

ORDINANCE NO. 4084

AN ORDINANCE to vacate a portion of the public street right-of-way of Jamieson Avenue, located adjacent to the southern edge of the parcel of real property at 1460 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, Duke-Jamieson L.L.C. (Applicant), which owns the parcel of real property at 1460 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of an irregularly shaped portion of the Jamieson Avenue public street right-of-way that is located along the southern edge of the parcel; and

WHEREAS, the portion of the Jamieson Avenue public street right-of-way sought to be vacated is shown on the plat, prepared by R.C. Fields, Jr., and Associates, P.C., and dated July 20, 1999, (Plat) (attached hereto); 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, pursuant to ' 15.2-2008 of the Code of Virginia (1950), as amended, the Council of the City of Alexandria has required that, as a condition of this vacation, said portion of the public street right-of-way to be vacated by this ordinance be purchased by the Applicant for the fair market value, as determined by the city's real estate assessor; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative thereto and of the Applicant's agreement to comply with the conditions set forth below, the Council of the City of Alexandria has concluded that said portion of the Jamieson Avenue public right-of-way 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, subject to Section 2(a) below, the irregularly shaped portion of the Jamieson Avenue public street right-of-way, as shown on the Plat and as described below, be, and the same hereby is, vacated:

Beginning at the southwest corner of Lot 501, Joseph Santullo, Jr., et al., Subdivision (Deed Book 519, Page 209); thence with Lot 501.

- (1) South 85 degrees 33 minutes 19 seconds east, 99.17 feet; thence
- (2) South 77 degrees 38 minutes 10 seconds east, 92.80 feet; thence departing Lot 501 and running with the property of the City of Alexandria (future Jamieson Avenue)

- (3) South 09 degrees 30 minutes 00 seconds west, 9.32 feet; thence running with future Jamieson Avenue
- (4) North 87 degrees 54 minutes 23 seconds west, 200.01 feet; thence departing future Jamieson Avenue and running with the property of the City of Alexandria
- (5) North 22 degrees 00 minutes 00 seconds east, 31.75 feet to the point of beginning and containing 4512 square feet or 0.1036 acres of land.

Section 2. That this vacation be, and hereby is, subject to the conditions set forth below:

- (a) The portion of Jamieson Avenue described in Section 1 and shown on the Plat as the area to be vacated shall be adjusted, if necessary, to conform to the final alignment of Jamieson Avenue, which is required by development special use permit #99-0042 and which is to be approved by the directors of planning and zoning and transportation and environmental services. In the event such an adjustment to the area to be vacated by this ordinance is made, a notation to this effect shall be made on the face of this ordinance by the director of planning and zoning prior to its recordation, and the adjusted area shall be shown on a revised vacation plat which shall be approved by the director and attached hereto in place of the Plat. In the event an adjustment to the area to be vacated does not need to be made pursuant to development special use permit #99-0042, a notation to this effect shall be made on the face of this ordinance by the director of planning and zoning prior to its (and the attached Plat's) recordation. For purposes of this ordinance, the area to be vacated by the ordinance shall be the area described in Section 1 and shown on the Plat, unless an adjustment to that area is made and approved under this subsection, in which case the approved, adjusted area shall be the area to be vacated.
- (b) Applicant shall pay the fair market value of the area to be vacated, as determined by the Office of Real Estate Assessments.
- (c) Applicant shall consolidate the area to be vacated into the adjacent parcel of real property at 1460 Duke Street and shall provide the zoning administrator with a plat of consolidation prior to recordation of this ordinance.
- (d) Easements shall be reserved for all existing public and private utilities within the area to be vacated.

Section 3. 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(a) above, and such receipt is noted on the face of the ordinance prior to its recordation.

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 in section 2 have been satisfied, including the placement of a notation on the face of this ordinance as required by section 2(a), and thereafter a copy of this ordinance has been certified by the city clerk and recorded among the city land records as deeds are recorded. Certification by the clerk shall constitute conclusive evidence that the payment noted above in section 2 has been made to the city and the other 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 DUKE-JAMIESON L.L.C., and such recordation shall be done by the Applicant at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Vacation Plat, dated July 20, 1999

Introduction: 11/09/99
First Reading: 11/09/99
Publication: 11/10/99; 11/11/99
Public Hearing: 11/13/99
Second Reading: 11/13/99
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