



Town of Vienna

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Legislation Text

File #: 18-1132, **Version:** 1

Subject:

Discussion of Potential Alley Vacation at 415 Maple Avenue West

BACKGROUND SUMMARY :

Kensington Senior Living is interested in potentially redeveloping the commercial site located at 415 Maple Avenue West (which is currently occupied by BB&T Bank). The property includes a 20-foot wide alley in the back of the lot. The alley was “dedicated for public purpose” in 1971 when First Virginia Bank site plan was approved and appears to be an extension of alleys behind four other lots on the northern side of the 400 block of Maple Avenue West, excluding the Amphora Center located at 401-407 Maple Avenue West. A 6-foot masonry wall runs along the length of the alley and is located in the middle of the 20-foot wide alley, with approximately 10 feet on either side.

The deed of dedication for the alley includes language regarding the reversion of the alley back to the grantor with the discontinued use of the alley for public purpose. The deed states the following:

“To have and to hold the property hereby dedicated, unto the Grantee, their successors in office or assigns, so long as it or they may require the same; provided, however, and this conveyance is made upon the condition, that in the event the Grantee shall at any time hereafter discontinue the use of the property hereby dedicated for exclusively public purposes, then and in such event the property hereby dedicated and all rights incident or appurtenant thereto shall revert to the Grantor, its successors or assigns, without necessity of re-entry or any other act or deed.”

The potential developer believes that the alley is no longer being used for public purposes and that the alley should be vacated.

OVERVIEW :

The work session is a chance for the Town Council to discuss the alley and deed language. The Town Attorney has advised staff and the developer of the regular alley/ROW vacation procedure established by the Department of Public Works. It should also be noted that there are other alley/ROW along the rear of adjoining properties. Accordingly, the vacation of the alley/ROW behind 415 Maple Avenue may impact the use of the adjoining alley/ROW.

SUMMARY/STAFF IMPRESSIONS :

Staff believes the alley was dedicated to connect existing alleys located behind lots on the northern side of the 400 block of Maple Avenue West.