

EXHIBIT NO. 1

REVISED 10/12/05

17  
10-15-05

Introduction and first reading:	10/11/05
Public hearing:	10/15/05
Second reading and enactment:	10/15/05

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public street right-of-way of adjacent to 1514 - 1524, 1600 and 1602 King Street (VAC No. 2004-0002).

Summary

The proposed ordinance vacates a portion of the public street right-of-way of adjacent to 1514 - 1524, 1600 and 1602 King Street, presently occupied by the fronts of several existing buildings, including one listed historic building, provided that the adjacent owner reconvey the area vacated to the City, with the owner retaining the right to maintain the encroaching building elements.

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 1514 - 1524, 1600 and 1602 King Street (VAC No. 2004-0002).

WHEREAS, DSF/Long King Street I, LLC (Owner) has applied for the vacation of a portion of the public street right-of-way of adjacent to 1514 - 1524, 1600 and 1602 King 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, Elizabeth Wright, Chair, Gila Harris and Ross Bell, 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 notwithstanding the contrary report of the viewers, and in consideration of all 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, consisting of the 49 square feet of existing, encroaching building area along 1514 - 1524 King Street, and of the 105 Square feet of existing, encroaching building area along 1600 and 1602 King Street, 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 rededicate to the City the area vacated, subject to the reservation of an easement unto the Owner to maintain the the existing historic building at 1520, 1522 1524 King Street, and the facade of the existing building at 1600 King Street, and the construction behind the facade authorized pursuant to DSUP No. 2004-0041. The reserved easement shall be in a form approved by the City Attorney.

2. Easements shall be reserved unto the City of Alexandria for existing public and private utilities, if any, with the area vacated.

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2 Section 3. That the city manager be, and hereby is, authorized to do on behalf of the  
3 City of Alexandria all things necessary or desirable to carry into effect this vacation, including  
4 the execution of documents.  
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6 Section 4. That the city clerk be, and hereby is, authorized to attest the execution by  
7 the city manager of all documents necessary or desirable to carry into effect this vacation, and to  
8 affix thereon the official seal of the City of Alexandria, Virginia.  
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10 Section 5. That this ordinance shall be effective upon the date and at the time of its  
11 final passage; provided, however, that no recordation of this ordinance shall have any force or  
12 effect unless and to the extent annexed to a deed, executed by the city manager and attested by  
13 the city clerk, conveying the property vacated to Owner. The execution of such deed shall  
14 constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed  
15 shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as  
16 grantee, and such recordation shall be done by the grantee at her own expense. In the event no  
17 such deed is recorded within 18 months of the effective date, this ordinance shall be void and of  
18 no effect.  
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20 WILLIAM D. EUILLE  
21 Mayor  
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24 Introduction: 10/11/05  
25 First Reading: 10/11/05  
26 Publication:  
27 Public Hearing:  
28 Second Hearing:  
29 Final Passage:  
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ORDINANCE NO. 4425

AN ORDINANCE to vacate a portion of the public street right-of-way adjacent to 1514 - 1524, 1600 and 1602 King Street (VAC No. 2004-0002).

WHEREAS, DSF/Long King Street I, LLC (Owner) has applied for the vacation of a portion of the public street right-of-way adjacent to 1514 - 1524, 1600 and 1602 King 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, Elizabeth Wright, Chair, Gila Harris and Ross Bell, 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 notwithstanding the contrary report of the viewers, and in consideration of all 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, consisting of the 49 square feet of existing, encroaching building area along 1514 - 1524 King Street, and of the 105 Square feet of existing, encroaching building area along 1600 and 1602 King Street, 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. Owner shall rededicate to the City the area vacated, subject to the reservation of an easement unto the Owner to maintain the existing historic building at 1520, 1522 and 1524 King Street, and the facade of the existing building at 1600 King Street, and the construction behind the facade authorized pursuant to DSUP No. 2004-0041. The reserved easement shall be in a form approved by the City Attorney.
2. Easements shall be reserved unto the City of Alexandria for existing public and private utilities, if any, with the area vacated.

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 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 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:      October 15, 2005

SPEAKER'S FORM

DOCKET ITEM NO. 17

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: Jonathan Rak
- 2. ADDRESS: 1750 Tysons Blvd. #1800 McLean, VA 22102  
TELEPHONE NO. 703 712 5411 E-MAIL ADDRESS: jrak@mcquizewoods.com
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Applicant / Land Owner
- 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 three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided 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 legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting 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. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and 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 legislative 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

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) 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 allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) 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 on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) 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.