

ORDINANCE NO. 4523

AN ORDINANCE to vacate a portion of the public right-of-way at the terminus of Uhler Terrace (VAC No. 2006-0001).

WHEREAS, the Cynthia Caples Trust (Owner) has applied for the vacation of a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, 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, Kellie Meehan, chair, Judy Lowe, and Tom Welsh 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 portion of the public 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 plat 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. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.
2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.
3. The Owner may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land

area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owners shall pay the sum of \$5,100.00 to the City for the vacated land.

5. If during construction on the Owner's home, the existing Norway Pine tree located on Owner's property is damaged and/or does not survive, Owner shall purchase and plant a native tree at least 15 feet in height, and as deemed acceptable by the Alexandria City arborist.

Section 3. The term "Owner" shall be deemed to include the Cynthia Caples Trust, Cynthia Caples, and their respective successors in interest.

Section 4. 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 5. 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 6. 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 his or 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

Attachment

Final Passage: March 15, 2008