

ORDINANCE NO. 4184

AN ORDINANCE to vacate a part of the public street and alley right-of-way adjacent to 930 South Saint Asaph Street, in the City of Alexandria, Virginia.

WHEREAS, Edward P. Ford and Lisa Haskins ("Applicants"), the owners of the property at 930 South Saint Asaph Street in the City of Alexandria, Virginia, have applied for the vacation of a portion of the right-of-way of Church Street and a public alley adjacent to Applicants= property, consisting of 2,252 square feet of land, more or less; and

WHEREAS, the areas to be vacated are shown as "Outlot A" and "Outlot B" on the plats prepared by Kenneth W. White and dated August 14, 2000 ("Plats") (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, Lee Roy Steele, Chair; Ruby Fitzgerald and Cathy Major, 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 Applicants; 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, including the payment of \$9,900, 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 Outlots A and B shown on the Plats be, and the same hereby are, vacated, provided that the said Outlots A and B shall be purchased by the Applicants or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$9,900, and if not so purchased, this vacation and this ordinance shall be void.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

(1) The Applicants shall submit to the directors of planning and zoning and transportation and environmental services a letter from the owner of the adjoining St. Mary's Catholic Church, relinquishing such owner's rights to acquire the portions of the vacated Outlots abutting the Church property.

(2) The vacated right-of-way shall be consolidated with the existing abutting lot at 930 South Saint Asaph Street, and the plat of consolidation approved by the directors of planning and zoning and transportation and environmental services and recorded among the land records.

(3) Easements to the satisfaction of the director of transportation and environmental services shall be retained by the City or granted by the Applicants for all public and private utilities located within the vacated right-of-way, and for any storm drainage facilities planned or constructed by the City within the vacated right-of-way, and all such easements shall be shown on the plat of consolidation.

(4) In the event evidence of burials (*i.e.*, human remains, coffin wood or coffin hardware) is discovered during construction on the existing lot at 930 South Saint Asaph Street, or on the Outlots during construction, the Applicants and the agents of the Applicants must cease work in the area immediately and call Alexandria Archaeology (703-838-4399). A City Archeologist will come to the site to confirm the presence of burials. If burials are found and need to be moved, as determined by the City Archeologist, the Applicants shall be responsible for exhumation and reinterment and for securing all necessary approvals therefor. The language of this condition must appear on the plot plan and construction drawings, so that on site contractors are aware of the requirements imposed by this condition.

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 a copy of the ordinance has been certified by the city clerk and has been recorded among the city land records as deeds are recorded.

Certification by the city clerk shall be conclusive evidence of the Applicants= compliance with the terms of this ordinance, except as to Condition 4 of Section 2. Recondition of the certified ordinance shall be indexed in the name of the CITY OF ALEXANDRIA as grantor, and EDWARD P. FORD AND LISA HASKINS, or their successors in interest, as grantees, and such recondition shall be done by the grantees at their own expense.

KERRY J. DONLEY

Mayor

[Attachment: Vacation Plats]

Introduction:	01/09/01
First Reading:	01/09/01
Publication:	01/11/01
Public Hearing:	01/13/01
Second Reading:	01/13/01
Final Passage:	01/13/01