

AN ORDINANCE No. 86-288-262

ADOPTED DEC 8 1986

To close to public use and travel an alley 13 feet, more or less, in width, extending in an east-west direction easterly from the east right of way line of 9th Street a distance of 260.84 feet, more or less (along its southerly line) to 10th Street, shown "shaded" on a plan prepared by the Department of Public Works, Drawing No. P-21598, dated October 17, 1986, entitled: "Proposed Closing of a 13' Alley Between 9th St. and 10th St., South of Byrd St., and Abandoning Certain Easements in Block Bounded by 9th St., Byrd St., 10th St. and 10th St. Extension. (Old Mansion Site)", and to abandon certain easements in the block bounded by Byrd Street, 10th Street, 10th Street extended, and 9th Street, shown "hatched" on said drawing, 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 an alley 13 feet, more or less, in width,
3. extending in an east-west direction easterly from the east
4. right of way line of 9th Street a distance of 260.84 feet,
5. more or less (along its southerly line) to the west right of
6. way line of 10th Street, shown "shaded" on a plan prepared
7. by the Department of Public Works, Drawing No. P-21598,
8. dated October 17, 1986, entitled: "Proposed Closing of a 13'
9. Alley Between 9th St. and 10th St., South of Byrd St., and
10. Abandoning Certain Easements in Block Bounded by 9th St.,
11. Byrd St., 10th St. and 10th St. Extension. (Old Mansion

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

7. § 2. This ordinance, as to the closing of the alley  
8. above-identified, shall be in force as provided in Section  
9. 4.09 of the Charter of the City of Richmond and shall become  
10. effective when, within twelve months from the day this  
11. ordinance is in force (a) the owner or owners of all the  
12. property abutting the alley (to be closed pursuant to the  
13. provisions of this ordinance) consent thereto in writing  
14. which consent shall be filed in the office of the City  
15. Clerk; (b) Daniel Realty Corporation (or a successor in  
16. interest) makes arrangements satisfactory to public utility  
17. or public service corporations including the Department of  
18. Public Utilities of the City of Richmond or private utility  
19. companies whose properties or facilities are in said alley  
20. for either the removal, relocation or abandonment thereof or  
21. for the construction, reconstruction, maintenance and repair  
22. thereof, evidence of which shall be in writing, approved as  
23. to form by the City Attorney, and filed in the office of the  
24. City Clerk; (c) Daniel Realty Corporation (or a successor

1. sewer extending westerly from the west right of way line of  
2. 10th Street a distance of 138 feet, more or less; and a 16  
3. foot, more or less, in width easement for a water line (also  
4. contains a Virginia Power underground electric line), that  
5. extends southerly from the southerly right of way line of  
6. Byrd Street to the east right of way line of 9th Street, in  
7. the above-identified block bounded on the north by Byrd  
8. Street, on the east by 10th Street, on the south by 10th  
9. Street extended and on the west by 9th Street, shown  
10. "hatched" on the copy of the plan identified and described  
11. above and on file in the office of the Department of Public  
12. Works, be and are hereby abandoned; and the City Manager is  
13. authorized and directed to quitclaim, discharge and release  
14. to the fee simple owner all right, title and interest of the  
15. City of Richmond in and to the land in which the easements  
16. exist by deed in form satisfactory to the City Attorney, and  
17. that the City Clerk is authorized and directed to attach the  
18. corporate seal of the City of Richmond to the deed and to  
19. attest the same.

20. § 4. This ordinance, with regard to said easements to  
21. be abandoned by this ordinance becoming effective, shall be  
22. in force as provided in Section 4.09 of the Charter and  
23. shall become effective when, within twelve months from the  
24. day this ordinance is in force, (a) the owners of the

1. property through which said easements in the land run  
2. consent thereto and agree in writing with the City that for  
3. themselves, successors and assigns, they will assume  
4. responsibility for the abandoned easements and for any  
5. damage which may result from or by virtue of constructing  
6. and maintaining improvements over the same, and shall, in  
7. addition thereto, indemnify, reimburse, keep and hold the  
8. City of Richmond free and harmless from liability on account  
9. of injury or damage to persons, firms or corporations or  
10. property which may result directly or indirectly from the  
11. abandonment of the easements by this ordinance and in the  
12. event that any suit or proceeding is brought against the  
13. City at law or in equity, either independently or jointly on  
14. account thereof, they will defend the City in any such suit  
15. or proceeding at their costs; and in the event of a final  
16. judgment or decree being obtained against the City, either  
17. independently or jointly, they will pay such judgment or  
18. comply with such decree including payment of all costs and  
19. expenses of whatsoever nature and hold the City harmless  
20. therefrom, which said consent and agreement shall be in form  
21. approved by the City Attorney and filed in the office of the  
22. City Clerk; (b) Daniel Realty Corporation agrees in writing  
23. to maintain the 10-foot wall along the northern line of 10th  
24. Street located within the 10-foot easement to be abandoned  
25. as long as the wall is needed and remains in place; (c)  
26. Daniel Realty Corporation makes satisfactory arrangements

1. with public and private utility companies who may have  
2. utility facilities in the easements to be abandoned for the  
3. maintenance of said easements or the termination thereof;  
4. (e) Daniel Realty Corporation makes satisfactory arrange-  
5. ments with the Department of Public Utilities to kill the  
6. 8-inch water main in the easement to be abandoned running  
7. from 9th Street to Byrd Street; (f) Daniel Realty Corpora-  
8. tion makes satisfactory arrangements with the Department of  
9. Public Works to relocate and/or abandon the concrete retain-  
10. ing wall as it extends into the property beginning at 9th  
11. Street and abutting the 16-foot easement (see § 3 above) for  
12. a water line (proposed to be abandoned); (g) Daniel Realty  
13. Corporation accepts in writing the 12-inch sewer in the  
14. sanitary sewer easement to be abandoned that runs from 10th  
15. Street westerly a distance of 138 feet, more or less; and  
16. (h) Daniel Realty Corporation furnishes the City a perform-  
17. ance bond in the amount of twenty-five thousand dollars  
18. (\$25,000) approved as to form by the City Attorney to assure  
19. that it will perform all acts and satisfy all terms and  
20. conditions imposed for this ordinance becoming effective.

21. § 5. The consent herein required to be executed on  
22. behalf of the owners of the real estate abutting the alley  
23. to be closed to public use and travel shall be in form  
24. satisfactory to the City Attorney. Daniel Realty Corpora-  
25. tion shall be responsible for satisfying all terms and  
26. conditions imposed and requisite for this ordinance becoming  
27. effective.

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

<b>Resolution</b> 86-288	<b>Subject</b>  Abandonment of Certain Easements and Close an Alley Between 9th and 10th Streets (Old Mansion Site)
<b>Ordinance No.</b> .....	
<b>Requested by</b> City Manager By Request .....	
<b>Received City Manager's Office</b> .....	
<b>Summarized</b> 12/3/86 .....	

**SUMMARY**

This Ordinance would authorize the vacation of a public alley, abandonment of 3 easements and authorize relocation or abandonment of a portion of a retaining wall in the block bounded by 9th, Byrd, 10th Streets and 10th Street extension. (The Old Mansion Site).

The petitioner (Daniel Realty Corporation), plans to construct a high-rise office complex and parking structure on the combined sites and these actions would eliminate site development constraints.

The alley -- is 13 ft. in width -- extends westwardly from 10th Street and dead-ends at 9th Street

**Easements:**

- #1 -- 9 ft. wide sanitary sewer. The petitioner would remove the sewer line if not needed.
- #2 -- 16 ft. wide utility waterline. The petitioner would remove or abandon the waterline. This Ordinance would also allow the relocation of a portion of a 30 ft. wall encroachment in a manner acceptable to Public Works.
- #3 -- 10 ft. wide concrete retaining wall. The petitioner shall maintain as long as it remains in place.

Planning Commission granted approval (9-0) December 1, 1986.

**COUNCIL ACTION**

<b>On Docket</b> .....	12/8/86.....
<b>Amended</b> .....	
<b>Adopted</b> .....	
<b>Rejected</b> .....	

City of Richmond  
City Planning Commission



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

December 2, 1986

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of December 1, 1986, the City Planning Commission voted  
(9-0) to recommend APPROVAL of:

Ordinance No. 86-288

To close to public use and travel an alley 13 feet, more or less, in width, extending in an east-west direction easterly from the east right of way line of 9th Street a distance of 260.84 feet, more or less (along its southerly line) to 10th Street, shown "shaded" on a plan prepared by the Department of Public Works, Drawing No. P-21598, \*\*\* and to abandon certain easements in the block bounded by Byrd Street, 10th Street, 10th Street extended, and 9th Street, shown "hatched" on said drawing, etc.

The purpose of this paper is to vacate a public alley, abandon three easements, and authorize relocation or abandonment of a portion of a retaining wall in the block bounded by 9th Street, Byrd Street, 10th Street and 10th Street extension. The petitioner, Daniel Realty Corporation, has under contract the two parcels which occupy the block. The larger of the two parcels is known as the "Old Mansion" site. Both were rezoned from M-1 to B-4 in September. The petitioner plans to construct a high-rise office complex and parking structure on the combined sites and has requested these actions in order to eliminate site development constraints.

The alley in question is 13 feet in width and separates the two parcels. It is improved, but serves only as access to adjacent parking on properties under the control of the petitioner. The alley extends westwardly from 10th Street and dead-ends at 9th Street.

The first of the three easements in question is a nine-foot wide sanitary sewer easement extending westwardly from 10th Street midway into the Old Mansion site. The sewer line within the easement would become private, and if not needed to serve the proposed development, would be removed by the petitioner. The second easement is a 16-foot utility easement containing a waterline. It extends southwardly from Byrd Street and crosses a portion of the site. The waterline will not be needed and would be removed or abandoned by the petitioner. Adjacent to this easement, and encroaching 30 feet into the property, is a portion of the concrete retaining wall for the embankment along 9th Street. The paper would authorize relocation or abandonment of the portion of the wall in a manner acceptable to the Department of Public Works.

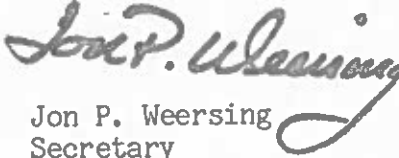
The last easement is ten feet in width and extends along the north line of 10th Street extension. The easement contains a concrete retaining wall

December 2, 1986

which parallels the street right-of-way. The ordinance provides that the petitioner will be responsible for maintaining the wall so long as it is needed and remains in place.

The Planning Department is currently working with the petitioner on preliminary plans for the development of the property in anticipation of the formal plan of development approval process. The input of the Planning Commission and other affected parties will be sought prior to submission of final plans. The actions requested by the subject ordinance would be needed to enable virtually any significant development of the property, and are not predicated on any particular development plan. Other actions contemplated by the petitioner involving the adjacent 9th Street right-of-way would be dependent on a specific development plan, and will not be considered until a plan of development is agreed upon. In the meantime, approval of the subject ordinance is recommended in order that the petitioner can continue the planning process with assurance that these particular development constraints will be eliminated.

Very truly yours,

  
Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Paul Hunter - Applicant  
Director - Department of Public Works