

## AN ORDINANCE No. 87-124-130

ADOPTED JUN 22 1987

To close to public use and travel Ilex Avenue extending westerly from the west right of way line of Bashford Lane a distance of 140 feet, more or less, as shown shaded on a plan prepared by the Department of Public Works, Drawing No. M-21662, dated April 2, 1987, entitled: "Closing of a Portion of Ilex Ave., West of Bashford La. (Scottdale Subdivision)", upon certain terms and conditions.

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Patron - City Manager (By Request)

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Approved as to form and legality  
by City Attorney

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## THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the portion of Ilex Avenue extending westerly from the west right of way line of Bashford Lane a distance of 140 feet, more or less, as shown shaded on a plan prepared by the Department of Public Works, Drawing No. M-21662, dated April 2, 1987, entitled: "Closing of a Portion of Ilex Ave., West of Bashford La. (Scottdale Subdivision)", which plan is on file in the Department of Public Works and a copy of which is attached to the draft of this ordinance, be and is hereby closed to public use and travel and abandoned as a portion of a public street of the City of Richmond, said portion of said street being no longer needed for the public convenience.

§ 2. This ordinance shall be in force as provided in Section 4.09 of the Charter of the City of Richmond and shall become effective when, within twelve months from the

day this ordinance is in force, (a) the owners of all the property abutting the street a portion of which is to be closed by this ordinance becoming effective consent thereto in writing which shall be filed in the office of the City Clerk; (b) Richmond Development, Inc., or any successor in interest, shall make arrangements satisfactory to public utility or public service corporations including the Department of Public Utilities of the City of Richmond or private utility companies whose properties or facilities are in said portion of the street to be closed for either 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) Richmond Development, Inc., or successor, bears all cost involved and agrees in writing with the City that for said entity, successors and assigns, it will indemnify, reimburse, keep and hold the City of Richmond free and harmless from liability on account of injury or damage to persons, firms or corporations or property which may result directly or indirectly from the closing of the portion of the street to public use and travel by this ordinance and the obstruction or interference with the flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; in the event that any suit

or proceeding is brought against the City at law or in equity, either independently or jointly with the owners of all the property abutting the portion of said street, or any of them, on account thereof, it will defend the City in any such suit or proceeding at its costs and in the event of a final judgment or decree being obtained against the City, it will pay such judgment or comply with such decree, including payment of all costs and expenses of whatsoever nature and hold the City and said owners harmless therefrom; and (d) Richmond Development, Inc., pays the cost of preparing this ordinance, advertising same and for other services performed or provided by the City of Richmond.

The consents herein required to be executed on behalf of the owners of the real estate abutting the street a portion of which is to be closed to public use and travel by this ordinance becoming effective shall be in form satisfactory to the City Attorney. Richmond Development, Inc., shall be responsible for satisfying all terms and conditions imposed and requisite for this ordinance becoming effective.

§ 3. At such time as this ordinance becomes effective the City shall have no further right, title and interest in said street, except insofar as City utilities, if any, are continued in operation for the benefit of persons served by same.

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804 • 780-4347

June 2, 1987

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of June 1, 1987, the City Planning Commission voted (5-0) to  
recommend APPROVAL of:

Ordinance No. 87-124

**To close to public use and travel Ilex Avenue extending  
westerly from the west right of way line of Bashford Lane a  
distance of 140 feet, \*\*\* upon certain terms and conditions.**

This paper would close to public use and travel an unimproved street known as Ilex Avenue, located in Scottsdale Subdivision south of Terminal Avenue near the Seaboard Coastline Railroad. The right-of-way in question is 50 feet in width and extends 125 feet westwardly from Bashford Lane to a dead end. It is one of two "stub" streets dedicated in the 1930's for future access to an adjacent 16-acre tract of vacant land. Last September, the Commission approved a tentative subdivision plat ("Cullenwood") for the tract. The subdivision plat provides that Ilex Avenue be vacated and that Vale Street, the other unimproved right-of-way serving the tract, be improved to provide access to the new subdivision. In accordance with the condition of the approved subdivision, the developer has requested the vacation of Ilex Avenue. There are no utilities in the right-of-way. The closing would eliminate a City maintenance responsibility for a street which is not needed for circulation or access, and would permit more efficient utilization of the adjacent vacant land. No opposition to the closing has been expressed.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'J. P. Weersing', is written over a large, light-colored circular mark or stamp.

Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. V. Earl Dickinson, Jr. - Applicant  
Director - Department of Public Works

**ORDINANCE OR RESOLUTION SUMMARY**  
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>87-124</u> .....  Requested by <u>City Manager, By Request</u> .....  Received City Manager's Office <u>---</u> .....  Summarized <u>June 15, 1987</u> .....	Subject To close Ilex Avenue
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**SUMMARY**

This Ordinance would close to public use and travel on unimproved street known as Ilex Avenue, located in the Scottsdale Subdivision south of Terminal Avenue near the Seaboard Coastline Railroad.

There are no utilities in the right-of-way. The closing would eliminate a City maintenance responsibility for a street which is not needed for circulation or access, and would permit more efficient utilization of the adjacent land.

Planning Commission granted approval 5-0 on June 1, 1987.

**COUNCIL ACTION**

	On Docket <u>6/8/87, 6/22/87</u> ..... Amended ..... Adopted ..... Rejected .....
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