

AN ORDINANCE No 85-235-222

ADOPTED SEP 9 1985

To close to public use and travel Trenton Avenue and Kenilworth Avenue and portions of Calverton Street, Berclair Avenue and Glasgow Street, in an area bounded on the north by Dale Avenue, on the east by the right of way line of the Seaboard Coast Line Railroad, on the south by the south right of way line of Calverton Street (to be closed) and on the west by Jefferson Davis Highway, said streets and portions of streets to be closed shown shaded on Department of Public Works Drawing No. O-21391, entitled: "Proposed Street Closings in the area bounded by Calverton St., Dale Ave., Jefferson Davis Hgwy. and the S.C.L. Railroad", 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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1. THE CITY OF RICHMOND HEREBY ORDAINS:
2.           § 1. That Trenton Avenue and Kenilworth Avenue and
3. portions of Calverton Street, Berclair Avenue and Glasgow
4. Street, in an area bounded on the north by Dale Avenue, on
5. the east by the right of way line of the Seaboard Coast Line
6. Railroad, on the south by the south right of way line of
7. Calverton Street (to be closed) and on the west by Jefferson
8. Davis Highway, said streets and portions of streets to be
9. closed shown shaded on Department of Public Works Drawing
10. No. O-21391, entitled: "Proposed Street Closings in the area
11. bounded by Calverton St., Dale Ave., Jefferson Davis Hgwy.
12. and the S.C.L. Railroad", dated July 25, 1985, which plan

1. is on file in the office of the Department of Public Works  
2. and a copy of which is attached to the draft of this  
3. ordinance, be and are hereby closed to public use and travel  
4. and abandoned as public streets and portions of public  
5. streets of the City of Richmond, such streets and portions  
6. of said streets being no longer needed for the public  
7. convenience.

8.           § 2. This ordinance shall be in force as provided in  
9. Section 4.09 of the Charter of the City of Richmond and  
10. shall become effective when, within twelve months from the  
11. day this ordinance is in force, (a) the owner or owners of  
12. all the property abutting the aforesaid streets and portions  
13. of the streets (to be closed) consent thereto in writing  
14. which consent or consents shall be filed in the office of  
15. the City Clerk; (b) 360 Associates or George G. Burkhardt  
16. Estate, or an agent of either, makes arrangements satisfac-  
17. tory to public utility or public service corporations and  
18. municipally owned utilities whose properties or facilities  
19. are in said streets and portions of said streets for either  
20. the removal, relocation or abandonment thereof or for the  
21. construction, reconstruction, maintenance and repair  
22. thereof, evidence of which shall be in writing and filed in  
23. the office of the City Clerk; (c) 360 Associates or George  
24. G. Burkhardt Estate, or an agent of either, bears all

1. costs involved and agrees in writing with the City that  
2. for such parties, successors and assigns, to indemnify,  
3. reimburse, keep and hold the City of Richmond free and  
4. harmless from liability on account of injury or damage to  
5. persons, firms or corporations or property which may result  
6. directly or indirectly from the closing of the streets and  
7. portions of streets to public use and travel by this  
8. ordinance and the obstruction or interference with the flow  
9. or overflow of surface or subsurface water resulting  
10. directly or indirectly therefrom; and in the event that any  
11. suit or proceeding is brought against the City at law or in  
12. equity, either independently or jointly with the owner or  
13. owners of all the property abutting the aforesaid streets or  
14. any of them, on account thereof, to defend the City in any  
15. such suit or proceeding at its costs; and in the event of a  
16. final judgment or decree being obtained against the City,  
17. either independently or jointly with the owner or owners of  
18. all of the property abutting the aforesaid streets and  
19. portions of said streets to be closed to public use and  
20. travel, or any of them, to pay such judgment or comply with  
21. such decree including payment of all costs and expenses of  
22. whatsoever nature and hold the City and said owners harmless  
23. therefrom; (d) 360 Associates or George G. Burkhardt Estate  
24. or successor grants to the City in a form satisfactory to

1. the City Attorney a 16-foot utility, sewer and house  
2. connection easement in the various streets (or portions  
3. thereof) to be closed as shown "shaded and hatched" on the  
4. above-identified Drawing No. O-21391 or makes satisfactory  
5. arrangement with Departments of Public Works and Public  
6. Utilities to abandon, remove and/or relocate all necessary  
7. utilities; (e) 360 Associates or George G. Burkhardt Estate  
8. or successor pays all cost for the construction of curb,  
9. gutter, and sidewalks across the closed portions of the  
10. street entrances unless waived by the Director of Public  
11. Works; and (f) 360 Associates or George G. Burkhardt Estate  
12. or successor pays to the Department of Public Utilities of  
13. the City the expense of removal of its street lighting  
14. facilities in the area of the streets to be closed and for  
15. killing the gas and water service in Glasgow Street and  
16. Calverton Street and to relocate two fire hydrants at an  
17. estimated cost of \$7,000 for the gas and water and \$500 for  
18. the street lighting.

19. The consent or consents herein required to be  
20. executed on behalf of the owners of the real estate abutting  
21. the streets and portions of the streets to be closed to  
22. public use and travel shall be in form satisfactory to the  
23. City Attorney and filed in the office of the City Clerk.  
24. 360 Associates or George G. Burkhardt Estate shall have the

1. sole responsibility for complying with the terms and  
2. conditions herein set out requisite for such ordinance  
3. becoming effective.

4. § 3. At such time as the several conditions set  
5. out in § 2 of this ordinance, supra, for the closing of  
6. streets and portions of streets have been met and satis-  
7. fied, Trenton Avenue and Kenilworth Avenue and portions of  
8. Calverton Street, Berclair Avenue and Glasgow Street shown  
9. shaded shall cease to be public streets or portions thereof  
10. of the City of Richmond and the City of Richmond shall have  
11. no further right, title and interest in said streets and  
12. portions thereof except as set out in this ordinance.

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City of Richmond  
City Planning Commission



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

September 4, 1985

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of September 3, 1985, the City Planning Commission voted  
(9-0) to recommend APPROVAL of:

Ordinance No. 85-235

To close to public use and travel Trenton Avenue and  
Kenilworth Avenue and portions of Calverton Street, Berclair  
Avenue and Glasgow Street,\*\*\*shown shaded on Department of  
Public Works Drawing No. 0-21391, entitled: "Proposed Street  
Closings in the area bounded by Calverton St., Dale Ave.,  
Jefferson Davis Hgwy. and the S.C.L. Railroad," upon certain  
terms and conditions.

The purpose of this ordinance is to close several streets in the area  
between Jefferson Davis Highway and the S.C.L. railroad, south of Dale  
Avenue. The streets involved are Trenton Avenue, Calverton Street,  
Kenilworth Avenue and portions of Glasgow Street and Berclair Avenue. All  
of the streets are of substandard right-of-way width (30 feet). Only  
Glasgow Street and a very short portion of Calverton Street are improved.  
Easements will be retained to accommodate existing utilities in the  
streets. The contract purchaser of ten abutting parcels containing twelve  
acres of land has requested the closings in order to consolidate the  
parcels for development of a shopping center. In August, the Commission  
recommended and Council adopted an ordinance to rezone the land to B-3  
General Business to accommodate the development. The need to close the  
streets was explained at that time. All of the properties abutting the  
subject streets are under contract by the petitioners, except for the Farm  
Fresh Supermarket site south of Calverton Street. The street is not needed  
for access to that site. Since none of the streets are needed for any  
public purpose and the closings would enable appropriate development of the  
abutting properties, approval is recommended.

Very truly yours,

Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Frank H. Regan - Petitioner  
Director - Department of Public Works

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

Resolution Ordinance No. .... 85-235 .....	Subject  To Close Streets
Requested by ..... City Manager .....	
Received City Manager's Office ..... -- .....	
Summarized ..... 9/3/85 .....	

**SUMMARY**

This Ordinance would close Calverton Street, Glasgow Street, Kenilworth Avenue, Berclair Avenue and Trenton Avenue, as shown "shaded" and noted on a plan prepared by the Department of Public Works designated D.P.W. Drawing No. O-21391 entitled, "Proposed Street Closing in the Area Bounded by Calverton St., Dale Ave., Jefferson Davis Hgwy., and the S.C.L. Railroad".

This was requested in a letter from Frank H. Regan of 360 Associates dated June 20, 1985. Applicants are in process of rezoning this R-4 zoned property to B-3 for the tentative plans to develop this acreage for a neighborhood shopping center.

The estimated revenue is 99,459 sq. ft. added to taxable property.

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

1. Applicant to grant to the City in a form satisfactory to the City Attorney 16 ft. utility, sewer and house connection easements in various streets to be closed as shown "hatched" on D.P.W. Drawing No. O-21391 or make satisfactory arrangement with Departments of Public Works and Public Utilities to abandon, remove and/or relocate all necessary utilities.
2. Applicant to pay to the City the expenses of removal of its street lighting and to kill the gas and water service in Glasgow Street and Calverton Street and to relocate two fire hydrants at an estimated cost of \$7,000 for the gas and water and \$500 for the street lighting.
3. Applicant to bear all cost involved in the closing of the street.
4. Applicant to be responsible for surface overflow in the areas of the streets and alleys to be closed.

**COUNCIL ACTION**

On Docket ..... 9/9/85 .....
Amended .....
Adopted .....
Rejected .....

5. All abutting owners consent in writing.
6. Rights of public and private utilities who may have facilities in the portion of street to be closed, be protected.
7. That applicant pay all costs for the construction of curb, gutter and sidewalks across streets and alley entrances unless waived by the Director of Public works.
8. A twelve-month expiration clause be included.