

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-237

To close, to public use and travel, two alleys bounded by East Jackson Street, North 8th Street, East Leigh Street, and North 7th Street, consisting of 8,665± square feet, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the two alleys in the block bounded by East Jackson Street, North 8th Street, East Leigh Street, and North 7th Street, consisting of approximately 8,665 square feet, are hereby closed to public use and travel as rights-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-28912, dated February 21, 2020, and entitled “Proposed Closing to Public Use and Travel of Alleys in the Block Bounded by E Jackson Street, N 8th Street, E Leigh Street and N 7th Street,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 11 2021 REJECTED: _____ STRICKEN: _____

§ 2. That this ordinance, as to the closing of the rights-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 \$54,502.85 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 (2020), as amended, for the construction of the improvements on the site and the proposed right-of-way closure and vacation.

(f) The applicant agrees in a writing approved as to form by the City Attorney that, if the applicant removes any cobblestones, bricks, granite curbs, or other infrastructure materials from the right-of-way area to be closed, the applicant shall deliver 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.

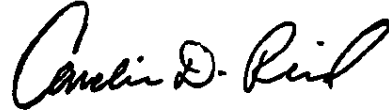
(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and

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, 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 "Amber D. Reed". The signature is written in a cursive style with a large initial 'A'.

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: August 12, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, 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: Joseph Davenport, Acting Right of Way Manager
Department of Public Works

**RE: PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF ALLEYS IN THE
BLOCK BOUNDED BY E JACKSON STREET, N 8TH STREET, E LEIGH
STREET AND N 7TH STREET**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel certain alleys in the block bounded by E Leigh Street, E Jackson Street, N 8th Street, and N 7th Street consisting of 8,665 sq. ft. as shown on DPW Dwg. No. N-28912 dated 2/21/2020 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF ALLEYS IN THE BLOCK BOUNDED BY E JACKSON STREET, N 8TH STREET, E LEIGH STREET AND N 7TH STREET" at the request of the Draper Aden Associates on behalf of their client/applicant Activation Capital.

REASON: This ordinance will supersede Ordinance No. 2020-101, adopted May 11, 2020, which has expired. Ordinance No. 2020-101 was to become effective only upon satisfaction of all listed conditions within twelve (12) months of adoption; however, several conditions were not satisfied within the designated timeframe. A new letter of request dated August 10, 2021, has been received from Glenn W. Custis, Principal, with Draper Aden Associates, on behalf of the property owner, Activation Capital.

Activation Capital is developing the parcels of land between E. Leigh Street, N. 7th Street, N. 8th Street, and E. Jackson 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. All affected owners of private and public infrastructure must provide written acknowledgement that they are satisfied with the resolution of their facilities within the proposed closing area for this Ordinance to be valid.
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 \$ 54,502.85.
7. The applicant has submitted a Plan of Development (POD-059505-2019) for the development of these parcels. As a condition of POD approval, this right of way closure and vacation must be approved by City Council.
8. The applicant/developer of the property must agree to preserve the existing cobblestones within the vacated alleys; or, should the cobblestones be removed at a future date, the applicant/developer shall agree to return the cobblestones to the City at a location designated by the Department of Public Works.
9. 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:

This ordinance will supersede Ordinance No. 2020-101, adopted May 11, 2020, which has expired. Ordinance No. 2020-101 was to become effective only upon satisfaction of all listed conditions within twelve (12) months of adoption; however, several conditions were not satisfied within the designated timeframe. A new letter of request dated August 10, 2021, has been received from Glenn W. Custis, Principal, with Draper Aden Associates, on behalf of the property owner, Activation Capital.

Activation Capital plans to construct a six-story multi-purpose research/office building and parking deck as part of the Virginia Bio+Tech Park at 708 E. Leigh Street. This new building at 708 E. Leigh Street is being designed to house budding startups, contain more laboratories, offices and meeting spaces and to house more established biotech companies. The current use of this property is a vacant lot with abandoned buildings. This development will further add to the existing Bio+Tech Park that comprises a 34-acre campus in downtown Richmond that is home to 70 businesses, nonprofits; government laboratories and research institutes.

The vacation of these alleys is necessary to facilitate this building construction. Activation Capital owns all of the parcels of land being consolidated with this plat. The vacation of these alleys does not impact any of the adjacent land owners.

The value of the right of way to be vacated (8,665 sf) has been determined to be \$54,502.85 (\$6.29 per square foot) and is based on assessed values of adjacent parcels

Other reviewing administrative agencies offered no objections to the closing request.

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; \$54,502.85 for the value of the land.

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: September 27, 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.: Ordinance No. 2020-101 (expired May 11, 2021)

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter (dated August 10, 2021)
DPW Dwg. No. N-28912 (dated February 21, 2020)

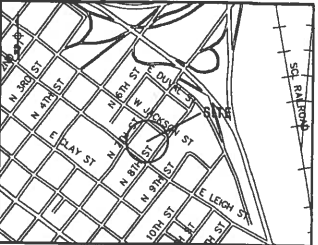
STAFF:

Prepared for Bobby Vincent, Jr., Director DPW

Prepared by Joseph Davenport – Acting Right of Way Manager. – DPW

Research and Drawing Coordinated by James Flannery – DPW

Department of Public Works / 646-0435



VICINITY SKETCH
(SCALE 1"=1000')

N: 3723928.46
E: 11792525.96

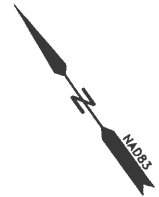
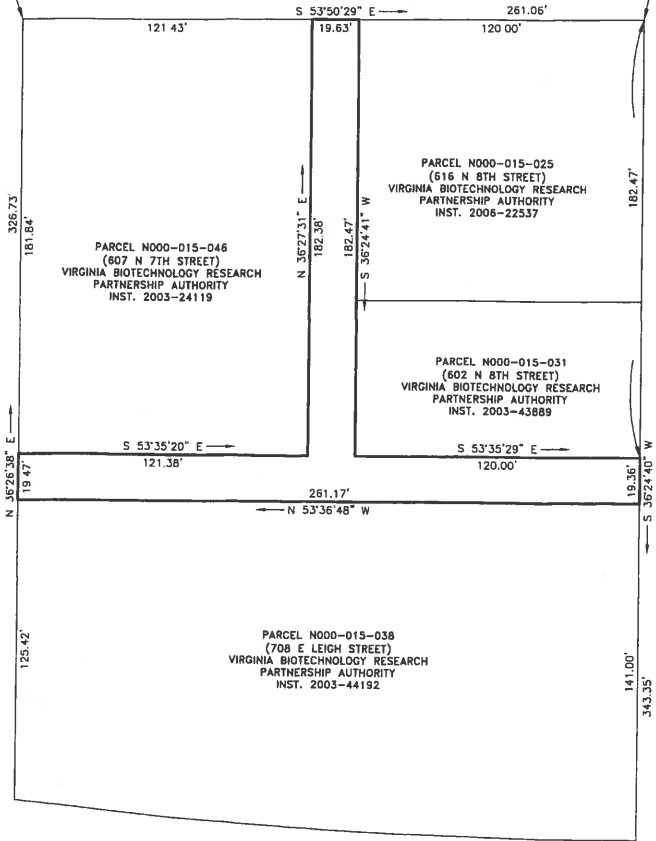
N: 3723774.43
E: 11792736.73

E JACKSON STREET
60' RIGHT OF WAY

N 7TH STREET
65' RIGHT OF WAY

N 8TH STREET
65' RIGHT OF WAY

E LEIGH STREET
VARIABLE WIDTH RIGHT OF WAY



NOTE:

1. THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SOURCES AND RECENT FIELD SURVEY BY DRAPER ADEN ASSOCIATES SHOWN ON PLAT TITLED "ACTIVATION CAPITAL-8L PLAT SHOWING ALLEY VACATION AND PARCEL CONSOLIDATION" DATED 09/17/2019, REVISED 2/17/2020
2. THE PORTION OF ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS ENCLOSED IN BOLD LINES: 8,665 S.F.



Council District 6

Block No. N-8

NOTES

1. Property owners correct as of FEB. 21, 2020.
3. Ordinance No
4. Adopted
5. 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 AND TRAVEL OF ALLEYS
 IN THE BLOCK BOUNDED BY E JACKSON STREET, N 8TH STREET,
 E LEIGH STREET AND N 7TH STREET

Requested By: GLENN W. CURTIS, DRAPER ADEN ASSOCIATES

REFERENCES: BL 1SE, N-23985

REVISIONS

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

FIELD NOTE	SCALE 1"=35'	DATE 2/21/2020	PROJECT N-8-AC	DRAWING NO. N-28912
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1030 Wilmer Avenue, Suite 100
Richmond, Virginia 23227
804.264.2228
www.daa.com

August 10, 2021

Mr. Bobby Vincent, Jr.
Director of Public Works
City of Richmond
Room 701 City Hall
900 E. Broad Street
Richmond, VA 23219

**RE: Activation Capital – 8 L Project
 Alley Closure and Parcel Consolidation Request
 Draper Aden Associates Project No.18020469-010303**

Dear Mr. Vincent:

Activation Capital is developing the parcels of land between Leigh, 7th, 8th and Jackson Streets. POD plans have been filed for this development. This development will require the vacation of two public alleys. This block of the city is comprised of multiple parcels. This plat also calls for the consolidation of the parcels in to one parcel. We have prepared the attached plat for vacation of the alleys and consolidation of the residual parcels, dated September 17, 2019.

Activation Capital owns all of the parcels land being consolidated and adjoining the alleys. The vacation of the alleys does not impact any adjacent land owners.

There are existing utilities within the public alleys. This plat provides temporary public easements for these utilities until such time that they are abandoned. At that time, a plat will be prepared to abandon the temporary easements.

Since the cobble stones in the alleys cannot be removed until construction commences, per this letter, the cobble stones will remain until they can be removed. At that time, the cobble stones will be removed and delivered to the City's storage yard.

If any additional information is required for the City to review this request for alley vacation and parcel consolidation, please let us know.

Sincerely,
Draper Aden Associates

A handwritten signature in blue ink, appearing to read "Glenn W. Custis", is written over a faint, larger version of the same signature.

Glenn W. Custis, P.E.
Principal