

AN ORDINANCE No 85-300-278

ADOPTED Dec 16, 1985

To close to public use and travel an alley 12 feet, more or less, in width that lies south of Holly Spring Avenue and extends easterly from the east right of way line of Logandale Avenue a distance of 138 feet, more or less, to a north-south alley that parallels said Logandale Avenue, in the block bounded by 34th Street, Logandale Avenue, Holly Spring Avenue and Maury Street, shown shaded on a plan prepared by the Department of Public Works, Drawing No. N-21445, dated October 24, 1985, entitled: "Proposed closing of an alley in block bounded by 34th St., Logandale Ave., Holly Spring Ave. and an alley", 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 an alley 12 feet, more or less, in width
3. that lies south of Holly Spring Avenue and extends easterly
4. from the east right of way line of Logandale Avenue a
5. distance of 138 feet, more or less, to a north-south alley
6. that parallels said Logandale Avenue, in the block bounded
7. by 34th Street, Logandale Avenue, Holly Spring Avenue and
8. Maury Street, shown shaded on a plan prepared by the
9. Department of Public Works, Drawing No. N-21445, dated
10. October 24, 1985, entitled: "Proposed closing of an alley in
11. block bounded by 34th St., Logandale Ave., Holly Spring Ave.
12. and an alley", which plan is on file in the office of the

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

6. § 2. This ordinance shall be in force as provided
7. in Section 4.09 of the Charter of the City of Richmond and
8. shall become effective when, within six months from the day
9. this ordinance is in force, (a) the owners of all the
10. property abutting the alley (to be closed pursuant to the
11. provisions of this ordinance) consent thereto in writing
12. which shall be filed in the office of the City Clerk; (b)
13. Melvin D. Creasman, Mary C. Creasman and Ella M. Nealis
14. make arrangements satisfactory to public utility or public
15. service corporations including the Department of Public
16. Utilities of the City of Richmond or private utility
17. companies whose properties or facilities are in said alley
18. for either the removal, relocation or abandonment thereof or
19. for the construction, reconstruction, maintenance and repair
20. thereof, evidence of which shall be in writing, approved as
21. to form by the City Attorney, and filed in the office of the
22. City Clerk; (c) Melvin D. Creasman, Mary C. Creasman and
23. Ella M. Nealis bear all cost involved and agree in writing
24. with the City that for themselves, their successors and

1. assigns, they will indemnify, reimburse, keep and hold the
2. City of Richmond free and harmless from liability on account
3. of injury or damage to persons, firms or corporations or
4. property which may result directly or indirectly from the
5. closing of the alley to public use and travel by this
6. ordinance and the obstruction or interference with the flow
7. or overflow of surface or subsurface water resulting
8. directly or indirectly therefrom; and in the event that any
9. suit or proceeding is brought against the City at law or in
10. equity, either independently or jointly with the owners of
11. all the property abutting the aforesaid alley, or any of
12. them, on account thereof, they will defend the City in any
13. such suit or proceeding at their costs; and in the event of
14. a final judgment or decree being obtained against the City,
15. they will pay such judgment or comply with such decree,
16. including payment of all costs and expenses of whatsoever
17. nature and hold the City and said owners harmless therefrom.

18. The consent herein required to be executed on behalf
19. of the owners of the real estate abutting the alley to be
20. closed to public use and travel shall be in form satisfac-
21. tory to the City Attorney. Melvin D. Creasman, Mary C.
22. Creasman and Ella M. Nealis shall be responsible for
23. satisfying all terms and conditions imposed and requisite
24. for this ordinance becoming effective.

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. 85-300

To close to public use and travel an alley 12 feet, more or less, in width that lies south of Holly Spring Avenue and extends easterly from the east right of way line of Logandale Avenue a distance of 138 feet,***to a north-south alley that parallels said Logandale Avenue, in the block bounded by 34th Street, Logandale Avenue, Holly Spring Avenue and Maury Street,***etc.

This paper would close to public use and travel a short unimproved alley in the block bounded by Holly Spring and Logandale Avenues and 34th and Maury Streets. The subject alley is twelve feet in width and extends 138 feet southward from Logandale Avenue to the center of the block where it intersects an east-west alley. The two adjacent homeowners have requested the closing to enhance their residential properties. There are no public utilities in the alley and no other properties abut the alley. Its closing would eliminate a City maintenance responsibility and place the land on the tax roll. The alley is not needed as a public alley or for access to any adjacent properties.

Very truly yours,


Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Melvin D. Creasman - Petitioner
Director - Department of Public Works