

ORDINANCE NO. 4822

AN ORDINANCE to vacate a portion of the public right-of-way at 1000 and 1002 Pendleton Street heretofore approved by city council as Vacation No. 2013-0002. (Implementing ordinance for the vacation approved by City Council on May 18, 2013)

WHEREAS, Classic Cottages, LLC (Owner) has applied for the vacation of a portion of the public right-of-way adjacent to the property at 1000 and 1002 Pendleton Street in the City of Alexandria, Virginia; and

In Vacation No. 2013-0002, the planning commission recommended approval to the City Council on May 7, 2013 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on May 18, 2013; and

WHEREAS, viewers, Raighne Delaney, David Kaplan and Sandy Murphy 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 titled "Exhibit Plat Showing The Proposed Vacation of an Alley" dated November 8, 2102 attached hereto as Exhibit A and incorporated herein by reference and as described in the metes and bounds titled "Description of A Portion of a Public Alley to be Vacated Adjoining 1000-1002 Pendleton Street" dated February 27, 2103, attached hereto as Exhibit B 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 to the conditions set forth below:

1. The vacated right-of-way shall be consolidated with the adjoining property at 1000-1002 Pendleton Street and the plat of consolidation shall be filed with the Departments of Planning and Zoning and Transportation and Environmental Services. The approved plat shall be recorded in the Land Records of the City of Alexandria. (P&Z)(T&ES)
2. A minimum 10' clear width must be maintained in the alley at all times. (T&ES)
3. The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments. (T&ES)
4. The applicant shall provide utility easements for all public and private utilities within the vacated right-of-way. Such easements shall be shown on the plat of consolidation. (T&ES)
5. The property owner shall not construct any buildings or improvements, including any additional 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 increase 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 consolidation plat, both of which shall be approved by the Director of Planning & Zoning prior to recordation. (P&Z)
6. The applicant shall allow for the relocation of an existing utility pole at 1004 Pendleton to a location adjacent to the common property line between 1000/1002 Pendleton and 1004 Pendleton if such relocation is approved by Dominion Virginia Power. The applicant shall also not erect any new fencing that extends farther toward the remaining public alley than the existing fence at 1004 Pendleton Street. (PC)

Section 3. The term "Owner" shall be deemed to include Classic Cottages, LLC and its 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

Final Passage: June 25, 2013