

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8,813 square feet, which are adjacent to applicant=s property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation 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, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and 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 City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that the public street 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B, Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest,

within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O=Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

(3) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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 7. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY
Mayor

[Attachment: Vacation Plat]

Introduction: 11/12/00
First Reading: 11/12/00
Publication: 11/15/00
Public Hearing: 11/18/00
Second Reading: 11/18/00
Final Passage: 11/18/00