

## AN ORDINANCE No 86-242-222

ADOPTED OCT 13 1986

To vacate a portion of the plat of the subdivision of land known as Kanawha Trace Section One, that is, Lots 1, 2, 3, 4, and 5, inclusive, in Block B, as shown on the plan duly recorded in the Clerk's Office of the Circuit Court of the City of Richmond, John Marshall Courts Building, in Plat Book 37, at pages 26 and 27, said property lying wholly within the City of Richmond being located east of James Falls Drive, upon certain terms and conditions, and to authorize the City Manager, Robert C. Bobb, for and on behalf of the City of Richmond, to execute a declaration of vacation for said Block B of Kanawha Trace Section One.

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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 the vacation of a portion of the plat of the
3. subdivision of land known as Kanawha Trace Section One, that
4. is, Lots 1, 2, 3, 4, and 5, inclusive, in Block B, as shown
5. on the plan duly recorded in the Clerk's Office of the
6. Circuit Court of the City of Richmond, John Marshall Courts
7. Building, in Plat Book 37, at pages 26 and 27, said property
8. lying wholly within the City of Richmond being located east
9. of the east right of way line of James Falls Drive, and a
10. copy of said plan is attached to the draft of this ordinance
11. marked "Exhibit A", in accordance with the provisions of

1. paragraph (a) of Section 15.1-482 of the Code of Virginia,  
2. is approved.

3. § 2. Robert C. Bobb, City Manager, for and on behalf  
4. of the City of Richmond, be and is hereby authorized and  
5. directed to execute a document entitled: "Declaration of  
6. Vacation" for the said Block B (consisting of Lots 1 through  
7. 5, inclusive) of Kanawha Trace Section One.

8. § 3. This ordinance shall be in force and effect upon  
9. adoption.

City of Richmond  
City Planning Commission



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

October 7, 1986

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of October 6, 1986, the City Planning Commission voted (8-0)  
to recommend APPROVAL of:

Ordinance No. 86-242

To vacate a portion of the plat of the subdivision of land known as Kanawha Trace Section One, that is, Lots 1, 2, 3, 4, and 5, inclusive, in Block B, \*\*\* within the City of Richmond, \*\*\* and to authorize the City Manager, Robert C. Bobb, \*\*\* to execute a declaration of vacation for said Block B of Kanawha Trace Section One.

This paper would vacate a 5-lot portion of a 19-lot townhouse subdivision known as Kanawha Trace, Section One. The subdivision is a phase of the Kanawha Trace Community Unit Plan which was approved by the Commission and adopted by City Council in 1984. It is located west of Pump House Drive and Byrd Park in the Carillon area. The subdivision was recorded in October, 1985, and construction of two clusters of townhouses is underway. Due to a construction survey error, five attached townhouse units (Block "B" of the subdivision) were built eight inches to the south of where they were intended, resulting in a situation where the recorded lot lines do not coincide with the party walls of the units. To correct the problem, it is necessary for the recorded lot lines to be vacated and for new lot lines to be established coincidental with the party walls. A tentative resubdivision to establish the new lot lines has been approved by the Commission. The shifting of the lot lines does not affect any other aspects of the Community Unit Plan. The vacation process in this case is set forth in the City Charter and is pursuant to provisions of the Code of Virginia.

Very truly yours,

A handwritten signature in cursive script that reads "Jon P. Weersing".

Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Jeffrey Rawn - Applicant

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

Resolution Ordinance No. .... 86-242 .....  Requested by City Manager, By Request .....  Received City Manager's Office .....  Summarized ..... 10/7/86 .....	Subject  To Vacate a Portion of a Plat/Kanawha Trace, Section One.
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**SUMMARY**

This Ordinance would permit the vacating of a 5-Lot portion of a 19-Lot Townhouse subdivision known as Kanawha Trace, Section One.

Due to a construction survey error, five attached Townhouse units (Block "B" of the subdivision) were built 8 inches to the south of where they were intended, resulting in a situation where the recorded Lot lines do not coincide with the party walls of the units.

To correct the problem, it is necessary for the recorded Lot lines to be vacated and for new Lot lines to be established coincidental with the party walls.

The shifting of the Lot lines does not affect any other aspects of the Community Unit Plan.

Planning Commission granted approval (8-0) on October 6, 1986.

**COUNCIL ACTION**

	On Docket ..... 10/13/86 .....
	Amended .....
	Adopted .....
	Rejected .....

THIS DECLARATION OF VACATION made this \_\_\_\_ day of September, 1986 by and between KANAWHA TRACE DEVELOPMENT PARTNERS, a Virginia limited partnership ("Kanawha Trace"); THE CITY OF RICHMOND, VIRGINIA acting by and through its City Manager (the "City"); KANAWHA TRACE OWNERS ASSOCIATION, a Virginia corporation (the "Owners Association"); BARBARA E. GROVE, BEVERLY F. BURKE and JANE C. AVERY (the "Owners"); and T. MCGREGOR SHERMAN, LESLIE S. CUNDIFF, MARK S. KITTRELL, JUDY W. SUTTER and COLONY SERVICE, INC. (the "Trustees");

W I T N E S S E T H :

WHEREAS, by subdivision plat dated October 3, 1985 made by LaPrade Bros. entitled "Kanawha Trace Section One" as recorded in the Clerk's Office, Circuit Court of the City of Richmond, Virginia in Plat Book 37, pages 26 and 27 (the "Plat"), Kanawha Trace subdivided certain property into subdivision lots known as Kanawha Trace Section One; and

WHEREAS, three lots, all in Cluster C of the subdivision known as Kanawha Trace Section One, have been sold to the Owners, the lot sold to Barbara E. Grove (Lot 3) being encumbered by a recorded deed of trust, the trustees of which are Mark S. Kittrell and Judy W. Sutter, the lot sold to Beverly F. Burke (Lot 2) being encumbered by a recorded deed of trust, the trustee of which is Colony Service, Inc, the lot sold to Jane C. Avery (Lot 1) being encumbered by a recorded deed of trust, the trustees of which are Mark S. Kittrell and Judy W. Sutter. The Common Area of Kanawha Trace Section One is owned by the Owners Association and the balance of the property is owned by Kanawha Trace and is encumbered by a recorded deed of trust, the trustees of which are T. McGregor Sherman and Leslie S. Cundiff; and

"Exhibit A"

WHEREAS, Kanawha Trace desires to vacate a portion of the Plat so that the lot lines in Cluster B can be redrawn to coincide with the improvements as actually constructed.

NOW, THEREFORE, with the approval of the City, as evidenced by the signature of its City Manager affixed hereto, Kanawha Trace, the Owner's Association, the Owners and the Trustees hereby agree to vacate the portion of the Plat comprising Cluster B pursuant to Section 15.1-482 of the Code of Virginia.

KANAWHA TRACE DEVELOPMENT PARTNERS

By Jeffrey J. Rawn, General Partner

CITY OF RICHMOND

By Robert C. Bobb, City Manager

KANAWHA TRACE OWNERS ASSOCIATION

By Jeffrey J. Rawn, President

OWNERS

Barbara E. Grove

Beverly F. Burke

Jane C. Avery

TRUSTEES

T. McGregor Sherman

Leslie S. Cundiff

Mark S. Kittrell

Judy W. Sutter

COLONY SERVICE, INC.

By \_\_\_\_\_

CITY OF RICHMOND

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me in the City of Richmond, Virginia, this \_\_\_\_ day of September, 1986 by Jeffrey J. Rawn, as General Partner of Kanawha Trace Development Partners.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me in the City of Richmond, Virginia, this \_\_\_\_ day of September, 1986, by Robert C. Bobb, City Manager, City of Richmond, Virginia.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CITY OF RICHMOND

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me in the City of Richmond, Virginia this \_\_\_\_ day of September, 1986, by Jeffrey J. Rawn, President of Kanawha Trace Owners Association.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CITY OF RICHMOND

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me this \_\_\_\_ day of September, 1986, by Barbara E. Grove.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF VIRGINIA

The foregoing was sworn to and acknowledged before me in the City of Richmond, Virginia this \_\_\_\_ day of September, 1986, by Beverly F. Burke.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CITY OF RICHMOND

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me this \_\_\_\_ day of September, 1986, by Jane C. Avery.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

CITY OF RICHMOND

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged before me in the City of Richmond, Virginia, this \_\_\_\_ day of September, 1986, by T. McGregor Sherman, Trustee.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF VIRGINIA

The foregoing instrument was sworn to and acknowledged  
before me this \_\_\_\_\_ day of September, 1986, by  
\_\_\_\_\_, \_\_\_\_\_ of Colony  
Service, Inc.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_