Ordinance 1421

AN ORDINANCE VACATING AND AUTHORIZING CONVEYANCE OF ANY INTEREST IN AN UNBUILT RIGHT-OF-WAY ON THE NORTH AND WEST SIDE OF LOTS 9 AND 10, BLOCK E, SOUTHERN ADDITION, AND A PORTION OF WARREN STREET

1. On application of Harriet Francis and Little E, LLC, this Council, finding no inconvenience to adjoining property owners, vacates and discontinues an unbuilt right-of-way on the west and north side of Lots 9 and 10, Block E, Southern Addition, and a portion of Warren Street on the south side of Lots 9 and 10, Block E, Southern Addition. This real estate lies in the Town of Blacksburg, Montgomery County, Virginia, and is described as follows:

> All that certain tract or parcel of land, lying and being in the Town of Blacksburg, Price's Fork Magisterial District, Montgomery County, Virginia, and being more particularly bounded and described as follows:
>
> BEGINNING at a point in the northerly right-of-way of Warren Street, being the southeastern corner of Lot 10, Block E, of the Southern Addition of the Town of Blacksburg, 150 feet northeast of the intersection of Warren Street and a 14 foot unimproved alley:
>
> THENCE, leaving Lot 10, Block E, of the Southern Addition of the Town of Blacksburg and crossing Warren Street, South 14°47'25" East 45.00 feet to a point on the southerly right-of-way of Warren Street and on the line of L & M Enterprises;
>
> THENCE, continuing with the southerly right-of-way of Warren Street and the line of L & M Enterprises, South 74°38'44" West 85.37 feet to a point;
>
> THENCE, continuing with the southerly right-of-way of Warren Street and the line of L & M Enterprises, on a curve to the right having a delta angle of 112°30'32", a radius of 45.00 feet, a chord bearing of South 74°38'44" West, a chord distance of 74.84 feet, and an arc length of 88.36 feet to a point;
>
> THENCE, continuing with the southerly right-of-way of Warren Street and the line of L & M Enterprises, South 74°38'44" West 15.77 feet to a point in the line of Virginia Polytechnic Institute and State University;
>
> THENCE, leaving the line of L & M Enterprises and continuing with the line of Virginia Polytechnic Institute and State University, North 00°30'00" West 46.56 feet to a point on the northerly right-of-way of Warren Street and the western line of a 14 foot unimproved alley;

THENCE, leaving Warren Street and continuing with the line of Virginia Polytechnic Institute and State University and the western line of a 14 foot unimproved alley, North 00°30'00" West 155.00 feet to a point on the northerly right-of-way of a 14 foot unimproved alley;

THENCE, leaving Virginia Polytechnic Institute and State University and continuing with the northerly right-of-way of a 14 foot unimproved alley, North 74°38'45" East, passing the southwest corner of Lot 1, Mark Subdivision at 7.26 feet, for a total distance of 111.47 feet, to a point at the corner of Lot 1 and Lot 2, Mark Subdivision;

THENCE, leaving the northerly right-of-way of an unimproved 14 foot alley, South 53°36'43" East 17.83 feet to a point on the southerly right-of-way of a 14 foot unimproved alley, and being a common corner of Lot 10 and Lot 11, Block E, of the Southern Addition to the Town of Blacksburg;

THENCE, leaving Lot 11, Block E, of the Southern Addition to the Town of Blacksburg and continuing with the southerly right-of-way line of a 14 foot unimproved alley, South 74°38'44" West 111.74 feet to a point on the easterly line of a 14 foot unimproved alley, being the northwest corner of Lot 9, Block E, of the Southern Addition to the Town of Blacksburg;

THENCE, leaving the southerly right-of-way of a 14 foot unimproved alley and continuing with the line of Lot 9, Block E, of the Southern Addition to the Town of Blacksburg and the easterly right-of-way line of a 14 foot unimproved alley, South 00°30'00" East 155.00 feet to a point on the northerly right-of-way line of Warren Street, being the southwest corner of Lot 9, Block E, of the Southern Addition to the Town of Blacksburg;

THENCE, leaving the easterly right-of-way of a 14 foot unimproved alley and continuing with the northerly right-of-way line of Warren Street, North 74°38'44" East 150.00 feet to the beginning.

Said tract or parcel contains 0.288 acre of land, more or less, and is a portion of Warren Street and alleys lying to the west and north of Lots 9 and 10 of Block "E" of the "Southern Addition to the Town of Blacksburg" as shown on a plat of record in deed book 61 at pages 314 and 315 in the Clerk's Office of the Circuit Court of Montgomery County, Virginia; this tract or parcel also includes the property acquired by the Town of Blacksburg from Edsel H. and Shirley M. Lester by deed dated October 7, 1980, recorded in the land records of Montgomery County, Virginia in Deed Book 435, Page 340.

2. This ordinance shall be effective only if the following properties are conditionally rezoned by the Town Council within one year from the date of the adoption of this ordinance:

510 Warren Street, Tax Map Number 256-7BK E 10; 511 Warren Street, Tax Map Number 286-A-14; and 512 Warren Street, Tax Map Number 256-7BK E 9. If such a rezoning does occur within the one year time period, then this ordinance shall be effective on the same date of the rezoning ordinance.

3. The Mayor shall be authorized to execute and deliver to Harriet Francis and Little E, LLC, the Town's quit-claim deed for any interest the Town may own in this real estate upon the performance of the following conditions:

(a) payment to the Town of $41,656.11, plus the cost of publishing this ordinance, by Harriet Francis and Little E, LLC, for the Town's interest, if any, in the approximately 0.288 acre of right-of-way on the north, west and south of Lots 9 and 10, Block E, Southern Addition, including the Town property acquired by deed recorded at Deed Book 435, Page 340;

(b) submission of a plat detailing the vacated area and dedicating public utility easements for existing public utilities; and

(c) submission of a plan for the construction of a cul de sac at the terminus of the vacated portion of Warren Street in compliance with town standards, with sufficient security for the construction of the cul de sac.

4. Upon performance of the conditions set forth in the preceding paragraph, the Town Attorney shall record this ordinance at the Town's cost among the deed records of the Circuit Court of Montgomery County, Virginia, indexed in the name of the Town of Blacksburg, as grantor, and Harriet Francis and Little E, LLC, as grantees.

_____
Mayor

ATTEST:

_____
Town Clerk

1st Reading:_____

2nd Reading & Adoption:_____

COMMONWEALTH OF VIRGINIA

COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Ron Rordam, Mayor of the Town of Blacksburg, Virginia, a municipal corporation, on behalf of the corporation.

_____
Notary Public

My Commission Expires:

_____