

ORDINANCE NO. 4130

AN ORDINANCE to vacate portions of public surface and subsurface easements in Carlyle, in connection with the U.S. Patent and Trademark Office Project.

WHEREAS, Carlyle Development Corporation (Applicant) which owns Parcels A, D, E and F, Carlyle, in the City of Alexandria, Virginia, has applied for the vacation of portions of public surface and subsurface easements which encumber its property; and

WHEREAS, the portions of the public easements to be vacated by this ordinance were granted to the City of Alexandria in 1994, by deed of easement which is recorded in Deed Book 1510, at page 0207, among the land records of the City of Alexandria, and are referred to therein as the Surface Easement, the Sewer Easement, and the Utility Easement; and

WHEREAS, the portions of the public easements to be vacated by this ordinance are shown on the plat prepared by Patton, Harris, Rust & Associates, P.C. and dated March 30, 2000 (Plat) (attached hereto); and

WHEREAS, the vacation of the portions of the public easements 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, 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, the Council of the City of Alexandria has concluded that the portions of the public easements are no longer needed for public use and that it is in the public interest that they be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the portions of public easements that are shown on the Plat as being vacated, be, and the same hereby are, vacated.

Section 2. That this vacation is subject to the Applicant complying with each of the conditions set forth below:

1. That Applicant convey to the City of Alexandria, in a manner acceptable to the director of transportation and environmental services, the director of code enforcement and the city attorney, public access and emergency vehicle easements over Parcel D, Carlyle, as shown on the Plat, in the areas of Parcel D proposed to be paved in connection

with the development of the U.S. Patent and Trademark Office Project.

2. That Applicant plant street trees on Elizabeth Lane, of types and in locations acceptable to the director of planning and zoning, in 5 foot square grates which match the design of the grates installed at Courthouse Square.
3. That Applicant plant street trees on John Carlyle Street, of types and in locations acceptable to the director of planning and zoning, in 5 foot square grates which match the design of the grates installed at John Carlyle Square.
4. That the U.S. General Services Administration and its landlord fully execute a non-contingent lease which provides for the relocation of the U.S. Patent and Trademark Office to Carlyle.

Section 3. 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 4. 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 5. 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 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 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 CARLYLE DEVELOPMENT CORPORATION, and such recordation shall be done by the Applicant at its own expense.

KERRY J. DONLEY  
Mayor

Attachment: Vacation Plat

Introduction: April 11, 2000  
First Reading: April 11, 2000  
Publication: April 13, 2000  
Public Hearing: April 15, 2000  
Second Reading: April 15, 2000  
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