

M O T I O N

To Amend Ordinance No. 86-188.

Page 4

Line 7

Following the word "therefrom" and preceding the period (.), insert the following:

"; (e) Shockoe Plaza Associates, L.P., enters into an easement agreement, approved as to form by the City Attorney, with the owners of all property abutting the alley to be closed ensuring access to all such properties from Virginia Street to Shockoe Slip Street (closed); and (f) Shockoe Plaza Associates, L.P., shall obtain approval of the plans for access to all properties abutting the alley to be closed from the Directors of the Departments of Public Safety and Planning and Community Development"

1. June 10, 1986, entitled: "Closing of the 12' Alley and
2. Abandoning of the Easements in the Block Bounded by Cary,
3. Canal & Virginia Streets and Shockoe Slip", which plan is on
4. file in the office of the Department of Public Works and a
5. copy of which is attached to the draft of this ordinance, be
6. and is hereby closed to public use and travel and abandoned
7. as a public alley of the City of Richmond, said alley being
8. no longer needed for the public convenience.

9. At such time as this ordinance shall become
10. effective by the satisfaction of the terms and conditions
11. set out in § 2 of this ordinance, the City does hereby
12. abandon all of its right, title and interest to the
13. easements shown hatched on the above-identified drawing as
14. well as its interest in the 15-foot sewer easement in the
15. alley to be closed by this ordinance becoming effective.

16. § 2. This ordinance shall be in force as provided
17. in Section 4.09 of the Charter of the City of Richmond and
18. shall become effective when, within six months from the day
19. this ordinance is in force, (a) the owners of all the
20. property abutting the alley (to be closed pursuant to the
21. satisfaction of the provisions and conditions of this
22. ordinance) consent thereto in writing which shall be filed
23. in the office of the City Clerk; (b) Shockoe Plaza
24. Associates, L.P., makes arrangements satisfactory to public

1. utility or public service corporations including the
2. Department of Public Utilities of the City of Richmond and
3. private utility companies whose properties or facilities are
4. in said alley for either the removal, relocation or
5. abandonment thereof or for the construction, reconstruction,
6. maintenance and repair thereof, evidence of which shall be
7. in writing, approved as to form by the City Attorney, and
8. filed in the office of the City Clerk; (c) Shockoe Plaza
9. Associates, L.P., makes necessary arrangements with the
10. owner or owners of property known as 1301-07 Cary Street for
11. the maintenance of sewer line in alley to be closed and
12. furnishes the City a copy of the agreement; (d) Shockoe
13. Plaza Associates, L.P., bears all cost involved and agrees
14. in writing with the City that for itself, its successors and
15. assigns, it will indemnify, reimburse, keep and hold the
16. City of Richmond free and harmless from liability on account
17. of injury or damage to persons, firms or corporations or
18. property which may result directly or indirectly from the
19. closing of the alley to public use and travel by this
20. ordinance and the obstruction or interference with the flow
21. or overflow of surface or subsurface water resulting
22. directly or indirectly therefrom; and in the event that any
23. suit or proceeding is brought against the City at law or in
24. equity, either independently or jointly with the owners of

1. all the property abutting the aforesaid alley, or any of
2. them, on account thereof, it will defend the City in any
3. such suit or proceeding at its costs; and in the event of a
4. final judgment or decree being obtained against the City, it
5. will pay such judgment or comply with such decree, including
6. payment of all costs and expenses of whatsoever nature and
7. hold the City and said owners harmless therefrom; (e)
8. Shockoe Plaza Associates, L.P., enters into an easement
9. agreement, approved as to form by the City Attorney, with
10. the owners of all property abutting the alley to be closed
11. ensuring access to all such properties from Virginia Street
12. to Shockoe Slip Street (closed); and (f) Shockoe Plaza
13. Associates, L.P., shall obtain approval of the plans for
14. access to all properties abutting the alley to be closed
15. from the Directors of the Departments of Public Safety and
16. Planning and Community Development.

17. The consents herein required to be executed on
18. behalf of the owners of the real estate abutting the alley
19. to be closed to public use and travel shall be in form
20. satisfactory to the City Attorney. Shockoe Plaza
21. Associates, L.P., shall be responsible for satisfying all
22. terms and conditions imposed and requisite for this
23. ordinance becoming effective.

24.

AN ORDINANCE No 86-188-183

ADOPTED AUG 11 1986

To close to public use and travel an alley 12 feet, more or less, in width extending in an east-west direction 89 feet, more or less, along its southerly line, from the east right of way line of Shockoe Slip (110.59 feet, more or less, south of the point of intersection of the east right of way line of Shockoe Slip and the southerly right of way line of Cary Street) in the block bounded by Cary Street, Virginia Street, Canal Street and Shockoe Slip, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21553, dated June 10, 1986, entitled: "Closing of the 12' Alley and Abandoning of the Easements in the Block Bounded by Cary, Canal & Virginia Streets and Shockoe Slip", and to abandon easements in the block bounded as set out above, upon certain terms and conditions.

Patron - Acting City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That an alley 12 feet, more or less, in width
3. extending in an east-west direction 89 feet, more or less,
4. along its southerly line, from the east right of way line of
5. Shockoe Slip (110.59 feet, more or less, south of the point
6. of intersection of the east right of way line of Shockoe
7. Slip and the southerly right of way line of Cary Street) in
8. the block bounded by Cary Street, Virginia Street, Canal
9. Street and Shockoe Slip, shown shaded on a plan prepared by
10. the Department of Public Works, Drawing No. N-21553, dated

1. utility or public service corporations including the
2. Department of Public Utilities of the City of Richmond and
3. private utility companies whose properties or facilities are
4. in said alley for either the removal, relocation or
5. abandonment thereof or for the construction, reconstruction,
6. maintenance and repair thereof, evidence of which shall be
7. in writing, approved as to form by the City Attorney, and
8. filed in the office of the City Clerk; (c) Shockoe Plaza
9. Associates, L.P., makes necessary arrangements with the
10. owner or owners of property known as 1301-07 Cary Street for
11. the maintenance of sewer line in alley to be closed and
12. furnishes the City a copy of the agreement; (d) Shockoe
13. Plaza Associates, L.P., bears all cost involved and agrees
14. in writing with the City that for itself, its successors and
15. assigns, it will indemnify, reimburse, keep and hold the
16. City of Richmond free and harmless from liability on account
17. of injury or damage to persons, firms or corporations or
18. property which may result directly or indirectly from the
19. closing of the alley to public use and travel by this
20. ordinance and the obstruction or interference with the flow
21. or overflow of surface or subsurface water resulting
22. directly or indirectly therefrom; and in the event that any
23. suit or proceeding is brought against the City at law or in
24. equity, either independently or jointly with the owners of

1. all the property abutting the aforesaid alley, or any of
2. them, on account thereof, it will defend the City in any
3. such suit or proceeding at its costs; and in the event of a
4. final judgment or decree being obtained against the City, it
5. will pay such judgment or comply with such decree, including
6. payment of all costs and expenses of whatsoever nature and
7. hold the City and said owners harmless therefrom.

8. The consents herein required to be executed on
9. behalf of the owners of the real estate abutting the alley
10. to be closed to public use and travel shall be in form
11. satisfactory to the City Attorney. Shockoe Plaza
12. Associates, L.P., shall be responsible for satisfying all
13. terms and conditions imposed and requisite for this
14. ordinance becoming effective.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>86-188</u> Acting City Manager, Requested by <u>By Request</u> Received City Manager's Office <u>--</u> Summarized <u>7/21/86</u>	Subject To Close an Alley and Abandonment of Easements/ Bounded by Shockoe Slip, Cary, Canal and Virginia Streets.
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SUMMARY

Administration will make a request to strike this paper.

COUNCIL ACTION

	On Docket <u>7/28/86</u> Amended Adopted Rejected
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City of Richmond
City Planning Commission



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

July 22, 1986

To the Honorable Council of the
City of Richmond, Virginia

Reference is made to:

Ordinance No. 86-188

To close to public use and travel an alley 12 feet, more or less, in width extending in an east-west direction 89 feet, more or less, along its southerly line, from the east right of way line of Shockoe Slip,***in the block bounded by Cary Street, Virginia Street, Canal Street and Shockoe Slip, shown shaded on,***Drawing No. N-21553,***and to abandon easements in the block bounded as set out above, etc.

This ordinance would close to public use and travel an alley in the block bounded by Shockoe Slip, Cary, Virginia and Canal Streets. The Law Department has determined that the paper needs to be amended to add a condition regarding continued access to abutting properties. The amendment will be submitted at City Council's meeting of July 28, 1986. Therefore, the City Planning Commission took no action on the paper at its July 21, 1986, meeting, and will consider the amended version of the paper at a later date.

Very truly yours,

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

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Randolph Chichester - Attorney for Applicant

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-188	Subject
Requested by <u>City Manager</u> , By Request	To Close an Alley and Abandonment of Easements/Bounded by Shockoe Slip, Cary, Canal, and Virginia Streets.
Received City Manager's Office --	
Summarized 8/4/86	

SUMMARY

This Ordinance would close to public use and trend an improved alley in the blocks bounded by Shockoe Slip, Cary, Canal, and Virginia Streets.

The development plans calls for an above-grade plaza that shall extend over the currently right-of-way and abut the rears of existing buildings facing Cary Street.

Vehicular access would be under the plaza, thus the alley would not be necessary for access to abutting properties and adequate circulation is provided.

The Department of Public Works offers no objections. Terms and conditions to include:

1. Applicant responsible for sewer line in area to be closed;
2. Applicant responsible for all cost relative to closing;
3. Public/private utilities rights protected by applicant;
4. Applicant to make necessary arrangements for maintenance of sewer line and shall furnish the City a copy arrangement/agreement;
5. Easement agreement shall have approval of City Attorney;
6. Access to properties abutting the alley shall have approval of Directors of Public Safety and Planning.

Planning Commission approval granted on August 4, 1986

COUNCIL ACTION

On Docket 8/11/86
Amended
Adopted
Rejected

City of Richmond
City Planning Commission



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

August 5, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of August 4, 1986, the City Planning Commission voted (7-0)
to recommend APPROVAL of:

Ordinance No. 86-188(as amended)

To close to public use and travel an alley 12 feet, more or less, in width extending in an east-west direction 89 feet, more or less, along its southerly line, from the east right of way line of Shockoe Slip, *** in the block bounded by Cary Street, Virginia Street, Canal Street and Shockoe Slip, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21553, dated June 10, 1986, *** and to abandon easements in the block bounded as set out above, etc.

This ordinance would close to public use and travel an improved alley in the block bounded by Shockoe Slip, Cary, Virginia and Canal Streets. The ordinance was amended at the last meeting of City Council to add a condition requiring continued access from Virginia Street to abutting properties in a manner satisfactory to the abutting owners and to the Directors of Public Safety and Planning. The ordinance also requires the petitioners to make satisfactory arrangements for maintenance of a sewer line in the alley. These conditions must be met, and the abutting owners must consent in writing before the closing will become effective. The petitioners have been working with affected parties, and expect the necessary approvals will be forthcoming.

The subject alley extends from Shockoe Slip eastward 89 feet to its terminus in the middle of the block, but is not accessible from Shockoe Slip due to a grade differential. The paper would also abandon an ingress and egress easement and a utility easement, both of which extend from the alley terminus eastward to Virginia Street. These easements were dedicated in 1983 when the Commission recommended and Council vacated two other alleys within the block. The alley closing is the latest of several alley closings, air rights franchises and transfers of land necessary to implement the Shockoe Plaza mixed use development proposed for the block.

The development plan calls for an above-grade plaza to extend over the current alley right-of-way and abut the rears of the existing buildings

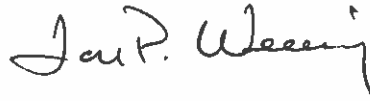
The Honorable Council
Ordinance No. 86-188(as amended)

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August 5, 1986

facing Cary Street. Vehicular access would be afforded under the plaza in conjunction with the multi-level parking structure to be built on the site. Under this development scheme, the alley would no longer be necessary for access to the rear of the abutting properties, and adequate circulation would be provided.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Randolph B. Chichester - Attorney for Applicant