

AN ORDINANCE No. 87-190-179

ADOPTED SEP 14 1987

To close to public use and travel portions of Cary Street, a strip of land varying in width from 1.39 feet, more or less, to 3 feet, more or less, and being 203.2 feet, more or less, in length, lying adjacent to the southerly right of way line of Cary Street, 151 feet, more or less, east of 10th Street and 148.75 feet, more or less, west of 12th Street, and portions of Canal Street extending westerly from 12th Street to 10th Street, varying in width from 18.36 feet at 12th Street to 43.23 feet at 10th Street, containing in aggregate 8,251 square feet, more or less, the portions of Cary Street and Canal Street to be closed shown shaded on Department of Public Works Drawing No. N-21434, entitled: "Proposed Closing of a Portion of the South Side of Cary St. and North Side of Canal St. between 10th St. and 12th St. (James Center)".

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That portions of Cary Street, a strip of land varying in width from 1.39 feet, more or less, to 3 feet, more or less, and being 203.2 feet, more or less, in length, lying adjacent to the southerly right of way line of Cary Street, 151 feet, more or less, east of 10th Street and 148.75 feet, more or less, west of 12th Street, and portions of Canal Street extending westerly from 12th Street to 10th Street, varying in width from 18.36 feet at 12th Street to 43.23 feet at 10th Street, containing in aggregate 8,251 square feet, more or less, the portions of Cary Street and

Canal Street to be closed upon this ordinance becoming effective being shown shaded on Department of Public Works Drawing No. N-21434, entitled: "Proposed Closing of a Portion of the South Side of Cary St. and North Side of Canal St. between 10th St. and 12th St. (James Center)", dated October 1, 1985, which plan is on file in the office of the Department of Public Works and a copy of which is attached to the draft of this ordinance, be and are hereby closed to public use and travel and abandoned as portions of public streets of the City of Richmond, being no longer needed for public convenience.

§ 2. This ordinance shall be in force as provided in Section 4.09 of the Charter of the City of Richmond and shall become effective when, within twelve months from the day this ordinance is in force, (a) the owner or owners of all the property abutting the portions of the aforesaid streets (to be closed) consent thereto in writing which consent shall be filed in the office of the City Clerk; (b) Richmond Center Associates, or such corporation, entity or firm as shall be the owner of the adjoining properties, make arrangements satisfactory to public utility or public service corporations, including the Department of Public Utilities of the City of Richmond, if requisite, whose properties or facilities are in said portions of the streets to be closed for either the removal,

relocation or abandonment thereof, for the construction, reconstruction, maintenance and repair thereof, or for adequate protection of any and all utilities therein, as requisite, evidence of which shall be in writing and filed in the office of the City Clerk; (c) adjoining owner or owners bear all cost involved and agree in writing to indemnify, reimburse, keep and hold the City of Richmond free and harmless from liability on account of injury or damage to persons, firms or corporations or property which may result directly or indirectly from the closing of the portions of the streets to public use and travel by this ordinance and the obstruction or interference with the flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owners of all the property abutting the portions of said streets, or any of them, on account thereof, they will defend the City in any such suit or proceeding at their costs and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the owners of all of the property abutting the aforesaid portions of streets to be closed to public use and travel, or any of them, they will pay such judgment or comply with such decree

including payment of all costs and expenses of whatsoever nature and hold the City and said owners harmless therefrom; and (d) that the owner or owners make arrangements satisfactory to the Director of Public Works for the dedication of the right of way necessary for improving and widening Canal Street east of 10th Street, as shown on the above-identified plan and agree in writing to grant to the City of Richmond an easement for pedestrian traffic along and over portions of its property abutting 12th, Canal and Cary Streets. Detailed plans of such easement areas must be submitted to the Director of Public Works and approved as a requisite for the closings herein authorized becoming effective.

The consents herein required to be executed on behalf of the owners of the real estate abutting the portions of the streets to be closed to public use and travel shall be in form satisfactory to the City Attorney and filed in the office of the City Clerk. The applicants for the closing of the portions of Cary Street and Canal Street shall have the sole responsibility for complying with the terms and conditions herein set out requisite for such ordinance becoming effective.

§ 3. At such time as the several conditions set out in § 2 of this ordinance, supra, for the closing of said portions of Cary Street and Canal Street have been met and

satisfied, said portions of Cary Street and Canal Street shall cease to be portions of public streets of the City of Richmond and the City of Richmond shall have no further right, title and interest in said portions of Cary Street and Canal Street except reserved or granted in order to constitute compliance with the terms of this ordinance.