

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, January 14, 2014
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: –

<u>Project/Phase</u>	<u>Contractor/Consultant</u>	<u>Budgeted Amount</u>	<u>Contract Amount</u>
Signal Replacement- Mayflower Dr. & Campbell Ave. Fort Ave. & Sandusky	Richardson – Wayland Electrical	\$117,875 \$108,508	\$226,383
James River Interceptor Division 3B	DLB, Inc.		\$5,960,000
Wards Road Pedestrian Trail Phase 2B	Concrete Foundations, Inc.	\$760,242	\$698,260

Update on priority projects – see attached report.

General Business

1. Vacate an Alley Between 401 Bay Street and 2517 Memorial Avenue Kevin Henry
2. Appropriation of Sale of Property at 2400 Lakeside Drive Lee Newland
3. Roll Call

**Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance
File**

Next Meeting: February 11, 2014

Lynchburg Capital Projects (General Fund)

January 14, 2014

Projects of Interest	Status		Notes
Timberlake / Logan's Lane Intersection	Design	July 2014	Preliminary Design - Public Meeting Held - Interchange Modification Report Submitted to VDOT
Wards Road Pedestrian X-ing 2B	Construction	May 2014	Trail Phase 2B - Project Notice to Award - Pre-Construction being Scheduled
Midtown Connector	Construction	March 2015	Under Construction - Fort / Park Avenue Open - Working on Langhorne
Greenview Drive Phase 2	R/W	August 2014	Project May be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded - Moving Towards R/W Acquisition
Kemper Street Bridge / Interchange	Design	March 2013	Bids Due January 17th.
Signal Improvements - Edgewood/Fort, University/Evans & Oak/Rivermont	Construction	December 2013	Project Closeout
Lower Bluffwalk Phase 2	Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection	R/W	April 2013	Utility Relocations Underway - Bid Project in February
Miller Center Renovations	Construction	August 2014	Construction Going Well.
Odd Fellows Road - P3	Advertising	February 2014	Proposal Being Considered By VDOT
Lakeside Drive Improvements @ L.C.	Design	September 2014	Negotiations with Consultant
Harvard Road Improvements at Tunnel	Construction	June 2014	Adding Turn Lanes and Utilities
Wards Road Bridge Repairs	Construction	October 2013	Road Open - Painting Underneath
Fifth Street Phase 2 Utilities w/ Streetscapes	Construction	November 2013	Pavement Striping Dependant on Weather

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 14, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Vacate an alley between 401 Bay Street and 2517 Memorial Avenue**

RECOMMENDATION: Vacate the alley.

SUMMARY: Mr. Tony West (Westward Investment Properties, LLC) is petitioning to vacate an alley between 401 Bay Street and 2517 Memorial Avenue. The alley is eighty (80) feet in length and ten (10) feet wide.

This alley vacation petition is in conjunction with a rezoning petition for B-3, Community Business District to B-5C, General Business District (Conditional) that has been submitted for a portion of the property at 2517 Memorial Avenue. Currently a parking garage encroaches into the alley by about four and a half (4.5) feet. If the rezoning petition and subsequent site plan are approved, the petitioner plans to construct a commercial building in the same location as the parking garage. The parking garage is planned to be demolished if the rezoning petition and subsequent site plan are approved. The alley vacation will allow the commercial building to be built in the same footprint as the garage.

The alley does not currently serve a function as it is unopened and all the adjoining properties have right of way access through other means.

The adjoining property owner at 401 Bay Street (Ms. Tammy K. Foutty) has not consented to the proposed vacation. The petitioner has tried a variety of methods in contacting the owner without success. Therefore, the petitioner sent a certified letter to the owner informing her of the proposed action, still with no response. This particular neighbor would obtain approximately less than two hundred (200) square feet of new property.

Although the adjoining property owner has not consented, there appears to be minimal impact with the proposed vacation.

PRIOR ACTION(S):

December 20, 2013: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Maps
- Copy of Site Plan (alley highlighted)
- Certified letter sent to neighbor

REVIEWED BY:

AN ORDINANCE VACATING RIGHT OF WAY BETWEEN 401 BAY STREET AND 2517 MEMORIAL AVENUE.

WHEREAS, Mr. Tony West (Westward Investment Properties, LLC) is petitioning to vacate right of way located between the properties of 401 Bay Street and 2517 Memorial Avenue, which extends eighty (80) feet; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The right of way located between 401 Bay Street and 2517 Memorial Avenue, which extends eighty (80) feet.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

APPLICATION FOR THE VACATION OF A

Alley
(Street/Alley)

LOCATED BETWEEN

on Judith Street between Alleghany Ave. & Bay St.

The undersigned applicant, Westward Investment Properties, LLC, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Alley described as follows:

Beginning at the southwest corner on Judith Street 115.85' northeast of the intersection of Alleghany Avenue and Judith Street at an iron rebar found; Thence N19°55'00"E 10.00' to a disturbed iron found; Thence S70°05'00"E 80.00' to a corner; Thence S19°55'00"W 10.00' to a rail road spike set; Thence N70°05'00"W 80.00' to the point of beginning.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on Feb.11, 2014, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described Alley.

Given under my hand this 10th day of Dec , 2013.


Westward Investment Properties, LLC
Applicant

2600 Memorial Avenue, Lynchburg, Va. 24501
Address

434-401-4962
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE
VACATION OF THE ABOVE DESCRIBED PROPERTY:

Signed before me this 10th day of December, 2013

City of Lynchburg
Commonwealth of Virginia

Dale H. Kubit

Notary

My commission expires 10-31-2016

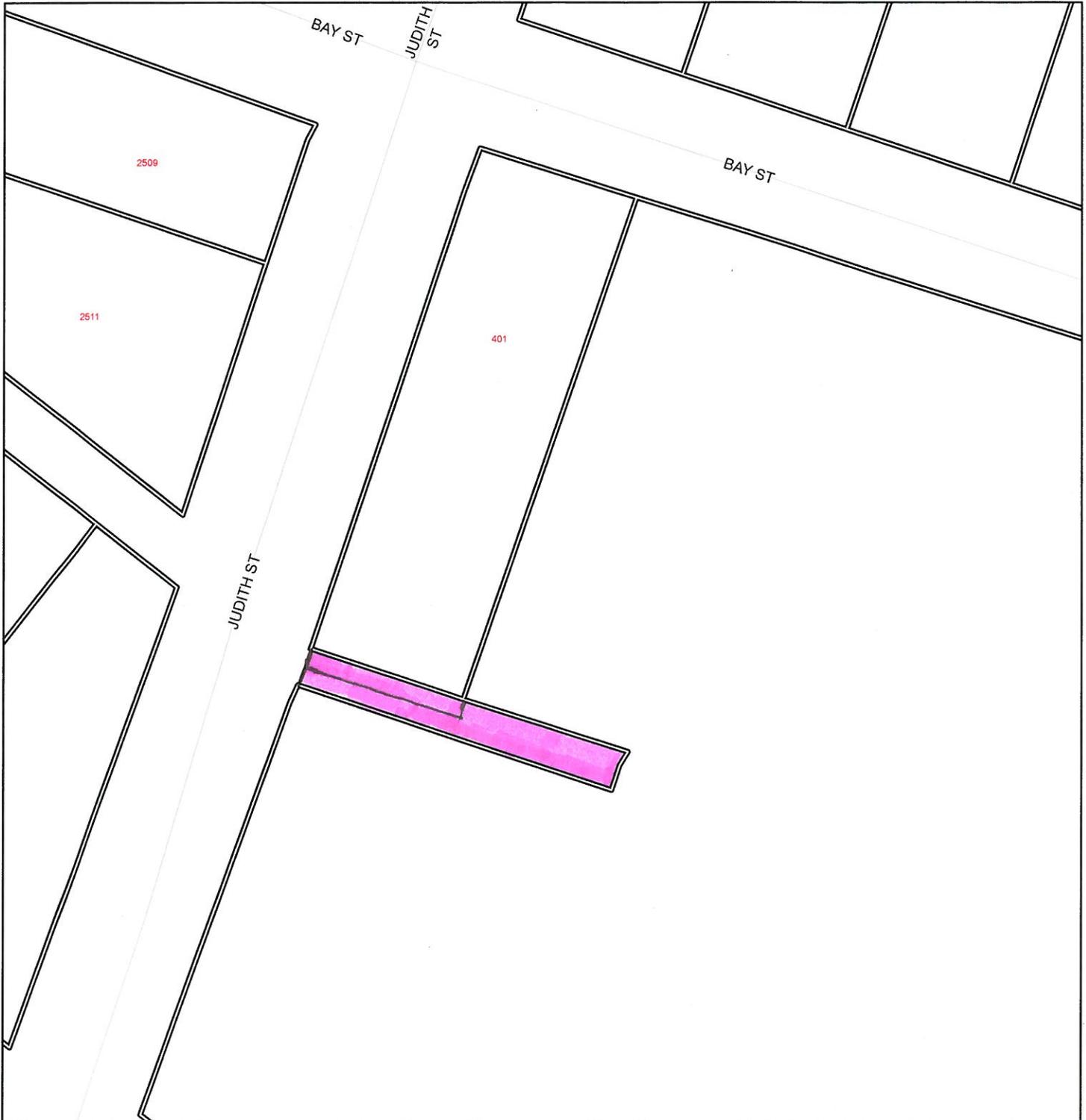
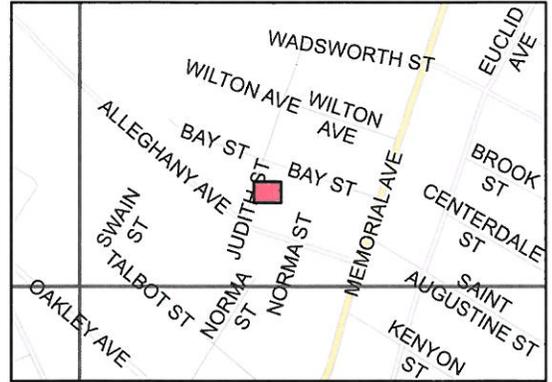
Notary 205092

2517 Memorial Avenue & 401 Bay Street

Right-of-Way Vacation



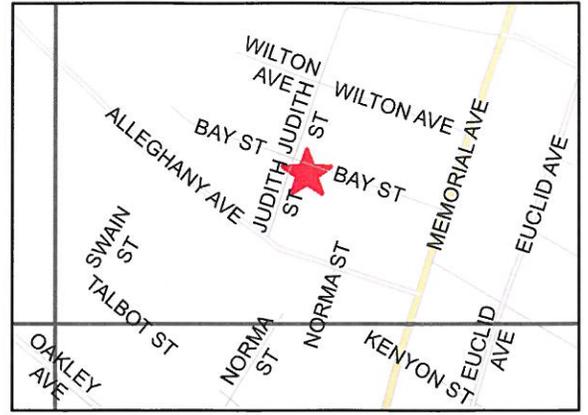
Area to be vacated



2517 Memorial Avenue & 401 Bay Street

Right-of-Way Vacation

★ Location





VICINITY MAP

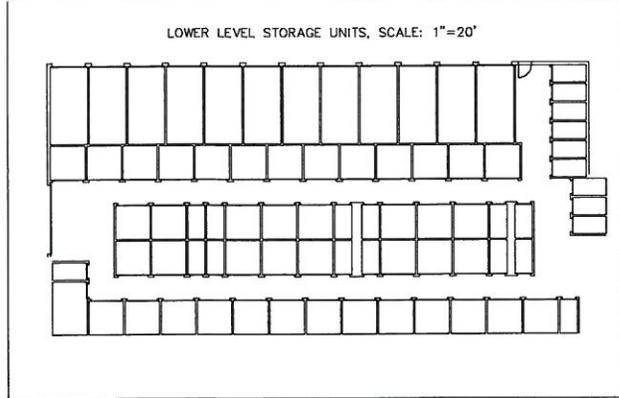
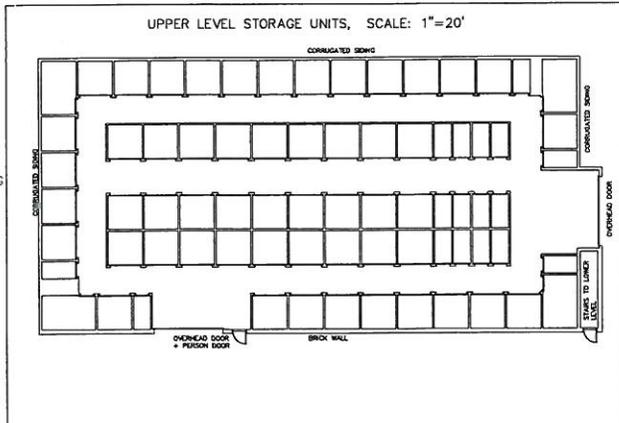
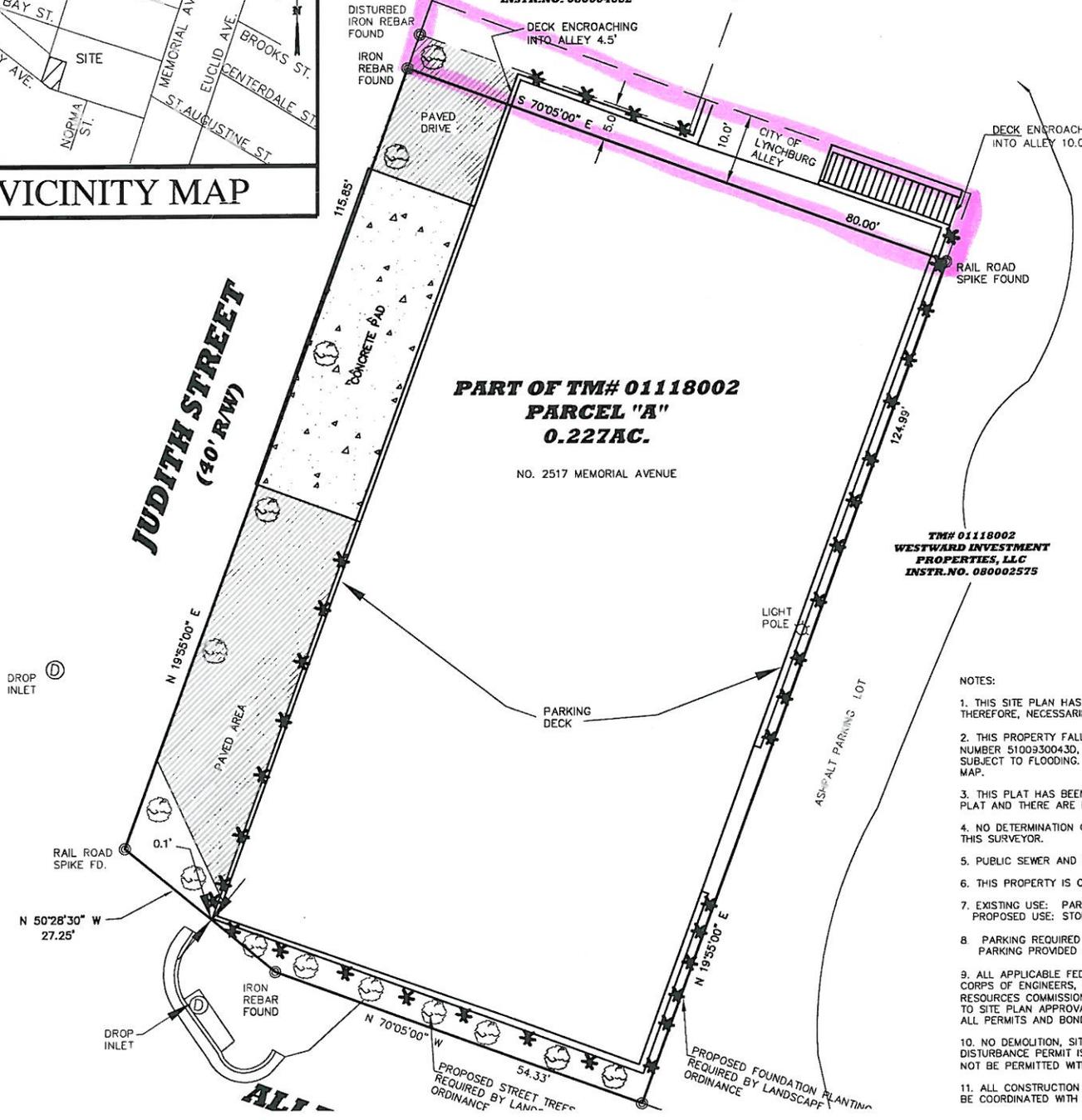
**JUDITH STREET
(40' RW)**

TM# 01118001
TAMMY E. FOUTTY
INSTR. NO. 080004682

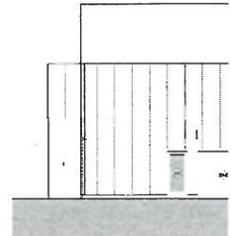
**PART OF TM# 01118002
PARCEL "A"
0.227AC.**

NO. 2517 MEMORIAL AVENUE

TM# 01118002
WESTWARD INVESTMENT
PROPERTIES, LLC
INSTR. NO. 080002575



- NOTES:
1. THIS SITE PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
 2. THIS PROPERTY FALLS WITH IN ZONE "X" AS SCALED FROM FROM THE F.E.M.A. MAP PANEL NUMBER 5100930043D, DATED 06/03/08, WHICH DOES NOT INDICATE THAT THIS PROPERTY IS SUBJECT TO FLOODING. THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF THE F.E.M.A. MAP.
 3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
 4. NO DETERMINATION OF WETLANDS HAVE BEEN MADE BY NIXON LAND SURVEYING, LLC OR THIS SURVEYOR.
 5. PUBLIC SEWER AND PUBLIC WATER ARE AVAILABLE TO THIS PROPERTY.
 6. THIS PROPERTY IS CURRENTLY ZONED B-3 THE PROPOSED ZONE CHANGE IS TO ZONE B-5.
 7. EXISTING USE: PARKING DECK
PROPOSED USE: STORAGE BUILDINGS
 8. PARKING REQUIRED = 1 SPACE/3 EMPLOYEES • 6 EMPLOYEES = 2 SPACES REQUIRED
PARKING PROVIDED = 6 SPACES PROPOSED
 9. ALL APPLICABLE FEDERAL/STATE PERMITS (INCLUDING THOSE ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, VIRGINIA DEPARTMENT OF ENVIRONMENTAL AND VIRGINIA MARINE RESOURCES COMMISSION) FOR WORK IN STREAMS AND WETLANDS MUST BE SECURED PRIOR TO SITE PLAN APPROVAL FOR THE PROJECT. CONTRACTOR RESPONSIBLE FOR OBTAINING ALL PERMITS AND BONDS AS DEEMED NECESSARY BY THE LOCAL AUTHORITY.
 10. NO DEMOLITION, SITE WORK, OR GRADING IS PERMITTED PRIOR TO ISSUANCE OF A LAND DISTURBANCE PERMIT ISSUED BY THE CITY INSPECTIONS OFFICE. BURNING OF DEBRIS WILL NOT BE PERMITTED WITHOUT PRIOR APPROVAL FROM THE FIRE MARSHALL'S OFFICE.
 11. ALL CONSTRUCTION STAGING, LOADING, TEMPORARY PARKING, AND LAYDOWN AREAS SHALL BE COORDINATED WITH THE OWNER PRIOR TO ANY CONSTRUCTION OR DEMOLITION ACTIVITIES.



WESTWARD INVESTMENT PROPERTIES, LLC

2600 Memorial Avenue, Ste. LL1, Lynchburg, Virginia 24501-2658 * 434-845-3111

December 30, 2013

Tammy Foutty

401 Bay Street

Lynchburg, Virginia 24501

Dear Ms. Foutty:

I am working with the City of Lynchburg to obtain vacation of the alley per our previous conversation. If you have any questions concerning this action, please contact Kevin T. Henry at the City of Lynchburg, 434-455-3915.

Thank you.

Sincerely,

WESTWARD INVESTMENT PROPERTIES, LLC

Tony D. West, Owner

Sent via certified mail no. 7011 1570 0003 4486 5729

INSPECTIONS DIV
JAN 06 2014
RECEIVED

7011 1570 0003 4486 5729

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 10.46	0340
Certified Fee	\$ 3.10	05
Return Receipt Fee (Endorsement Required)	\$ 2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 6.11	12/30/2013

Sent To: *Tammy Foutty*
Street, Apt. No.; or PO Box No.: *401 Bay St*
City, State, ZIP+4: *Lynchburg Va 24501*

PS Form 3800, August 2006 See Reverse for Instructions

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 14, 2014, PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appropriation of Proceeds from the Sale of Property for Highway Projects**

RECOMMENDATION: Forward to full council recommendation to adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate \$131,575 with resources from the sale of property at 2400 Lakeside Drive to design improvements to transportation infrastructure in the Whitehall Road/Lakeside Drive/Old Forest Road area.

SUMMARY: In 2009 the Virginia Department of Transportation (VDOT) transferred land from excess right of way at the intersection of Old Forest Road and Lakeside Drive to the City. The City combined this land in 2013 and the site was purchased by a developer with plans to build a shopping center, which included "The Fresh Market" specialty grocer. To accommodate the additional traffic and to improve the traffic flows in the area, the City partnered with the developer to improve Whitehall Road and coordinate the signals. These improvements created an additional site between Whitehall Road, Lakeside Drive and the new road constructed by the developer. The Developer, S.J. Collins, asked to purchase the new parcel and City Council approved the sale on September 10, 2013.

Proceeds received from the sale of property originally acquired through State transportation funds must be used on transportation projects. The project to design improvements to traffic flow on Lakeside Drive has an estimated cost of \$150,000 and meets the requirements for use of these funds. The design will determine if additional property can be sold and not impact the construction of the one-way pairs as Council approve on July 11, 2006. The remaining design funds will come from the Whitehall Road Improvements.

PRIOR ACTION(S):

City Council, November 13, 2012, February 12, 2013, September 10, 2013

FISCAL IMPACT: Proceeds of \$131,575 from the property sale will assist with the design of the proposed improvements on Lakeside Drive.

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Resolution

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED that the FY 2014 City Capital Projects Fund budget is amended and \$131,575 is appropriated with resources from the sale of property at 2400 Lakeside Drive to design improvements to transportation infrastructure.

Introduced:

Adopted:

Certified: _____
Clerk of Council