

ORDINANCE NO. 3886

AN ORDINANCE to vacate a 523 square feet portion of the public right-of-way on the east side of the 3800 block of Old Dominion Boulevard, in the City of Alexandria, Virginia.

WHEREAS, Lenox Place at Sunnyside Homeowners' Association, Inc. (the "Applicant"), the homeowners' association for the townhouse development that consists of 103 townhouses located in the area bordered by West Glebe Road, Elbert Avenue and Old Dominion Boulevard in the City of Alexandria, has applied for the vacation of a portion of the public right-of-way on the east side of the 3800 block of Old Dominion Boulevard in the City of Alexandria; and

WHEREAS, the portion of the public right-of-way to be vacated by this ordinance is shown on the plat prepared by CTI Consultants, Inc., dated April 23, 1996 ("Plat") (attached hereto); and

WHEREAS, the vacation of the portion of the public right-of-way to be vacated by this ordinance 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 return for the vacation of the portion of Old Dominion Boulevard shown on the Plat, the Applicant is being required to convey to the City of Alexandria 607 square feet of land, as shown on the Plat, on the east side of the 3800 block of Old Dominion Boulevard in the City of Alexandria, and Applicant has consented to do so; and

WHEREAS, because the city's real estate assessor has found that the land to be conveyed to the City of Alexandria by the Applicant is in the same location, is nearly the same size, and is of the same market value as the right-of-way to be vacated by this ordinance, the city council has determined that the city should not require the Applicant to pay for the area to be vacated; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and the above requirements, the city council has concluded that the

portion of the public right-of-way of Old Dominion Boulevard to be vacated by this ordinance 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 hereafter described 523 square feet portion of the public right-of-way of Old Dominion Boulevard, as shown on the Plat, be, and the same hereby is, vacated:

Commencing at a point in the easterly right-of-way line of Old Dominion Boulevard and being the most northerly corner of the Sunnyside Subdivision: thence with said Old Dominion Boulevard S 29° 36' 00" W, 127.27 feet; S 23° 58' 00" W, 25.91 feet to the point of beginning; thence departing the easterly right-of-way line of Old Dominion Boulevard, S 23° 58' 00" W, 78.04 feet; S 45° 41' 23" W, 30.16 feet; S 46° 54' 31" W, 5.62 feet; to the aforementioned easterly right-of-way line of Old Dominion Boulevard; thence with Old Dominion Boulevard N 30° 48' 44" E, 112.03 feet to the point of beginning. Containing 523 square feet or .01200 acre of land.

Section 2. That the vacation of the portion of the public right-of-way of Old Dominion Boulevard that is described above in Section 1 is subject to the Applicant complying with the following conditions:

- (1) That Applicant convey to the City of Alexandria, in a manner acceptable to the city attorney, which conveyance is hereby accepted by the city, 607 square feet of the right-of-way of Old Dominion Boulevard, as shown on the Plat, hereafter described:

Beginning at a point in the easterly right-of-way line of Old Dominion Boulevard and being the most northerly corner of Sunnyside Subdivision; thence departing said Old Dominion Boulevard S 68° 06' 00" E, 5.85 feet; S 30° 48' 44" W, 153.88 feet to the aforementioned easterly right-of-way line of Old Dominion Boulevard; thence with Old Dominion Boulevard N 23° 58' 00" E, 25.91

feet; N 29° 36' 00" E, 127.27 feet,
to the point of beginning. Contain-
ing 607 square feet or 0.01393 acre
of land.

- (2) That Applicant reserve easements for all public and/or private utilities, including sanitary sewers, existing within the area being vacated by this ordinance.
- (3) That Applicant provide the city with a plat of consolidation, joining the area being vacated by this ordinance with the adjacent parcel of private property.

Section 3. That no recordation of this ordinance shall have any force or effect unless and until the city has received both deed making the conveyance referenced in Section 2 and the plat of consolidation referenced in the same section, and the receipt of such deed and plat is acknowledged by the city clerk as demonstrated by her certification of this ordinance pursuant to Section 6.

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 the conveyance and consolidation requirements set out 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 conveyance and consolidation requirements set out 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 LENOX PLACE AT SUNNYSIDE HOMEOWNERS, and such recordation shall be done by the Applicant at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plat

Final Passage: September 21, 1996

