

ORDINANCE NO. 4113

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to the southern boundary of the property located at 111 Franklin Street in the City of Alexandria, Virginia.

WHEREAS, Michele J. Boggs (AApplicant@), who owns the property at 111 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a portion of the Franklin Street public right-of-way that is located along the southern edge of the parcel; and

WHEREAS, the portion of the Franklin Street public right-of-way sought to be vacated is shown on the plat, prepared by Alexandria Surveys, Inc., and dated December 13, 1999, (APlat@) that is attached hereto as Attachment 1; 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 said portion of the Franklin Street public right-of-way is \$7,000; and

WHEREAS, pursuant to ' 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, said portion of the public 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 and the condition that it purchase said portion of the Franklin Street public right-of-way at the fair market value price, the Council of the City of Alexandria has concluded that said portion of the Franklin Street 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 the portion of the Franklin Street public right-of-way, as shown on the Plat and as described below, be, and the same hereby is, vacated:

Beginning at a point in the northerly right-of-way line of Franklin Street, at the intersection of the easterly right-of-way line of Pommander Walk Street; thence with the north right-of-way line of Franklin Street south 81 degrees 9 minutes 00 seconds east, 30 feet to a point; thence running through Franklin Street south 9 degrees 30 minutes 00 seconds west, 20.07 feet to a point; thence north 80 degrees 49 minutes 00 seconds west, 30

feet to a point; thence north 9 degrees 30 minutes 00 seconds east, 19.90 feet to the point of beginning, containing 599 square feet.

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

- (a) Applicant shall pay \$7,000, the fair market value as determined by the Office of Real Estate Assessments, for the area to be vacated.
- (b) Applicant shall consolidate the area to be vacated into the adjoining property at 111 Franklin Street and provide the zoning administrator with a plat of consolidation prior to recordation of this ordinance.
- (c) Easements shall be reserved for all existing public and private utilities within the area to be vacated.
- (d) Within the vacated land area, the applicant shall construct only those improvements shown on the plan submitted with special use permit #99-0159, or those minor revisions to that plan that are allowed by the director of planning and zoning.
- (e) Construction of a building on the vacated land area is prohibited.

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 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 in section 2(a) 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 MICHELE J. BOGGS, and such recordation shall be done by the Applicant at her own expense.

KERRY J. DONLEY

Mayor

Attachment: Vacation Plat

Introduction: 3/14/00
First Reading: 3/14/00
Publication: 3/15/00; 3/16/00
Public Hearing: 3/18/00
Second Reading: 3/18/00
Final Passage: 3/18/00