

ORDINANCE NO. 3958

AN ORDINANCE to vacate a portion of the public service road right-of-way, consisting of total land area of 2,657 square feet, at 5101 Duke Street, in the City of Alexandria.

WHEREAS, CVS Corporation ("Applicant") has applied for the vacation of a portion of the public service road right-of-way at 5101 Duke Street, consisting of a total land area of 2,657 square feet, which runs adjacent to Duke Street; and

WHEREAS, the public right-of-way to be vacated by this ordinance is shown on the attached plat, Vacation No. 97-0002, dated June 9, 1997, and prepared by Walter L. Phillips Incorporated (the "Plat") (attached hereto); and

WHEREAS, the vacation of this public 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 value of the public right-of-way to be vacated by this ordinance is \$1,000; 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 \$1,000; 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 \$1,000, 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; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the public right-of-way at 5101 Duke Street, consisting of total land area of 2,657 square feet, as shown on the Plat, 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 \$1,000 and with each of the conditions set forth below:

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, an open

space easement at the north end of the adjacent parcel of private property, in an area equivalent to the area being vacated by this ordinance, for landscaped open space.

2. 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 the continuation of this vacation shall be subject to the landscaping by Applicant of the easement area identified in paragraph 1 of Section 2 above, and the ongoing maintenance and/or replacement of such landscaping by Applicant, its successors and assigns, all in a manner acceptable to the director of transportation and environmental services.

Section 4. That all easements for public and/or private utilities, including sanitary sewers, existing within the area being vacated by this ordinance shall be, and hereby are, reserved.

Section 5. 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 \$1,000 referenced in Section 2 above, and such receipt is noted on the face of the ordinance prior to its recordation.

Section 6. 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 7. 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 8. That this ordinance shall be deemed to be enacted on the date of its final passage, but shall not be effective until payment of \$1,000 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 CVS CORPORATION, and such recordation shall be done by the Applicant at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plat
Introduction: 10/14/97
First Reading: 10/14/97
Publication: 10/16/97
Public Hearing: 10/25/97
Second Reading: 10/25/97
Final Passage: 10/25/97

