

28B
6-26-01

Introduction and first reading: 06/16/01
Public hearing: 06/26/01
Second reading and enactment: 06/26/01

INFORMATION ON PROPOSED SUBSTITUTE ORDINANCE

Title

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

Summary

The proposed substitute ordinance vacates a ten foot strip of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia, confirms the appointment of viewers for same, and establishes the fair market value of the area vacated at \$ 9,950.00, to be paid to the City within 12 months after passage of the ordinance.

Sponsor

Staff

Eileen P. Fogarty, Director, Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§ 2.03, Alexandria City Charter
§ 15.2-2008, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

28B
6-26-01

SUBSTITUTE ORDINANCE NO. _____

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

WHEREAS, Thomas A. and/or Jerri Davis ("Applicants"), the owner of the property at 1601 Chapel Hill Road in the City of Alexandria, Virginia, have applied for the vacation of a portion of the public right-of-way adjacent to the Applicants' property, varying in width between approximately 30 feet and 22 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended denial of any vacation of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has determined, pursuant to Section 9.06 of the City Charter, to overrule the recommendation of the Planning Commission by the affirmative vote of six members; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Roger Digilio, Chair; Ross Bell and Bill Brandon, 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, by the affirmative vote of six members, has concluded that a ten foot strip of the public street right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a ten foot wide strip of the public right-of-way adjacent to 1601 Chapel Hill Drive be, and the same hereby is, vacated.

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 Applicants shall prepare a plat, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of vacation and consolidation shall be filed with the director of planning and zoning.

(2) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(3) The Applicants shall pay the City the sum of \$ 9,950.00 for the vacated property, within 12 months from the date of final passage of this ordinance.

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 the Applicants. 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 the Applicants as grantees, and such recordation shall be done by the grantees at their own expense.

KERRY J. DONLEY
Mayor

Introduction: 06/16/01

First Reading: 06/16/01

Publication:

Public Hearing:

Second Hearing:

Final Passage:

ORDINANCE NO. 4218

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

WHEREAS, Thomas A. and/or Jerri Davis ("Applicants"), the owner of the property at 1601 Chapel Hill Road in the City of Alexandria, Virginia, have applied for the vacation of a portion of the public right-of-way adjacent to the Applicants' property, varying in width between approximately 30 feet and 22 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended denial of any vacation of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has determined, pursuant to Section 9.06 of the City Charter, to overrule the recommendation of the Planning Commission by the affirmative vote of six members; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Roger Digilio, Chair; Ross Bell and Bill Brandon, 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, by the affirmative vote of six members, has concluded that a ten foot strip of the public street right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

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(2) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(3) The Applicants shall pay the City the sum of \$ 9,950.00 for the vacated property, within 12 months from the date of final passage of this ordinance.

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.

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KERRY J. DONLEY
Mayor

Final Passage: June 26, 2001

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

28
6-26-01

DOCKET ITEM NO. 28

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: DUNCAN W BLAIR
2. ADDRESS: 112 S Alfred St.
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? MEMBER FOR THOMAS A DAW
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

2866/26/01

RELEASE OF VACATION ORDINANCE AND PLAT

TO: BEVERLY JETT, CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

Vacation #2001-002 for the property located at 1601 Chapel Hill Drive was approved by City Council on June ²⁶~~16~~, 2001 by Ordinance # 4218.

The City Clerk is hereby authorized to release a certified copy of the ordinance which constitutes conclusive evidence that all necessary steps have been completed to effect this vacation as indicated below:

1. Planning Commission - Public Hearing
Date: June 5, 2001 Action: Recommend approval.
2. City Council - Public Hearing
Date: June 16, 2001 Action: Approved.
3. City Council - First Reading of Ordinance
Date: June 16, 2001 Action: Introduction and first reading.
4. City Council - Second Reading of Ordinance:
Date: June 26, 2001 Action: Second reading and final passage.
5. Transportation and Environmental Services: (a) All easements, utilities and other requirements as specified have been executed as required by the Department of Transportation and Environmental Services; (b) On SEPTEMBER 26, 2001 the applicant paid \$ 9,950.⁰⁰ to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments.
Date: 9/26/2001 Approved by: [Signature]
6. Board of Architectural Review: The applicant has complied with all applicable requirements by the Board of Architectural Review.
NOT APPLICABLE
Date: _____ Approved by: _____
7. City Attorney: On _____, the deed of vacation was reviewed and signed by the City Manager to vacate the subject property.
Date: 9-25-01 Approved by: [Signature]
8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.
Date: 10/11/01 Approved by: [Signature]

NOTE: After completion of #1 thru #4 above, return a copy of this form to Planning & Zoning (Linda Ritter) for data entry into Permit*Plan system.

#28 6/26/01

CERTIFICATION

I, Beverly I. Jett, CMC, City Clerk and Clerk of Council, do hereby certify that the attached is a true copy of Ordinance No. 4218 which was passed by the Alexandria City Council at its Regular Meeting held on June 26, 2001.

Dated this 16th day of October 2001.


Beverly I. Jett, CMC City Clerk
City of Alexandria, Virginia

ORDINANCE NO. 4218

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

WHEREAS, Thomas A. and/or Jerri Davis ("Applicants"), the owner of the property at 1601 Chapel Hill Road in the City of Alexandria, Virginia, have applied for the vacation of a portion of the public right-of-way adjacent to the Applicants' property, varying in width between approximately 30 feet and 22 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended denial of any vacation of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has determined, pursuant to Section 9.06 of the City Charter, to overrule the recommendation of the Planning Commission by the affirmative vote of six members; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Roger Digilio, Chair; Ross Bell and Bill Brandon, 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, by the affirmative vote of six members, has concluded that a ten foot strip of the public street right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a ten foot wide strip of the public right-of-way adjacent to 1601 Chapel Hill Drive be, and the same hereby is, vacated.

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 Applicants shall prepare a plat, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of vacation and consolidation shall be filed with the director of planning and zoning.

(2) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(3) The Applicants shall pay the City the sum of \$ 9,950.00 for the vacated property, within 12 months from the date of final passage of this ordinance.

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 the Applicants. 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 the Applicants as grantees, and such recordation shall be done by the grantees at their own expense.

KERRY J. DONLEY
Mayor

Final Passage: June 26, 2001

MEMORANDUM

TO: ALLEN MARTIN, SURVEY SECTION
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES

FROM: IGNACIO B. PESSOA 
CITY ATTORNEY

DATE: SEPTEMBER 25, 2001

SUBJECT: DEED OF VACATION & CONSOLIDATION RELATED TO ORDINANCE
NUMBER 4218
REFERENCE NO. 02-47

You have requested that I review and approve as to form the above-referenced document. I have reviewed the document and I have approved it as to form.

Attachment

cc: Michele Evans (w/o attachment)
Assistant City Manager

DEED OF VACATION AND CONSOLIDATION

This Deed of Vacation and Consolidation made and executed this _____ day of October, 2001, by and between the CITY OF ALEXANDRIA, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and THOMAS A. DAVIS and JERRI DAVIS, husband and wife ("Davis"), Grantee and Grantor for indexing purposes.

RECITALS

A. Davis are the owners of certain real property located at 1601 Chapel Hill Drive, City of Alexandria Tax Map Parcels 31.00, Block 01, Lot 15-03, being the property Davis acquired by Deed dated April 30, 2001, as Instrument 010009386 among the land records of the City of Alexandria ("Land Records"), and more particular described as follows:

Lot One (1), ELY ESTATES, as the same is shown on plat attached to Deed of Dedication Resubdivision in Deed Book 1144, page 367, among the land records of the City of Alexandria, Virginia, originally dedicated in Deed Book 760, page 630, of the aforesaid land records.

("Davis Property")

B. By Ordinance 4218 duly adopted by the Alexandria City Council on June 26, 2001 ("Ordinance") pursuant to the provisions of Section 15.2-2008 of the Code of Virginia, 1950, as amended, and the Code of the City of Alexandria, the Alexandria City Council vacated a portion of the Chapel Hill Drive public right-of-way on Davis' application, and authorized Davis, to purchase the vacated portion of Chapel Hill Drive. A copy of the Ordinance certified by the City Clerk is attached hereto as Exhibit A and incorporated by reference.

C. The portion of the Chapel Hill Drive right-of-way vacated pursuant to the Ordinance adjacent to the Davis Property which Davis are authorized to purchase, vacated pursuant of the Ordinance is more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Chapel Hill Drive, 45 feet from the centerline thereof, point of beginning being the northwest corner of Lot 2, Ely Estates and the original corner of Lot 1, Ely Estates; thence running with an extension of the northerly line of Lot 2 N87°46'00"W 10.00 feet to a point; thence running with a line 35 feet from, and parallel to, the centerline of Chapel Hill Drive N02°14'00"E 100.00 feet to a point in the southerly line of Lot 3, The Cloisters at Seminary Road; thence running with the southerly line of Lot 3 S87°46'00"E 10.00 feet to a point a corner common to the original Lot 1, Ely Estates; thence running with the original line of Lot 1 S02°14'00"W 100.00 feet to the point of beginning, containing 1,000 square feet.

(the "Vacated Parcel").

D. City executes and delivers this Deed of Vacation and Consolidation to transfer title to the Vacated Parcel to Davis.

E. Davis executes and delivers this Deed of Vacation and Consolidation to consolidate the Davis Property and Vacated Parcel into one new parcel of land designated Lot Five Hundred One (501) on plat of consolidation prepared by George M. O'Quinn, Land Surveyor, License No. 2069, dated September 11, 2001, titled: "Plat Showing A Consolidation of Lot 1, ELY ESTATES (Deed Book 1144 at Page 367) and A Vacated Portion of Chapel Hill Drive (Ordinance # 4218) (# 4174), City of Alexandria, Virginia"(the "Plat of Consolidation") as required by Section 2(1) of the Ordinance.

WITNESS

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and of the Recitals which are deemed a material and substantive part of this Deed of Vacation and Consolidation, City does hereby grant and convey, with General Warranty, unto Davis as tenants by the entirety with the Common Law Right of Survivorship, all that parcel of land vacated by the

Ordinance and more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Chapel Hill Drive, 45 feet from the centerline thereof, point of beginning being the northwest corner of Lot 2, Ely Estates and the original corner of Lot 1, Ely Estates; thence running with an extension of the northerly line of Lot 2 N87°46'00"W 10.00 feet to a point; thence running with a line 35 feet from, and parallel to, the centerline of Chapel Hill Drive N02°14'00"E 100.00 feet to a point in the southerly line of Lot 3, The Cloisters at Seminary Road; thence running with the southerly line of Lot 3 S87°46'00"E 10.00 feet to a point a corner common to the original Lot 1, Ely Estates; thence running with the original line of Lot 1 S02°14'00"W 100.00 feet to the point of beginning, containing 1,000 square feet.

Execution and delivery of this Deed of Vacation shall constitute conclusive evidence of compliance of the conditions set forth in Section 2(1), (2) and (3), of the Ordinance.

This conveyance is made subject to any easements, reservations, restrictive covenants or rights of way of record, specifically including, but not limited to, any and all public utilities located within the Vacated Parcel.

WITNESS FURTHER

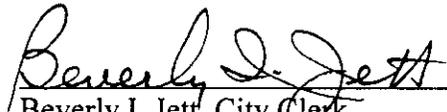
NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and of the receipt and sufficiency of which is hereby acknowledged and of the Recitals which are deemed a material and substantive part of this Deed, Davis do hereby consolidate the Davis Property and the Vacated Parcel into one (1) new parcel of land designated Lot Five Hundred One (501) on the Plat of Consolidation.

This Deed of Vacation and Consolidation is executed and delivered by Philip Sunderland, City Manager, and attested by the City Clerk on behalf of City pursuant to due and proper authority and Davis, pursuant to the terms of the Ordinance.

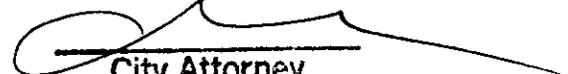
CITY OF ALEXANDRIA
a municipal corporation of the Commonwealth of
Virginia

By: 
Philip Sunderland
City Manager

ATTEST:


Beverly I. Jett, City Clerk

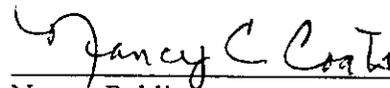
Approved as to form:


City Attorney

COMMONWEALTH OF VIRGINIA)

CITY OF ALEXANDRIA)

This instrument was acknowledged before me by Philip Sunderland, City Manager, on this
1st day of October, 2001 on behalf of the City.


Notary Public

My commission expires: 12-31-04

By: _____
Thomas A. Davis

By: _____
Jerri Davis

STATE OF _____:

CITY/COUNTY OF _____, to-wit;

I, the undersigned Notary Public, in and for the City and State aforesaid, do hereby certify that Thomas A. Davis, Jr. and Jerri Davis, whose names are signed to the foregoing Deed of Consolidation dated _____, 2001 has acknowledged the same before me.

Given under my hand and seal this _____ day of _____, 2001.

Notary Public (Seal)

My Commission expires: _____

RE: Real Estate\Davis-DeedofVacation and Consolidation

Docket Item #28
VACATION #2001-0002

Planning Commission Meeting
June 5, 2001

ISSUE: Consideration of a request for vacation of a public right-of-way.

APPLICANT: Thomas A. Davis and Jerri Davis
by Duncan W. Blair, attorney

LOCATION: 1601 Chapel Hill Drive

ZONE: R-20/Single-family

CITY COUNCIL ACTION, JUNE 16, 2001: City Council moved to overturn the Planning Commission and to vacate 10 feet, subject to any amendments that come back. Rodger Digilio, chair, Ross Bell and Bill Brandon were appointed as viewers.

Councilwoman Pepper asked if there is a condition or covenant that indicates that this will always be green grass.

Attorney Blair stated he has indicated that, and he will make sure that an ordinance has that in it that there will be a covenant "that the front vacated portion shall not be built upon." That is a statement, and it is a proffer which will be in an ordinance.

Mr. Davis, applicant, noted that the request was not for 10 feet.

City Engineer Baker spoke to maintaining a 50 foot right-of-way.

Transportation and Environmental Services Director Baier explained the intent of the staff.

City Attorney Pessoa pointed out that the next docket item is the ordinance to carry into effect this vacation, if Council adopts it. That will be back at the last legislative meeting for public hearing and final passage. It is worded now that we vacate 10 feet. If that needs to be adjusted or Council wishes to adjust it when we have it on the last Tuesday, we certainly can do so.

Mayor Donley asked that two things occur between now and then to the extent that we can preserve the 50 foot right-of-way, because we are not talking about a whole lot of dollars here, but at any rate, to the extent that we can we will attempt to do so. The Mayor requested Mr. Davis to check with his architect to get FAR calculations and compare it and contrast that with his proposed addition so that Council will have a little more certainty from his side of the fence. He stated that staff will look

into the 50 foot right-of-way, and Council can make any adjustments to the ordinance when it comes back along with the viewers' report at the June 26 Legislative Meeting.

City Attorney Pessoa stated that staff also needs to determine the fair market value.

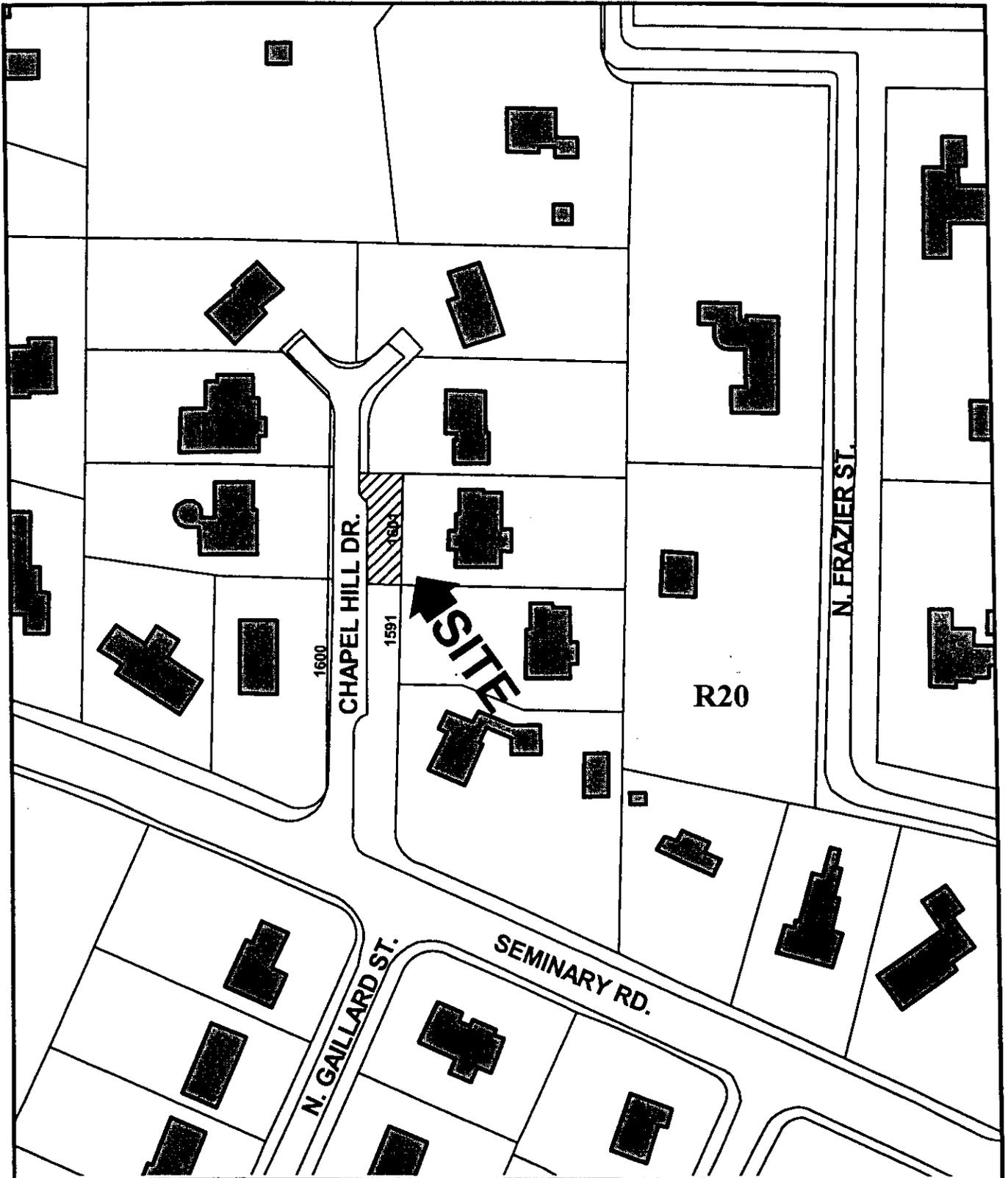
PLANNING COMMISSION ACTION, JUNE 5, 2001: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis. A motion to approve the request was withdrawn when the applicant would not agree to a condition limiting zoning rights to those that existed prior to the vacation.

Speakers:

Duncan Blair, attorney representing the applicants, stated that the City did not intend to widen the street and that the applicants were forced to maintain this property without any benefit. He stated that the applicants were willing to grant an easement to the City in the event that a sidewalk was proposed for the east side of the street.

Bill Dickinson stated that he believed that the City should not vacate any land unless it has been analyzed as part of the on-going open space study but that in this case there was little public benefit except for a sidewalk. He expressed concern about an increase in density on the site if the additional land is consolidated with the existing property, and stated that the Seminary Hill Association has not taken a position on this request.



VAC #2001-0002

06/05/01



STAFF RECOMMENDATION:

Staff recommends **denial** of the request. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The vacated right-of-way shall be consolidated with the existing lot, and the plat of consolidation shall be filed with Planning and Zoning. (T&ES) (P&Z)
2. The applicant shall pay the fair market value for the vacated street right-of-way, as determined by the director of Real Estate Assessments. (T&ES)
3. Easements shall be retained for all public and private utilities located within the vacated street right-of-way. (T&ES)
4. A ten foot wide strip of public right-of-way located adjacent to the applicants' property shall be vacated to the applicants. (P&Z)

DISCUSSION:

1. The applicants, Thomas A. Davis and Jerri Davis, by Duncan Blair, attorney, request the vacation of public right-of-way located adjacent to their residence at 1601 Chapel Hill Drive.
2. The subject property is approximately 2,384 square feet of public right-of-way that abuts the applicants' single family residence. The public land is undeveloped and Chapel Hill Drive terminates approximately 114 feet north of the applicants' property.
3. The applicants are contract purchasers of the property adjacent to the right-of-way and have filed an application for the vacation of it. According to the application materials, this right-of-way was dedicated by the developer of the Ely Estates subdivision to the City in order to create a 60 foot wide right-of-way. The application materials state that there are no plans or public need to maintain the entire 60 foot wide right-of-way.
4. T&ES staff indicate that the right-of-way was originally 30 feet wide prior to the 1985 dedication of an additional 30 feet by the developer of the Ely Estates subdivision referenced by the applicants. T&ES states that the current width of the right-of-way of Chapel Hill Drive in this location is 60 feet.
5. Master Plan/Zoning: The subject property is zoned R-20/Single-family, and is located in the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan.

STAFF ANALYSIS:

The Departments of Recreation, Parks and Cultural Activities, Planning and Zoning and Transportation and Environmental Services staff recommend denial of the applicants' request to vacate 2,384 square feet of public right-of-way adjacent to their single family residence at 1601 Chapel Hill Drive. Although the City does not have plans to widen Chapel Hill Drive and although historically the city has not used the subject property as right of way, the city should be very cautious about giving up any of its land. Although the land area involved is small, it is green area and the City has an interest in maintaining control of its remaining open space.

Under zoning rules, when additional land is added to a residential lot, additional building area is permitted. In this case, the vacation would result in an additional 600 square feet of floor space being added to the otherwise permissible mass on the lot. While that amount in isolation is small, if the City vacates the land at the applicants' lot, it would have to also approve similar requests from

the two adjoining lot owners. If the unused right of way for all three lots were vacated, approximately 1700 square feet of additional building space would be permitted – the size of a small house. The existing ratio of mass and open area should be preserved where it is possible to do so. Another zoning rule permits the paving of up to 50% of a front yard on a residential lot. If a vacation were approved on this and the adjacent lots, the City could lose a sizeable amount of green area. For these reasons, staff recommends denial.

If Council approves a vacation of the right-of-way, Planning and T&ES staff recommend that only a ten foot wide strip of land adjacent to the applicants' property be vacated, rather than the 2,384 square foot of land requested by the applicants, so that there is enough land to install a sidewalk in necessary in the future.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

R-1 Recommend denial of the vacation request as submitted.

Code Enforcement:

F-1 No comment.

Real Estate Assessments:

F-1 The Director of the Department of Real Estate Assessments has made a preliminary estimate of the fair market value of the fee simple interest in the proposed area to be vacated (2,384 square feet of land) at \$5,900 to \$23,700. The lower range assumes that the land that is gained by adding it to the abutting property owned by the applicant does not intensify the use of the larger property created. The higher range of value assumes that the land that is gained by adding it to the abutting property owned by the applicant will intensify the use of the larger property created. The CY 2001 land assessment for the abutting property at 1601 Chapel Hill Drive is \$200,000, or \$9.95 per square foot of lot area for the 20,094 existing lot.

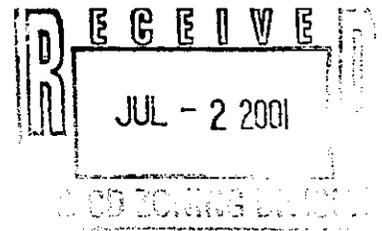
Police Department:

R-1 Concur.

Recreation, Parks & Cultural Activities (Arborist):

F-1 Recommend denial.

VAC # 2001-002



ORDINANCE NO. 4218

AN ORDINANCE to vacate a part of the public street right-of-way in front of 1601 Chapel Hill Drive, in the City of Alexandria, Virginia.

WHEREAS, Thomas A. and/or Jerri Davis ("Applicants"), the owner of the property at 1601 Chapel Hill Road in the City of Alexandria, Virginia, have applied for the vacation of a portion of the public right-of-way adjacent to the Applicants' property, varying in width between approximately 30 feet and 22 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended denial of any vacation of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has determined, pursuant to Section 9.06 of the City Charter, to overrule the recommendation of the Planning Commission by the affirmative vote of six members; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Roger Digilio, Chair; Ross Bell and Bill Brandon, 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, by the affirmative vote of six members, has concluded that a ten foot strip of the public street right-of-way is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a ten foot wide strip of the public right-of-way adjacent to 1601 Chapel Hill Drive be, and the same hereby is, vacated.

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 Applicants shall prepare a plat, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of vacation and consolidation shall be filed with the director of planning and zoning.

(2) Easements shall be retained for all public and private utilities located within the vacated right-of-way.

(3) The Applicants shall pay the City the sum of \$ 9,950.00 for the vacated property, within 12 months from the date of final passage of this ordinance.

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 the Applicants. 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 the Applicants as grantees, and such recordation shall be done by the grantees at their own expense.

KERRY J. DONLEY
Mayor

Final Passage: June 26, 2001