

ORDINANCE NO. 3786

AN ORDINANCE to rescind Ordinance No. 3762 and 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, the city council finds it necessary and desirable to rescind Ordinance No. 3672, enacted on December 17, 1994, and to enact this ordinance in its place, in order to correct an error contained in Ordinance 3672 regarding the persons eligible to obtain title to portions of the vacated Outlots B and C; and

WHEREAS, United Action Corporation and Exxon Corporation are the proper successors in interest to Permanesque Homes Village, Incorporated, which corporation dedicated the public alley right-of-way to be vacated by this ordinance to the City of Alexandria by deed recorded in Deed Book 139 at page 344, among the land records of the City of Alexandria, and are the proper parties to whom the said right-of-way should be conveyed upon its vacation; 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 city council 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 Ordinance 3762, enacted on December 17, 1994, be, and the same hereby is, rescinded.

Section 2. 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° 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° 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° 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° 58' 00" West 107.33 feet to a point, thence South 87° 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° 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° 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° 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 3. That this vacation is subject to the Applicant and Exxon Corporation complying with the condition that they purchase Outlot B and Outlot C 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.

Section 4. 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 5. 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.

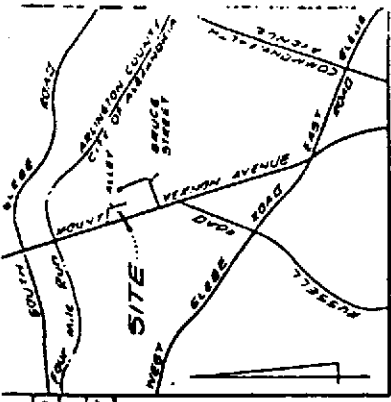
Section 6. That the city clerk be and hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 7. 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: March 18, 1995

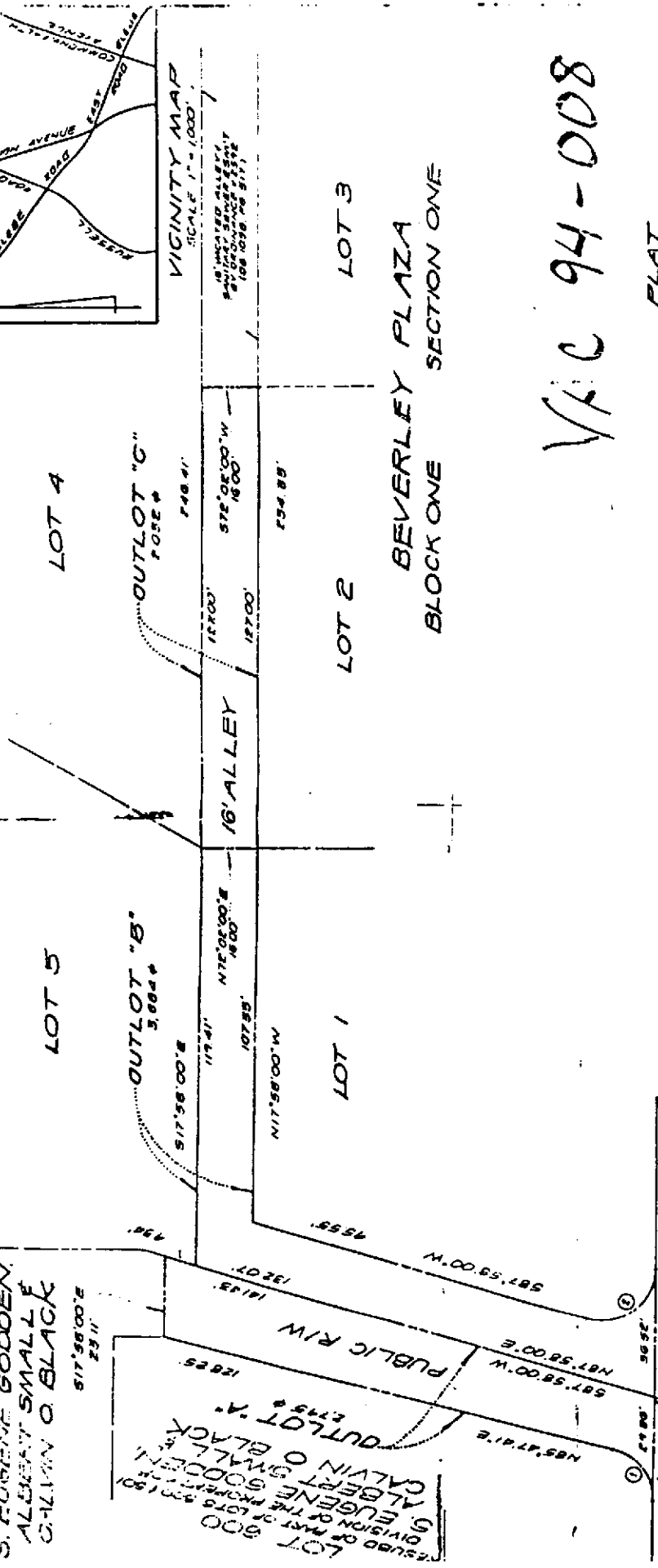


VICINITY MAP  
SCALE 1" = 1000'

CURVE DATA

| NO | RADIUS | DELTA      | ARC  | TAN  | CROSS | CHORD      | CHORD BEARING |
|----|--------|------------|------|------|-------|------------|---------------|
| 1  | 1500   | 76°14'19"  | 1975 | 1177 | 1888  | 538'09"072 |               |
| 2  | 1500   | 105°58'00" | 2773 | 1988 | 2595  | 939'00"000 |               |

BEVERLEY PLAZA  
SECTION TWO



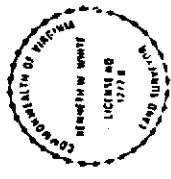
PART OF LOT 501  
DIVISION OF THE PROPERTY OF  
S. EUGENE GODDEN,  
ALBERT SMALL &  
CALVIN O. BLACK

517'58"00"E  
23 1/2"

REBUD OF PART OF LOTS 501 & 502  
DIVISION OF THE PROPERTY OF  
S. EUGENE GODDEN,  
ALBERT SMALL &  
CALVIN O. BLACK

VAC 94-008

PLAT  
SHOWING THE VACATION OF A PORTION OF A  
18 FOOT WIDE ALLEY CREATED WITH SECTION ONE  
BEVERLEY PLAZA  
(10' TO BOOK 229, PAGE 586)  
AND THE VACATION OF AN  
AREA CONTAINED FOR PUBLIC RIGHT-OF-WAY  
(SEE BOOK THE PAGE 230 OF BOOK 287 PAGE 10)  
ADJACENT TO THE DIVISION OF THE PROPERTY OF  
S. EUGENE GODDEN,  
ALBERT SMALL &  
CALVIN O. BLACK  
(17' E. BOOK 105, PAGE 1000)  
CITY OF ALEXANDRIA, VIRGINIA  
MAY 15, 1948  
SCALE 1" = 50'



Kenneth W. White  
LICENSED PROFESSIONAL SURVEYOR  
STATE OF VIRGINIA

ALEXANDRIA SURVEYS, INC.  
624 S. SOUTH MAIN ST. HIGHWAY  
ALEXANDRIA, VIRGINIA 22304

NOTES: 1. TAX MAP REFERENCE 700-02  
2. TOTAL AREA OF VACATION =  
8711.50 SQ. FT. OR 0.197 AC

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