



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2021-163	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	6/15/2021	<b>In control:</b>		City Council	
<b>On agenda:</b>	6/28/2021	<b>Final action:</b>		6/28/2021	
<b>Title:</b>	To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law of the easement, franchise, right and privilege to use a portion of certain property located at 201 Hioaks Road for the construction, operation, and maintenance of certain access and utility facilities in accordance with a certain Deed of Easements; and to declare that a public necessity exists for and authorize the acquisition of a public access easement over and across a portion of certain property located at 6850 Atmore Drive in accordance with such Deed of Easements. (9th District)				
<b>Sponsors:</b>	Mayor Stoney, Michael Jones				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2021-163, 2. Ord. No. 2021-163 - Bid 1 Respondent, Urbana at Hioaks, LP, 3. Ord. No. 2021-163 - Signed Agreement				

Date	Ver.	Action By	Action	Result
6/28/2021	1	City Council	adopted	Pass
6/24/2021	1	Land Use, Housing and Transportation Standing Committee	recommended for approval	
6/14/2021	1	City Council	introduced and referred	

To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law of the easement, franchise, right and privilege to use a portion of certain property located at 201 Hioaks Road for the construction, operation, and maintenance of certain access and utility facilities in accordance with a certain Deed of Easements; and to declare that a public necessity exists for and authorize the acquisition of a public access easement over and across a portion of certain property located at 6850 Atmore Drive in accordance with such Deed of Easements. (9<sup>th</sup> District)

WHEREAS, following the introduction of this ordinance, the City Clerk has caused to be advertised, once a week for two successive weeks in a newspaper of general circulation published in the city of Richmond, a descriptive notice of the Deed of Easements attached to this ordinance, which notice:

1. included a statement that a copy of the full text of the ordinance is on file in the office of the City Clerk;
2. invited bids for the franchise, privilege, lease or right offered to be granted in and by this ordinance, which bids were to be:

- a. delivered in writing to the presiding officer of the Council of the City of Richmond at its regular meeting to be held on June 28, 2021, at 6:00 p.m., in open session;
  - b. presented by the presiding officer to the Council; and
  - c. then dealt with and acted upon in the mode prescribed by law;
3. required that all bids for the franchise, rights and privileges hereby offered to be granted shall be submitted in writing as required by law; and
4. reserved the Council's right to reject any and all bids; and

WHEREAS, the deadline for the receipt of bids has passed, all bids have been received, and the Council is prepared to act in accordance with sections 15.2-2102 or 15.2-2103, or both, of the Code of Virginia (1950), as amended;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That there shall be granted in the manner prescribed Article VII, Section 9 of the Constitution of Virginia and Title 15.2, Chapter 21, Article 1, §§ 15.2-2100-15.2-2108.1:1 of the Code of Virginia (1950), as amended, an easement upon, over, under, and across a portion of the property located at 201 Hioaks Road and identified as Tax Parcel No. C005-0879/024 in the 2021 records of the City Assessor for the construction, operation, and maintenance of certain access and utility facilities thereon as described and under the conditions set forth in the Deed of Easements, a copy of which is attached to and incorporated into this ordinance, to the following grantee:

\_\_\_\_\_.

§ 2. That a public necessity exists for the acquisition of an easement for ingress and egress over and across a portion of the property located at 6850 Atmore Drive and identified as Tax Parcel No. C005-0879/022 in the 2021 records of the City Assessor to be used by the general public during daytime hours consistent with City park properties as described in and in accordance with the Deed of Easements identified in section 1 of this ordinance.

§ 3. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby

authorized to execute the Deed of Easements between the City of Richmond as grantor and the grantee identified in section 1 of this ordinance to grant an easement to certain real property located at 201 Hioaks Road for the construction, operation, and maintenance of certain access and utility facilities by such grantee and acquire the easement described in section 2 of this ordinance, provided that:

(a) The Deed of Easements has first been approved as to form by the City Attorney and is substantially in the form of the document attached to this ordinance;

(b) The grantee identified in section 1 of this ordinance has first executed a bond, with good and sufficient security, in favor of the City of Richmond, Virginia, in the amount of \$120,000.00 and conditioned upon the construction, operation, and maintenance of the access and utility facilities as provided for in the granted easement, franchise, right and privilege, with such bond in a form acceptable to the Chief Administrative Officer and approved as to form by the City Attorney;

(c) The grantee identified in section 1 of this ordinance has first paid all costs incurred in connection with the advertisement of this ordinance, in accordance with section 15.2-2101 of the Code of Virginia (1950), as amended; and

(d) The grantee identified in section 1 of this ordinance has first presented the City Attorney with satisfactory evidence that the grantee owns fee simple title to the property located at 6850 Atmore Drive and identified as Tax Parcel No. C005-0879/022 in the 2021 records of the City Assessor and has the legal authority to grant the interests in real estate required to be granted to the City and otherwise perform the obligations set forth in the Deed of Easements.

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