

ORDINANCE NO. 4038

AN ORDINANCE to provide for the grant of a deed of lease by the City of Alexandria, Virginia, to a person or persons, or to a corporation, its successors and assigns, hereafter to be ascertained in the mode prescribed by law, of the public property known as Lot 500, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 289, among the land records of the City of Alexandria, Virginia, and Lot 701, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 298, among the land records of the City of Alexandria, Virginia, and located on Eisenhower Avenue, a public street in the City of Alexandria.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Article I. That there shall be granted, in the mode prescribed by law, a deed of lease of the public property known as Lot 500, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 289, among the land records of the City of Alexandria, Virginia, and Lot 701, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 298, among the land records of the City of Alexandria, Virginia (hereinafter collectively the AProperty@), and located on Eisenhower Avenue, substantially in the form attached hereto, for a term not to exceed 40 years, as set forth in the following draft ordinance:

AN ORDINANCE

To grant to _____, its successors and assigns, a deed of lease, substantially in the form attached hereto, to a certain piece or parcel of public property known as Lot 500, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 289, among the land records of the City of Alexandria, Virginia, and Lot 701, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 298, among the land records of the City of Alexandria, Virginia (collectively, the AProperty@), and located on Eisenhower Avenue, in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a deed of lease of the Property be, and hereby is, granted unto _____, and its successors and assigns (hereinafter referred to collectively as the AGrantee@), for the term and subject to the provisions, terms, conditions and limitations therein stated, which are hereby approved and incorporated herein by reference.

Section 2. That the right to enter into the deed of lease, hereby granted, be, and hereby is, awarded to the Grantee after due and repeated advertisement as required by law, wherein bids were invited, pursuant to the notice contained in Article II of Ordinance No. ____, after the request

for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the city manager be, and hereby is, authorized to execute the deed of lease on behalf of the City of Alexandria.

Section 4. That the city clerk be, and hereby is, authorized and directed to attest the execution of the deed of lease and to affix thereon the official seal of the City of Alexandria.

Section 5. That this ordinance shall become effective upon _____, 1999.

Article II. That upon enactment of this ordinance, the city clerk shall cause to be advertised once a week for four successive weeks in a newspaper of general circulation in the city, a descriptive notice of the proposed ordinance contained in Article I of this ordinance and, in addition, shall by such advertisement invite bids for the deed of lease to be granted by the proposed ordinance, by publishing with the descriptive notice of such proposed ordinance a notice which shall be substantially in the following form:

NOTICE

Bids are invited by the City Council of Alexandria, Virginia, for the lease of Lot 500, as the same appears duly dedicated, platted and recorded in Deed Book 1667, at page 289, among the land records of the City of Alexandria, Virginia, a 2.0736 acre parcel of land, and Lot 701, as the same appears duly dedicated, platted and recorded in the Deed Book 1667, at page 298, among the land records of the City of Alexandria, a .8466 acre parcel of land, and located on Eisenhower Avenue in the City of Alexandria (collectively, the AProperty@). The Property is available for lease for a term not to exceed 40 years.

The deed of lease will include a condition that the Property be used only to support and facilitate the collection, transfer and disposal of solid waste at the waste-to-energy facility that is located at 5301 Eisenhower Avenue in the City of Alexandria.

Any person or entity submitting a bid in response to this notice will be thereby representing to the City Council of Alexandria that such bidder has studied all available documents, conditions, lease requirements and terms and is ready, willing and able, if selected as the preferred bidder, to consummate a deed of lease with the city within a period of not more than 45 days from the date of selection. Failure to execute the deed of lease within 45 days, unless extended by the city manager, shall terminate the preferred bidder status.

All bids shall be submitted in writing and delivered to the presiding officer of the City Council, in open session at the day and hour of the regular legislative meeting of the City Council to be held on May 25, 1999.

The bids which are received by the presiding officer at this meeting shall then be presented to the council to be dealt with and acted upon in the mode prescribed by law. City Council may refer some or all of the bids to a committee to consider the bids, negotiate with the bidders and recommend to the council a preferred bidder. After City Council has selected a preferred bidder, negotiations with that bidder may be conducted by city staff. If a lease is negotiated with that bidder, City Council may accept that bidder's bid and reject the remaining bids. If a lease is not negotiated with that bidder, a new preferred bidder may be selected from among the remaining bidders.

The city reserves the right, at its sole discretion, to reject any and all bids, to terminate negotiations at any stage of the preferred bidder selection process or in the lease negotiations with a preferred bidder, and to modify the request for bids and/or the procedures for selecting a preferred bidder and for agreeing on a deed of lease with a preferred bidder. The bidder whose bid is ultimately selected by council shall be required to pay all costs of advertising, in addition to the sum that is bid by it.

Article III. That this ordinance shall become effective upon the date and at the time of its enactment.

KERRY J. DONLEY

Mayor

Introduction: 4/13/99

First Reading: 4/13/99

Publication: 4/14/99; 4/15/99

Public Hearing: 4/17/99

Second Reading: 4/17/99

Final Passage: 4/17/99