

ORDINANCE NO. 2207

AN ORDINANCE approving, authorizing and directing the sale of certain real property owned by the City of Alexandria, Virginia, and the conveyance of certain easements held by the City of Alexandria, Virginia, in the vicinity of the south side of Duke Street and east of property owned by the Richmond, Fredericksburg and Potomac Railroad in the City of Alexandria, Virginia.

WHEREAS, the City of Alexandria, a municipal corporation of Virginia, owns certain real property in the City of Alexandria, Virginia, and holds certain easements in said city, all being more particularly described below and as shown on a plat entitled "PLAT SHOWING EASEMENTS FOR AND A PARCEL OF LAND TO BE CONVEYED TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SUBWAY STRUCTURE THROUGH THE LAND OF RF&P RAILROAD" dated October 22, 1976, with last revision dated June 13, 1977, prepared by Herman L. Courson, certified land surveyor, Springfield, Virginia, said plat being attached hereto and made a part hereof; and

WHEREAS, the City of Alexandria, Virginia, acquired said real property and easements from the Richmond, Fredericksburg and Potomac Railroad pursuant to a contract entered into between said railroad and the city dated November 18, 1975; and

WHEREAS, the city acquired the real property and easements for the purpose of conveying such property to the Washington Metropolitan Area Transit Authority (WMATA) and city council is of the opinion that the city does not need such property and it would be in the best public interest to convey the city's rights in said property to WMATA in accordance with a contract between the city and WMATA dated June 29, 1977; and

WHEREAS, the proposed conveyance of the city's rights in the said real property has been submitted to and approved by the planning commission of the city; and

WHEREAS, the city manager recommends the conveyance of the city's rights in the said real property to WMATA for \$273,354.00; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sale of fee simple interest in the hereinbelow described real property designated as Parcel 1 and identified on the plat attached hereto and made a part hereof to WMATA be and the same hereby is approved:

Parcel 1: Fee simple title in that parcel of land.

Beginning at a point in the southerly line of Duke Street, said point also being in the northwesterly line of the land of the City of Alexandria, and running thence with said line of the City of Alexandria, South  $70^{\circ} 37' 40''$  West, 520.05 feet, and South  $07^{\circ} 53' 28''$  West, 74.94 feet to a point in the westerly line of the land of Tony Guiffre Distributing Company, Inc.; thence with said line of Tony Guiffre Distributing Company, Inc., with the arc of a curve to the left whose radius is 1,417.00 feet,

and whose chord bearing and chord are, South  $56^{\circ} 59' 29''$  West, and 66.33 feet, respectively, a distance of 66.34 feet; thence leaving said line and running through the land of the RF&P Railroad, the following courses: North  $83^{\circ} 09' 15''$  West, 390.07 feet, North  $09^{\circ} 00' 34''$  West, 47.51 feet; thence with the arc of a curve to the left, whose radius is 2,899.32 feet, and whose chord bearing and chord are, North  $75^{\circ} 39' 30''$  East, and 782.09 feet, respectively, a distance of 784.48 feet to a point; thence South  $81^{\circ} 36' 41''$  East, 71.16 feet; North  $71^{\circ} 54' 24''$  East, 53.82 feet; and North  $70^{\circ} 24' 02''$  East, 6.39 feet to a point in the aforesaid southerly line of Duke Street; thence with said line of Duke Street, South  $81^{\circ} 36' 41''$  East, 67.10 feet and South  $08^{\circ} 23' 19''$  West, 3.00 feet to the point of beginning, containing 77,979 square feet.

Section 2. That the conveyance of easements through certain real property designated as Parcels 2, 3 and 4 hereinbelow described and identified on the plat attached hereto and made a part hereof to WMATA be and the same hereby is approved:

Parcel 2: Permanent Underground Easement with the following rights:

1. Right to install, maintain, remove, replace and protect a transit tunnel and transit related facilities.
2. Right to approve any plans of any structures which would be built on or over the easement after installation of the specified underground facility, the loading of which shall not exceed Cooper E-80 loading. Such approval shall not be required for railroad track structure and related appurtenances, vehicular driveways, paving and other nonstructural surface improvements, provided said use is not inconsistent with the above specified rights conveyed.
3. The easement will have an upper vertical limit of 34.0 feet above USC and GS Mean Sea Level Datum, 1929 General Adjustment.

and described as follows:

Beginning at a point in the northerly line of the land of the Southern Railway Company, said point lying along the arc of a curve to the left whose radius is 5,000.00 feet, a distance of 249.49 feet, and South  $82^{\circ} 54' 47''$  East, 271.79 feet from a point in the easterly line of Roberts Lane, and running thence through the land of the RF&P Railroad the following courses and distances: with the arc of a curve to the left whose radius is 2,650.00 feet, and whose chord bearing and chord are, North  $81^{\circ} 58' 52''$  East, and 91.62 feet, respectively, a distance of 91.63 feet to a point; South  $83^{\circ} 09' 15''$  East,

185.45 feet to a point; with the arc of a curve to the right whose radius is 3,040.00 feet, a distance of 46.07 feet to a point; and with the arc of a curve to the right whose radius is 2,680.00 feet, a distance of 66.82 feet to a point in the aforesaid northerly line of the land of the Southern Railway Company; thence with the said line of the Southern Railway Company, the following courses and distances: North 83° 09' 07" West, 61.89 feet to a point; North 06° 13' 57" West, 15.40 feet to a point; North 82° 54' 47" West, 102.68 feet to the point of beginning, containing 5,996 square feet.

Parcel 3: Permanent Underground Easement with the following rights:

1. Right to install, maintain, remove, replace and protect a transit tunnel and transit related facilities.
2. Right to approve any plans of any structures which would be built on or over the easement after installation of the specified underground facility, the loading of which shall not exceed Cooper E-80 loading. Such approval shall not be required for railroad track structure and related appurtenances, vehicular driveways, paving and other nonstructural surface improvements, provided said use is not inconsistent with the above specified rights conveyed.
3. The easement will have an upper vertical limit of 35.0 feet above USC and GS Mean Sea Level Datum, 1929 General Adjustment.

and described as follows:

Beginning at a point in the northerly line of the land of the Southern Railway Company, said point lying North 83° 09' 07" West, 148.93 feet from the southwesterly corner of the land of the Tony Guiffre Distributing Company, Inc., and running thence with said line of the Southern Railway Company North 83° 09' 07" West, 66.21 feet to a point; thence leaving said line of the Southern Railway Company running through the land of the RF&P Railroad the following courses and distances: with the arc of a curve to the right whose radius is 1,447.00 feet, a distance of 55.18 feet to a point; South 83° 09' 15" East, 69.84 feet to a point; and with the arc of a curve to the left whose radius is 1,417.00 feet, a distance of 57.81 feet to the point of beginning, containing 2,648 square feet.

Parcel 4: Permanent Utility Easement with the following rights:

1. Right to install, maintain, remove, replace and protect

said utility installation.

and described as follows:

Beginning at a point in the northerly line of the land of the Southern Railway Company, said point lying along the arc of a curve whose radius is 5,000.00 feet, a distance of 249.49 feet, and South  $82^{\circ} 54' 47''$  East, 304.61 feet from the intersection of said northerly line with the easterly line of Roberts Lane, and running thence through the land of the RF&P Railroad the following courses: North  $44^{\circ} 54' 27''$  East, 46.73 feet; North  $79^{\circ} 47' 46''$  East, 22.32 feet; South  $09^{\circ} 00' 34''$  East, 20.46 feet; thence with the arc of a curve whose radius is 2,650.00 feet, a distance of 15.74 feet; thence South  $44^{\circ} 54' 27''$  West, 24.76 feet to a point in the aforesaid northerly line of the land of the Southern Railway Company; thence with said line of the Southern Railway Company, North  $82^{\circ} 54' 47''$  West, 25.32 feet to the point of beginning, containing 1,100 square feet.

Section 3. That said deed shall be a Special Warranty Deed, expressly subject to any restrictions, covenants, easements and conditions in the deeds and instruments of record forming the chain of title to the property.

Section 4. The City of Alexandria will give possession of the property at settlement which shall be made no later than October 15, 1977.

Section 5. WMATA will pay for any title examination, title insurance, survey, preparation of deed of trust, conveyance tax, recording costs of deed and deed of trust, settlement fees, and notary fees that may be required for settlement.

Section 6. Should any liens and indebtedness, for example, a prior deed of trust or delinquent taxes or assessments, except those, if any, assumed by WMATA, exist against said property at the time of settlement hereunder, the City of Alexandria shall make satisfactory provision at settlement for the payment and release of the same as soon as it may be practicably accomplished.

Section 7. This ordinance shall bind the City of Alexandria and WMATA and their respective successors and assigns. It shall survive delivery and acceptance of the deed but may not be assigned by either party without the written consent of the other party.

Section 8. The city manager be and hereby is authorized and directed to deliver the deed to WMATA upon receipt of \$273,354.00 and compliance with other provisions of this ordinance.

Section 9. The city manager be and hereby is authorized

and directed, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the sale and conveyances approved, authorized and directed by this ordinance.

Section 10. The city clerk be and hereby is authorized and directed to attest the execution of said deed of sale and conveyance of easements and affix thereon the official seal of the City of Alexandria, Virginia.

Section 11. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN  
Mayor

Final Passage: September 28, 1977