

ORDINANCE NO. 3428

AN ORDINANCE to vacate a portion of the public right-of-way of Franklin Street adjacent to 639 South Saint Asaph Street in the City of Alexandria, Virginia.

WHEREAS, India M. Benoit and Sally Quilhot ("Applicants"), who own the property at 639 South Saint Asaph Street in the City of Alexandria, Virginia, have applied for the vacation of a portion of Franklin Street which abuts their property; and

WHEREAS, the portion of the street to be vacated by this ordinance is shown on the plat prepared by Kenneth W. White of Alexandria Surveys, Inc., and dated October 29, 1989 ("Plat") (attached hereto); 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 \$12,200; 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 Applicants for \$12,200; 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 they purchase this portion of Franklin Street to be vacated by this ordinance for \$12,200, the Council of the City of Alexandria has concluded that this 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 hereafter described portion of the public right-of-way of Franklin Street in the City of Alexandria, as shown on the Plat, be and the same hereby is vacated:

Beginning at a point on the north side of Franklin Street (100 feet wide) located North

80° 49' West, 73.42 feet from the northwest intersection of Franklin Street and South Saint Asaph Street; thence running with the north side of Franklin Street South 80° 49' East, 73.42 feet; thence departing the north side of Franklin Street and running through the Franklin Street right-of-way South 09° 30' West, 17.00 feet to a point; thence running North 80° 49' West, 73.33 feet to a point; thence running North 09° 11' East, 17.00 feet to the point of beginning, and containing an area of 1,247 square feet of land.

Section 2. That this vacation is subject to all applicable codes and ordinances of the City of Alexandria, is subject to the Applicants complying with the condition that they purchase the above-described portion of Franklin Street for \$12,200, and is subject to the condition that the vacated land be consolidated with the adjacent property at 639 South Saint Asaph Street.

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 \$12,200 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 on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

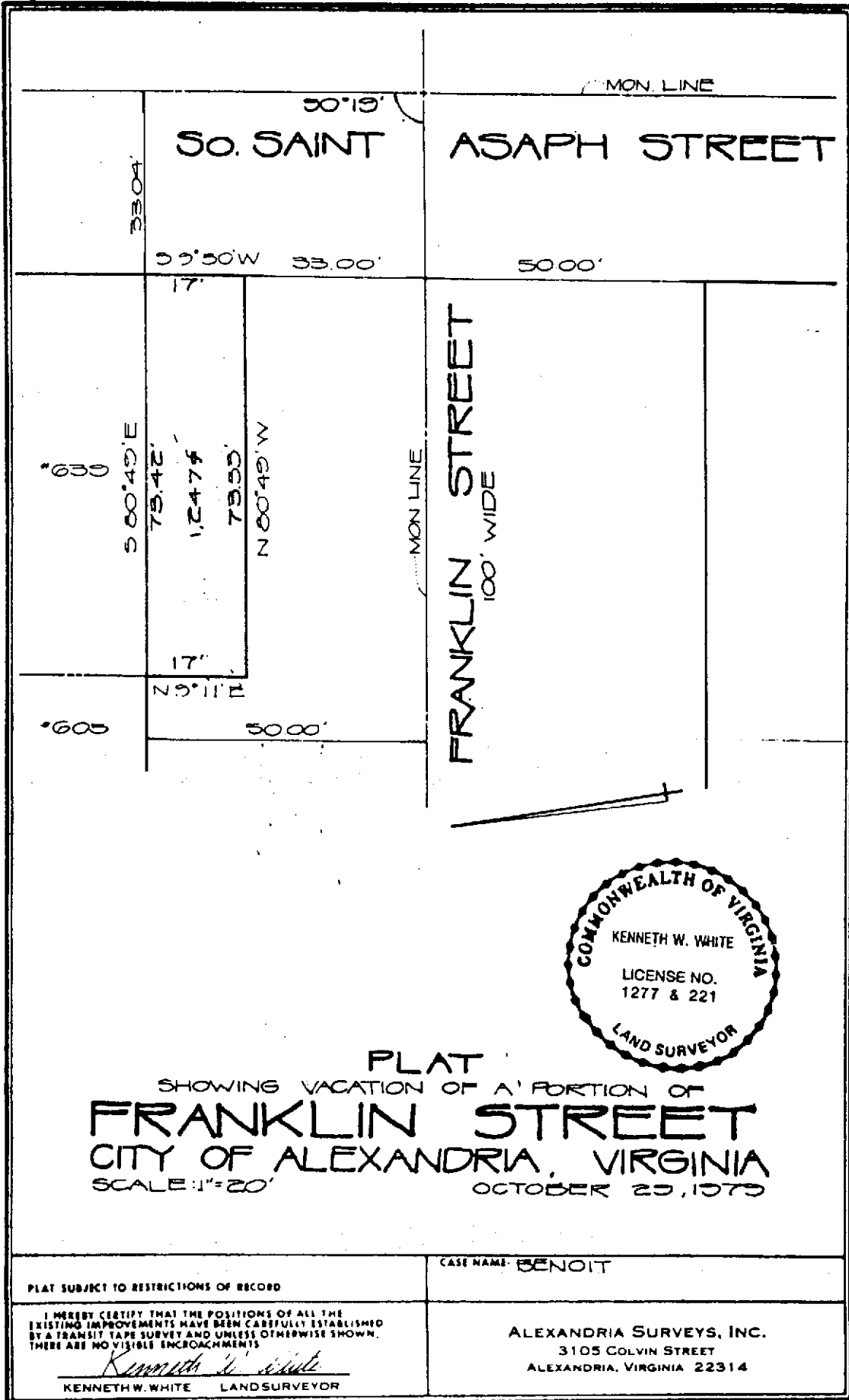
Section 5. That the city clerk be and hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 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 \$12,200 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 names of INDIA M. BENOIT AND SALLY QUILHOT, 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



PLAT
 SHOWING VACATION OF A PORTION OF
FRANKLIN STREET
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1"=20' OCTOBER 25, 1979

PLAT SUBJECT TO RESTRICTIONS OF RECORD	CASE NAME: BENOIT
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS. <i>Kenneth W. White</i> KENNETH W. WHITE LANDSURVEYOR	ALEXANDRIA SURVEYS, INC. 3105 COLVIN STREET ALEXANDRIA, VIRGINIA 22314