

ORDINANCE NO. 3605

AN ORDINANCE to vacate a public alley abutting the Foxchase Shopping Center at 4501-4601 Duke Street in the City of Alexandria.

WHEREAS, First Alexandria Associates ("Applicant") which owns the property at 4501-4601 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a 22-foot wide public alley that runs from Duke Street to North Jordan Street behind and beside the Foxchase Shopping Center and totals an estimated 33,500 square feet; and

WHEREAS, the alley to be vacated by this ordinance is shown on the plat prepared by Holland Engineering and dated September 14, 1992 ("Plat") (attached hereto); and

WHEREAS, the vacation of this alley has been approved by the planning commission 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 the Applicant's agreement to comply with the conditions set forth below, the Council of the City of Alexandria has concluded that the 22-foot wide public alley abutting the rear of Foxchase Shopping Center is no longer needed for public use and that it is in the public interest that it be vacated; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the hereinafter described public alley, as shown on the Plat, be and the same hereby is vacated:

Beginning at a point in the northerly right-of-way line of Duke Street, Route 236 (variable width), said point marking the southeasterly corner of City of Alexandria Tax Parcel 49.00-06-01 (the land of the City of Alexandria); thence running with the southeasterly line of said city property the following courses and distances: North 07° 31' 40" West, 326.86 feet to a point of curvature; 35.17 feet with the arc of a curve to the right whose radius is 47.00 feet and whose chord bearing and chord are North 13° 54' 29" East and 34.35 feet, respectively, to a point of tangency; North 35° 20' 38" East, 363.08 feet to

a point marking a southwesterly corner of City of Alexandria Tax Parcel 49.00-06-03 (the land of Foxchase Apartments); thence running with said Foxchase Apartments South  $71^{\circ} 26' 00''$  East, 817.65 feet to a point of curvature in the westerly right-of-way line of North Jordan Street (80 feet wide); thence running with the westerly right-of-way line of said North Jordan Street 22.25 feet with the arc of a curve to the left whose radius is 893.03 feet and whose chord bearing and chord are South  $10^{\circ} 03' 17''$  West and 22.25 feet, respectively, to a point of tangency marking the northeasterly corner of Lot I (the land of First Alexandria Associates, known as Foxchase Shopping Center); thence running with the northerly and westerly lines of said Lot I the following courses and distances: North  $71^{\circ} 26' 00''$  West, 786.03 feet to a point of curvature; 31.95 feet with the arc of a curve to the left whose radius is 25.00 feet and whose chord bearing and chord are South  $71^{\circ} 57' 19''$  West and 29.82 feet, respectively, to a point of tangency; South  $35^{\circ} 20' 38''$  West, 328.16 feet to a point of curvature; 18.71 feet with the arc of a curve to the left whose radius is 25.00 feet and whose chord bearing and chord are South  $35^{\circ} 54' 29''$  West and 18.27 feet, respectively, to a point of tangency; South  $07^{\circ} 31' 40''$  East, 326.86 feet to a point in the northerly right-of-way line of the aforesaid Duke Street, Route 236; thence running with the northerly right-of-way line of said Duke Street South  $82^{\circ} 28' 20''$  West, 22.00 feet to the point of beginning. Containing 33,500 square feet or 0.7691 acres.

Section 2. That this vacation is subject to the Applicant complying with each of the conditions set forth below:

1. The Applicant shall consolidate the vacated land with the applicant's existing lot and provide a copy of the plat showing the consolidation prior to the plat's recordation to the Department of Planning and Community Development.
2. The Applicant shall provide easements for all storm sewers, sanitary sewers, overhead and underground utilities and any other utilities now existing within the area being vacated by this ordinance.
3. The Applicant shall ensure that all city street lights within the area being vacated by this ordinance are removed from the City account with Virginia Power, that all such lights are maintained and in sound operating condition unless and until the City of Alexandria

authorizes otherwise, that all such rights are put on Applicant's electric meter, and that all costs of maintaining and operating such lights in the future are paid by Applicant.

4. The Applicant shall ensure that all fire hydrants within the area being vacated by this ordinance are maintained, at Applicant's sole expense, in sound operating condition.
5. The Applicant shall provide an easement for bike trail and public walkway purposes to be located, to the satisfaction of the Director of Transportation and Environmental Services, at the southwest corner of the area being vacated by this ordinance which will connect the existing end of the Holmes Run bike trail to the Duke Street right-of-way.
6. The Applicant shall provide, to the satisfaction of the Director of Transportation and Environmental Services, a 22.00-foot wide emergency vehicle easement within the area to be accessed by this ordinance, which easement shall be located in a manner which ensures emergency vehicle access to the Moore-Hill Park through the northwest corner of the applicant's property.
7. The Applicant shall install, to the satisfaction of the Director of Transportation and Environmental Services, a fence along the edge of the area being vacated by this ordinance, which separates park land from the commercial land.
8. The Applicant shall ensure that parking spaces for the Foxchase Apartments shall have access to and from a public street.
9. The Applicant shall remove the fence and blacktop area from the Moore-Hill Park site.

Section 3. 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 4. 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 5. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until the Applicant has satisfied the conditions set

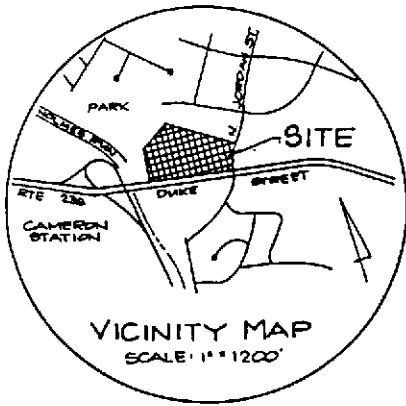
forth above in section 2, and thereafter a copy of this ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded. Certification by the clerk shall constitute conclusive evidence that conditions set forth in section 2 have been satisfied. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of FIRST ALEXANDRIA ASSOCIATES, and such recordation shall be done by the Applicant at its own expense.

Section 6. That the applicant shall make a contribution in the amount of \$10,000 to an Alexandria charity of its choice and that such contribution shall be made within 30 days of the closing of any sales transaction involving the property following the enactment of this ordinance.

PATRICIA S. TICER  
Mayor

Attachment: Vacation Plat

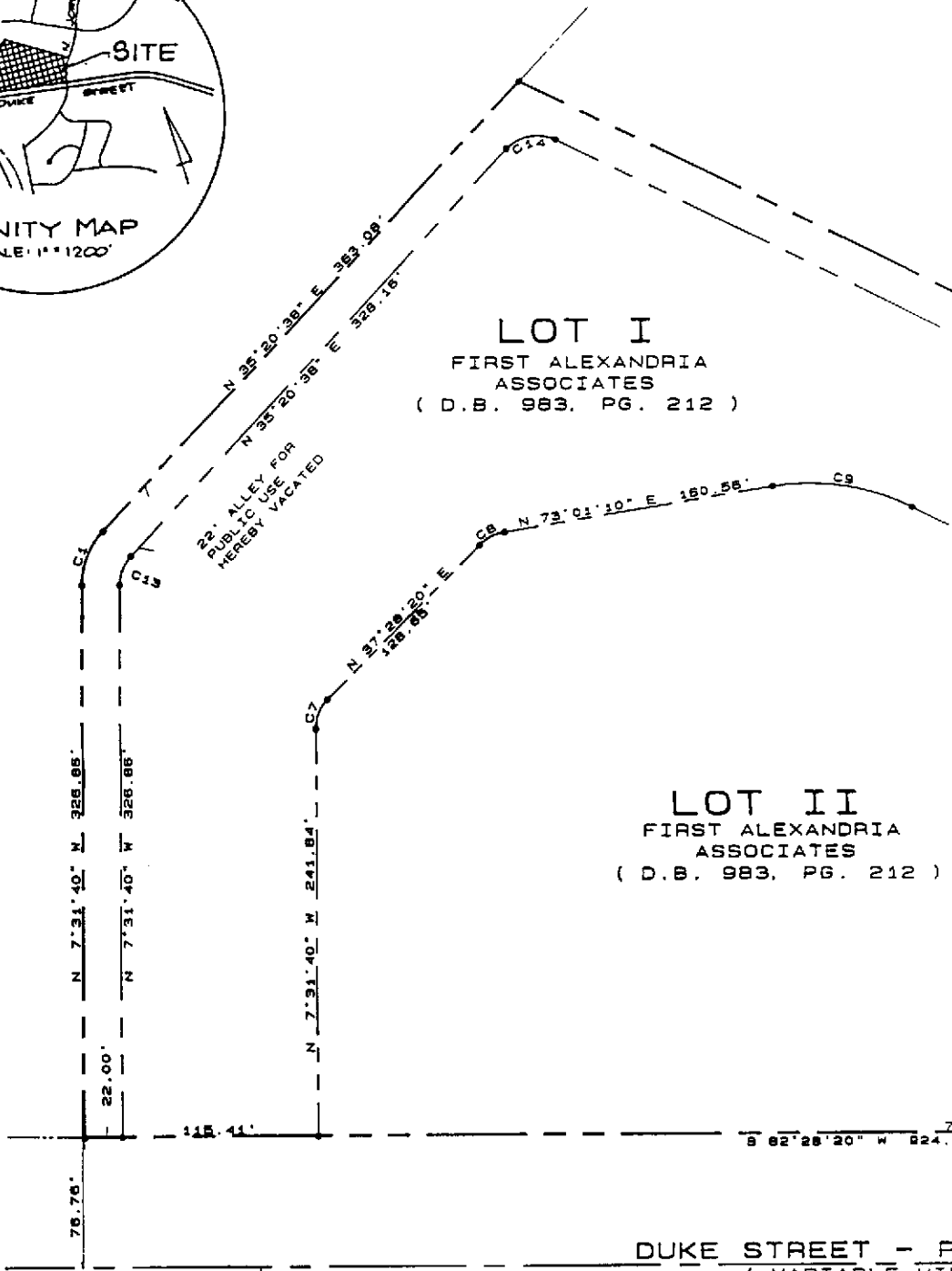
Final Passage: December 12, 1992



**LOT I**  
 FIRST ALEXANDRIA  
 ASSOCIATES  
 ( D.B. 983, PG. 212 )

**LOT II**  
 FIRST ALEXANDRIA  
 ASSOCIATES  
 ( D.B. 983, PG. 212 )

T.M. 49.00-06-01  
 CITY OF ALEXANDRIA



V.D.O.T. C/L

**CURVE TABLE**

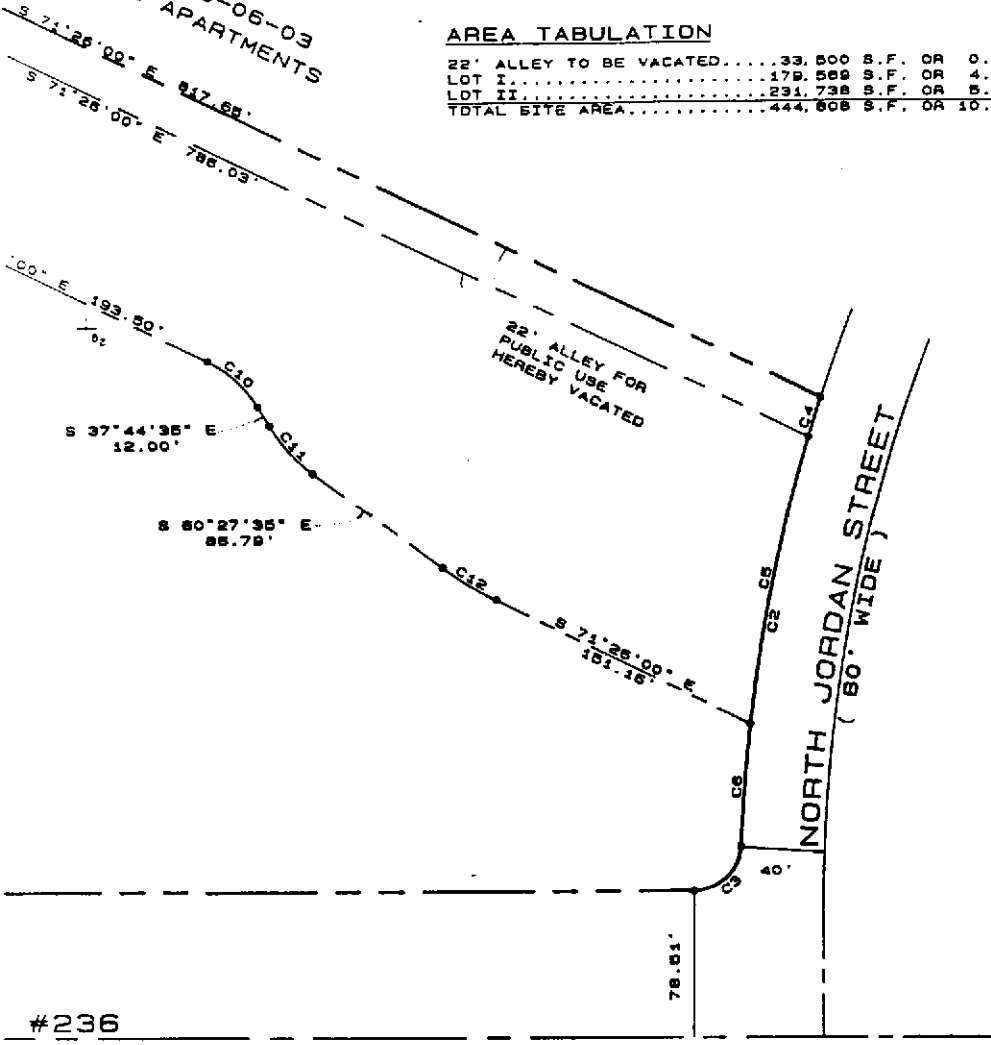
CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING	TAN LENG
C1	35.17	42°52'18"	47.00	34.35	N 13°04'29" E	18.
C2	246.18	18°47'41"	893.03	246.40	S 2°52'10" W	123.
C3	38.18	87°29'55"	25.00	34.08	S 38°43'24" W	23.
C4	22.25	1°25'38"	893.03	22.25	S 10°03'17" W	11.
C5	158.01	10°08'16"	893.03	157.80	B 4°16'20" W	79.
C6	65.93	4°13'48"	893.03	65.91	B 2°04'42" E	32.
C7	19.24	45°00'00"	24.80	18.75	N 14°59'20" E	10.
C8	17.05	36°32'50"	27.80	16.79	N 55°14'45" E	8.
C9	85.31	36°32'50"	137.50	83.95	S 85°12'20" E	44.
C10	36.75	33°41'25"	62.50	36.22	B 54°35'17" E	18.
C11	34.59	22°43'00"	87.50	34.47	B 48°08'08" E	17.
C12	33.82	10°58'55"	176.57	33.77	B 85°58'47" E	16.
C13	18.71	42°52'18"	25.00	18.27	N 13°04'29" E	9.
C14	31.95	73°13'22"	25.00	25.82	N 73°57'19" E	18.

PLAT SHOWING  
 VACATION  
 OF A 22' ALLEY  
 FOR PUBLIC USE  
 ( D.B. 720, PG. 615 )  
 LOCATED AT  
**FOXCHASE SHOPPING CENTER**  
 CITY OF ALEXANDRIA, VIRGINIA  
 SCALE: 1" = 60'      DATE: SEPTEMBER 14, 1992

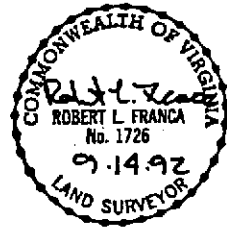
**AREA TABULATION**

22' ALLEY TO BE VACATED.....	33,600 S.F.	OR	0.7691 AC.
LOT I.....	179,589 S.F.	OR	4.1223 AC.
LOT II.....	231,738 S.F.	OR	5.3200 AC.
<b>TOTAL SITE AREA.....</b>	<b>444,927 S.F.</b>	<b>OR</b>	<b>10.2114 AC.</b>

T.M. 49.00-06-03  
 FOXCHASE APARTMENTS  
 S 71°26'00" E 842.68'  
 S 71°26'00" E 786.03'



#236



**NOTES**

- 1) TITLE REPORT FURNISHED BY LAWYERS TITLE INSURANCE CORPORATION, CASE NO. A9103078 DATED DECEMBER 2, 1993.
- 2) THE PROPERTY DELINEATED HEREON IS SHOWN ON THE CITY OF ALEXANDRIA TAX MAP 49.00, BLOCK 05 AS PARCELS 04 & 05 AND IS ZONED C9.
- 3) THE PROPERTY DELINEATED HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN.

<b>Holland Engineering</b>	
2111 EISENHOWER AVENUE ALEXANDRIA, VA	
Drawn By RF	Date 9.92
Checked By RF	Date 9.92
Field Blk/Py Hard Copy	
Scale: 1" = 60'	Job No. VAB96-4