



TOWN OF VIENNA, VIRGINIA

MAYOR AND TOWN COUNCIL

APPLICATION FOR VACATION OF AN ALLEY OR PUBLIC WAY

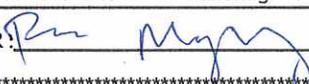
APPLICATION NO. _____ -VAC
NON-REFUNDABLE \$100.00 APPLICATION FEE

LOCATION OF PROPERTY (include map): Adjacent to 156 Church Street NE, Vienna, VA 22180
(Map # 0382 02 0071)

PRESENT USE OF PROPERTY: The alley to be vacated is not presently used for any purpose.

REASON FOR REQUESTING THE VACATION OF THE ALLEY OR PUBLIC WAY: _____

Please see enclosed Letter of Request and Justification for Vacation of an Alley.

Ran Magalong
Odin, Feldman & Pittleman, PC
REQUESTOR NAME: On behalf of Jonathan and Alicia Downs
ADDRESS: 1775 Wiehle Avenue, Suite 400, Reston, VA 20190
TELEPHONE AND EMAIL: 703-218-2132 Ran.Magalong@ofplaw.com
SIGNATURE OF REQUESTOR: 

SUBMITTAL REQUIREMENTS:

- Non-refundable \$100 application fee.
- Accurate drawing or sketch of public property proposed for vacation.

NOTICE - APPLICANT RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH VACATION

1. Applicant should refer to Alley Vacation and Abandonment Procedure available from the Public Works Department.
2. If investigation by Town staff and utility companies indicates a continuing public need for the property, the vacation request will **not be scheduled** for Town Council consideration and the applicant notified.
3. All adjacent property owners will be notified and invited to participate in any Town Council meetings to discuss this vacation request.
4. If Town Council endorses disposal of public property, **the applicant will be responsible for survey, record research, plat and deed preparation and other associated costs.**
5. Article 2, Chapter 20, of Title 15.2 of the Code of Virginia specifying a set procedure for appointing viewers, determining values, etc., for any vacation of street rights-of-way will be followed.
6. The applicant shall **pay the value of the parcel** being vacated.

(OFFICE USE ONLY)

FILING FEE PAID: _____ DATE RECEIVED: _____ RECEIVED BY: _____

TOWN COUNCIL ACTION: APPROVED: _____ DATE: _____

DENIED: _____ DATE: _____

TABLED TO: _____ DATE: _____

REMARKS: _____

January 26, 2018

VIA HAND DELIVERY

Mr. Michael J. Gallagher
Town of Vienna Department of Public Works
127 Center Street S.
Vienna, VA 22180

Re: Letter of Request and Justification for Vacation of an Alley
156 Church Street NE, Vienna, VA 22180 – Tax Map 0382-02-0071

Dear Mr. Gallagher:

The purpose of this letter is to request that your office process a vacation of an alley pursuant to Virginia Code Section 15.2-2006. We are submitting this request on behalf of Jonathan and Alicia Downs, owners of property with Fairfax County Tax Map #0382-02-0071 and an address of 156 Church Street NE, Vienna, VA 22180 (the “Downs Property”). The alley to be vacated (the “Alley”) primarily abuts the Downs Property, as shown on the enclosed Fairfax County tax map attached hereto as Exhibit 1 and labeled “Alley to be Vacated”.

The Alley was originally a pipestem part of Lot 67, providing Lot 67 with access to and from Church Street. As Lot 67 was subdivided and re-subdivided over the years, the Alley became its own parcel adjacent to the Downs Property and ceased to serve as access to and from Lot 67 and the subdivided lots. For your reference, tax maps showing the original Lot 67 and the subdivided lots are attached hereto as Exhibit 2. Currently, the Alley abuts Lots 67B, 67A, Lot 69, Lot 70, and Lot 68 (collectively, the “Abutting Lots”), in addition to abutting the Downs Property. The Abutting Lots all have frontage on a public street providing sufficient access to and from the Abutting Lots. The Alley presently contains broken up asphalt, dead and dying trees, vines, and other undergrowth, images of which are attached hereto as Exhibit 3. The Alley is not being used for access or for any other purpose. Because the Alley no longer serves a public purpose, vacation of the Alley pursuant to Virginia Code Section 15.2-2006 is appropriate.

The Downs wish to acquire the vacated Alley and consolidate it with the Downs Property. The Downs are agreeable to the reservation and establishment of any utility or storm drainage easements the Town of Vienna may deem appropriate. Furthermore, the Alley has been a maintenance burden on the Town of Vienna because of the dead and dying trees within the

January 26, 2018

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Alley. The Downs agree to accept such maintenance responsibility once the Alley is conveyed to them.

We would appreciate your review of this application at your earliest possible convenience. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ran Magalong". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ran Magalong

Enclosures

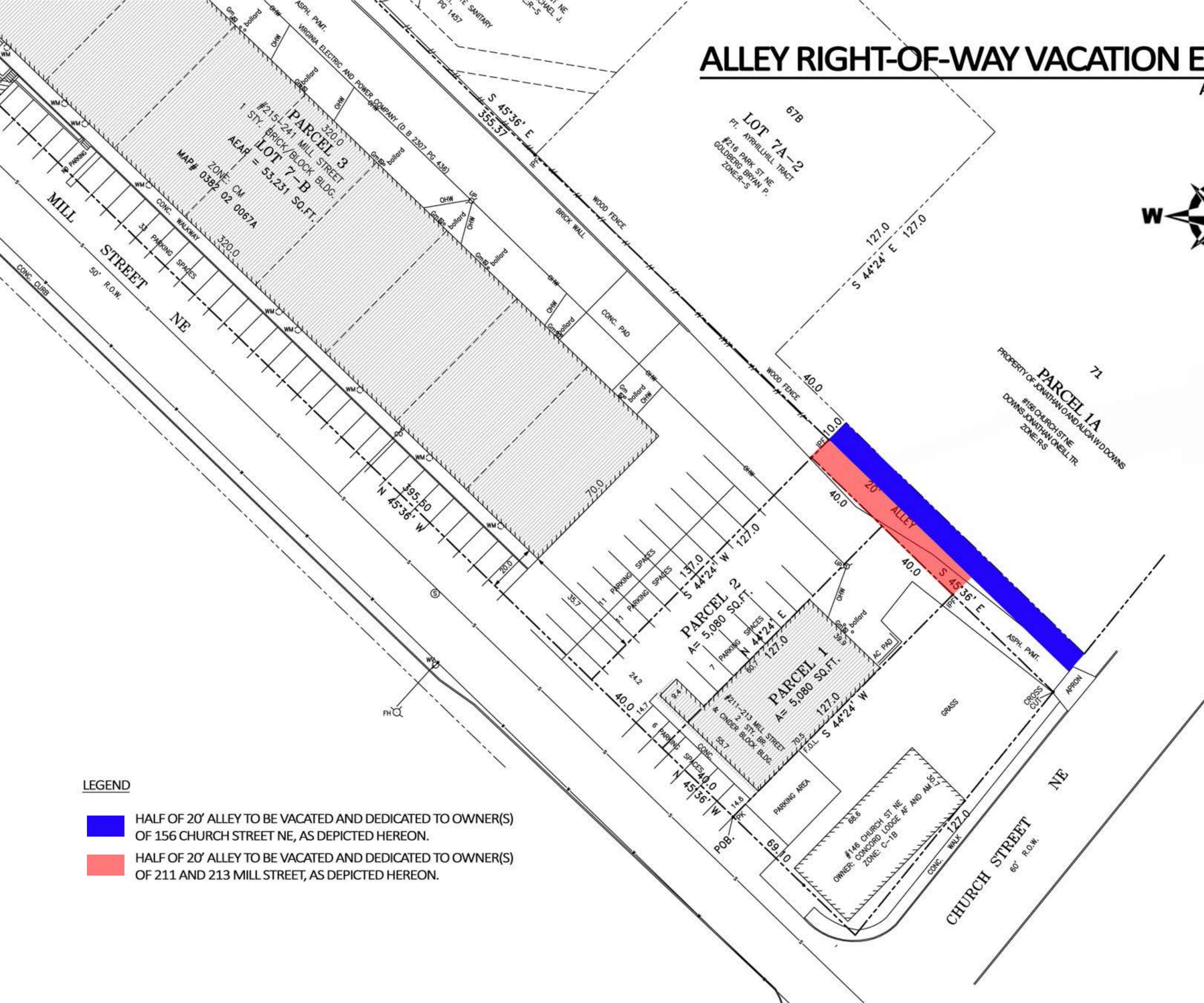
cc: Jonathan Downs
Alicia Downs
John McBride
Steve Briglia

#3734769v2 086792/000001

EXHIBIT 1

ALLEY RIGHT-OF-WAY VACATION EXHIBIT

APRIL 3, 2018



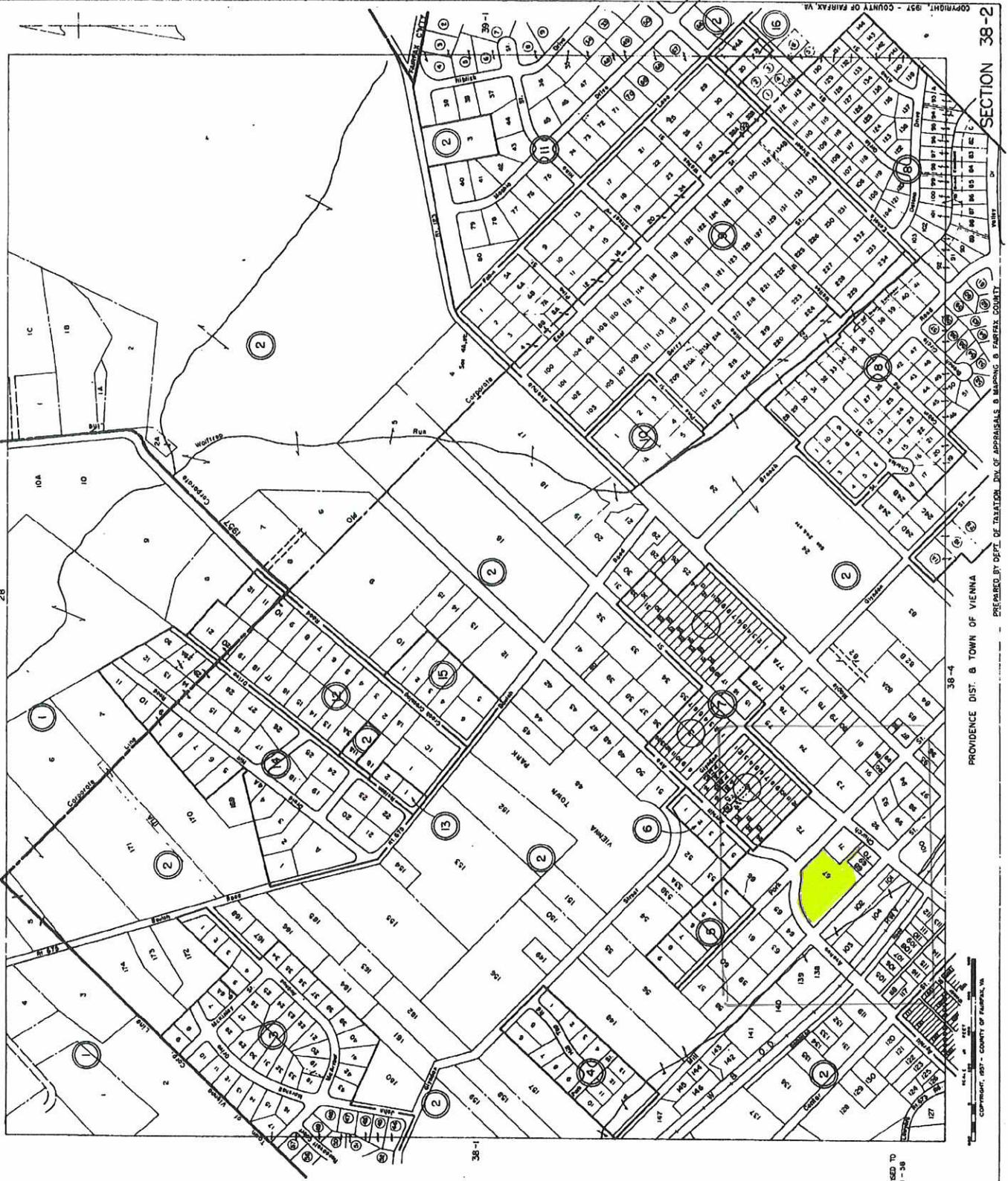
LEGEND

-  HALF OF 20' ALLEY TO BE VACATED AND DEDICATED TO OWNER(S) OF 156 CHURCH STREET NE, AS DEPICTED HEREON.
-  HALF OF 20' ALLEY TO BE VACATED AND DEDICATED TO OWNER(S) OF 211 AND 213 MILL STREET, AS DEPICTED HEREON.

EXHIBIT 2

FAIRFAX COUNTY

28



REVISED TO
1-1-38

PROVIDENCE DIST. B TOWN OF VIENNA

PREPARED BY DEPT. OF TAXATION, DIV. OF APPRAISALS & MAPPING, FAIRFAX COUNTY

FAIRFAX COUNTY OF FAIRFAX, VA
COPYRIGHT, 1937

SECTION 38-2

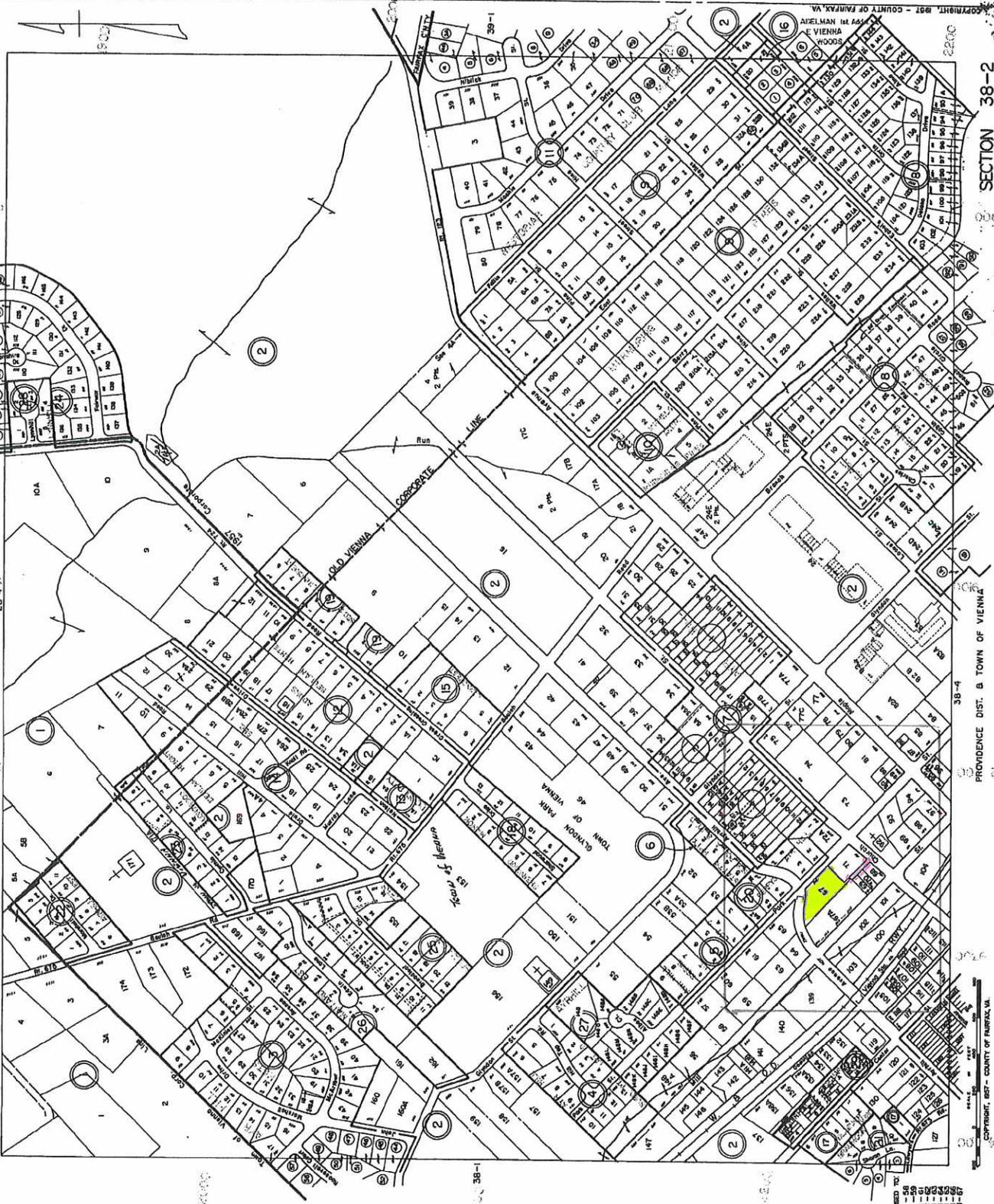
COPYRIGHT, 1937 - COUNTY OF FAIRFAX, VA

FAIRFAX COUNTY

28-4-2

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SECTION 38-2

PROVIDENCE DIST. B. TOWN OF VIENNA

PREPARED BY DEPT. OF TRAILING, DIV. OF APPRAISALS & MAPPING, FAIRFAX COUNTY

38-4

1-95

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EXHIBIT 3







