

AN ORDINANCE No 85-272-246

ADOPTED OCT 28/86

To close to public use and travel a portion of Rothesay Circle extending easterly a distance of 247.64 feet, more or less (along its southerly line), from the east right of way line of Portland Place to its intersection with the west right of way line of the RMA Downtown Expressway, said portion of Rothesay Circle being 53.94 feet, more or less, in width except widening to 69.54 feet, more or less, at its intersection with the east right of way line of Portland Place and containing 12,243 square feet, more or less, the portion of Rothesay Circle to be closed shown shaded on Department of Public Works Drawing No. N-21429, entitled: "Proposed closing of a portion of Rothesay Circle between Portland Place and the Downtown Expressway", 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 the portion of Rothesay Circle extending
3. easterly a distance of 247.64 feet, more or less (along its
4. southerly line), from the east right of way line of Portland
5. Place to its intersection with the west right of way line of
6. the RMA Downtown Expressway, said portion of Rothesay Circle
7. being 53.94 feet, more or less, in width except widening to
8. 69.54 feet, more or less, at its intersection with the east
9. right of way line of Portland Place and containing 12,243
10. square feet, more or less, the portion of Rothesay Circle to
11. be closed shown shaded on Department of Public Works Drawing

1. No. N-21429, entitled: "Proposed closing of a portion of
2. Rothesay Circle between Portland Place and the Downtown
3. Expressway", dated September 20, 1985, which plan is on file
4. in the office of the Department of Public Works and a copy
5. of which is attached to the draft of this ordinance, be and
6. is hereby closed to public use and travel and abandoned as a
7. public street of the City of Richmond, it being no longer
8. needed for public convenience.

9. § 2. This ordinance shall be in force as provided
10. in 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 portion of the aforesaid
14. street (to be closed) consent thereto in writing which
15. consent shall be filed in the office of the City Clerk; (b)
16. Arthur M. Hungerford, Jr., Mary F. Hungerford, Arthur M.
17. Hungerford, III, and Deborah Hungerford make arrangements
18. satisfactory to public utility or public service corpora-
19. tions, including the Department of Public Utilities of the
20. City of Richmond, if requisite, whose properties or facili-
21. ties are in said portion of the street to be closed for
22. either the removal, relocation or abandonment thereof, for
23. the construction, reconstruction, maintenance and repair
24. thereof, or for adequate protection of an eight-inch

1. waterline and a fire hydrant, as requisite, evidence of
2. which shall be in writing and filed in the office of the
3. City Clerk; and (c) Arthur M. Hungerford, Jr., Mary F.
4. Hungerford, Arthur M. Hungerford, III, and Deborah Hunger-
5. ford bear all cost involved and agree in writing with the
6. City that for themselves, their successors and assigns, they
7. will indemnify, reimburse, keep and hold the City of
8. Richmond free and harmless from liability on account of
9. injury or damage to persons, firms or corporations or
10. property which may result directly or indirectly from the
11. closing of the portion of the street to public use and
12. travel by this ordinance and the obstruction or interference
13. with the flow or overflow of surface or subsurface water
14. resulting directly or indirectly therefrom; and in the event
15. that any suit or proceeding is brought against the City at
16. law or in equity, either independently or jointly with the
17. owners of all the property abutting the portion of said
18. street, or any of them, on account thereof, they will defend
19. the City in any such suit or proceeding at their costs and
20. in the event of a final judgment or decree being obtained
21. against the City, either independently or jointly with the
22. owners of all of the property abutting the aforesaid portion
23. of street to be closed to public use and travel, or any of
24. them, they will 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. The consents herein required to be executed on behalf
4. of the owners of the real estate abutting the street to be
5. closed to public use and travel shall be in form satis-
6. factory to the City Attorney and filed in the office of the
7. City Clerk. The applicants for the closing of the portion
8. of Rothesay Circle shall have the sole responsibility for
9. complying with the terms and conditions herein set out
10. requisite for such ordinance becoming effective.

11. § 3. At such time as the several conditions set out
12. in § 2 of this ordinance, supra, for the closing of said
13. portion of Rothesay Circle have been met and satisfied, that
14. portion of Rothesay Circle shall cease to be a public street
15. of the City of Richmond and the City of Richmond shall have
16. no further right, title and interest in said portion of
17. Rothesay Circle 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

October 22, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 21, 1985, the City Planning Commission voted
(9-0) to recommend APPROVAL of:

Ordinance No. 85-272

To close to public use and travel a portion of Rothesay
Circle extending easterly a distance of 247.64 feet, more or
less (along its southerly line), from the east right of way
line of Portland Place to its intersection with the west
right of way line of RMA Downtown Expressway, etc.

This paper would close to public use and travel an unimproved, dead-end
portion of Rothesay Circle between Portland Place and the Downtown
Expressway south of Douglasdale Road. The portion of the street to be
closed extends 245 feet eastwardly from Portland Place to its terminus at
the Expressway. It is 54 feet in width and splits the petitioner's
property. There are no other abutting properties. The petitioner has
requested the closing in order to better utilize his property. although
the City's records indicate this is a private street, the petitioner has
some evidence that it may be public. This paper would resolve any question
as to the status of the street and would avoid a cloud on the title by
giving up any interest the City may have in the street. A water line and
fire hydrant will, at the option of the Department of Public Utilities,
either be abandoned or protected by an easement. Since the subject street
is not needed for circulation, access or any other public purpose, approval
of the closing is recommended.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Steven D. Delaney - Attorney for Applicant
Director - Department of Public Works

SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date June 24, 1985

TO: The Honorable Council of the City of Richmond
c/o The Department of Planning & Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):
To amend the special use permit for the Bramblewood Estates parcel adjacent to
the subject parcel to include the subject parcel as open space to the original
special use site,; wooden structure (Old garage) to be removed
at the premises designated or described as follows: Access as shown on
the attached plat

in accordance with attached plans designated (title, sheet numbers, preparer, date):
Plat of 3.11 acres of land situated on Jahnke Road

The current zoning of the property is: R-2

Attached is a check for \$ 250.00, payable to "City of Richmond."

Signature of owner of property: *John G. Dicks, III*

Address: Pemberton Management Co. Three Center Plaza,
Boston, Massachusetts
Zip Code: 02108

Phone: (617) 732-5600

Applicant or owner's representative: John G. Dicks, III, Esquire

Address: P.O. Box 247, Chesterfield, VA

Zip Code: 23832

Phone: (804) 748-8171

Staff Note:

Application, plans, report, fee and other required information received: _____

Affects Master Plan YES _____ NO _____

APPLICANTS REPORT FOR
PARCEL B ON A CERTAIN PLAT
CONSISTING OF
3.11 ACRES ON JAHNKE ROAD

At present, the Applicant has no definite plans or proposed use for the subject parcel except for utilization of the subject parcel as a buffer for its existing development known as Bramblewood Estates on Jahnke Road, in the City of Richmond, Virginia. The application requests an amendment to the existing special use permit granted to Bramblewood estates to allow Parcel B, as shown on the plats submitted with the application, to be merged into the Bramblewood Estates parcel as "open space".

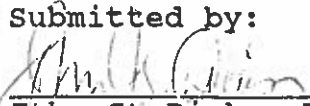
By way of background, the Applicant purchased 4.091 acres located on Jahnke Road, adjacent to the Bramblewood Estates parcel. The 4.091 parcel has two single family houses located close to Jahnke road as reflected on the plats submitted with the application. The Applicant has renovated the two single family houses, and divided the 4.091 acre parcel into Parcels A and B. The Applicant has requested approval to subdivide Parcel A into two single family lots, and the subdivision application is currently pending. Staff is recommending approval.

Staff is also recommending approval of the amendment to the Special Use Permit of Bramblewood to allow Parcel B to be merged into the Bramblewood Estates Parcel, as "open space". The Applicant will, upon approval of the application, remove the wooden structure (old garage). Questions should be addressed to the undersigned representative of the Applicant.

Due to the use of the subject parcel being that of open space, the special use amendment will not be detrimental in any way to the area, will not impact traffic, will not create hazards of any kind, and will not in any way otherwise interfere or detriment the area. The special use amendment is totally compatible with the surrounding area.

The Applicant may decide to apply at some future point to amend the special use to request that the subject parcel be approved for an overflow parking lot, and recreational uses, for the residents of the Bramblewood Estates Apartment Community. The Applicant, at the present time, however, is only requesting use as "open space".

Submitted by:



John G. Dicks, III
RUDY, GILL, KEOWN & DICKS
P. O. Box 247
Chesterfield, Virginia 23832
(804) 748-8171

ORDINANCE OR RESOLUTION SUMMARY CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-272	Subject
Requested by City Manager	To Close a Portion of Rothesay Circle.
Received City Manager's Office --	
Summarized 10/18/85	

SUMMARY

This Ordinance would close a portion of Rothesay Circle as shown on Department of Public Works Drawing No. N-21429 entitled, "Proposed closing of a portion of Rothesay Circle between Portland Place and the Downtown Expressway".

This was requested in a letter dated September 10, 1985, and signed by Steven D. Delaney, McGuire, Woods & Battle, on behalf of Mr. Arthur M. Hungerford III. Applicant believes the subject portion of Rothesay Circle to be a public street and request the City give up all rights, title and interest that the City may have in it. Applicant also states that he owns property on both sides of subject street and would like to have it closed so he may better utilize his property; however, the Department of Public Works records of this portion of Rothesay Circle indicate the street to be a private street.

The estimated revenue is 12,243 sq. ft. added to taxable property.

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

1. All cost incident to the closing to be borne by the applicant.
2. The rights of any public and/or private utilities who may have facilities in subject street be protected.
3. A twelve-month expiration clause be included.
4. The applicant be responsible for surface overflow in the area to be closed.
5. All abutting owners must consent in writing to the closing.
6. Applicant to make necessary arrangements with the Department of Public Utilities to protect or remove 8 inch waterline and fire hydrant in street to be closed.

COUNCIL ACTION

On Docket 10/28/85
Amended
Adopted 1
Rejected