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1-22-05 ~~24~~  
1-11-05

Introduction and first reading: 1/11/05  
Public hearing: 1/22/05  
Second reading and enactment: 1/22/05

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 700 South Lee Street, in the City of Alexandria, Virginia (VAC No. 2004-0001).

Summary

The purposed ordinance vacates a portion of the public right-of-way of Franklin Street, adjacent to 700 South Lee Street, subject to payment to the City of \$32,100.00, 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 of adjacent to 700 South Lee Street (VAC No. 2004-0001).

WHEREAS, Ruby R. Schropp (Owner) has applied for the vacation of a portion of the public street right-of-way of Franklin Street, adjacent to 700 South Lee 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, V. Rodger Digilio, chair, Gila Harris and John Hines, 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 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. Owner shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with her 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. Owner and her successors in interest may not construct any buildings or improvements, including driveways and parking spaces, on the vacated area other than approved perimeter fencing, and may not use the vacated land area to derive any

1 increased development rights, including increased floor area, subdivision rights or  
2 additional dwelling units, for her abutting property. This restriction shall appear as  
3 part of the deed of vacation and shall also appear as a note on the consolidation plat,  
4 both of which shall be approved by the director of planning and zoning prior to  
5 recordation.  
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7 4. Owner shall pay the sum of \$32,100.00 to the City for the vacated land.  
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9 Section 3. That the city manager be, and hereby is, authorized to do on behalf of the  
10 City of Alexandria all things necessary or desirable to carry into effect this vacation, including  
11 the execution of documents.  
12

13 Section 4. That the city clerk be, and hereby is, authorized to attest the execution by  
14 the city manager of all documents necessary or desirable to carry into effect this vacation, and to  
15 affix thereon the official seal of the City of Alexandria, Virginia.  
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17 Section 5. That this ordinance shall be effective upon the date and at the time of its  
18 final passage; provided, however, that no recordation of this ordinance shall have any force or  
19 effect unless and to the extent annexed to a deed, executed by the city manager and attested by  
20 the city clerk, conveying the property vacated to Owner. The execution of such deed shall  
21 constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed  
22 shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as  
23 grantee, and such recordation shall be done by the grantee at her own expense. In the event no  
24 such deed is recorded within 18 months of the effective date, this ordinance shall be void and of  
25 no effect.  
26

27 WILLIAM D. EUILLE  
28 Mayor  
29

30 Attachment: Plat of vacation  
31

32 Introduction: 1/11/05  
33 First Reading: 1/11/05  
34 Publication:  
35 Public Hearing:  
36 Second Hearing:  
37 Final Passage:  
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SUBDIVISION OF THE LAND OF  
NETTIE G. EMBREY  
LOT 600

33.04'

35.25'

S 09°30'00" W  
17.00'

18.25'

CITY NORTH

62.50'

62.50'

22'

PORTION OF  
FRANKLIN STREET  
HEREBY VACATED  
AREA = 1,062.5 S.F.

POWER  
LINES

ONE-  
WAY

S 80°49'00" E

N 80°49'00" W

ZONING  
FF: 36.46  
RF: 128.00  
HT: 35.00

#700

17.00'  
N 09°30'00" E

25.00'

MONUMENT LINE

SOUTH LEE STREET