

ORDINANCE NO. 4278

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG Rosenfield Duke Street, LLC ("Applicant"), the owner or contract purchaser of the property at 1700 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a triangular shaped portion of the public right-of-way adjacent to the Applicant=s property, of approximately 2,606 square feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation 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, Paul Smedburg, Libby Cooperman and Rodger Digilio 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 triangular shaped portion of the public right-of-way of approximately 2,606 square feet adjacent to 1700 Duke 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) The switching device located in the island at the intersection of Duke Street and Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

(3) The Applicant shall pay the City the sum of \$181,800 for the vacated property.

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 its own expense.

KERRY J. DONLEY

Mayor

Attachment: Plat of vacation

Introduction: 11/12/02

First Reading: 11/12/02

Publication: 11/14/02

Public Hearing: 11/16/02

Second Reading: 11/16/02

Final Passage: 11/16/02

