

AN ORDINANCE *No. 86-170-164*

**ADOPTED JUN 23 1986**

To close to public use and travel Maiden Lane extending easterly from the east right of way line of Belvidere Street to the west right of way line of 1st Street, and Church Street extending northerly from the north right of way line of Rowe Street to the south right of way line of Maiden Lane (to be closed by this ordinance becoming effective), as shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21525, dated April 21, 1986, entitled: "Proposed Closing of Maiden Lane and Church Street Between Belvidere, Rowe and 1st Streets. (Southern States Tobacco Co., Inc.)" upon certain terms and conditions.

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Patron - Acting City Manager (By Request)

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Approved as to form and legality  
by City Attorney

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1. THE CITY OF RICHMOND HEREBY ORDAINS:
2.       § 1. That Maiden Lane extending easterly from the
3. east right of way line of Belvidere Street to the west right
4. of way line of 1st Street, and Church Street extending
5. northerly from the north right of way line of Rowe Street to
6. the south right of way line of Maiden Lane (to be closed by
7. this ordinance becoming effective), as shown shaded on a
8. plan prepared by the Department of Public Works, Drawing No.
9. N-21525, dated April 21, 1986, entitled: "Proposed Closing
10. of Maiden Lane and Church Street Between Belvidere, Rowe and
11. 1st Streets. (Southern States Tobacco Co., Inc.)", which
12. plan is on file in the Department of Public Works and a

1. copy of which is attached to the draft of this ordinance, be  
2. and are hereby closed to public use and travel and abandoned  
3. as public streets of the City of Richmond, said streets  
4. being no longer needed for the public convenience.

5. § 2. This ordinance shall be in force as provided  
6. in Section 4.09 of the Charter of the City of Richmond and  
7. shall become effective when, within twelve months from the  
8. day this ordinance is in force, (a) the owners of all the  
9. property abutting the streets (to be closed pursuant to the  
10. satisfaction of the provisions and conditions of this  
11. ordinance) consent thereto in writing which shall be filed  
12. in the office of the City Clerk; (b) Southern States Tobacco  
13. Company, Inc., makes arrangements satisfactory to public  
14. utility or public service corporations including the  
15. Department of Public Utilities of the City of Richmond or  
16. private utility companies whose properties or facilities are  
17. in said streets for either the removal, relocation or  
18. abandonment thereof or for the construction, reconstruction,  
19. maintenance and repair thereof, evidence of which shall be  
20. in writing, approved as to form by the City Attorney, and  
21. filed in the office of the City Clerk; (c) Southern States  
22. Tobacco Company, Inc., bears all cost involved and agrees in  
23. writing with the City that for itself, successors and  
24. assigns, it will indemnify, reimburse, keep and hold the

1. City of Richmond free and harmless from liability on account  
2. of injury or damage to persons, firms or corporations or  
3. property which may result directly or indirectly from the  
4. closing of the streets to public use and travel by this  
5. ordinance becoming effective and the obstruction or  
6. interference with the flow or overflow of surface or  
7. subsurface water resulting directly or indirectly therefrom;  
8. and in the event that any suit or proceeding is brought  
9. against the City at law or in equity, either independently  
10. or jointly with the owners of all the property abutting the  
11. aforesaid streets, or any of them, on account thereof, it  
12. will defend the City in any such suit or proceeding at its  
13. costs; and in the event of a final judgment or decree being  
14. obtained against the City, will pay such judgment or comply  
15. with such decree, including payment of all costs and  
16. expenses of whatsoever nature and hold the City and said  
17. owners harmless therefrom, (d) Southern States Tobacco  
18. Company, Inc., agrees in writing to accept complete and sole  
19. responsibility for the sanitary sewer mains (including  
20. manholes and all other attendant facilities) in the streets  
21. to be closed by this ordinance becoming effective, and (e)  
22. Southern States Tobacco Company, Inc., makes necessary  
23. arrangements to kill the water main in Maiden Lane and  
24. Church Street and relocate the fire hydrant at the corner

1. of Church Street and Rowe Street at an estimated cost of  
2. \$5,700 (to bear the full expense) as a requisite for this  
3. ordinance becoming effective.

4.           The consents herein required to be executed on  
5. behalf of the owners of the real estate abutting the streets  
6. to be closed to public use and travel shall be in form  
7. satisfactory to the City Attorney. Southern States Tobacco  
8. Company, Inc., or successors in title, to whom or which the  
9. several rights and interests to vest by this ordinance  
10. becoming effective shall inure, shall be responsible for  
11. satisfying all terms and conditions imposed and requisite  
12. for this ordinance becoming effective.

13.           At such time as this ordinance becomes effective the  
14. City shall have no further right, title and interest in  
15. said Maiden Lane and Church Street.

**ORDINANCE OR RESOLUTION SUMMARY**  
**CITY OF RICHMOND, VIRGINIA**

<b>Resolution Ordinance No.</b> ..... 86-170 .....	<b>Subject</b>  Closing of Maiden Lane and a Portion of Church Street.
<b>Requested by</b> ..... Acting City Manager, By Request .....	
<b>Received City Manager's Office</b> ..... -- .....	
<b>Summarized</b> ..... 6/16/86 .....	

**SUMMARY**

This Ordinance would close to public use and travel Maiden Lane and Church Street. The streets are located between the State Penitentiary and the Virginia War Memorial. The petitioner, Southern States Tobacco Company, owns or controls all of the properties abutting the streets.

The closings have been requested to allow the consolidation of properties thus enhancing their development potential.

Department of Public Works offers no objections. Usual terms and conditions to include:

1. All cost to be borne by applicant;
2. Public/Private Utilities' rights to be protected;
3. Applicant responsible for closing of sewer mains;
4. Applicant to make arrangements to kill water mains, relocate fire hydrant and remove street lights at applicant's expense.

Estimated Revenue -- 31,309 sq. ft. added to taxable property.

Planning Commission granted approval on June 16, 1986.

**COUNCIL ACTION**

<b>On Docket</b> .....	6/23/86 .....
<b>Amended</b> .....	
<b>Adopted</b> .....	
<b>Rejected</b> .....	

City of Richmond  
City Planning Commission



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

June 17, 1986

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of June 16, 1986, the City Planning Commission voted (8-0)  
to recommend APPROVAL of:


Ordinance No. 86-170

To close to public use and travel Maiden Lane,\*\*\*and Church  
Street,\*\*\*as shown,\*\*\*on,\*\*\*Department of Public Works,  
Drawing No. N-21525, etc.

This paper would close to public use and travel Maiden Lane between Belvidere Street and 1st Street, and Church Street between Maiden Lane and Rowe Street. The streets in question are located generally between the State Penitentiary and the Virginia War Memorial, east of Belvidere Street. Maiden Lane is fifty feet in width, and Church Street is 34 feet in width. Both streets are improved and contain sewer and water lines. The sewer serves only the petitioner's property and will be privately maintained. The water lines will be abandoned.

The petitioner, Southern States Tobacco Company, owns or controls all of the properties abutting the streets. The properties are vacant and separated by the streets in question. The closings have been requested in order that the properties can be consolidated to enhance their development potential. The streets are not needed for public circulation or access to any adjacent property, and suitable circulation will be maintained in the area. The Department of Public Works and the City Traffic Engineer have recommended the closings. The closings would eliminate a maintenance responsibility for streets which are not needed for public purpose, and would encourage more efficient utilization of adjacent vacant land.

Very truly yours,

  
Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Randolph B. Chichester - Attorney for Applicant  
Director - Department of Public Works