

AN ORDINANCE **No. 87-182-174****ADOPTED SEP 14 1987**

To close to public use and travel Whitehall Road extending southerly from the south right of way line of Cherokee Road (along the center line of said Whitehall Road) a distance of 250 feet, more or less, Chickasaw Road extending westerly from the west right of way line of Croatan Road (along the center line of said Chickasaw Road) a distance of 360 feet, more or less, and Garden Road extending northerly from the north right of way line of Apache Road (along the center line of said Garden Road) a distance of 188 feet, more or less, as shown shaded on a plan prepared by the Department of Public Works, Drawing No. O-21635, dated March 5, 1987, entitled: "Proposed Closing of Streets, Whitehall, Garden, Chickasaw Bounded by Cherokee, Croatan & Apache Rds. in Huguenot Farms, Section J&K", and to abandon turnarounds having radius of 40 feet and indicated by broken lines on the 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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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Whitehall Road extending southerly from the south right of way line of Cherokee Road (along the center line of said Whitehall Road) a distance of 250 feet, more or less, Chickasaw Road extending westerly from the west right of way line of Croatan Road (along the center line of said Chickasaw Road) a distance of 360 feet, more or less, and Garden Road extending northerly from the north right of way line of Apache Road (along the center line of said Garden Road) a distance of 188 feet, more or less, as shown shaded

plan prepared by the Department of Public Works, Drawing No. O-21635, dated March 5, 1987, entitled: "Proposed Closing of Streets, Whitehall, Garden, Chickasaw Bounded by Cherokee, Croatan & Apache Rds. in Huguenot Farms, Section J&K", which said plan is on file in the Department of Public Works and a copy of which is attached to the draft of this ordinance, be and are hereby closed to public use and travel and abandoned as public streets of the City of Richmond, said streets being no longer needed for the public convenience, and so much of the turnarounds of 40 foot radius (shown by dashed lines on the said plan and not included within the roads to be closed by this ordinance becoming effective) are closed and abandoned.

§ 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 streets to be closed and the turnarounds to be closed and abandoned by this ordinance becoming effect consent thereto in writing which consents shall be filed in the office of the City Clerk; (b) Lave Corporation, or successors in interest, makes arrangements satisfactory to public utility or public service corporations including the Department of Public Works and the

Department of Public Utilities of the City of Richmond or private utility companies whose properties or facilities are in said streets to be closed and turnarounds to be abandoned 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) Lave Corporation, or successor, bears all cost involved and agrees in writing with the City that for itself, 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 streets to public use and travel and abandonment of the turnarounds by this ordinance becoming effective 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 owners of all the property abutting the aforesaid streets and turnarounds, or any of them, on account thereof, it will 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, will 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, and (d) Lave Corporation pays the costs of preparing this ordinance, advertising same and for toher services performed or provided by the City of Richmond.

The City of Richmond expressly reserves and retains easements for six inch water lines in Chickasaw Road and Whitehall Road, a 16 foot alley and utility easement in Chickasaw Road and 8 foot alley and utility easements in Whitehall Road and Garden Road, said easements being noted on and shown by dashed lines on DPW Drawing No. O-21635.

The consents herein required to be executed on behalf of the owners of the real estate abutting the streets closed to public use and travel and turnarounds abandoned by this ordinance becoming effective shall be in form satisfactory to the City Attorney. Lave Corporation shall be responsible for satisfying all terms and conditions imposed and requisite for this ordinance becoming effective.

§ 3. At such time as this ordinance becomes effective the City shall have no further right, title and interest in said streets and turnarounds, except insofar as City utilities, if any, are continued in operation for the benefit of persons served by same and as easements are expressly reserved in this ordinance.