



Legislation Text

File #: ORD. 2022-204, **Version:** 1

To close, to public use and travel, Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue consisting of 18,660± square feet, upon certain terms and conditions. (7th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a right-of-way area comprised of Anderson Street and an east-west alley that bisects Anderson Street located at the northwest corner of the intersection of Government Road and Glenwood Avenue, consisting of approximately 18,660 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-28893A, dated May 24, 2022, and entitled “Proposed Closing to Public Use & Travel of Anderson Street and an East/West Alley That Bisects Anderson St, Located at tthe [sic] Northwest Corner of the Intersection of Government Road and Glenwood Avenue,” 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 (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 of whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$83,970.00, less the value of any easements retained or dedicated in accordance with this ordinance, for the right-of-way area to be closed. The value of each easement retained or dedicated in accordance with this ordinance shall be calculated by multiplying the square footage of each such easement by 30 percent and then multiplying the product thereof by \$4.50. 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.

(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, and 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 submits and obtains approval by the Department of Public Works a plat of any and all easements to be retained by the City over the right-of-way areas being closed and submits and obtains approval by the Department of Public Works any and all other easements to be dedicated by the applicant to the City, which plat or plats shall identify the dimensions and location of each easement.

(h) The applicant dedicates or causes the dedication of the portions of the properties known as 3800 Government Road, 3800 Rear Government Road, 3901 Glenwood Avenue, and 3828 Glenwood Avenue and identified as Tax Parcel Nos. E000-1420-001, E000-1420-002, E000-1420-006, and E000-1420-008, respectively, in the 2022 records of the City Assessor, as shown approximately in hatched lines on the drawing entitled "3800 Government Road, 3800 Government Road, City of Richmond, VA, Sewer Easement Exhibit," prepared by Kine Vue LLC, dated February 17, 2021, and last revised May 20, 2022, hereinafter referred to as the "3800 Government Road Drawing," a copy of which is attached to and made a part of this ordinance, for a public utility easement or easements, which shall be more precisely shown on the plat to be prepared pursuant to section 2(g) of this ordinance. The dedication of the easement shall only be pursuant to a 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 over all areas within the alley to be closed as shown approximately in hatched lines on the 3800 Government Road Drawing, as shown in hatched lines on the drawing, the location and square footage of which shall be more precisely shown on the plat to be prepared pursuant to section 2(g) of this ordinance. The maximum total extent of the easements to be retained pursuant to this section and dedicated pursuant to section 2(h) of this ordinance consists of approximately 12,238 square feet. 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. Any vacation of the easement shall be only by deed approved as to form by the City Attorney.

§ 4. 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.

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