

AN ORDINANCE NO. 87-241-217

ADOPTED OCT 26 1987

To close to public use and travel a portion of an east-west alley, sixteen feet in width, lying east of Roanoke Street, south of Dunston Avenue, west of Bland Street and north of Crutchfield Street, containing 1,168 square feet, more or less, extending westerly 73 feet from its eastern terminus at the south end of a line separating lots identified as 5 and 6 that front on the southerly right of way line of Dunston Avenue, as shown shaded on Department of Public Works Drawing N-21693, dated June 18, 1987, entitled: "Proposed Closing of a Portion of a 16' Alley Bounded by Dunston Ave., Roanoke, Crutchfield and Bland Sts.", 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 a portion of an east-west alley, sixteen feet in width, lying east of Roanoke Street, south of Dunston Avenue, west of Bland Street and north of Crutchfield Street, containing 1,168 square feet, more or less, extending westerly 73 feet from its eastern terminus at the south end of a line separating lots identified as 5 and 6 that front on the southerly right of way line of Dunston Avenue, as shown shaded on a plan prepared by the Department of Public Works, Drawing N-21693, dated June 18, 1987, entitled: "Proposed Closing of a Portion of a 16'

Alley Bounded by Dunston Ave., Roanoke, Crutchfield and Bland Sts.", 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 alley of the City of Richmond, said portion of said alley 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 owners of all the property abutting the alley as provided in Section 26-157 of the Code of the City of Richmond, 1985 (a portion of which alley is to be closed pursuant to the satisfaction of the provisions and conditions of this ordinance), consent thereto in writing which shall be filed in the office of the City Clerk; (b) Norman Palmer and Madelon Halula make arrangements satisfactory to public utility or public service corporations whose properties or facilities are in said alley 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) Norman Palmer and Madelon Halula bear all cost involved and agree in writing with the

City that for themselves, their successors and assigns, they 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 alley 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 alley, on account thereof, to defend the City in any such suit or proceeding at their costs; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the owner of all of the property abutting the aforesaid alley 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.

The consents herein required to be executed on behalf of the owner of the real estate abutting the alley (a portion of which is to be closed) shall be in form satisfactory to the City Attorney. Norman Palmer and Madelon

Halula, or successors in title, to whom or which the several rights and interests to rest by this ordinance becoming effective shall inure, shall be responsible for satisfying all terms and conditions imposed and requisite for this ordinance becoming effective.

At such time as this ordinance becomes effective the City shall have only such right, title and interest in the closed portion of said alley as may be expressly granted to satisfy terms and conditions set out in this ordinance.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804•780-6304

October 20, 1987

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 19, 1987, the City Planning Commission voted
(6-0) to recommend APPROVAL of:

Ordinance No. 87-241

**To close to public use and travel a portion of an east-west
alley, sixteen feet in width, lying east of Roanoke Street,
south of Dunston Avenue, west of Bland Street and north of
Crutchfield Street, etc.**

The purpose of this paper is to close to public use and travel an unimproved portion of an alley in the block bounded by Dunston Avenue, Roanoke, Crutchfield, and Bland Streets in the Forest Hill Park area. The portion to be closed is the easternmost 73 feet of an "L" shaped dead-end alley which is over 500 feet in length and 16 feet in width. An improved portion of the alley connects with Dunston Avenue to the north and lies over 200 feet away from the subject portion. The portion to be closed is directly behind the petitioner's residence, and is encroached upon by an accessory building. The encroachment was discovered after a recent survey following the purchase of the property. The petitioners have requested the closing in order to clear the title. Access to and from the portion of the alley to remain open will continue to be provided, and the proposed closing has no effect on that portion. The alley is not needed for access or circulation by the general public or by the abutting owners, and contains no utilities. No objections to the closing have been expressed to the staff.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jon P. Weersing". The signature is fluid and cursive, with a large loop at the end.

Jon P. Weersing
Secretary

JPW:lk

cc: Norman Palmer and Madelon Halula - Applicants
Director - Department of Public Works

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>87-241</u>	Subject
Patron(s) <u>City Manager (By Request)</u>	To close a portion of an alley bounded by Dunston Avenue, Roanoke, Chesterfield & Bland Ave.

SUMMARY

The Ordinance would close to public use and travel an unimproved portion of an alley located in the rear of 3714 Dunston Avenue.

The petitioners (Norman Palmer & Madelon Halula) recently purchased the property and discovered that a portion of the backyard was a city alley which had never been developed.

The portion of the alley proposed to be closed is unimproved with trees and a shed and is not needed for the access or circulation by the general public or by the abutting owners and contains no utilities.

The Department of Public Works offers no objectives, terms and conditions to include:

1. Petitioners to bear all cost relative to closings;
2. All abutting owners must consent in writing;
3. Public/private utilities rights to be protected.

The Planning Commission granted approval (6-0) October 19, 1987.

COUNCIL ACTION

On Docket <u>10/26/87</u>
Amended _____
Adopted _____
Rejected _____
Stricken _____