

ORDINANCE NO. 3760

AN ORDINANCE to vacate a portion of the public street right-of-way at 2345, 2347 and 2365 Mill Road and Jamieson Avenue, in the City of Alexandria, Virginia.

WHEREAS, Carlyle Development Corporation and the Thomas H. Andrews Partnership ("Applicants") have applied for the vacation of a portion of the public street right-of-way of Mill Road which is currently unopened and unimproved and not used by the public; and

WHEREAS, the portion of public street right-of-way of Mill Road that is sought to be vacated by Applicants is designated on the plat prepared by Patton Harris Rust & Associates, dated August 30, 1994 ("Plat") (attached hereto), as "V-2"; and

WHEREAS, the portion of the right-of-way of Mill Road sought to be vacated by Applicants measures 4,624 square feet and is just east of the Metro tracks, at the western edge of the Carlyle Development's proposed Carlyle Towers Condominium project site; and

WHEREAS, the vacation that is sought by Applicants, if granted, will facilitate the realignment of the intersection of Mill Road and Jamieson Avenue, which is required by condition number 36 of special use permit number 2553 granted for the Carlyle Development; and

WHEREAS, the vacation that is sought by Applicants 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 Applicants' 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 Mill Road 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 portion of the public street right-of-way of Mill Road, as shown on the Plat as

"V-2," be, and the same hereby, is vacated:

Beginning at a point being a corner to Lot 900, Carlyle and a corner to Parcel A, Carlyle, also being on the easterly right-of-way line of Mill Road; thence departing Lot 900 and Parcel A, and running through the variable width right-of-way of Mill Road, S 82° 23' 15" W 22.39 feet, and 68.24 feet along the arc of a curve to the right, said curve having a radius of 239.78 feet, a central angle of 16° 18' 25" and a chord which bears N 89° 27' 32" W 68.01 feet to a point, said point being on the southerly line of the property of Thomas H. Andrews Partnership and on the northwesterly variable width right-of-way line of Mill Road; thence continuing with the property of Thomas H. Andrews Partnership the following courses and distances: 6.90 feet along the arc of a curve to the left, said curve having a radius of 25.00 feet, a central angle of 15° 49' 02" and a chord which bears N 39° 44' 28" E 6.88 feet; N 31° 49' 02" E 54.78 feet; 53.44 feet along the arc of a curve to the right, said curve having a radius of 60.00 feet, a central angle of 51° 02' 09" and a chord which bears N 57° 19' 34" E 51.70 feet to a point on the westerly line on the aforementioned Lot 900, Carlyle; thence, S 06° 10' 39" E 26.10 feet; thence, S 66° 12' 56" E 5.77 feet; thence, S 06° 10' 40" E 49.44 feet to the point beginning, and containing 4,624 square feet more or less.

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

1. Applicants shall consolidate the portion of Mill Road being vacated by this ordinance with the adjacent parcel owned by the Thomas H. Andrews Partnership, as shown on the Plat, and shall submit a plat showing such consolidation to the director of planning and zoning for his approval.
2. A letter, memorandum or other document shall be submitted to the director of planning and zoning that expresses, to the satisfaction of the director, the commitment of the Washington Metropolitan Area Transit Authority to dedicate or otherwise convey to the City of Alexandria, in fee or easement, the portion of WMATA property that is designated as "D-2" on the Plat, all costs associated with securing such commitment and the

resulting dedication or other conveyance to be borne by Applicants.

3. Applicants shall convey easements for all public and/or private utilities that now lie within the portion of Mill Road being vacated by this ordinance.
4. Applicants shall convey surface and subsurface easements to the City of Alexandria over the portion of the area being vacated by this ordinance designated as "B" on the Plat, such easements being to the satisfaction of the director of transportation and environmental services.

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 conditions set forth 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. Certification by the clerk shall constitute conclusive evidence that the condition in section 2 have been satisfied. Recordation of the certified ordinance shall be indexed in the name of the City of Alexandria and the name of Thomas H. Andrews Partnership, and such recordation shall be done by Applicants at their expense.

PATRICIA S. TICER
Mayor

Attachment: Vacation Plat

Final Passage: November 12, 1994

WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY

D.B. 666 PG. 281
D.B. 1024 PG. 018

THOMAS H. ANDREWS
PARTNERSHIP

D.B. 1094 PG. 544
D.B. 1108 PG. 385

LOT 900
LOT 502
CARLYLE

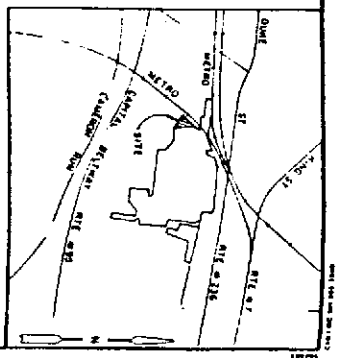
D.B. 1328 PG. 592

AREA TABULATION

DEDICATION AREAS	AC.	OR
D-2	609	0.01399
D-5	4,015	0.09217
TOTAL	4,624	0.10616
VACATION AREA	4,624	0.10616

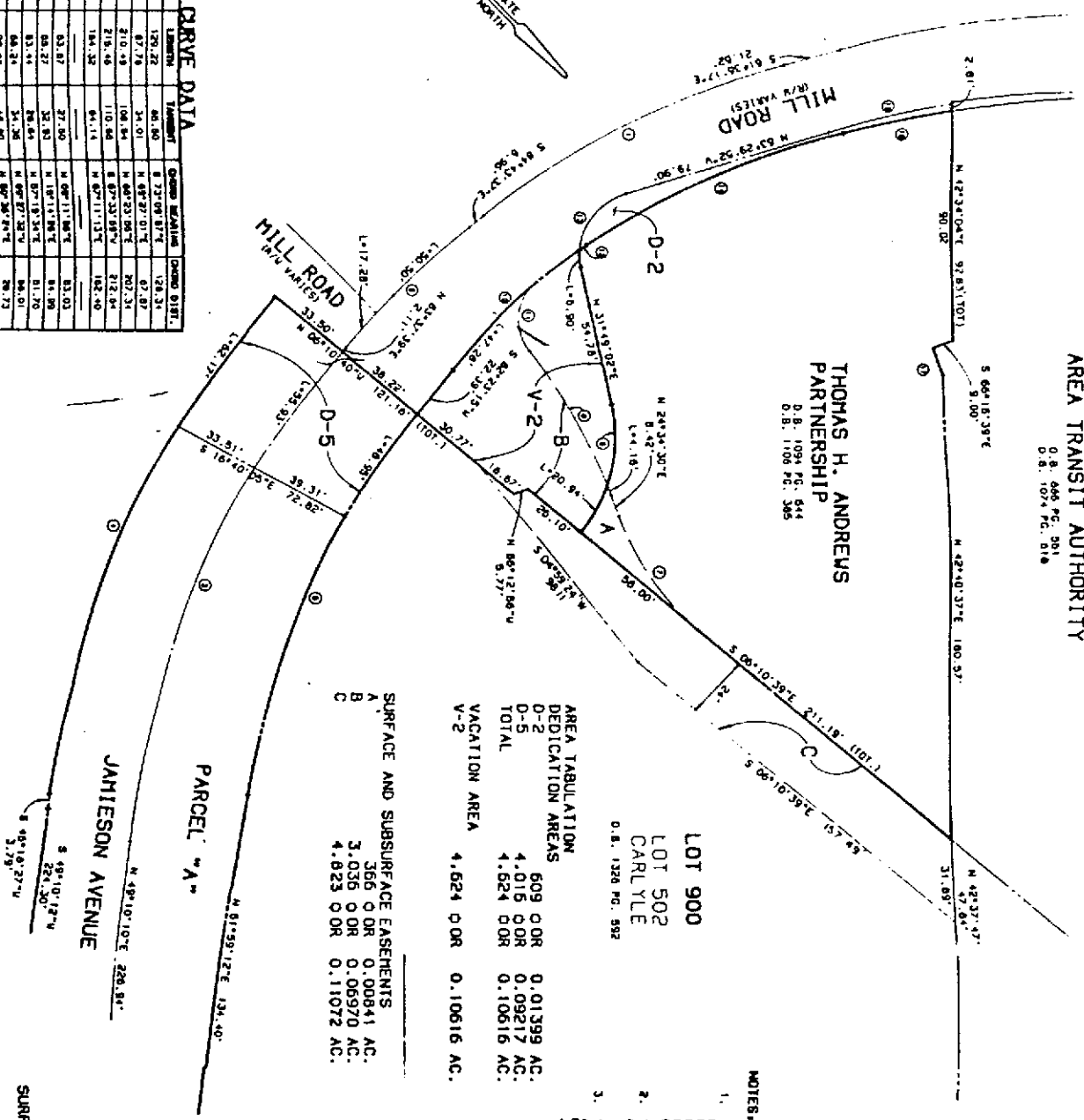
SURFACE AND SUBSURFACE EASEMENTS

	AC.	OR
A	366	0.00841
B	3,036	0.06970
C	4,823	0.11072



VICINITY MAP
SCALE: 1" = 2000'

- NOTES:
1. THE PROPERTY DELINEATED ON THIS PLAN IS SHOWN IN THE NAME OF ALEXANDRIA SOUTHERN PARTNERSHIP. THE NAME IS RECORDED IN DEED BOOK 1323 AT PAGE 1380, AND THOMAS H. ANDREWS, JR. RECORDED IN DEED BOOK 1093 AT PAGE 544 AND DEED BOOK 1108 AT PAGE 385 ALL AMONG THE LAND RECORDS OF CITY OF ALEXANDRIA, VIRGINIA.
 2. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 3. THE BOUNDARY INFORMATION FROM HEREON HAS BEEN FROM A PLAT ENTITLED "RIGHT-OF-WAY LINE FOR PROPOSED MILL ROAD REALIGNMENT" DATED JUNE 7, 1991 AND REVISED JULY 10, 1991 BY GORDON ASSOCIATES.



UNITED STATES OF AMERICA

D.B. 1328 PG. 666

LOT 506
CARLYLE

D.B. 1328 PG. 662

PATTON HARRIS RUST & ASSOCIATES

A PROFESSIONAL CORPORATION
CONSULTING ENGINEERING - LAND SURVEYING - PLANNING



CURVE DATA

STATION	CHORD BEARING	CHORD DIST.
1	N 21°07'30" E	320.19
2	N 11°36'44" E	320.90
3	N 24°27'30" E	326.00
4	N 20°11'28" E	343.90
5	N 20°24'03" E	329.88
6	N 30°46'08" E	100.00
7	N 14°46'00" E	200.34
8	N 1°02'08" E	82.00
9	N 18°18'28" E	219.78
10	N 6°21'54" E	18.00
11	N 4°20'50" E	201.28
12	N 4°28'28" E	28.00
13	N 20°27'11" E	279.00
14	N 1°10'33" E	444.80
15	N 2°27'02" E	220.00
16	N 2°08'28" E	220.00