

ORDINANCE NO. 3348

AN ORDINANCE to vacate a portion of the public right-of-way located adjacent to 112 and 114 Franklin Street in the City of Alexandria, Virginia:

WHEREAS, Benchmark Group, Inc. ("Applicant"), representing Nettie G. Embry who owns the property at 112 and 114 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a portion of Franklin Street which abuts the property of Ms. Embry; and

WHEREAS, the vacation of this portion of Franklin Street has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; and

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

WHEREAS, viewers duly appointed by the Council of the City of Alexandria have made their report in conjunction with this vacation; and

WHEREAS, the City's real estate assessor has determined that the fair market value of the portion of Franklin Street to be vacated by this ordinance is \$9,200; and

WHEREAS, pursuant to § 15.1-366 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of Franklin Street to be vacated by this ordinance be purchased by the Applicant for \$9,200; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of the Applicant's agreement to comply with the conditions set forth below and the condition that it purchase the portion of Franklin Street to be vacated by this ordinance for \$9,200, the Council of the City of Alexandria has concluded that the portion of Franklin Street is no longer needed for public use and that it is in the public interest that it be vacated; 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 be and the same hereby is vacated:

Beginning at the point of intersection of the southerly side of Franklin Street with the westerly side of Potomac Street; thence running with the southerly side of Franklin Street, North 80° 49' West, a distance of 62.50 feet to a point; thence departing the southerly side of Franklin Street and running with a line into Franklin Street, North 09° 30' East, a distance of 17.00 feet to a point; thence running with the new southerly side of Franklin Street, South 80° 49' East, a distance of 62.50 feet to a point in the extension of the westerly side of Potomac Street; and thence running with the new westerly side of Potomac Street, South 09° 30' West, a distance of 17.00 feet to the point of beginning, containing 1,062 square feet or 0.0244 acre of land.

Section 2. That the vacation herein provided for is made upon the express conditions that it is subject to all applicable codes and ordinances of the City of Alexandria and that the Applicant shall pay to the City of Alexandria the fair market value for the property to be vacated, which is deemed to be \$9,200, said sum to be paid upon the passage of this ordinance.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received the payment of \$9,200 referenced in Section 2 above, and such receipt is noted on the face of the ordinance prior to its recordation.

Section 4. That the city manager be and hereby is 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;

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 this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until payment of \$9,200 has been made to the city by the Applicant, and thereafter a copy of this ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded. Such recordation shall be indexed in both the name of the CITY OF ALEXANDRIA and the name

of EMBRY, and such recordation shall be done by the Applicant at its own expense.

JAMES P. MORAN, JR.
Mayor

Final Passage: December 17, 1988