

ORDINANCE NO. 3662

AN ORDINANCE to vacate the public alley running in a north-south direction adjacent to the eastern boundary of the property located at 228 East Monroe Avenue in the City of Alexandria, Virginia.

WHEREAS, Mark Middendorf ("Applicant") who owns the property at 228 East Monroe Avenue in the City of Alexandria, Virginia, has applied for the vacation of the north-south public alley right-of-way which is adjacent to and runs along the eastern property line of Applicant's property; and

WHEREAS, the alley right-of-way sought to be vacated is shown on the plat prepared by Dove & Associates and dated April 22, 1993 ("Plat") (attached hereto); and

WHEREAS, the vacation of this alley right-of-way 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 public alley right-of-way to be vacated by this ordinance is \$8,300.00; 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 public right-of-way to be vacated by this ordinance be purchased by the Applicant for \$8,300.00; 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 public alley right-of-way to be vacated by this ordinance for \$8,300.00, the Council of the City of Alexandria has concluded that the public right-of-way 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 public alley right-of-way, as shown on the Plat, be and the same hereby is vacated:

Beginning at a point in the southerly right-of-way of an existing 7.5' wide public alley (deed book 127, page 284), said point also being the common corner of Lot 5 and Lot 6, Lewis E. Withers Subdivision (deed book 218, page 375, Arlington County); thence North 00°21'00" East a distance of 3.75 feet to the centerline of said 7.5' wide public alley; thence along the centerline of the 7.5' wide public alley, South 89°39'00" East a distance of 44.01 feet to the centerline of an 8' wide public alley (deed book 218, page 375, Arlington County); thence along the centerline of the 8' wide public alley South 00°29'00" West a distance of 142.30 feet to a point in the northerly right-of-way of E. Monroe Avenue (50' right-of-way); thence South 89°51'47" West a distance of 4.00 feet to the southeast corner of Lot 6, Lewis E. Withers Subdivision; thence North 00°29'00" East a distance of 138.58 feet to the northeast corner of Lot 6, Lewis E. Withers Subdivision; thence North 89°39'00" West a distance of 40.00 feet to the point of beginning containing 719 square feet, more or less.

Section 2. That this vacation is subject to the Applicant purchasing the above-described public alley right-of-way for \$8,300.00 and to each of the conditions set forth below:

1. Applicant shall consolidate the alley to be vacated by this ordinance with the property at 228 East Monroe Avenue and provide to the zoning administrator a plat of consolidation prior to recordation of this ordinance.
2. This vacation does not affect any public utility easement located in the alley being vacated.
3. Applicant shall pay all costs of the improvements necessary to make the alley which runs in an east-west direction and is adjacent to and runs along the northern property line of Applicant's property, passable and safe between Mount Vernon Avenue and the alley's intersection with the north-south alley being vacated by this ordinance. These necessary improvements shall include:
 - a. new driveway aprons on Mount Vernon Avenue;
 - b. the relocation of an existing utility pole located in the area of the existing north-south alley, if necessary;

- c. the relocation of an existing meter mounted on the south side of the building at 1604 Mount Vernon Avenue that protrudes into the east-west alley, if necessary;
- d. paving of the east-west alley from Mount Vernon Avenue to its intersection with the existing north-south alley, to the satisfaction of the director of transportation and environmental services; and
- e. any other improvements that may be necessary, as determined by the director of transportation and environmental services, to make the portion of the east-west alley identified above passable and safe.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received payment of \$8,300.00 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.

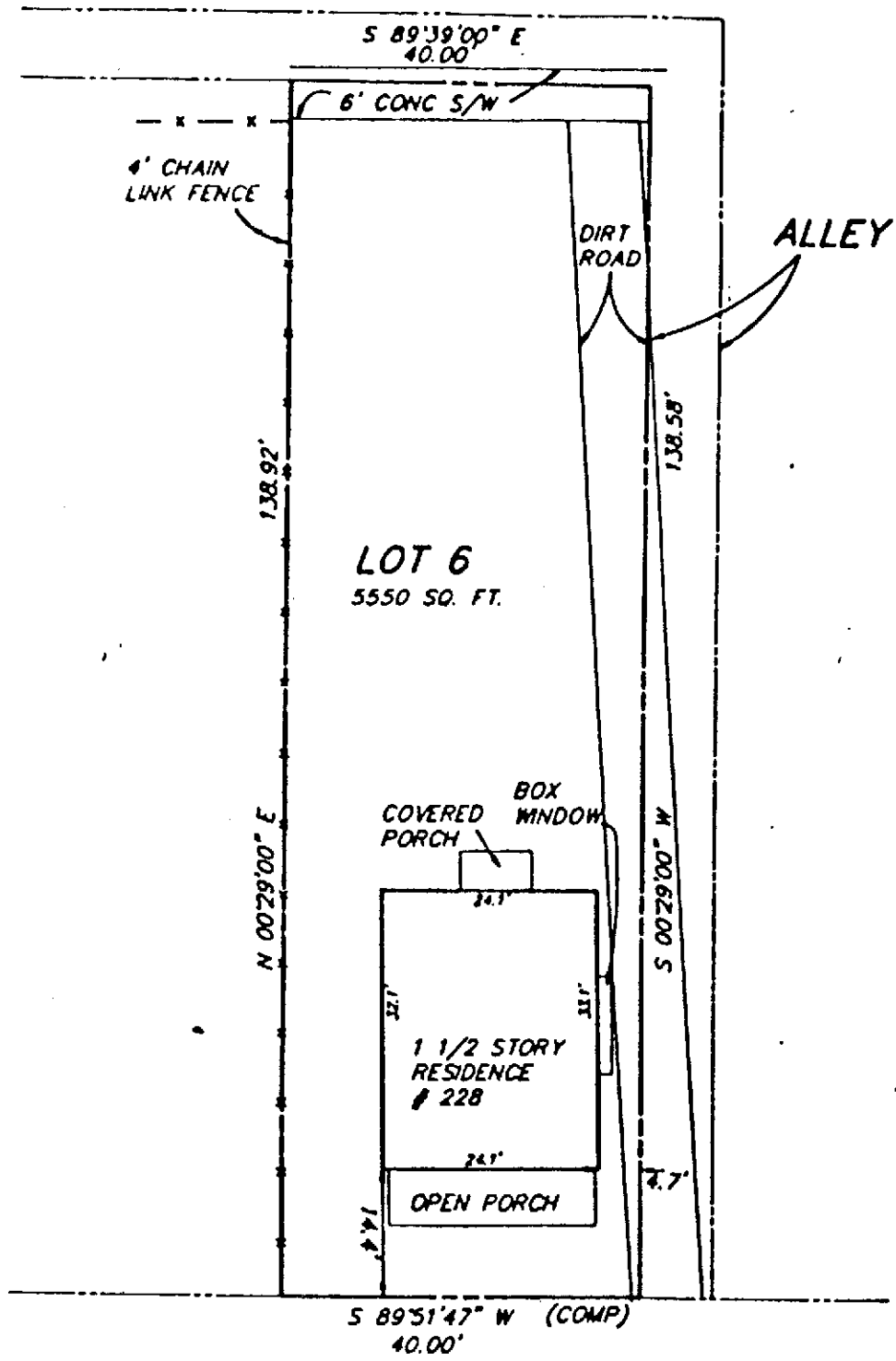
Section 5. That the city clerk be and hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

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 \$8,300.00 has been made to the city by the Applicant and the conditions set forth above 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 payment noted above has been made to the city and the 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 MARK MIDDENDORF, and such recordation shall be done by the Applicant at his own expense.

PATRICIA S. TICER
Mayor

Attachment

Final Passage: September 18, 1993



E. MONROE AVENUE (POSTED)
 WASHINGTON AVENUE (PLATTED)
 50' R/W

HOUSE LOCATION SURVEY
 LOT 6
 BEING A SUBDIVISION MADE FOR
LEWIS E. WITHERS
 CITY OF ALEXANDRIA, VIRGINIA
 DEED # 696 PAGE # 728

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