

ORDINANCE NO. 3563

AN ORDINANCE to vacate a portion of a sidewalk and utility easement which encumbers the property at 701 South Pitt Street in the City of Alexandria, Virginia.

WHEREAS, Jerauld and Anne Gentry ("Applicant"), who own the property at 701 South Pitt Street in the City of Alexandria, Virginia, have applied for the vacation of a portion of a sidewalk and utility easement which encumbers said; and

WHEREAS, the sidewalk and utility easement ("Easement"), a portion of which the Applicant seeks to have vacated, was dedicated to the City of Alexandria, in 1981, by John L. Motley, III, then owner of the property at 701 South Pitt Street, and is shown on the plat, entitled "House Location & Street Vacation Plat, Lot 3, Resubdivision of Lot 802, Block 5, Yates Garden, City of Alexandria, Virginia," dated October 2, 1980, prepared by Payne Associates and recorded in deed book 1039, page 43 among the land records of the City of Alexandria ("Plat"); and

WHEREAS, the Easement, a portion of which the Applicant seeks to have vacated, lies on property which, prior to 1981, was part of the public right-of-way of Franklin Street and which, in 1981, along with another part of the Franklin Street right-of-way, was vacated by the City of Alexandria, by Ordinance No. 2549, and conveyed to John L. Motley, III, by the Deed of Bargain and Consolidation, recorded in deed book 1039, page 40 of the land records of the City of Alexandria; and

WHEREAS, the portion of the Easement which Applicant seeks to have vacated measures approximately three feet in width and 86.5 feet in length and is shown on the attached Plat as the cross-hatched area, which Plat is hereby incorporated into and made a part of this ordinance; and

WHEREAS, the area encumbered by the portion of the Easement which Applicant seeks to have vacated is currently occupied by a public sidewalk which extends beyond Applicant's property into the existing public right-of-way of Franklin Street, and Applicant has agreed to relocate this public sidewalk, including the portion which lies in the public right-of-way of Franklin Street, at Applicant's sole cost, to a location acceptable to the City of Alexandria; and

WHEREAS, the vacation of the portion of the Easement which Applicant seeks to have vacated 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, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of Applicant's agreement to comply with the conditions set forth below, including the condition that Applicant will bear the entire cost of relocating and reconstruction of the existing public sidewalk, the Council of the City of Alexandria has concluded that the portion of the Easement which Applicant seeks to have vacated 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 portion of the Easement shown on the attached Plat as the cross-hatched area and measuring approximately three feet in width and 86.5 feet in length be and the same hereby is vacated.

Section 2. That this vacation shall be and is subject to the following conditions:

(a) The Applicant shall, at its own cost, construct a new public sidewalk at a location and in a manner acceptable to and approved by the Director of Transportation and Environmental Services.

(b) Prior to commencing construction of the new sidewalk referenced in subsection (a), the Applicant shall confirm in writing to the Director of Transportation and Environmental Services that no overhead or underground utilities are located within the portion of the Easement to be vacated by this ordinance and, if any such utilities are so situated, the Applicant shall convey all necessary and appropriate easements to the appropriate utility companies in a form acceptable to the companies.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the Applicant has satisfied the conditions set forth in section 2.

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.

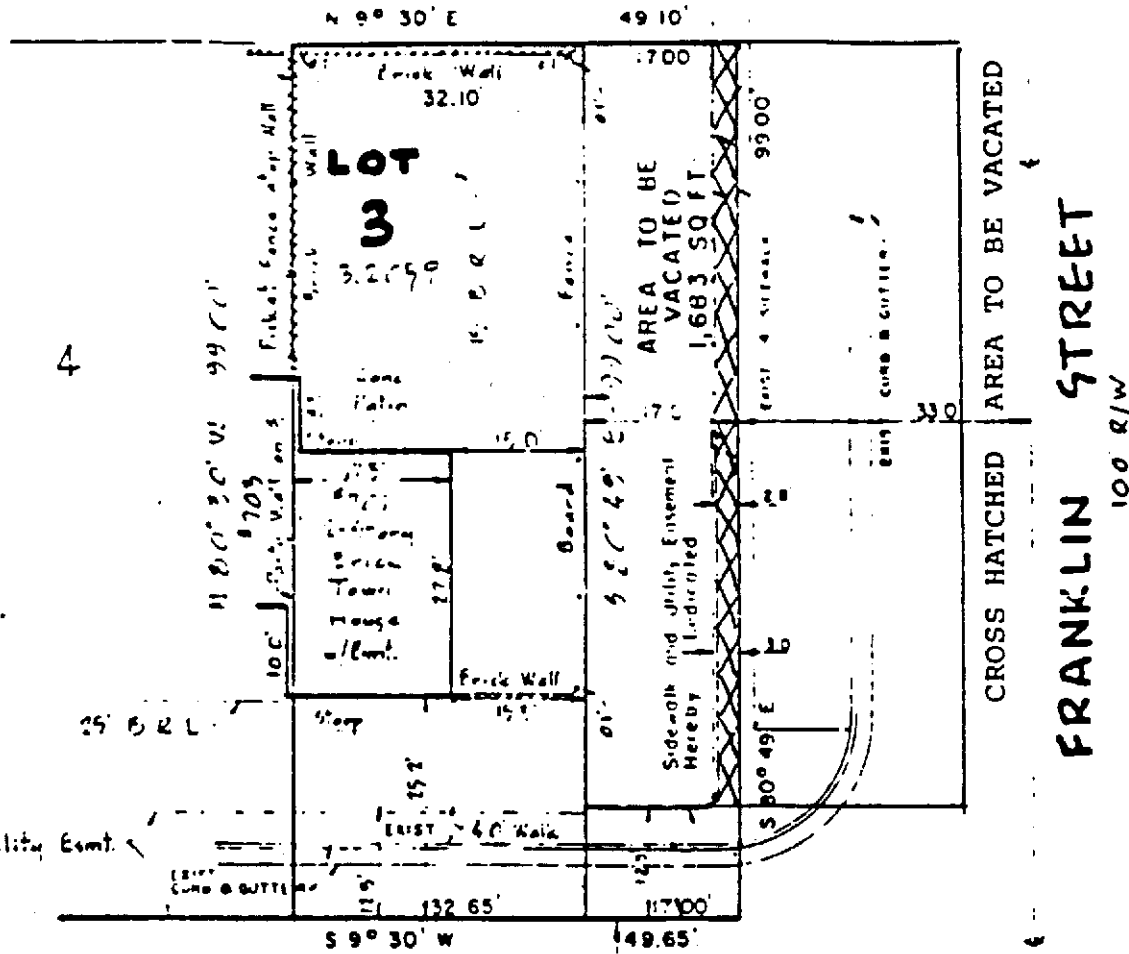
Section 6. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until the conditions set forth in section 2 have been satisfied, and thereafter a copy of this ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded. Certification by the clerk shall constitute conclusive evidence that the conditions set forth in section 2 have been satisfied. Recordation shall be indexed in both the name of the CITY OF ALEXANDRIA and the names of JERAULD R. and ANNE GENTRY, and such recordation shall be done by the Applicant at its own expense.

PATRICIA S. TICER
Mayor

Attachment: Vacation Plat

Final Passage: April 25, 1992

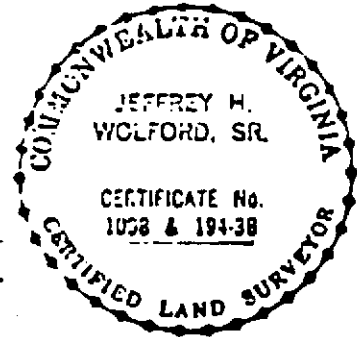
6.25' Wide Alley



EXISTING
12' Sidewalk and Utility Easmt.
DB 180, Pg 499

S. PITT STREET

TOTAL AREA = 4,888 SQ. FT



HOUSE LOCATION & STREET VACATION PLAT
LOT 3
 RESUBDIVISION OF LOT 802, BLOCK 5
YATES GARDENS

CITY OF ALEXANDRIA, VIRGINIA
 Scale 1" = 20'
 October 21, 1980

Thomas H. Jefferson

PAYNE ASSOCIATES
 CERTIFIED LAND SURVEYORS
 ALEXANDRIA, VIRGINIA

Jeffrey H. Wolford Sr.
 CERTIFIED LAND SURVEYOR

Motley, III