ORDINANCE NO. _____

AN ORDINANCE to vacate a portion of the public right-of-way at 5000 and 5001 Echols Avenue (VAC No. 2014-0003 approved January 24, 2015 as part of the Fillmore project).

WHEREAS, Fillmore Land Holdings, Inc (Owner) has applied for the vacation of a portion of the public right-of-way at adjacent to the property at 5000 and 5001 Echols Avenue in the City of Alexandria, Virginia; and

In Vacation No2014-0003, the planning commission recommended approval to the City Council on January 6, 2015 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 24, 2016; and

WHEREAS, viewers, Derek M. Hardwick, Jim McIntyre, and 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 dated January 21, 2016 and prepared by Walter L. Phillips, Incorporated of Falls Church, VA 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 vacated right-of-way shall be consolidated with the adjoining lots, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to release of the final site plan.  The approved plat shall be recorded in the Land Records of the City of Alexandria.

2. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right-of-way.

3. All remaining utilities in the vacated right of way shall be covered by utility

easements.

4. This area shall be covered by a public access easement and an emergency vehicle access easement that allows the public to use the improvements constructed in the vacated public right-of-way.

Section 3. The term "Owner" shall be deemed to include the Fillmore Land Holdings, LLC 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.

ALLISON SILBERBERG
Mayor

Adopted: