

ORDINANCE NO. 4425

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 1514 - 1524, 1600 and 1602 King Street (VAC No. 2004-0002).

WHEREAS, DSF/Long King Street I, LLC (Owner) has applied for the vacation of a portion of the public street right-of-way adjacent to 1514 - 1524, 1600 and 1602 King 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, Elizabeth Wright, Chair, Gila Harris and Ross Bell, 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 notwithstanding the contrary report of the viewers, and in consideration of all 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 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, consisting of the 49 square feet of existing, encroaching building area along 1514 - 1524 King Street,

and of the 105 Square feet of existing, encroaching building area along 1600 and 1602 King Street, 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 to the conditions set forth below:

1. Owner shall rededicate to the City the area vacated, subject to the reservation of an easement unto the Owner to maintain the existing historic building at 1520, 1522 and 1524 King Street, and the facade of the existing building at 1600 King Street, and the construction behind the facade authorized pursuant to DSUP No. 2004-0041. The reserved easement shall be in a form approved by the City Attorney.

2. Easements shall be reserved unto the City of Alexandria for existing public and private utilities, if any, with the area vacated.

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 her 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

Final Passage: October 15, 2005

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