

ORDINANCE NO. 3687

AN ORDINANCE to vacate a 62,427 square foot portion of public right-of-way consisting of the 600 and 700 blocks of North Armistead Street located in the City of Alexandria, Virginia.

WHEREAS, the Council of Co-Owners of Beauregard Heights ("Applicant"), which represents the owners of the properties along the 600 and 700 blocks of North Armistead Street in the City of Alexandria, has applied for the vacation of the public right-of-way consisting of the 600 and 700 blocks of North Armistead Street, which right-of-way forms a 66.00 foot wide cul-de-sac off of Beauregard Street and is surrounded by the Beauregard Heights community, as shown on the plat prepared by Holland Engineering, dated July 7, 1993 ("Plat") (attached hereto); and

WHEREAS, the vacation of this public right-of-way, as well as of storm sewers located on Beauregard Heights properties along the 600 and 700 blocks of North Armistead Street, which sewers serve and carry water solely from some or all of said properties, has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; and

WHEREAS, all existing easements, if any, for public utilities (e.g., sewer, electricity, telephone, gas, water), as well as all existing easements for fire hydrants, sanitary sewers and storm sewers, that are located in the public right-of-way to be vacated by this ordinance are not to be affected by this vacation;

WHEREAS, all existing easements, if any, for ingress and egress of public vehicles, including emergency vehicles, that are located in the public right-of-way to be vacated by this ordinance are not to be affected by this vacation;

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 public right-of-way and the storm sewers referenced above are no longer needed for public use and that it is in the public interest that they be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Beginning at a point in the westerly line of North Beauregard Street (variable width), said point marking the northerly corner of Tax Map Parcel 37.00-01-15 of the land of Presidential Realty Corp., et al., thence with the westerly line of said street, North 26° 09' 30" East 96.83 feet to a point marking a corner of the Land of Beauregard Heights Unit Owners Association in common with the southwest corner of North Armistead Street and being the true point of beginning; thence, running with the westerly line of North Armistead Street and contiguous land of Beauregard Heights the following courses and distances: with the arc of curve #C1 to the left whose radius is 38.00 feet for an arc of 6.67 feet to a point, North 42° 43' 35" West 31.00 feet to a point, South 47° 16' 25" West 10.00 feet to a point of curvature, with the arc of curve #C2 to the right whose radius is 254.09 feet for an arc of 143.25 feet to a point, North 10° 52' 34" West 107.29 feet to a point of curvature, with the arc of curve #C3 to the left whose radius is 254.00 feet for an arc of 83.55 feet to a point, North 29° 43' 16" West 60.03 feet to a point of curvature, with the arc of curve #C4 to the right whose radius is 134.00 feet for an arc 107.58 feet to a point, North 16° 16' 35" East 14.93 feet to a point of curvature, with the arc of curve #C5 to the right whose radius is 248.00 feet for an arc of 313.50 feet to a point, North 88° 42' 19" East 118.00 feet to a point, South 01° 17' 41" East 110.00 feet to a point, South 88° 42' 19" West 97.00 feet to a point, North 01° 17' 41" West 44.00 feet to a point, South 88° 42' 19" West 21.00 feet to a point of curvature, with the arc of curve #C6 to the left whose radius is 182.00 feet for an arc of 230.08 feet to a point, South 16° 16' 35" West 14.93 feet to a point of curvature, with the arc of curve #C7 to the left whose radius is 68.00 feet for an arc of 54.59 feet to a point, South 29° 43' 16" East 60.03 feet to a point of curvature, with the arc of curve #C8 to the right whose radius is 320.00 feet for an arc of 105.25 feet to a point, South 10° 52' 34" East 107.23 feet to a point of curvature, with the arc of curve #C9 to the left whose radius is 153.72 feet for an arc of 4.68 feet to a point. South 77° 22' 46" West 10.50 feet to a point of curvature,

with the arc of curve #C10 to the left whose radius is 164.22 feet for an arc of 100.24 feet to a point of compound curvature, with the arc of curve #C11 to the left whose radius is 33.50 feet for an arc of 22.68 feet to a point in the aforementioned line of North Beauregard Street, and with said street, South 26° 09' 30" West 65.42 feet to the true point of beginning.

Containing a total area of street to be vacated of 62,427 square feet of 1.4342 acres.

Section 2. That all existing easements for storm sewers located on properties along the 600 or 700 blocks of North Armistead Street, which sewers only serve, and only carry water from, said properties, or from a portion thereof, be and the same hereby are vacated.

Section 3. That the vacations set out in Sections 1 and 2 be and the same hereby are subject to the conditions set forth below:

- (a) The Applicant shall subdivide the public right-of-way described in Section 1 that is to be vacated by this ordinance in order to create a lot of record (the "Lot"), and shall submit a plat showing the subdivided Lot to, and obtain the approval of, the director of transportation and environmental services prior to the recordation of this ordinance.
- (b) The Lot shall be maintained solely and continuously as a right-of-way for purposes of serving the Beauregard Heights community along the 600 and 700 blocks of North Armistead Street.
- (c) There shall be no construction of any building or other structure, at any time, upon the Lot.
- (d) All existing easements, if any, for public utilities (e.g., sewer, electricity, telephone, gas, water) that are located in the public right-of-way described in Section 1 which is to be vacated by this ordinance shall not be, and are not, affected by this vacation.
- (e) None of the area of the public right-of-way described in Section 1 which is to be vacated by this ordinance shall be credited toward floor area density or otherwise

toward the amount of development that may occur on any land adjacent to the Lot, or any portion thereof, or on any other land.

- (f) All existing public easements for ingress-egress of public vehicles, including emergency vehicles, and all existing easements for fire hydrants, which easements are located in the public right-of-way described in Section 1 which is to be vacated by this ordinance, shall not be, and are not, affected by this vacation.
- (g) All costs to maintain, repair and replace the public right-of-way described in Section 1 which is to be vacated by this ordinance, as well as the street lights located within such right-of-way, shall, from and after the effective date of this ordinance, be the sole responsibility of the Council of Co-Owners of Beauregard Heights.
- (h) Conditions (b), (c), (e) and (g) are intended to, and shall, be covenants running with the land of the Lot.

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 condition set forth above in section 3(a) has 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 condition set forth in section 3(a) has been satisfied. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of either the COUNCIL OF CO-OWNERS OF BEAUREGARD HEIGHTS or such other name as is deemed proper by the clerk of the court, and such recordation shall be done by the Applicant at its own expense.

PATRICIA S. TICER  
Mayor

Attachment: Vacation Plat

Final Passage: December 11, 1993

