

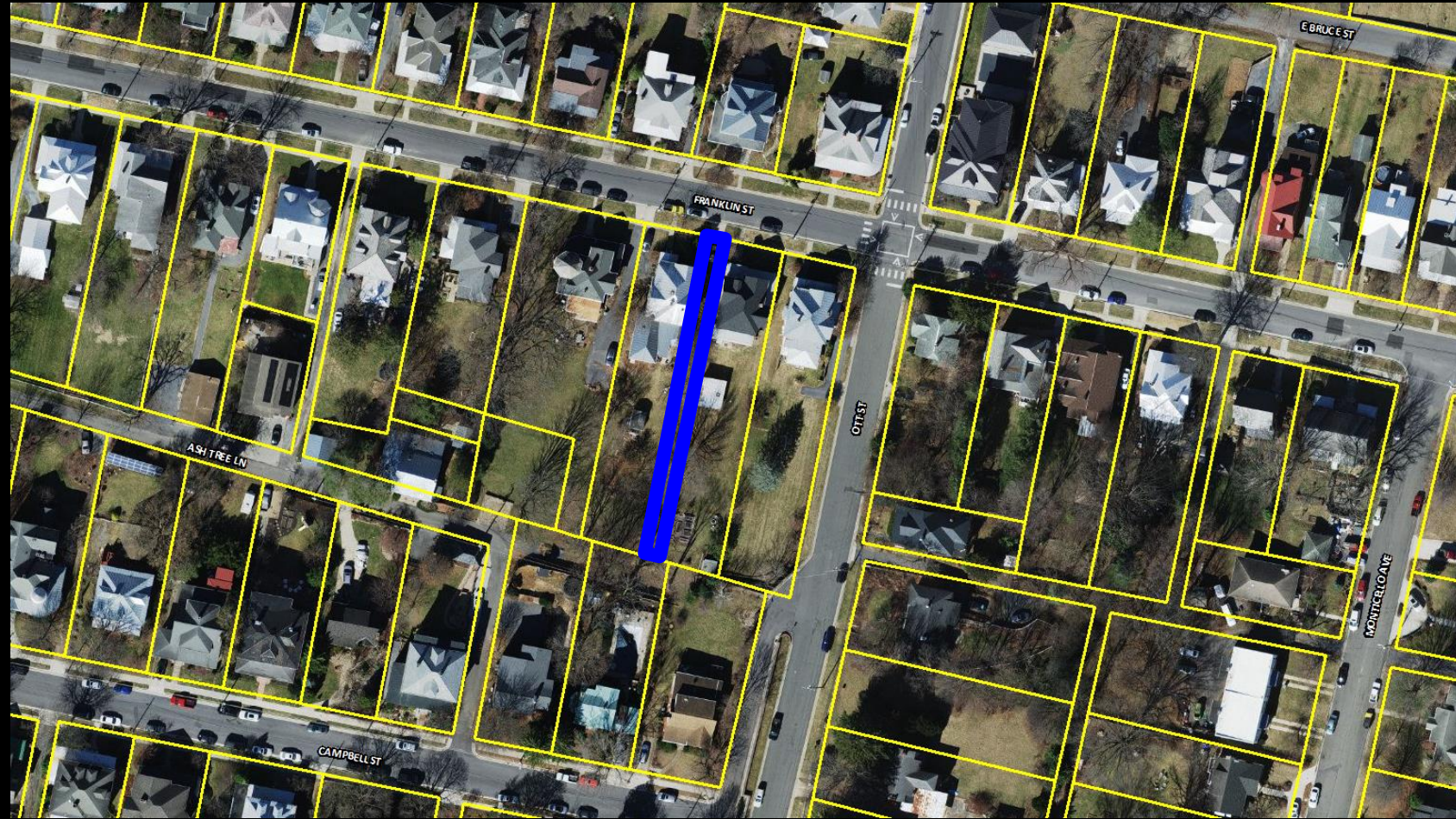
Alley Closing – Undeveloped Alley Between 291 and 295 Franklin Street



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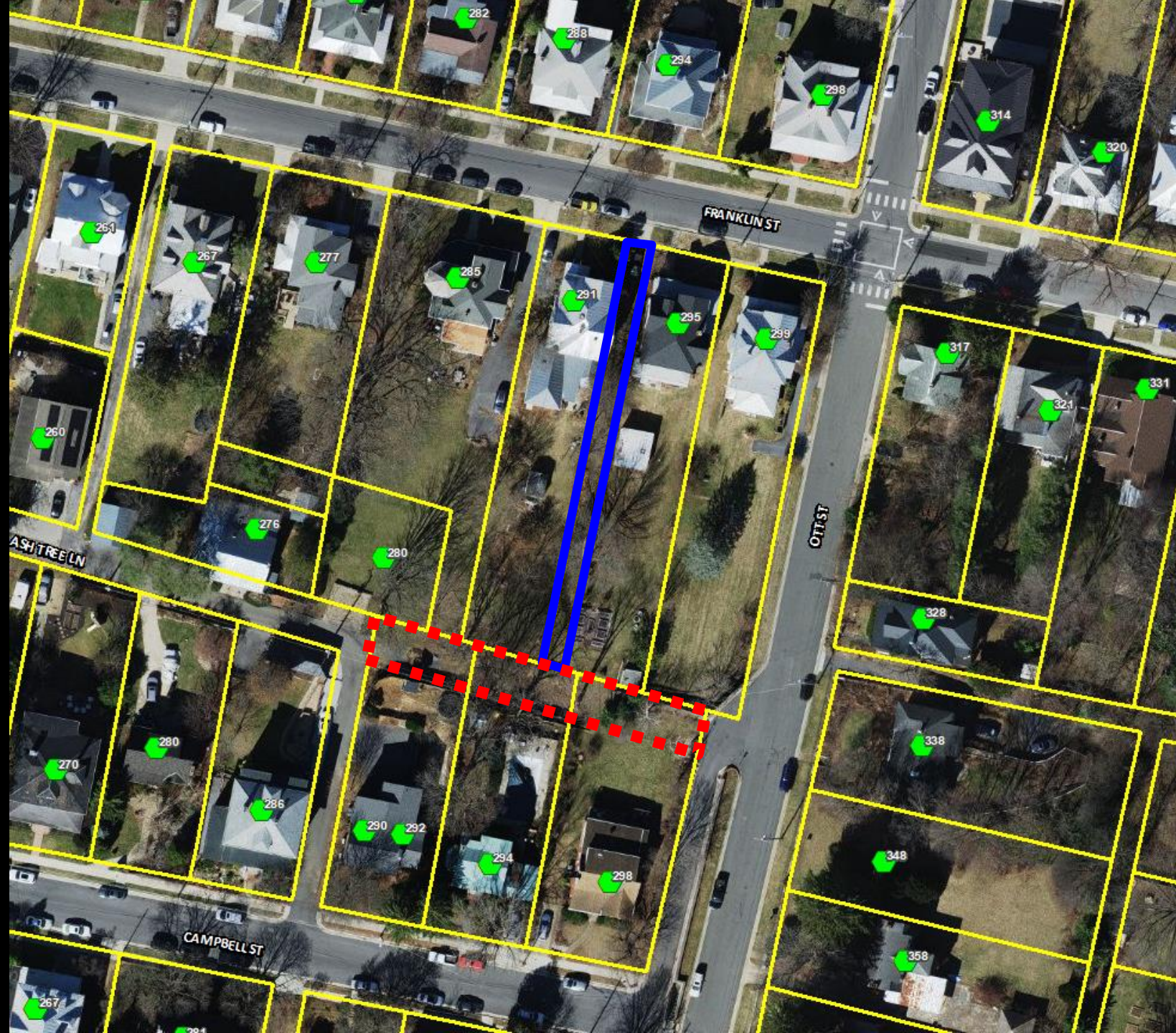
1. **Pre-1888:** Prior to March 5, 1888, Virginia did not have a subdivision ordinance. Any public rights-of-way recorded prior to this date are public easements or rights of passage. They follow the common law rule: In the absence of evidence to the contrary, the fee is presumed to be in the abutting landowners.¹

2. **Early Subdivision Act (1888 – 1928):** From March 5, 1888 until June 17, 1928, a subdivision created a public easement or right of passage, as before; however, the underlying fee remained in the dedicator of the subdivision, his heirs or assigns. Determining the present owner of the land for these paper streets and alleys could require extensive title searching.

3. **Post-1928 Subdivision Act:** Beginning June 17, 1928, recording a plat transferred, in fee simple, any portion of the land set aside for streets or other public use and created a public right of passage over that land. The City owns these paper streets and alleys.

¹ *Bond v. Green*, 189 Va. 23 (1949).

- 1901: subdivision was recorded that created lots within the City along Franklin Street.
- 1907: the original alley was closed by the property owner and a new one was created by the property owner and adjacent property owner. Each property owner dedicated a 5-foot access easement for an alley.



Recommendation

Staff and Planning Commission (5-1) recommends approval of the alley closing request with the following condition:

- A private shared access agreement shall be established among the owners of 291 Franklin Street (TM 26-L-11), 295 Franklin Street (TM 26-L-12), and 294 Campbell Street (TM 26-N-11) to maintain the ability to access the rear yard of each of the three properties from Franklin Street.

