

AN ORDINANCE No. 87-68-66  
ADOPTED APR 27 1987

To close to public use and travel a north-south alley 40 feet, more or less, in width, that lies 150 feet, more or less, north of the north right of way line of Ellwood Avenue and extends a distance of 82 feet, more or less, between two 15 foot wide east-west alleys in the block bounded by Ellwood Avenue, Dooley Avenue, Floyd Avenue and Auburn Avenue, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21613, dated November 17, 1986, entitled: "Proposed Closing of 40' Alley Bounded by Dooley Ave., Floyd Ave., Auburn Ave., and Ellwood Ave.", upon certain terms and conditions.

---

Patron - City Manager - (By Request)

---

Approved as to form and legality  
by City Attorney

---

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a north-south alley 40 feet, more or less, in width, that lies 150 feet, more or less, north of the north right of way line of Ellwood Avenue and extends a distance of 82 feet, more or less, between two 15 foot wide east-west alleys in the block bounded by Ellwood Avenue, Dooley Avenue, Floyd Avenue and Auburn Avenue, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21613, dated November 17, 1986, entitled: "Proposed Closing of 40' Alley Bounded by Dooley Ave., Floyd Ave., Auburn Ave., and Ellwood Ave.", which plan is on file in the office of 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 public alley of the City of Richmond, said alley 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 six months from the day this ordinance is in force (a) the owner or owners of all the property abutting the alley (to be closed pursuant to the provisions of this ordinance) consent thereto in writing which consent shall be filed in the office of the City Clerk; (b) Susan H. Hairfield and Mary Kennedy Ballard 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 alley 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) Susan H. Hairfield and Mary Kennedy Ballard bear all cost involved and agree in writing with the City that for themselves, successors and assigns, to indemnify, reimburse, keep and hold the City 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 alley 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; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alley, or any of them, on account thereof, to defend the City in any such suit or proceeding at their costs; and in the event of a final judgment or decree being obtained against the City, to 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.

The consents herein required to be executed on behalf of the owners of the real estate abutting the alley to be closed to public use and travel shall be in form satisfactory to the City Attorney. Susan H. Hairfield and Mary Kennedy Ballard shall be responsible for satisfying all terms and conditions imposed and requisite for this ordinance becoming effective.

City of Richmond  
City Planning Commission



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

April 22, 1987

To the Honorable Council of the  
City of Richmond, Virginia

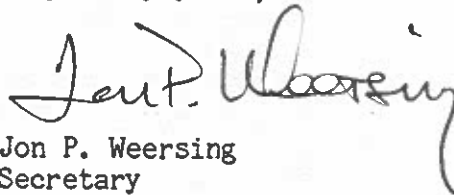
At its meeting of April 21, 1987, the City Planning Commission voted (8-0)  
to recommend APPROVAL of:

Ordinance No. 87-68

To close to public use and travel a north-south alley 40  
feet, \*\*\* between two 15 foot wide east-west alleys in the  
block bounded by Ellwood Avenue, Dooley Avenue, Floyd Avenue  
and Auburn Avenue, etc.

This ordinance would vacate an unimproved alley in the block bounded by  
Ellwood, Dooley, Floyd and Auburn Avenues. The right-of-way in question is  
forty feet in width and approximately eighty feet in length. It connects  
two east-west alleys which are improved and extend through the block. The  
eastern one-half of the alley right-of-way is fenced in and used as a  
garden area in conjunction with the adjacent residence. The other portion  
is a maintenance problem, and is frequently used as a dumping area. The  
three abutting residential property owners have requested the closing in  
order to officially incorporate the alley area into their respective lots.  
The Department of Public Works has concluded the alley is not needed for  
public purposes. It provides no necessary access or circulation, and  
contains no utilities. Closing would eliminate a maintenance problem and  
place the land on the tax roll. No objections to the closing have been  
expressed to the Commission.

Very truly yours,

  
Jon P. Weersing  
Secretary

JFW:lk

cc: Director - Department of Public Works  
Ms. Susan H. Hairfield - Applicant