



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 24, 2010**

DATE: March 29, 2010

SUBJECT: Amendment and Reenactment of an Ordinance to Permit the Encroachment of a Portion of a Below Grade Electrical Vault into the County Right-of-Way of N. Moore Street, Abutting the Western Boundary of the Parcel Known as 1213 Wilson Boulevard, Rosslyn (RPC No. 16038001), with Conditions; and Amendment and Reenactment of an Ordinance to Permit the Encroachment of: A) Below Grade Parking Garage and Mechanical Room Structure; and B) an Above Grade Parking Structure, Both into the County Right-of-Way of N. Lynn Street; Both Abutting the Eastern Boundary of the Parcel Known as 1213 Wilson Boulevard, Rosslyn (RPC #16038001), with Conditions.

Original Applicant: Central Place, L.L.C.

Present Applicant/Owner: JGB/1213 Wilson, Inc.

By: Erika Byrd
David Lasso
Venable LLP
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

C. M. RECOMMENDATIONS:

1. Enact the attached Amendment and Reenactment of an Ordinance to Permit the Encroachment of a Portion of a Below Grade Electrical Vault into the County Right-of-Way of N. Moore Street, Abutting the Western Boundary of the Parcel Known as 1213 Wilson Boulevard, Rosslyn (RPC No. 16038001), with Conditions ("Attachment 1").
2. Enact the attached Amendment and Reenactment of an Ordinance to Permit the Encroachment of: A) Below Grade Parking Garage and Mechanical Room Structure; and B) an Above Grade Parking Structure, Both into the County Right-of-Way of N. Lynn Street; Both Abutting the Eastern Boundary of the Parcel Known as 1213 Wilson Boulevard, Rosslyn (RPC #16038001), with Conditions ("Attachment 2").

County Manager: BMD/GA

County Attorney: BAC/SAM

Staff: Betsy Herbst/Linda Collier, DES, Real Estate Bureau

14. B.

ISSUE: The Applicant has requested an amendment and reenactment of two previously approved ordinances of encroachment to revise the size and location of the encroachments and adjust the amount of compensation to be paid by the Applicant to the County. In addition, to facilitate review and recordation of any associated plats, the expiration date of the amended and reenacted ordinances is being extended from May 5, 2010 until May 5, 2011. There are no outstanding issues.

SUMMARY: The Applicant has requested an amendment and reenactment of two encroachment ordinances, originally approved by the County Board on April 19, 2008, with conditions (“2008 Ordinances”), to revise the size and location of the encroaching areas and adjust the amount of compensation to be paid by the Applicant to the County. In addition, to facilitate review and recordation of any associated plats, the expiration date of the amended and reenacted ordinances is being extended from May 5, 2010 until May 5, 2011 (“Amended Ordinances”). The Amended Ordinances would permit construction of structures into portions of the County right-of-way in three places, including a below grade electrical vault, a below grade garage and mechanical room structure, and an above grade parking structure, in conjunction with the development of a commercial office building approved by the County Board on May 5, 2007, as part of Site Plan #335 (“Site Plan”).

BACKGROUND: The Central Place development, located on the western side of the Site Plan in the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street to the North and North Lynn Street to the east, consists of a residential building and a commercial office building, both with ground floor retail space, and a plaza area located between the two buildings. The subject encroachments are all adjacent to the property boundary lines of RPC No. 16038001, two in the County right-of-way of N. Lynn Street and one in the County right-of-way of N. Moore Street. The site is the location of the former Orleans’ House Restaurant. (See Exhibits C and D, Vicinity Maps.)

Due to current market conditions, the Applicant has not yet begun construction of the project that includes phased construction of a mixed use development, including office, retail, and residential space, under approved the Site Plan (“Project”). However, staff understands that the Applicant intends to proceed initially with development of the commercial office building, which is located at the southern end of the block, and the plaza, which is located just north of the commercial office property.

After finalizing the design plans for the commercial office building, the Applicant has determined that the location and size of the encroaching structures have been modified slightly resulting in a reduction of the area necessary for encroachment into the County right of way from those areas originally approved in the 2008 Ordinances. Because the compensation required to be paid by the Applicant to the County by the 2008 Ordinances was based upon the size of the respective encroaching structures, the Applicant has requested that the compensation for the respective encroachments be adjusted to more accurately reflect the reduced encroaching areas. The Applicant has also requested an extension from the existing May 5, 2010 deadline until May 5, 2011, to complete all conditions of the Amended Ordinances since the conditions have not yet been satisfied and the 2008 Ordinances will expire after May 5, 2010.

Upon enactment of the Amended Ordinances, the Applicant would be required to satisfy the requirements of the Amended Ordinances, including paying the appropriate compensation to the County. Except for the slight modification of the location and size of the encroachments and extension of the expiration date of the Amended Ordinances, all other conditions of the 2008 Ordinances are incorporated into, and made a part of, the Amended Ordinances. With completion of the conditions specified in the Amended Ordinances before the expiration date, the requested Amended Ordinances would permit the below grade electrical vault encroachment, the below grade parking garage and mechanical room structure, and the above grade parking structure encroaching into the right-of-way to continue in effect until such encroaching structures are destroyed, removed, no longer in use or not continuously and promptly maintained by the Applicant. The proposed encroachments are consistent with the approved Site Plan.

The Applicant is also seeking amendment and reenactment of two vacation ordinances necessary to construct the commercial office building and the plaza, also originally approved by the County Board on April 19, 2008, which is the subject of a separate Board Report. Before constructing the portion of the Project that includes the residential building, the Applicant must obtain approval by the County Board of additional ordinances of vacation and encroachment at a later time.

DISCUSSION: In conjunction with the plans for redevelopment of the property, the Applicant has requested Amended Ordinances to modify the 2008 Ordinances that permit the construction of: a) a portion of a below grade electrical vault within and under the County right-of-way of N. Moore Street; b) a privately owned and maintained below grade parking garage and mechanical room structure, within and under the County right-of-way of N. Lynn Street; and c) a privately owned above grade parking structure, within and above the County right-of-way of N. Lynn Street, all of which are adjacent to 1213 Wilson Boulevard, Lot C, Rosslyn, RPC No. 16038001. The modifications of the 2008 Ordinances are for the purposes of revising the size and location of the encroaching areas, adjusting the amount of compensation to be paid by the Applicant to the County, and extending the expiration of the encroachment ordinances from May 5, 2010 until May 5, 2011.

The encroachment of the portion of the below grade electrical vault, originally approved in the 2008 Ordinances to consist of approximately 96 square feet, has now been reduced to approximately 32 square feet, beginning .40' below surface grade and continuing for an additional depth of 16.33'. The encroachment of the below grade parking garage and mechanical room structure, originally approved in the 2008 Ordinances to consist of approximately 300 square feet, has now been reduced to approximately 87 square feet, beginning .39' below surface grade and continuing for an additional depth of 33.50' below surface grade. The encroachment of the above grade parking structure, originally approved in the 2008 Ordinances to consist of approximately 164 square feet, has now been reduced to approximately 148 square feet, running for 43.25', extending four floors between approximately the fourth and eighth floors.

The revised size and location of the encroachments are more specifically shown as Encroachment Area-1, Encroachment Area-2 and Encroachment Area-3 on the plats entitled, "Plat Showing Encroachment Areas in the Right-of-Way of North Moore Street Deed Book 348, Page 285 and North Lynn Street Deed Book 713, Page 138, Adjacent to Part Original Abraham

Cohen Property, Deed Book 241, Page 135, Deed Book 250, Page 140, Arlington County, Virginia”, prepared by Bowman Consulting Group, Ltd., dated February 8, 2008, and revised March 5, 2008, March 6, 2008, April 15, 2008, May 29, 2008, December 10, 2009 and February 17, 2010, attached hereto as Exhibits A-1 and A-2 and Exhibits B-1 and B-2 (“Plats”).

The property was acquired by Sarris Restaurants, Inc. by Deed with special warranty of title dated February 6, 1985, and recorded February 8, 1985, in Deed Book 2167, Page 373, among the Arlington County Land Records (“Land Records”). On June 15, 2007, by consent of the directors and shareholders of Sarris Restaurants, Inc., the name of the corporation was changed to JBG/1213 Wilson Inc., the Present Applicant and Owner.

Legal and Physical Description: The County right-of-way for public streets on N. Moore Street was established by Deed recorded in Deed Book 348, Page 285, among the Land Records. The County right-of-way for N. Lynn Street was established by Deed of condemnation dated May 3, 1946, recorded in Deed Book 713, Page 138, among the Land Records.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the March 30, 2010 and April 6, 2010 issues of the Washington Times for the April 24, 2010 County Board Meeting.

Compensation: Site Plan Condition No. 90 requires that compensation be paid by the developer for any encroachment into County property rights, and that the compensation be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

The compensation required in the 2008 Ordinances was based upon an appraisal prepared by Robert Jones dated September 17, 2007 (“2007 Appraisal”). Although property values have generally decreased since 2007, the Applicant has agreed to use the 2007 Appraisal as a basis for determining the compensation required in the Amended Ordinances.

In keeping with the County’s current practice of not requiring compensation to be paid to the County for electric vault encroachments, as was the practice in 2008 and which is consistent with the 2008 Ordinance, upon approval of the Amended Ordinance pertaining to the electric vault, there would be no compensation required for the encroachment of the electric vault into and under the right-of-way of N. Moore Street.

After modifying the compensation for the reduced areas of encroachment, the Applicant has agreed with staff recommendation to compensate the County Board in the amount of \$3,346.02 for the encroachment of the below grade parking garage and mechanical room structure, and \$4,111.44 for the encroachment of the above grade parking structure, totaling \$7,457.46 for both encroachments, all required for the construction of Site Plan #335. The Amended Ordinances would reduce the compensation to be paid by the Applicant, originally in the amount of \$13,260.00 under the 2008 Ordinances, by \$5,802.54.

FISCAL IMPACT: The total compensation of \$7,457.46 for the encroachments of the below grade parking garage and mechanical room structure, and the above grade parking structure will be deposited in the County’s General Fund. There is no fiscal impact for the encroachment of the electrical vault.

CONCLUSION: It is recommended that the County Board enact the attached Amended Ordinances in Attachments 1 and 2.

AMENDMENT AND REENACTMENT OF AN ORDINANCE TO PERMIT THE ENCROACHMENT OF A PORTION OF A BELOW GRADE ELECTRICAL VAULT INTO THE COUNTY RIGHT-OF-WAY OF N. MOORE STREET, ABUTTING THE WESTERN BOUNDARY OF THE PARCEL KNOWN AS 1213 WILSON BOULEVARD, ROSSLYN (RPC NO. 16038001), WITH CONDITIONS:

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Applicant/Owner, JGB/1213 Wilson, Inc. (“Applicant”), as developer of the project known as Central Place, Site Plan #335, is hereby permitted to construct a portion of a below grade electrical vault into the County right-of-way of N. Moore Street, abutting the western boundary of the parcel known as 1213 Wilson Boulevard, Rosslyn, RPC No. 16038001. The dimensions (length, width and depth elevations) and spatial location of the permitted encroachment are depicted in Exhibit A-1 and Exhibit A-2 attached to the County Manager’s March 29, 2010 Report, entitled “Plat Showing Encroachment Areas in the Right-of-Way of North Moore Street Deed Book 348, Page 285 and North Lynn Street Deed Book 713, Page 138, Adjacent to Part Original Abraham Cohen Property, Deed Book 241, Page 135, Deed Book 250, Page 140, Arlington County, Virginia”, prepared by Bowman Consulting Group, Ltd., dated February 8, 2008, and revised March 5, 2008, March 6, 2008, April 15, 2008, May 29, 2008, December 10, 2009 and February 17, 2010 (“Plats”). Such below grade electrical vault, and all equipment and facilities therein, are only permitted to serve the building authorized by Site Plan #335, approved by the County Board on May 5, 2007, and any approved amendments thereto. The dimensions, the elevations, the depth below grade, the spatial location, the characteristics of the permitted underground electric vault, and the spatial area of the permitted encroachment, are shown on the Plats. No other structures are permitted to be installed or constructed by Applicant, or to exist within the County property shown on the Plats.

BE IT FURTHER ORDAINED that this permission for the encroachment shall continue until such time as that portion of the under grade electrical vault, encroaching within the public right-of-way is destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant of any above ground structure or any structure other than the below grade electrical vault within the area as shown on the Plats; or to allow any greater encroachment beyond the dimensions and spatial area shown on the Plats.

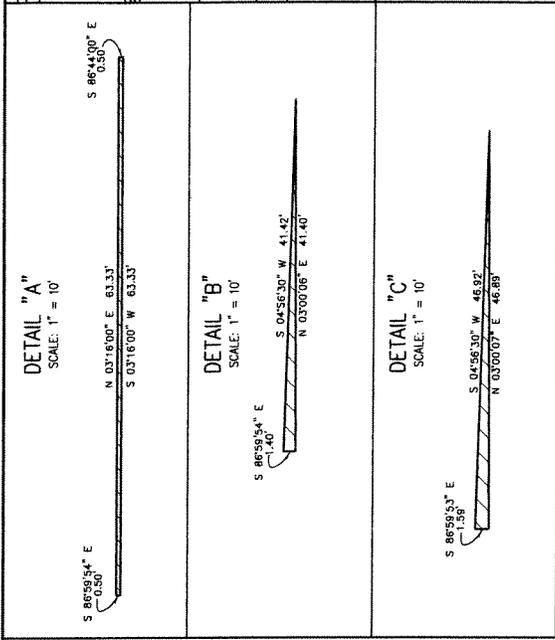
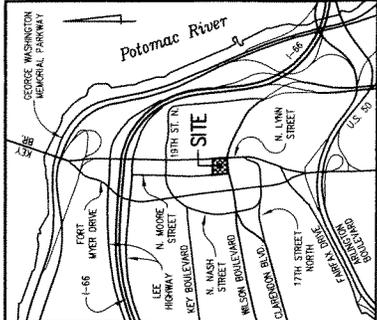
BE IT FURTHER ORDAINED that the Applicant, its successors and assigns, shall continuously and promptly maintain the below grade electrical vault, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the public right-of-way, including any sidewalk, curb and gutter, and paved surface, which are damaged by the installation, maintenance, destruction, continued existence, repair or removal of the underground electrical vault, in accordance with Site Plan #335 and all applicable County standards.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant, its successors and assigns, of negligence on their part on account of such encroachment, and the Applicant, by constructing, or causing to be constructed and by

continuing to have the below grade electrical vault encroach within the dedicated public right-of-way, thereby agrees for itself, its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the construction, maintenance, repair and removal of the below grade electrical vault, and the permission for the below grade electrical vault to encroach within the public right-of-way permitted by this Ordinance.

BE IT FURTHER ORDAINED that on or before May 5, 2011, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Plat, approved by the Director of the Department of Environmental Services or his designee, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

EXHIBIT A-1 ENCROACHMENT PLAT - Page 1

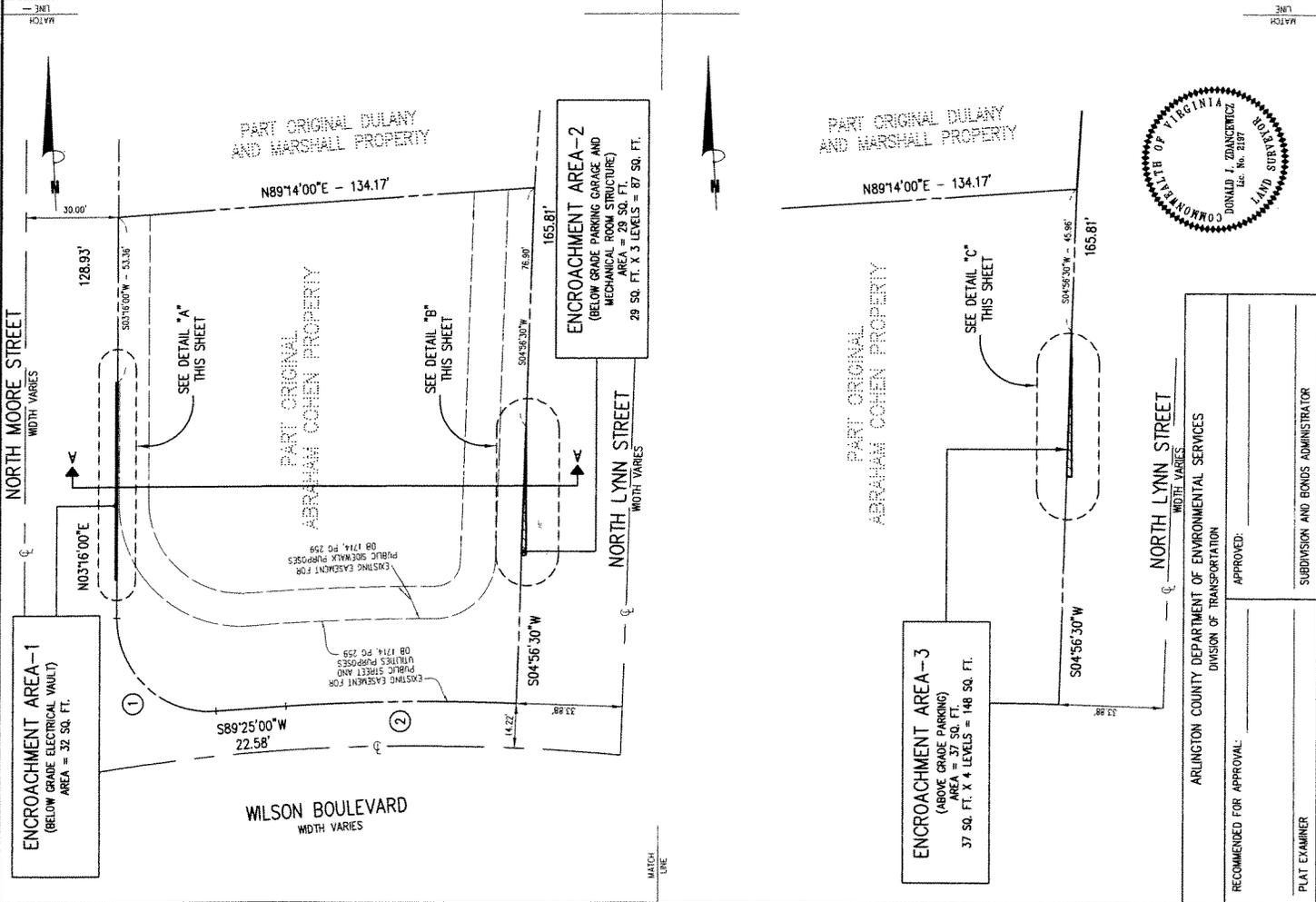


CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANG	CHORD	CHORD BEARING
1	30.00'	93°51'24"	49.14'	32.09'	43.83'	N43°39'30"W
2	700.27'	06°05'40"	74.48'	37.28'	74.45'	N87°32'10"W

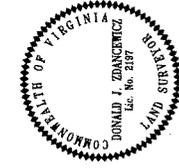
NOTES

1. THE PROPERTY DELINEATED HEREON IS SHOWN ON ARLINGTON COUNTY REAL PROPERTY GIS MAPS AND AS REAL PROPERTY CODE (RPC) 16038001.
2. THIS PROPERTY IS SUBJECT TO AN ENCROACHMENT TO PERMIT THE ENCROACHMENT OF A PORTION OF A BELOW GRADE ELECTRICAL VAULT INTO THE COUNTY RIGHT-OF-WAY OF N. MOORE STREET, ABUTTING THE WESTERN BOUNDARY OF THE PARCEL KNOWN AS 1213 WILSON BOULEVARD, ROSSELIN (RPC NO. 16038001), WITH CONDITIONS, ENACTED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON APRIL 19, 2008.
3. THIS PROPERTY IS ALSO SUBJECT TO AN ENCROACHMENT TO PERMIT THE ENCROACHMENT OF: A) BELOW GRADE PARKING GARAGE AND MECHANICAL ROOM STRUCTURE; AND B) AN ABOVE GRADE PARKING STRUCTURE, BOTH INTO THE COUNTY RIGHT-OF-WAY OF N. LYNN STREET; BOTH ABUTTING THE EASTERN BOUNDARY OF THE PARCEL KNOWN AS 1213 WILSON BOULEVARD, ROSSELIN (RPC NO. 16038001), WITH CONDITIONS, ENACTED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON APRIL 19, 2008.
4. THIS PROPERTY IS SUBJECT TO THE CONTROL OF SITE PLAN #335 APPROVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON MAY 5, 2007, AND APPROVAL OF THIS PLAT NEITHER ENLARGES NOR REDUCES THE OBLIGATIONS IMPOSED BY THIS SITE PLAN, AND ANY ENCROACHMENTS, AS THEY RELATE TO THIS PROPERTY, SHALL BE FILED IN THE OFFICE OF THE ZONING ADMINISTRATOR OF ARLINGTON COUNTY, VIRGINIA.



PART ORIGINAL DULANY AND MARSHALL PROPERTY

PART ORIGINAL ABRAHAM COHEN PROPERTY



ENCROACHMENT AREA-3
(ABOVE GRADE PARKING)
AREA = 37 SQ. FT.
37 SQ. FT. X 4 LEVELS = 148 SQ. FT.

ENCROACHMENT AREA-2
(BELOW GRADE PARKING GARAGE AND MECHANICAL ROOM STRUCTURE)
AREA = 29 SQ. FT. X 3 LEVELS = 87 SQ. FT.

ENCROACHMENT AREA-1
(BELOW GRADE ELECTRICAL VAULT)
AREA = 32 SQ. FT.

DATE: FEBRUARY 8, 2008
SCALE: 1" = 25'

**PLAT SHOWING
ENCROACHMENT AREAS
IN THE RIGHT-OF-WAY OF
NORTH MOORE STREET
DEED BOOK 348, PAGE 285
AND
NORTH LYNN STREET
DEED BOOK 713, PAGE 138
ADJACENT TO
PART ORIGINAL
ABRAHAM COHEN PROPERTY**
ARLINGTON COUNTY, VIRGINIA

Bowman

C O N S U L T I N G

Bowman Consulting Group, Ltd.
2121 Eisenhower Avenue, Suite 302
Arlington, Virginia 22204
Phone: (703) 548-2188
Fax: (703) 548-5791
www.bowmanconsulting.com

REVISION	DATE	DESCRIPTION
2-27-08		ADDED ELECTRICAL VAULT
3-5-08		REV AS PER ARL. CO. COMMENTS
3-6-08		REV AS PER ARL. CO. COMMENTS
4-15-08		REV AS PER ARL. CO. COMMENTS
7-21-08		REV AS PER ARL. CO. COMMENTS
9-2-11-10		REV AS PER ARL. CO. COMMENTS

DWS:P.1339 - Control Plat 1339-01-02 (SUA) Survey Plat ENCROACHMENTS (VMA) 1339-02-001-COM.dwg
BGP PROJECT NO: 1339-02-001 TASK: 10 BY: BJS CHK: OZ SHEET: 1 OF 2

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____

APPROVED: _____

PLAT EXAMINER: _____

SUBDIVISION AND BONDS ADMINISTRATOR: _____

EXHIBIT A-2 ENCROACHMENT PLAT - Page 2

ENCROACHMENT TABLE

NO.	ENCROACHMENT	AREA	LEVELS	TOTAL	ADJACENT TO
1	BELOW GRADE ELECTRICAL VAULT	32 SQ. FT.	1 LEVEL	32 SQ. FT.	RPC 16038001
2	BELOW GRADE PARKING GARAGE & MECHANICAL ROOM STRUCTURE	29 SQ. FT.	3 LEVELS	87 SQ. FT.	RPC 16038001
3	ABOVE GRADE PARKING	37 SQ. FT.	4 LEVELS	148 SQ. FT.	RPC 16038001

PLAT SHOWING
ENCROACHMENT AREAS
IN THE RIGHT-OF-WAY OF
NORTH MOORE STREET
DEED BOOK 348, PAGE 285
AND
NORTH LYNN STREET
DEED BOOK 713, PAGE 138
ADJACENT TO
**PART ORIGINAL
ABRAHAM COHEN PROPERTY**
DEED BOOK 241, PAGE 135
DEED BOOK 250, PAGE 140
ARLINGTON COUNTY, VIRGINIA

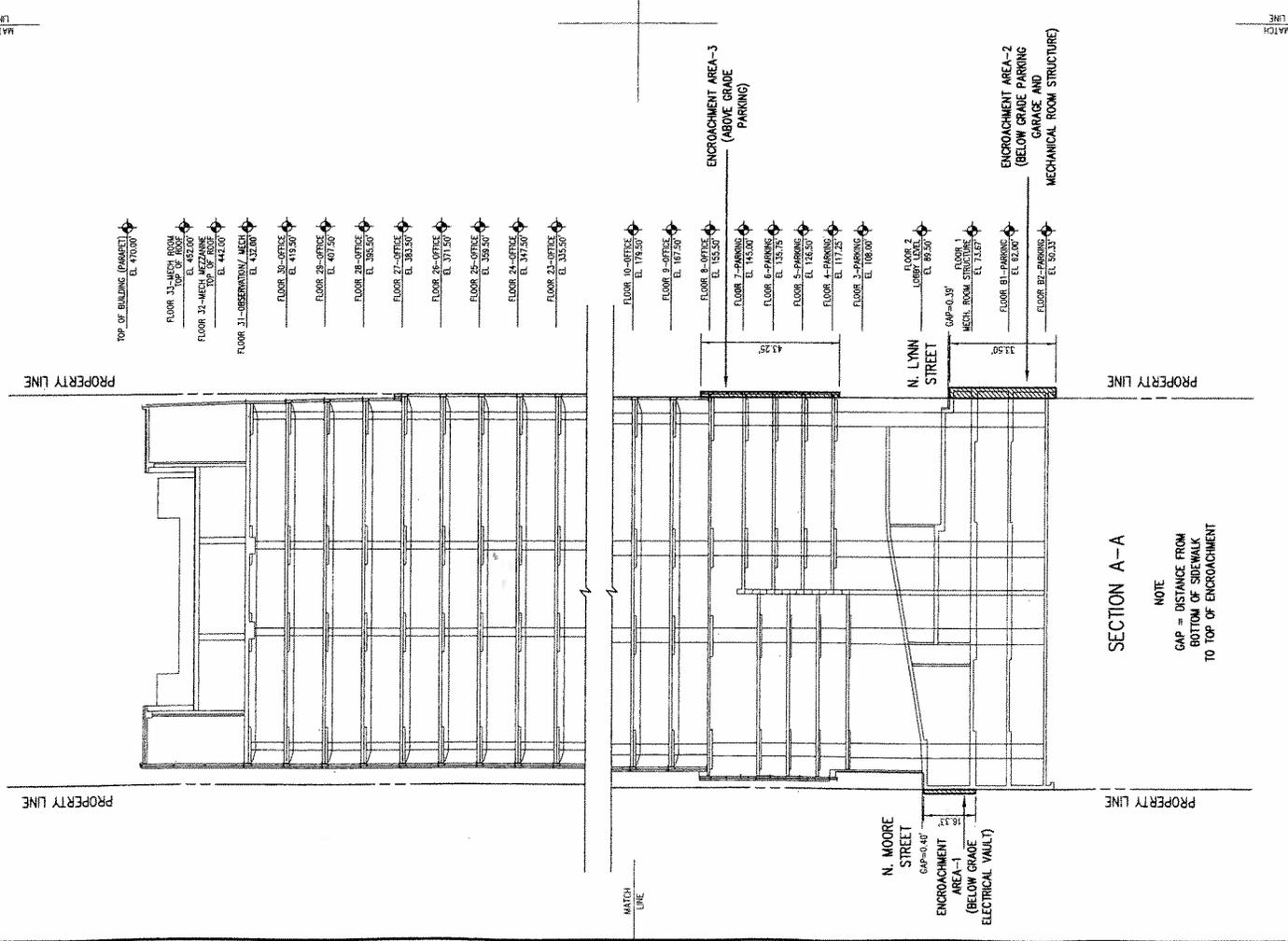
DATE: FEBRUARY 8, 2008
SCALE: 1" = 25'

Bowman CONSULTING

Bowman Consulting Group, LLC
2221 Eisenhower Avenue, Suite 302
Alexandria, Virginia 22314
Phone: (703) 546-6188
Fax: (703) 866-5781
www.bowmanconsulting.com

REVISION	DATE	BY	CHK	DESCRIPTION
2-27-08				ADDED ELECTRICAL VAULT
3-6-08				REV. AS PER ARL. CO. COMMENTS
3-6-08				REV. AS PER ARL. CO. COMMENTS
3-11-08				REV. AS PER ARL. CO. COMMENTS
4-15-08				REV. AS PER ARL. CO. COMMENTS
10-19-08				REV. AS PER ARL. CO. COMMENTS
02-17-10				ADDRESS COMMENTS

DWG: P-13189 - Central Area-1, 13189-01-001 - 004.dwg
RCC PROJECT NO.: 13189-02-001 TASK: 10 BY: PJS CHK: DZ SHEET 2 OF 2



- TOP OF BUILDING (DWARF) EL. 470.00
- FLOOR 11-MECH. ROOM TOP OF ROOF EL. 460.00
- FLOOR 10-MECH. MEZZANINE TOP OF ROOF EL. 442.00
- FLOOR 11-OBSERVATORY MECH EL. 432.00
- FLOOR 10-OFFICE EL. 412.50
- FLOOR 9-OFFICE EL. 407.50
- FLOOR 8-OFFICE EL. 382.50
- FLOOR 7-OFFICE EL. 382.50
- FLOOR 6-OFFICE EL. 371.50
- FLOOR 5-OFFICE EL. 369.50
- FLOOR 4-OFFICE EL. 347.50
- FLOOR 3-OFFICE EL. 325.50
- FLOOR 10-OFFICE EL. 193.50
- FLOOR 9-OFFICE EL. 167.50
- FLOOR 8-OFFICE EL. 155.50
- FLOOR 7-PARKING EL. 145.00
- FLOOR 6-PARKING EL. 132.75
- FLOOR 5-PARKING EL. 126.50
- FLOOR 4-PARKING EL. 117.25
- FLOOR 3-PARKING EL. 108.00
- FLOOR 2-LBBR EL. 89.50
- FLOOR 1-MECH. ROOM STRUCTURE EL. 73.50
- GAP=0.39
- FLOOR 81-PARKING EL. 92.00
- FLOOR 82-PARKING EL. 90.50

ENCROACHMENT AREA-3
(ABOVE GRADE PARKING)

ENCROACHMENT AREA-2
(BELOW GRADE PARKING GARAGE AND MECHANICAL ROOM STRUCTURE)

N. MOORE STREET
GAP=0.48'
ENCROACHMENT AREA-1
(BELOW GRADE ELECTRICAL VAULT)

N. LYNN STREET
GAP=0.39'

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

MATCH LINE

MATCH LINE

MATCH LINE

MATCH LINE

AMENDMENT AND REENACTMENT OF AN ORDINANCE TO PERMIT AN ENCROACHMENT OF: A) BELOW GRADE PARKING GARAGE AND MECHANICAL ROOM STRUCTURE; AND B) AN ABOVE GRADE PARKING STRUCTURE, BOTH INTO THE COUNTY RIGHT-OF-WAY OF N. LYNN STREET; BOTH ABUTTING THE EASTERN BOUNDARY OF THE PARCEL KNOWN AS 1213 WILSON BOULEVARD, ROSSLYN (RPC NO. 16038001), WITH CONDITIONS:

BE IT ORDAINED by the County Board of Arlington County, Virginia, that the Applicant/Owner, JGB/1213 Wilson, Inc. (“Applicant”), as developer of the project known as Central Place, Site Plan #335, is hereby permitted to construct: A) a below grade parking garage and mechanical room structure; and B) an above grade parking structure into the County right-of-way of N. Lynn Street, both abutting the eastern boundary of the parcel known as 1213 Wilson Boulevard, Rosslyn, RPC No. 16038001. The dimensions (length, width and depth elevations) and spatial location of the permitted encroachments are depicted in Exhibit B-1 and Exhibit B-2 attached to the County Manager’s March 29, 2010 Report, entitled “Plat Showing Encroachment Areas in the Right-of-Way of North Moore Street Deed Book 348, Page 285 and North Lynn Street Deed Book 713, Page 138, Adjacent to Part Original Abraham Cohen Property, Deed Book 241, Page 135, Deed Book 250, Page 140, Arlington County, Virginia”, prepared by Bowman Consulting Group, Ltd., dated February 8, 2008, and revised March 5, 2008, March 6, 2008, April 15, 2008, May 29, 2008, December 10, 2009 and February 17, 2010. Such below grade parking garage and mechanical room structure, and above grade parking structure, and all equipment and facilities therein, are only permitted to serve the building authorized by Site Plan #335, approved by the County Board on May 5, 2007, and any approved amendments thereto. The dimensions, the elevations, the depth below grade, the spatial location, the characteristics of the permitted below grade parking garage and mechanical room structure, and the above grade parking structure, and the spatial area of the permitted encroachments, are shown on the Plats. No other structures are permitted to be installed or constructed by Applicant, or to exist within the County property shown on the Plats.

BE IT FURTHER ORDAINED that this permission for the encroachments shall continue until such time as that portion of the below grade parking garage and mechanical room structure, and above grade parking structure, encroaching within the public right-of-way are destroyed, removed, no longer in use, or not continuously and promptly maintained by the Applicant. Nothing in this Ordinance shall be construed either: to allow the installation by Applicant of any above or below ground structure, other than the below grade parking and mechanical room structure, and the above grade parking structure, within the area as shown on the Plats; or to allow any greater encroachment beyond the dimensions and spatial areas shown on the Plats.

BE IT FURTHER ORDAINED that the Applicant, its successors and assigns, shall continuously and promptly maintain the below grade parking garage and mechanical room structure, and the above grade parking structure, and maintain, restore, repair, and replace all County owned facilities, within and adjacent to the public right-of-way, including any sidewalk, curb and gutter, and paved surface, which are damaged by the installation, maintenance,

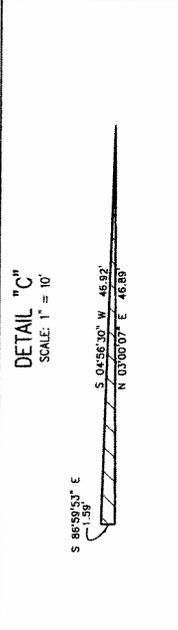
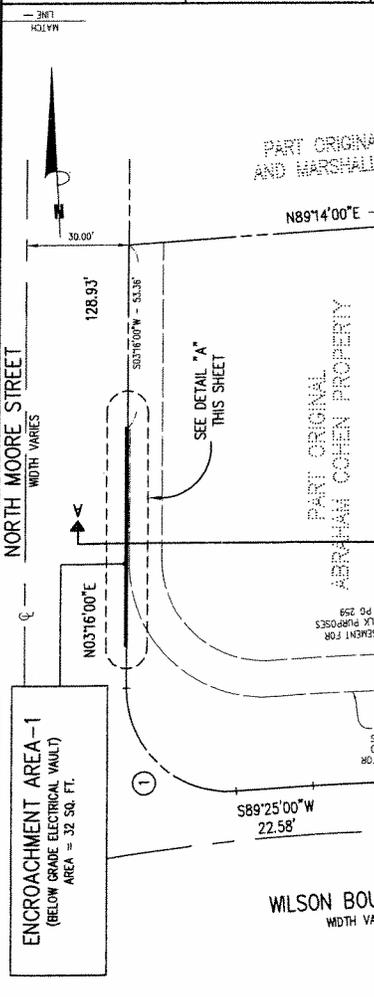
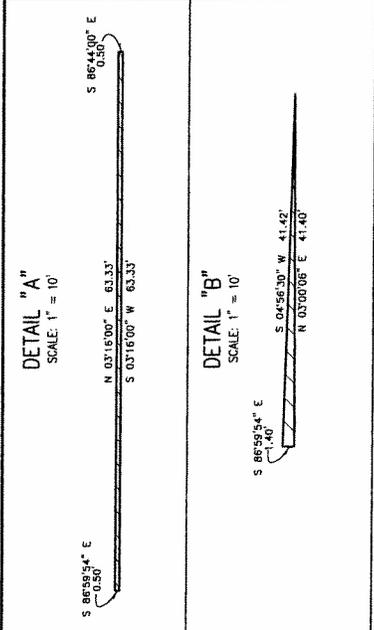
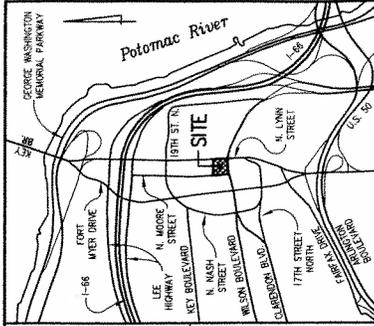
destruction, continued existence, repair or removal of the below grade parking garage and mechanical room structure, and the above grade parking structure, in accordance with Site Plan #335 and all applicable County standards.

BE IT FURTHER ORDAINED that this Ordinance shall not be construed to release the Applicant, its successors and assigns, of negligence on their part on account of such encroachments, and the Applicant, by constructing, or causing to be constructed and by continuing to have the below grade parking garage and mechanical room structure, and the above grade parking structure, within the dedicated public right-of-way, thereby agrees for itself, its successors and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the construction, maintenance, repair and removal of the below grade parking garage and mechanical room structure, and the above grade parking structure, and the permission for such encroachments, to encroach within the public right-of-way permitted by this Ordinance.

BE IT FURTHER ORDAINED that no portion of the below grade parking garage and mechanical room structure or the above grade parking structure permitted by this Ordinance to encroach within the public right-of-way shall be constructed until the Applicant has paid to the County the sum of \$7,457.46 as compensation for the encroachments.

BE IT FURTHER ORDAINED that on or before May 5, 2011, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Plats, approved by the Director of the Department of Environmental Services or his designee, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.

**EXHIBIT B-1
ENCROACHMENT PLAT - Page 1**



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHORD BEARING
1	30.00'	93°51'24"	48.14'	32.09'	43.83'	N43°38'30"W
2	700.27'	06°05'40"	74.48'	37.28'	74.45'	N87°32'10"W

NOTES

1. THE PROPERTY Delineated HEREIN IS SHOWN ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NO. 44-B, AS REAL PROPERTY CODE (RPC) 16038001.
2. THIS PROPERTY IS SUBJECT TO AN ORDINANCE TO PERMIT THE ENCROACHMENT OF A PORTION OF A BELOW GRADE ELECTRICAL VAULT INTO THE COUNTY RIGHT-OF-WAY OF N. MOORE STREET, PARCEL 1221, ABRAHAM COHEN PROPERTY, PARCEL 1222, WILSON BOULEVARD, ROSSLYN (RPC NO. 16038001) WITH CONDITIONS, ENACTED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON APRIL 19, 2008.
3. THIS PROPERTY IS ALSO SUBJECT TO AN ORDINANCE TO PERMIT THE ENCROACHMENT OF: A) BELOW GRADE PARKING GARAGE AND MECHANICAL ROOM STRUCTURE; AND B) AN ABOVE GRADE PARKING STRUCTURE, BOTH INTO THE COUNTY RIGHT-OF-WAY OF N. LYNN STREET, PARCEL 1223, ABRAHAM COHEN PROPERTY, ROSSLYN (RPC NO. 16038001) WITH CONDITIONS, ENACTED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON APRIL 19, 2008.
4. THIS PROPERTY IS SUBJECT TO THE CONTROL OF SITE PLAN #335 APPROVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON MAY 5, 2007, AND APPROVAL OF THIS PLAT NEITHER IMPOSED BY THIS PLAT NOR THE OBLIGATIONS AMENDMENTS, AS THEY RELATE TO THIS PROPERTY. SITE PLAN #335 IS ON FILE IN THE OFFICE OF THE ZONING ADMINISTRATOR OF ARLINGTON COUNTY, VIRGINIA.

**PLAT SHOWING
ENCROACHMENT AREAS
IN THE RIGHT-OF-WAY OF
NORTH MOORE STREET
DEED BOOK 348, PAGE 285
AND
NORTH LYNN STREET
DEED BOOK 713, PAGE 138
ADJACENT TO
PART ORIGINAL
ABRAHAM COHEN PROPERTY
DEED BOOK 240, PAGE 130
DEED BOOK 250, PAGE 130
ARLINGTON COUNTY, VIRGINIA**

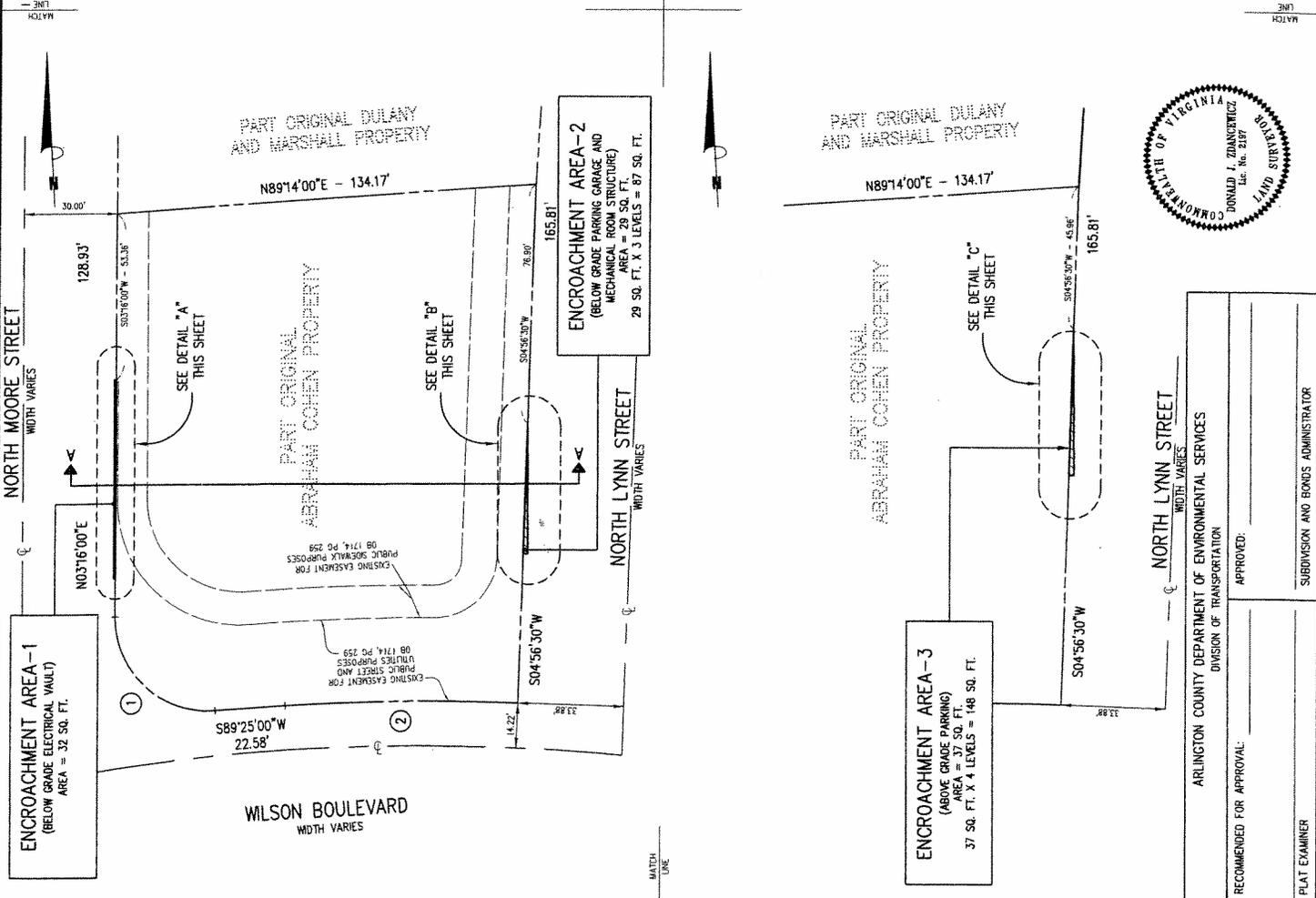
SCALE: 1" = 25'
DATE: FEBRUARY 8, 2008

**Bowman
CONSULTING**

Bowman Consulting Group, LLC
10000 Lee Blvd. Suite 302
Alexandria, Virginia 22314
Phone: (703) 546-1888
www.bowmanconsulting.com

REVISION	TASK	BY	CHK
2-27-08	ADDED ELECTRICAL VAULT		
3-5-08	REV. AS PER ARL. CO. COMMENTS		
4-15-08	REV. AS PER ARL. CO. COMMENTS		
5-28-08	COUNTY COMMENTS		
12-10-08	COUNTY COMMENTS		
02-17-09	ADDRESS COMMENTS		

UNB-01-3389 - Central Plots 3389-01-002 (S04) Survey/Plat (ENCROACHMENTS) UNB-3389-02-001-COM.dwg
BGS PROJECT NO: 3389-02-001 TASK: 10 BY: RJS CHK: OZ SHEET 1 OF 2



ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____

APPROVED: _____

PLAT EXAMINER: _____

SUBDIVISION AND BONDS ADMINISTRATOR: _____

EXHIBIT B-2 ENCROACHMENT PLAT - Page 2

ENCROACHMENT TABLE

NO.	ENCROACHMENT	AREA	LEVELS	TOTAL	ADJACENT TO
1	BELOW GRADE ELECTRICAL VAULT	32 SQ. FT.	1 LEVEL	32 SQ. FT.	RPC 16038001
2	BELOW GRADE PARKING GARAGE & MECHANICAL ROOM STRUCTURE	29 SQ. FT.	3 LEVELS	87 SQ. FT.	RPC 16038001
3	ABOVE GRADE PARKING	37 SQ. FT.	4 LEVELS	148 SQ. FT.	RPC 16038001

MATCH LINE

PLAT SHOWING
ENCROACHMENT AREAS
IN THE RIGHT-OF-WAY OF
NORTH MOORE STREET
DEED BOOK 348, PAGE 285
AND
NORTH LYNN STREET
DEED BOOK 713, PAGE 138
ADJACENT TO

PART ORIGINAL
ABRAHAM COHEN PROPERTY

DEED BOOK 241, PAGE 135
DEED BOOK 250, PAGE 140
ARLINGTON COUNTY, VIRGINIA

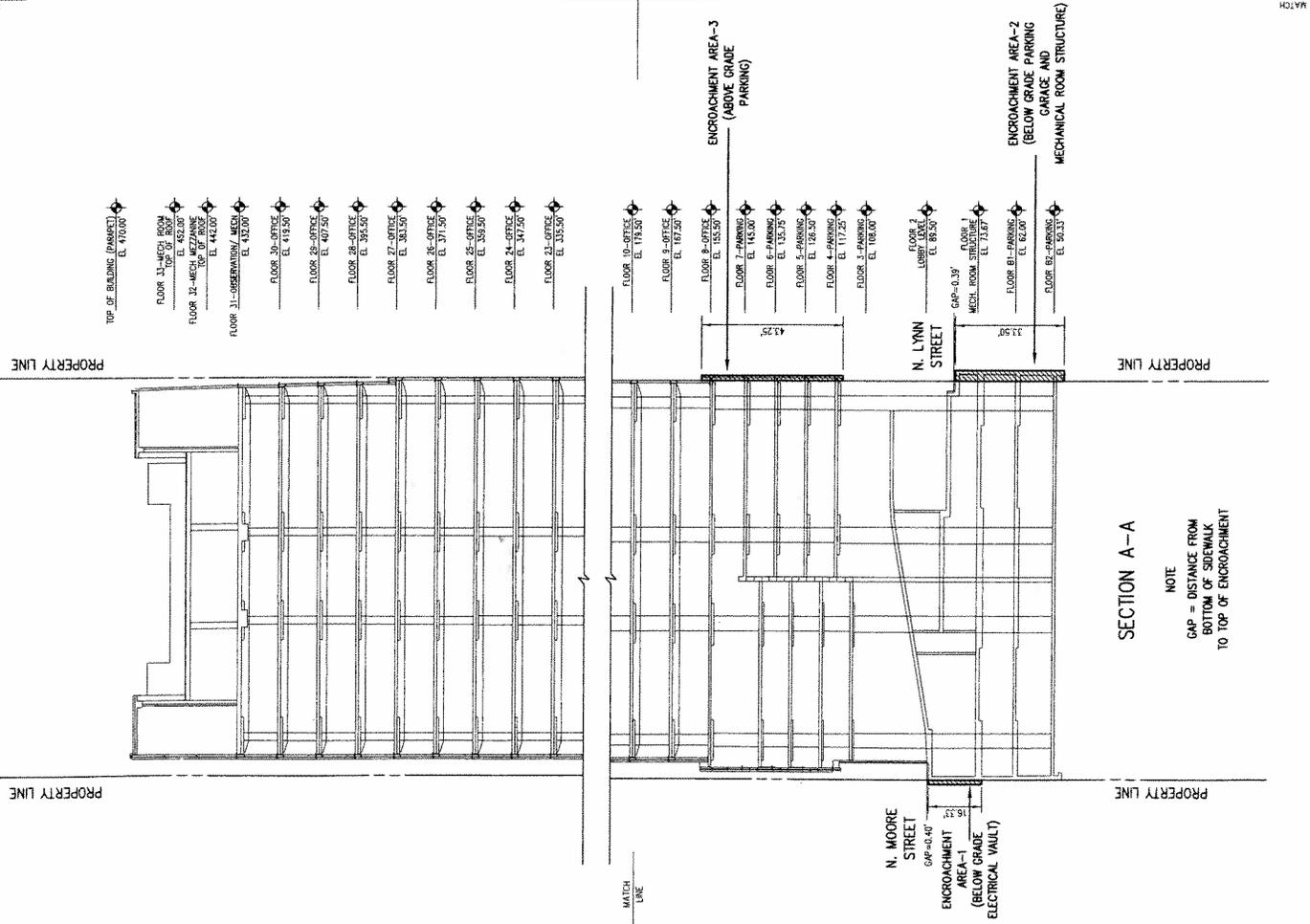
DATE: FEBRUARY 8, 2008

SCALE: 1" = 25'

Bowman CONSULTING																					
Bowman Consulting Group, Ltd. 121 Eastover Avenue, Suite 302 Arlington, Virginia 22204 Phone: (703) 646-2188 Fax: (703) 685-9791 www.bowmanconsulting.com																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>2-27-08</td> <td>ADD ELECTRICAL VAULT</td> </tr> <tr> <td>3-2-08</td> <td>REV. AS PER ARE. CO. COMMENTS</td> </tr> <tr> <td>3-19-08</td> <td>REV. AS PER ARE. CO. COMMENTS</td> </tr> <tr> <td>4-15-08</td> <td>REV. AS PER ARE. CO. COMMENTS</td> </tr> <tr> <td>10-19-08</td> <td>REV. AS PER ARE. CO. COMMENTS</td> </tr> <tr> <td>02-17-10</td> <td>ADDRESS COMMENTS</td> </tr> </tbody> </table>	REVISION	DATE	2-27-08	ADD ELECTRICAL VAULT	3-2-08	REV. AS PER ARE. CO. COMMENTS	3-19-08	REV. AS PER ARE. CO. COMMENTS	4-15-08	REV. AS PER ARE. CO. COMMENTS	10-19-08	REV. AS PER ARE. CO. COMMENTS	02-17-10	ADDRESS COMMENTS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DWG: P-1339 - Control plate 1339-01-002 (BRI) Survey/Plat/ENCROACHMENTS/VMA/1339-02-001-COM.dwg</td> </tr> <tr> <td>BCC PROJECT NO: 1399-02-001</td> </tr> <tr> <td>TASK: 10</td> </tr> <tr> <td>BY: BJS</td> </tr> <tr> <td>CHK: DZ</td> </tr> <tr> <td>SHEET 2 OF 2</td> </tr> </table>	DWG: P-1339 - Control plate 1339-01-002 (BRI) Survey/Plat/ENCROACHMENTS/VMA/1339-02-001-COM.dwg	BCC PROJECT NO: 1399-02-001	TASK: 10	BY: BJS	CHK: DZ	SHEET 2 OF 2
REVISION	DATE																				
2-27-08	ADD ELECTRICAL VAULT																				
3-2-08	REV. AS PER ARE. CO. COMMENTS																				
3-19-08	REV. AS PER ARE. CO. COMMENTS																				
4-15-08	REV. AS PER ARE. CO. COMMENTS																				
10-19-08	REV. AS PER ARE. CO. COMMENTS																				
02-17-10	ADDRESS COMMENTS																				
DWG: P-1339 - Control plate 1339-01-002 (BRI) Survey/Plat/ENCROACHMENTS/VMA/1339-02-001-COM.dwg																					
BCC PROJECT NO: 1399-02-001																					
TASK: 10																					
BY: BJS																					
CHK: DZ																					
SHEET 2 OF 2																					



MATCH LINE



MATCH LINE

MATCH LINE

EXHIBIT C

