

AN ORDINANCE *No, 87-192-181*
ADOPTED SEP 14 1987

To close to public use and travel a portion of Decatur Street west of 21st Street and adjacent to and east of the right of way line of the Seaboard Coast Line Railroad for a distance of 133.07 feet as measured along the south right of way line of the portion of Decatur Street to be closed by this ordinance becoming effective (93.91 feet along its north right of way line), shown shaded on plan prepared by the Department of Public Works, Drawing No. N-21268-A, dated September 26, 1984, entitled: "Proposed Closing of a Portion of Decatur Street between 21st Street and the S.C.L.R.R. right-of-way", 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 the portion of Decatur Street west of 21st Street and adjacent to and east of the right of way line of the Seaboard Coast Line Railroad for a distance of 133.07 feet as measured along the south right of way line of the portion of Decatur Street to be closed by this ordinance becoming effective (93.91 feet along its north right of way line), shown shaded on plan prepared by the Department of Public Works, Drawing No. N-21268-A, dated September 26, 1984, entitled: "Proposed Closing of a Portion of Decatur Street between 21st Street and the S.C.L.R.R. right-of-way",

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 portion of a public street of the City of Richmond, said portion of Decatur Street 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 twelve months from the day this ordinance is in force, (a) the owner or owners of all the property abutting the aforesaid portion of Decatur Street from the intersection with the west right of way line of 21st Street extending westerly through the property identified as S.C.L.R.R. (80' R/W), a portion of which is to be closed pursuant to the provisions of this ordinance, consent thereto in writing which shall be filed in the office of the City Clerk; (b) Wilson Feed Company, Inc., makes arrangements satisfactory to public utility or public service corporations or private utility companies whose properties or facilities are in said portion of Decatur Street 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) Wilson Feed Company, Inc., bears all cost involved and agrees in writing with the City that for itself, its successors and assigns, it will indemnify, reimburse, keep and hold the City of Richmond 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 portion of the street 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 street, on account thereof, to defend the City in any such suit or proceeding at its costs and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the owner or owners of all of the property abutting the aforesaid street to be closed to public use and travel, 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; (d) Wilson Feed Company, Inc., pays to the Department of Public Utilities the sum of \$200.00 to cover

the cost of removal of a street light and grants to the Department of Public Utilities of the City of Richmond an easement for water, gas and wastewater utilities in said portion of Decatur Street (to be closed by this ordinance becoming effective), granting to the City a full width utility easement as shown hatched on Drawing No. N-21268-A.

The consent or consents herein required to be executed on behalf of the owners of the real estate abutting the portion of Decatur Street to be closed to public use and travel shall be in form satisfactory to the City Attorney. Wilson Feed Company, Inc., shall be responsible for satisfying all terms and conditions imposed and requisite for this ordinance becoming effective.