

ORDINANCE NO. 4227

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

WHEREAS, Paul I. Kaplan ("Applicant"), the owner of the property at 109 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a strip of the public right-of-way adjacent to the Applicant's property, of approximately 15 by 20 feet; and

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

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; 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 portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, John Hines, Chair; Ross Bell and Lee Roy Steele, 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, has determined that strip of the public street right-of-way to be vacated 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 15- by 20.07-foot strip of the public right-of-way adjacent to 109 Franklin Street, as shown on the attached plat 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 Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

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

(3) The Applicant shall pay the City the sum of \$5,800 for the vacated property.

(4) An easement shall be retained for the existing public sidewalk.

(5) No curb cuts or off-street parking shall be permitted within the vacated area.

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 Applicant. 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 Applicant as grantee, and such recordation shall be done by the grantee at his own expense.

KERRY J. DONLEY
Mayor

Attachment: Plat of vacation

Introduction: 11/13/01
First Reading: 11/13/01
Publication: 11/15/01

Public Hearing: 11/17/01
Second Reading: 11/17/01
Final Passage: 11/17/01