

ORDINANCE NO. 4285

AN ORDINANCE to vacate a portion of the public street right-of-way of Mill Road and Roberts Lane, in the City of Alexandria, Virginia.

WHEREAS, The City of Alexandria Department of Transportation and Environmental Services, has applied for the vacation of a portion of the public right-of-way of Mill Road and Roberts Lane, in connection with a land exchange with WMATA and the Hoffman Family, LLC, to accomplish the realignment of Mill Road in the Eisenhower Valley; 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, viewers, Donald R. Allen, chair, Judy Lowe, 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 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 the vacation and dedication of public right-of-way to and from WMATA and the Hoffman Family, LLC, as shown on the plans of vacation/dedication attached hereto and incorporated herein by reference, be, and the same hereby are, approved.

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) Each recipient shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the recipient=s abutting property, 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 areas vacated and dedicated may be adjusted to allow for the final alignment of Mill Road, as approved by the director of transportation and environmental services.

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 each recipient. 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 recipient as grantee, and such recordation shall be done by the grantee at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Plans of vacation/dedication

Introduction:	12/10/02
First Reading:	12/10/02
Publication:	12/12/02
Public Hearing:	12/14/02
Second Reading:	12/14/02
Final Passage:	12/14/02