



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of October 23, 2010**

DATE: October 1, 2010

SUBJECT: Enactment of an Ordinance to Vacate a Portion of an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on Part of Lot 650, 3200 4th Street North, Ashton Heights (RPC# 19047010), with Conditions.

C.M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Vacate a portion of an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on Part of Lot 650, Ashton Heights (RPC# 19047010), with Conditions.
2. Authorize the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation on behalf of the County Board, subject to approval of such deed as to form by the County Attorney.

ISSUE: The County Board has been requested to enact an Ordinance to vacate a portion of an easement acquired by the County in 2008, as part of a Department of Environmental Services project for the improvement of a portion North Irving Street (Project# NPD3). The portion of the easement to be vacated was not needed for the Project. There are no outstanding issues.

SUMMARY: This is a request from Martin and Moira Secrest for the vacation of a portion of an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes across a portion of the Secrest's property that was acquired for the construction of a recently completed Department of Environmental Services project for the improvement of County utilities and the streetscape along a portion of North Irving Street. As a result of project design modifications, most of the area of the easement acquired was not needed for the project. Upon approval by the County Board and recordation of the Deed of Vacation by the Applicants, the County's interest in the subject portion of the easement will be extinguished.

BACKGROUND: In 2008, the County acquired an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on a portion of the property located at 3200 4th Street North. The

County Manager:

County Attorney:

Staff: KevinConnolly, DES, Real Estate Bureau

easement was needed for the construction of a part of the project to be built at the intersection of North Irving Street and 4th Street North. The easement is shown on the Vicinity Maps attached hereto as Exhibit B. The project has recently been completed. Before construction of the project, but after the County Board's acceptance of the easement, the project underwent additional redesign that rendered a one hundred ninety-two (192) square foot portion of the easement unneeded for the construction, reconstruction or maintenance of the installed project improvements.

DISCUSSION: Following construction of the project, staff received a request from the Secretsts to vacate the subject portion of the easement, as it was not needed for the project or other County purposes.

Legal and Physical Description: The easement that is the subject of this vacation request is depicted on the plat attached to the proposed Ordinance of Vacation (Attachment 1) hereto as Exhibit A. The property is located at 3200 4th Street North and is identified in the Arlington County land records as RPC # 19047010. The subject easement was acquired by the County from the Secretsts by Deed, dated December 18, 2008, recorded in Deed Book 4231 at Page 152, among the land records of Arlington County, Virginia.

Compensation: The easement was conveyed to the County for no compensation. Consistent with County practice, staff recommends that the subject area be vacated, upon the satisfaction of the conditions of the Ordinance, for no compensation.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the September 29, 2010 and October 6, 2010 issues of the Washington Times for the County Board meeting of October 23, 2010.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the Ordinance to vacate a Portion of an Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on Part of Lot 650, Ashton Heights (RPC# 19047010), with conditions.

Attachment 1

ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK, UTILITIES AND STORM DRAINAGE PURPOSES ON PART OF LOT 650, ASHTON HEIGHTS (RPC# 19047010), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request by Mr. Martin and Mrs. Moira Secrest (the “Property Owners/Applicants”) on file in the offices of the Department of Environmental Services, a portion of the Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on Part of Lot 650, Ashton Heights (RPC# 19047010), recorded in Deed Book 4231 at Page 152, among the land records of Arlington County, Virginia, and shown as “Portion of Easement Acquired for Public Sidewalk, Utilities and Storm Drainage Purposes Hereby Vacated, Area = 192 SQ. FT.” on the Plat entitled “Plat Showing Vacation of a Portion of an Easement Acquired for Public Sidewalk, Utilities and Storm Drainage Purposes, on Part Lot 650, Ashton Heights, D.B. 177, PG. 152, Arlington County, Virginia”, approved on October 7, 2010, by the Arlington County Subdivision and Bonds Administrator of the Department of Environmental Services, and attached hereto as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Applicants/Property Owners shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, subject to approval thereof by the County Manager, or his designee, and approval of the deeds as to form by the County Attorney.
2. The Applicants/Property Owners shall record all plats, the Deed(s) of Vacation, and all deeds required by this Condition.
3. The Applicants/Property Owners may be required to pay fees for the recording of the required documents associated with the Ordinance of Vacation.
4. All conditions of the Ordinance of Vacation shall be met by noon on October 22, 2011, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A

[ATTACH]

EXHIBIT B

[ATTACH]

ASHTON HEIGHTS

DB. 177, PG. 381

PT. 650

N18°32'24"W 77.12'

R=661.57'
A=5.00'

PT. 650

PORTION OF
EASEMENT ACQUIRED FOR PUBLIC
SIDEWALK, UTILITIES AND
STORM DRAINAGE PURPOSES
HEREBY VACATED
AREA = 192 SQ. FT.

99.00'

649

S71°27'36"W

N63°23'06"E
88.94'

95.00' (TOTAL)

ARLINGTON CO. CENTERLINE

4TH STREET NORTH

S63°23'06"W

35.15'
N18°32'24"W

55.15'
S18°32'24"E 91.15' (TOTAL)

29.00'

20.00'

22.00'

S18°32'24"E

NORTH IRVING STREET

ARLINGTON CO. CENTERLINE

23

24

P.O.T. 24+34.44 N. IRVING ST. (SURVEY REVISED)

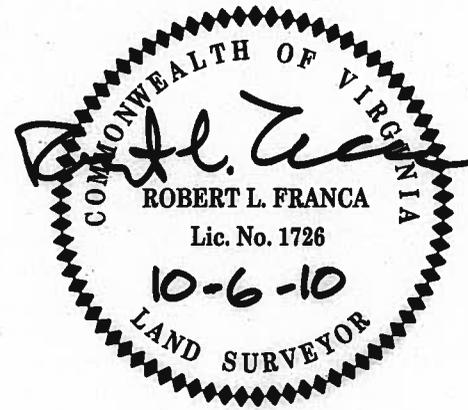
P.I. 4+66.97 4TH STREET N.

Δ = 98°04'30" LT. (SURVEY REVISED)



VCS 1983

PT = 3+46.91
(SURVEY REVISED)



| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S62°50'19"E | 8.59' |
| L2 | S71°27'36"W | 6.00' |

GRAPHIC SCALE



SCALE: 1" = 25'

RPC# 19047010

OWNERS: MARTIN A. SECREST

& MOIRA M. SECREST

D.B. 3013, PG. 1385

ADDRESS: 3200 4TH STREET N.

ARLINGTON, VIRGINIA

DEPARTMENT OF ENVIRONMENTAL SERVICES
ENGINEERING & CAPITAL PROJECTS DIVISION

PLAT SHOWING
VACATION OF A PORTION OF
AN EASEMENT ACQUIRED FOR
PUBLIC SIDEWALK, UTILITIES AND
STORM DRAINAGE PURPOSES

(D.B. 4231, PG. 152)

ON PART LOT 650

ASHTON HEIGHTS

D.B. 177, PG. 381

ARLINGTON COUNTY, VIRGINIA

SCALE : 1" = 25'

DRAWN BY : RLF

CHECKED BY : SWR

CADD FILE : DATA\PLATS\MAP 63\03\19047010-VAC.DWG

APPROVED : 10-6-10

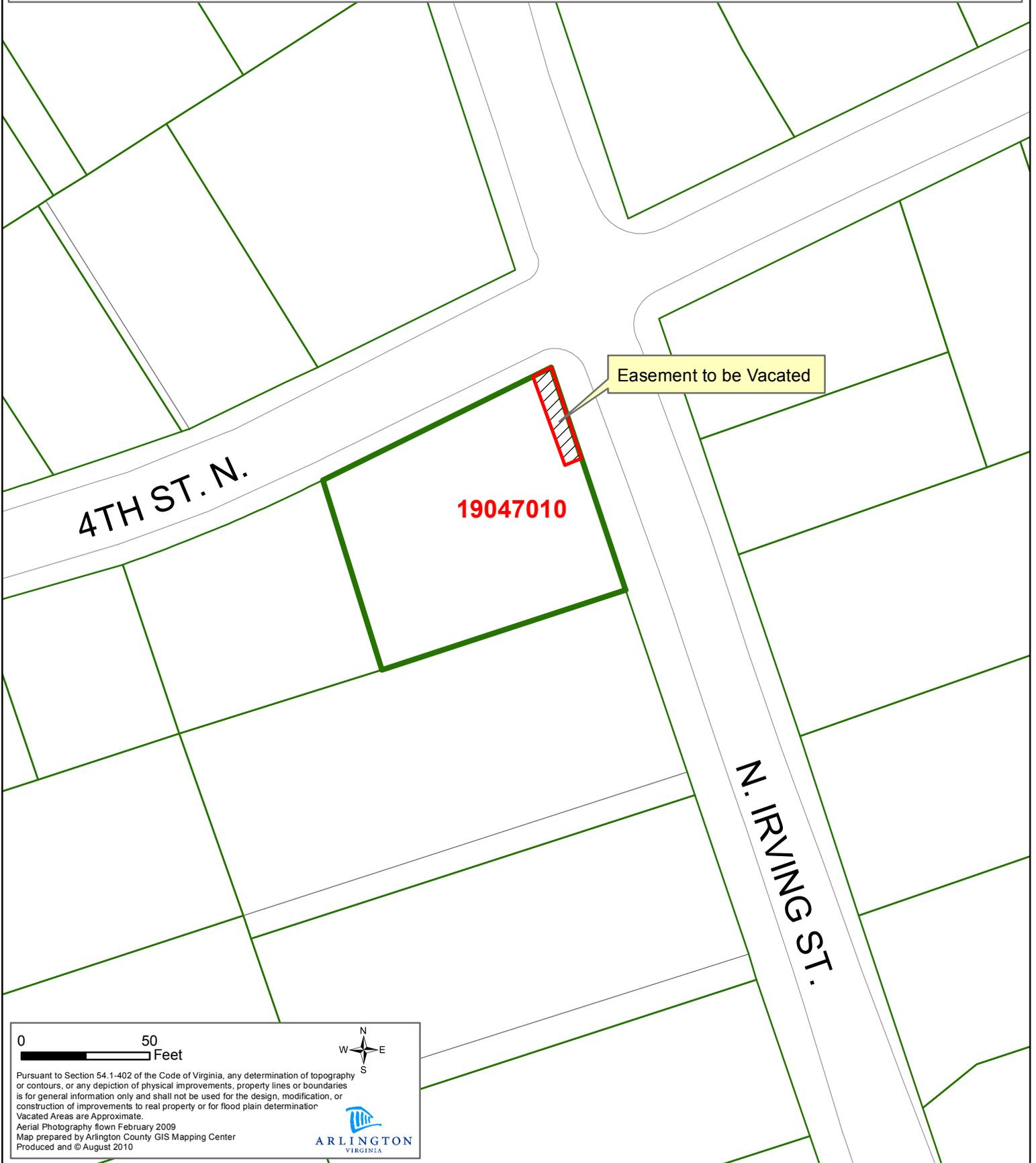
APPROVED : 10-7-2010

COUNTY SURVEYOR

SUBDIVISION & BONDS ADMINISTRATOR

Vicinity Map

3200 4th Street N
RPC # 19047010



0 50 Feet



Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Vacated Areas are Approximate.

Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
Produced and © August 2010



Vicinity Map

3200 4th Street N
RPC # 19047010



0 50 Feet



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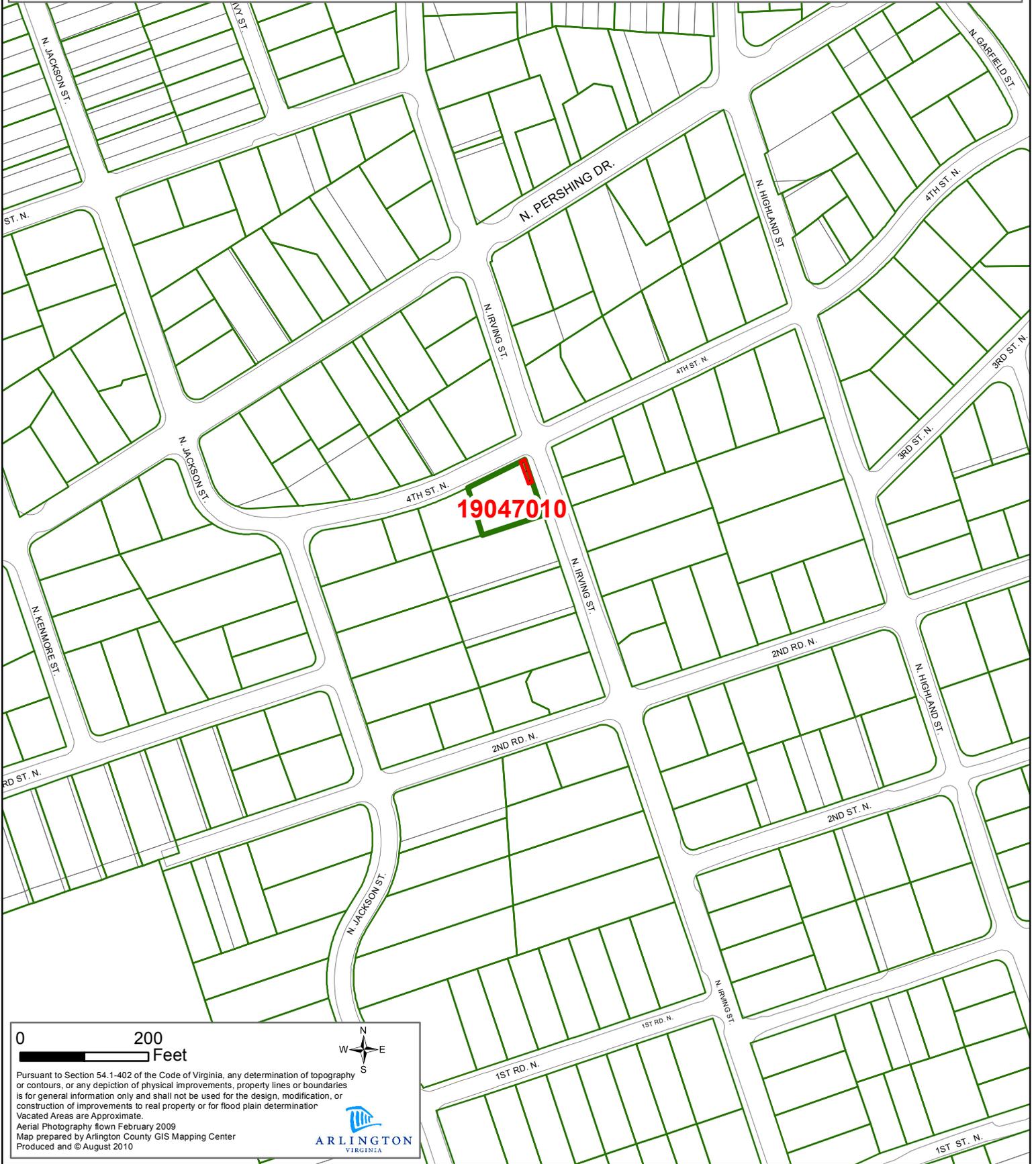
Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
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Vicinity Map

3200 4th Street N

RPC # 19047010



0 200 Feet



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