

AN ORDINANCE No. 86-286-260

ADOPTED DEC 8 1986

To amend and reordain Ordinance No. 85-235-222, adopted September 9, 1985, entitled: "To close to public use and travel Trenton Avenue and Kenilworth Avenue and portions of Calverton Street, Berclair Avenue and Glasgow Street, in an area bounded on the north by Dale Avenue, on the east by the right of way line of the Seaboard Coast Line Railroad, on the south by the south right of way line of Calverton Street (to be closed) and on the west by Jefferson Davis Highway, said streets and portions of streets to be closed shown shaded on Department of Public Works Drawing No. O-21391, entitled: 'Proposed Street Closings in the area bounded by Calverton St., Dale Ave., Jefferson Davis Hgwy. and the S.C.L. Railroad', upon certain terms and conditions", as heretofore amended by Ordinance No. 85-302-279, adopted December 16, 1985, deleting from said ordinance the portion of Calverton Street to be closed, to extend the time in which the conditions and terms imposed for the said ordinance becoming effective may be satisfied.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Trenton Avenue and Kenilworth Avenue and
3. portions of Berclair Avenue and Glasgow Street, in an area
4. bounded on the north by Dale Avenue, on the east by the
5. right of way line of the Seaboard Coast Line Railroad, on
6. the south by the south right of way line of Calverton Street
7. and on the west by Jefferson Davis Highway, said streets and
8. portions of streets to be closed shown shaded on Department

1. of Public Works Drawing No. 0-21391-A, entitled: "Proposed
2. Street Closings in the area bounded by Calverton St., Dale
3. Ave., Jefferson Davis Hgwy. and the S.C.L. Railroad", dated
4. October 22, 1985, which plan is on file in the office of the
5. Department of Public Works and a copy of which is attached
6. to the draft of [~~this-amendatory-ordinance~~] Ordinance No.
7. 85-302-279, adopted December 16, 1985, be and are hereby
8. closed to public use and travel and abandoned as public
9. streets and portions of public streets of the City of
10. Richmond, such streets and portions of said streets being
11. no longer needed for the public convenience.

12. § 2. This ordinance shall be in force as provided in
13. Section 4.09 of the Charter of the City of Richmond and
14. shall become effective when, within twelve months from the
15. day this amendatory ordinance is in force, (a) the owner or
16. owners of all the property abutting the aforesaid streets
17. and portions of the streets (to be closed) consent thereto
18. in writing which consent or consents shall be filed in the
19. office of the City Clerk; (b) 360 Associates or George G.
20. Burkhardt Estate, or an agent of either, makes arrangements
21. satisfactory to public utility or public service corpora-
22. tions and municipally owned utilities whose properties or
23. facilities are in said streets and portions of said streets
24. for either the removal, relocation or abandonment thereof or

1. for the construction, reconstruction, maintenance and repair
2. thereof, evidence of which shall be in writing and filed in
3. the office of the City Clerk; (c) 360 Associates or George
4. G. Burkhardt Estate, or an agent of either, bears all costs
5. involved and agrees in writing with the City that for such
6. parties, successors and assigns, to indemnify, reimburse,
7. keep and hold the City of Richmond free and harmless from
8. liability on account of injury or damage to persons, firms
9. or corporations or property which may result directly or
10. indirectly from the closing of the streets and portions of
11. streets to public use and travel by this ordinance and the
12. obstruction or interference with the flow or overflow of
13. surface or subsurface water resulting directly or indirectly
14. therefrom; and in the event that any suit or proceeding is
15. brought against the City at law or in equity, either
16. independently or jointly with the owner or owners of all the
17. property abutting the aforesaid streets or any of them, on
18. account thereof, to defend the City in any such suit or
19. proceeding at its costs; and in the event of a final
20. judgment or decree being obtained against the City, either
21. independently or jointly with the owner or owners of all of
22. the property abutting the aforesaid streets and portions of
23. said streets to be closed to public use and travel, or any
24. of them, to pay such judgment or comply with such decree

1. including payment of all costs and expenses of whatsoever
2. nature and hold the City and said owners harmless therefrom;
3. (d) 360 Associates or George G. Burkhardt Estate or
4. successor grants to the City in a form satisfactory to the
5. City Attorney a 16-foot utility, sewer and house connection
6. easement in the various streets (or portions thereof) to be
7. closed as shown "shaded and hatched" on the above-identified
8. Drawing No. O-21391-A or makes satisfactory arrangement with
9. Departments of Public Works and Public Utilities to abandon,
10. remove and/or relocate all necessary utilities; (e) 360
11. Associates or George G. Burkhardt Estate or successor pays
12. all cost for the construction of curb, gutter, and sidewalks
13. across the closed portions of the street entrances unless
14. waived by the Director of Public Works; and (f) 360 Associ-
15. ates or George G. Burkhardt Estate or successor pays to the
16. Department of Public Utilities of the City the expense of
17. removal of its street lighting facilities in the area of the
18. streets to be closed and for killing the gas and water
19. service in Glasgow Street and to relocate two fire hydrants
20. at an estimated cost of \$7,000 for the gas and water and
21. \$500 for the street lighting.

22. The consent or consents herein required to be
23. executed on behalf of the owners of the real estate abutting
24. the streets and portions of the streets to be closed to

1. public use and travel shall be in form satisfactory to the
2. City Attorney and filed in the office of the City Clerk.
3. 360 Associates or George G. Burkhardt Estate shall have the
4. sole responsibility for complying with the terms and
5. conditions herein set out requisite for such ordinance
6. becoming effective.

7. § 3. At such time as the several conditions set
8. out in § 2 of this ordinance, supra, for the closing of
9. streets and portions of streets have been met and satis-
10. fied, Trenton Avenue and Kenilworth Avenue and portions of
11. Berclair Avenue and Glasgow Street shown shaded shall cease
12. to be public streets or portions thereof of the City of
13. Richmond and the City of Richmond shall have no further
14. right, title and interest in said streets and portions
15. thereof except as set out in this ordinance.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-286	Subject To Amend Ordinance No. 85-235-222 - To Close Trenton Avenue, Kenilworth Avenue et al.
Requested by City Manager By Request	
Received City Manager's Office - -	
Summarized 12/3/86	

SUMMARY

This Ordinance would amend and reordain Ordinance No. 85-235-222, adopted September 9, 1985 that was amended by Ordinance No. 85-302-279, "TO EXTEND THE TIME LIMIT TO ALLOW THE APPLICANT, (GENERAL LAND COMPANY, INC.), 12 ADDITIONAL MONTHS, (UNTIL DECEMBER 1987), TO MEET THE CONDITIONS OF THE ORDINANCE."

COUNCIL ACTION

On Docket 12/8/86
Amended
Adopted
Rejected