

ORDINANCE NO. 4341

AN ORDINANCE to vacate the public alley right-of-way adjacent to 801 - 833 South Washington Street, in the City of Alexandria, Virginia (VAC No. 2003-0003).

WHEREAS, WRIT, L.P. (Owner) has applied for the vacation of the public alley right-of-way adjacent to 801 - 833 South Washington Street, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such 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, William Brandon, chair, Ruby Fitzgerald and Dennis Jones, 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 alley right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the sketch plan of vacation attached hereto and incorporated herein by reference, be, and

the same hereby is, 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. Owner shall pay the sum of \$430,800 to the City for the vacated land.
  
2. The vacated right-of-way shall be consolidated with the adjoining lots, and the plat of consolidation, showing the restrictions and reservations in Paragraphs 3,4,5 and 6, shall be filed with the director of planning and zoning and director of transportation and environmental services, and recorded among the land records of the City.

3. Easements shall be reserved for all existing public and private utilities located within the vacated right-of-way.
4. A public access easement shall be provided over the vacated right-of-way. The easement shall be depicted and labeled on the site plan, and shall be approved by the city attorney prior to release of the final site plan.
5. The mass, scale and height of the existing buildings east of the vacated right-of-way shall not be revised, reconfigured, altered or demolished.
6. Surface or above grade parking, including such parking within a building or structure, shall be prohibited on the consolidated parcel.

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 Owner. 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 Owner as grantee, and such recordation shall be done by the grantee at its own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

WILLIAM D. EUILLE  
Mayor

Attachment: Sketch Plan of vacation

Final Passage: March 13, 2004

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