

ORDINANCE NO. 3736

AN ORDINANCE to vacate a portion of the public street right-of-way of Gibbon Lane, from a point 171 feet west of the monument line of West Street to Hamilton Avenue.

WHEREAS, Bethel Cemetery has requested the vacation of a portion of the 16-foot-wide public right-of-way of Gibbon Lane, an unopened and unimproved right-of-way not used by the public; and

WHEREAS, the right-of-way to be vacated by this ordinance, which abuts the Bethel Cemetery for a distance of 136.35 feet, is shown on the plat prepared by the survey section of the department of transportation and environmental services of the City of Alexandria, and dated April 13, 1994 ("Plat") (attached hereto); and

WHEREAS, the vacation of this 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, 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 unopened and unimproved public right-of-way of Gibbon Lane to be vacated by this ordinance is not 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 right-of-way, as shown on the Plat, be and the same hereby is vacated:

Beginning at a point, said point being South 09° 30' 00" East - 24.11 feet and North 80° 41' 00" West - 313.74 feet and North 80° 30' 00" West - 171.00 feet from the Monument line intersection of Gibbon and South Payne Streets. Thence the following courses and distances: South 09° 30' 00" West - 8.00 feet; North 80° 30' 00" West - 136.35 feet; North 09° 30' 00" East - 16.00 feet; South 80° 30' 00" East - 136.35; South 09° 30' 00" West - 8.00 feet to the point of beginning

and containing 2,182 square feet more or less as shown on City Plat LP 94-002.

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

1. The 8-foot-wide strip of vacated land abutting Bethel Cemetery shall be conveyed to Bethel Cemetery at no cost, subject to the requirement that the same be used exclusively for the burial of poor and indigent persons as a service to the city for a reduced fee.
2. The remaining 8-foot-wide strip of vacated land not conveyed to Bethel Cemetery shall be conveyed to Saint Paul's Episcopal Cemetery, upon payment to the city of the sum of \$2,455; provided that if Saint Paul's Episcopal Cemetery shall fail to pay the said sum to the city within one year from the date of final passage of this ordinance, the said portion shall be conveyed to Bethel Cemetery, subject to the terms and conditions of paragraph 1 above.
3. Each of the abutting owners shall consolidate the land so conveyed with its respective parcel of land.

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 as to any abutting owner until such abutting owner has satisfied the conditions set forth above in section 2 applicable to such owner, and thereafter a copy of this ordinance has been certified by the city clerk and has been recorded, together with a deed from the City of Alexandria conveying the vacated portion to the said abutting owner, among the land records of the City of Alexandria, and appropriately indexed in the said land records. Recordation of the deed and certified ordinance shall be done by each abutting owner at its own expense.

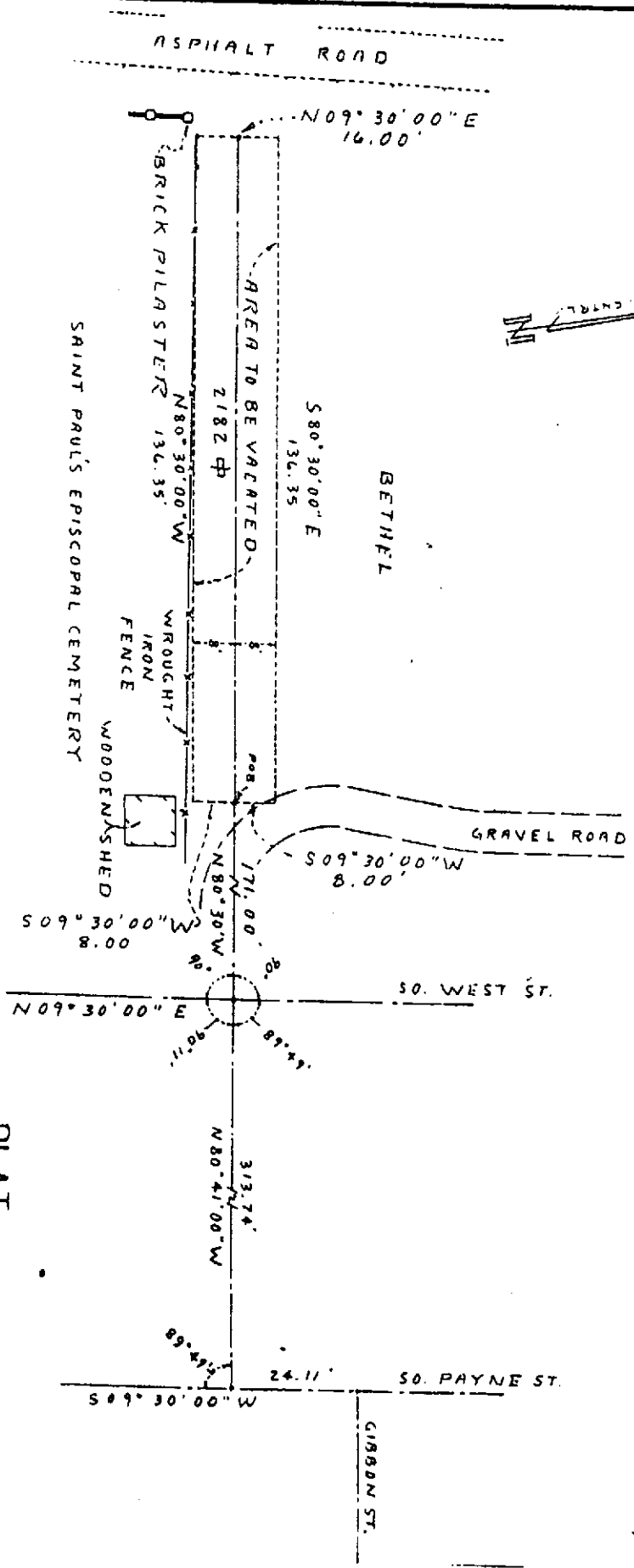
PATRICIA S. TICER  
Mayor

Attachment: Vacation Plat

Final Passage: June 18, 1994

VAC. 94-003

23  
5-14-94



SHOWING A PORTION OF GIBBON LANE  
TO BE VACATED  
BY THE CITY OF ALEXANDRIA, VA.

*Thomas J. Ryan Jr.*  
DIRECTOR OF TRANSPORTATION & ENVIRONMENTAL SERVICES  
CITY OF ALEXANDRIA, VIRGINIA  
4/14/94



PREPARED BY SURVEY SECTION  
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
COMPS & DR BY: rfs DATE: 4/13/94  
R/N 2344 RECORDED 08 PG LP 94-002