

ORDINANCE NO. 3975

AN ORDINANCE to repeal Ordinance No. 3972 and to vacate a part of the public street right-of-way of Jamieson Avenue extended, located to the east of the intersection of Jamieson Avenue extended and Holland Lane, in the City of Alexandria, Virginia.

WHEREAS, Shurgard Storage Centers, Inc., the contract purchaser of property in the 300 block of Holland Lane in the City of Alexandria, Virginia, has applied for the vacation of a 5,943 square foot parcel that is located within the future public right-of-way of Jamieson Avenue, which will extend eastward from Holland Lane (the "Parcel"); and

WHEREAS, Holland Lane Associates, L.L.C., is the owner of the property immediately adjacent to the Parcel; and

WHEREAS, the Parcel is shown on the plat prepared by R.C. Fields, Jr. and dated August 20, 1997 ("Plat") (attached hereto); and

WHEREAS, the vacation of the Parcel has been disapproved 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, having considered the report of the viewers regarding this vacation, other evidence relative thereto and the agreement of Holland Lane Associates, L.L.C., to ensure compliance with the conditions set forth below, the Council of the City of Alexandria has concluded that the Parcel is no longer needed for public use and that it is in the public interest that it be vacated; and

WHEREAS, on December 13, 1997, city council enacted Ordinance No. 3972 which vacated the Parcel and which purported to have the effect of conveying the Parcel to Shurgard Storage Centers, Inc., which at the time was merely the contract purchaser of the property immediately adjacent to the Parcel; and

WHEREAS, city council now wishes to repeal Ordinance No. 3972 and to vacate the Parcel in a new ordinance which will have the effect of conveying the Parcel to Holland Lane Associates, L.L.C., the current owner of the property immediately adjacent to the Parcel; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 3972 be, and the same hereby, is repealed.

Section 2. That the hereafter described parcel of property, as shown on the Plat, be, and the same hereby, is vacated:

Beginning at a point on the East side of Holland Lane (variable width) and a point common to Lot 515, Carlyle, and the land of Virginia Power; thence with the land of Virginia Power South 88 degrees 19 minutes 33 seconds East, 181.16 feet; thence South 14 degrees 39 minutes 52 seconds West, 17.90 feet; thence South 89 degrees 36 minutes 32 seconds West, 160.62 feet to a point; thence departing the land of Virginia Power and running through Lot 515 South 07 degrees 55 minutes 06 seconds West, 31.17 feet; thence North 82 degrees 04 minutes 54 seconds West, 338.34 feet to a point on the Easterly side of Holland Lane; thence with Holland Lane North 08 degrees 25 minutes 20 seconds East, 5.88 feet; thence North 88 degrees 19 minutes 33 seconds West, 1.38 feet to the point of beginning, and containing 5,943 square feet, or 0.1364 acres, of land.

Section 3. That this vacation be, and hereby is, subject to the conditions set forth below:

1. Either Holland Lane Associates, L.L.C., or Shurgard Storage Centers, Inc., shall provide, as shown by a final vacation plat, a storm sewer easement across the parcel being vacated by this ordinance for a future storm sewer bypass, to the satisfaction of the Director of Transportation & Environmental Services.
2. Holland Lane Associates, L.L.C., and Shurgard Storage Centers, Inc., shall reserve and not interfere with any public and/or private utility and sewer easements or any of the existing utilities and sewers located within the parcel being vacated by this ordinance.
3. Either Holland Lane Associates, L.L.C., or Shurgard Storage Centers, Inc., shall prepare and record among the land records of the City of Alexandria a plat of consolidation that consolidates the parcel being vacated by this ordinance and the adjacent parcel which Shurgard Storage Centers, Inc., is acquiring from Holland Lane Associates, L.L.C.
4. Notwithstanding anything to the contrary in Section 2 or elsewhere in this ordinance, the vacation accomplished by the ordinance shall retain, and the final vacation plat submitted to the city shall reflect, a Jamieson Avenue alignment that preserves a minimum eight-foot sidewalk on the south side of the Hooff's Run bridge and a minimum five-foot sidewalk on the north side.

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 conditions set forth above in Section 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 payment noted above has been made to the city. Recordation of the certified ordinance shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of HOLLAND LANE ASSOCIATES, L.L.C., and such recordation shall be done by Holland Lane Associates, L.L.C., at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plat

Introduction: 1/13/98
First Reading: 1/13/98
Publication: 1/14/98; 1/15/98
Public Hearing 1/24/98
Second Reading: 1/24/98
Final Passage: 1/24/98