



City of Fairfax, Virginia  
City Council Regular Meeting

Agenda Item # 7c

City Council Meeting 11/9/2021

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TO: Honorable Mayor and Members of City Council

FROM: Robert A. Stalzer, City Manager *RA Stalzer*

SUBJECT: Introduction of an ordinance permanently vacating, discontinuing and closing a portion of City public rights-of-way (part of Cedar Avenue and Walnut Street).

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ISSUE(S): Whether to introduce an ordinance to vacate a portion of the Cedar Avenue and Walnut Street rights-of-way in connection with the proposed Breezeway Motel redevelopment.

SUMMARY: The applicant, as part of the proposed Breezeway Motel redevelopment project, is requesting to vacate approximately 4,569 square feet of existing Cedar Avenue at Walnut Street in order to reconfigure the existing triangular shape median to a conventional intersection with traffic calming improvements along Walnut Street and Cedar Avenue. Vacation requires enactment of an ordinance permanently vacating, discontinuing, and closing an approximately 4,569 square feet (0.30838 acre), more or less, portion of public rights-of-way (Cedar Avenue and Walnut Street) within the City of Fairfax including easements, consistent with improvements shown on the Master Development Plan and the Summary of Commitments. Consideration of the vacation shall occur at the same meeting as consideration of the development application, which is scheduled for December 14, 2021.

FISCAL IMPACT: An appraisal of the property has been ordered and its valuation as well as the terms of the potential transfer of property will be presented at the time of consideration of this ordinance to vacate the right-of-way.

RECOMMENDATION: Introduce the public hearing, waive the first reading, and set the public hearing for consideration of the ordinance.

ALTERNATIVE  
COURSE OF ACTION: Not introduce the ordinance.

RESPONSIBLE STAFF/  
POC: City Attorney; Public Works; Community Development and Planning; Real Estate.

COORDINATION: None.

ATTACHMENTS: Draft ordinance; sample motion

**ORDINANCE NO. 2021- \_\_\_\_\_**

**AN ORDINANCE PERMANENTLY VACATING, DISCONTINUING AND CLOSING A PORTION OF CITY PUBLIC RIGHTS-OF-WAY (PART OF CEDAR AVENUE AND WALNUT STREET).**

WHEREAS, Pulte Homes Company, LLC, by its agent, filed an application with the City requesting that the City permanently vacate, discontinue and close a portion of the City's Cedar Avenue and Walnut Street public rights-of-way, as more completely hereinafter described; and

WHEREAS, the required advertising of this ordinance has been effected, proper notice has been given, and the City Planning Commission has given its recommendation to the City Council; and

WHEREAS, a public hearing was held on the application by the City Council on December 14, 2021, after due and timely notice thereof, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on the application; and

WHEREAS, the City Council has determined that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing the portion of such public right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fairfax, Virginia, that the following portion of the Cedar Avenue and Walnut Street public rights-of-way situated in the City of Fairfax, Virginia, be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the City Council is empowered so to do with respect to the closed portion of the rights-of-way:

Beginning at a point of curvature on the easterly right of way of Walnut Street, having a 50 foot right of way width, as shown on a plat of subdivision recorded among the Land Records of Fairfax County, Virginia at Deed Book E-12, Page 396, said point being a common corner to Lots 43 & 55A, Section 2, Fairfax Heights as shown on a plat of subdivision recorded among said land records at Deed Book Q-13, Page 180,

Thence with the easterly right of way line, said line also being the northerly line of Cedar Avenue, having a 50 foot right of way width, as shown on said plat of subdivision recorded among said land records at Deed Book E-12 Page 396:

1. 140.31 feet along the Arc of a Curve, deflecting to the left, having a radius of 125.20 feet, and having a Chord Bearing and Distance of South 59°26'58" EAST, 133.08 feet to a point of non-tangency on said northerly right of way line; thence departing the existing right of way line and running through the dedicated right of way the following three (3) courses:
2. South 88°26'45" West, 72.41 feet to a point of curvature, thence

3. 35.27 feet along the Arc of a Curve, deflecting to the right, having a radius of 25.00 feet, and having a Chord Bearing and Distance of North 51°08'08 West, 32.42 feet to a point of reverse curvature; thence
4. 52.29 feet along the Arc of a Curve, deflecting to the left, having a radius of 180.44 feet, and having a Chord Bearing and Distance of North 19°01'10" West, 52.11 feet to the point of beginning.

Containing an area of 1,350 square feet or 0.0310 acres of land, more or less.

AND

Beginning at a point of curvature on the southerly right of way line of Cedar Avenue, having a 50 foot right of way width, as shown on a plat of subdivision recorded among the Land Records of Fairfax County, Virginia at Deed Book E-12, Page 396, said point also being the common corner of Lots 81A & 83, Section 2, Fairfax Heights as shown on a plat of subdivision recorded among the land records of Fairfax County at Deed Book Q-13, Page 180 and Deed Book E-12, Page 396;

thence with said southerly right of way line, said line also being the easterly right of way line of Walnut Street, having a 50' right of way width, as shown on said plat of subdivision recorded among the land records at Deed Book E-12, Page 396,

1. 250.74 feet along the Arc of a Curve, deflecting to the left, having a radius of 234.69 feet, and having a Chord Bearing and Distance of South 57°50'11" West, 238.98 feet to a point of non-tangency on said easterly right of way line; thence departing the right of way line and running through the existing right of way the following four (4) courses:
2. North 27°13'45" East, 87.96 feet to a point of curvature; thence
3. 30.44 feet along the Arc of a Curve, deflecting to the left, having a radius of 180.44 feet, and having a Chord Bearing and Distance of North 22°23'46" East, 30.40 feet to a point of reverse curvature; thence
4. 30.93 feet along the Arc of a Curve, deflecting to the right, having a radius of 25.00 feet, and having a Chord Bearing and Distance of North 53°00'16" East, 28.99 feet to a point tangency, thence
5. North 88°26'45" East, 127.37 feet to the point of beginning.

Containing an area of 3,208 square feet or 0.0736 acres of land, more or less.

BE IT FURTHER ORDAINED that cash compensation to the City reflective of the valuation of the property and the granting of any necessary easements to the City shall be required in connection with this vacation under the terms of an agreement with the applicant.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application and this ordinance, deliver to the Clerk of the Circuit Court for Fairfax County, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Fairfax, Virginia, as Grantor, and in the name of the applicant, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon recording a certified copy of this ordinance with the Clerk of the Circuit Court for Fairfax County, Virginia, file with the City Attorney, the Clerk's receipt, demonstrating that such recordation has occurred.

This Ordinance shall become effective as provided by law.

INTRODUCED:

PUBLIC HEARING:

ADOPTED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

Councilmember Harmon \_\_\_\_\_  
Councilmember Lim \_\_\_\_\_  
Councilmember Miller \_\_\_\_\_  
Councilmember Ross \_\_\_\_\_  
Councilmember Stehle \_\_\_\_\_  
Councilmember Yi \_\_\_\_\_

**SAMPLE MOTION**

**“I MOVE TO INTRODUCE AN ORDINANCE VACATING A PORTION OF THE CITY’S CEDAR AVENUE AND WALNUT STREET PUBLIC RIGHTS-OF-WAY.**

**I FURTHER MOVE TO WAIVE THE FIRST READING AND TO SET THE PUBLIC HEARING FOR CONSIDERATION OF THE ORDINANCE FOR DECEMBER 14, 2021.”**