

INTRODUCED: September 27, 2021

AN ORDINANCE No. 2021-284

To close, to public use and travel, an alley bounded by West Leigh Street, North Belvidere Street, West Duval Street, and Brook Road, consisting of 2,370± 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 8 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by West Leigh Street, North Belvidere Street, West Duval Street, and Brook Road, consisting of approximately 2,370 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-28922, dated April 8, 2021, and entitled “Proposed Closing to Public Use and Travel an Alley in the Block Bounded by W Leigh Street, N Belvidere Street, W Duval Street and Brook Road,” a copy of which drawing is attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 8 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 36 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 \$69,512.10 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 36 months 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 finds any cobblestones within the right-of-way area to be closed, the applicant shall remove any and all such cobblestones from the right-of-way area to be closed and deliver all such cobblestones in an undamaged and cleaned condition to a location to be determined by the Director of Public Works.

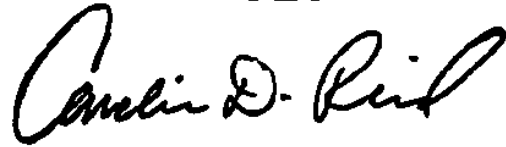
(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and

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 "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: May 28, 2021 **EDITION:** 1


TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) 

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: Brian Copple, Right of Way Manager
Department of Public Works 

RE: **PROPOSED CLOSING TO PUBLIC USE & TRAVEL OF AN ALLEY IN THE
BLOCK BOUNDED BY W LEIGH STREET, N BELVIDERE STREET, W
DUVAL STREET AND BROOK ROAD**

ORD. OR RES No. _____

PURPOSE: To close to public use and travel a public right of way for an alley in the block bounded by W Leigh Street, N Belvidere Street, W Duval Street and Brook Road, containing 2,370 square feet, as shown on a plan prepared by the Department of Public Works designated as DPW Dwg. No. N-28922 dated 04/08/2021 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY W LEIGH STREET, N BELVIDERE STREET, W DUVAL STREET AND BROOK ROAD" at the request of the applicant.

REASON: Letter of request dated February 25, 2020 from Joshua Bilder, President of Sterling Bilder LLC, and the owner of all properties adjacent to the proposed closing.

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 thirty-six (36) month expiration clause shall be included whereby all conditions must be satisfied by the applicant(s)/owner(s)/successor(s) within thirty-six (36) months of the ordinance adoption date and approved by the City before the ordinance can go into effect.
6. A Plan of Development for the construction of the improvements on the site must be submitted and approved by the City within thirty-six (36) months of ordinance adoption. Should approval of the Plan of Development be denied, this closure of the public right of way will not go into effect.
7. The applicant(s)/owner(s)/successor(s) agrees to pay the City of Richmond for this public right-of-way, the sum of \$69,512.10.
8. The applicant/owner must agree in writing that if any cobblestones are found within the alley during time of construction, the applicant(s)/owner shall remove and preserve these City assets and package and deliver these cobblestones to a location as designated by the City.
9. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence within thirty-six (36) 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:

Sterling Bilder, LLC owns all of the properties in the block bounded by W Leigh Street, N Belvidere Street, W Duval Street and Brook Road. The block is presently unimproved and there is also an unimproved public alley running between W Leigh St and W Duval St which splits the block. Joshua Bilder, President of Sterling Bilder, LLC, has submitted a request to close this alley to public use and travel for the purpose of joining it with the entire parcel in order to redevelop the property. The proposed future use of this property is a commercial development. The final transfer of the vacated alley will be dependent upon the City approval of a Plan of Development for the parcel.

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 (2,370 sf) has been determined to be \$69,512.10 (\$29.33 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; \$69,512.10 for the value of the land

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 28, 2021

CITY COUNCIL PUBLIC HEARING DATE: July 26, 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-28922

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 – Engineering Specialist – DPW

Department of Public Works

646-0435

Sterling Bilder LLC

Managing Agents

17 South Belmont Avenue

Richmond, Virginia 23221

Tel : (804) 359-5018



2/25/20

Bobby Vincent

Director, Public Works Department

City Hall Room 701 East Broad Street

Richmond, Virginia 23219

Dear Mr. Vincent,

On behalf of my company Sterling Bilder LLC, I'm submitting this request to extinguish the right of way to the alley located between the 500 block of West Leigh Street and the 600 block of Brook Road. Sterling Bilder LLC, currently owns all addresses on either side of said alley. This alley is unimproved, unused and I want to have the City abandon it for the purpose of joining it with the entire parcel in order to redevelop the property. I'm including a survey of the properties in question as a reference with this letter, in addition to my \$300.00 application fee. I currently have the property on the market for lease to a commercial development. I propose the abandonment and sale of the alley to Sterling Bilder LLC, contingent on a pending application for plan of development or building permit.

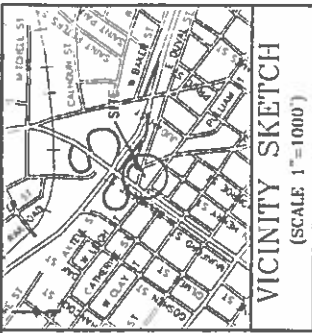
Please contact me at your earliest convenience so we can discuss this matter. I can be reached by cell phone at (804) 306-3089, at my office at (804) 359-5018 or by email josh.bilder@gmail.com.

Sincerely,

Joshua Bilder

President

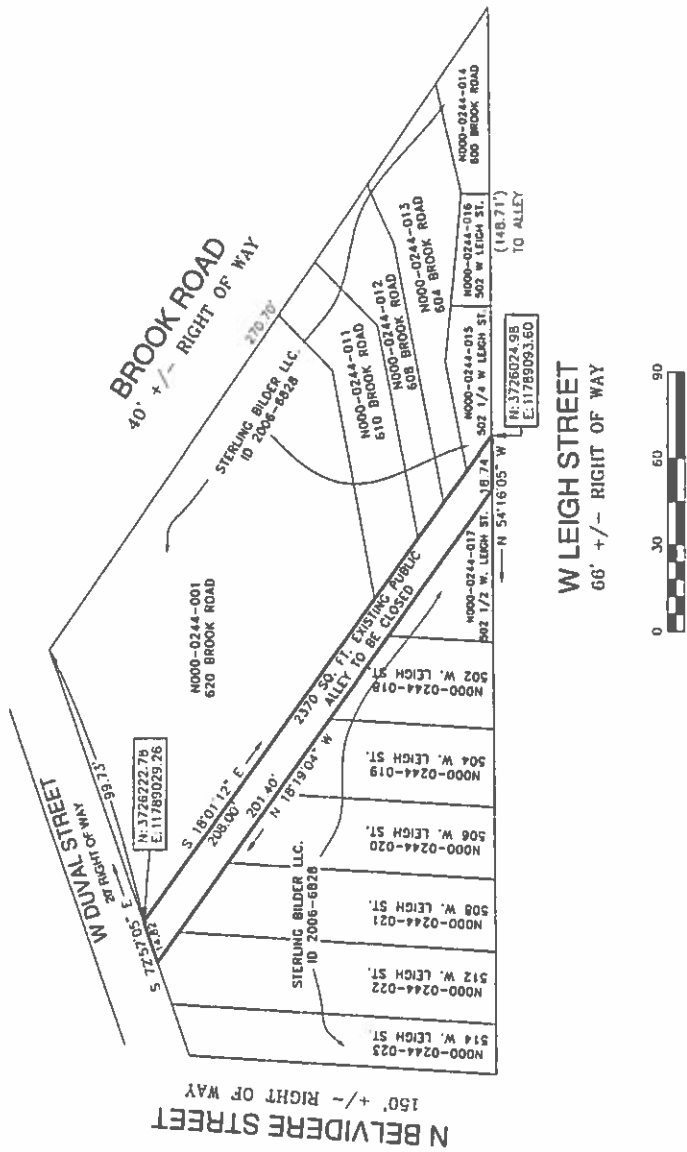
Sterling Bilder LLC



VICINITY SKETCH
(SCALE 1"=1000')

NOTE.

- THIS DRAWING IS BASED ON A COMPILATION OF DATA FROM RECORD SURVEYS AND FIELD SURVEY BY MCKNIGHT AND ASSOCIATES, SHOWN ON PLAT 11111 D "PLAT SHOWING THREE PARCELS SPLIT AND BOUNDARY BY BROOK ROAD, W. LEIGH STREET AND N. BELVIDERE STREET" DATED 01/15/2020
- THE PORTION OF ALLEY THAT IS PROPOSED TO BE CLOSED TO PUBLIC USE & TRAVEL IS INDICATED BY DASHED LINES. \square 2,170 ST



Council District 2 Block No. N-244

	PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF AN ALLEY IN THE BLOCK BOUNDED BY W LEIGH STREET, N BELVIDERE STREET, W DUVAL STREET AND BROOK ROAD Requested By: KOSHUA BILDER	PROJECT N-244-AC	DRAWING NO. N-28922
	FIELD NOTE SCALE 1"=30'	DATE 4/08/2021	PROJECT N-244-AC

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

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

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

NOTES 1. Property owners correct as of JAN. 1ST, 2021. 3. Ordinance No. _____ 4. Adopted _____ 5. Accepted _____	REVISIONS
REFERENCES: BL 6SW, P-16673A	