

ORDINANCE NO. 3903

AN ORDINANCE to amend and reordain Ordinance No. 3881, which vacated a portion of the public right-of-way of South Payne Street, a portion of the public right-of-way of Wolfe Street, and a portion of the public right-of-way of South West Street, lying south of Duke Street and west of Henry Street in the City of Alexandria, Virginia.

WHEREAS, Eakin Youngentob Associates, Inc. ("Applicant"), the contract purchaser for the Norfolk Southern Corporation property in the vicinity of Duke and Henry Streets in the City of Alexandria has applied for the vacation of portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street, all located south of Duke Street and west of Henry Street and within the property that the Applicant is under contract to purchase; and

WHEREAS, the vacation of the portions of the public rights-of-way to be vacated by this ordinance have 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 South Payne Street, the Applicant is being required to convey to the City of Alexandria a 50-foot wide section of approximately 18,573.5 square feet of the right-of-way of Wolfe Street, running west of South West Street to the Carlyle site, and the Applicant has consented to do so; and

WHEREAS, the city's real estate assessor has determined that the fair market value of the portions of Wolfe and South West Streets to be vacated by this ordinance is \$500.00; and

WHEREAS, pursuant to § 15.1-366 of the Code of Virginia (1950), as amended, the City of Alexandria has required that the portions of Wolfe and South West Streets to be vacated by this ordinance be purchased by the Applicant for \$500.00, and the Applicant has consented to pay such sum; and

WHEREAS, this vacation was approved by Ordinance No. 3881, adopted June 25, 1996; and

WHEREAS, subsequent to the adoption of said Ordinance, the Applicant conducted a new survey of the property and discovered that the plats describing the portions of the public

rights-of-way to be vacated and incorporated in the Ordinance contained minor and immaterial errors in the recordation of the rights-of-way to be vacated; and

WHEREAS, the portions of the public rights-of-way to be vacated are correctly shown on three revised vacation plats prepared by Bowman Consulting Group, each dated September 10, 1996 ("Revised Plats") (attached hereto); and

WHEREAS, the Revised Plats describe a 21,266 square foot portion of the public right-of-way of South Payne Street, a 41,122 square foot portion of the public right-of-way of Wolfe Street, and a 11,632 square foot portion of the public right-of-way of South West Street to be vacated; and

WHEREAS, Ordinance No. 3881 should be amended to correct the description of the public rights-of-way to be vacated, and, as so amended, should be reordained; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and the above requirements, the Council of the City of Alexandria has concluded that the portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street as shown on the Revised Plats are no longer needed for public use, and that it is in the public interest that they be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street, that are shown on the Revised Plats as being vacated, be, and the same hereby are, vacated.

Section 2. That the vacation of the portions of Wolfe Street and South West Street that are shown on the Revised Plats as being vacated is subject to the Applicant complying with the requirement that it pay the City of Alexandria the sum of \$500.00.

Section 3. That the vacation of the portion of the public right-of-way of South Payne Street that is shown on the Revised Plats as being vacated is subject to the Applicant complying with the requirement that it convey to the City of Alexandria, in a manner acceptable to the city attorney, a 50-foot wide section of approximately 18,573.5 square feet of the right-of-way of Wolfe Street, running west of South West Street to the Carlyle site.

Section 4. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received the payment referenced in Section 2 and the city has received a deed making the conveyance referenced in

Section 3, and the receipt of such payment and deed are acknowledged by the city clerk as demonstrated by her certification of the ordinance pursuant to Section 7.

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.

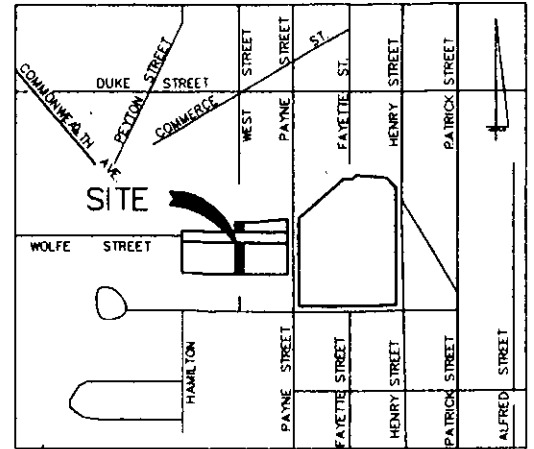
Section 6. That the city clerk be and hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 7. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until the requirements set out in Sections 2 and 3 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 requirements set out in Sections 2 and 3 have been satisfied. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of EAKIN YOUNGENTOB, and such recordation shall be done by the Applicant at his own expense.

KERRY J. DONLEY
Mayor

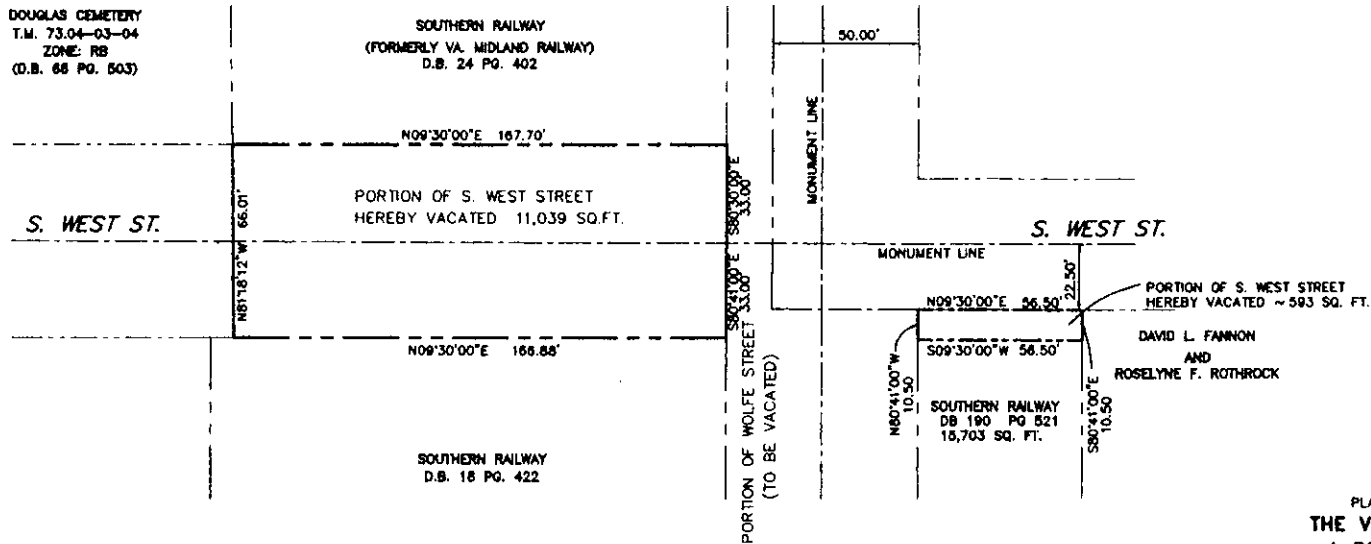
Attachment: Revised Vacation Plats

Final Passage: December 14, 1996



VICINITY MAP

SCALE: 1" = 500'



NOTES:

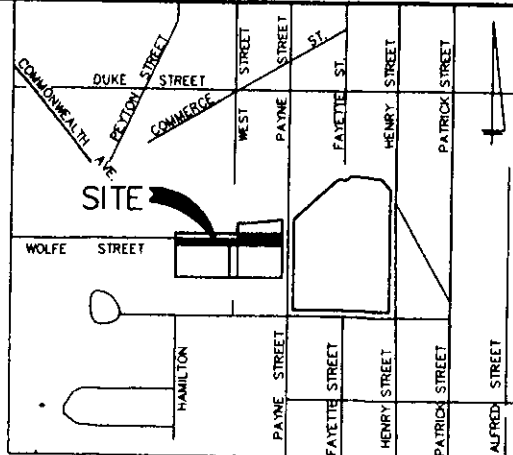
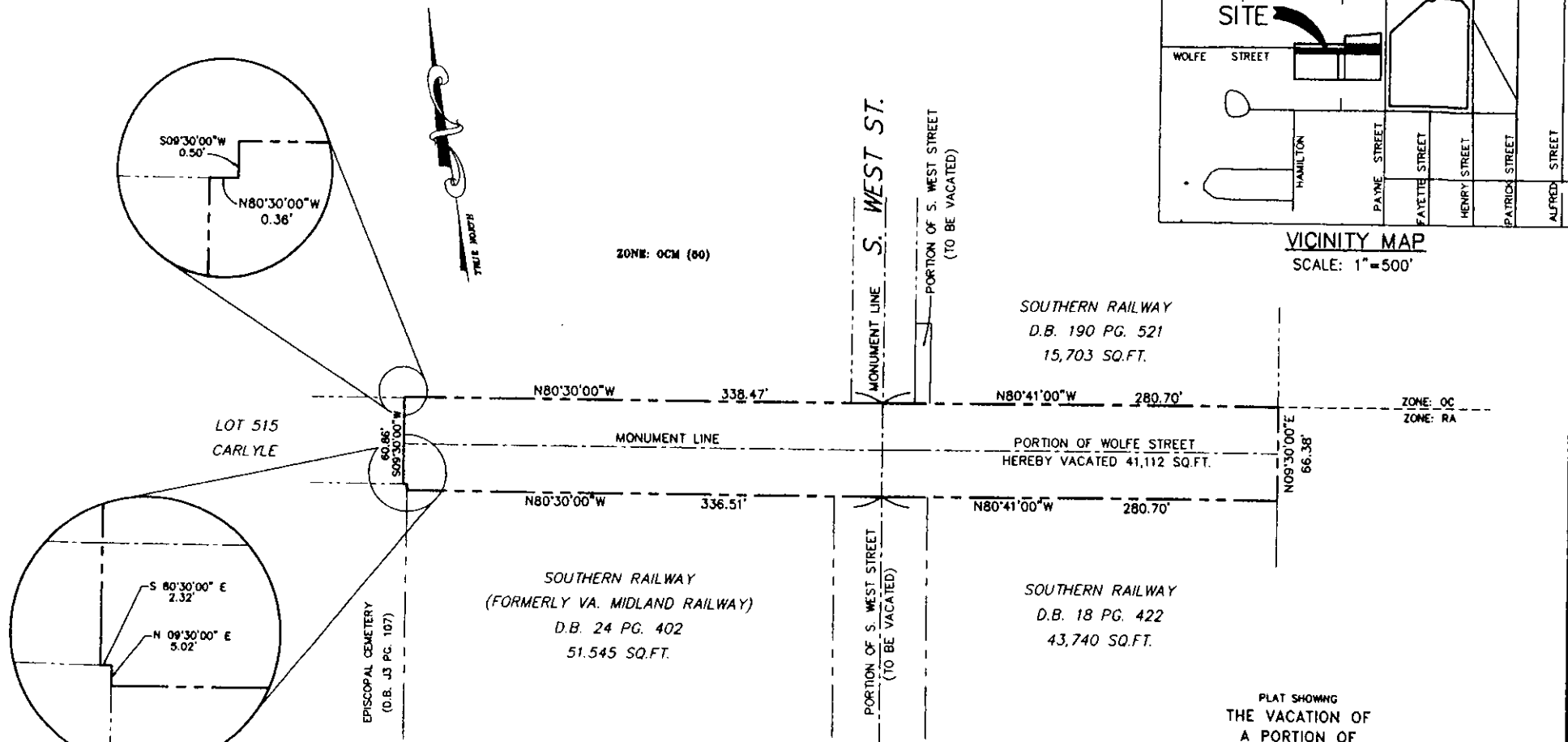
1. THIS PARCEL OF LAND IS SHOWN ON CITY OF ALEXANDRIA TAX MAP 73.04 AND IS ZONED: RA.
2. BOUNDARY INFORMATION WAS TAKEN FROM A SURVEY BY ALEXANDRIA SURVEYS DATED JULY 16, 1996.
3. NO TITLE REPORT FURNISHED.

PLAT SHOWING
THE VACATION OF
 A PORTION OF
S. WEST STREET
 CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 30' DATE: SEPT. 10, 1996



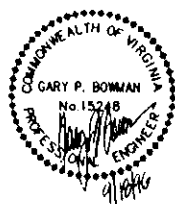
ENGINEERS • PLANNERS • SURVEYORS
 BOWMAN CONSULTING GROUP, P.C.
 402 MAPLE AVENUE, WEST, SUITE A
 VIENNA, VIRGINIA 22180
 PHONE: (703)242-9460 FAX: (703)242-9462



- NOTES:**
1. THIS PARCEL OF LAND IS SHOWN ON CITY OF ALEXANDRIA TAX MAP 73.04. AND IS ZONED: RA
 2. BOUNDARY INFORMATION WAS TAKEN FROM A SURVEY BY ALEXANDRIA SURVEYS DATED JULY 16, 1996.
 3. NO TITLE REPORT FURNISHED.

PLAT SHOWING
THE VACATION OF
A PORTION OF
WOLFE STREET
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=50' DATE: SEPT. 10, 1996



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PHONE (703)242-9480 FAX (703)242-9482



N/F
C. FANNON JR.
74.03-1-2

S. PAYNE STREET

S86°22'42"E
66.43'

SOUTHERN RAILWAY
DB 190 PG 521

SOUTHERN RAILWAY
DB L3 PG 196 & 421

PORTION OF WOLF STREET
(TO BE VACATED)

317.92'

SOUTHERN RAILWAY
DB 18 PG 422

N09°30'00"E

PORTION OF S. PAYNE STREET
HEREBY VACATED
21,226 SF.

324.51'

VACATED WOLF STREET
ORDINANCE 2622

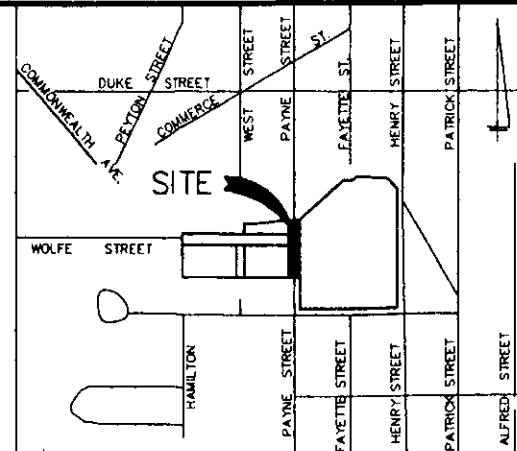
SOUTHERN RAILWAY
DB 21 PG 147
DB 59 PG 255

S09°30'00"W

N80°41'00"W 66.08'

N/F
ALEXANDRIA WAREHOUSE PARTNERSHIP
74.03-7-4

S. PAYNE STREET



VICINITY MAP

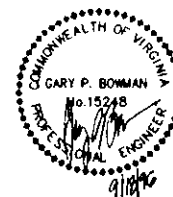
SCALE: 1"=500'

NOTES:

1. THIS PARCEL OF LAND IS SHOWN ON CITY OF ALEXANDRIA TAX MAP 73.04 AND IS ZONED: RA.
2. BOUNDARY INFORMATION WAS TAKEN FROM A SURVEY BY ALEXANDRIA SURVEYS DATED JULY 16, 1998.
3. NO TITLE REPORT FURNISHED.

PLAT SHOWING
THE VACATION OF
A PORTION OF
S. PAYNE STREET
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=30' DATE: SEPT. 10, 1998



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ORDINANCE NO. 3881

AN ORDINANCE to vacate a 21,202 square foot portion of the public right-of-way of South Payne Street, a 40,889 square foot portion of the public right-of-way of Wolfe Street, and an 11,179 square foot portion of the public right-of-way of South West Street, all said portions of rights-of-way lying south of Duke Street in the City of Alexandria, Virginia.

WHEREAS, Eakin Youngentob Associates, Inc. ("Applicant"), the contract purchaser for the Norfolk Southern Corporation property in the vicinity of Duke and Henry Streets in the City of Alexandria has applied for the vacation of portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street, all located south of Duke Street and within the property that the Applicant is under contract to purchase; and

WHEREAS, the portions of the public rights-of-way to be vacated by this ordinance are shown on three plats prepared by Bowman Consulting Group and dated March 27, 1996 and April 26, 1996 ("Plats") (attached hereto); and

WHEREAS, the vacation of the portions of the public rights-of-way to be vacated by this ordinance have 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 South Payne Street shown on the Plats, the Applicant is being required to convey to the City of Alexandria a 50-foot wide section of approximately 18,573.5 square feet of the right-of-way of Wolfe Street, running west of South West Street to the Carlyle site, and the Applicant has consented to do so; and

WHEREAS, the city's real estate assessor has determined that the fair market value of the portions of Wolfe and South West Streets to be vacated by this ordinance is \$500.00; and

WHEREAS, pursuant to § 15.1-366 of the Code of Virginia (1950), as amended, the City of Alexandria has required that the portions of Wolfe and South West Streets to be vacated by this ordinance be purchased by the Applicant for \$500.00, and the Applicant has consented to pay such sum; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and the above requirements, the Council of the City of Alexandria has concluded that the portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street as shown on the Plats are no longer needed for public use, and that it is in the public interest that they be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the portions of the public rights-of-way of South Payne Street, Wolfe Street and South West Street, that are shown on the Plats as being vacated, be, and the same hereby are, vacated.

Section 2. That the vacation of the portions of Wolfe Street and South West Street that are shown on the Plats as being vacated is subject to the Applicant complying with the requirement that it pay the City of Alexandria the sum of \$500.00.

Section 3. That the vacation of the portion of the public right-of-way of South Payne Street that is shown on the Plats as being vacated is subject to the Applicant complying with the requirement that it convey to the City of Alexandria, in a manner acceptable to the city attorney, a 50-foot wide section of approximately 18,573.5 square feet of the right-of-way of Wolfe Street, running west of South West Street to the Carlyle site.

Section 4. That no recordation of this ordinance shall have any force or effect unless and until the treasurer of the city has received the payment referenced in Section 2 and the city has received a deed making the conveyance referenced in Section 3, and the receipt of such payment and deed are acknowledged by the city clerk as demonstrated by her certification of the ordinance pursuant to Section 7.

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 the requirements set out in Sections 2 and 3 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 requirements set out in Sections 2 and 3 have been satisfied. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of EAKIN YOUNGENTOB, and such recordation shall be done by the Applicant at his own expense.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plats

Final Passage: June 25, 1996



N/F
C. FANNON JR.
74.03--1-2

S. PAYNE STREET

S85°18'34"E
66.40'

SOUTHERN RAILWAY
DB 190 PG 521

SOUTHERN RAILWAY
DB L3 PG 196 & 421

PORTION OF WOLF STREET
(TO BE VACATED)
22,815 SF.

PORTION OF S. PAYNE STREET
HEREBY VACATED
21,202 SF.

VACATED WOLF STREET
ORDINANCE 2622

SOUTHERN RAILWAY
DB 18 PG 422

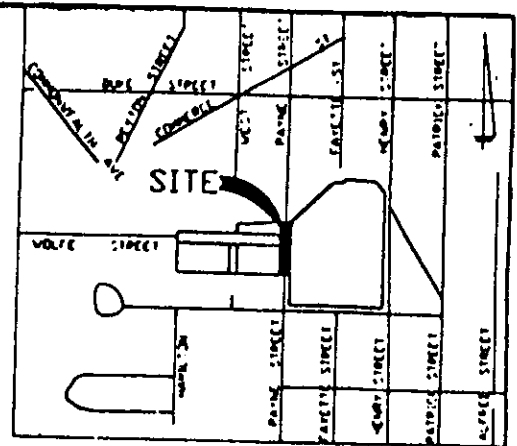
N09°30'00"E
317.74'

S09°30'00"W
323.10'

SOUTHERN RAILWAY
DB 21 PG 147
DB 59 PG 255

N80°41'00"W
66.17'

N/F
ALEXANDRIA WAREHOUSE PARTNERSHIP
74.03--7--4



VICINITY MAP
SCALE 1"=800'

NOTES:

1. THIS PARCEL OF LAND IS SHOWN ON CITY OF ALEXANDRIA TAX MAP 73-04 AND IS ZONED: RA.
2. BOUNDARY INFORMATION WAS TAKEN FROM A SURVEY BY HOLLAND ENGINEERING DATED JAN. 20, 1999.
3. NO R/R REPORT FURNISHED.

PLAT SHOWING
THE VACATION OF
A PORTION OF
S. PAYNE STREET
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=80' DATE: APRIL 24, 1999

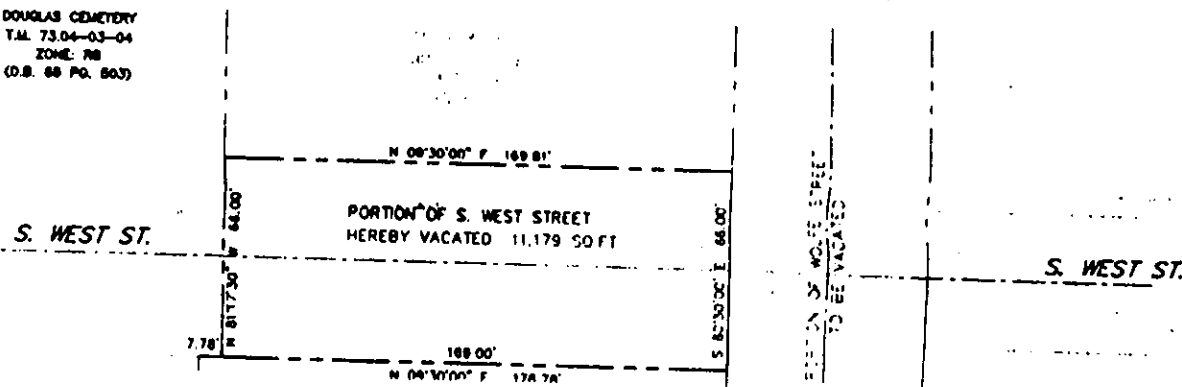


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PHONE: (703) 421-5000 FAX: (703) 421-5002

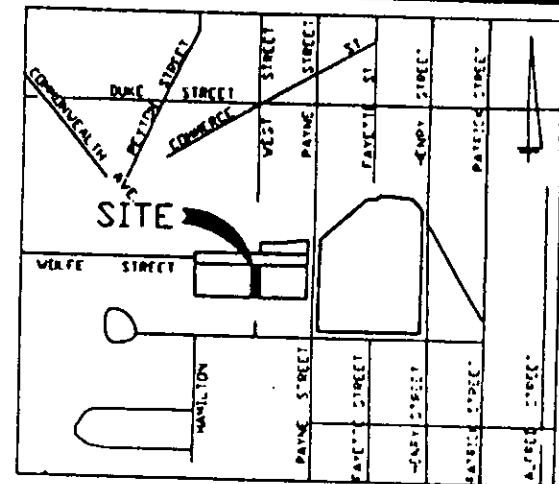
S. WEST STREET (UNIMPROVED)
 LIBER G PAGE 4
 11,179 SQ.FT. HEREBY VACATED

DOUGLAS CEMETERY
 T.M. 73.04-03-04
 ZONE: RB
 (D.B. 88 PG. 803)



NOTES:

1. THIS PARCEL OF LAND IS SHOWN ON CITY OF ALEXANDRIA TAX MAP 74.03 AND IS ZONED RA.
2. BOUNDARY INFORMATION WAS TAKEN FROM A SURVEY BY HOLLAND ENGINEERING DATED JAN. 20, 1995.
3. NO TITLE REPORT FURNISHED.



VICINITY MAP
 SCALE: 1"=500'

PLAT SHOWING
 THE VACATION OF
 A PORTION OF
S. WEST STREET
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1"=30' DATE MARCH 27, 1998



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