

ORDINANCE NO. 3361

AN ORDINANCE to vacate a portion of the public right-of-way of Franklin Street adjacent to 630 South Royal Street in the City of Alexandria, Virginia:

WHEREAS, Carlos J. Chiriboga ("Applicant"), who owns the property at 630 South Royal Street in the City of Alexandria, Virginia, has applied for the vacation of a portion of Franklin Street which abuts his property; 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 \$12,800; 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 \$12,800; 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 \$12,800, 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 northeast intersection of
South Royal Street and Franklin Street,
located at the southwest corner of Lot 17,

Block 9, Yates Gardens; thence with Lot 17 South 80° 49' East, 103.33 feet; thence departing Lot 17 and running through Franklin Street South 09° 30' West, 17.00 feet; thence North 80° 49' West, 103.33 feet; thence North 09° 30' East, 17.00 feet to the point of beginning and containing an area of 1,756 square feet 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, that it is subject to the City of Alexandria and the appropriate utility companies being provided easements over those portions of the property being vacated which are currently occupied by a sidewalk and by public utility lines or which are established by the city for public utility lines, 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 \$12,800, within 30 days of the enactment 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 \$12,800 referenced in section 2 above, and such receipt is noted on the face of the ordinance prior to its recordation, and Applicant has executed a deed conveying to the City of Alexandria a public sidewalk easement over the portion of the area being vacated which is now occupied by a sidewalk, and to the appropriate utility companies' public utility easements over the portions of the area being vacated which are now occupied by utility lines or which are established by the city for such lines.

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 the deed noted in section 3 has been executed by the Applicant and payment of \$12,800 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 CHIRIBOGA, and such recordation shall be done by the Applicant at his own expense.

JAMES P. MORAN, JR.
Mayor

Final Passage: March 18, 1989