

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

OLD DOMINION BOAT CLUB,

Plaintiff/Complainant,

v.

THE ALEXANDRIA CITY COUNCIL, AND
THE CITY OF ALEXANDRIA, VIRGINIA

and

106 UNION IRELAND, LLC
106 UNION DUBLIN, LLC

Defendants/Respondents

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OPINION AND ORDER

This matter came before the court on remand from the Supreme Court of Virginia. 106 Union Dublin, LLC, et al. v. Old Dominion Boat Club; Alexandria City Council, et al. v. Old Dominion Boat Club, _____ VA _____ (May 25, 2012). All parties appeared before Court on June 28, 2012 and informed the Court that they waived presentation of additional evidence and

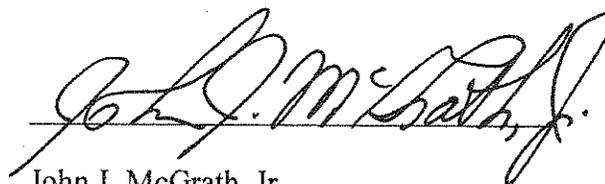
would rely on the factual record developed during the earlier ore tenus hearings. Additional briefing was received from all of the parties and argument was heard in open Court on September 7, 2012.

Explicit in the Supreme Court's Opinion is that the City of Alexandria was not bound by the 1972 decree and that when and if the City obtains power over Wales Alley pursuant to Section 2.03(2) of the City Charter, it may exercise all of those powers (including the right to "close, vacate, abandon"). Implicit in the Supreme Court's ruling is that this power of the City, if acquired, may be exercised, even if utilized in conjunction with or at the request of a private party that may be prohibited from the proposed activity by a prior binding adjudication which did not involve the City.

For the reasons stated in this Court's earlier Opinion and Order dated April 22, 2011 (pp. 9-17), the Court finds that ODBC's interest in Wales Alley was dedicated to the City and that interest has been accepted by the City of Alexandria. Therefore, the City has the authority to, inter alia, "lay out, open, extend, widen, narrow... or close ..." the alleys of the City, including Wales Alley. The Court finds that Plaintiff has not established facts necessary for relief under Counts 1, 2, 3, 4, or 5 of the Amended Complaint, and the Defendants have shown the dedication and acceptance of Wales Alley. Therefore, Counts 1-5 of the Amended Complaint are dismissed and Judgment is entered for Defendants. What, if any, compensation the Plaintiff may be entitled to for the extinguishment or curtailment of its rights in Wales Alley is not before the Court.

The Clerk of the Court is directed to send attested copies of this Order to all counsel of Record.

Dated this 9th day of October, 2012



John J. McGrath, Jr.
Judge Designate

A Copy Teste:

Edward Semonian, Clerk

By  , Deputy Clerk

12th October 2012