

AN ORDINANCE No 85-302-279

ADOPTED DEC 16 1985

To amend 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", to delete from said ordinance the portion of Calverton Street to be closed upon said ordinance, as amended herein, becoming effective.

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 [~~Calverton Street,~~] Berclair Avenue and Glasgow
4. Street, in an area bounded on the north by Dale Avenue, on
5. the east by the right of way line of the Seaboard Coast Line
6. Railroad, on the south by the south right of way line of
7. Calverton Street [~~(to-be-closed)~~] and on the west by
8. Jefferson Davis Highway, said streets and portions of
9. streets to be closed shown shaded on Department of Public
10. Works Drawing No. O-21391-A, entitled: "Proposed Street
11. Closings in the area bounded by Calverton St., Dale Ave.,

1. Jefferson Davis Hgwy. and the S.C.L. Railroad", dated [~~July~~
2. ~~25~~] October 22, 1985, which plan is on file in the office of
3. the Department of Public Works and a copy of which is
4. attached to the draft of this amendatory ordinance, be and
5. are hereby closed to public use and travel and abandoned as
6. public streets and portions of public streets of the City of
7. Richmond, such streets and portions of said streets being no
8. longer needed for the public convenience.

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

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

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

19. The consent or consents herein required to be
20. executed on behalf of the owners of the real estate abutting
21. the streets and portions of the streets to be closed to
22. public use and travel shall be in form satisfactory to the
23. City Attorney and filed in the office of the City Clerk.
24. 360 Associates or George G. Burkhardt Estate shall have the

1. sole responsibility for complying with the terms and
2. conditions herein set out requisite for such ordinance
3. becoming effective.

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

December 11, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of December 9, 1985, the City Planning Commission voted
(7-0) to recommend APPROVAL of:

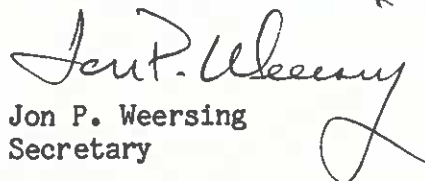
Ordinance No. 85-302

To amend 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 of 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,***shown shaded on
Department of Public Works Drawing No. 0-21391,***to delete
from said Ordinance the portion of Calverton Street to be
closed upon said Ordinance, as amended herein, becoming
effective.

This paper would amend an ordinance which was recommended by the Commission and adopted by City Council in September, 1985. It authorized the closing of several streets in the area between Jefferson Davis Highway and the S.C.L. Railroad south of Dale Avenue. That ordinance enabled the closing of Trenton and Kenilworth Avenues and portions of Calverton Street, Berclair Avenue and Glasgow Street. The contract purchaser of most of the abutting properties had requested the closings in order to consolidate the properties for future development of a neighborhood shopping center.

The purpose of this amendment is to delete Calverton Street from the streets to be closed. Calverton Street, which is unimproved for the most part, lies between the petitioner's properties and a Farm Fresh Supermarket to the south. The owners of the supermarket property have not consented to the closing because a short portion of the street is used for access to their site. The petitioner and the owners have been unable to reach agreement on future means of continued access. The petitioner has, therefore, asked that Calverton Street be deleted from the ordinance so that the other closings may be implemented in a timely fashion. There are no other property owners involved in the other street closings.

Very truly yours,


Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Frank H. Regan - Petitioner
Director - Department of Public Works