

ORDINANCE NO. 4195

AN ORDINANCE to amend and reordain Ordinance No. 4092, adopted November 13, 1999, which ordinance vacated the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia, and to require and authorize certain structures and site improvements including the uses thereof and landscaping on the vacated area and the adjacent Mason Hall Apartment property in connection with the said vacation.

WHEREAS, by Ordinance No. 4092, adopted November 13, 1999, City Council approved the application of Columbia Realty Venture LLC, successor in interest to Columbia Realty Venture L.P. by change in entity type ("Applicant"), the owner of the Mason Hall Apartment property located at 1420 West Abingdon Drive, Alexandria, Virginia (the [Property](#)), to vacate the public street right-of-way between Slaters Lane and West Abingdon Drive, in the City of Alexandria, Virginia, subject to certain conditions, to which the Applicant objected; and

WHEREAS, the right-of-way so vacated by Ordinance No. 4092 ([Vacated Area](#)) is shown on the preliminary site plan, prepared by Christopher Consultants, Ltd., and dated April 6, 2001 ([Site Plan](#)) (attached hereto); and

WHEREAS, the Applicant appealed the imposition of the conditions imposed by Ordinance No. 4092 to the Circuit Court of the City of Alexandria in Chancery No. 99-1517 ([Suit](#)), and the City and the Applicant wish to settle the Suit by amending Ordinance No. 4092 to provide for (1) the Applicant's performance of the obligations set forth in Section 4 below to construct and install certain structures and site improvements including the uses thereof and landscaping of the Property and the Vacated Area as set forth on the Site Plan; (2) the City's approval in Section 2 below of the vacation, and (3) the City's approval in Section 3 below of the Site Plan showing the structures and site improvements including the uses thereof and landscaping of the Property and the Vacated Area to be constructed or installed; and

WHEREAS, in consideration of the findings heretofore made upon the adoption of Ordinance No. 4092, the report of the viewers Paul C. Smedberg, Kellie Meehan and Katrine Fitzgerald, who have been, and again by this ordinance are, appointed by the Council of the City of Alexandria, the considerations set forth above, and all other facts and circumstances of which it may take notice as the legislative body of the City of Alexandria, the City Council of Alexandria finds and determines that the adoption of this ordinance is in the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 4092 be, and the same hereby is, amended and reordained to provide as follows.

Section 2. That the public street right-of-way, as shown on the Site Plan as ~~A~~Portion of Existing Public Right-of-Way Hereby Vacated~~@~~ and described below, be, and the same hereby is, vacated:

Beginning at a point in the southerly right-of-way line of Slaters Lane, said point also being the most westerly corner of the land of W.& O.D. Railroad right-of-way; thence, with the northeasterly line of W.& O.D. Railroad, S 43°4'14" E, a distance of 313.11 feet to a point in the westerly right-of-way line of West Abingdon Drive; thence, with the westerly right-of-way line of West Abingdon Drive, S 05°36'55" W, a distance of 57.84 feet to a point in the easterly line of the land of Columbia Realty Venture, L.P.; thence, with the northeasterly line of Columbia Realty Venture, L.P., the following three (3) courses:

- (1) with a curve to the left having a central angle of 48°51'45", a radius of 25.00 feet, an arc distance of 21.32 feet and a chord length of 20.68 feet which bears N 18°48'39" W to a point of tangency;
- (2) N 43°14'14" W, a distance of 347.14 feet to a point of curvature;
- (3) with a curve to the left having a central angle of 52°17'04", a radius of 25.00 feet, an arc distance of 22.81 feet and a chord length of 22.03 feet which bears N 69°22'33" W to a point in the southerly right-of-way line of Slaters Lane; thence, with the southerly right-of-way line of Slaters Lane, N 84°29'07" E, a distance of 56.52 feet to the point of beginning, containing 12,007 square feet or 0.2757 acre, more or less.

Section 3. That the Site Plan, including the design, construction and location of existing parking facilities, existing open space and other existing accessory site improvements and accessory structures, and of the new accessory structures, new accessory site improvements, new amount of open space and new landscaping, shown on the Site Plan, be, and the same hereby is, approved and declared to be legal and in conformity with the Zoning Ordinance and the other applicable laws of the City of Alexandria as of the effective date of this ordinance as to the design, construction and location of the accessory structures and accessory site improvements including the uses thereof, open space and landscaping, shown

on the Site Plan. The Applicant shall be, and hereby is, authorized to construct, install, maintain, repair or replace the same. No provision of this section shall be deemed to alter or amend in any way the legality (whether conforming, nonconforming, noncomplying or grandfathered, as the case may be) of the existing use being made of the Property (before or after the improvements contemplated by the Site Plan) or the existing status of the Property (before or after the improvements contemplated by the Site Plan), including the main building located thereon, on the effective date of this ordinance, under the Zoning Ordinance, as to floor area ratio, height, amount of required parking, amount of open space, dimensions of required yards and similar substantive requirements of the Zoning Ordinance and other applicable laws of the City of Alexandria.

Section 4. That Applicant shall commence the construction and installation of the structures and site improvements, including without limitation the removal, replacement and installation of pavement, fences, gates, and landscaping, and relocation of dumpsters, as shown on the Site Plan, all within 60 days from the adoption of this ordinance, and shall thereafter use continuous due diligence efforts to complete the same, subject to reasonable delays for inclement weather, for the proper planting season, or other matters beyond Applicant=s reasonable control. Applicant shall not be obligated to (i) close the fence until substantially all of the new parking spaces reflected in the Site Plan are constructed and available for use, and (ii) relocate the dumpsters and plant the Leland Cypress trees until the east end of Bernard Street has been improved in accordance with sound engineering practice reasonably designed to divert the flow of storm water runoff from Bernard Street into the storm drains along Bernard Street (and not into Applicant=s property). Such 60 day period shall be suspended during the pendency of any appeal or challenge to the validity of this ordinance, or if the City does not approve the final site plan and plat of dedication and consolidation, and all of Applicant=s obligations hereunder shall be deemed null and void upon the final unappealable order of any court of competent jurisdiction prohibiting the use of the Property as contemplated by the Site Plan.

Section 5. That all such new structures, new site improvements including the uses thereof, and new landscaping, shall at all times after construction or installation be maintained in compliance with all applicable ordinances of the City of Alexandria, by the Applicant and the Applicant=s successors in interest.

Section 6. That the Director of Planning and Zoning, the Director of Transportation and Environmental Services and the Chairman of the Planning Commission, be, and hereby are, authorized to approve the final site plan, and a plat of dedication and consolidation, in conformity with the attached Site Plan, and to do all things necessary or desirable to carry into effect the approval of the Site Plan.

Section 7. 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 ordinance,

including the execution of documents, and the City Attorney be, and hereby is, authorized to approve any such documents.

Section 8. 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 ordinance, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 9. That the provisions of this ordinance shall not be deemed severable.

Section 10. That this ordinance shall be effective at the time and on the date of its final passage; provided that no interest in the Vacated Area shall convey unless and until a certified copy of this ordinance, and the Deed of Dedication and Consolidation, with Plat annexed, shall have been recorded among the city land records as deeds are recorded.

Recordation of such instruments shall be the responsibility of the Applicant, including the payment of all fees and costs. Such instruments shall be indexed in both the name of the CITY OF ALEXANDRIA and the name of COLUMBIA REALTY VENTURE LLC (successor in interest to Columbia Realty Venture L.P. by change in entity type).

KERRY J. DONLEY
Mayor

Attachments: Site Plan, dated April 6, 2001

Introduction: 04/10/01
First Reading: 04/10/01
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