

ORDINANCE NO. 2892

AN ORDINANCE to vacate a portion of the public right-of-way of the south side of Franklin Street located between Washington Street and South Saint Asaph Street in the City of Alexandria, Virginia, and the sale of said property to the abutting property owner.

WHEREAS, the said vacation has been approved by the planning commission at one of its regular meetings; and

WHEREAS, procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, Virginia, have been followed; and

WHEREAS, viewers were duly appointed by the Council of the City of Alexandria, Virginia, and have made their report; and

WHEREAS, the city manager has recommended the vacation of said property upon its purchase by Yates Gardens Associates Limited Partnership for the sum of \$39,710.00; upon the posting of a bond or deposit with the city of an amount sufficient to defray all costs for relocation of the existing sidewalk onto the remaining right-of-way; and upon the further condition that the vacated area be consolidated with the adjacent lots and not be used as a separate parcel or separate parcels; and

WHEREAS, the city council is of the opinion that \$39,710.00 represents the value of the property to be vacated; and

WHEREAS, Yates Gardens Associates Limited Partnership is the owner of all land that abuts said property and wishes to buy said property at the price, terms and conditions recommended pursuant to section 15.1-366, Code of Virginia (1950), as amended; and

WHEREAS, in consideration of the report of said viewers recommending the said vacation, and of other evidence relative thereto, it is the opinion of the Council of the City of Alexandria, Virginia, that the portion of the public right-of-way of the south side of Franklin Street located between Washington Street and South Saint Asaph Street in the City of Alexandria, Virginia, hereinabove mentioned and hereinafter described, is not needed for public use and that it is in the public interest to vacate it and sell it at the price, terms and conditions recommended; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described portion of the public right-of-way of Franklin Street located between Washington

Street and South Saint Asaph Street in the City of Alexandria, Virginia, be and the same hereby is vacated and abandoned:

Beginning at a point at the southeasterly intersection of Washington and Franklin Streets marking the northwesterly corner of Lot 1, Block 4, Yates Gardens; thence through Franklin Street the following courses: due North 2.08 feet; thence North 44° 50' 30" East, 21.15 feet; thence North 89° 41' 00" East, 216.84 feet; thence South 45° 09' 30" East, 21.27 feet; thence due South 1.92 feet to a point marking the northeasterly corner of Lot 3, Block 4, Yates Gardens; thence with the northerly line of the aforementioned Lots 1 and 3 South 89° 41' 00" West, 246.84 feet to the point of beginning and containing 3,971 square feet of land.

Section 2. The vacation herein provided for is made upon the express condition that Yates Gardens Associates Limited Partnership shall pay to the City of Alexandria as compensation for the benefits which accrue to the owner of the property abutting the public right-of-way herein vacated, the sum of \$39,710.00; and further, shall post bond or deposit with the city an amount sufficient to defray all costs for relocation of the existing sidewalk onto the remaining right-of-way, the precise amount of such sum to be ascertained by the director of transportation and environmental services after the necessary investigation; and further, that the vacated area shall not be used as a separate parcel or separate parcels, but shall be consolidated with the adjacent lots.

Section 3. That the city manager be and he hereby is authorized to execute a deed on behalf of the City of Alexandria conveying the above-described property to Yates Gardens Associates Limited Partnership.

Section 4. That the city manager be and he hereby is authorized to deliver said deed to Yates Gardens Associates Limited Partnership, upon receipt of \$39,710.00 and upon posting of a bond or deposit with the city of an amount sufficient to defray all costs for relocation of the existing sidewalk onto the remaining right-of-way.

Section 5. That the city manager be and he hereby is authorized on behalf of the City of Alexandria to do all things necessary and desirable to carry out the sale and conveyance approved and authorized by this ordinance.

Section 6. That the city clerk be and she hereby is authorized to attest the execution of said deed and other

necessary documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 7. That the title of and an informal memorandum explaining this ordinance shall be published not later than five days following introduction together with a notice containing the time and place of 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 be deemed to be passed on the date of its final passage, but shall not be effective until there is payment to the City of Alexandria in the full sum of \$39,710.00 and until the following have been recorded among the land records of the City of Alexandria: the deed conveying the vacated property to Yates Gardens Associates Limited Partnership; the deed or deeds of consolidation showing consolidation of the vacated property with the adjacent lots; and a certified copy of this ordinance. Such recordation shall be indexed in the name of the City of Alexandria, but shall be done by the applicant, at its own expense.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: December 19, 1983