File #: ORD. 2024-132, **Version:** 1

To authorize RRG Properties, LLC, to encroach upon the public right-of-way with an outdoor dining area encroachment, and associated awnings, along the north line of East Broad Street and the east line of North 28th Street at the northeast corner of the intersection of East Broad Street and North 28th Street, upon certain terms and conditions. (7th District)

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That RRG Properties, LLC, referred to as "Licensee", is hereby authorized to encroach upon the public right-of-way with an outdoor dining area, and associated awnings, on the sidewalk adjacent to a restaurant enclosed by fencing, consisting of approximately 368 square feet of the public right-of-way, as shown on a plan prepared by the Department of Public Works, dated March 1, 2024, entitled "Proposed Encroachment onto a City Sidewalk within the Public Right of Way of an Outdoor Dining Area at 2800 E Broad Street," and designated as DPW Drawing No. N-29093, a copy of which is attached to this ordinance and incorporated herein.

§ 2. That the grant of authorization for the above-described encroachment shall be subject to the applicable general provisions set forth in sections 24-59 through 24-65 of the Code of the City of Richmond (2020), as amended.

§ 3. That the grant of authorization for the above-described encroachment shall also be subject to the following specific conditions:

(a) The Licensee shall bear all costs incident to the encroachment, including, without limitation realignment or replacement of street and sidewalk infrastructure, utilities, signs, right- of-way "monumentation," and maintenance of the encroachment, as directed by City agencies.

(b) Subject to the general requirements of section 24-62(a)(5), the Licensee shall furnish the City

evidence of an insurance contract providing either commercial general liability insurance coverage in an amount not less than $1,000,000 combined single limit or equivalent homeowner's or renter's insurance in an amount not less than $300,000 combined single limit, naming the City as an additional insured, which shall be maintained for the life of the encroachment.

(c) Subject to the general requirements of section 24-62(a)(7), the Licensee shall furnish the City a removal bond, which shall be maintained for the life of the encroachment, with corporate surety, an irrevocable letter of credit or other type of financial guarantee, payable to the City and approved by the City Attorney, in the amount of $ 5,000.

(d) Posts for the railing for the outdoor encroachment area shall not be encased in the sidewalk and must be attached to the sidewalk surface in a manner which would facilitate removal, if necessary, and must not prevent access to any Department of Public Utilities facilities.

(e) The outdoor dining encroachment area shall conform to the requirements of sections 24-225, 24-226, 24-227, 24-228, 24-229, and 24-230 of the Code of the City of Richmond (2020), as amended, concerning sidewalk cafés, except (i) that subsection (d) of section 24-227 of the Code of the City of Richmond (2020), as amended, shall not apply to the outdoor dining encroachment area, (ii) that subsection (b) of section 24-230 of the Code of the City of Richmond (2020), as amended, shall not apply to the outdoor dining encroachment area, and (iii) as otherwise provided by this ordinance. The Director of Public Works may approve changes to the appearance of the enclosure in accordance with the applicable policies and procedures of the Department of Public Works regarding encroachments.

(f) The Licensee must obtain written approval of the initial outdoor furnishings and any subsequent changes to the appearance of the enclosure or the outdoor furnishings from the Director of the Department of Public Works.

(g) The Licensee shall be subject to an annual Assessor area tax for the encroachment

area.

(h) The Licensee, or any successor or assignee thereof, shall bear all costs for repair, relocation or replacement of the encroachment in the event of damage or movement due to, but not limited to, vehicular travel; alterations "in" or "to" or failure of City utilities; or the City's and the public's use of the right-of-way.

(i) The Licensee shall secure all proper permits, and all work shall be performed in a manner satisfactory to the Director of Public Works and the Director of Planning and Development Review.

(j) The Licensee shall provide written notification to the City Assessor, the Director of Finance, and the Director of Public Works of the new owner's name and mailing address immediately upon transferring any ownership or encroachment rights to another party. However, the encroachment provided for in this ordinance shall not be effective as to any such new owner unless and until such new owner furnishes the insurance and bond forms required by section 3(b) and section 3(c) of this ordinance, respectively, and files a written statement in a form satisfactory to the City Attorney to the effect that such new owner agrees to be bound by and to comply with the terms and conditions upon which the encroachment authorization is granted.

(k) The Licensee shall cause any existing but unauthorized encroachments to be either authorized or removed.

§ 4. This ordinance shall be in force upon adoption and shall become effective only when, within 12 months of the date of adoption, the Licensee furnishes the required insurance and bond forms and files a written statement in a form satisfactory to the City Attorney to the effect that the Licensee agrees to be bound by and to comply with the terms and conditions upon which the encroachment authorization is granted. The Licensee shall be responsible for providing the Division of Permits and Inspections of the Department of Planning and Development Review, the Division of Right of Way Management of the

Department of Public Works, and the Office of the City Clerk with written evidence that all conditions of the ordinance have been satisfied within the time period established by this ordinance.

APPROVED AS TO FORM:

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CITY ATTORNEY'S OFFICE

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