

## City of Alexandria, Virginia

25  
3-13-01

## MEMORANDUM

DATE: MARCH 8, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *S*

SUBJECT: ACCEPTANCE OF DEDICATION OF LAND AT THE INTERSECTION OF RUFFNER ROAD AND TIMBER BRANCH PARKWAY FROM IVY HILL CEMETERY COMPANY

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**ISSUE:** Consideration of accepting the dedication of land at the intersection of Ruffner Road and Timber Branch Parkway.

**RECOMMENDATION:** That Council adopt the proposed resolution to accept the dedication.

**BACKGROUND:** In the fall of 1999, the Ivy Hill Cemetery Company constructed a fence along its property at the intersection of Ruffner Road and Timber Branch Parkway in order to secure the cemetery against intruders and vandals. Because of the configuration of the intersection, and the presence of a storm drainage culvert previously constructed by the City within Timber Branch, a portion of the fence was located within the public right-of-way. In addition the fence exceeded the height permitted under the Zoning Ordinance. Several neighbors objected to the industrial appearance of the chain link fence over six feet in height, in what had been a sylvan setting. In order to address the concerns, the Cemetery Company worked with Councilman Speck, the neighbors, and City staff to resolve the fencing issue.

**DISCUSSION:** As a result of discussions among the affected parties, the Cemetery Company offered to dedicate some additional land (1,956 square feet) to the City at the intersection in question, upon the condition that the City relocate a portion of the fence onto the newly dedicated land. The proposed configuration will result in a less obtrusive appearance of the fence, and allow room for additional landscaping in front of the fence. In addition, the height of the fence at its most prominent location will be reduced. The dedication of this land will also give the City clear title to a portion of the roadway of Timber Branch Parkway, which is currently located on Cemetery property.

Because the configuration of the fence is in large measure dictated by the need to accommodate the City's storm drainage facilities, the City has agreed to relocate the fence onto its newly acquired property, and thereafter to maintain the fence. The City also agreed to provide additional landscaping at the end of Timber Branch Parkway along the fence line and to improve

the appearance of the area by removing graffiti from the culvert walls and replacing the broken steel railings with wooden railings to match those along the center of Timber Branch Parkway. Staff will be prepared to discuss the work, including costs, in detail on Tuesday.

The proposed fence will generally be six feet high, constructed of dark green chain link, with matching color posts. Along the storm drainage culvert and its wing walls, however, the fence will be only three and one-half feet high.

Accordingly, I recommend that City Council accept the dedication and adopt the attached resolution. City Code Section 5-2-5 requires the acceptance be in the form of an ordinance or resolution, adopted by Council.

**ATTACHMENT:** Proposed resolution, including deed and plat of dedication

**STAFF:** Richard Baier, Director, Transportation and Environmental Services  
Barbara Ross, Deputy Director, Planning and Zoning

**RESOLUTION NO. \_\_\_\_**

WHEREAS, the Ivy Hill Cemetery Company of Virginia desires to dedicate certain land at the intersection of Ruffner Road and Timber Branch Parkway, to be used by the City in connection with the relocation of a fence between the property of the Cemetery Company and the public right-of-way at that intersection; and

WHEREAS, the City desires to accept the said dedication and relocate the said fence onto the newly dedicated land;

**NOW, THEREFORE, BE IT RESOLVED BY THE  
CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA**

1. That the dedication of land, as shown on the attached Deed of Dedication for Public Street Purposes, and plat annexed thereto, between the Ivy Hill Cemetery Company, a Virginia nonstock corporation, and the City of Alexandria, a municipal corporation of Virginia, be, and the same hereby is, accepted by the City of Alexandria.

2. That the city manager be and he hereby is authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this dedication, including the execution of documents.

3. That the city clerk be and she hereby is authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this dedication, and to affix thereon the official seal of the City of Alexandria, Virginia.

IN WITNESS WHEREOF, I have here unto set my hand and caused the seal of the City  
of Alexandria to be affixed this \_\_\_\_ day of March, 2001.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
KERRY J. DONLEY      MAYOR

ATTEST:

\_\_\_\_\_  
Beverly I. Jett, CMC City Clerk

DEED OF DEDICATION FOR  
PUBLIC STREET PURPOSES

THIS DEED OF DEDICATION is made this \_\_\_\_\_ day of \_\_\_\_\_,  
2001, by Ivy Hill Cemetery Company of Virginia, a Virginia nonstock corporation, Grantor, and  
The City of Alexandria, Virginia, a municipal corporation of Virginia, Grantee.

W I T N E S S E T H:

Grantor is the current owner of tax parcel No. 42.00-05-01 located within the City of  
Alexandria and as partially shown on the plat attached hereto and made a part hereof, said plat  
being entitled "Plat Showing Proposed Dedication for Public Street Purposes of a Portion of the  
Land of Ivy Hill Cemetery Company of Virginia to be Acquired by the City of Alexandria,  
Virginia," prepared by the survey section of the Department of Transportation and Environmental  
Services of the City of Alexandria, Virginia, and dated October 20, 2000.

At the request of neighboring landowners on Ruffner Road and Timber Branch Parkway,  
Grantee has requested that Grantor dedicate a portion of its property adjacent to the intersection  
of Ruffner Road and Timber Branch Parkway, in order to relocate existing fencing which Grantor  
has heretofore erected along its boundary in the vicinity of Timber Branch.

Now, therefore, for and in consideration of the premises, the parties hereby agree as  
follows:

1. Grantor does hereby grant unto Grantee for public street purposes Parcel A,  
consisting of 131 square feet, and Parcel B, consisting of 1,825 square feet, both being shown on  
the attached plat referenced above subject to the undertakings and conditions hereinafter set  
forth.

2. Grantee shall relocate, at its cost, the existing fencing located within Parcels A and B and within the existing right-of-way for Ruffner Road and Timber Branch Parkway as indicated on the attached plat, the height of the fence to be six feet except adjacent to the culvert over Timber Branch and wing walls where the height shall not be higher than three and one-half feet.

3. Grantee shall maintain the fence and use reasonable efforts to keep debris clear of the bottom of the fence so as to avoid flooding of Timber Branch on the Property of Grantor.

In witness whereof, the parties have caused this agreement to be executed by their duly authorized representatives as of the date first above written.

GRANTOR:

IVY HILL CEMETERY COMPANY OF VIRGINIA, a  
Virginia Nonstock Corporation,

By: \_\_\_\_\_

Its: \_\_\_\_\_

GRANTEE:

THE CITY OF ALEXANDRIA, VIRGINIA

By: \_\_\_\_\_

Philip G. Sunderland  
City Manager

Approved as to form:

\_\_\_\_\_

Ignacio Pessoa, Alexandria City Attorney

COMMONWEALTH OF VIRGINIA )  
 )  
CITY OF ALEXANDRIA )

The foregoing Deed of Dedication for Public Street Purposes was acknowledged before me by \_\_\_\_\_, the \_\_\_\_\_ of Ivy Hill Cemetery Company of Virginia, on behalf of the Company this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA )  
 )  
CITY OF ALEXANDRIA )

The foregoing Deed of Dedication for Public Street Purposes was subscribed and acknowledged before me by Philip G. Sunderland, the City Manager for the City of Alexandria, Virginia, on behalf of the City this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

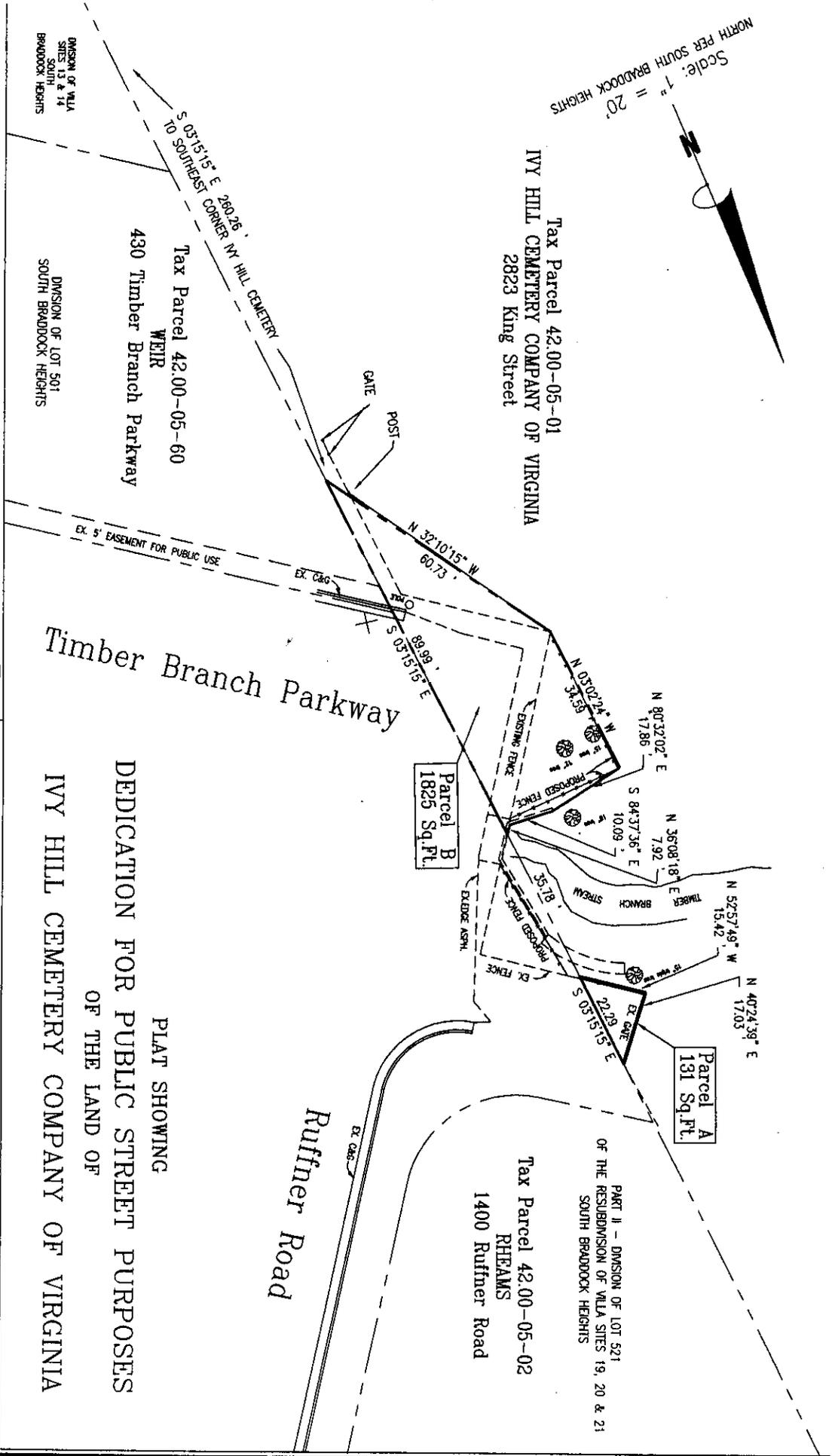
Scale: 1" = 20'  
 NORTH PER SOUTH BRADDOCK HEIGHTS

Tax Parcel 42.00-05-01  
 IVY HILL CEMETERY COMPANY OF VIRGINIA  
 2823 King Street

DIVISION OF WVA  
 SITES 13 & 14  
 SOUTH  
 BRADDOCK HEIGHTS

DIVISION OF LOT 501  
 SOUTH BRADDOCK HEIGHTS

Tax Parcel 42.00-05-60  
 WEIR  
 430 Timber Branch Parkway



Timber Branch Parkway

PLAT SHOWING  
 DEDICATION FOR PUBLIC STREET PURPOSES  
 OF THE LAND OF  
 IVY HILL CEMETERY COMPANY OF VIRGINIA

PART II - DIVISION OF LOT 521  
 OF THE RESUBDIVISION OF WVA SITES 19, 20 & 21  
 SOUTH BRADDOCK HEIGHTS  
 Tax Parcel 42.00-05-02  
 RHEAMS  
 1400 Ruffner Road

APPROVED - DIRECTOR OF TRANSPORTATION & ENVIRONMENTAL SERVICES - DATE  
 APPROVED - DIRECTOR OF PLANNING & ZONING - DATE



PREPARED BY SURVEY SECTION  
 DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES  
 CITY OF ALEXANDRIA, VIRGINIA  
 COMPS & DR. BY: jam  
 DATE: 3/07/2001  
 SCALE: 1" = 20'  
 R/W 2396  
 LP 2001-002

RESOLUTION NO. 1997

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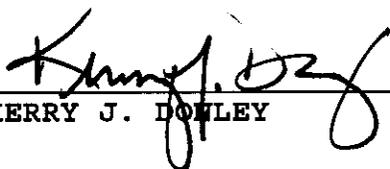
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ADOPTED: March 13, 2001

  
KERRY J. DOWLEY MAYOR

ATTEST:

  
Beverly I. Jett, CMC City Clerk

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