

AN ORDINANCE No 86-196-182

ADOPTED AUG 11 1988

To close to public use and travel two alleys, an east-west alley 15 feet, more or less, in width extending westerly from the west right of way line of North 5th Street to the east right of way line of North 4th Street, and a north-south alley 12 feet, more or less, in width that extends southerly from the south right of way line of East Jackson Street 177.9 feet, more or less, to the north right of way line of the east-west alley to be closed by this ordinance becoming in force and effect, in the block bounded by East Jackson Street, North 5th Street, East Leigh Street and North 4th Street, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21538, dated May 16, 1986, entitled: "Proposed Closing of a 12' and a 15' Alley in Block Bounded by E. Jackson, N. 5th., E. Leigh and N. 4th Streets", upon certain terms and conditions.

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Patron - Acting 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 two alleys, an east-west alley 15 feet,
3. more or less, in width extending westerly from the west
4. right of way line of North 5th Street to the east right of
5. way line of North 4th Street, and a north-south alley 12
6. feet, more or less, in width that extends southerly from the
7. south right of way line of East Jackson Street 177.9 feet,
8. more or less, to the north right of way line of the
9. east-west alley to be closed by this ordinance becoming in
10. force and effect, in the block bounded by East Jackson
11. Street, North 5th Street, East Leigh Street and North 4th

1. Street, shown shaded on a plan prepared by the Department of  
2. Public Works, Drawing No. N-21538, dated May 16, 1986,  
3. entitled: "Proposed Closing of a 12' and a 15' Alley in  
4. Block Bounded by E. Jackson, N. 5th., E. Leigh and N. 4th  
5. Streets", which plan is on file in the office of the  
6. Department of Public Works and a copy of which is attached  
7. to the draft of this ordinance, be and are hereby closed to  
8. public use and travel and abandoned as public alleys of the  
9. City of Richmond, said alleys being no longer needed for the  
10. public convenience.

11. § 2. This ordinance shall be in force as provided in  
12. Section 4.09 of the Charter of the City of Richmond and  
13. shall become effective when, within six months from the day  
14. this ordinance is in force (a) the owner or owners of all  
15. the property abutting the aforesaid alleys (to be closed)  
16. consent thereto in writing which consent shall be filed in  
17. the office of the City Clerk; (b) Thorpe-Aronson Partnership  
18. makes arrangements satisfactory to public utility or public  
19. service corporations or private utility companies whose  
20. properties or facilities are in said alleys for either the  
21. removal, relocation or abandonment thereof or for the  
22. construction, reconstruction, maintenance and repair  
23. thereof, evidence of which shall be in writing, approved as  
24. to form by the City Attorney, and filed in the office of the

1. City Clerk; (c) Thorpe-Aronson Partnership bears all cost  
2. involved and agrees in writing with the City that for  
3. itself, its successors and assigns, it shall indemnify,  
4. reimburse, keep and hold the City of Richmond free and  
5. harmless from liability on account of injury or damage to  
6. persons, firms or corporations or property which may result  
7. directly or indirectly from the closing of the alleys to  
8. public use and travel by this ordinance and the obstruction  
9. or interference with the flow or overflow of surface or  
10. subsurface water resulting directly or indirectly therefrom;  
11. and in the event that any suit or proceeding is brought  
12. against the City at law or in equity, either independently  
13. or jointly with the owner or owners of all the property  
14. abutting the aforesaid alleys on account thereof, to defend  
15. the City in any such suit or proceeding at its costs; and in  
16. the event of a final judgment or decree being obtained  
17. against the City, either independently or jointly with the  
18. owner or owners of all of the property abutting the alleys  
19. to be closed to public use and travel, or any of them, to  
20. pay such judgment or comply with such decree including  
21. payment of all costs and expenses of whatsoever nature and  
22. hold the City and said owners harmless therefrom.

23. The consents herein required to be executed on behalf  
24. of the owners of the real estate abutting the alleys to

1. be closed to public use and travel shall be in form  
2. satisfactory to the City Attorney. Thorpe-Aronson  
3. Partnership shall be responsible for satisfying all terms  
4. and conditions imposed and requisite for this ordinance  
5. becoming effective.

6. At such time as this ordinance becomes effective the  
7. City shall have no further right, title and interest in said  
8. alleys, except insofar as City utilities, if any, are  
9. continued in operation for the benefit of persons served by  
10. same.

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. 86-196

To close to public use and travel two alleys, \*\*\* in the block bounded by East Jackson Street, North 5th Street, East Leigh Street and North 4th Street, shown shaded on a plan prepared by the Department of Public Works, \*\*\* "Proposed Closing of a 12' and a 15' Alley in Block Bounded by E. Jackson, N. 5th, E. Leigh and N. 4th Streets, etc.

The purpose of this paper is to close to public use and travel two alleys in the block bounded by 4th, 5th, Leigh and Jackson Streets. One of the alleys extends in an east-west direction through the block. The other extends southwardly from Jackson Street to a mid-block intersection with the first alley. The petitioner owns all of the properties abutting the alleys, as well as all of the properties in the block, with the exception of one small lot facing 4th Street. That lot does not abut either of the alleys, and is not affected by the proposed closings. However, the owner of the lot has expressed opposition to the petitioners regarding the closings. The petitioners have recently improved and are using the entire block for surface parking, including the one out-parcel which they are leasing. The purpose of the closing is to consolidate the abutting properties to enable the most efficient use of the area for parking and to enable better ingress and egress control. The Downtown Plan designates the block for surface parking, and the City recently made sidewalk and landscaping improvements along 5th and Jackson Streets adjacent to the property. There are no utilities in the alleys in question, and they are no longer needed for public circulation or access to abutting properties.

Very truly yours,

Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. John W. Bates, III - Attorney for Petitioner

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

Resolution Ordinance No. .... 86-196 City Manager,	Subject  To Close 2 Alleys/Bounded by 4th, 5th, Leigh and Jackson Streets.
Requested by .... By Request	
Received City Manager's Office ..... --	
Summarized ..... 8/4/86	

**SUMMARY**

This Ordinance would close to public use and travel 2 alleys bounded by 4th, 5th, East Leigh and East Jackson Streets.

The Downtown Plan designates the block for surface parking. The petitioners who owns all of the properties abutting the alleys and all other properties in the block except a small lot, 1,700 sq. ft., facing 4th Street have improved and are using the entire block for surface parking. The closings would consolidate the properties and would enable the most efficient use for parking and better ingress and egress control.

The owner of the small lot is opposed to the closings.

There are no utilities in the alleys, and they are no longer needed for public circulation or access to abutting properties.

Revenue: 6,067 sq. ft. added to taxable property.

No objections by Public Works. Terms to include:

1. Applicant to bear all costs for closings;
2. Applicant responsible for surface overflow.

Planning Commission granted approval on August 4, 1986.

**COUNCIL ACTION**

On Docket ..... 8/11/86
Amended .....
Adopted .....
Rejected .....