

32  
11-18-00

~~20~~  
~~11-14-00~~

Introduction and first reading:	11/14/00
Public hearing:	11/18/00
Second reading and enactment:	11/18/00

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

Summary

The purposed ordinance vacates four outlot parcels, totaling 8,813 square feet, which comprise the terminus of Uhler Terrace, adjacent to 101 Uhler Terrace, in the City of Alexandria, Virginia.

Sponsor

Staff

Barbara Ross, Acting Director, Planning and Zoning  
Catherine R. Clement, Assistant 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

32  
11-18-00

~~30~~  
~~11-14-00~~

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B. Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

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

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12-month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12-month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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 7. 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 one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of

this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY  
Mayor

[Attachment: Vacation Plat]

Introduction: 11/14/00

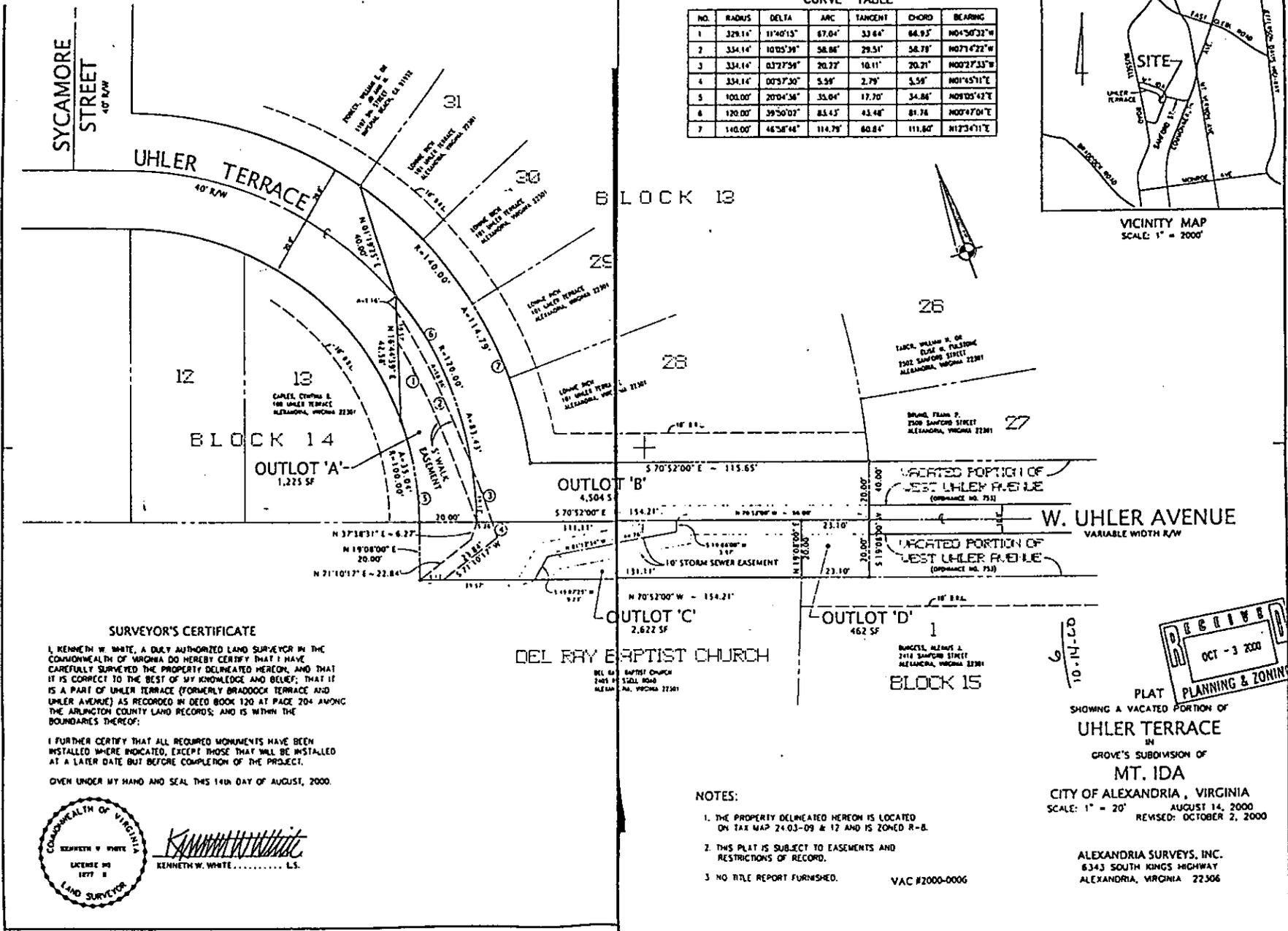
First Reading: 11/14/00

Publication: 11/16/00

Public Hearing: 11/18/00

Second Hearing:

Final Passage:



**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	329.14'	31°40'15"	67.04'	33.64'	66.93'	N04°50'22"W
2	334.14'	10°05'39"	58.86'	29.51'	58.79'	N07°14'22"W
3	334.14'	03°27'59"	20.77'	10.11'	20.71'	N00°27'33"W
4	334.14'	00°37'30"	5.99'	2.79'	5.99'	N01°45'11"E
5	100.00'	20°04'36"	33.04'	17.70'	34.86'	N09°03'42"E
6	100.00'	39°50'03"	63.43'	43.48'	81.74'	N00°47'04"E
7	140.00'	46°58'46"	114.79'	80.84'	111.80'	N12°34'11"E

**SURVEYOR'S CERTIFICATE**

I, KENNETH W. WHITE, A DUTY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRADDOCK TERRACE AND UHLER AVENUE) AS RECORDED IN DEED BOOK 120 AT PAGE 204 AMONG THE ARLINGTON COUNTY LAND RECORDS, AND IS WITHIN THE BOUNDARIES THEREOF.

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.



*Kenneth W. White*  
KENNETH W. WHITE..... L.S.

**NOTES:**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24-03-09 & 12 AND IS ZONED R-B.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NO TITLE REPORT FURNISHED.

VAC #2000-0006



PLAT  
SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
AUGUST 14, 2000  
REVISED: OCTOBER 2, 2000

ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B, Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

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

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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.

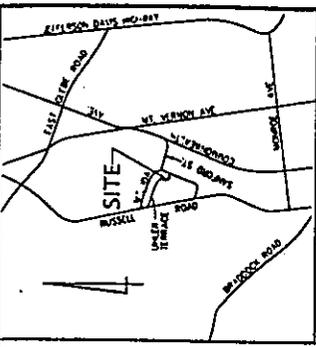
Section 7. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed

in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY  
Mayor

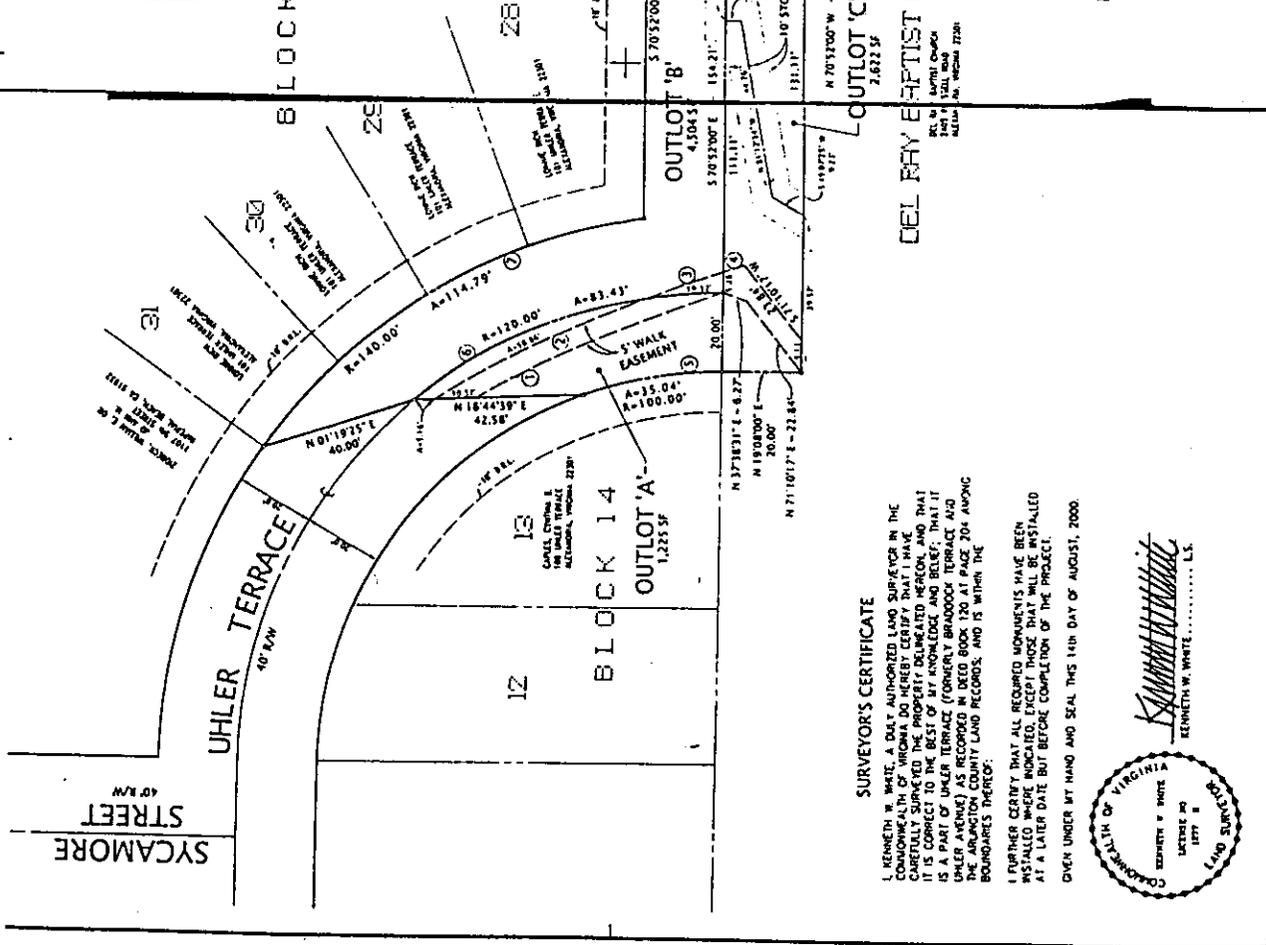
[Attachment: Vacation Plat]

Final Passage: November 18, 2000



VICINITY MAP  
SCALE 1" = 2000'

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	291.14'	114°01'51"	67.04'	33.64'	66.83'	N04°50'23"W
2	334.14'	107°03'39"	58.86'	29.51'	60.71422'W	N07°14'22"W
3	334.14'	03°27'59"	20.27'	10.11'	20.21'	N02°27'33"W
4	334.14'	00°37'30"	3.58'	2.79'	3.59'	N01°45'11"E
5	100.00'	20°04'36"	34.04'	17.70'	34.86'	N02°05'17"E
6	100.00'	39°30'07"	63.43'	43.48'	61.76'	N02°17'02"E
7	100.00'	48°58'48"	114.79'	80.84'	111.60'	N12°34'12"E



**SURVEYOR'S CERTIFICATE**

I, KENNETH W. WHITE, A DRAFT AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY, DRAWINGS HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRADDOCK TERRACE AND UHLER AVENUE) AS RECORDED IN DEED BOOK 120 AT PAGE 204 AMONG THE AUGUSTINE COUNTY LAND RECORDS, AND IS WITHIN THE BOUNDARIES THEREOF;

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.

*Kenneth W. White*  
KENNETH W. WHITE, ..... L.S.

COMMONWEALTH OF VIRGINIA  
LICENSED LAND SURVEYOR  
1977 #



SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**

CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' REVISED: OCTOBER 2, 2000

ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306

- NOTES:
1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24-03-09 & 12 AND IS ZONED R-8.
  2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
  3. NO TITLE REPORT FURNISHED. VAC #2000-0006

# RELEASE OF VACATION ORDINANCE AND PLAT

TO: BEVERLY JETT, CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

Vacation #2000-006 for the property located adjacent to 101 Uhler Terrace was approved by City Council on October 14, 2000, by Ordinance # 4174.

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: October 3, 2000 Action: Recommend approval.
2. City Council - Public Hearing  
Date: October 14, 2000 Action: Approved.
3. City Council - First Reading of Ordinance  
Date: November 14, 2000 Action: Introduction and first reading.
4. City Council - Second Reading of Ordinance:  
Date: November 18, 2000 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 DECEMBER 14 the applicant paid \$8,600.00 to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments.  
Date: JAN. 24, 2001 Approved by: [Signature]
6. Board of Architectural Review: The applicant has complied with all applicable requirements by the Board of Architectural Review.  
NIA  
Date: \_\_\_\_\_ Approved by: \_\_\_\_\_
7. City Attorney: On T&ES, the deed of vacation was reviewed and signed by the City Manager to vacate the subject property.  
Date: 2-8-2001 Approved by: [Signature]
8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.  
Date: 3-13-2001 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.

**CERTIFICATION**

I, Susan K. Seagroves, Deputy City Clerk and Clerk of Council, do hereby certify that the attached is a true copy of Ordinance No. 4174 which was passed by the Alexandria City Council at its Public Hearing Meeting held on November 18, 2000.

Dated this 14th day of March 2001.

*Susan K. Seagroves*  
\_\_\_\_\_  
Susan K. Seagroves, Deputy City Clerk  
City of Alexandria, Virginia

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B. Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

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(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

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in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

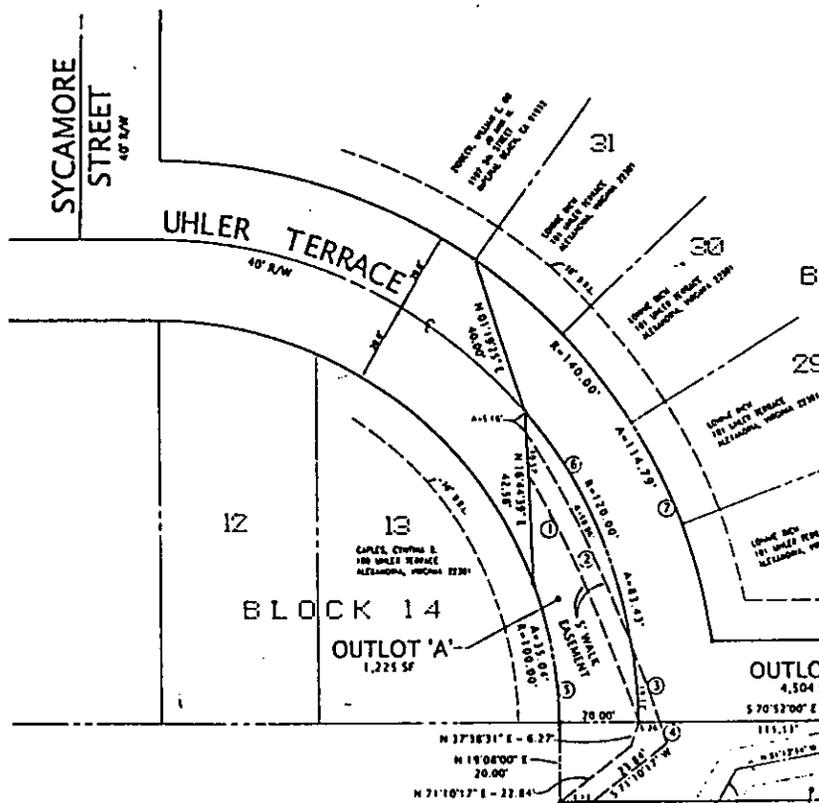
KERRY J. DONLEY  
Mayor

[Attachment: Vacation Plat]

Final Passage: November 18, 2000

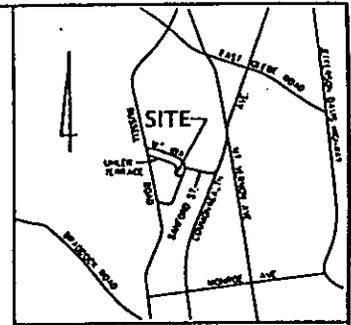
SYCAMORE STREET  
40' R/W

UHLER TERRACE  
40' R/W



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	329.11'	11°40'13"	67.04'	33.64'	66.93'	N04°30'32"W
2	334.14'	10°25'39"	58.06'	29.31'	58.79'	N07°17'22"W
3	334.14'	03°27'34"	20.27'	10.11'	20.21'	N00°27'33"W
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7	140.00'	46°38'48"	114.79'	68.84'	111.00'	N17°34'11"E



VICINITY MAP  
SCALE: 1" = 2000'

**SURVEYOR'S CERTIFICATE**

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GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.



*Kenneth W. White*  
KENNETH W. WHITE..... L.S.

DEL RAY BAPTIST CHURCH

DEL RAY BAPTIST CHURCH  
2405 S  
SULL ROAD  
ALEXANDRIA, VIRGINIA 22301

BURGESS, ALMA S.  
2416 SANDFORD STREET  
ALEXANDRIA, VIRGINIA 22304

BLOCK 15

**NOTES:**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24-03-09 & 12 AND IS ZONED R-B.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NO TITLE REPORT FURNISHED.

VAC #2000-0006

W. UHLER AVENUE  
VARIABLE WIDTH R/W

S 10' N 10' 10'



PLAT  
SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**  
CITY OF ALEXANDRIA, VIRGINIA  
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ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306

Docket Item #5  
VACATION #2000-0006

Planning Commission Meeting  
October 3, 2000

**ISSUE:** Consideration of a request for vacation of a portion of a public right-of-way.  
**APPLICANT:** Lonnie Rich  
**LOCATION:** 101 Uhler Terrace  
**ZONE:** R-8/Single-family zone

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**CITY COUNCIL ACTION, OCTOBER 14, 2000:** City Council approved the Planning Commission recommendation. The Mayor subsequently appointed Judy Lowe as Chair, and Amoret Bunn and Ruby Fitzgerald as Viewers.

**PLANNING COMMISSION ACTION, OCTOBER 3, 2000 :** On a motion by Ms. Fossum, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

Lonnie Rich, applicant, presented a revised plat showing the proposed location of an easement to provide pedestrian access to the parking lot of the Del Ray Baptist Church. He stated that new purchasers of a residence on Sanford Street that abuts a portion of the land proposed to be vacated have expressed to him an interest in acquiring that land themselves and that he has no opposition to it. He stated that the Church has sent him a letter, which he submitted to staff, indicating that it has no interest in the land adjacent to its property.

No one spoke in opposition to the applicant's request.

STAFF RECOMMENDATION:

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 lots, and the plat of consolidation filed with Planning and Zoning. (T&ES) (P&Z)
2. The applicant shall submit to the Directors of Planning and Zoning and Transportation and Environmental Services letters from adjoining property owners indicating that they have no interest in establishing their rights to the area to be vacated. After the Directors have received these letters, the applicant may submit a plat and deed of consolidation for review by the City and recording as required by Condition #1. (P&Z) (T&ES)
3. 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)
4. Easements shall be retained for all public and private utilities located within the vacated street right-of-way. (T&ES)
5. The applicant shall provide an easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church to the satisfaction of the Director of Planning and Zoning. (P&Z)

DISCUSSION:

1. The applicant, Lonnie Rich, requests vacation approval for a portion of the public right-of-way at 101 Uhler Terrace.
2. The applicant resides adjacent to the land to be vacated. The residence at 101 Uhler Terrace is one lot of record with approximately 114 feet of frontage on Uhler Terrace, approximately 115 feet of depth and a total lot area of approximately 8,467 square feet. The site is developed with a two story single family residence.

To the north, east and west of the applicant's residence are single family residences. To the south is the Del Ray Baptist Church.

3. The applicant requests a vacation of approximately 8,813 square feet of Uhler Terrace located immediately to the south and west of his residence (see attached plat). This area is currently the terminus of Uhler Terrace. A portion of the city right-of-way adjacent to the applicant's residence is paved; the remainder of the land is unimproved.

The applicant seeks a vacation in order to remove the existing asphalt and to regrade the area in order to redirect the flow of storm water into the existing storm sewer inlet rather than onto the applicant's property. According to the applicant, his residence has been flooded three times in the past year.

4. An unimproved foot path exists between the area to be vacated and the rear parking lot of the Del Ray Baptist Church. The applicant has advised staff that he has no desire to limit pedestrian access to the foot path and would support an easement to allow access to the Church property if desired by the City or by area residents.
5. Master Plan/Zoning: The subject property is zoned R-8/Single-family zone, and is located in the Potomac West small area plan chapter of the Master Plan.

STAFF ANALYSIS:

Staff has no objection to the applicant's request for a vacation of right of way adjacent to 101 Uhler Terrace. Staff notes that the residences that abut the area to be vacated do not use this land for vehicular access to their lots. In addition, staff notes that all but a ten foot strip of West Uhler Avenue that abuts this land was previously vacated, effectively prohibiting the connection of the two streets. T&ES staff have no objection to the vacation but have included several recommendations requiring the applicant 1) to provide evidence that other adjoining property owners are not interested in establishing their rights to the area to be vacated, 2) to pay fair market value for the vacated street right-of-way, and 3) to allow the retention of easements for all public and private utilities located within the area to be vacated. Planning staff recommends that the applicant provide an easement allowing pedestrian access from Uhler Terrace to the foot path and has included a condition to this effect. With these conditions, staff recommends approval of the vacation.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning; Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Applicant must provide proof that other property owners adjoining the proposed vacation area are not interested in establishing their rights to the vacated street right-of-way.
- R-2 Applicant shall pay fair market value for the vacated street right-of-way, as determined by the director of Real Estate Assessments.
- R-3 Easements must be retained for all public and private utilities located within the vacated street right-of-way.
- R-4 The vacated area shall be consolidated with the existing lots.

Code Enforcement:

- F-1 No comments.

Police Department:

- F-1 No objections.

Historic Alexandria (Archaeology):

- F-1 No comments.

Recreation, Parks, Cultural Activities (Arborist):

- F-1 No comments.

Real Estate Assessments:

See attached memorandum.

## DEED OF VACATION

THIS DEED OF VACATION is made as of the \_\_\_\_\_ day of December, 2000 by and between the CITY OF ALEXANDRIA, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and LONNIE C. RICH, and MARCIA A. CALL, Husband and Wife, Grantees.

### RECITALS:

WHEREAS, Grantees are the owners of Lots 28, 29, 30 and 31, Block 13, Grove's Subdivision of Mt. Ida, Alexandria, Virginia, generally known as 101 West Uhler Terrace, Alexandria, Virginia 22301.

WHEREAS, upon the application of the Grantees, the City, by Ordinance #4174 on November 18, 2000, vacated a portion of West Uhler Terrace (sometimes known as Uhler Terrace) adjoining said property of Grantees, a copy of said Ordinance #4174, certified by the City Clerk, being attached hereto and incorporated herein by reference.

WHEREAS, Ordinance #4174 refers to an attached plat dated August 14, 2000, prepared by Kenneth W. White, L.S., entitled "Plat showing a vacated portion of Uhler Terrace in Grove's Subdivision of Mt. Ida, City of Alexandria, Virginia," said plat showing four outlot parcels to be vacated, said outlot parcels being identified as Outlot "A," Outlot "B," Outlot "C" and Outlot "D."

WHEREAS, pursuant to Ordinance #4174, Outlot "B" and Outlot "C" of the vacated portion were to be conveyed to Grantees herein if and when certain conditions were met, and all said conditions have been met as evidenced by the certification of the City Clerk and as further provided herein.

Return To:  
Rosenthal Rich & Costle, LLP  
1317 King Street  
Alexandria, VA 22314  
703/836-7441

CONSIDERATION: \$8,600.00  
  
TMR # 024.03.09.12/024.03.09.11

GRANTEE'S ADDRESS  
101 West Uhler Terrace  
Alexandria, VA 22301

WHEREAS, Ordinance #4174 requires that this Deed of Vacation be conditioned upon the execution of a Deed of Consolidation by the Grantees of the vacated parcels with Grantees' adjoining property and recordation of said Deed of Consolidation immediately after this Deed of Vacation.

WHEREAS, a plat of consolidation dated November 28, 2000, has been prepared by Kenneth W. White, L.S., entitled "Plat showing a consolidation of Lots 28, 29, 30 and 31, Block 13, Grove's Subdivision of Mt. Ida and Outlot "B" and Outlot "C" of a vacated portion of Uhler Terrace (Ordinance #4174), City of Alexandria, Virginia," a copy of which has been filed with the director of planning and zoning of the City of Alexandria, Virginia, as required by said Ordinance # 4174, and is attached to the Deed of Consolidation recorded immediately after this Deed of Vacation.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and of the Recitals which are deemed material and substantive, the City does hereby grant and convey, with General Warranty, unto the Grantees, as tenants by the entireties, all of Outlot "B" and Outlot "C" of the portion of West Uhler Terrace as vacated by Ordinance #4174, and as more particularly shown on the plat dated August 14, 2000, prepared by Kenneth W. White, L.S., entitled "Plat showing a vacated portion of Uhler Terrace in Grove's Subdivision of Mt. Ida, City of Alexandria, Virginia."

This Deed of Vacation is conditioned upon the execution of a Deed of Consolidation by the Grantees of Outlot "B" and Outlot "C" conveyed herein with Grantees' adjoining property and recordation of said Deed of Consolidation immediately after the recordation of this Deed of Vacation.

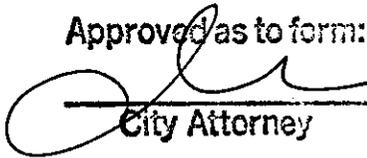
This Deed of Vacation is subject to any easements, reservations and

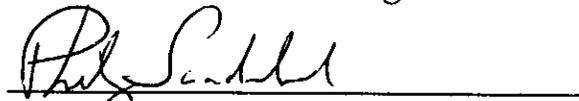
restrictions of records, specifically including, but not limited to the reservation of a continuance easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church, as shown on the plat dated August 14, 2000, prepared by Kenneth W. White, L.S., entitled "Plat showing a vacated portion of Uhler Terrace in Grove's Subdivision of Mt. Ida, City of Alexandria, Virginia."

This Deed of Vacation is executed and by Philip Sunderland, City Manager, and attested by the City Clerk pursuant to Ordinance #4174.

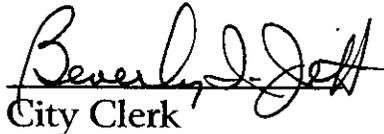
CITY OF ALEXANDRIA,  
a municipal corporation of the  
Commonwealth of Virginia

Approved as to form:

  
City Attorney

  
Philip Sunderland  
City Manager

Attest:

  
City Clerk

COMMONWEALTH OF VIRGINIA  
CITY OF ALEXANDRIA, to-wit:

This Deed of Vacation was acknowledged before me by Philip Sunderland, City Manager this 16<sup>th</sup> day of ~~December, 2000.~~

*February, 2001*

  
Notary Public

My Commission expires: 12-31-2004.

## DEED OF CONSOLIDATION

THIS DEED OF CONSOLIDATION is made as of the \_\_\_\_\_ day of December, 2000, by LONNIE C. RICH and MARCIA A. CALL, Husband and Wife, Grantors and Grantees herein.

### RECITALS:

WHEREAS, LONNIE C. RICH and MARCIA A. CALL are the owners certain land in the City of Alexandria, Virginia, generally known as 101 West Uhler Terrace, and more particularly described as follows:

Lots 28, 29, 30 and 31, Block 13, of the Grove's Subdivision of Mt. Ida as the same appears duly dedicated, platted and recorded in Deed Book 120 at Page 202, among the land records of Arlington County, Virginia.

And being the property conveyed unto said owners by Bruce B. Morris, Trustee and Mary E. Morris, Trustee of The Morris Family Trust, dated December 17, 1996, by Deed dated September 16, 1999, and recorded September 22, 1999, in Deed Book 1720, Page 439, among the land records of the City of Alexandria, Virginia.

WHEREAS, the City of Alexandria, Virginia, vacated a portion of West Uhler Terrace (sometimes known as Uhler Terrace) by Ordinance #4174 on November 18, 2000, pursuant to which Outlot "B" and Outlot "C" of the vacated portion were conveyed to Grantors herein if said outlots were consolidated with Grantors' adjoining property at 101 West Uhler Terrace.

Return To:  
Rosenthal Rich & Costle, LLP.  
1317 King Street  
Alexandria, VA 22314  
703/836-7441

CONSIDERATION: \$0.00

TMR # 024.03.09.12/024.03.09.11

GRANTEE'S ADDRESS  
101 West Uhler Terrace  
Alexandria, VA 22301

WHEREAS, a plat of consolidation dated November 28, 2000, has been prepared by Kenneth W. White, L.S., entitled "Plat showing a consolidation of Lots 28, 29, 30 and 31, Block 13, Grove's Subdivision of Mt. Ida and Outlot "B" and Outlot "C" of a vacated portion of Uhler Terrace (Ordinance #4174), City of Alexandria, Virginia," a copy of which has been filed with the director of planning and zoning of the City of Alexandria, Virginia, as required by said Ordinance # 4174, and is attached hereto and incorporated herein by reference.

WHEREAS, the Grantors desire to indicate their consent to the consolidation of Lots 28, 29, 30 and 31, Block 13, Grove's Subdivision of Mt. Ida and Outlot "B" and Outlot "C" of a vacated portion of Uhler Terrace, as shown on said plat of consolidation.

WITNESSETH:

NOW, THEREFORE, for and in consideration of the premises, Grantors do hereby declare that Lots 28, 29, 30 and 31, Block 13, Grove's Subdivision of Mt. Ida and Outlot "B" and Outlot "C" of a vacated portion of Uhler Terrace, as shown on said plat of consolidation are hereby consolidated into one lot to be known as Lot 500, Block 13, Grove's Subdivision of Mt. Ida, as shown on the plat of consolidation.

This consolidation is made with the free consent and in accordance with the desire of the Grantors and in accordance with the statutes of Virginia governing the platting of land, said Plat having been approved by the appropriate officials of the City of Alexandria, Virginia, as evidenced by the signatures of said officials on said Plat.

WITNESS the following signatures and seals:

\_\_\_\_\_  
LONNIE C. RICH, Grantor/Grantee

---

MARCIA A. CALL, Grantor/Grantee

COMMONWEALTH OF VIRGINIA  
CITY OF ALEXANDRIA, to-wit:

The foregoing signatures were acknowledged before me by LONNIE C. RICH and MARCIA A. CALL, husband and wife, in the jurisdiction aforesaid this \_\_\_ day of December, 2000.

---

Notary Public

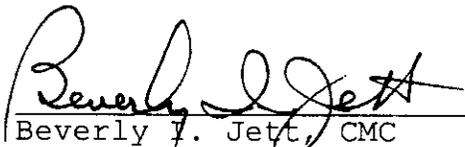
My Commission expires: \_\_\_\_\_.

#32 11/18/00

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. 4174 which was passed by the Alexandria City Council at its Public Hearing Meeting held on November 18, 2000.

Dated this 15th day of August 2001.

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

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B, Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

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

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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 7. 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 one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed

in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

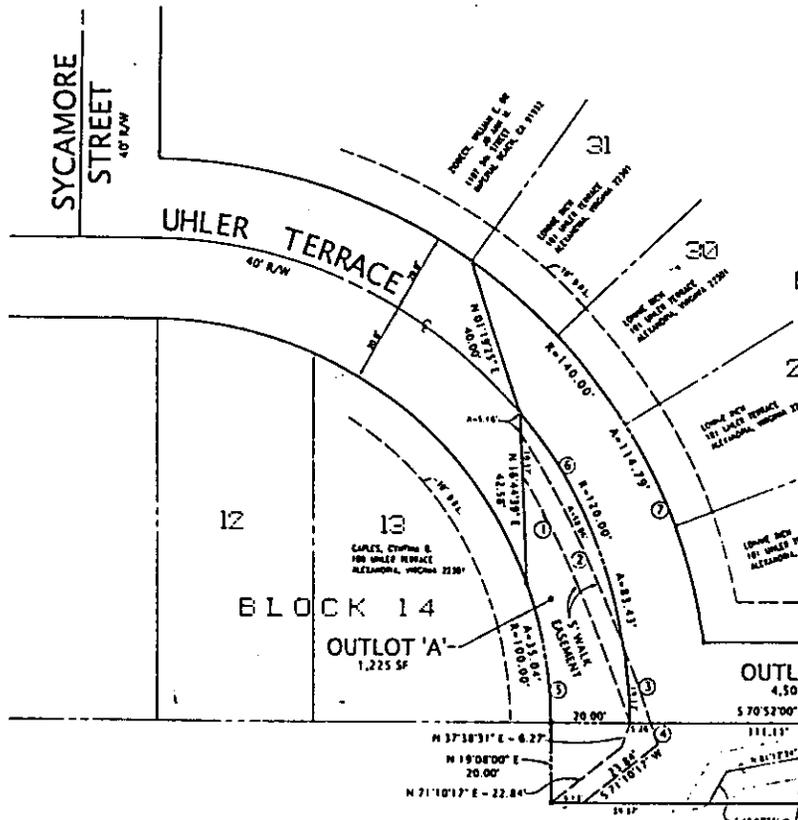
KERRY J. DONLEY  
Mayor

[Attachment: Vacation Plat]

Final Passage: November 18, 2000

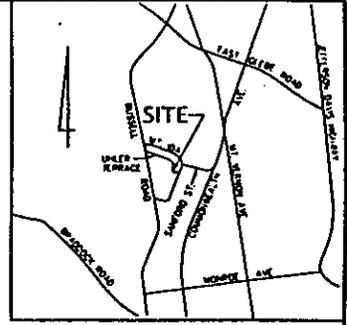
SYCAMORE STREET  
40' R/W

UHLER TERRACE  
40' R/W



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	329.14'	11°40'15"	67.04'	33.84'	66.93'	N04°50'32"W
2	334.14'	10°05'39"	58.86'	29.51'	58.79'	N07°14'22"W
3	334.14'	03°27'59"	20.27'	10.11'	20.21'	N00°27'33"W
4	334.14'	00°57'30"	3.59'	2.79'	3.59'	N01°45'11"E
5	100.00'	20°04'36"	33.04'	17.70'	34.86'	N09°05'42"E
6	120.00'	39°50'03"	83.43'	43.46'	81.76'	N00°47'01"E
7	140.00'	46°56'46"	114.79'	80.84'	111.60'	N12°54'11"E



**SURVEYOR'S CERTIFICATE**

I, KENNETH W. WHITE, A DULY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRADDOCK TERRACE AND UHLER AVENUE) AS RECORDED IN DEED BOOK 120 AT PAGE 204 AMONG THE ARLINGTON COUNTY LAND RECORDS; AND IS WITHIN THE BOUNDARIES THEREOF.

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.

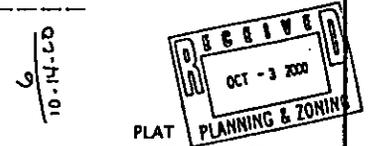


*Kenneth W. White*  
KENNETH W. WHITE..... L.S.

DEL RAY BAPTIST CHURCH

DEL RAY BAPTIST CHURCH  
1245 N. 57th ST.  
ALEXANDRIA, VA. 22304

BURGEL, ALANUS J.  
1414 SHAWFORD STREET  
ALEXANDRIA, VIRGINIA 22304



PLAT  
SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'      AUGUST 14, 2000  
REVISED: OCTOBER 2, 2000

**NOTES:**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24.03-09 & 12 AND IS ZONED R-8.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NO TITLE REPORT FURNISHED.      VAC #2000-0006

ALEXANDRIA SURVEYS, INC.  
8343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306

# RELEASE OF VACATION ORDINANCE AND PLAT

TO: BEVERLY JETT, CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

=====

Vacation #2000-006 for the property located adjacent to 101 Uhler Terrace was approved by City Council on ~~October 14,~~ <sup>Nov. 18</sup> 2000, by Ordinance #4174.

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: October 3, 2000 Action: Recommend approval.
2. City Council - Public Hearing  
Date: October 14, 2000 Action: Approved.
3. City Council - First Reading of Ordinance  
Date: November 14, 2000 Action: Introduction and first reading.
4. City Council - Second Reading of Ordinance:  
Date: November 18, 2000 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 July 11, 2001 the applicant paid \$ 3200.<sup>00</sup> to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments.  
Date: AUGUST 6, 2001 Approved by: J. A. [Signature]
6. Board of Architectural Review: The applicant has complied with all applicable requirements by the Board of Architectural Review.  
Date: \_\_\_\_\_ Approved by: \_\_\_\_\_ Non applicable
7. City Attorney: On 6/29/01, the deed of vacation was APPROVED FOR EXECUTION reviewed and signed by the City Manager to vacate the subject property.  
Date: 6/29/01 Approved by: [Signature]
8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.  
Date: 8/14/01 Approved by: Hatleem A. Butler

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.

## DEED OF VACATION AND CONSOLIDATION

This Deed of Vacation and Consolidation made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by and between the **CITY OF ALEXANDRIA**, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and **CYNTHIA B. CAPLES, TRUSTEE OF THE CYNTHIA B. CAPLES REVOCABLE TRUST** ("Caples"), Grantee.

### RECITALS

A. Caples is the owner of certain real property located at 100-102 West Uhler Terrace, also referred to as Uhler Terrace, City of Alexandria Tax Map Parcels 24.03, Block 12, Lots 12 & 13, being the property Caples acquired by Deed dated July 12, 1999, in Deed Book 1709, Page 1076 among the land records of the City of Alexandria ("Land Records"), and more particular described as follows:

Lots numbered 12 and 13, Block numbered 14, in a certain plat of lots called GROVES SUBDIVISION OF MT. IDA, as shown on Plat No. 1 thereof which is duly recorded among land records of Arlington County, Virginia, in Deed Book 120, at Page 202, together with all improvements thereunto belonging.

B. By Ordinance 4174 duly adopted by the Alexandria City Council on November 18, 2000 ("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 West Uhler Terrace public right-of-way on the application of an adjacent property owner and authorized Caples to purchase Outlot A of the vacated portion. A certified copy of the Ordinance certified by the City Clerk is attached hereto as Exhibit A and incorporated by reference.

C. The portion of the West Uhler Terrace right-of-way vacated pursuant to the Ordinance adjacent to the Caples Property which Caples is authorized to purchase, vacated pursuant to the Ordinance is more particularly described as follows:

Outlot A of the portion of West Uhler Terrace vacated by Ordinance 4174 and shown on plat titled: "Plat showing a vacated portion of UHLER TERRACE in Groves Subdivision of Mt. Ida, City of Alexandria", attached to the Ordinance.

(the "Vacated Parcel").

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

E. Caples executes and delivers this Deed of Vacation and Consolidation to consolidate the Caples Property and Vacated Parcel into one new parcel of land designated Lot Five Hundred (500) on plat of consolidation prepared by David L. Mayne, Land Surveyor, License No. 001925, dated March 5, 2001, titled: "Plat Showing Consolidation of Lots 12, 13 & Outlot "A", Block 14, Grove's Subdivision of Mt. Ida (Deed Book 120, Page 203-204, Deed Book 125, Page 182, Deed Book 188, Page 402) City of Alexandria, Virginia" (the "Plat of Consolidation") as required by Section 4(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 Caples, all that parcel of land vacated by the Ordinance and more particularly described as follows:

Outlot A of the portion of West Uhler Terrace vacated by Ordinance 4174 and shown on plat titled: "Plat showing a vacated portion of UHLER TERRACE in Groves Subdivision of Mt. Ida, City of Alexandria", attached to the Ordinance.

Execution and delivery of this Deed of Vacation shall constitute conclusive evidence of compliance of the conditions set forth in Section 1 and Section 4(1), (2), (3) (4) and (5) 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 the reservation of a continuance easement for pedestrian access designated "5' walkway easement" on the Plat of Consolidation and 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, Caples does hereby consolidate the Caples Property and the Vacated Parcel into one (1) new parcel of land designated Lot Five Hundred (500) on the Plat of Consolidation.

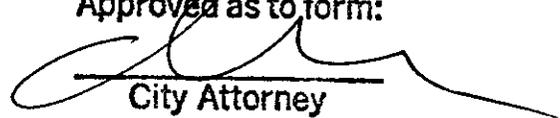
This Deed of Vacation and Consolidation is executed and delivered by Philip Sunderland, City Manager, and attested by the City Clerk and Cynthia B. Caples, Trustee, pursuant to the terms of the Ordinance.

CITY OF ALEXANDRIA  
a municipal corporation of the Commonwealth of  
Virginia

By:   
Philip Sunderland  
City Manager

ATTEST:

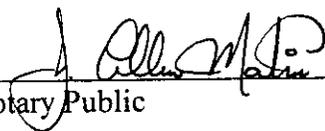
  
~~Beverly I. Jett, City Clerk, Deputy~~

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  
6<sup>th</sup> day of July, 2001 on behalf of the City.

  
Notary Public

My commission expires: APRIL 30, 2003

By: Cynthia B. Caples  
Cynthia B. Caples, Trustee

STATE OF Virginia :  
CITY/COUNTY OF Alexandria, to-wit;

Peoples' Republic of China )  
Province of Sichuan )  
City of Chengdu ) ss.  
Consulate General of the )  
United States of America }

I, the undersigned Notary Public, in and for the City and State aforesaid, do hereby certify that Cynthia B. Caples, whose name is signed to the foregoing Deed of Consolidation dated July, 10, 2001 has acknowledged the same before me.

Given under my hand and seal this 10 day of July, 2001.

Clay Adler (Seal)  
Notary Public

My Commission expires: indefinite

# RELEASE OF VACATION ORDINANCE AND PLAT

TO: BEVERLY JETT, CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

Vacation #2000-006 for the property located adjacent to 101 Uhler Terrace was approved by City Council on ~~October 14,~~ <sup>November 18,</sup> 2000, by Ordinance #4174.

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: October 3, 2000 Action: Recommend approval.
2. City Council - Public Hearing  
Date: October 14, 2000 Action: Approved.
3. City Council - First Reading of Ordinance  
Date: November 14, 2000 Action: Introduction and first reading.
4. City Council - Second Reading of Ordinance:  
Date: November 18, 2000 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 SEPT. 19, 2001 the applicant paid \$ 1,200.<sup>00</sup> to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments.  
Date: SEPT. 19, 2001 Approved by: J. Allen Martin
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. REF. NO. 02-48 (ATTACHED)  
Date: \_\_\_\_\_ Approved by: \_\_\_\_\_
8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.  
Date: 10/11/01 Approved by: Kathleen Ascatm

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.

#32 11/18/00

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. 4174 which was passed by the Alexandria City Council at its Public Hearing Meeting held on November 18, 2000.

Dated this 16th day of October 2001.

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

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B. Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

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

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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 7. 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 one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed

in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY  
Mayor

[Attachment: Vacation Plat]

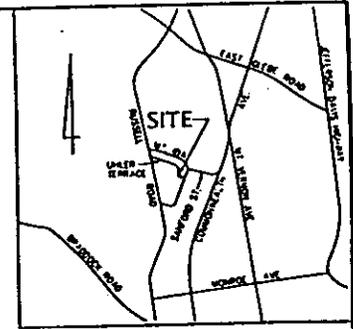
Final Passage: November 18, 2000

SYCAMORE STREET  
40' R/W

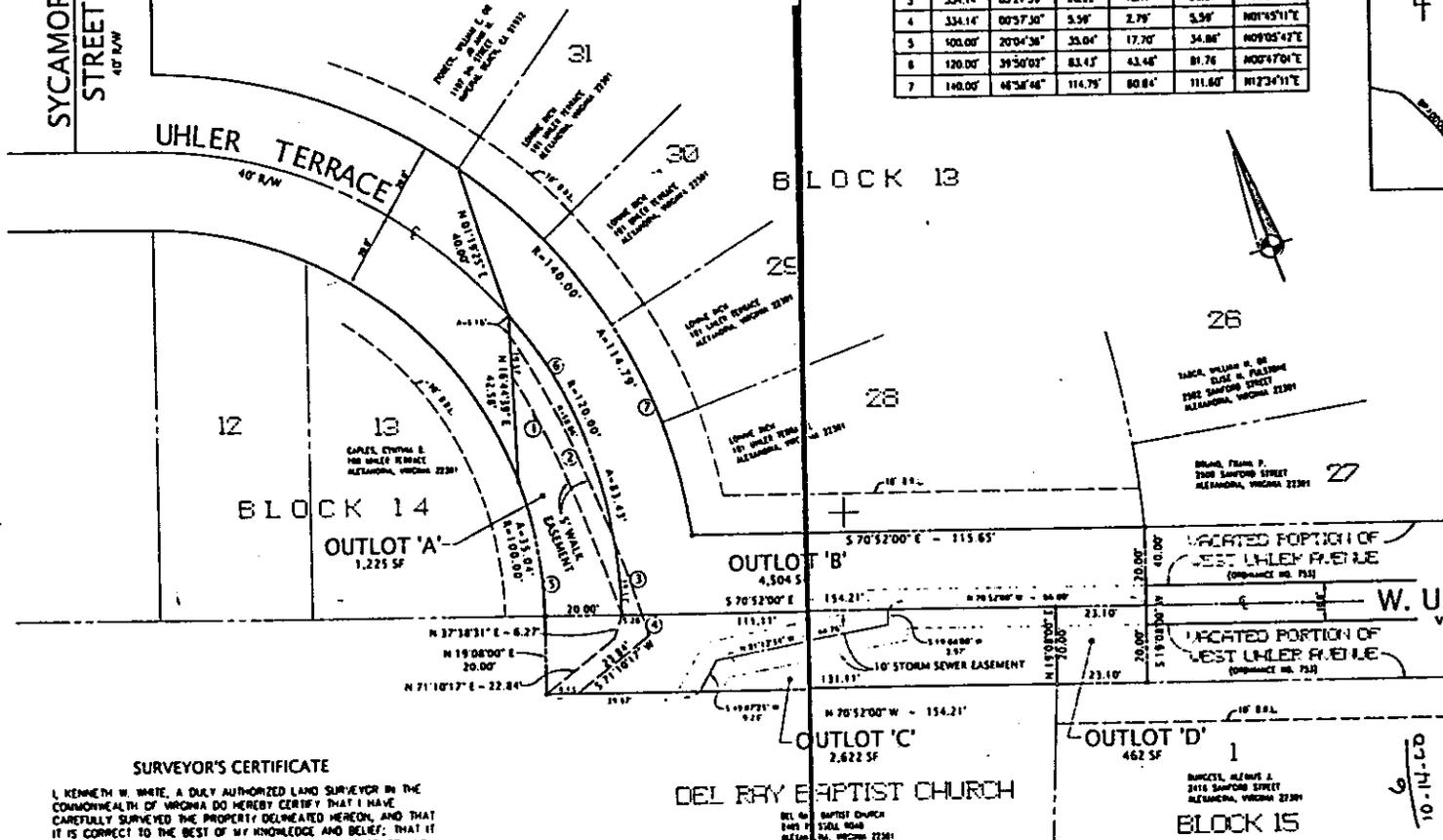
UHLER TERRACE  
40' R/W

CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	329.14'	11°40'13"	87.04'	33.84'	86.93'	N04°30'32"W
2	334.14'	10°05'39"	58.86'	29.51'	58.79'	N07°14'22"W
3	334.14'	03°27'50"	20.22'	10.11'	20.21'	N00°27'33"W
4	334.14'	00°57'30"	5.99'	2.79'	5.99'	N01°45'11"E
5	100.00'	20°04'36"	33.04'	17.70'	34.86'	N09°05'47"E
6	120.00'	39°50'03"	83.43'	43.48'	81.76'	N00°47'04"E
7	140.00'	48°58'46"	114.79'	60.84'	111.60'	N12°34'11"E



VICINITY MAP  
SCALE: 1" = 2000'



**SURVEYOR'S CERTIFICATE**

I, KENNETH W. WHITE, A DULY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRADDOCK TERRACE AND UHLER AVENUE) AS RECORDED IN DEED BOOK 120 AT PAGE 204 AMONG THE ARLINGTON COUNTY LAND RECORDS; AND IS WITHIN THE BOUNDARIES THEREOF.

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.

GIVEN UNDER MY HAND AND SEAL THIS 14th DAY OF AUGUST, 2000.



*Kenneth W. White*  
KENNETH W. WHITE..... L.S.

DEL RAY BAPTIST CHURCH  
DEL. CH. BAPTIST CHURCH  
2405 P. ST. SE  
ALEXANDRIA, VA. 22304

BURGETT, ALVIN J.  
2414 SAMPSON STREET  
ALEXANDRIA, VIRGINIA 22304



PLAT  
SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' AUGUST 14, 2000  
REVISED: OCTOBER 2, 2000

**NOTES:**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24-03-08 & 12 AND IS ZONED R-8.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NO TITLE REPORT FURNISHED.

VAC #2000-0006

ALEXANDRIA SURVEYS, INC.  
6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306

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 4174  
REFERENCE NO. 02-48

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 \_\_\_\_\_, 2001, by and between the **CITY OF ALEXANDRIA**, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and **CHRISTOPHER M. RHOADS, JR.** and **JANIE L. RHOADS**, husband and wife ("Rhoads"), Grantee.

### RECITALS

A. Rhoads are the owner of certain real property located at 2418 Sanford Street, City of Alexandria Tax Map Parcels 24.03, Block 12, Lot 13, being the property Rhoads acquired by Deed dated June 28, 2001, as Instrument 000018761 among the land records of the City of Alexandria ("Land Records"), and more particular described as follows:

Lot ONE (1), Block 15, of the Subdivision of MT. IDA, as the same appears duly dedicated, platted and recorded in Deed Book 125 at page 179 among the land records of Arlington County, Virginia.

("Rhoads Property")

B. By Ordinance 4174 duly adopted by the Alexandria City Council on November 18, 2000 ("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 West Uhler Terrace public right-of-way on the application of an adjacent property owner and authorized the owners of 2418 Sanford Street, Alexandria, Virginia 22301; Tim and/or Judi O'Brien, their successors or assigns, to purchase Outlot D of the vacated portion of West Uhler Terrace. A certified copy of the Ordinance certified by the City Clerk is attached hereto as Exhibit A and incorporated by reference.

C. Rhoads acquired the Rhoads Property from Tim and Judi O'Brien.

D. The portion of the West Uhler Terrace right-of-way vacated pursuant to the Ordinance adjacent to the Rhoads Property which Rhoads are authorized to purchase, vacated pursuant to the Ordinance is more particularly described as follows:

Outlot D of the portion of West Uhler Terrace vacated by Ordinance 4174 and shown on plat titled: "Plat showing a vacated portion of UHLER TERRACE in Groves Subdivision of Mt. Ida, City of Alexandria", attached to the Ordinance.

(the "Vacated Parcel").

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

F. Rhoads executes and delivers this Deed of Vacation and Consolidation to consolidate the Rhoads 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 August 2, 2001, titled: "Plat Showing A Consolidation of Lot 1, Block 15, Grove's Subdivision of Mt. Ida and A Vacated Portion of WEST UHLER AVENUE (Ordinance # 753) and Outlot "D" of a Vacated Portion of UHLER TERRACE (Ordinance # 4174) (Instrument No. 000018761), City of Alexandria, Virginia" (the "Plat of Consolidation") as required by Section 4(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 Rhoads 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:

Outlot D of the portion of West Uhler Terrace vacated by Ordinance 4174 and shown on plat titled: "Plat showing a vacated portion of UHLER TERRACE in Groves Subdivision of Mt. Ida, City of Alexandria", attached to the Ordinance.

Execution and delivery of this Deed of Vacation shall constitute conclusive evidence of compliance of the conditions set forth in Section 1 and Section 4(1), (2), (3), (4) and (5) 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**

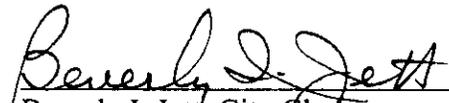
NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and of the receipt and sufficiency of which is hereby acknowledged and of the Recitals which are deemed a material and substantive part of this Deed, Rhoads do hereby consolidate the Rhoads Property and the Vacated Parcel into 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 and Rhoads, pursuant to the terms of the Ordinance.

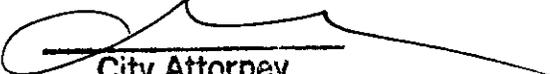
CITY OF ALEXANDRIA  
a municipal corporation of the Commonwealth of  
Virginia

By:   
Philip Sunderland  
City Manager

ATTEST:

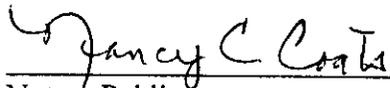
  
Beverly I. Jett, City Clerk

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  
1<sup>st</sup> day of October, 2001 on behalf of the City.

  
Notary Public

My commission expires: 12-31-04

By: \_\_\_\_\_  
Christopher M. Rhoads, Jr., Trustee

By: \_\_\_\_\_  
Janie L. Rhoads, Trustee

STATE OF \_\_\_\_\_:  
CITY/COUNTY OF \_\_\_\_\_, to-wit;

I, the undersigned Notary Public, in and for the City and State aforesaid, do hereby certify that Christopher M. Rhoads, Jr., Trustee, whose name is 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: \_\_\_\_\_

STATE OF \_\_\_\_\_:  
CITY/COUNTY OF \_\_\_\_\_, to-wit;

I, the undersigned Notary Public, in and for the City and State aforesaid, do hereby certify that Janie L. Rhoads, Trustee, whose name is 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: \_\_\_\_\_

Docket Item #5  
VACATION #2000-0006

Planning Commission Meeting  
October 3, 2000

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

**APPLICANT:** Lonnie Rich

**LOCATION:** 101 Uhler Terrace

**ZONE:** R-8/Single-family zone

---

**CITY COUNCIL ACTION, OCTOBER 14, 2000:** City Council approved the Planning Commission recommendation. The Mayor subsequently appointed Judy Lowe as Chair, and Amoret Bunn and Ruby Fitzgerald as Viewers.

**PLANNING COMMISSION ACTION, OCTOBER 3, 2000 :** On a motion by Ms. Fossum, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

Lonnie Rich, applicant, presented a revised plat showing the proposed location of an easement to provide pedestrian access to the parking lot of the Del Ray Baptist Church. He stated that new purchasers of a residence on Sanford Street that abuts a portion of the land proposed to be vacated have expressed to him an interest in acquiring that land themselves and that he has no opposition to it. He stated that the Church has sent him a letter, which he submitted to staff, indicating that it has no interest in the land adjacent to its property.

No one spoke in opposition to the applicant's request.

STAFF RECOMMENDATION:

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 lots, and the plat of consolidation filed with Planning and Zoning. (T&ES) (P&Z)
2. The applicant shall submit to the Directors of Planning and Zoning and Transportation and Environmental Services letters from adjoining property owners indicating that they have no interest in establishing their rights to the area to be vacated. After the Directors have received these letters, the applicant may submit a plat and deed of consolidation for review by the City and recording as required by Condition #1. (P&Z) (T&ES)
3. 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)
4. Easements shall be retained for all public and private utilities located within the vacated street right-of-way. (T&ES)
5. The applicant shall provide an easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church to the satisfaction of the Director of Planning and Zoning. (P&Z)

DISCUSSION:

1. The applicant, Lonnie Rich, requests vacation approval for a portion of the public right-of-way at 101 Uhler Terrace.
2. The applicant resides adjacent to the land to be vacated. The residence at 101 Uhler Terrace is one lot of record with approximately 114 feet of frontage on Uhler Terrace, approximately 115 feet of depth and a total lot area of approximately 8,467 square feet. The site is developed with a two story single family residence.

To the north, east and west of the applicant's residence are single family residences. To the south is the Del Ray Baptist Church.

3. The applicant requests a vacation of approximately 8,813 square feet of Uhler Terrace located immediately to the south and west of his residence (see attached plat). This area is currently the terminus of Uhler Terrace. A portion of the city right-of-way adjacent to the applicant's residence is paved; the remainder of the land is unimproved.

The applicant seeks a vacation in order to remove the existing asphalt and to regrade the area in order to redirect the flow of storm water into the existing storm sewer inlet rather than onto the applicant's property. According to the applicant, his residence has been flooded three times in the past year.

4. An unimproved foot path exists between the area to be vacated and the rear parking lot of the Del Ray Baptist Church. The applicant has advised staff that he has no desire to limit pedestrian access to the foot path and would support an easement to allow access to the Church property if desired by the City or by area residents.
5. Master Plan/Zoning: The subject property is zoned R-8/Single-family zone, and is located in the Potomac West small area plan chapter of the Master Plan.

STAFF ANALYSIS:

Staff has no objection to the applicant's request for a vacation of right of way adjacent to 101 Uhler Terrace. Staff notes that the residences that abut the area to be vacated do not use this land for vehicular access to their lots. In addition, staff notes that all but a ten foot strip of West Uhler Avenue that abuts this land was previously vacated, effectively prohibiting the connection of the two streets. T&ES staff have no objection to the vacation but have included several recommendations requiring the applicant 1) to provide evidence that other adjoining property owners are not interested in establishing their rights to the area to be vacated, 2) to pay fair market value for the vacated street right-of-way, and 3) to allow the retention of easements for all public and private utilities located within the area to be vacated. Planning staff recommends that the applicant provide an easement allowing pedestrian access from Uhler Terrace to the foot path and has included a condition to this effect. With these conditions, staff recommends approval of the vacation.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning; Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Applicant must provide proof that other property owners adjoining the proposed vacation area are not interested in establishing their rights to the vacated street right-of-way.
- R-2 Applicant shall pay fair market value for the vacated street right-of-way, as determined by the director of Real Estate Assessments.
- R-3 Easements must be retained for all public and private utilities located within the vacated street right-of-way.
- R-4 The vacated area shall be consolidated with the existing lots.

Code Enforcement:

- F-1 No comments.

Police Department:

- F-1 No objections.

Historic Alexandria (Archaeology):

- F-1 No comments.

Recreation, Parks, Cultural Activities (Arborist):

- F-1 No comments.

Real Estate Assessments:

See attached memorandum.

ORDINANCE NO. 4174

AN ORDINANCE to vacate a part of the public street right-of-way in front of 101 Uhler Terrace, in the City of Alexandria, Virginia.

WHEREAS, Lonnie Rich ("Applicant"), the owner of the property at 101 Uhler Terrace in the City of Alexandria, Virginia, has applied for the vacation of four parcels, referred to herein as Outlot A, Outlot B, Outlot C and Outlot D, totaling 8, 813 square feet, which are adjacent to applicant's property and the property of others in the vicinity of 101 Uhler Terrace; and

WHEREAS, the outlot parcels are shown on the plat prepared by Kenneth W. White and dated August 14, 2000 ("Plat") (attached hereto); and

WHEREAS, the vacation has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings; 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, viewers, Judith L. Lowe, Chair; Ruby FitzGerald and Amoret Bunn, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, and have made their report in conjunction with this vacation; 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 abutting owner, unless such owner has elected not to purchase the abutting portion of right-of-way, in which case the applicant may do so; and

WHEREAS, the Del Ray Baptist Church has elected not to purchase the portion of right-of-way abutting its property, Outlot C, and the applicant has agreed to do so; and

WHEREAS, in consideration of the report of the viewers recommending the vacation, of other evidence relative thereto and of compliance with the conditions set forth in this ordinance for \$10,800, the Council of the City of Alexandria has concluded that 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 Outlot A shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot A be purchased by Cynthia B. Caples, 100 Uhler Terrace, Alexandria, Va. 22301, or her successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$3,200.

Section 2. That Outlots B and C shown on the Plat be, and the same hereby are vacated, provided that the said Outlots B and C be purchased by the applicant, or his successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$8,600.

Section 3. That Outlot D shown on the Plat be, and the same hereby is, vacated, provided that the said Outlot D be purchased by Tim and/or Judy O'Brian, 2418 Sanford Street, Alexandria, Va. 22301, or their successors in interest, within 12 months of the effective date of this ordinance, for the sum of \$1,200.

Section 4. That the vacations made and provided by the preceding sections of this ordinance be, and the same hereby are, subject the conditions set forth below:

(1) The vacated right-of-way shall be consolidated with the existing abutting lots, and the plat of consolidation filed with the director of planning and zoning.

(2) A continuous easement for pedestrian access from Uhler Terrace to the existing foot path adjacent to the parking lot of the Del Ray Baptist Church shall be provided to the satisfaction of the director of planning and zoning.

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

(4) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within the 12 month period specified, the applicant may purchase the affected outlot within 6 months of the expiration of such 12 month period.

(5) In the event one or more of the vacations provided for in the preceding sections of this ordinance have not been completed by recordation of a deed within 18 months of the effective date of this ordinance, the vacation and this ordinance shall be void as to any such outlot.

Section 5. 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 6. 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 7. 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 one or more of the outlots vacated by this ordinance to a purchaser. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance as to the outlot or outlots so conveyed. Such deed shall be recorded and indexed

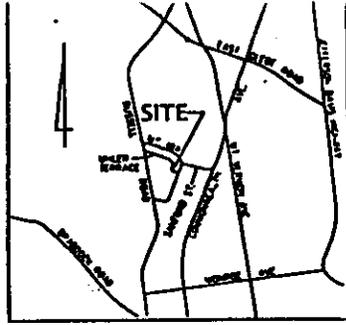
in the name of the City of Alexandria, as grantor, and the purchaser as grantee, and such recordation shall be done by the grantee at his or her own expense.

KERRY J. DONLEY  
Mayor

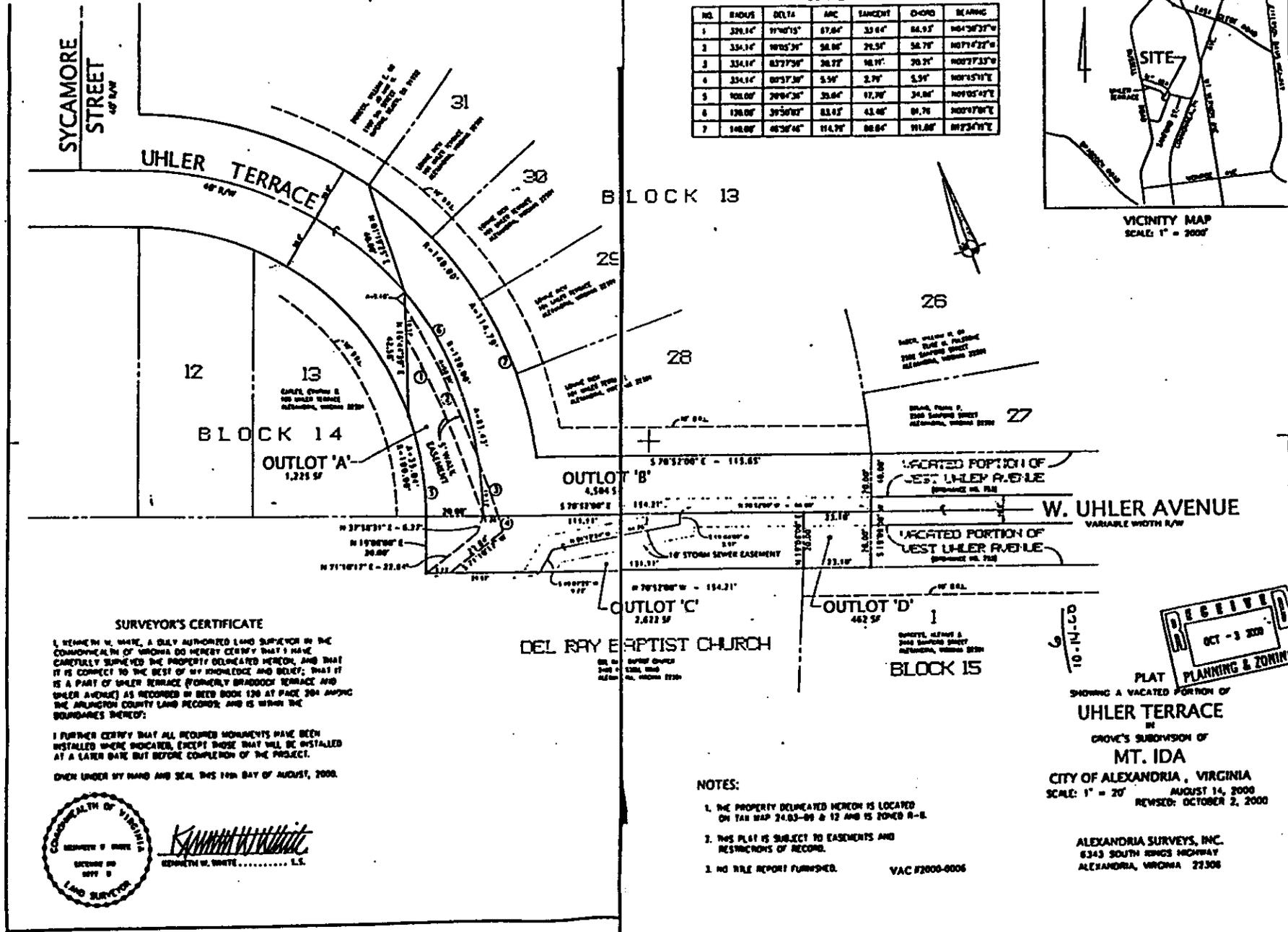
[Attachment: Vacation Plat]

Final Passage: November 18, 2000

NO.	CHORD	DELTA	ARC	SANQUET	CHORD	BEARING
1	329.14'	17°40'15"	87.84'	33.64'	86.93'	N64°30'37"W
2	334.14'	18°05'30"	88.86'	29.51'	86.79'	N67°42'27"W
3	334.14'	83°77'30"	26.27'	18.71'	28.21'	N02°17'13"W
4	334.14'	80°57'30"	3.59'	2.79'	3.59'	N05°51'17"E
5	102.00'	78°04'30"	23.64'	17.79'	34.84'	N09°05'47"E
6	126.00'	39°50'00"	83.83'	43.46'	81.76'	N00°17'07"E
7	148.00'	48°30'46"	114.79'	66.64'	111.86'	N73°04'17"E



VICINITY MAP  
SCALE: 1" = 200'



**SURVEYOR'S CERTIFICATE**

I, KENNETH W. WHITE, A QUALY AUTHORIZED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED HEREON, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PART OF UHLER TERRACE (FORMERLY BRADDOCK TERRACE AND UHLER AVENUE) AS RECORDED IN DEED BOOK 126 AT PAGE 304 AMONG THE ARLINGTON COUNTY LAND RECORDS, AND IS WITHIN THE BOUNDARIES THEREOF;

I FURTHER CERTIFY THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED, EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.

DONE UNDER MY HAND AND SEAL THIS 14TH DAY OF AUGUST, 2000.



*Kenneth W. White*  
KENNETH W. WHITE..... L.S.

DEL RAY EPYPTIST CHURCH

**NOTES:**

1. THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX MAP 24.03-09 & 12 AND IS ZONED R-8.
2. THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. NO FILE REPORT FURNISHED. VAC #2000-0006



PLAT  
SHOWING A VACATED PORTION OF  
**UHLER TERRACE**  
IN  
GROVE'S SUBDIVISION OF  
**MT. IDA**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'      AUGUST 14, 2000  
REVISED: OCTOBER 2, 2000

ALEXANDRIA SURVEYS, INC.  
8345 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306