

ORDINANCE NO. 3778

AN ORDINANCE to vacate a portion of the public right-of-way at 3681 Wheeler Avenue, consisting of total land area of 14,583 square feet running adjacent to Wheeler Avenue.

WHEREAS, Early Street Properties, L.L.C. ("Applicant"), has applied for the vacation of a portion of the public right-of-way at 3681 Wheeler Avenue, consisting of a total land area of 14,583 square feet running adjacent to Wheeler Avenue; and

WHEREAS, the public right-of-way to be vacated by this ordinance is shown on a City of Alexandria Assessment Map dated June 24, 1992 ("Map") (attached hereto); and

WHEREAS, the vacation of this portion of the public right-of-way at 3681 Wheeler Avenue 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 value of the public right-of-way to be vacated by this ordinance is \$500; 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 public right-of-way to be vacated by this ordinance be purchased by the Applicant for \$500; 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 and the condition that it purchase the public right-of-way to be vacated by this ordinance for \$500, the Council of the City of Alexandria has concluded that the public right-of-way 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 public right-of-way at 3681 Wheeler Avenue, consisting of total land area of 14,583 square feet running adjacent to Wheeler Avenue, as shown on the Map, be, and the same hereby is, vacated.

Section 2. That this vacation is subject to the Applicant complying with the condition that it purchase the above-described public right-of-way for \$500 and with each of the conditions set forth below:

1. The Applicant shall limit the use of the area being vacated to open space or site features in support of the development on the adjacent site now owned by Applicant. This condition shall convey with the land and shall be binding upon the Applicant and its successors, heirs and assigns.
2. The Applicant shall consolidate the area being vacated by this ordinance with the adjacent lot located at 3681 Wheeler Avenue, and provide a plat of consolidation for approval by the director of planning and zoning prior to recordation.
3. The Applicant and its successors, heirs and assigns shall reserve and provide easements at no cost to any public or private utility company now or in the future found to be located in the area being vacated by this ordinance.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received the payment of \$500 referenced in section 2 above, 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 payment of \$500 has been made to the city by the Applicant 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 both the name of the CITY OF ALEXANDRIA and the name of EARLY STREET PROPERTIES, L.L.C., and such recordation shall be done by the Applicant at its own expense.

PATRICIA S. TICER
Mayor

Attachment: Assessment Map

Final Passage: February 25, 1995

