



Legislation Details (With Text)

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File created: 9/12/2022 **In control:** City Council

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Title: To vacate the full width utility easement and full width maintenance easement previously retained in the closing to public use and travel of Bunche Place by Ord. No. 97-183, adopted Jun. 23, 1997, consisting of 1,980± square feet, upon certain terms and conditions. (7th District)

Sponsors: Mayor Stoney

Indexes:

Code sections:

Attachments: 1. Ord. No. 2022-256, 2. Staff Report

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|--------------------------|--------|
| 9/26/2022 | 1 | City Council | adopted | Pass |
| 9/19/2022 | 1 | Planning Commission | recommended for approval | |
| 9/12/2022 | 1 | City Council | introduced and referred | |

To vacate the full width utility easement and full width maintenance easement previously retained in the closing to public use and travel of Bunche Place by Ord. No. 97-183, adopted Jun. 23, 1997, consisting of 1,980± square feet, upon certain terms and conditions. (7th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a full width utility easement and full width maintenance easement previously retained in the closing to public use and travel as a right-of-way of the City of Richmond by Ordinance No. 97-183-199, adopted June 23, 1997, and as shown on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. O-23117, dated February 18, 1997, and entitled “Proposed Closing of Creighton Rd., Walcott Pl. & Bunche Pl. (Retaining as a Full Width Utility Easement) in Creighton Court.,” hereinafter referred to as “the Drawing,” a copy of which drawing is attached to this ordinance, are hereby vacated.

§ 2. That this ordinance, as to the vacation of the subject utility and maintenance easements identified in section 1 of this ordinance, 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 18 months from the day this ordinance is adopted:

(a) 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, to the extent permitted by law, 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 vacation of the utility and maintenance easements identified in section 1 of 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 easements, or either 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 of all the property abutting the aforesaid easements, or either of them, 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.

(b) The applicant 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 utility and maintenance easements 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 vacating area for this Ordinance to be valid.

(c) The applicant shall be responsible for surface storm water overflow in the vacated utility and maintenance easement areas.

(d) The applicant satisfies all terms and conditions requisite for the subject utility and maintenance easements vacated 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 subject utility and maintenance easements identified in section 1 of this ordinance other than that expressly retained under the provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance and the Chief Administrative Officer shall be authorized to execute all deeds and other documents, each of which must first be approved as to form by the City Attorney, as may be necessary to effectuate the vacation of any such right, title, and interest.

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