



Legislation Text

File #: ORD. 2020-208, **Version:** 1

To close, to public use and travel, a portion of Moore Street located between North Lombardy Street and Bowe Street consisting of 9,843± square feet, but retaining portions as utility easements and access easements, upon certain terms and conditions, and to authorize the Chief Administrative Officer to accept the dedication of a public utility easement and a public access easement, consisting of 1,159± square feet and a public utility easement and a public access easement consisting of 11,723± square feet, over certain parcels adjacent to the closed portion of Moore Street, in connection with vehicular and pedestrian access to a proposed mixed-use development in the area.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area consisting of approximately 9,843 square feet, comprised of a portion of Moore Street located between North Lombardy Street and Bowe Street, 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-28921, dated August 12, 2020, and entitled “Proposed Closing to Public Use and Travel of Moore Street between N Lombardy Street and Bowe Street,” hereinafter referred to as the “Drawing,” a copy of which is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the right-of-way area identified in section 1 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 (2015), 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 of whatsoever nature and hold the City harmless therefrom.

(d) Any City granite curbs and cobblestones shall remain and be utilized as material for the public access easements. If any public access easement is ever vacated, any City granite curbs and cobblestones shall be removed and returned to the City at a location to be determined by the Director of Public Works.

(e) The applicant shall agree in writing that any bollards placed within the vacated portion of Moore Street will be removable and located no closer than four feet from the centerline of the existing waterline to allow for future access and maintenance.

(f) The applicant obtains a special use permit for the development of the property known as 1041 North Lombardy Street, with Tax Parcel No. N000-0676/001 in the 2020 records of the City Assessor, all necessary building permits issued by the Department of Planning and Development Review, and “Work in Streets and Alleys” permits issued by the Department of Public Works for the construction proposed in connection with the development of such parcel.

(g) The applicant dedicates or causes the dedication of the portion of 1041 North Lombardy Street, with Tax Parcel No. N000-0676/001 in the 2020 records of the City Assessor, consisting of approximately 1,159 square feet, as shown hatched on the Drawing, to the City for a public utility easement, a public access easement for pedestrians and bicycles, and other right-of-way purposes, with such dedication being by deed approved as to form by the City Attorney.

(h) The applicant dedicates or causes the dedication of the portion of 1500 Moore Street, with Tax Parcel No. N000-0677/014 in the 2020 records of the City Assessor, consisting of approximately 11,723 square feet, as shown dashed on the Drawing, to the City for a public utility easement, public access easement, and other right-of-way purposes, with such dedication being by deed approved as to form by the City Attorney.

(i) 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 the City shall retain a public utility easement and public access easement within the right-of-way area to be closed. The maximum extent of the easements, consisting of approximately 3,618 square feet, is shown crosshatched on the Drawing. The Director of Public Utilities may approve the retention of an easement over a smaller area than that shown on the Drawing if the Director determines that a smaller area will satisfy the requirements of the Department of Public Utilities. The Director of Public Utilities may approve the City's vacation of the easement if the Director determines that the easement is no longer necessary to satisfy the requirements of the Department of Public Utilities. The retention of the easement and any vacation thereof shall be only by deed approved as to form by the City Attorney.

§ 4. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept the dedications described in subsections (g) and (h) of section 2 of this ordinance.

§ 5. 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 area other than that expressly retained under the provisions of this

ordinance or granted to satisfy the terms and conditions set out in this ordinance.

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