

ORDINANCE NO. 5498

AN ORDINANCE to vacate a portion of the public right-of-way abutting 5165 Seminary Road, 5118 Fairbanks Avenue, and 2641, 2648, and 2658 Foster Avenue (VAC No. 2023-00003).

WHEREAS, Alexandria Development Associates, LLC (Owner) has applied for the vacation of a portion of the public right-of-way abutting 5165 Seminary Road, 5118 Fairbanks Avenue, and 2641, 2648, and 2658 Foster Avenue in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2023-00003, the planning commission recommended approval to the City Council on May 2, 2023 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on May 13, 2023; and

WHEREAS, viewers, Deb Roepke, Jen Atkins, and Jeannette Ankoma-Sey 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 to 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. Owner shall pay \$0 to the City for the vacated land because the street network is being changed and an equivalent amount of land is being dedicated elsewhere in the development.

Section 3. The term "Owner" shall be deemed to include Alexandria Development Associates, LLC, and its 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.

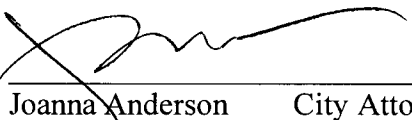
Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying 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.


JUSTIN M. WILSON
MAYOR

ATTEST:


Gloria A. Sitton, CMC City Clerk

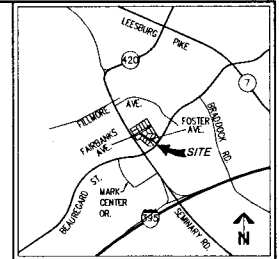
Approved as to Form:


Joanna Anderson City Attorney

Final Passage: June 17, 2023

NOTES:

1. THE PROPERTY SHOWN HEREON IS DELINEATED ON THE CITY OF ALEXANDRIA MAP NUMBER D10.04.
2. THIS PLAT IS BASED ON THE BOUNDARY SURVEY PERFORMED BY THIS FIRM IN AUGUST, 2017.
3. THE SITE SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983, [NAD 83(CORS96) (EPOCH:2002.0000)] AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS SUBDIVISION BOUNDARY TO NOAA/VIMS MONUMENT PID NUMBER HV9141; GPS152 CORS APP. THE COMBINED FACTOR APPLIED TO THE FIELD DISTANCES TO DERIVE THE REFERENCED COORDINATES IS 0.9999502. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES AND IN THE PERFORMANCE OF THIS SURVEY IS THE U.S. SURVEY FOOT.
4. THERE ARE NO RESOURCE PROTECTION AREAS OR FLOODPLAINS LOCATED ON THESE PROPERTIES.
5. THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF ALEXANDRIA, VIRGINIA, COMMUNITY-PANEL NUMBER 51551900286, REVISED JUNE 16, 2011, DESIGNATES THE PROPERTY AS BEING IN ZONE X, "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."



VICINITY MAP SCALE: 1"=2000'

ALEXANDRIA ZONING ORDINANCE: SECTION 11-1714

"AN APPROVED COPY OF THE PLAT SHALL BE RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE CITY WITHIN 18 MONTHS AFTER THE DATE OF APPROVAL. THIS PLAT SHALL BE NULL AND VOID IF NOT RECORDED PRIOR TO

SURVEYOR'S CERTIFICATE

I, JAMES A. MADISON, JR., A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED ON THIS PLAT OF VACATION, THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE PROPERTY IS IN THE NAME OF THE CITY OF ALEXANDRIA, VIRGINIA, AS RECORDED IN DEED BOOK 622 AT PAGE 263.

I FURTHER CERTIFY THAT THE LAND EMBRACED BY THIS VACATION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACTS; AND 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.

THIS PLAT IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM: VCS 1983 - NORTH ZONE. GIVEN UNDER MY HAND THIS 18TH DAY OF FEBRUARY, 2023.



APPROVED	
DSUP NUMBER	2019-0017
DEPARTMENT OF PLANNING & ZONING	
DIRECTOR	DATE
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES	
SUBDIVISION NUMBER	
DIRECTOR	DATE
CHAIRMAN, PLANNING COMMISSION	
DATE RECORDED	DATE
INSTRUMENT NO.	DEED BOOK NO. PAGE NO.

PLAT SHOWING
VACATION OF A PORTION OF FOSTER AVENUE
SHIRLEY GARDEN
DEED BOOK 622 PAGE 263
CITY OF ALEXANDRIA, VIRGINIA

WALTER L. PHILLIPS
INCORPORATED
ESTABLISHED 1943
Engineers • Surveyors • Planners
Landscape Architects • Arborists
207 PARK AVENUE
FALLS CHURCH, VIRGINIA 22046
(703) 532-6183 Fax (703) 533-1301
www.WLPHINC.com

SCALE: 1" = 1" = 50' DATE: FEBRUARY 18, 2023 SHEET: 1 OF 2

