

AN ORDINANCE No. 85-250- 267

(As Amended)

To close to public use and travel portions of a north-south alley, 40 feet in width (reduce the width of said alley to 16 feet, by closing to public use and travel the easterly 12 feet and the westerly 12 feet), that parallels Robinson Street and Davis Avenue, connecting two 15-foot wide east-west alleys, in the block bounded by Main Street, Davis Avenue, Cary Street and Robinson Street, shown shaded on Department of Public Works Drawing No. N-21390-A, entitled: "Proposed Closing of Portions of a 40' Alley [~~+~~Court] in Block Bounded by Main St., Davis Ave., Cary St. and Robinson St.", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That portions of a north-south alley 40 feet in
3. width (reduce the width of said alley to 16 feet, by
4. closing to public use and travel the easterly 12 feet and
5. the westerly 12 feet), that parallels Robinson Street and
6. Davis Avenue extending southerly from the south right of way
7. line of a 15 foot wide east-west alley a distance of 80 feet
8. to the north right of way line of another 15-foot east-west
9. alley which said alleys parallel Main Street and Cary
10. Street, in the block bounded by Main Street, Davis Avenue,
11. Cary Street and Robinson Street, shown shaded on plan

1. prepared by the Department of Public Works, Drawing No.
2. N-21390-A, entitled: "Proposed Closing of Portions of a 40'
3. Alley [~~court~~] in block bounded by Main St., Davis Ave.,
4. Cary St. and Robinson St.", dated [~~July-25, 1985~~] October
5. 9, 1985, which plan is on file in the office of the
6. Department of Public Works and a copy of which is attached
7. to the draft of this ordinance, be and is hereby closed to
8. public use and travel and abandoned as portions of a public
9. alley [~~court~~] of the City of Richmond, [~~it~~] being no
10. longer needed for the public convenience.

11. § 2. This ordinance shall be in force as provided in
12. Section 4.09 of the Charter of the City of Richmond and
13. shall become effective when, within twelve months from the
14. day this ordinance is in force (a) the owner or owners of
15. all the property abutting the aforesaid portions of the
16. alley (to be closed pursuant to the provisions of this
17. ordinance), consent thereto in writing, which consent shall
18. be filed in the office of the City Clerk; (b) Hugh G.
19. Edmunds, Jr., and Malcolm Hines make arrangements satisfac-
20. tory to public utility or public service corporations,
21. including the Department of Public Utilities of the City of
22. Richmond or private utility companies whose properties or
23. facilities are in said portions of the alley for either the
24. removal, relocation or abandonment thereof or for the

1. construction, reconstruction, maintenance and repair
2. thereof; (c) Hugh G. Edmunds, Jr., and Malcolm Hines bear
3. all cost involved and agree in writing with the City that
4. for themselves, their successors and assigns, they shall
5. indemnify, reimburse, keep and hold the City of Richmond
6. free and harmless from liability on account of injury or
7. damage to persons, firms or corporations or property which
8. may result directly or indirectly from the closing of the
9. portions of the alley to public use and travel by this
10. ordinance and the obstruction or interference with the flow
11. or overflow of surface or subsurface water resulting
12. directly or indirectly therefrom; and in the event any suit
13. or proceeding is brought against the City at law or in
14. equity, either independently or jointly with the owner or
15. owners of all the property abutting the aforesaid portions
16. of the alley, on account thereof, to defend the City in any
17. such suit or proceeding at their costs; and in the event of
18. a final judgment or decree being obtained against the City,
19. either independently or jointly with the owner or owners of
20. all of the property abutting the aforesaid portions of the
21. alley to be closed to public use and travel, to pay such
22. judgment or comply with such decree including payment of
23. all costs and expenses of whatsoever nature and hold the
24. City and said owners harmless therefrom; (d) Hugh G.
25. Edmunds, Jr., and Malcolm Hines shall at their expense

1. improve in a manner satisfactory to the Director of Public
2. Works the 16-foot wide portion of the alley to be opened for
3. public use and travel; and (e) Hugh G. Edmunds and Malcolm
4. Hines shall at their expense remove so much of the cinder
5. block wall as shall be requisite to enable public use and
6. travel of the 16-foot wide alley to be opened as a
7. consequence of this ordinance becoming in force and
8. effective and shall at their expense remove the 40-foot
9. trailer from the said alley to be opened to the public.

10. The consent herein required to be executed on behalf of
11. the owners of the real estate abutting the portions of the
12. alley to be closed to public use and travel shall be in form
13. satisfactory to the City Attorney. Hugh G. Edmunds, Jr.,
14. and Malcolm Hines shall be responsible for satisfying all
15. terms and conditions imposed and requisite for this
16. ordinance becoming effective.

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AN ORDINANCE No 85-250

To close to public use and travel a north-south alley, 40 feet in width, that parallels Robinson Street and Davis Avenue, connecting two 15-foot wide east-west alleys, in the block bounded by Main Street, Davis Avenue, Cary Street and Robinson Street, shown shaded on Department of Public Works Drawing No. N-21390, entitled: "Proposed Closing of a 40' Alley (Court) in Block Bounded by Main St., Davis Ave., Cary St. and Robinson St.", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That a north-south alley 40 feet in width, that
3. parallels Robinson Street and Davis Avenue extending
4. southerly from the south right of way line of a 15 foot wide
5. east-west alley a distance of 80 feet to the north right of
6. way line of another 15-foot east-west alley which said
7. alleys parallel Main Street and Cary Street, in the block
8. bounded by Main Street, Davis Avenue, Cary Street and
9. Robinson Street, shown shaded on plan prepared by the
10. Department of Public Works, Drawing No. N-21390, entitled:
11. "Proposed Closing of a 40' Alley (Court) in block bounded by
12. Main St., Davis Ave., Cary St. and Robinson St.", dated July
13. 25, 1985, which plan is on file in the office of the

1. Department of Public Works and a copy of which is attached
2. to the draft of this ordinance, be and is hereby closed to
3. public use and travel and abandoned as a public alley
4. (court) of the City of Richmond, it being no longer needed
5. for the public convenience.

6. §.2. This ordinance shall be in force as provided in
7. Section 4.09 of the Charter of the City of Richmond and
8. shall become effective when, within twelve months from the
9. day this ordinance is in force (a) the owner or owners of
10. all the property abutting the aforesaid alley (to be closed
11. pursuant to the provisions of this ordinance), consent
12. thereto in writing, which consent shall be filed in the
13. office of the City Clerk; (b) Hugh G. Edmunds, Jr., and
14. Malcolm Hines make arrangements satisfactory to public
15. utility or public service corporations, including the
16. Department of Public Utilities of the City of Richmond or
17. private utility companies whose properties or facilities are
18. in said alley for either the removal, relocation or
19. abandonment thereof or for the construction, reconstruction,
20. maintenance and repair thereof; (c) Hugh G. Edmunds, Jr.,
21. and Malcolm Hines bear all cost involved and agree in
22. writing with the City that for themselves, their successors
23. and assigns, they shall indemnify, reimburse, keep and hold
24. the City of Richmond free and harmless from liability on

1. account of injury or damage to persons, firms or corpora-
2. tions or property which may result directly or indirectly
3. from the closing of the alley to public use and travel by
4. this ordinance and the obstruction or interference with the
5. flow or overflow of surface or subsurface water resulting
6. directly or indirectly therefrom; and in the event any suit
7. or proceeding is brought against the City at law or in
8. equity, either independently or jointly with the owner or
9. owners of all the property abutting the aforesaid alley, on
10. account thereof, to defend the City in any such suit or
11. proceeding at their costs; and in the event of a final
12. judgment or decree being obtained against the City, either
13. independently or jointly with the owner or owners of all of
14. the property abutting the aforesaid alley to be closed to
15. public use and travel, to pay such judgment or comply with
16. such decree including payment of all costs and expenses of
17. whatsoever nature and hold the City and said owners harmless
18. therefrom.

19. The consent herein required to be executed on behalf of
20. the owners of the real estate abutting the alley to be
21. closed to public use and travel shall be in form satisfac-
22. tory to the City Attorney. Hugh G. Edmunds, Jr., and
23. Malcolm Hines shall be responsible for satisfying all terms
24. and conditions imposed and requisite for this ordinance
25. becoming effective.

City of Richmond
City Planning Commission



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

November 19, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of November 18, 1985, the City Planning Commission voted (9-0) to recommend APPROVAL of:

Ordinance No. 85-250 (as amended)

To close to public use and travel a north-south alley, ~~that~~ parallels Robinson Street and Davis Avenue, connecting two 15-foot wide east-west alleys, in the block bounded by Main Street, Davis Avenue, Cary Street and Robinson Street, shown shaded, ~~Drawing No. N-21390,~~ upon certain terms and conditions.

This ordinance would close portions of an unimproved north-south alley in the block bounded by Main, Cary and Robinson Streets and Davis Avenue. The alley is forty feet in width and eighty feet in length and connects two improved east-west alleys. The alley is blocked on the south by a masonry wall. It is overgrown and has been used informally for private parking and storage. This paper would close twelve-foot wide portions on each side of the current right-of-way. A sixteen-foot wide public alley would be retained in the center, and would be improved to City standards at the expense of the owners of the properties on each side. The portions to be closed would revert to those owners. One of the owners intends to utilize the vacated area in conjunction with adjacent land for purposes of parking. The owner on the other side intends to use the area to provide access and dumpster facilities for an adjacent warehouse building.

Initially, the two abutting owners had requested that the entire alley be vacated. However, there was opposition to the closing on the part of several other property owners in the block. The Planning and Public Works Departments studied the issue further and recommended this partial closing as a compromise. The petitioners accepted the compromise, but a number of the other owners expressed opposition. The Commission heard from all parties at its October 7 meeting. After lengthy discussion, the Commission recommended to City Council that the paper be amended to reflect the proposed compromise. The current form of the paper carries out that recommendation.

The Commission recommends approval of the amended paper and feels the partial closing, with improvement of the sixteen-foot portion in the

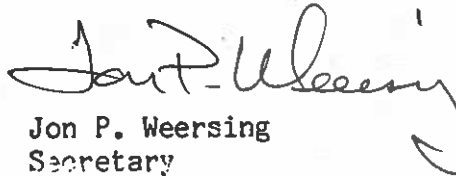
The Honorable Council
Ordinance No. 85-250(as amended)

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November 19, 1985

center, would result in improved circulation and maneuvering in the area, would result in more efficient use of abutting properties, and would not adversely affect other properties in the block. No opposition was expressed at the Commission's November 18 meeting.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Malcolm Hines - Petitioner
Director - Department of Public Works

City of Richmond
City Planning Commission



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

October 8, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 7, 1985, the City Planning Commission voted
(7-0-1 abstention) to recommend AMENDMENT of:

Ordinance No. 85-250

To close to public use and travel a north-south alley, 40 feet in width, that parallels Robinson Street and Davis Avenue, connecting two 15-foot wide east-west alleys, in the block bounded by Main Street, Davis Avenue, Cary Street and Robinson Street, shown shaded, ***Drawing No. N-21390,*** upon certain terms and conditions.

This ordinance would close to public use and travel an unimproved north-south alley in the block bounded by Main, Cary and Robinson Streets and Davis Avenue. The alley in question is forty feet in width and eighty feet in length and connects two improved east-west alleys. The alley area is blocked on the south by a masonry wall. It is overgrown and has been used informally for private parking and storage. The owners of the two properties on either side of the alley have requested the closing in order to improve the area for private use.

This paper was continued from the last meeting. Seven property owners in the block informed the Commission of objections to the closing, suggesting that the alley was needed for maneuvering onto property to the north, and that its use for private purposes would adversely effect drainage and increase congestion in the adjacent alleys. The staff requested a continuance to attempt to arrive at a compromise solution.

Planning and Public Works staff have looked into the matter further and have recommended a partial alley closing. This would involve the City retaining the centermost sixteen feet as a public alleyway, and vacating the remainder. Each of the two abutting owners would be entitled to twelve feet, which should be sufficient to accomplish their desires. The center portion would be improved (at their expense) and would provide improved circulation, access and maneuvering space. D.P.W. has determined that drainage is not a problem. D.P.W. has indicated it does not feel that improvement and opening of the full 40-foot alley width is necessary, and would not intend to do so if the entire alley remains public.

The petitioners have agreed to the proposed compromise as have three other owners in the block. Three owners of properties in the block appeared at the Commission meeting and opposed the compromise. The Commission feels

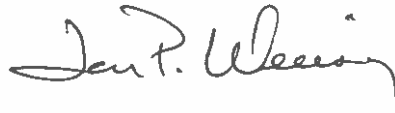
The Honorable Council
Ordinance No. 85-250

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October 8, 1985

the compromise is appropriate and in the best interest of the City. Amendment of the paper is, therefore, recommended. It is expected that the amendment will be prepared for introduction at City Council's October 14 meeting.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Holt W. Edmunds - Petitioner
Director - Department of Public Works

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

| | |
|---|--------------------|
| Resolution Ordinance No. 85-250 | Subject |
| Requested by City Manager | To Close an Alley. |
| Received City Manager's Office -- | |
| Summarized 11/15/85 | |

SUMMARY

This Ordinance would close to public use and travel an alley shown "shaded" and noted on a plan prepared by the Department of Public Works, designated DFW Drawing No. N-21390, entitled "Proposed Closing of Portions of a 40' Alley in Block Bounded by Main St., Davis Ave., Cary St. and Robinson St."

This was requested in a letter of request dated 7/12/85 and signed by Hugh G. Edmunds, Jr. and Malcolm Hines. The applicants are the abutting owners of subject alley. Applicants state that there has been no human or vehicular traffic through this alley due to a cinder block wall which was constructed at the southern end of subject alley approximately 20 years ago by the previous owners.

The estimated revenue is 1,920+ sq. ft. added to taxable property.

The Department of Public Works offer no objections to the proposed closing subject to the usual terms and conditions to include:

1. All cost incident to the closing to be borne by the applicants.
2. The rights of any public and/or private utilities who may have facilities in subject alley be protected.
3. A twelve-month expiration clause be included.
4. The applicants be responsible for surface overflow in the areas to be closed.
5. All abutting owners must consent in writing to the closing.
6. The existing cinder block wall and 40' trailer to be removed from the 16' alley to be retained.

COUNCIL ACTION

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| On Docket 11/25/85 |
| Amended |
| Adopted |
| Rejected |

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

| | |
|---|-----------------------------------|
| Resolution Ordinance No. 85-250 Requested by City Manager Received City Manager's Office Summarized 9/17/85 | Subject To Close an Alley. |
|---|-----------------------------------|

SUMMARY

This Ordinance would close to public use and travel and give up all right, title and interest that the city may have in an alley (Court) shown "shaded" and noted on a plan prepared by the Department of Public Works designated, DPW Drawing No. N-21390 entitled, "Proposed Closing of a 40' Alley (Court) in Block Bounded by Main Street, Davis Avenue, Cary Street, and Robinson Street".

Letter of request dated 7/12/85 and signed by Hugh G. Edmunds, Jr. and Malcolm Hines. The applicants are the abutting owners of subject alley and desire this closing to consolidate the properties. Applicant states that there has been no human or vehicular traffic through this alley due to a cinder block wall which was constructed at the southern end of subject alley approximately 20 years ago by the previous owners.

The estimated revenue is 3,200+ sq. ft. added to taxable property.

The Department of Public Works offers no objections to the proposed closing subject to the usual terms and conditions to include:

1. All cost incident to the closing to be borne by the applicant.
2. The rights of any public and/or private utilities who may have facilities in subject alley be protected.
3. A twelve-month expiration clause be included.
4. The applicant be responsible for surface overflow in the area to be closed.
5. All abutting owners must consent in writing to this closing.

COUNCIL ACTION

| | |
|--|--------------------------------|
| | On Docket 10/28/85 |
| | Amended |
| | Adopted |
| | Rejected |