



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 12, 2010**

DATE: June 1, 2010

SUBJECT: Enactment of An Ordinance to Vacate a Portion of a Water Main Easement Located Within Army Navy Country Club, (RPC# 32001006).

Applicant: Army Navy Country Club

By: Martin D. Walsh, Agent/Attorney
Walsh Colucci Lubeley Emrich & Walsh PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Vacate a Portion of a Ten (10) Foot-Wide Water Main Easement located within Army Navy Country Club, with conditions (RPC# 32001006).

2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deed(s) of Vacation and all documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

ISSUES: The Applicant seeks vacation of a portion of a ten (10) foot water main easement to enable construction of Use Permit # U-2443-85-1. There are no outstanding issues.

SUMMARY: The Applicant has requested the vacation of a portion of a ten (10) foot water main easement ("Easement") to enable development of Use Permit U-2443-85-1 ("Use Permit"). The Use Permit is to be considered by the Board concurrently with this Vacation Application. The Use Permit would allow the relocation and reconstruction of a clubhouse, tennis courts and associated parking. A portion of the Easement contains 20 inch water main, which water main the Applicant is proposing to relocate as part of the vacation. The Applicant is also proposing to relocate portions of an 8 inch and 12 inch water mains to enable construction of the improvements that are the subject of the Use Permit.

County Manager: MB/GA

County Attorney: PAAC/SAM

Staff: Linda Collier, Real Estate Bureau, DES

37. C.

Upon enactment of the Ordinance of Vacation, satisfaction of the conditions contained therein, and recordation of the Deed(s) of Vacation, the County's interests in the vacated portions of the water main easement will be extinguished.

BACKGROUND: The subject site is located at 1700 Army Navy Drive, RPC No. 32001006 ("Property"). (See Vicinity Maps attached hereto as Exhibits B, C and D). In conjunction with plans to build a new clubhouse, tennis courts and associated parking, the Applicant filed the Use Permit to allow construction of such facilities ("Project"). The Easement and the associated 20 inch water main, as well as portions of the 8 inch and 12 inch water mains, are located in the area where the proposed future clubhouse is proposed to be constructed. To accomplish the proposed development, the Applicant requested enactment of an Ordinance of Vacation to vacate the Easement ("Ordinance"). The requested Vacation consists of 8,071 square feet and is depicted on the attached plat entitled "Sheet 1 of 1, Exhibit Showing the Vacation of a Portion of a 10' Water Main Easement, Deed Book 1471, Page 652, On the Property of Army Navy Country Club, Arlington County, Virginia" dated November 30, 2009, revised June 2, 2010, prepared by VIKI Incorporated ("Plat"), and attached hereto as Exhibit A. The water main and all water main facilities associated with the Easement will be relocated and constructed in new easements, which the Applicant will be required to grant to the County as conditions of the proposed Ordinance. In addition, because one of the water mains proposed to be relocated is a 20 inch transmission main and is vital to the distribution of the public water supply to the southern region of the County, the Applicant will be required to provide a Construction Sequencing Plan for the relocation of the water main, which must be approved by the County, as a condition of the proposed Ordinance. A portion of the existing 8 inch and 12 inch water mains also will be relocated as part of the Project and such relocations, along with dedication of new easement area(s) accommodating the relocated lines, are conditions of the proposed Ordinance. Finally, the current water main is located outside of the existing easement area in several places. The conditions of the Ordinance require the Applicant to dedicate easement(s) to the County to cover those areas as well.

The County acquired the Easement by a Deed, dated July 27, 1961, recorded in Deed Book 1471, at Page 652, among the land records of Arlington County, Virginia ("Land Records") on May 9, 1962 and a plat attached thereto.

DISCUSSION: The Easement, in its current location, would prevent the Applicant from constructing the proposed buildings and improvements that are the subject of the Use Permit. The Applicant proposes to relocate the portion of the water main, currently located (in part) within the existing Easement area, as well as the portions of the existing 8 inch and 12 inch water mains conflicting with the proposed Use Permit improvements, to other locations on the Property. County staff has agreed to such relocations, as long as the proposed Construction Sequencing Plan is followed so that water service is not disrupted for other County customers. The conditions of the Ordinance will require the Applicant to grant all necessary easements to encompass any relocated water mains and water main facilities on the Property, and to comply with the approved Construction Sequencing Plan. A copy of the proposed Ordinance is attached hereto as Attachment 1.

Legal and Physical Description: The Easement that is the subject of this vacation request is described on the Plat attached as Exhibit A. The Property is located at 1700 Army Navy Drive and is identified in the Arlington County Real Estate Records by RPC #32001006. The County acquired the Easement by Deed, dated July 27, 1961, recorded in Deed Book 1471, at Page 652, among the Land Records on May 9, 1962 and a plat attached thereto.

Compensation: In keeping with current County policy and practice, because the Applicant, as a condition of the Ordinance, will be required to relocate, at its own expense, the portion of the water main and all water line facilities located in the area of the Easement to be vacated, as well as to relocate portions of the existing 8 inch and 12 inch water mains, and to grant, to the County, at no expense, public water main easement therefor, staff recommends that no compensation be required from the Applicant for the requested vacation of the Easement.

Public Notice: Public notice of the proposed Ordinance of Vacation was given in accordance with the Code of Virginia. Notices were placed in the May 19, 2010 and May 26, 2010 issues of the Washington Times for the County Board Meeting of June 12, 2010.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to Vacate a portion of a ten (10) foot-wide water main easement located within Army Navy Country Club, RPC# 32001006.

ATTACHMENT 1

AN ORDINANCE TO VACATE A PORTION OF A TEN (10) FOOT-WIDE WATER MAIN EASEMENT RUNNING IN AN EASTERLY TO WESTERLY DIRECTION WITHIN A PORTION OF PROPERTY OWNED BY ARMY NAVY COUNTRY CLUB, RPC NO. 32001006, WITH CONDITIONS

BE IT ORDAINED that, pursuant to a request by Army Navy Country Club (“Applicant/Owner”), on file in the offices of the Department of Environmental Services, a portion of a ten (10) foot-wide water main easement running in an easterly to westerly direction within a portion of property owned by Army Navy Country Club, RPC No. 32001006, created by a Deed, dated July 27, 1961, recorded at Deed Book 1471, Page 652, among the land records of Arlington County, Virginia on May 9, 1962, and shown on a plat entitled “Sheet 1 of 1, Exhibit Showing the Vacation of a Portion of a 10’ Water Main Easement, Deed Book 1471, Page 652, On the Property of Army Navy Country Club, Arlington County, Virginia”, dated November 30, 2009, revised June 2, 2010, prepared by VIKA Incorporated (“Plat”), and attached to the County Manager’s June 1, 2010 report as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Applicant/Owner shall, at its own cost and expense, remove, relocate and reconstruct the existing 20 inch water main and related appurtenant facilities located within or associated with the portion of the easement herein vacated or necessary/required for such relocation or reconstruction, with new water mains and related appurtenant facilities of size, dimension and location acceptable to Arlington County (“County”), in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies.
2. The Applicant/Owner shall, at its own cost and expense, remove, relocate and reconstruct portions of the existing 8 inch and 12 inch water mains currently serving the site as required by the final engineering plans or utility relocation plans approved by the Director of the Department of Environmental Services (“DES”), or his designee with new water mains and related appurtenant facilities of size, dimension and location acceptable to Arlington County (“County”), in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies.
3. The Applicant/Owner shall dedicate, grant and convey to the County, public water main easement(s), at locations and of dimensions necessary to accommodate all of the relocated facilities (including, but not limited to, the new portions of the 8 inch, 12 inch and 20 inch water mains) as required by the County. The public water main easement(s) shall be between twenty (20) and forty (40) feet wide as required by the Director of DES, or his designee. The Real Estate Bureau Chief, Department of Environmental Services is authorized to accept the water main easement(s), required to be conveyed to the County pursuant to this condition and other condition(s) of this Ordinance, on behalf of the County, subject to approval thereof as to form by the County Attorney.

4. The Applicant/Owner shall dedicate, grant and convey to the County, public water main easement(s) to accommodate all portions of the existing 20 inch water main that are not located in easement area dedicated to the County at the time the Ordinance is enacted. Such new easement area(s) shall encompass the existing water main and be at least fifteen (15) feet beyond the center line of the existing water main on each side, unless such area for the new easement is otherwise reduced by the Director of DES, or his designee.

5. Prior to commencement of any construction on the relocated water main(s) and related appurtenant facilities, the Applicant/Owner shall submit, for review and approval, to the Director of DES, a utility relocation and engineering design plan, in compliance with the Arlington County Construction Standards and Specifications, for the construction, relocation, removal, replacement and/or abandonment of the water main facilities: a) located, in whole or in part, within the portions of the easements vacated by this Ordinance of Vacation (“Plan”); or b) required to be relocated to construct the improvements permitted by the Use Permit (“Improvements”). The Plan shall be subject to approval by the Director of DES, or his designee. Such plan shall include, among other things, a Construction Sequencing Plan for construction of the new portions of the 8 inch, 12 inch and 20 inch water mains and be approved by the Director of DES, or his designee, prior to the removal, relocation, construction and/or reconstruction of the water main facilities that are within or associated with the easement herein vacated or necessary/required for such relocation, reconstruction or construction of the Improvements. Such Construction Sequencing Plan shall address, but not be limited to, the following:

- A. Establishment of a sequencing for the work;
- B. Proposed 12 inch and 8 inch water main to be installed, tested and placed in service; reconnect all domestic and fire line services;
- C. Installation of 20 inch water main up to temporary blow offs on each end of water main;
- D. Use connection between 12 inch and 20 inch water main to test, flush and take bacteriologic samples for 20 inch water main;
- E. Contractor shall coordinate with and give prior notice to Arlington County and Army Navy Country Club regarding 20 inch water main turn off;
- F. Removal of temporary blow offs and connection to existing 20 inch water main;
- G. Connection to existing 20 inch pre-stressed concrete cylinder pipe water main shall be by experienced and qualified personnel; and
- H. A representative from a pre-stressed concrete cylinder pipe company retained by Applicant/Owner or its contractor shall be on site at all times during 20 inch water main connection in order to supervise the connection.

6. Prior to commencement of any construction on the to be relocated 8 inch, 12 inch or 20 inch water mains and related appurtenant facilities to be relocated, the Applicant/Owner shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or his designee, to secure the proper construction, relocation, removal, replacement or abandonment of the water main facilities pursuant to the approved Plan.

7. The Applicant /Owner shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, all required plats, and all required deeds of easement, subject to approval thereof by the County Manager, or his designee, and approval of all of the deeds as to form by the County Attorney.

8. The Applicant/Owner shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.

9. The Applicant/Owner shall meet all of the requirements of Conditions No. 1 through 8 of this Ordinance of Vacation prior to recordation of the Deed(s) of Vacation and associated plat(s) for the vacation of the portion of the ten (10) foot-wide water main easement authorized herein.

10. The Applicant/Owner shall record all plats, the Deed(s) of Vacation, and all deed(s) of easement required by the conditions of this Ordinance of Vacation among the land records of the Clerk of the Circuit Court of Arlington County.

11. All conditions of the Ordinance of Vacation shall be met by noon on June 12, 2013 or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.





