

ORDINANCE NO. 3762

AN ORDINANCE to vacate a portion of the public alley right-of-way adjacent to 4001 and 4007 Mount Vernon Avenue, in the City of Alexandria, Virginia.

WHEREAS, United Action Corporation, t/a 24 Hour Express ("Applicant"), which owns the property at 4007 Mount Vernon Avenue, in the City of Alexandria, has applied for the vacation of the public alley right-of-way which abuts its property at 4007 Mount Vernon Avenue and the neighboring property at 4001 Mount Vernon Avenue, which is owned by the Exxon Corporation; and

WHEREAS, the public alley right-of-way to be vacated by this ordinance is shown on the plat prepared by Alexandria Surveys, Inc., and dated May 13, 1994 ("Plat") (attached hereto), as "Outlot B" and "Outlot C"; and

WHEREAS, the vacation of this public 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 values of the Outlot B and Outlot C portions of the public alley right-of-way to be vacated by this ordinance are \$8,875 and \$9,286, respectively; and

WHEREAS, the Exxon Corporation, the owner of the property at 4001 Mount Vernon Avenue, has expressed its support for the proposed vacation and has agreed to purchase Outlot C for \$9,286; 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 Outlot B portion of the public alley right-of-way to be vacated by this ordinance be purchased by the Applicant for \$8,875 and the Outlot C portion of said public alley right-of-way be purchased by Exxon Corporation for \$9,286; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto, and of the agreement of the Applicant and Exxon Corporation to comply with the conditions set forth below and the condition that they purchase the Outlot B and Outlot C portions of the public alley right-of-way to be vacated by this ordinance for \$8,875 and

\$9,286, respectively, the Council of the City of Alexandria has concluded that said public alley right-of-way as shown on the Plat 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:

Outlot B

Beginning at a point in the easterly right-of-way line of Mount Vernon Avenue, variable width right-of-way, point of beginning also being in the southerly side of an area condemned for public right-of-way adjacent to the division of the property of S. Eugene Godden, Albert Small, and Calvin O. Black; thence departing the easterly right-of-way line of Mount Vernon Avenue and running with the southerly side of the aforementioned public right-of-way, North $87^{\circ} 58' 00''$ East 132.07 feet to a corner to Lot 5, Section Two, Beverley Plaza; thence running with the westerly line of the aforementioned Lot 5, South $17^{\circ} 58' 00''$ East 119.41 feet to a corner common to Lots 4 and 5, Section Two, Beverley Plaza; thence running with a line through the 16-foot wide alley, South $72^{\circ} 01' 00''$ West 16.00 feet to a corner common to Lots 1 and 2, Block One, Section One, Beverley Plaza; thence running with the easterly line of the aforementioned Lot 1 the following: North $17^{\circ} 58' 00''$ West 107.33 feet to a point, thence South $87^{\circ} 58' 00''$ West 95.55 feet to a point, and thence along the arc of a curve to the left, having a radius of 15.00 feet, a chord length of 23.95 feet and a chord being of South $35^{\circ} 00' 00''$ West, a distance of 27.73 feet to a point in the easterly right-of-way line of Mount Vernon Avenue; thence running with the easterly right-of-way line of Mount Vernon Avenue North $17^{\circ} 58' 00''$ West 36.52 feet to the point of beginning, containing 3,884 square feet.

Outlot C

Beginning at a corner common to Lots 1 and 2, Block One, Section One, Beverley Plaza; thence running with a line through the 16-foot wide alley, North $72^{\circ} 02' 00''$ East 16.00 feet to a corner common to Lots 4 and 5, Section Two,

Beverley Plaza; thence running with the westerly line of the aforementioned Lot 4, South 17° 58' 00" East 127.00 feet to a point in the northerly terminus of a vacated 16-foot wide alley (Ordinance No. 2592); thence running with the northerly terminus of the aforementioned vacated alley, South 72° 02' 00" West 16.00 feet to a corner common to Lots 2 and 3, Block One, Section One, Beverley Plaza; thence running with the easterly line of the aforementioned Lot 2, North 17° 58' 00" West 127.00 feet to the point of beginning, containing 2,032 square feet.

Section 2. That this vacation is subject to the Applicant and Exxon Corporation complying with the condition that they (and possibly others pursuant to paragraphs 3 and 4 of this section) purchase Outlot B and Outlot C, the above-described portions public alley right-of-way, for \$8,875 and \$9,286, respectively, and with each of the conditions set forth below:

1. The Applicant and Exxon Corporation each shall consolidate Outlot B and Outlot C, respectively, with the property it now owns in the 4100 block of Mount Vernon Avenue, and each shall provide to the director of planning and community development a plat that shows, to the director's satisfaction, (a) the consolidation, (b) all existing easements within the outlot, and (c) all existing sanitary and storm sewers within the outlot.
2. The Applicant and Exxon Corporation each shall reserve easements for all public and private utilities within Outlot B and Outlot C, respectively.
3. As a condition to the vacation only of the eastern half of the portion of Outlot B that lies immediately to the east of Lot 1, Block One, Section One, Beverley Plaza, as shown on the Plat, the Applicant shall present evidence, satisfactory to the city attorney, that the owner of the property abutting the eastern boundary of Outlot B does not wish to acquire, upon the payment to the city of \$4,375, the eastern half of said portion of Outlot B. In the event, said owner wishes to so acquire the eastern half of said portion of Outlot B, then:
 - a. The owner shall, as a condition to the vacation of the eastern half of said portion of Outlot B, comply with the conditions set forth in paragraphs 1 and 2 of this Section 2, to

the extent that those conditions apply to the eastern half of said portion of Outlot B; and

- b. The Applicant shall, as a condition to the vacation of the western half of said portion of Outlot B, comply with the conditions set forth in paragraphs 1 and 2 of this Section 2, to the extent that the conditions apply to the western half said portion of Outlot B.
4. As a condition to the vacation of Outlot C only, the Applicant or Exxon Corporation shall present evidence, satisfactory to the city attorney, that the owner of the property abutting the eastern boundary of Outlot C does not wish to acquire, upon the payment to the city of \$4,643, the eastern half of Outlot C. In the event, said owner wishes to so acquire the eastern half of Outlot C, then:
 - a. The owner shall, as a condition to the vacation of the eastern half of Outlot C, comply with the conditions set forth in paragraphs 1 and 2 of this Section 2, to the extent that the conditions apply to the eastern half of Outlot C; and
 - b. The Exxon Corporation shall, as a condition to the vacation of the western half of Outlot C, comply with the conditions set forth in paragraphs 1 and 2 of this Section 2, to the extent that the conditions apply to the western half of Outlot C.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received payments totaling \$8,875 and \$9,286 for the vacation of Outlot B and Outlot C, respectively, 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 payments of \$8,875 and \$9,286 have been made to

the city, as provided for in Section 3, 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 the names of the CITY OF ALEXANDRIA and of UNITED ACTION CORPORATION, T/A 24 EXPRESS or of EXXON CORPORATION, or as otherwise may be appropriate, and such recordation shall be done by the Applicant at its own expense.

PATRICIA S. TICER
Mayor

Attachment: Vacation Plat

Final Passage: December 17, 1994

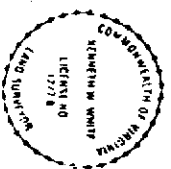
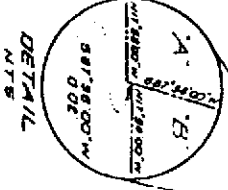
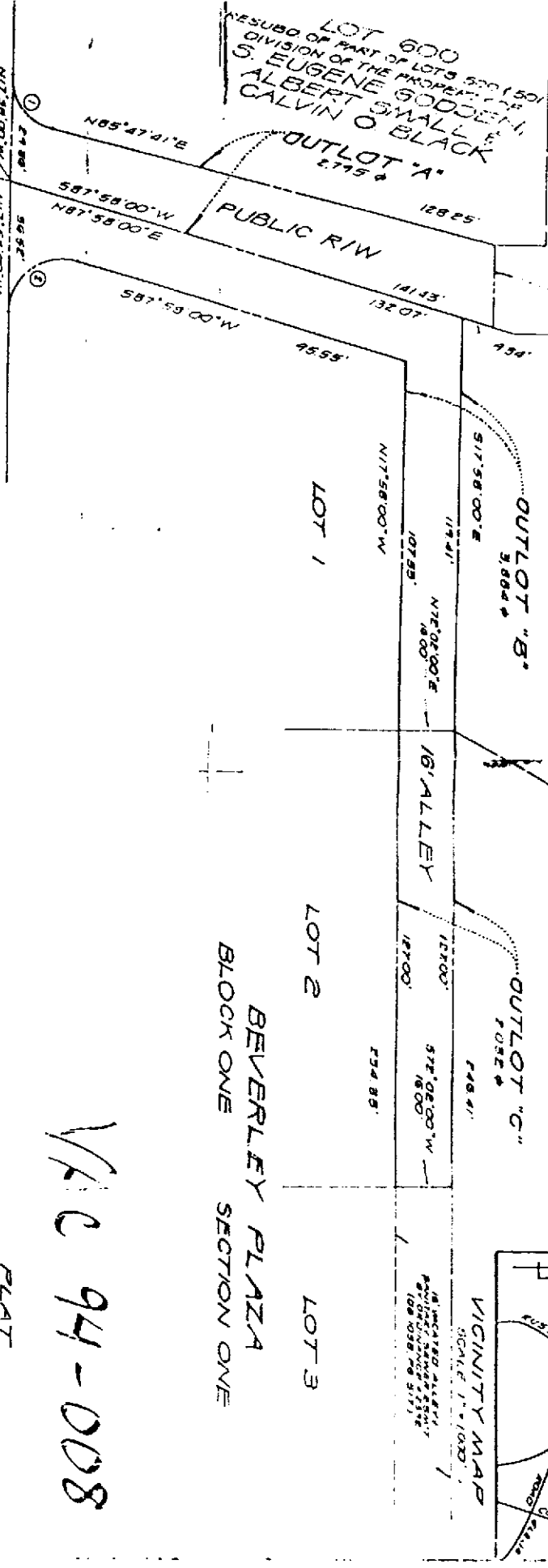
BEVERLEY PLAZA
 BEVERLEY PLAZA
 BEVERLEY PLAZA

PART OF LOT 501
 DIVISION OF THE PROPERTY OF
 S. EUGENE GOODEN
 ALBERT SMALL &
 CALVIN O BLACK

BEVERLEY PLAZA
 SECTION TWO

CURVE DATA

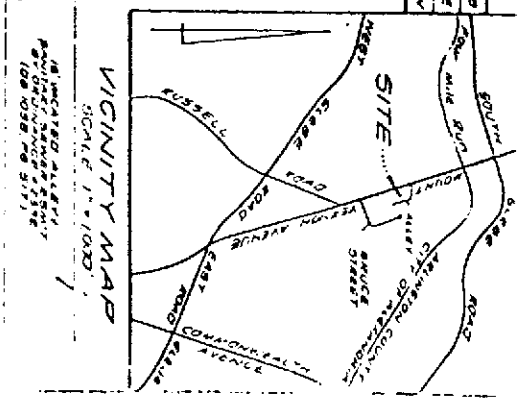
NO	RADIUS	DELTA	ARC	TAN	CHORD	CHORD BEARING
1	15.00	78°14'14"	17.40	11.77	16.82	S 56°09'07" E
2	15.00	105°58'00"	27.73	14.88	25.95	S 39°00'00" W



CERTIFIED CORRECT

PLAT
 SHOWING THE VACATION OF A PORTION OF A
 16 FOOT WIDE ALLEY CREATED WITH SECTION ONE
BEVERLEY PLAZA
 AND THE VACATION OF AN
 18 FOOT WIDE ALLEY
 AREA CONVEYED FOR PUBLIC RIGHT-OF-WAY
 (DEED BOOK 782, PAGE 258 & DEED BOOK 787, PAGE 10)
 ADJACENT TO THE DIVISION OF THE PROPERTY OF
 S. EUGENE GOODEN,
 ALBERT SMALL &
 CALVIN O. BLACK
 (DEED BOOK 1805, PAGE 1803)
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE 1" = 20'

W/C 94-008



NOTES / TAX MAP REFERENCE 700-02
 2 TOTAL AREA OF VACATION =
 8711.50 SQ FT OF CURVILINEAR

Signature
 K. W. W. W.

ALEXANDRIA SURVEYS, INC.
 624 SOUTH KINNETT HIGHWAY
 ALEXANDRIA, VIRGINIA 22306