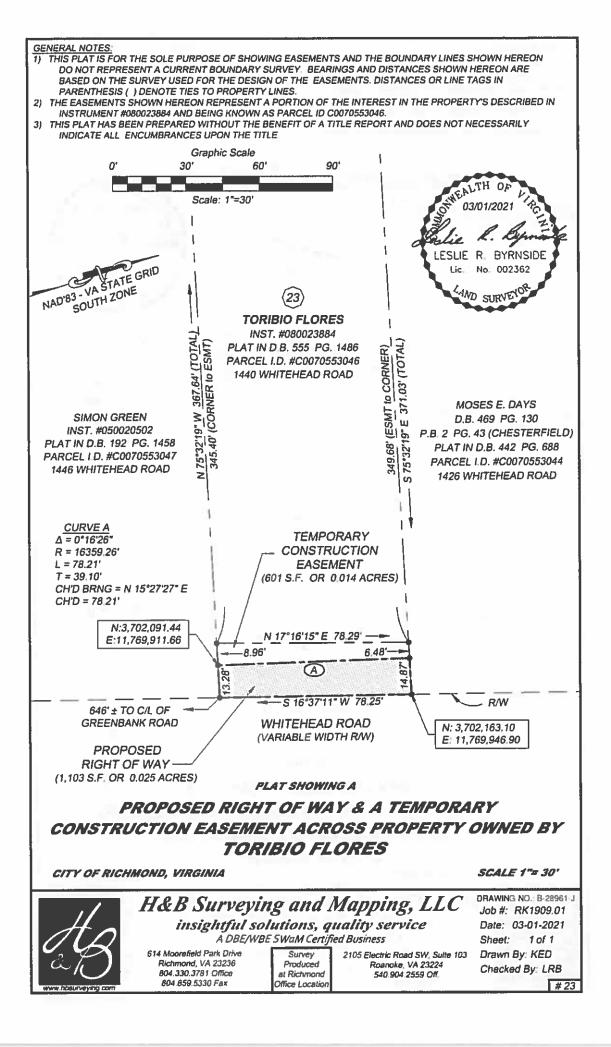
H&B

17









GENERAL NOTES THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING EASEMENTS AND THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE EASEMENTS. DISTANCES OR LINE TAGS IN PARENTHESIS () DENOTE TIES TO PROPERTY LINES. 2) THE EASEMENTS SHOWN HEREON REPRESENT A PORTION OF THE INTEREST IN THE PROPERTY'S DESCRIBED IN INSTRUMENT #050020502 AND BEING KNOWN AS PARCEL ID C0070553047. 3) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE. Graphic Scale 0' 30' 90 Scale: 1"=30" STATE GRID LESLIE R. BYRNSIDE NAD'83 - VA SOUTH ZONE No. 002362 367.64" (TOTAL) AND SURVE (CORNER to ESMT) 364.25" (TOTAL) (ESMT to CORNER) (24) SIMON GREEN INST. #050020502 AWE BROOKSIDE PLAT IN D.B. 192 PG, 1458 OWNER, LLC PARCEL I.D. #C0070553047 75°32'19" TORIBIO FLORES INST. #170016558 1446 WHITEHEAD ROAD 345.40 INST. #080023884 PLAT IN INST. #060039933 PLAT IN D.B. 555 PG. 1486 PARCEL I.D. #C0070553075 PARCEL I.D. #C0070553046 6400 GREENBANK ROAD 1440 WHITEHEAD ROAD (A) N 14°55'03" E 4.72 (B) $\Delta = 0.15.27$ * R = 16359.29' **TEMPORARY** CONSTRUCTION $L = 73.49^{\circ}$ $T = 36.75^{\circ}$ EASEMENT CH'D BRNG = N 15"11'31" E (810 S.F. OR 0.019 ACRES) CH'D = 73.49' **PROPOSED** N 17"16'15" E 78,30' N: 3,702,015.95 RIGHT OF WAY E: 11,769,891.19 8.96 (964 S.F. OR 0.022 ACRES) 11.82 **(B)** 13.28 - S 16°37'11" W 78.26' - R/W 568'± TO C/L OF GREENBANK ROAD WHITEHEAD ROAD N: 3.702.088.12 (VARIABLE WIDTH R/W) E: 11,769,924,52 PLAT SHOWING A PROPOSED RIGHT OF WAY

PROPOSED RIGHT OF WAY & A TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY OWNED BY SIMON GREEN

CITY OF RICHMOND, VIRGINIA

SCALE 1"= 30"



H&B Surveying and Mapping, LLC insightful solutions, quality service A DBE/WBE SWAM Certified Business

514 Moorefield Park Drive Richmond, VA 23236 804.330.3781 Office 804.859.5330 Fax Survey Produced at Richmond Office Location 2105 Electric Road SW, Suite 103 Roanoke, VA 23224 540.904.2559 Off.

DRAWING NO.: B-28961-K Job #: RK1909.01 Date: 03-01-2021 Sheet: 1 of 1 Drawn By: KED Checked By: LRB

24

