EXHIBIT NO. 1

13
2-10-04

Introduction and first reading:	2/10/04
Public hearing:	2/21/04
Second reading and enactment:	2/21/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 700 South Royal Street, in the City of Alexandria, Virginia (VAC No. 2003-0006).

Summary

The purposed ordinance vacates a portion of the public right-of-way of Franklin Street and South Royal Street, adjacent to 700 South Royal Street, subject to payment to the City of $34,000.00, and restrictions on the use and development of the vacated land and adjacent lot.

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

ORDINANCE NO. _____

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 700 South Royal Street, in the City of Alexandria, Virginia (VAC No. 2003-0006).

WHEREAS, William Savage and Ilona Garrad (Owners) have applied for the vacation of a portion of the public street right-of-way adjacent to 700 South Royal 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, Donald Allen, chair, Bill Brandon and Kellie Meehan, 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 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 Owners, 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. Owners shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities with the area vacated.

3. Owners and their successors in interest may not construct any buildings or improvements on the vacated area other than approved perimeter fencing, and other yard improvements at or below grade level, and may not use the vacated land area to

derive any increased development rights, including floor area, subdivision rights or additional dwelling units, for their abutting property. 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 and zoning prior to recordation.

4. Owners shall pay the sum of $34,000.00 to the City for the vacated land.

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 Owners. 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 Owners as grantees, and such recordation shall be done by the grantees at their 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: Plat of vacation

Introduction: 2/10/04
First Reading: 2/10/04
Publication:
Public Hearing:
Second Hearing:
Final Passage:

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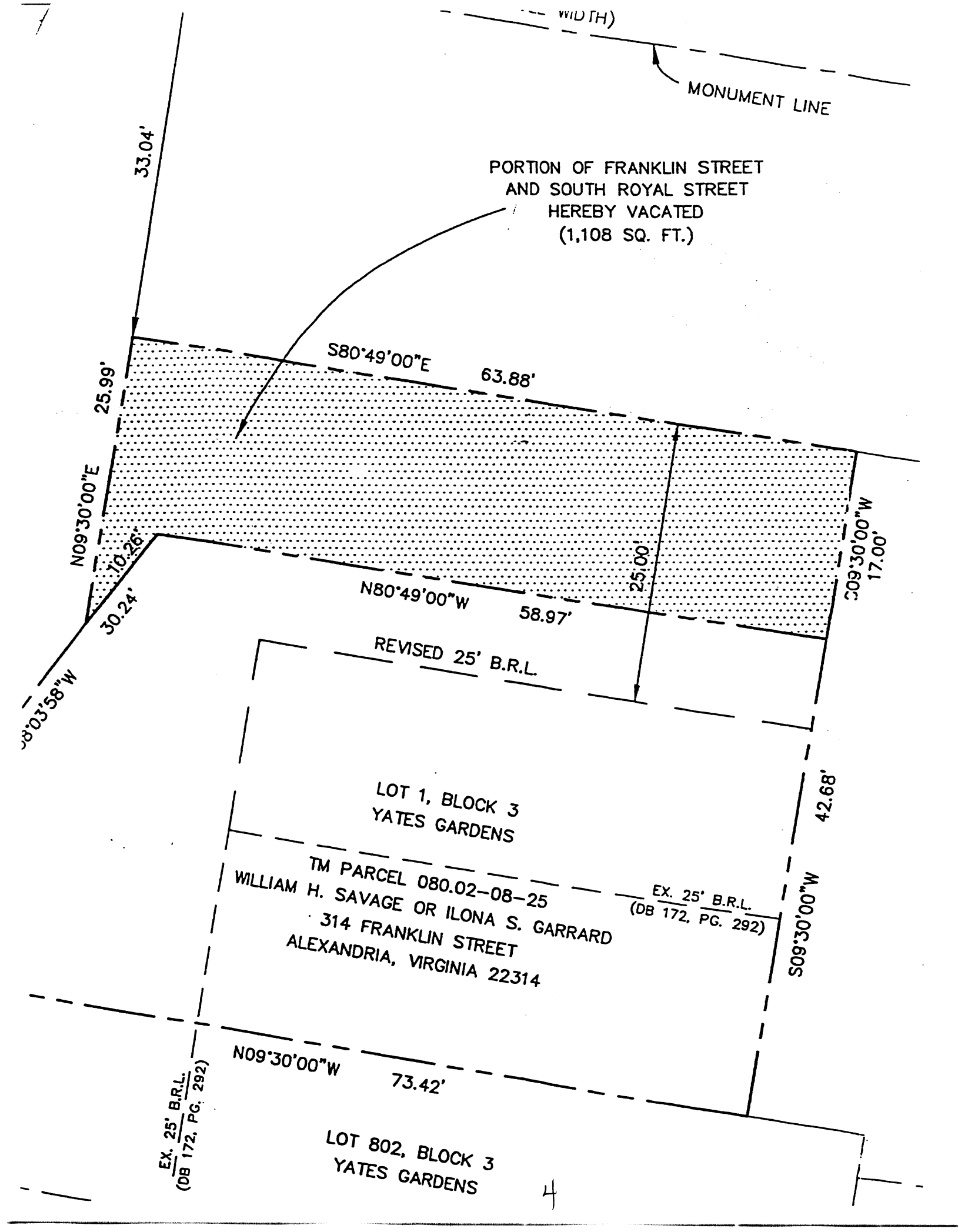
WIDTH)
MONUMENT LINE
33.04'
PORTION OF FRANKLIN STREET
AND SOUTH ROYAL STREET
HEREBY VACATED
(1,108 SQ. FT.)
S80°49'00"E
63.88'
25.99'
N09°30'00"E
10.26'
30.24'
N80°49'00"W
58.97'
25.00'
S09°30'00"W
17.00'
REVISED 25' B.R.L.
LOT 1, BLOCK 3
YATES GARDENS
42.68'
TM PARCEL 080.02-08-25
WILLIAM H. SAVAGE OR ILONA S. GARRARD
314 FRANKLIN STREET
ALEXANDRIA, VIRGINIA 22314
EX. 25' B.R.L.
(DB 172, PG. 292)
S09°30'00"W
N09°30'00"W
73.42'
EX. 25' B.R.L.
(DB 172, PG. 292)
LOT 802, BLOCK 3
YATES GARDENS
4

VAC 2003-0006

Bowman
CONSULTING

August 27, 2003

DESCRIPTION OF THE
VACATION OF A PORTION OF
FRANKLIN STREET
AND
SOUTH ROYAL STREET
CITY OF ALEXANDIA, VIRGINIA

Beginning at a point on the southerly right-of-way line of Franklin Street, said point of beginning being in the line of Lot 500, Resubdivision of Emile and Kathryn Burn Property, said point of beginning also being a corner common to Lot 1, Block 3, Yates Gardens; thence running with the southerly right-of-way line of Franklin Street and the line common to said Lot 1, N80°49'00"W 58.97 feet to a point; thence running with the easterly right-of-way line of South Royal Street and the line common to said Lot 1, S38°03'58"W 10.26 feet to a point; thence running through South Royal Street, N09°30'00"E 25.99 feet to a point; thence running through Franklin Street S80°49'00"E 63.88 feet to a corner common to Lot 500, Resubdivision of Emile and Kathryn Burn Property; thence running with the line common to said Lot 500, S09°30'00"W 17.00 feet to the point of beginning, containing 1,108 square feet.

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