

AN ORDINANCE No 86-219-204

ADOPTED SEP 8 1986

To close to public use and travel a portion of a north-south alley (that extends 102.56 feet along its westerly right of way line) lying east of the Richmond-Henrico Turnpike and extending northerly from the north right of way line of Valley Road, said alley being 18.69 feet, more or less, in width at Valley Road and 12.60 feet, more or less, in width at its northerly end (terminus of portion to be closed), and containing 1,415.17 square feet, shown shaded on a plan prepared by the Department of Public Works, Drawing No. M-20197-A, dated July 7, 1986, entitled: "Plan to Relocate a Portion of an Alley North of Valley Road and East of Richmond Henrico Turnpike", 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 portion of a north-south alley (that
3. extends 102.56 feet along its westerly right of way line),
4. lying east of the Richmond-Henrico Turnpike and extending
5. northerly from the north right of way line of Valley Road,
6. said alley being 18.69 feet, more or less, in width at
7. Valley Road and 12.60 feet, more or less, in width at its
8. northerly end (terminus of portion to be closed), and
9. containing 1,415.17 square feet, shown shaded on a plan
10. prepared by the Department of Public Works, Drawing No.
11. M-20197-A, dated July 7, 1986, entitled: "Plan to Relocate
12. a Portion of an Alley North of Valley Road and East of

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

7. § 2. This ordinance shall be in force as provided in
8. Section 4.09 of the Charter of the City of Richmond and
9. shall become effective when, within six months from the day
10. this ordinance is in force (a) the owner or owners of all
11. the property abutting the aforesaid portion of the alley
12. (to be closed) consent thereto in writing which consent
13. shall be filed in the office of the City Clerk; (b) Robert
14. P. Deuster makes arrangements satisfactory to public utility
15. or public service corporations or private utility companies
16. whose properties or facilities are in the portion of said
17. alley for either the removal, relocation or abandonment
18. thereof (including plugging of a 12-foot sanitary sewer
19. line) or for the construction, reconstruction, maintenance
20. and repair thereof, evidence of which shall be in writing
21. and filed in the office of the City Clerk; (c) Robert P.
22. Deuster bears all cost involved and agrees in writing with
23. the City that for himself, his successors and assigns, he
24. shall indemnify, reimburse, keep and hold the City of

1. Richmond free and harmless from liability on account of
2. injury or damage to persons, firms or corporations or
3. property which may result directly or indirectly from the
4. closing of the portion of the alley to public use and travel
5. by this ordinance and the obstruction or interference with
6. the flow or overflow of surface or subsurface water result-
7. ing directly or indirectly therefrom; and in the event that
8. any suit or proceeding is brought against the City at law or
9. in equity, either independently or jointly with the owner or
10. owners of all the property abutting the aforesaid portion of
11. said alley on account thereof, to defend the City in any
12. such suit or proceeding at his costs; and in the event of a
13. final judgment or decree being obtained against the City,
14. either independently or jointly with the owner or owners of
15. all of the property abutting the portion of said alley to be
16. closed to public use and travel, or any of them, to pay such
17. judgment or comply with such decree including payment of all
18. costs and expenses of whatsoever nature and hold the City
19. and said owners harmless therefrom; and (d) Robert P.
20. Deuster shall by deed, approved as to form by the City
21. Attorney, grant to the City of Richmond a strip of land 16
22. feet in width, shown hatched on D.P.W. Drawing M-20197-A,
23. for the purpose of an alley to provide access (ingress and
24. egress) to the portion of the north-south alley that lies

1. north of the portion to be closed and which northerly
2. portion is to remain open.
3. § 3. Robert P. Deuster shall be responsible for
4. satisfying all terms and conditions imposed and requisite
5. for this ordinance becoming effective.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>86-219</u> Requested by <u>City Manager</u> (By Request) Received City Manager's Office <u>--</u> Summarized <u>.....</u>	Subject Closing a Portion of an Alley Lying East of the Richmond- Henirco Turnpike
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SUMMARY

This Ordinance would close to public use and travel a portion of an unimproved north-east alley extending northwardly from Valley Road a short distance east of Richmond-Henrico Turnpike.

In exchange for the closing, this Ordinance would accept dedication from the petitioners a 16-foot unimproved alley right-of-way to connect from Richmond-Henrico Turnpike to the remaining portion of the north-south alley.

The alley to be closed varies in width from 12 to 18 feet with a length of approximately 100 feet.

The closing is requested in order to allow the petitioner to expand his wood products manufacturing business onto vacant property, owned by petitioner, on the other side of the alley.

Estimated Revenue -- none, just exchange of land.

No other properties abut the portion to be closed.

The owner of property to the north has objected to the terms of the closing that allows the dedicated alley to remain unimproved.

This closing was approved before by the Planning Commission and adopted by City Council August 14, 1986, Ordinance No. 78-183-172.

Terms and conditions includes:

1. Applicant to borne all cost relative to closing;
2. Public/private utility rights to be protected; and,
3. Applicant to make necessary arrangements to abandon and plug existing sewer in alley.

COUNCIL ACTION

PLANNING COMMISSION APPROVED (7-0)
SEPTEMBER 2, 1986

On Docket 9/8/86
 Amended
 Adopted
 Rejected