

ORDINANCE NO. 5474

AN ORDINANCE to vacate a portion of the public right-of-way at the corner of eastbound Eisenhower Avenue and the southbound Eisenhower Avenue/Clermont Connector, adjacent to the property at 4600 Eisenhower Avenue (VAC No. 2022-00002).

WHEREAS, JMDH Real Estate of Alexandria II, LLC (Owner) has applied for the vacation of a portion of the public right-of-way at the corner of eastbound Eisenhower Avenue and the southbound Eisenhower Avenue/Clermont Connector, adjacent to the property at 4600 Eisenhower Avenue in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2022-00002, the planning commission recommended approval to the City Council on November 1, 2022 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on November 12, 2022; and

WHEREAS, viewers, Debra Roepke, Dak Hardwick, Ann Tucker 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.

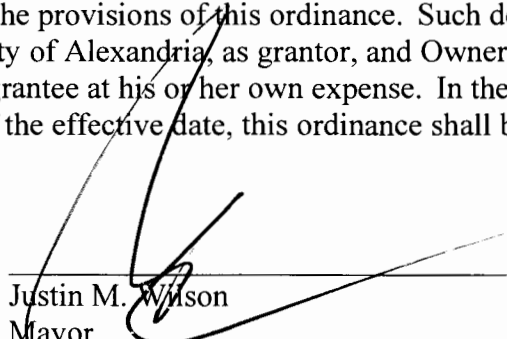
3. Owner shall pay the City for the vacated land an amount determined as follows. The original purchase price of \$1,000,000 will be decreased commensurate with the approximately seven percent (7%) change in land area (percentage to be finalized at final site plan) associated with the proposed multimodal trail. The purchase price will be reduced by no more than \$100,000.

Section 3. The term "Owner" shall be deemed to include JMDH Real Estate of Alexandria II, 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: January 21, 2023

