

AN ORDINANCE NO. 86-114-8-151

ADOPTED JUN 9 1986

To close to public use and travel an alley 14 feet, more or less, in width that extends in a westerly direction 248.55 feet, as measured along its northerly line, from the west right of way line of Eighteenth Street to the south right of way line of another 14-foot wide public alley that extends from the easterly right of way line of Twenty-First Street to the westerly right of way line of Eighteenth Street, containing 3,619 square feet, more or less, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21517, dated April 8, 1986, entitled: "Proposed Closing of a 14 Foot Alley in the Block Bounded by Eighteenth St., Mansion Ave., Twenty First St. and Keswick Ave.", upon certain terms and conditions.

Patron - Acting City Manager (By Request)

PUBLIC HEARING JUN 9 1986 AT 7:15 P.M.

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That an alley 14 feet, more or less, in width
3. that extends in a westerly direction 248.55 feet, as
4. measured along its northerly line, from the west right of
5. way line of Eighteenth Street to the south right of way line
6. of another 14-foot wide public alley that extends from the
7. easterly right of way line of Twenty-First Street to the
8. westerly right of way line of Eighteenth Street, containing
9. 3,619 square feet, more or less, shown shaded on a plan
10. prepared by the Department of Public Works, Drawing No.
11. N-21517, dated April 8, 1986, entitled: "Proposed Closing of

1. a 14 Foot Alley in the Block Bounded by Eighteenth St.,
2. Mansion Ave., Twenty First St. and Keswick Ave.", which plan
3. is on file in the office of the Department of Public Works
4. and a copy of which is attached to the draft of this
5. ordinance, be and is hereby closed to public use and travel
6. and abandoned as a public alley of the City of Richmond,
7. said alley being no longer needed for the public
8. 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 six months from the day
12. this ordinance is in force, (a) the owners of all the
13. property abutting the alley (to be closed pursuant to the
14. satisfaction of the provisions and conditions of this
15. ordinance) consent thereto in writing which shall be filed
16. in the office of the City Clerk; (b) Center Street Baptist
17. Church of Richmond, Virginia, Trustee, makes arrangements
18. satisfactory to public utility or public service corpora-
19. tions including the Department of Public Utilities of the
20. City of Richmond and private utility companies whose
21. properties or facilities are in said alley for either the
22. removal, relocation or abandonment thereof or for the con-
23. struction, reconstruction, maintenance and repair thereof,
24. evidence of which shall be in writing, approved as to form

1. by the City Attorney, and filed in the office of the City
2. Clerk; (c) Center Street Baptist Church of Richmond,
3. Virginia, Trustee, bears all cost involved and agrees in
4. writing with the City that for itself, its successors and
5. assigns, it will indemnify, reimburse, keep and hold the
6. City of Richmond free and harmless from liability on account
7. of injury or damage to persons, firms or corporations or
8. property which may result directly or indirectly from the
9. closing of the alley to public use and travel by this
10. ordinance and the obstruction or interference with the flow
11. or overflow of surface or subsurface water resulting
12. directly or indirectly therefrom; and in the event that any
13. suit or proceeding is brought against the City at law or in
14. equity, either independently or jointly with the owners of
15. all the property abutting the aforesaid alley, or any of
16. them, on account thereof, it will defend the City in any
17. such suit or proceeding at its costs; and in the event of a
18. final judgment or decree being obtained against the City, it
19. will pay such judgment or comply with such decree, including
20. payment of all costs and expenses of whatsoever nature and
21. hold the City and said owners harmless therefrom.

22. The consents herein required to be executed on
23. behalf of the owners of the real estate abutting the alley
24. to be closed to public use and travel shall be in form

1. satisfactory to the City Attorney. Center Street Baptist
2. Church of Richmond, Virginia, Trustee, shall be responsible
3. for satisfying all terms and conditions imposed and
4. requisite for this ordinance becoming effective.

Center Street Baptist Church

1809 MANSION AVENUE
RICHMOND, VIRGINIA 23224

March 24, 1986



Mr. Sarver, Director of Public Works
900 East Broad Street
Richmond, Virginia 23219

RE: Center Street Baptist Church
1801 Mansion Avenue
Richmond, Virginia 23224

Request easement to close alley
directly behind church

Mr. Sarver, the above named building has an alley directly behind it that we, the pastor and congregation would like to have closed. The alley runs from East 18th Street and is fronted by Mansion Avenue.

If you have any questions regarding this request please contact Mr. Mark Strickler in the Planning Office (ph: 780-4347).

Please find enclosed a check for the fee of \$100.00 .

Sincerely,

Rev. Walter Robertson, Sr.

Rev. Walter Robertson, Sr.,
Pastor

Virginia R. Terry, Secretary

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-148	Subject To Close Alley/Bounded by 18th & 21st Streets and Mansion & Keswick Avenues.
Requested by Acting City Manager, By Request	
Received City Manager's Office --	
Summarized 6/2/86	

SUMMARY

This Ordinance would close to public use and travel a gravel alley in the block bounded by 18th & 21st Streets and Mansion & Keswick Avenues in the Oak Grove area.

The closing is requested by Center Street Baptist Church. The petitioner has requested the closing as a means to overcome an unintentional parking (zoning) violation and to consolidate properties thus allowing the church to have off-street parking situated on the same property as the building it serves.

The Department of Public Works offers no objections, subject to usual terms and conditions.

1. Applicant to bear all relative cost;
2. Rights of any public/private utilities to be protected;
3. Applicant responsible for surface overflow in area to be closed;
4. All abutting owners must consent in writing to the closing.

Planning Commission approval - June 2, 1986.

COUNCIL ACTION

On Docket 6/9/86
Amended
Adopted
Rejected

City of Richmond
City Planning Commission



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

June 3, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of June 2, 1986, the City Planning Commission voted (8-0) to recommend APPROVAL of:

Ordinance No. 86-148

To close to public use and travel an alley 14 feet, more or less,***that extends in a westerly direction,***from the west right of way line of Eighteenth Street,***shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21517, etc.

This ordinance would close to public use and travel a gravel alley in the block bounded by 18th and 21st Streets and Mansion and Keswick Avenues in the Oak Grove area. The alley is fourteen feet in width and extends westwardly from 18th Street 250 feet to an intersection with the primary east-west alley serving the block. The closing is requested by Center Street Baptist Church. In 1983, a building permit was issued for a new church building at the corner of Mansion Avenue and 18th Street, with parking to be located on church-owned property across the subject alley from the building site. The permit was issued in error, since the zoning ordinance requires that off-street parking be situated on the same property as the building it serves. The petitioner has requested the closing as a means to overcome the zoning violation and to consolidate the properties. The alley would function as a private alley and would continue to provide access.

The church owns four of the six properties abutting the alley, and has indicated the other two owners have agreed to the closing. The alley is not needed for general circulation in the area, and the Department of Public Works has no objections to the closing. The Commission noted that there are outbuildings at the rear of the two privately-owned properties to which the owners may desire continued access. A church spokesperson has indicated the church intends to allow continued access to these properties. The ordinance provides that the owners of the properties must consent in writing to the closing before it may become effective. Therefore, the Commission believes the access question can be resolved privately to the satisfaction of all of the parties, so long as the

June 3, 1986

property owners are aware of the alley closing procedures and their related rights. At the request of the Commission, the Planning staff will contact the two owners to explain the process.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Reverend Walter Robertson, Sr. - Applicant
Director - Department of Public Works