

ORDINANCE NO. 4218

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

WHEREAS, Thomas A. and/or Jerri Davis ("Applicants"), the owner of the property at 1601 Chapel Hill Road in the City of Alexandria, Virginia, have applied for the vacation of a portion of the public right-of-way adjacent to the Applicants' property, varying in width between approximately 30 feet and 22 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended denial of any vacation of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has determined, pursuant to Section 9.06 of the City Charter, to overrule the recommendation of the Planning Commission by the affirmative vote of six members; 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 Applicant at its fair market value; and

WHEREAS, viewers, Roger Digilio, Chair; Ross Bell and Bill Brandon, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; 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, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, by the affirmative vote of six members, has concluded that a ten-foot strip of 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 a ten-foot-wide strip of the public right-of-way adjacent to 1601 Chapel Hill Drive be, and the same hereby is, vacated.

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

(1) The Applicants shall prepare a plat, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of vacation and consolidation shall be filed with the director of planning and zoning.

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

(3) The Applicants shall pay the City the sum of \$ 9,950.00 for the vacated property, within 12 months from the date of final passage of this ordinance.

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 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 the property vacated to the Applicants. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicants as grantees, and such recordation shall be done by the grantees at their own expense.

KERRY J. DONLEY

Mayor

Introduction:	06/16/01
First Reading:	06/16/01
Publication:	06/20/01; 06/21/01
Public Hearing:	06/26/01
Second Reading:	06/26/01
Final Passage:	06/26/01

