

20  
11-17-01

~~17~~  
~~11-13-01~~

Introduction and first reading:	11/13/01
Public hearing:	11/17/01
Second reading and enactment:	11/17/01

### INFORMATION ON PROPOSED ORDINANCE

#### Title

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

#### Summary

The purposed ordinance vacates a 15 by 20 foot strip of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

#### Sponsor

#### Staff

Eileen P. Fogarty, Director, Planning and Zoning  
Ignacio B. Pessoa, City Attorney

#### Authority

§ 2.03, Alexandria City Charter  
§ 15.2-2008, Code of Virginia (1950), as amended

#### Estimated Costs of Implementation

None

#### Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

20  
11-17-01

17  
~~11-13-01~~

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

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

WHEREAS, Paul I. Kaplan ("Applicant"), the owner of the property at 109 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a strip of the public right-of-way adjacent to the Applicant's property, of approximately 15 by 20 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, 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 portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, John Hines, Chair; Ross Bell and Lee Roy Steele, 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 strip of the public street right-of-way to be vacated 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 a 15 by 20.07 foot strip of the public right-of-way adjacent to 109 Franklin Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

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

- (3) The Applicant shall pay the City the sum of \$ 5,800 for the vacated property.
- (4) An easement shall be retained for the existing public sidewalk.
- (5) No curb cuts or off-street parking shall be permitted within the vacated area.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. 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 the Applicant as grantee, and such recordation shall be done by the grantee at his own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Introduction: 11/13/01

First Reading: 11/13/01

Publication: 11/15/01

Public Hearing: 11/17/01

Second Hearing: 11/17/01

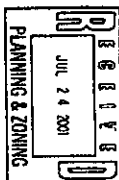
Final Passage:

NOTE:  
1. THIS PROPERTY IS LOCATED ON TAX  
ASSESSMENT MAP NO. 86-01-38



*George M. Quinn*  
GEORGE M. QUINN  
15

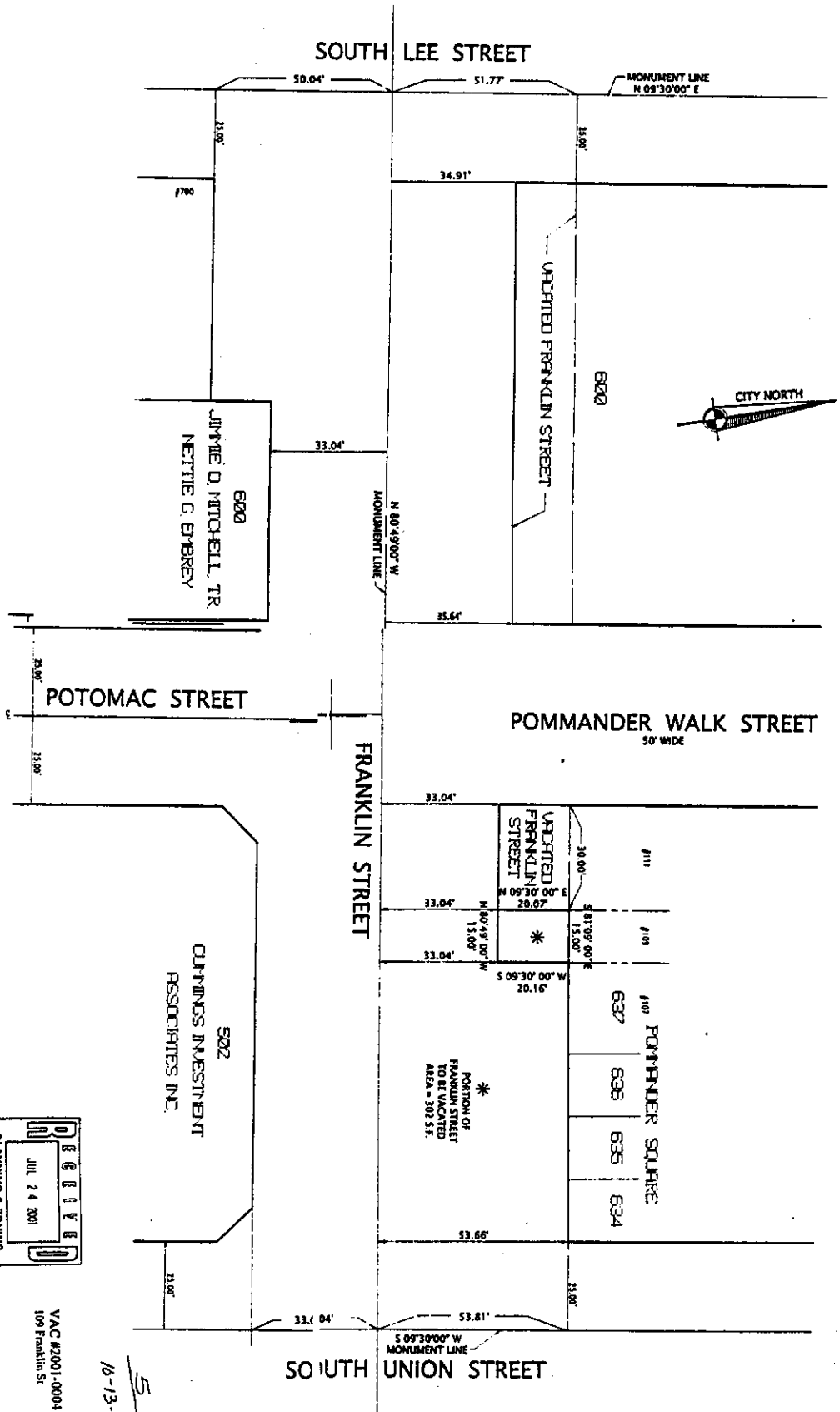
CERTIFIED CORRECT:



VAC #2001-0004  
109 Franklin St

16-13-01

PLAT  
SHOWING A VACATION OF A PORTION OF  
**FRANKLIN STREET**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
JUNE 15, 2001  
ALEXANDRIA SURVEY INTERNATIONAL, LLC  
6143 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306  
703-660-5815  
FAX: 703-576-1764



## ORDINANCE NO. 4227

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

WHEREAS, Paul I. Kaplan ("Applicant"), the owner of the property at 109 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a strip of the public right-of-way adjacent to the Applicant's property, of approximately 15 by 20 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, 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 portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, John Hines, Chair; Ross Bell and Lee Roy Steele, 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 strip of the public street right-of-way to be vacated 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 a 15 by 20.07 foot strip of the public right-of-way adjacent to 109 Franklin Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

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

- (3) The Applicant shall pay the City the sum of \$ 5,800 for the vacated property.
- (4) An easement shall be retained for the existing public sidewalk.
- (5) No curb cuts or off-street parking shall be permitted within the vacated area.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

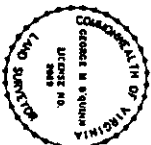
Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. 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 the Applicant as grantee, and such recordation shall be done by the grantee at his own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Final Passage: November 17, 2001

**NOTE:**  
1. THIS PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO. 00.01-36.



**CERTIFIED CORRECT:**

George M. O'Donnell  
GEORGE M. O'DONNELL . . . . . 15

SHOWING A VACATION OF A PORTION OF  
**FRANKLIN STREET**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
JUNE 15, 2001

6343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22306  
703-660-6615  
FAX 703/9768-7764

# 343 · 01

VAC #2001-0004  
109 Franklin St

5  
16-13-01

PLAT

SHOWING A VACATION OF A PORTION OF  
**FRANKLIN STREET**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20'  
JUNE 15, 2001

ERIC  
Full Text Provided by ERIC  
JUL 24 2001

SOUTH LEE STREET

— MONUMENT LINE  
N 09°30'00" E

CITY NORTH

POMMANDER WALK STREET  
50' WIDE

FRANKLIN STREET

SOUTH UNION STREET

800  
JIMMIE D. MITCHELL, TR.  
NETTIE C. EMBREY

502  
CURTAINS INVESTMENT  
RESOURCES INC.

μm	PORTLAND CEMENT	SOURCE
637	635	634

\*  
PORTION OF  
FRANKLIN STREET  
TO BE VACATED  
AREA - 302 S.F.

20, 11/17/01

## RELEASE OF VACATION ORDINANCE AND PLAT

TO: BEVERLY JETT, CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

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Vacation # 2001-0004 for the property located at 109 Franklin Street was approved by City Council on October 13, 2001.  
by Ordinance #4227, *finally passed on November 17, 2001.*

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 2, 2001 Action: Recommend Approval

2. City Council - Public Hearing

Date: October 13, 2001 Action: Approved

3. City Council - First Reading of Ordinance

Date: October 13, 2001 Action: Introduction and First Reading

4. City Council - Second Reading of Ordinance:

Date: October 13, 2001 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 JUNE 6, 2002 the applicant paid \$ 5,800 to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments.

Date: JUNE 6, 2002 Approved by: [Signature]

6. Board of Architectural Review: The applicant has complied with all applicable requirements by the Board of Architectural Review.

Date: \_\_\_\_\_ Approved by: \_\_\_\_\_

7. City Attorney: On \_\_\_\_\_, the deed of vacation was reviewed and signed by the City Manager to vacate the subject property.

Date: 6-10-02 Approved by: [Signature]

8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.

Date: 6.26.02 Approved by: Mary W. Hershman

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

This Deed of Vacation made and executed this \_\_\_\_ day of \_\_\_\_\_, 2002, by and between the CITY OF ALEXANDRIA, a municipal corporation of the Commonwealth of Virginia ("City"), Grantor, and PAUL I. KAPLAN ("Kaplan"), Grantee.

### RECITALS

A. Kaplan is the owner of certain real property located at 109 Franklin Street, City of Alexandria Tax Map Parcel 81.02, Block 02, Lot 37, being the property Kaplan acquired by Deed dated November 21, 1978, among the land records of the City of Alexandria ("Land Records"), in Deed Book 1250, page 642, and more particular described as follows:

All that certain lot or parcel of land located in the City of Alexandria, Virginia, more particularly described as follows: Known as 109 Franklin Street: Beginning at a point on the North side of Franklin Street 80 feet West of Union Street, and running thence West with Franklin Street 15 feet; thence North 83 feet 3 ½ inches to alley supposed to be five feet wide; thence East parallel with Franklin Street 15 feet; thence South 85 feet 3 ½ inches to the beginning: TOGETHER WITH A RIGHT-OF-WAY OVER SAID ALLEY TO POTOMAC STREET.

(the "Kaplan Property")

B. By Ordinance 4227 duly adopted by the Alexandria City Council on November 17, 2001 ("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 Franklin Street public right-of-way on Kaplan's application, and authorized Kaplan, to purchase the vacated portion of Franklin Street. A copy of the Ordinance certified by the City Clerk is attached hereto as Exhibit A and incorporated by

reference.

C. The portion of the Franklin Street right-of-way vacated pursuant to the Ordinance adjacent to the Kaplan Property which Kaplan are authorized to purchase, vacated pursuant of the Ordinance is more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Franklin Street, 53.11 feet from the monument line thereof and 30.00 feet south of the easterly right-of-way line of Pommander Walk Street; thence running with the northerly right-of-way of Franklin Street S81°09'00"E 15.00 feet to the southwest corner of Lot 637, Pommander Square; thence running through the right-of-way of Franklin Street S09°30'00"W 20.16 feet to a point and N80°49'00"W 15.00 feet to the southeast corner of a portion of Franklin Street N09°30'00"E 20.07 feet to the point of beginning, containing 302 square feet.

(the "Vacated Parcel").

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

#### 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, City does hereby grant and convey, with General Warranty, unto Kaplan all that parcel of land vacated by the Ordinance and more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Franklin Street, 53.11 feet from the monument line thereof and 30.00 feet south of the easterly right-of-way line of Pommander Walk Street; thence running with the northerly right-of-way of Franklin Street S81°09'00"E 15.00 feet to the southwest corner of Lot 637, Pommander Square; thence running through the right-of-way of Franklin Street S09°30'00"W 20.16 feet to a point and N80°49'00"W 15.00 feet to the southeast corner of a

portion of Franklin Street N09°30'00"E 20.07 feet to the point of beginning, containing 302 square feet.

Execution and delivery of this Deed of Vacation shall constitute conclusive evidence of compliance of the conditions set forth in Section 2 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.


This Deed of Vacation is executed and delivered by Philip Sunderland, City Manager, and attested by the City Clerk on behalf of City pursuant to due and proper authority and, 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 on this 24 day of June, 2002 by  
Philip Sunderland, City Manager of the City of Alexandria, on behalf of the City.

Jane C Coats  
Notary Public

My commission expires: 12-31-04

## DEED OF CONSOLIDATION

This Deed of Consolidation ("Deed") dated the \_\_\_\_\_ day of March, 2002, by and between **PAUL I. KAPLAN**, ("Kaplan"). Kaplan is Grantor and Grantee for indexing purposes.

### RECITALS

A. Kaplan is the owner of certain real property located at 109 Franklin Street, City of Alexandria Tax Map Parcel 81.02, Block 02, Lot 37, being the property Kaplan acquired by Deed dated November 21, 1978, among the land records of the City of Alexandria ("Land Records"), in Deed Book 1250, page 642, and more particular described as follows:

All that certain lot or parcel of land located in the City of Alexandria, Virginia, more particularly described as follows: Known as 109 Franklin Street: Beginning at a point on the North side of Franklin Street 80 feet West of Union Street, and running thence West with Franklin Street 15 feet; thence North 83 feet 3 ½ inches to alley supposed to be five feet wide; thence East parallel with Franklin Street 15 feet; thence South 85 feet 3 ½ inches to the beginning: TOGETHER WITH A RIGHT-OF-WAY OVER SAID ALLEY TO POTOMAC STREET.

(the "Kaplan Property")

B. By Deed of Vacation dated the \_\_\_\_\_ day of \_\_\_\_\_, 2002, recorded as Instrument No. \_\_\_\_\_ among the Land Records of the City of Alexandria conveyed Kaplan was a portion of the Franklin Street right-of-way containing three hundred two (302) square feet of land vacated pursuant to Ordinance 4227 ("Ordinance") duly adopted by the Alexandria City Council, and more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Franklin Street, 53.11 feet from the monument line thereof and 30.00 feet south of the easterly right-of-way line of Pommander Walk Street; thence running with the northerly right-of-way of Franklin Street S81°09'00"E 15.00 feet to the southwest corner of Lot 637, Pommander Square; thence running through the right-of-way of Franklin Street S09°30'00"W 20.16 feet to a point and N80°49'00"W 15.00 feet to the southeast corner of a portion of Franklin Street N09°30'00"E

20.07 feet to the point of beginning, containing 302 square feet.

(the "Vacated Parcel").

C. By Deed of Vacation and Easement Agreement dated February 28, 2002, recorded as Instrument No. 02000011483 among the Land Records of the M&M Real Estate, L.L.C., a Virginia limited liability company ("M&M") and Kaplan vacated conveyed Kaplan all its rights, title and interest in and to a portion of a Five (5') foot private alley and right-of-way containing Seventy-five (75) square feet of land abutting the rear of the Kaplan Property. And M&M conveyed Kaplan all its rights, title and interest in and to land located in the vacated portion of the Five (5') alley at vacated, and more particularly described as follows:

Beginning at a point on the southerly line of a five foot wide alley leading to Pommander Walk Street, point of beginning lying 30.00 feet east of Pommander Walk Street and being the northeast corner of the property located at 111 Franklin Street; thence running through the five foot wide alley N09°30'00"E 5.00 feet to a point in the southerly line of Lot 629, Pommander Square; thence running with a line common to Lot 629 S81°09'00"E 15.00 feet to a corner common to Lot 631, Pommander Square; thence running with a line common to Lot 631, S09°30'00"W 5.00 feet to a point; thence running N81°09'00"W 15.00 feet to the point of beginning, containing 75 square feet.

(the "Vacated Portion of the Five (5") foot Alley").

C. In accordance with the provisions of Section 2(b) of the Ordinance, Kaplan is required to consolidate the Kaplan Property and the Vacated Parcel into one (1) consolidated parcel of land and desires to consolidate the Vacated Portion of the Five (5') Alley into the consolidated lot in accordance with the Plat of Consolidation prepared by George M. O'Quinn, Land Surveyor, License No. 2069, dated February 28, 2002, stamped "Plat Showing Lot 501 Being a Consolidation of the Parcel Known as 109 Franklin Street, a Vacated Portion of Franklin Street, and a Vacated Portion of a Five (5') Alley City of Alexandria" (the "Plat of Consolidation").

D. Kaplan executes this Deed to consolidate the Kaplan Property , the Vacated Parcel and the Vacated Portion of the Five (5') Alley..

**WITNESS**

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, Kaplan does hereby consolidate the Kaplan Property, the Vacated Parcel and the Vacated Portion of the Five (5') Alley into one (1) consolidated parcel of land designated Lot Five Hundred One (501) on the Consolidation Plat.

WITNESS the following signature and seal.

\_\_\_\_\_  
Paul I. Kaplan

STATE OF VIRGINIA                    )  
  ) to-Wit:  
CITY OF ALEXANDRIA                 )

The foregoing has been acknowledged before me this \_\_\_\_\_ day of March, 2002, by Paul I. Kaplan.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

U:\Beth\data\re\Kaplan-Consolidation.Deed.wpd

Docket Item # 8  
VACATION #2001-0004

Planning Commission Meeting  
October 2, 2001

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

**APPLICANT:** Paul I. Kaplan  
by Duncan W. Blair, attorney

**LOCATION:** 109 Franklin Street

**ZONE:** RM/Townhouse Zone

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**CITY COUNCIL ACTION, OCTOBER 13, 2001:** City Council approved the Planning Commission recommendation. Messrs. John Hines, chair, Ross Bell and Lee Roy Steele were appointed as viewers.

**PLANNING COMMISSION ACTION, OCTOBER 2, 2001:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

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





10/02/01

VAC #2001-0004



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 adjoining property by recording a plat and deed of consolidation in the land records of the City of Alexandria, VA. (T&ES)
2. The applicant shall pay for the area to be vacated per City Council action of December 12, 1987. The Director of the Department of Real Estate Assessments has estimated the fair market value of the fee simple interest in the proposed area to be vacated (302 square feet of land) at \$5,800. (REA)
3. The applicant shall reserve an easement for the public sidewalk. (P&Z)
4. The applicant shall reserve easements for all existing public and private utilities within the area to be vacated. (T&ES)
5. No curb cuts or off-street parking shall be provided within the vacated area. (P&Z)

DISCUSSION:

1. The applicant, Mr. Paul I. Kaplan, represented by Mr. Duncan Blair, requests vacation approval for a portion of the public right-of-way located adjacent to 109 Franklin Street.
2. The subject property is a public right-of-way that abuts the applicant's property. His property is one lot of record with 15 feet of frontage on Franklin Street, a lot depth of 83 feet, and a total lot area of approximately 1,245 square feet. The site is developed with a two-story wood frame residential building. The property is located within the Old and Historic Alexandria District.
3. The applicant requests a vacation of approximately 302 square feet of Franklin Street located immediately to the south of the existing building (see attached plat). If the vacation request is approved, the private lot at 109 Franklin Street will extend to the south an additional 20.16 feet. The applicant's attorney advised staff that the applicant has no immediate plans to build upon the vacated area.
4. Master Plan/Zoning: The subject property is zoned RM/Townhouse, and is located in the Old Town Small Area Plan.
5. The City Council adopted a policy in 1979 stating that the vacation of the public right-of-way along Franklin Street be done individually as requested by the adjacent property owners (Ordinance #2425). Since that time, the City Council has approved some requests for vacations and denied others. Most recently in 1999, City Council granted a request by Michelle Boggs at 111 Franklin Street for a vacation of 599 square feet immediately adjacent to the subject site (VAC 99-008).

STAFF ANALYSIS:

Staff supports the applicant's request for a vacation of the public right-of-way located adjacent to 109 Franklin Street, and notes that the proposed vacation request is similar to other vacations that the City Council has previously granted along Franklin Street. Most recently City Council granted a similar request for Michelle Boggs, the owner of the lot immediately adjacent to the subject site. The proposed vacation will leave 66 feet of public right-of-way as required by the 1979 ordinance. Finally, the vacation will not interfere with public use of the sidewalk, traffic or other public uses along Franklin Street, as the requested land is currently used as a front yard for the applicant's residence and has a public sidewalk.

However, staff is concerned about the potential use of the front yard for off-street parking. Staff has visited the site and observed that the subject property has no off-street parking. Although the applicant's attorney has indicated to staff that the applicant has no plans for construction in the vacated area, staff is concerned that future owners may want to provide off-street parking spaces in the front yard. Although the zoning ordinance prohibits new curb cuts within the Old and Historic Alexandria District, an applicant could seek approval for a curb cut through the variance process.

Staff is concerned about a curb cut in the vacated area for several reasons. The subject lot is only 15 wide and the standard 10 foot curb cut would consume the majority of the street frontage. In addition, staff has observed that curb cuts and driveways are not the predominant development pattern of residential property fronting Franklin Street from South Union to Washington Streets. Few curb cuts and driveways interrupt the length of front yards maintained along Franklin Street in this area. Though the block in which the subject property is located is unique when compared to the remainder of Franklin Street in that all but one of its lots has curb cuts, staff does not support the conversion of green open front yards for parking. In fact, the subject right-of-way and its existing landscaping provide the only relief in this block face.

Therefore, staff supports the applicant's request for vacation so long as the vacated area remains open and free of parking spaces and curb cuts.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning  
Barbara Ross, Deputy Director  
Mary Hashemi, Urban Planner

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-2 Easements must be reserved for all existing public and private utilities within the area to be vacated.

R-3 The vacated area shall be consolidated into the adjoining property.

Code Enforcement:

F-1 No comments.

Police Department:

F-1 No objections.

Historic Alexandria (Archaeology):

F-1 No comments.

Recreation, Parks & Cultural Activities (Arborist):

No comments were received from this department.

Real Estate Assessments:


- R-1 The Director of the Department of Real Estate Assessments has estimated the fair market value of the fee simple interest in the proposed area to be vacated (302 square feet of land) at \$5,800.

Commentary: The recommendation by T&ES that the applicant pay for the area to be vacated per City Council action of June 12, 1982 (at a rate of is \$33.63 per square foot of are to be vacated as of July 1, 2001) is inconsistent with current practice. City Council adopted a general process for estimating the fair market value of right-of-way to be vacated on December 12, 1987, after holding a public hearing on the matter on November 10, 1987. The process adopted applies to all locations throughout the City where public right-of-ways may be vacated. All findings and recommendations as to the valuation of right-of-way to be vacated should generally come from the Department of Real Estate Assessments or from an appraisal provided by the applicant or abutting property owner.

# 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. 4227 which was passed by the Alexandria City Council at its Public Hearing Meeting held on November 17, 2001.

Dated this 26th day of June 2002.

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

ORDINANCE NO. 4227

AN ORDINANCE to vacate a part of the public street right-of-way in front of 109 Franklin Street, in the City of Alexandria, Virginia.

WHEREAS, Paul I. Kaplan ("Applicant"), the owner of the property at 109 Franklin Street in the City of Alexandria, Virginia, has applied for the vacation of a strip of the public right-of-way adjacent to the Applicant's property, of approximately 15 by 20 feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, 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 portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, John Hines, Chair; Ross Bell and Lee Roy Steele, 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 strip of the public street right-of-way to be vacated 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 a 15 by 20.07 foot strip of the public right-of-way adjacent to 109 Franklin Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

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



- (3) The Applicant shall pay the City the sum of \$ 5,800 for the vacated property.
- (4) An easement shall be retained for the existing public sidewalk.
- (5) No curb cuts or off-street parking shall be permitted within the vacated area.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. 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 the Applicant as grantee, and such recordation shall be done by the grantee at his own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Final Passage: November 17, 2001

