

ORDINANCE NO. 3877

AN ORDINANCE approving and authorizing the sale of a 35-foot wide strip of the property owned by the City of Alexandria, located at 3701, 3965 and 4001 Eisenhower Avenue, in the City of Alexandria, Virginia, to the Washington Metropolitan Area Transit Authority.

WHEREAS, the City of Alexandria owns the real property located at 3701, 3965 and 4001 Eisenhower Avenue in Alexandria, Virginia; and

WHEREAS, the sale of a 35-foot wide strip of this property by the city has been submitted to and approved by the planning commission on June 4, 1996; and

WHEREAS, the city manager has recommended the sale of this strip of property for \$19,000 to the Washington Metropolitan Area Transit Authority (WMATA), reserving to the city a perpetual surface easement for park use; and

WHEREAS, the city council is of the opinion that the city no longer needs the fee ownership of this strip of property, and that its disposition, according to the terms and conditions of this ordinance, is in the public interest; and

WHEREAS, the Washington Metropolitan Area Transit Authority has agreed to acquire this strip of property, at the price and under the terms and conditions set forth below, the price to be paid by the abutting land owner, the Dolben Company, in consideration of the extinguishment of a WMATA easement across said company's land, and in accordance with the letter to the Honorable Kerry Donley, Mayor, and Members of City Council, dated March 15, 1996, and attached hereto and incorporated herein; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sale of the real property described below to the Washington Metropolitan Area Transit Authority, for \$19,000, retaining to the city a perpetual surface easement for park use, to the satisfaction of the city attorney, be, and the same hereby is, approved and authorized:

Being that property shown as "Proposed 35 feet WMATA access easement," shown on a plat entitled "Plat Showing a Proposed 35 foot WMATA Access Easement," prepared by Holland Engineering, dated March 15, 1996.

Section 2. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the sale of the real

property described in Section 1 in accordance with the terms and conditions of this ordinance, including, but not limited to, the execution and delivery of a deed and other appropriate documents.

Section 3. That the city clerk be and hereby is authorized to attest the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachments: March 15, 1996, letter to Mayor and
Members of Council from Dolben Company

Plat Showing a Proposed 35 foot WMATA Access
Easement

Final Passage: June 25, 1996

HART & CALLEY
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS AT LAW
307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557
(703) 836-5757
FAX (703) 548-5443

HARRY P. HART
CYRIL D. CALLEY
OF COUNSEL
ROBERT L. MURPHY

1201 CONNECTICUT AVENUE, N.W.
TWELFTH FLOOR
WASHINGTON, D.C. 20036

March 15, 1996

The Honorable Kerry Donley, Mayor
and Members of City Council
City Hall
Alexandria, VA 22314

Re: Washington Metropolitan Transit Authority ("WMATA")
Easement through Cameron Run Regional Park

Dear Mayor Donley and Members of City Council:

The following are the conditions agreeable to the developer for the grant of an easement on City of Alexandria property leased to the Northern Virginia Regional Park Authority ("NVRPA"):

1. The location of the easement and driveway therein shall be as located and shown on the plat attached to the deed of easement subject to the mutual approvals of both NVRPA and WMATA.
2. The use of the easement will be non-exclusive to either WMATA or NVRPA but will be used by both parties.
3. Construction of the paved driveway will be at the developer's expense.
4. Maintenance costs will be borne by WMATA. NVRPA would pay a reasonable share of maintenance costs resulting from damage or unusual wear and tear caused by it.
5. Developer's and/or homeowner use of the easement would be for emergency vehicle access only. The easement would not be used by the residents of the new development or for construction/maintenance within the development.
6. The easement would not be used for parking or for storage of vehicles, equipment, materials, etc.
7. The developer shall reimburse NVRPA for their administrative costs in approving and implementing the agreement.
8. NVRPA would have the right to require that the driveway be gated at Eisenhower Avenue to discourage unauthorized access onto the adjoining park land.

The Honorable Kerry Donley, Mayor
and Members of City Council

March 15, 1996

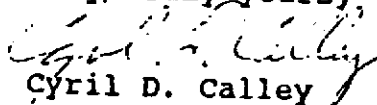
Page 2

9. Upon the Park Authority's executing the necessary consent documents, the developer would make a \$100,000 cash contribution to the Park Authority provided those funds would be used for improvements at Cameron Run as determined by the Park Authority. The \$100,000 will be either delivered to NVRPA at settlement or placed in escrow to NVRPA benefit until the deed of easement is recorded.

The developer does not offer an offer of payment to the City for the purchase of the easement since the easement will be used exclusively either by an agency of local area jurisdictions (WMATA) or by the public under the NVRPA which consists of six Northern Virginia jurisdictions. The developer is making a \$100,000 cash contribution to NVRPA to be used outside of the easement area for improvements at Cameron Park. If NVRPA were to make those improvements without our contribution the City's participating share would be approximately 30%. The City benefit therefore from our contribution is approximately \$30,000. It is our belief that the City is sufficiently compensated.

Ignacio Pessoa has informed me that the easement can only be granted for five years under this procedure. I respectfully request that the appropriate procedure be implemented immediately to provide a permanent easement in favor of WMATA under the above terms. If I may do anything to assist in such a procedure please have the appropriate person contact me.

Very truly yours,


Cyril D. Calley

CDC/ach

xc: Vola Lawson, City Manager
Thomas F. O'Kane, Jr., Director
Transportation & Environmental Services
Sheldon Lynn, Director
Planning & Zoning
Philip G. Sunderland, City Attorney
David C. Hobson, Executive Director
Northern Virginia Regional Park Authority

d:\DOLBEH\donley.315

4

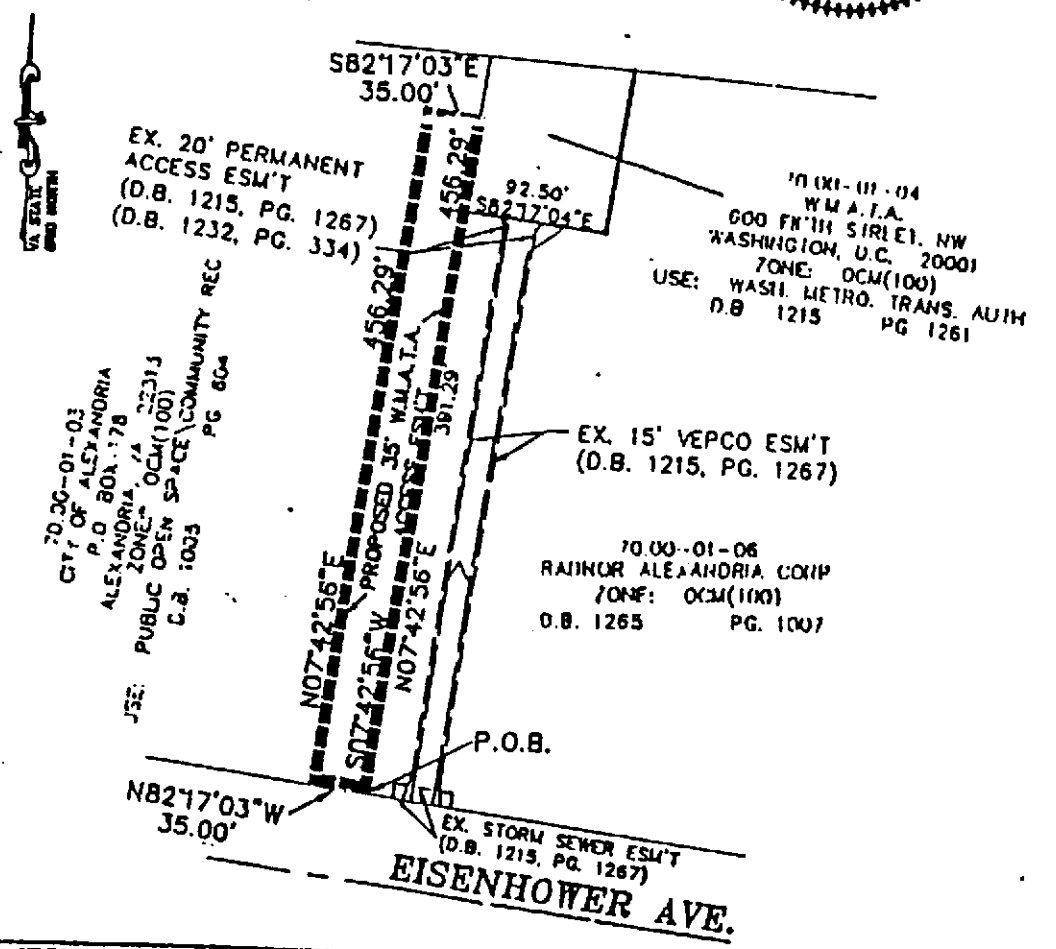
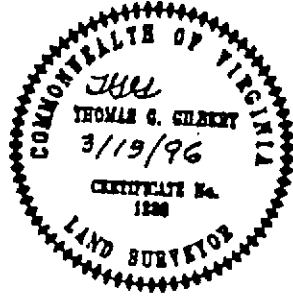
**PLAT
SHOWING A PROPOSED 35'
W.M.A.T.A. ACCESS EASEMENT**

ON THE LAND OF
CITY OF ALEXANDRIA
DEED BOOK 1005 PAGE 604
CITY OF ALEXANDRIA, VIRGINIA
DATE: MARCH 15, 1996 SCALE: 1" = 100'

**DESCRIPTION OF
PROPOSED 35' W.M.A.T.A. ACCESS EASEMENT
TAX NO. 70.00-01-03**

Beginning at a point on the northerly line of Eisenhower Avenue (120 feet), said point being the southwest corner of the Radnor Alexandria Corp. property;
thence with said northerly line of Eisenhower Avenue, North 82°17'03" West, 35.00 feet to a point;
thence through the City of Alexandria property North 07°42'56" East, 456.29 feet to a point and South 82°17'03" East, 35.00 feet to a point on the westerly line of said Radnor Alexandria Corp. property;
thence with said westerly line South 07°42'56" West, 456.29 feet to the POINT OF BEGINNING.

Thomas G. Gilbert
THOMAS G. GILBERT
CERTIFIED LAND SURVEYOR
VA. No. 1280



HOLLAND ENGINEERING 2111 EISENHOWER AVENUE ALEXANDRIA, VIRGINIA PHONE: (703) 348-2188 FAX: (703) 683-5781	SCALE: 1" = 100'	REVISIONS
	DRAWN BY: DC	
	CHECKED BY: TGG	
	F.B./PG.:	
	DATE: 3-15-96	JOB NO.: VA814-4

5

