



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 13, 2009**

DATE: May 27, 2009

SUBJECT: Declaration of Blight and Plan for Repair, Demolition or Other Disposition: "C-O-1.0" Commercial Office Business and Apartment Districts, 4- story, Mixed-Use Residential Structure, premises known as 3800 Lee Highway. (RPC #06-026-052)

C.M. RECOMMENDATION:

Take no action on the declaration of the property at 3800 Lee Highway to be blighted as defined in Section 29-12.A of the Arlington County Code.

DISCUSSION: In November 2007, pursuant to the Building Code, the County's Building Official posted the building at the above address as unsafe and ordered the owner, the Brompton's at Cherrydale LLC, now R15, LLC, to either demolish or repair the building within 60 days of the receipt of the notice. The owner filed an appeal before the Building Code Board of Appeals, which upheld the decision of the Building Official but with the modification to allow an additional 120 days to begin the demolition work. This time frame expired on July 19, 2008 without the owner commencing demolition by that date. As a result, the County Building Official requested that the County Attorney pursue legal action to compel compliance with the Virginia Uniform Statewide Building Code. This step was appropriate before the County Board acted on the blight declaration.

In September 2008, the County Board authorized the County Attorney to institute legal action to compel compliance with the order of Building Official and to recover any costs incurred by the County in doing so. In October 2008, the County filed a Complaint for Injunctive Relief in the Circuit Court of Arlington County requesting the Court to order the owner to repair the building or demolish it or to order the sale of the property to fund the demolition with the sale proceeds. In May 2009, several days before trial, the County Board approved a settlement agreement with the owner. The settlement agreement requires the owner to design and implement repairs to the building and complete its construction according to a detailed time line. In the event the owner fails to perform as required by the agreement, the County is authorized to demolish the building using a cash escrow posted by the owner. The settlement agreement has been incorporated in a court order and, therefore, the agreement can be enforced by the court. Therefore, it is recommended that the County Board take no action on the blight declaration.

County Manager: _____

County Attorney: _____

Staff: Shahriar Amiri, CBO, Chief Building Official, CPHD