

ORDINANCE NO. 3427

AN ORDINANCE to vacate a portion of a public alley located at the rear of 2 East Glendale Avenue in the City of Alexandria, Virginia.

WHEREAS, James B. and Margaret D. Sharkey ("Applicants"), who own the property at 2 East Glendale Avenue in the City of Alexandria, Virginia, have applied for the vacation of a portion of a public alley which is located at the rear of Applicants' property; and

WHEREAS, the portion of the alley to be vacated by this ordinance is shown on the plat prepared by Kenneth W. White of Alexandria Surveys, Inc., and dated April 1, 1989 ("Plat") (attached hereto); and

WHEREAS, the vacation of this portion of the public alley located at the rear of 2 East Glendale Avenue 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 the public alley located at the rear of 2 East Glendale Avenue to be vacated by this ordinance is \$900; and

WHEREAS, it is necessary for the Applicants to maintain a utility service easement on the portion of the public alley to be vacated by this ordinance to provide access to the utility pole which is located thereon and, if Applicants desire to remove said utility pole it is their responsibility to make arrangements with the utility companies and to have the utilities buried; 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 the public alley to be vacated by this ordinance be purchased by the Applicants for \$900; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of the Applicants' agreement to comply with the conditions set

forth below and the condition that it purchase the portion of the public alley located at the rear of 2 East Glendale Avenue to be vacated by this ordinance for \$900, the Council of the City of Alexandria has concluded that the portion of the public alley located at the rear of 2 East Glendale Avenue 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 hereafter described portion of the public alley located at the rear of 2 East Glendale Avenue, as shown on the Plat, be and the same hereby is vacated:

Beginning at a point on the easterly side of Commonwealth Avenue and the southerly side of the 15-foot alley running between East Glendale and East Luray Avenues, a corner common to Lot 7; thence running with the easterly side of Commonwealth Avenue extended North $01^{\circ} 30' 00''$ West, a distance of 7.50 feet to a point; thence departing the easterly side of Commonwealth Avenue extended and running with a line through the 15-foot alley North $88^{\circ} 30' 00''$ East, a distance of 100.00 feet to a point; thence continuing with a line through the 15-foot alley South $01^{\circ} 30' 00''$ East, a distance of 7.50 feet to a point on the southerly side of the 15-foot alley, a corner common to Lots 8 and 9; and thence running with the southerly side of the 15-foot alley and the line common to Lot 8, and continuing with the line common to Lot 7, South $88^{\circ} 30' 00''$ West, a distance of 100.00 feet to the point of beginning, containing 750 square feet or 0.0172 acre of land.

Section 2. That this vacation is subject to all applicable codes and ordinances of the City of Alexandria and to the Applicants complying with the condition that they purchase the above-described portion of the public alley located at the rear of 2 East Glendale Avenue for \$900 and with the condition set forth in section 3.

Section 3. That this vacation is also subject to the condition that the Applicants maintain a utility service easement on the portion of the public alley described above in section 1 so to provide access to the utility pole presently located in that portion of the alley, and that, in the event Applicants desire to remove said utility pole, they make appropriate arrangements with the utility companies to have the pole removed and to have the utilities buried.

Section 4. 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 \$900 referenced in section 2 above, and such receipt is noted on the face of the ordinance prior to its recordation.

Section 5. That the city manager be and hereby is authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 6. That the city clerk be and hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 7. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until payment of \$900 has been made to the city by the Applicants 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 JAMES B. AND MARGARET D. SHARKEY, and such recordation shall be done by the Applicants at their own expense.

JAMES P. MORAN, JR.
Mayor

Attachment: Vacation Plat

Final Passage: December 16, 1989

