

ORDINANCE NO. 3759

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to Duke Street, just south of the intersection of Duke Street and Diagonal Road, in the City of Alexandria, Virginia.

WHEREAS, Carlyle Development Corporation ("Applicant"), which owns the property at 2000 Duke Street, in the City of Alexandria, Virginia, has applied for a vacation of a portion of the public right-of-way adjacent to Duke Street, just south of the intersection of Duke Street and Diagonal Road; and

WHEREAS, the portion of the public right-of-way to be vacated by this ordinance is shown on the plat prepared by Patton Harris Rust & Associates, and dated March 10, 1994 (revised April 29, 1994) ("Plat") (attached hereto), as "Part One," "Part Two" and "Part Three"; and

WHEREAS, this vacation has been recommended for approval 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 portion of the public street right-of-way adjacent to Duke Street, just south of the intersection of Duke Street and Diagonal Road, that is in question 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 portion of the public street right-of-way adjacent to Duke Street, just south of the intersection of Duke Street and Diagonal Road, as shown on the Plat as "Part One," "Part Two" and "Part Three" be, and the same hereby is, vacated:

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

1. Applicant shall provide a temporary access easement to the Washington Metropolitan Area Transit Authority ("WMATA") to allow it access to the WMATA transformer facility, such easement to be recorded among the land records of the City of Alexandria and to be maintained at least until such time as Englehardt Lane has been constructed and public street easements over Englehardt Lane and Jamieson Avenue which provide WMATA access to the WMATA transformer facility have been recorded.
2. The Applicant shall provide an easement to the city that is sufficient to provide access to the retention wall and footing that is immediately adjacent to a portion of the area being vacated by this ordinance and that borders on Duke Street.
3. The Applicant shall reserve easements for all public and/or private utilities that may lie within the area being vacated by this ordinance.
4. The Applicant shall correct all plats currently spelling "Englehardt Lane" incorrectly.
5. The Applicant shall submit to the director of zoning and planning a plat of consolidation, consolidating the area being vacated by this ordinance with adjoining parcels in a manner satisfactory to the director.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary and 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 upon the date and at the time 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 land records of the City of Alexandria as deeds are recorded. Certification by the clerk shall constitute conclusive evidence that 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

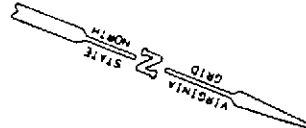
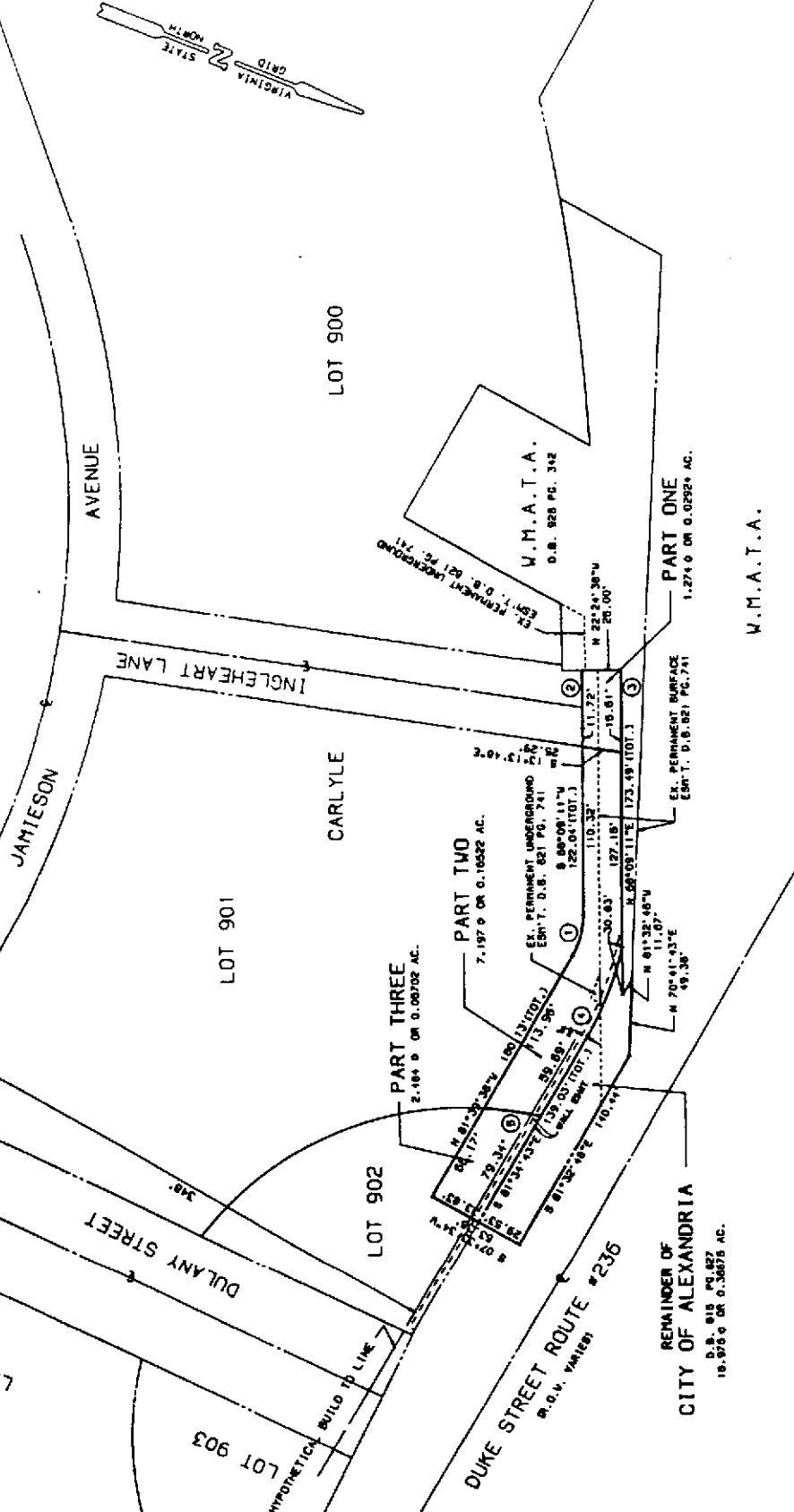
the name of CARLYLE DEVELOPMENT CORPORATION, and such recordation shall be done by the Applicant at its own expense.

PATRICIA S. TICER
Mayor

Attachment: Vacation Plat

Final Passage: November 12, 1994

NOTES:
 1. THE LOTS SHOWN HEREON ARE TAKEN FROM THE PROPOSED SUBDIVISION PLAT PREPARED BY THIS FIRM TO BE RECORDED AT A FUTURE DATE.
 2. PART ONE, PART TWO AND REMAINDER OF CITY OF ALEXANDRIA ARE ALL PART OF THE PROPERTY OF THE CITY OF ALEXANDRIA. THE LOTS SHOWN HEREON WERE OBTAINED FROM THE RECORDS OF THE LAND RECORDS OF THE CITY OF ALEXANDRIA.



CURVE DATA

CURVE NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
1	30° 11' 18"	60.00	26.34	13.49	S 57° 14' 44" W	26.04
2	0° 34' 48"	3.873 ±	37.80	18.40	S 87° 02' 21" W	37.20
3	0° 34' 48"	3.896 ±	37.44	18.72	N 87° 01' 07" E	37.44
4	18° 48' 00"	210.00	61.39	30.92	S 69° 07' 13" E	61.17
5	9° 48' 28"	218.00	34.52	18.30	S 19° 32' 19" E	36.97

EXHIBIT PLAT SHOWING
 A PORTION OF
 THE PROPERTY OF
 THE CITY OF ALEXANDRIA,
 VIRGINIA

CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1" = 50'
 APRIL 19, 1984
 PATTON HARRIS RUST & ASSOCIATES
 A PROFESSIONAL CORPORATION
 CONSULTING ENGINEERING - LAND SURVEYING - PLANNING
 FAIRFAX, VIRGINIA
 (703) 273-8700

COMP. J.H.
 CHECKED BY
 7/21/84