

ORDINANCE NO. 3258

AN ORDINANCE to vacate a portion of the public right-of-way of Franklin Street and to accept the payment of the fair market value of the vacated right-of-way from the applicants, Philip and Ann Bermingham.

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 City Council of Alexandria and have made their report; and

WHEREAS, during the vacation proceedings before the planning commission, the commission recommended the approval of the vacation, subject to all applicable codes and ordinances and subject also to the applicant making payment to the City of Alexandria equal to the fair market value of the property to be vacated; and

WHEREAS, it is the opinion of the City Council of Alexandria that \$3,996.00 represents the fair market value of the property to be vacated; and

WHEREAS, Philip and Ann Bermingham, the applicants for the vacation, are the owners of land abutting the property to be vacated and wish to acquire the vacated property for the value and subject to the conditions aforesaid, pursuant to section 15.1-366, Code of Virginia (1950), as amended; and

WHEREAS, in consideration of the report of said viewers recommending the vacation and of other evidence relative thereto, it is the opinion of the City Council of Alexandria that the portion of the public right-of-way of Franklin Street, hereinabove mentioned and hereinafter described, is not needed for public use and that it is in the public interest to vacate the same; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described portion of the public right-of-way of Franklin Street, in the City of Alexandria, Virginia, be and the same hereby is vacated and abandoned:

Beginning at a point in the northerly line of Franklin Street where it intersects the westerly line of South Fairfax Street and

proceeding west in the line of Franklin Street North 80° 49' 00" West, 117.00 feet, to a point marking the southeasterly corner of the property designated as Map Number 80.02, Block 7, Lot 18 of the assessment map of the City of Alexandria, Virginia, within Yates Subdivision and being the point of beginning of the area to be vacated; thence South 09° 30' 00" West, 17.04 feet to a point; thence North 80° 49' 00" West, 26.50 feet to a point; thence North 09° 30' 00" East, 17.04 feet to a point in the northerly line of Franklin Street; thence South 80° 49' 00" East, 26.50 feet to the point of beginning of the area to be vacated and containing 451 square feet of land.

Section 2. That the vacation herein provided for is made upon the express conditions that it be subject to all applicable codes and ordinances and that the applicants shall pay to the City of Alexandria the fair market value for the property to be vacated, which is deemed to be \$3,996.00, said sum to be paid upon the passage of this ordinance.

Section 3. That no recordation of the ordinance shall have any force or effect unless or until the treasurer of the city has received the payment of \$3,996.00, as referenced in section 2 above, and such receipt is noted on the face of this ordinance prior to its recordation.

Section 4. That the city manager be and is hereby authorized to do all things necessary and desirable to carry out the terms and conditions of this vacation, including the execution of all necessary and desirable documents, subject to the aforesaid terms and conditions.

Section 5. That the city clerk be and hereby is authorized and directed to attest the execution by the city manager, pursuant to section 4 above, of any and all necessary and desirable 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 requests. 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 applicants, at their own expense.

JAMES P. MORAN, JR.
Mayor

Final Passage: December 12, 1987