

AN ORDINANCE NO 85-153-2/2

ADOPTED SEP 9 1985

To close to public use and travel Lone Street (70 feet in width), extending northerly a distance of 164.10 feet, more or less, from the north right of way line of Royall Avenue (Lone Street lies 167.40 feet, more or less, west of the intersection of the north right of way line of Royall Avenue and the westerly right of way line of Commerce Road), and a portion of an east-west alley that extends easterly from the east right of way line of Gunn Street to the west right of way line of Lone Street (to be closed by this ordinance becoming effective), the portion of said east-west alley to be closed being 25 feet, more or less, in width and extending westerly from the west right of way line of Lone Street a distance of 213.82 feet, more or less, to the point at which said east-west alley is intersected by a 20-foot, more or less, wide alley that extends northwesterly from said 25-foot wide east-west alley, Lone Street and the portion of the 25 foot wide east-west alley to be closed shown shaded on Department of Public Works Drawing No. N-21354, entitled: "Proposed closing of Lone St. and a portion of an alley between Commerce Rd., Royall Ave., Gunn St. and an alley", upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Lone Street (70 feet in width), extending
3. northerly a distance of 164.10 feet, more or less, from the
4. north right of way line of Royall Avenue (Lone Street lies
5. 167.40 feet, more or less, west of the intersection of the
6. north right of way line of Royall Avenue and the westerly
7. right of way line of Commerce Road), and a portion of an

1. east-west alley that extends easterly from the east right of
2. way line of Gunn Street to the west right of way line of
3. Lone Street (to be closed by this ordinance becoming
4. effective), the portion of said east-west alley to be closed
5. being 25 feet, more or less in width and extending westerly
6. from the west right of way line of Lone Street a distance of
7. 213.82 feet, more or less, to the point at which said
8. east-west alley is intersected by a 20-foot, more or less,
9. wide alley that extends northwesterly from said 25-foot wide
10. east-west alley, Lone Street and the portion of the 25 foot
11. wide east-west alley to be closed shown shaded on Department
12. of Public Works Drawing No. N-21354, entitled: "Proposed
13. closing of Lone St. and a portion of an alley between
14. Commerce Rd., Royall Ave., Gunn St. and an alley", dated
15. April 16, 1985, which plan is on file in the office of the
16. Department of Public Works and a copy of which is attached
17. to the draft of this ordinance, be and are hereby closed to
18. public use and travel and abandoned as a public street and a
19. portion of a public alley of the City of Richmond, such
20. street and portion of said alley being no longer needed for
21. the public convenience.

22. § 2. This ordinance shall be in force as provided in
23. Section 4.09 of the Charter of the City of Richmond and
24. shall become effective when, within twelve months from the

1. day this ordinance is in force, (a) the owner or owners of
2. all the property abutting the street and the portion of the
3. aforesaid alley (to be closed) consent thereto in writing
4. which consent shall be filed in the office of the City
5. Clerk; (b) All Saints Apostolic Church makes arrangements
6. satisfactory to public utility or public service corpora-
7. tions, including the Department of Public Utilities of the
8. City of Richmond, if requisite, whose properties or
9. facilities are in said street and portion of said alley for
10. either the removal, relocation or abandonment thereof or for
11. the construction, reconstruction, maintenance and repair
12. thereof, evidence of which shall be in writing and filed in
13. the office of the City Clerk; (c) All Saints Apostolic
14. Church bears all costs involved and agrees in writing with
15. the City that for itself, its successors and assigns, it
16. will indemnify, reimburse, keep and hold the City of
17. Richmond free and harmless from liability on account of
18. injury or damage to persons, firms or corporations or
19. property which may result directly or indirectly from the
20. closing of the street and portion of the alley to public
21. use and travel by this ordinance and the obstruction or
22. interference with the flow or overflow of surface or
23. subsurface water resulting directly or indirectly therefrom;
24. and in the event that any suit or proceeding is brought

1. against the City at law or in equity, either independently
2. or jointly with the owner or owners of all the property
3. abutting the aforesaid street and alley or any of them, on
4. account thereof, it will defend the City in any such suit or
5. proceeding at its costs; and in the event of a final
6. judgment or decree being obtained against the City, either
7. independently or jointly with the owner or owners of all of
8. the property abutting the aforesaid street and alley to be
9. closed to public use and travel, or any of them, it will pay
10. such judgment or comply with such decree including payment
11. of all costs and expenses of whatsoever nature and hold the
12. City and said owners harmless therefrom; and (d) All Saints
13. Apostolic Church pays all cost for the construction of curb,
14. gutter, and sidewalks across the closed portion of the
15. street and alley entrances unless waived by the Director of
16. Public Works.

17. The consents herein required to be executed on
18. behalf of the owners of the real estate abutting the street
19. and portion of the alley to be closed to public use and
20. travel shall be in form satisfactory to the City Attorney
21. and filed in the office of the City Clerk. All Saints
22. Apostolic Church shall have the sole responsibility for
23. complying with the terms and conditions herein set out
24. requisite for such ordinance becoming effective.

1. § 3. At such time as the several conditions set
2. out in § 2 of this ordinance, supra, for the closing of Lone
3. Street and portion of the alley have been met and satisfied,
4. Lone Street and the portion of the alley shown shaded shall
5. cease to be a public street and public alley of the City of
6. Richmond and the City of Richmond shall have no further
7. right, title and interest in said Lone Street and portion of
8. said alley except as set out in this ordinance.

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City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

June 4, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of June 3, 1985, the City Planning Commission voted (8-0) to
recommend APPROVAL of:

Ordinance No. 85-153

To close to public use and travel Lone Street***and a portion
of an east-west alley that extends easterly from the east
right of way line of Gunn Street to the west right of way
line of Lone Street***a distance of 213.82 feet, etc.

All Saints Apostolic Church has requested the closing of a dead-end portion
of Lone Street and a portion of an adjacent east-west alley. The closings
are north of Royall Avenue between Commerce Road and Gunn Street. Lone
Street is an unimproved 70-foot right-of-way which extends northward 163
feet from Royall Avenue to an intersection with the subject unimproved
alley. The alley is approximately 25 feet in width and extends from Lone
Street westward to an intersection with a north-south alley. The
petitioner desires the closing to permit the expansion of Church-related
day nursery facilities. All adjacent property owners have consented to the
closing. The subject alley and street contain no utilities and are not
needed for circulation or access.

Very truly yours,


Jon P. Weersing
Secretary

JPW:lk

cc: Reverend Robert L. Tapper - Petitioner

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-153	Subject
Requested by .. Director of Public Works	To Close Street.
Received City Manager's Office --	
Summarized 9/3/85	

SUMMARY

This Ordinance would close Lone Street and a portion of an alley as shown on plan prepared by the Department of Public Works, designated DPW Drawing No. N-21354, entitled, "Proposed Closing of Lone Street, and a Portion of an Alley between Commerce Road, Royall Avenue, Gunn Street and an Alley".

This was requested in a letter of request dated April 4, 1985, and signed by Reverend Robert L. Tapper. The Applicant is planning an extension of an existing structure which necessitates the consolidation of property obtained from the closing.

The Department of Public works offers no objections to the proposed closing subject to the usual terms and conditions to include:

1. All abutting owners consent in writing.
2. All cost incident to the closing be borne by the applicant.
3. The rights of any public and/or private utilities who may have facilities in subject street and alley, be protected.
4. A twelve-month's expiration clause be included.
5. The applicant to be responsible for surface overflow in the area to be closed.
6. That applicant pay all cost for the construction of curb, gutter and sidewalks across streets and alley entrances unless waived by the Director of Public works.

COUNCIL ACTION

On Docket 9/9/85
Amended
Adopted
Rejected