



Legislation Details (With Text)

File #: ORD. 2022-048 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 2/28/2022 **In control:** City Council

On agenda: 3/21/2022 **Final action:** 3/28/2022

Title: To close, to public use and travel, an alley in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue, and Lynhaven Avenue, consisting of 11,145± square feet, upon certain terms and conditions.

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2022-048, 2. Staff Report, 3. Plat

Date	Ver.	Action By	Action	Result
3/28/2022	1	City Council	adopted	Pass
3/21/2022	1	Planning Commission	recommended for approval	
2/28/2022	1	City Council	introduced and referred	

To close, to public use and travel, an alley in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue, and Lynhaven Avenue, consisting of 11,145± square feet, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That an alley in the block bounded by Bellemeade Road, Columbia Street, Afton Avenue, and Lynhaven Avenue, consisting of approximately 11,145 square feet, is hereby closed to public use and travel as a right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28981, dated January 26, 2022, and entitled “Proposed Closing to Public Use and Travel of Public Alley Located in Block Bounded by Bellemeade Road, Columbia Street, Afton Avenue, and Lynhaven Avenue,” hereinafter referred to as “the Drawing,” a copy of which drawing is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the right-of-way identified above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2020), as amended, and shall become effective only when, within 12 months from the day this ordinance is adopted:

(a) The applicant obtains consent to the closing from each of the owners of land, buildings or structures from whom consent is required under section 24-314 of the Code of the City of Richmond (2020), as amended, which consents shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(b) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the right-of-way area to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance and repair thereof, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(c) The applicant bears all costs associated with the closing, including, but not limited to, realignment, relocation or removal of utilities or infrastructure, installation of new utilities or infrastructure, new or revised street name or directional signs, streetlights, and similar infrastructure, as required by City agencies, and agrees in writing with the City that, for itself, its successors and its assigns, they shall indemnify, reimburse, and keep and hold the City free and harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the right-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alleys, or any of them, on account thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid right-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses or whatsoever nature and hold the City harmless therefrom.

(d) The applicant pays the City the sum of \$14,614.13 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional

portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) The applicant submits and obtains approval by the Director of Planning and Development Review a plan of development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of the improvements on the site and the proposed right-of-way closure and vacation, or if no plan of development is required, the applicant must apply for and be issued a building permit pursuant to the Virginia Uniform Statewide Building Code. Should approval of the plan of development be denied or a building permit not be issued, this closure of the public right-of-way shall not go into effect.

(g) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and Development Review, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

§ 3. That the City shall retain a public utility easement consisting of approximately 3,321 square feet within a portion of the alley to be closed, as shown with hatched lines on the Drawing. The Director of Public Utilities may approve the City's vacation of the easement if the Director determines that the easement is no longer necessary to satisfy the requirements of the Department of Public Utilities. The retention of the easement and any vacation thereof shall be only by deed approved as to form by the City Attorney.

§ 4. That, at such time as this ordinance becomes effective, except as provided in section 3 of this ordinance, and notwithstanding any provision of Chapter 8, Article III of the Code of the City of Richmond (2020), as amended, to the contrary, the Chief Administrative Officer shall be authorized to execute all deeds and other documents, each of which must first be approved as to form by the City Attorney, necessary to convey to the applicant all right, title, and interest of the City in the closed right-of-way area, including any interests retained by the City by operation of law subsequent to the closing of the right-of-way area for which this ordinance provides.

§ 5. This ordinance shall be in force and effect only upon the satisfaction of the terms and conditions

set out above.