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Introduction and first reading: 12/14/10  
Public hearing: 12/18/10  
Second reading and enactment: 12/18/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public right-of-way at 3110 Mount Vernon Avenue (VAC No. 2009-0001)

Summary

The proposed ordinance vacates 3,562 square feet of the public right-of-way adjacent to 3110 Mount Vernon Avenue, subject to restrictions on development of the vacated land pursuant to Vacation 2009-0001. This portion of Mount Vernon Avenue was dedicated to the City of Alexandria in 1959 for the purpose of widening Mount Vernon Avenue. The widening project has not taken place and is not expected to take place.

Sponsor

Staff

Faroll Hamer, Director, Planning and Zoning  
James L. Banks, Jr., City Attorney  
Joanna C. Frizzell, Assistant City Attorney

Authority

§ 2.03, Alexandria City Charter  
§§ 15.2-2006, 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. \_\_\_\_\_

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AN ORDINANCE to vacate a portion of the public right-of-way at 3110 Mount Vernon Avenue (VAC No. 2009-0001).

WHEREAS, UDR Developers, Inc., on behalf of UDR Calvert, LLC (Owner) has applied for the vacation of a portion of the public right-of-way adjacent to the property at 3110 Mount Vernon Avenue in the City of Alexandria, Virginia; and

In Vacation No. 2009-0001, the planning commission recommended approval to the City Council on September 7, 2010 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on September 25, 2010; and

WHEREAS, viewers, Dak Harwick, C.E. Palmer-Johnson, and Sandy Murphy 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 portion of the public 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 title "Plat Showing Abandonment and Vacation of a Portion of Mount Vernon Avenue" attached hereto as Exhibit A and incorporated herein by reference and as described in the metes and bounds titled "Description of Mount Vernon Avenue (Portion to be abandoned and vacated)", attached hereto as Exhibit B 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 to the conditions set forth below:

1  
2 1. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of  
3 consolidation approved by the Directors of P&Z and T&ES prior to release of the final site plan.  
4 The approved plat shall be recorded in the Land Records of the City of Alexandria.  
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6 2. Utility easements for all public and private utilities shall be provided within the  
7 vacated right-of-way and such easements are to be shown on the plat of consolidation.  
8

9 3. The sanitary sewer lateral upstream of the existing sanitary manhole located in the  
10 existing right-of-way that will be located in the future sanitary easement shall be maintained by  
11 the applicant.  
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13 4. The applicant shall be responsible for perpetual ownership, development and  
14 maintenance of the improvements constructed in the vacated right-of-way.  
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16 5. The property owners may not use the vacated land area to derive any increased above  
17 and below grade development rights for the lands adjacent to the vacated area, including  
18 increased floor area, subdivision rights or additional dwelling units; however, the property owner  
19 may construct the planters and steps as shown on the Preliminary Site Plan. The above and  
20 below grade restrictions shall appear as part of the deed of vacation and shall also appear as a  
21 note on the consolidation plat, both of which shall be approved by the Directors of P&Z and  
22 T&ES.  
23

24 6. The City shall own and maintain the sidewalk constructed in the public right-of-way  
25 and the property owner shall own and maintain the improvements constructed in the vacated  
26 right of way. This area shall be covered by a public access easement that allows the public to use  
27 the improvements constructed in the vacated public right-of-way.  
28

29 Section 3. The term "Owner" shall be deemed to include UDR Developers, Inc., and  
30 UDR Calvert, LLC and their respective successors in interest.  
31

32 Section 4. That the city manager be, and hereby is, authorized to do on behalf of the  
33 City of Alexandria all things necessary or desirable to carry into effect this vacation, including  
34 the execution of documents.  
35

36 Section 5. That the city clerk be, and hereby is, authorized to attest the execution by  
37 the city manager of all documents necessary or desirable to carry into effect this vacation, and to  
38 affix thereon the official seal of the City of Alexandria, Virginia.  
39

40 Section 6. That this ordinance shall be effective upon the date and at the time of its  
41 final passage; provided, however, that no recordation of this ordinance shall have any force or  
42 effect unless and to the extent annexed to a deed, executed by the city manager and attested by  
43 the city clerk, conveying the property vacated to Owner. The execution of such deed shall  
44 constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed

1 shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as  
2 grantee, and such recordation shall be done by the grantee at his or her own expense. In the event  
3 no such deed is recorded within 18 months of the effective date, this ordinance shall be void and  
4 of no effect.  
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7 WILLIAM D. EUILLE  
8 Mayor  
9

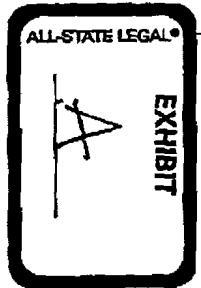
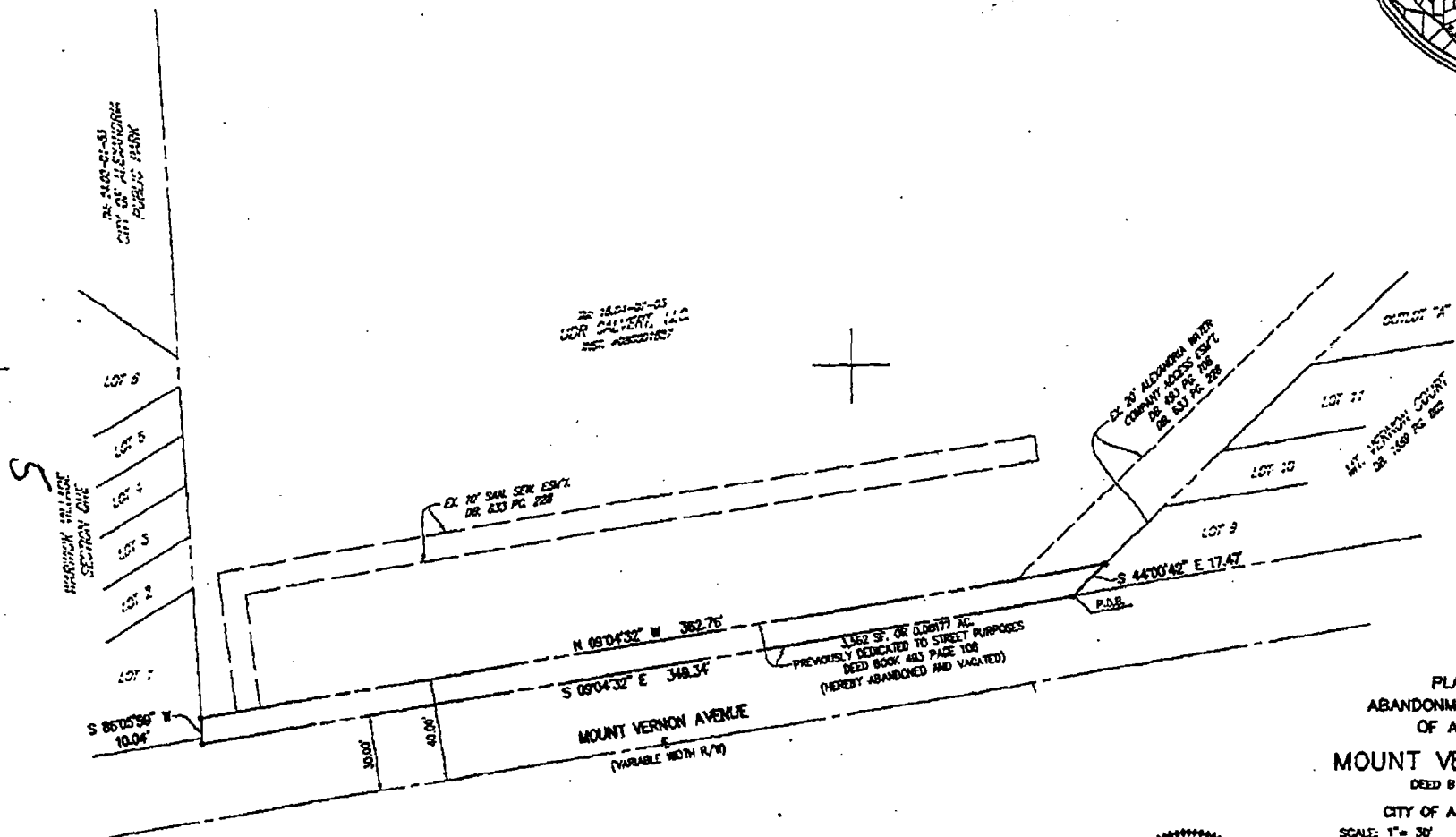
10 Introduction: 12/14/10  
11 First Reading: 12/14/10  
12 Publication:  
13 Public Hearing:  
14 Second Reading:  
15 Final Passage:  
16

**NOTES**

- 1) THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ADJACENT TO THE CITY OF ALEXANDRIA ASSESSMENT MAP NO. 15.04-07-03.
- 2) BOUNDARY TAKEN FROM A FIELD SURVEY PERFORMED BY BC CONSULTANTS AND DATED JANUARY 16, 2009. THE SITE SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (NAD 83) AND IS REFERENCED TO THE CITY OF ALEXANDRIA SURVEY MONUMENTS 538 AND 539.



VICINITY MAP  
SCALE 1" = 2,000'



PLAT SHOWING  
ABANDONMENT AND VACATION  
OF A PORTION OF  
**MOUNT VERNON AVENUE**  
DEED BOOK 483 PAGE 108  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 30'      DATE: NOVEMBER 24, 2009



**BC Consultants**  
Planners • Engineers • Surveyors • Landscape Architects  
12800 Fair Lakes Circle, Suite 100, Fairfax, VA 22035  
(703) 449-8100    (703) 448-8106 (Fax)  
www.bcconsultants.com



November 24, 2009  
The Calvert  
BC Project No. 08097.02  
Page 1 of 1

**DESCRIPTION OF  
MOUNT VERNON AVENUE  
(PORTION TO BE ABANDONED AND VACATED)  
CITY OF ALEXANDRIA, VIRGINIA**

Being a portion of Mount Vernon Avenue previously dedicated to street purposes as recorded in Deed Book 493 at Page 108 among the Land Records of the City of Alexandria, Virginia and being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of Mount Vernon Avenue (variable width), said point also being the Southeasterly corner of Lot 9 as shown on a plat of subdivision entitled "Mount Vernon Court" as recorded in Deed Book 1569 at Page 802 among the aforesaid Land Records; thence leaving said Lot 9 and running through said right-of-way

- 1) South 09° 04' 32" East, 349.34 feet to a point; thence continuing through said right-of-way and with the Northerly line of Lot 1 as shown on a plat of subdivision entitled "Warwick Village, Section One"
- 2) South 86° 05' 59" West, 10.04 feet to a point; thence leaving said Lot 1 and running with the Easterly line of UDR Calvert, LLC as recorded in instrument number 080001527 among the aforesaid Land Records
- 3) North 09° 04' 32" West, 362.76 feet to a point on the Southwesterly line of the aforesaid Lot 9, Mount Vernon Court; thence leaving said UDR Calvert, LLC and running with the Southwesterly line of Lot 9
- 4) South 44° 00' 42" East, 17.47 feet to the point of beginning, containing 3,562 square feet or 0.08177 acres of land.

This document was prepared without the benefit of a title report which may reveal or discover easements and/or rights-of-way not described herein.

ORDINANCE NO. 4700

AN ORDINANCE to vacate a portion of the public right-of-way at 3110 Mount Vernon Avenue (VAC No. 2009-0001).

WHEREAS, UDR Developers, Inc., on behalf of UDR Calvert, LLC (Owner) has applied for the vacation of a portion of the public right-of-way adjacent to the property at 3110 Mount Vernon Avenue in the City of Alexandria, Virginia; and

In Vacation No. 2009-0001, the planning commission recommended approval to the City Council on September 7, 2010 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on September 25, 2010; and

WHEREAS, viewers, Dak Harwick, C.E. Palmer-Johnson, and Sandy Murphy 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 portion of the public 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 title "Plat Showing Abandonment and Vacation of a Portion of Mount Vernon Avenue" attached hereto as Exhibit A and incorporated herein by reference and as described in the metes and bounds titled "Description of Mount Vernon Avenue (Portion to be abandoned and vacated)", attached hereto as Exhibit B 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 to the conditions set forth below:

1. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to release of the final site plan. The approved plat shall be recorded in the Land Records of the City of Alexandria.

2. Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation.

3. The sanitary sewer lateral upstream of the existing sanitary manhole located in the existing right-of-way that will be located in the future sanitary easement shall be maintained by the applicant.

4. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right-of-way.

5. The property owners may not use the vacated land area to derive any increased above and below grade development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units; however, the property owner may construct the planters and steps as shown on the Preliminary Site Plan. The above and below grade restrictions 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 Directors of P&Z and T&ES.

6. The City shall own and maintain the sidewalk constructed in the public right-of-way and the property owner shall own and maintain the improvements constructed in the vacated right of way. This area shall be covered by a public access easement that allows the public to use the improvements constructed in the vacated public right-of-way.

Section 3. The term "Owner" shall be deemed to include UDR Developers, Inc., and UDR Calvert, LLC and their respective successors in interest.

Section 4. 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 5. 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 6. 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 his or 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: December 18, 2010

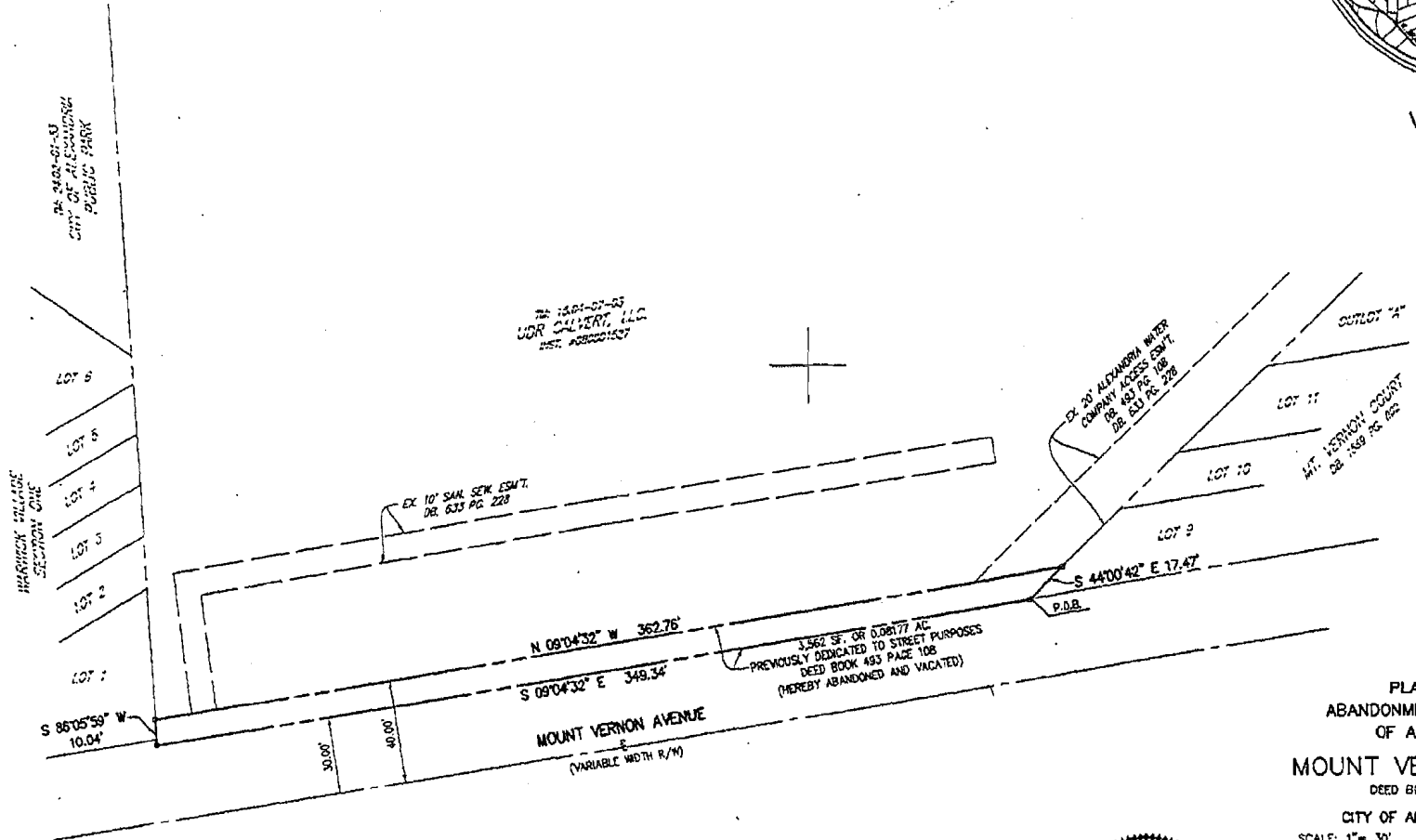
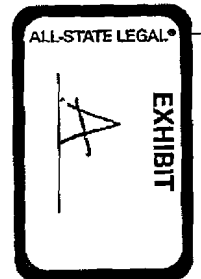
**NOTES**

- 1.) THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ADJACENT TO THE CITY OF ALEXANDRIA ASSESSMENT MAP NO. 15.04-07-03.
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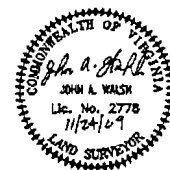
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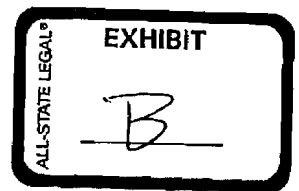
**VICINITY MAP**  
SCALE: 1" = 2,000'



PLAT SHOWING  
ABANDONMENT AND VACATION  
OF A PORTION OF  
**MOUNT VERNON AVENUE**  
DEED BOOK 493 PAGE 108  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 30'    DATE: NOVEMBER 24, 2009



**BC Consultants**  
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12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033  
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www.beconsultants.com



November 24, 2009  
The Calvert  
BC Project No. 08097.02  
Page 1 of 1

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MOUNT VERNON AVENUE  
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- 2) South 86° 05' 59" West, 10.04 feet to a point; thence leaving said Lot 1 and running with the Easterly line of UDR Calvert, LLC as recorded in instrument number 080001527 among the aforesaid Land Records
- 3) North 09° 04' 32" West, 362.76 feet to a point on the Southwesterly line of the aforesaid Lot 9, Mount Vernon Court; thence leaving said UDR Calvert, LLC and running with the Southwesterly line of Lot 9
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