

EXHIBIT NO. 1

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5-15-10 ~~11~~
~~5-11-10~~

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Introduction and first reading: 5/11/10
Public hearing: 5/15/10
Second reading and enactment: 5/15/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public right-of-way at the terminus of Uhler Terrace (VAC No. 2006-0001).

Summary

The proposed ordinance vacates a 692 square foot portion of the right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace (and currently maintained by the owner of 100 Uhler Terrace), subject to payment to the City of \$5,100.00, and restrictions on the use and development of the vacated land and adjacent lot. The vacation of this small area of public right-of-way results in a more regularly shaped lot. This ordinance was previously approved by Council on March 13, 2008, but requires reenactment. A condition of the prior ordinance required that a deed be recorded within 18 months of passage, or else the ordinance would be null and void. Unfortunately, due to a number of unforeseen circumstances, the deed was not recorded within the 18 month time frame. Although the failure to record a deed within the 18 month time frame voids the prior ordinance, the passage of time does not void the underlying action approving the vacation. A building permit allowing construction of an addition to the owner's residence has previously been authorized by the City.

Sponsor

Staff

Faroll Hamer, Director, Planning and Zoning
Christopher P. Spera, Deputy City Attorney

Authority

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

Estimated Costs of Implementation

None

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

None

ORDINANCE NO. _____

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AN ORDINANCE to vacate a portion of the public right-of-way at the terminus of Uhler Terrace (VAC No. 2006-0001).

WHEREAS, the Cynthia Caples Trust (Owner) has applied for the vacation of a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, in the City of Alexandria, Virginia; and

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

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

WHEREAS, viewers, Kellie Meehan, chair, Judy Lowe, and Tom Welsh have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

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

- 1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

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2 2. Easements shall be reserved for all existing public and private utilities within the
3 area vacated. The Owner shall show all easements on the plat of consolidation.
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5 3. The Owner may not construct any buildings, or improvements, including
6 driveways and parking spaces, on the vacated area and may not use the vacated land
7 area to derive any increased development rights for the lands adjacent to the vacated
8 area, including increased floor area, subdivision rights or additional dwelling units.
9 This restriction shall appear as part of the deed of vacation and shall also appear as a
10 note on the consolidated plat, both of which shall be approved by the Director of
11 Planning and Zoning prior to recordation.
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13 4. Owners shall pay the sum of \$5,100.00 to the City for the vacated land.
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15 5. If during construction on the Owner's home, the existing Norway Pine tree
16 located on Owner's property is damaged and/or does not survive, Owner shall
17 purchase and plant a native tree at least 15 feet in height, and as deemed acceptable
18 by the Alexandria City arborist.
19

20 Section 3. The term "Owner" shall be deemed to include the Cynthia Caples Trust,
21 Cynthia Caples, and their respective successors in interest.
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23 Section 4. That the city manager be, and hereby is, authorized to do on behalf of the
24 City of Alexandria all things necessary or desirable to carry into effect this vacation, including
25 the execution of documents.
26

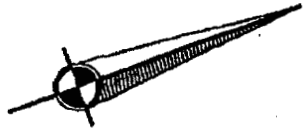
27 Section 5. That the city clerk be, and hereby is, authorized to attest the execution by
28 the city manager of all documents necessary or desirable to carry into effect this vacation, and to
29 affix thereon the official seal of the City of Alexandria, Virginia.
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31 Section 6. That this ordinance shall be effective upon the date and at the time of its
32 final passage; provided, however, that no recordation of this ordinance shall have any force or
33 effect unless and to the extent annexed to a deed, executed by the city manager and attested by
34 the city clerk, conveying the property vacated to Owner. The execution of such deed shall
35 constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed
36 shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as
37 grantee, and such recordation shall be done by the grantee at his or her own expense. In the event
38 no such deed is recorded within 18 months of the effective date, this ordinance shall be void and
39 of no effect.
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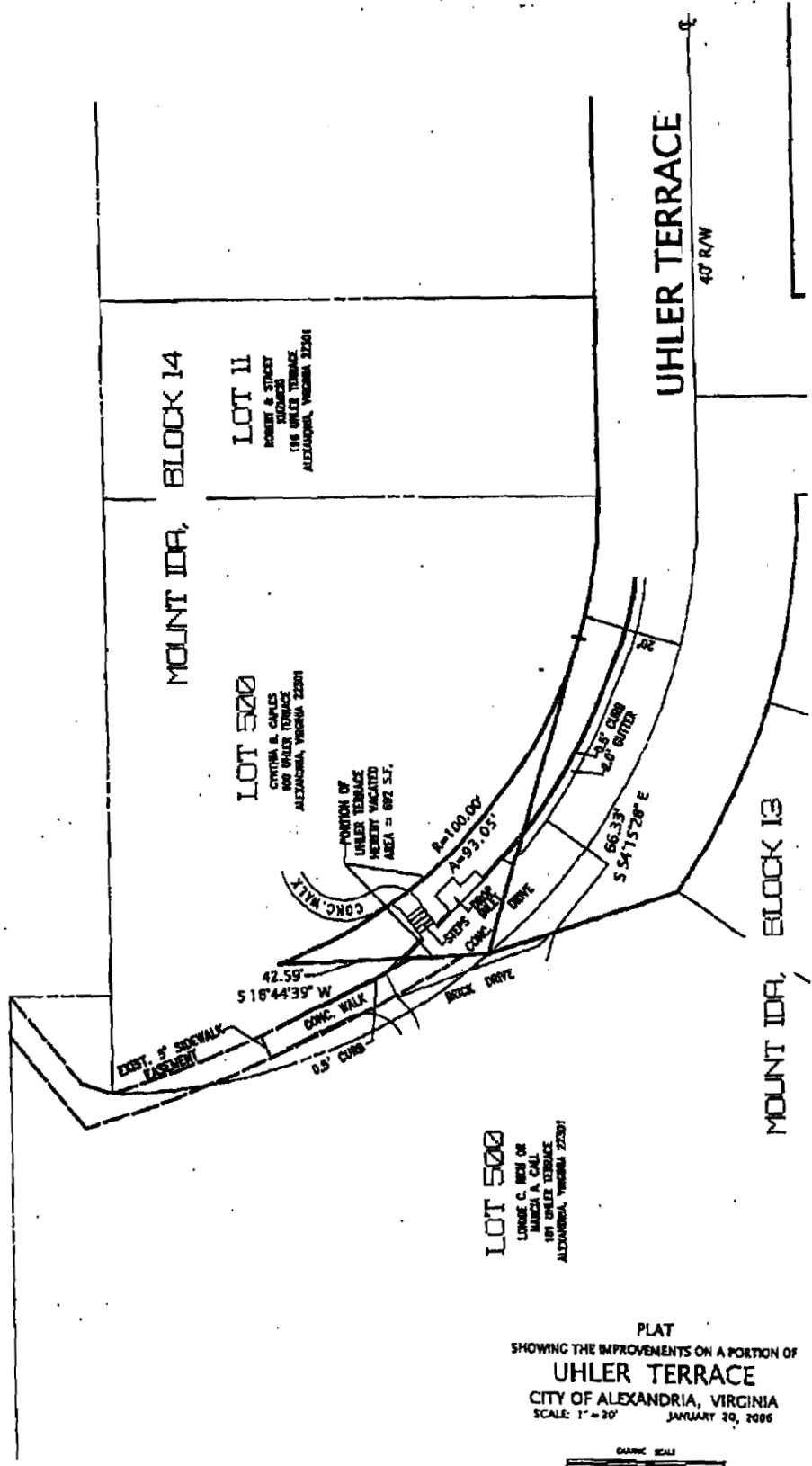
41 WILLIAM D. EUILLE
42 Mayor
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1 Attachment
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3 Introduction: 5/11/10
4 First Reading: 5/11/10
5 Publication:
6 Public Hearing:
7 Second Hearing:
8 Final Passage:

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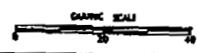


DEL RAY BAPTIST CHURCH
 DEL RAY BAPTIST CHURCH
 3405 ROSSSELL ROAD
 ALEXANDRIA, VIRGINIA 22304



LOT 500
 LINDSEY C. BEN OF
 MURPHY A. CAL
 181 UHLER TERRACE
 ALEXANDRIA, VIRGINIA 22304

PLAT
 SHOWING THE IMPROVEMENTS ON A PORTION OF
UHLER TERRACE
 CITY OF ALEXANDRIA, VIRGINIA
 SCALE: 1" = 20' JANUARY 20, 2006



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	CASE NAME: CAPLES SURVEYOR: PATRICK A. ROCKERT LICENSE NO. 602846	FULLY PREPARED BY INSTRUMENTS OF SURVEY THESE INSTRUMENTS NOT FORWARDED.
	ALEXANDRIA SURVEYS INTERNATIONAL, LLC 8917 SOUTH BRIDGE HIGHWAY ALEXANDRIA, VIRGINIA 22304 TEL. NO. 703-880-8611 FAX NO. 703-794-7764	

ORDINANCE NO. 4660

AN ORDINANCE to vacate a portion of the public right-of-way at the terminus of Uhler Terrace (VAC No. 2006-0001).

WHEREAS, the Cynthia Caples Trust (Owner) has applied for the vacation of a portion of the public right-of-way at the terminus of Uhler Terrace, adjacent to the property at 100 Uhler Terrace, in the City of Alexandria, Virginia; and

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

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

WHEREAS, viewers, Kellie Meehan, chair, Judy Lowe, and Tom Welsh have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

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

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

3. The Owner may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owners shall pay the sum of \$5,100.00 to the City for the vacated land.

5. If during construction on the Owner's home, the existing Norway Pine tree located on Owner's property is damaged and/or does not survive, Owner shall purchase and plant a native tree at least 15 feet in height, and as deemed acceptable by the Alexandria City arborist.

Section 3. The term "Owner" shall be deemed to include the Cynthia Caples Trust, Cynthia Caples, and their respective successors in interest.

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

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

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

WILLIAM D. EUILLE
Mayor

Final Passage: May 15, 2010