

ORDINANCE NO. 3115

AN ORDINANCE to vacate the public right-of-way of Elizabeth Street, of a 16-foot alley and of a portion of Ballenger Street, contiguous streets and ways of the City of Alexandria, Virginia, located on the south side of the 1900 block of Duke Street, and to accept \$30.00 per square foot less certain costs, as set forth in conditions hereinafter enumerated, from the applicant, 1900 Duke Street Associates, a Virginia general partnership, and Development Resources, Inc., a Virginia corporation, for the vacated land.

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, during the vacation proceedings the planning commission recommended the vacation subject to the conditions hereinafter enumerated in detail; and

WHEREAS, the city council is of the opinion that \$30.00 per square foot, less the costs of relocating the utilities, represents the value of the property to be vacated (as offset by the property to be dedicated); and

WHEREAS, the applicant is the owner of land that abuts said property to be vacated and wishes to acquire the vacated land on the terms and conditions hereinabove stated; 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 public right-of-way of Elizabeth Street, of a 16-foot alley and of a portion of Ballenger Street, contiguous public streets and ways of the City of Alexandria, Virginia, and located on the south side of the 1900 block of Duke Street, hereinafter described, are not needed for public use and that it is in the public interest to vacate the same to the applicant, subject to all of the aforesaid conditions; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described public right-of-way of Elizabeth Street, of a 16-foot alley and a portion of Ballenger Street, contiguous public streets and ways of the City

of Alexandria, Virginia, located on the south side of the 1900 block of Duke Street, be and the same hereby are vacated and abandoned:

Beginning at a point on the southerly right-of-way line of Duke Street, width varies, at the intersection with the westerly line of old Elizabeth Street, said point being South $84^{\circ} 41' 52''$ East, 34.08 feet; thence South $09^{\circ} 13' 09''$ West, 3.51 feet from the intersection of said line of Duke Street and the easterly line of the relocated Elizabeth Street; thence departing said point and running with said line of Duke Street South $84^{\circ} 41' 52''$ East, 51.04 feet to a point; thence departing said Duke Street and running with the easterly line of said old Elizabeth Street and the easterly line of a 16.00-foot-wide alley South $09^{\circ} 16' 06''$ West, 306.35 feet to a point at the end of said alley; thence running with the end of said alley North $80^{\circ} 49' 31''$ West, 16.08 feet to a point; thence running with the westerly line on said alley North $09^{\circ} 16' 06''$ East, 160.00 feet to a point on the southerly line of Ballenger Street; thence departing said alley and running with said line of Ballenger Street North $80^{\circ} 45' 20''$ West, 48.56 feet to a point; thence running through said Ballenger Street North $09^{\circ} 14' 40''$ East, 55.22 feet to a point on the northerly line of said Ballenger Street; thence running with said northerly line of Ballenger Street south $80^{\circ} 46' 51''$ East, 4.81 feet to a point of curvature; thence 14.14 feet along the arc of a curve deflecting to the left having a radius of 9.00 feet and a chord bearing and distance of North $54^{\circ} 13' 09''$ East, 12.73 feet to a point on said westerly line of old Elizabeth Street; thence running with said line of old Elizabeth Street North $09^{\circ} 13' 09''$ East, 78.64 feet to the point of beginning and containing approximately 10,708 square feet of land (0.2458 acre).

Section 2. That the vacation herein provided for is made upon the express conditions that the applicant dedicate right-of-way for widening Duke Street (estimated 2,300 square feet), dedicated area to count, square foot for square foot against vacated area; that applicant relocate at its expense all existing utilities in vacated area and in alley to the east of same and in parcel to south (also part of the development project); that

applicant pay \$30.00 per square foot for vacated area not matched by dedication area and not covered by the actual costs of relocating existing utilities out of the vacated area (this payment cannot be less than zero regardless of the costs of relocation); that applicant provide a 16-foot wide access to the remaining landlocked RF&P Railroad land to the south caused by the vacation of the alley and the subdivision of railroad land; and that vacation take effect upon completion of the relocating of the utilities.

Section 3. That the city manager be and she hereby is authorized to execute an agreement, embodying all of the terms and conditions of this vacation, with the applicant.

Section 4. That the city manager be and she hereby is authorized to do all things necessary and desirable to carry out the terms and conditions of this vacation, pursuant to section 15.1-366 of the Code of Virginia (1950), as amended.

Section 5. That the city clerk be and she hereby is authorized and directed to attest the execution of the said agreement and other necessary documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. 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 the date a certified copy is recorded as deeds are recorded. Such recordation shall be indexed in the name of the City of Alexandria, but shall be done by the applicant, at his own expense.

JAMES P. MORAN, JR.
Mayor

Final Passage: March 22, 1986