



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 12, 2011

DATE: March 1, 2011

SUBJECT: Enactment of an Ordinance to Amend and Reenact an Ordinance to Vacate Parcel "1" of North Vermont Street between North Glebe Road and North Fairfax Drive, Adjacent to Parcel "C" (RPC# 14-051-358), Arlington Gateway at Ballston II; Vacate Parcel "2" of North Vermont Street between North Glebe Road and North Fairfax Drive, Adjacent to Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc.; Vacate the Remaining Portion of an Existing 11.5 Foot Easement for Public Street and Utilities Purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., Along the East Side of North Vermont Street; and, Vacate a Portion of an Easement for Street Purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., Along the South Side of North Fairfax Drive, each with Conditions; and Enactment of an Ordinance to Amend and Reenact an Ordinance to Vacate a Portion of an Easement for Street Purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., Along the South Side of North Fairfax Drive, by extending the Ordinance expiration date, with Conditions.

Original Applicant: The Arlington Office, L.L.C.

Property Owner/Extension Applicant: JBG/Fairfax Drive, LLC

By:

Nan E. Walsh, Esquire
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
2200 Clarendon Blvd., Suite 1300
Arlington, VA 22201
Counsel for the Extension Applicant

C.M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Amend and Reenact an Ordinance to Vacate Parcel "1" of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14-051-358), Arlington Gateway at Ballston II; vacate Parcel "2" of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc.; Vacate the remaining portion of an existing 11.5 foot easement for public street and utilities

County Manager:

BMD/GA

County Attorney:

BAC *GA*

Staff: Betsy Herbst, DES, Real Estate Bureau

14.

purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., along the east side of North Vermont Street; and, Vacate a portion of an easement for street purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, with Conditions.

2. Enact the attached Ordinance to Amend and Reenact an Ordinance to Vacate a Portion of an Easement for Street Purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, with Conditions.
3. Authorize the Real Estate Bureau Chief or his designee to execute the deed(s) of vacation on behalf of the County Board, subject to approval of such deed(s) as to form by the County Attorney.

ISSUE: The Applicant has requested an additional extension, until July 1, 2014, of two previously approved and extended vacation ordinances in connection with Site Plan #331. There are no issues identified in this request.

SUMMARY: The Applicant has requested an amendment and reenactment of two vacation ordinances ("Amended Ordinances") associated with Site Plan #331, for the purpose of extending the expiration of the ordinances originally enacted by the County Board on January 21, 2006, with conditions ("2006 Ordinances"), and previously extended by the County Board on April 22, 2008 ("2008 Ordinances"). As provided in the conditions of the 2008 Ordinances, the Applicant has until noon on April 19, 2011, to complete all conditions of the ordinances of vacation. However, given current market conditions, the Applicant has not begun construction under approved Site Plan #331, as amended. The Applicant has requested an extension of the 2008 Ordinance expiration date until July 1, 2014, to implement the Site Plan and satisfy the conditions of the vacation ordinance. Under state legislation, the Site Plan, as amended, has already been automatically extended until July 1, 2014.

The 2008 Ordinances authorized the vacation of the following County interests subject to conditions specified in the Ordinances: 1) Parcel 1 and Parcel 2 of the right-of-way of North Vermont Street, between North Fairfax Drive and North Glebe Road, 2) the remaining portion of an existing 11.5 foot easement for public street and utilities purposes on Parcel "C", Property of Dominion Investments, Inc., along the east side of North Vermont Street, and 3) an easement for street purposes on Parcel "C", Property of Dominion Investments, Inc., along the south side of North Fairfax Drive. The Amended Ordinances to reenact and amend the 2008 Ordinances are attached to this report as Attachments 1 and 2. The conditions of the 2008 Ordinances have not yet been satisfied. Vicinity Maps showing the location of the vacations are attached to this report as Attachments 3 and 4.

Upon enactment of the Amended Ordinances, the Applicant will have an additional three years and two months to satisfy the conditions of the 2008 Ordinances. Except for the expiration date, all other conditions of the 2008 Ordinances are incorporated into, and made part of, the Amended Ordinances. With completion of the conditions specified in the Amended Ordinances and recordation of the Deeds of Vacation by the Applicant before the expiration dates of the Amended Ordinances, the County's interests in the vacated portions of North Vermont Street,

the vacated portion of the 11.5 foot easement for public street and utilities purposes, and the vacated easement for street purposes along North Fairfax Drive will be extinguished.

BACKGROUND: On November 14, 1998, prior to the enactment of the 2006 Ordinances, the County Board enacted an ordinance vacating the southerly portion of North Vermont Street, from Fairfax Drive southward to North Glebe Road (“1998 Ordinance”). The 1998 Ordinance included the vacation of a 5 foot-wide sanitary sewer easement and segments of two separate 11.5 foot-wide easements for public street and utilities purposes. At the time, staff recommended that the County Board vacate North Vermont Street in its entirety, from North Glebe Road to North Fairfax Drive. However, the former owner of the parcel at 4420 N. Fairfax Drive objected to the recommended vacation of the entire length of North Vermont Street. The County Board did not vacate the portion of North Vermont Street adjacent to 4420 N. Fairfax Drive, thus leaving the northerly portion of North Vermont Street between North Glebe Road and North Fairfax Drive intact.

In 2005, in order to redevelop the property at 4420 N. Fairfax Drive, the Applicant filed a major amendment to the Arlington Gateway Site Plan #331 (Site Plan #331) to incorporate the property into the Site Plan and permit the construction of a multi-family residential building. On January 21, 2006, the County Board approved the major amendment to Site Plan #331 and enacted the 2006 Ordinances to facilitate the redevelopment.

The 2006 Ordinances vacated, subject to conditions, the entire 3,369 square-feet of Parcel “1” of North Vermont Street; the entire 2,743 square-feet of Parcel “2” of North Vermont Street, (that portion adjacent to 4420 N. Fairfax Drive not previously vacated in 1998); the remaining 1,211 square-foot portion of the 11.5 foot-wide easement for public street and utilities purposes along the east side of North Vermont Street and within Parcel “C”; and the 5,184 square-foot easement for street purposes along the south side of Fairfax Drive and within Parcel “C”. On February 22, 2008, the Applicant filed a minor site plan amendment application with the Zoning Office to request a three year extension of Site Plan #331, and also requested a three year extension of the 2006 Ordinances. As of present, the 2006 Ordinances, as amended and reinstated by the 2008 Ordinances to extend the expiration dates of these ordinances, have not been satisfied.

DISCUSSION: Under the original Site Plan #331 approved in 2006, the present Fairmont office building on the site would be demolished and replaced by a 23-story residential building with ground floor retail. The first 11 floors would be “L” shaped, roughly following the property line. Above these base floors, a slender tower would rise an additional 12 floors in a slightly hexagonal shape. The facades would be mainly metal and glass. A total of 9,200 square-feet of retail space would occupy the portion of the ground floor along North Fairfax Drive, and the residential entrance with associated uses would occupy a portion of the ground floor with a small frontage on North Fairfax Drive, under the tower.

In 2008, the Applicant filed a site plan amendment to amend the 2006 Site Plan approval, which had incorporated the site into the larger Site Plan #331 (Arlington Gateway), and the Board approved a residential high-rise, multi-family building, intended at that time to be a condominium. The Applicant submitted revised plans to redesign the building as provided in the 2008 Site Plan amendment, which was accepted by the County Manager, but the project was not

pursued because of the current economic conditions. Consequently, the 2006 Site Plan approval presently governs the site, which has been automatically extended by state legislation until July 1, 2014. The Applicant may choose to pursue construction of the 2006 Site Plan, continue to pursue the 2008 submitted amendment or request another Site Plan amendment. In the meantime, the current occupant, Westwood College, will continue to occupy the existing office building on the site.

The Applicant currently owns RPC# 14-051-019 (known as 'Parcel "C", 21,348 square feet of Property of Dominion Investments, Inc.')

by virtue of a Special Warranty Deed dated April 27, 2005 and recorded April 28, 2005 in Deed Book 3833 at Page 651, among the Arlington County land records. The parcel located on the opposite side of N. Vermont Street, RPC #14-051-358 (known as 'Parcel "C", Arlington Gateway at Ballston II'), is currently owned by Arlington Gateway Investors, LLC, by virtue of a Special Warranty Deed dated May 6, 2005, and recorded May 10, 2005 in Deed Book 3838 at Page 1749 among the land records.

If the 2008 Ordinances are amended and reenacted by the County Board to extend the expiration date of such ordinances, and if all conditions are satisfied by the Applicant, then the adjacent property owners of the vacated portion of North Vermont Street will become vested with fee simple interests in the portion of North Vermont Street abutting their properties, extending to the centerline of the street. As shown on the plat attached as Exhibit A, North Vermont Street would be divided as follows: the owner of Parcel "C" (RPC# 14-051-358), Arlington Gateway Investors, LLC, would become vested with fee simple title in 3,369 square-feet of land designated as Parcel "1"; and the Applicant will become vested with fee simple title in the 2,743 square-feet of land designated as Parcel "2" on the plat attached as Exhibit A.

The Applicant has agreed that the compensation to the County for the requested vacations under the Amended Ordinances shall remain the same as previously provided in the 2006 and 2008 Ordinances. Consistent with the requirements of Condition #76 of Site Plan #331, and as part of the consideration for the vacations, the Applicant agreed to participate in the Ballston-MU Metro Station Western Entrance Project.

The Metro Station project will require that the Applicant design and build, or cause to be designed and built, escalator stairs, elevator wellways, connecting tunnel for pedestrian access, and other facilities, which in the future will connect the newly constructed western entrance located on and adjacent to the Applicant's property to the existing Ballston-MU Metro Station. In order to ensure pedestrian and vehicular access to and from the proposed western entrance for the Ballston-MU Metro Station, and as a condition of the Amended Ordinances, the Applicant will be required to grant to the County, a public use access easement over the areas proposed to be vacated. The Amended Ordinances also require that the Applicant grant to the Washington Metropolitan Area Transit Authority ("WMATA"), a permanent underground tunnel easement in portions of the vacated areas for use by the public at-large for access to the Ballston-MU Metro Station Western Entrance Tunnel, and that the Applicant grant to the County a public utilities easement under and through the vacated areas to safeguard the utilities existing and/or utilities proposed to exist within the vacated areas.

The 2006 and 2008 Ordinances provided that compensation for the requested vacations described in Attachment 1 to be in the form of easements for and work to be performed on the Metro Station project or alternative compensation, if necessary, as required and described by the terms of Condition #76 of SP# 331. The vacation described in Attachment 1 will not be required, nor occur, until completion of the requirements of Condition #76 of SP #331 relating to the Metro Station project. The proposed vacation of the portion of the easement for street purposes along the south side of North Fairfax Drive described in Attachment 2 will be required for location of the building proposed by SP# 331. As a condition of the vacation described in Attachment 2, the County will require payment of monetary compensation prior to the execution of a Deed of Vacation on behalf of the County.

Legal and Physical Description: The portions of the North Vermont Street public right-of-way, the easement for public street and utilities purposes, and the easement for street purposes that the Applicant requests to be vacated are more specifically described below:

1. Parcel "1" of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14-051-358), Arlington Gateway at Ballston II was established by recordation of a Deed of Dedication in Deed Book 111, at Page 341. The portion of North Vermont Street right-of-way to be vacated is 3,369 square-feet, as shown on Exhibit A entitled, "Plat Showing the Vacation of an Existing 11.5' Easement for Public Street and Utilities Purposes and an Easement for Street Purposes on Parcel 'C', Property of Dominion Investments, Inc., and the Vacation of a Portion of North Vermont Street, Arlington County, Virginia" ("Plat").
2. Parcel "2" of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc. was established by recordation of a Deed of Dedication in Deed Book 111, at Page 341. The portion of North Vermont Street right-of-way to be vacated is 2,743 square-feet, as shown on the Plat attached as Exhibit A.
3. The remaining portion of an existing 11.5 foot easement for public street and utilities purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., along the east side of North Vermont Street, was granted to the County by Deed of Easement recorded in Deed Book 2238, at Page 1451. The portion of the easement for public street and utilities purposes to be vacated is 1,211 square-feet, as shown on the Plat attached as Exhibit A.
4. The easement for street purposes on Parcel "C" (RPC# 14-051-019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, was granted to the County by Correction Deed and Deed of Resubdivision recorded in Deed Book 1546, at Page 219 and Deed Book 1546, at Page 542. The portion of the easement for street purposes to be vacated is 5,184 square-feet, as shown on the Plat attached as Exhibit A.

The existing right-of-way and existing easements are shown on Exhibit B.

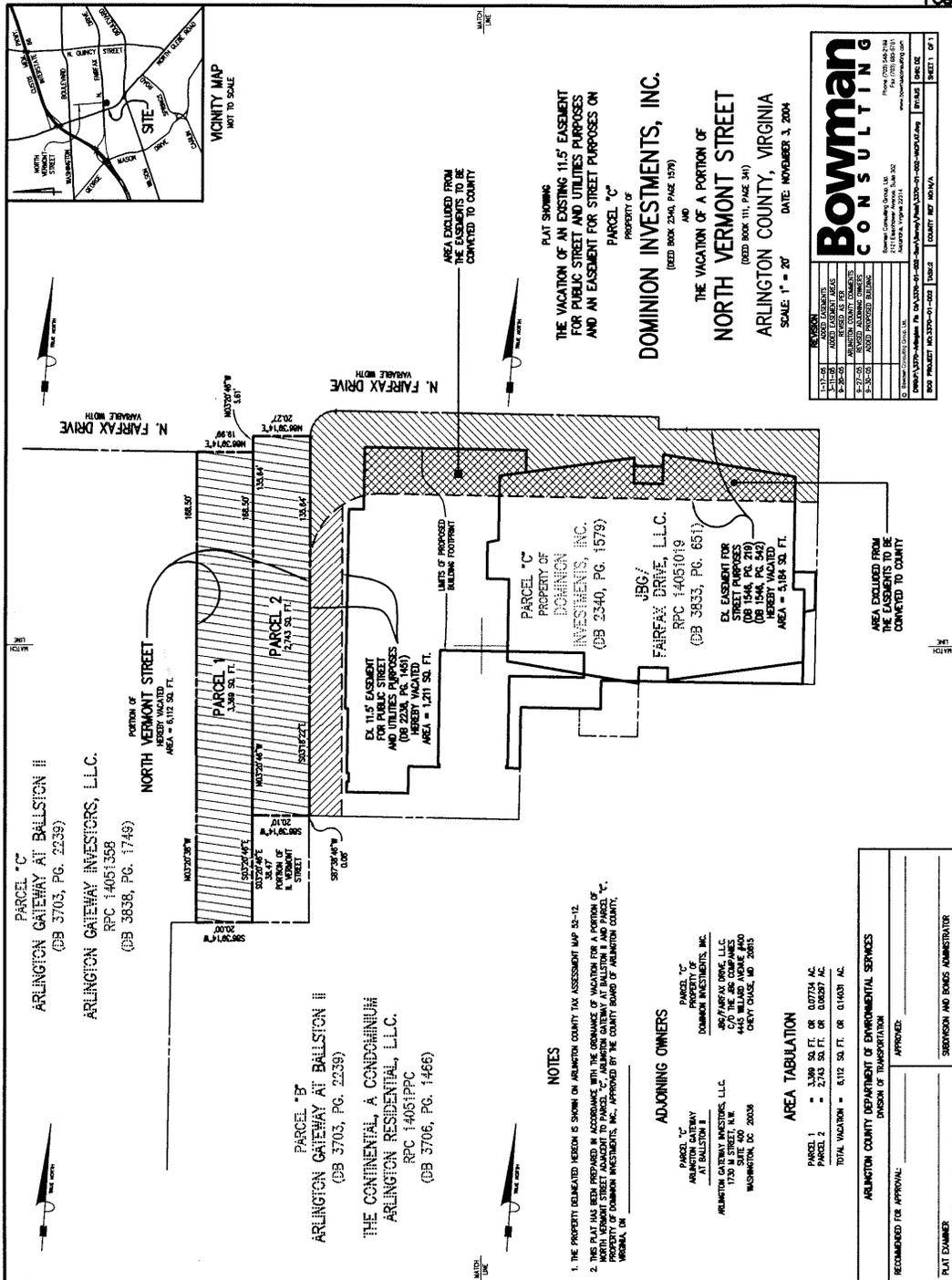
Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the February 15 and 22, 2011 issues of the Washington Times for the County Board meeting of March 12, 2011.

Compensation: Based on current market conditions for residential real estate development, County Staff believes that there has been no substantial increase in the value of the County interests to be vacated since the 2008 Ordinances. In fact, the tax assessed value of the land of the adjacent parcels has decreased significantly since 2008. Therefore, Staff recommends that the compensation for the requested vacations described in Attachment 1 shall continue to be in the form of the easements for and work to be performed by or on behalf of the Applicant on the Metro project or alternative obligations of the Applicant, as required and described by the terms of Condition #76 of Site Plan # 331. Staff further recommends that the compensation previously approved in the 2008 Ordinances, in the amount of \$566,730.00, be required from the Applicant for the vacation of a portion of an easement for street purposes along the south side of North Fairfax Drive, described in Attachment 2.

FISCAL IMPACT: The County will receive compensation in the form of the easements for and work to be performed on the Metro Station project, or alternative obligations, for the vacations described in Attachment 1 as required and described by the terms of Condition #76 of SP# 331, and compensation for the vacation described in Attachment 2 in the amount of \$566,730.00, to be deposited into Fund 313.346100.43501.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to Amend and Reenact an Ordinance to Vacate as set forth in Attachment 1 hereto and the attached Ordinance to Amend and Reenact an Ordinance to Vacate as set forth in Attachment 2 hereto.

EXHIBIT A – To Board Report



Bowman CONSULTING
 1712 Lakeshore Avenue, Suite 300
 Arlington, Virginia 22204-1111
 Phone: (703) 885-7111
 Fax: (703) 885-7111
 www.bowmanconsulting.com

NO.	DATE	DESCRIPTION
1	11/03/04	ISSUED FOR PERMITS
2	11/03/04	ISSUED FOR PERMITS
3	11/03/04	ARLINGTON COUNTY COMMENTS
4	11/03/04	ARLINGTON COUNTY COMMENTS
5	11/03/04	ARLINGTON COUNTY COMMENTS
6	11/03/04	ARLINGTON COUNTY COMMENTS
7	11/03/04	ARLINGTON COUNTY COMMENTS
8	11/03/04	ARLINGTON COUNTY COMMENTS
9	11/03/04	ARLINGTON COUNTY COMMENTS
10	11/03/04	ARLINGTON COUNTY COMMENTS

RECOMMENDED FOR APPROVAL: _____
 APPROVED: _____
 ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
 DIVISION OF TRANSPORTATION

SENIOR AND BONES ADMINISTRATOR
 PLAT EXAMINER

RECOMMENDED FOR APPROVAL: _____
 APPROVED: _____
 ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
 DIVISION OF TRANSPORTATION

SENIOR AND BONES ADMINISTRATOR
 PLAT EXAMINER

NOTES
 1. THE PROPERTY RELATED HEREON IS SHOWN ON ARLINGTON COUNTY TAX ASSESSMENT MAP 53-12.
 2. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE ORDINANCE OF VACATION FOR A PORTION OF NORTH VERMONT STREET ADJACENT TO PARCEL 'C', ARLINGTON GATEWAY AT BALLSTON II AND PARCEL 'C', PROPERTY OF DOMINION INVESTMENTS, INC. APPROVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, IN _____

ADJOINING OWNERS
 PARCEL 'C'
 ARLINGTON GATEWAY
 AT BALLSTON II
 DOMINION INVESTMENTS, INC.
 1730 N STREET, N.W.
 SUITE 300
 WASHINGTON, DC 20036

PARCEL 'B'
 ARLINGTON GATEWAY AT BALLSTON II
 (BB 3703, PG. 2238)
 THE CONTINENTAL A CONDOMINIUM
 ARLINGTON RESIDENTIAL, L.L.C.
 RPC 14051PPC
 (BB 3706, PG. 1466)

PARCEL 'C'
 PROPERTY OF
 DOMINION INVESTMENTS, INC.
 JBG/J
 FAIRFAX DRIVE, L.L.C.
 RPC 3833, PG. 651

AREA TABULATION
 PARCEL 1 = 3,398 SQ. FT. OR 0.07714 AC.
 PARCEL 2 = 2,743 SQ. FT. OR 0.06257 AC.
 TOTAL VACATION = 6,142 SQ. FT. OR 0.14031 AC.

PARCEL 'C'
 PROPERTY OF
 DOMINION INVESTMENTS, INC.
 JBG/J
 FAIRFAX DRIVE, L.L.C.
 RPC 3833, PG. 651

EX. 11.5' EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES (DEED BOOK 2544, PAGE 1579)
 HEREBY VACATED
 AREA = 1,211 SQ. FT.

EX. EASEMENT FOR STREET PURPOSES (DEED BOOK 111, PAGE 344)
 (DEED BOOK 1544, PG. 219)
 (DEED BOOK 1544, PG. 562)
 AREA = 1,184 SQ. FT.

AREA EXCLUDED FROM THE EASEMENTS TO BE CONVEYED TO COUNTY

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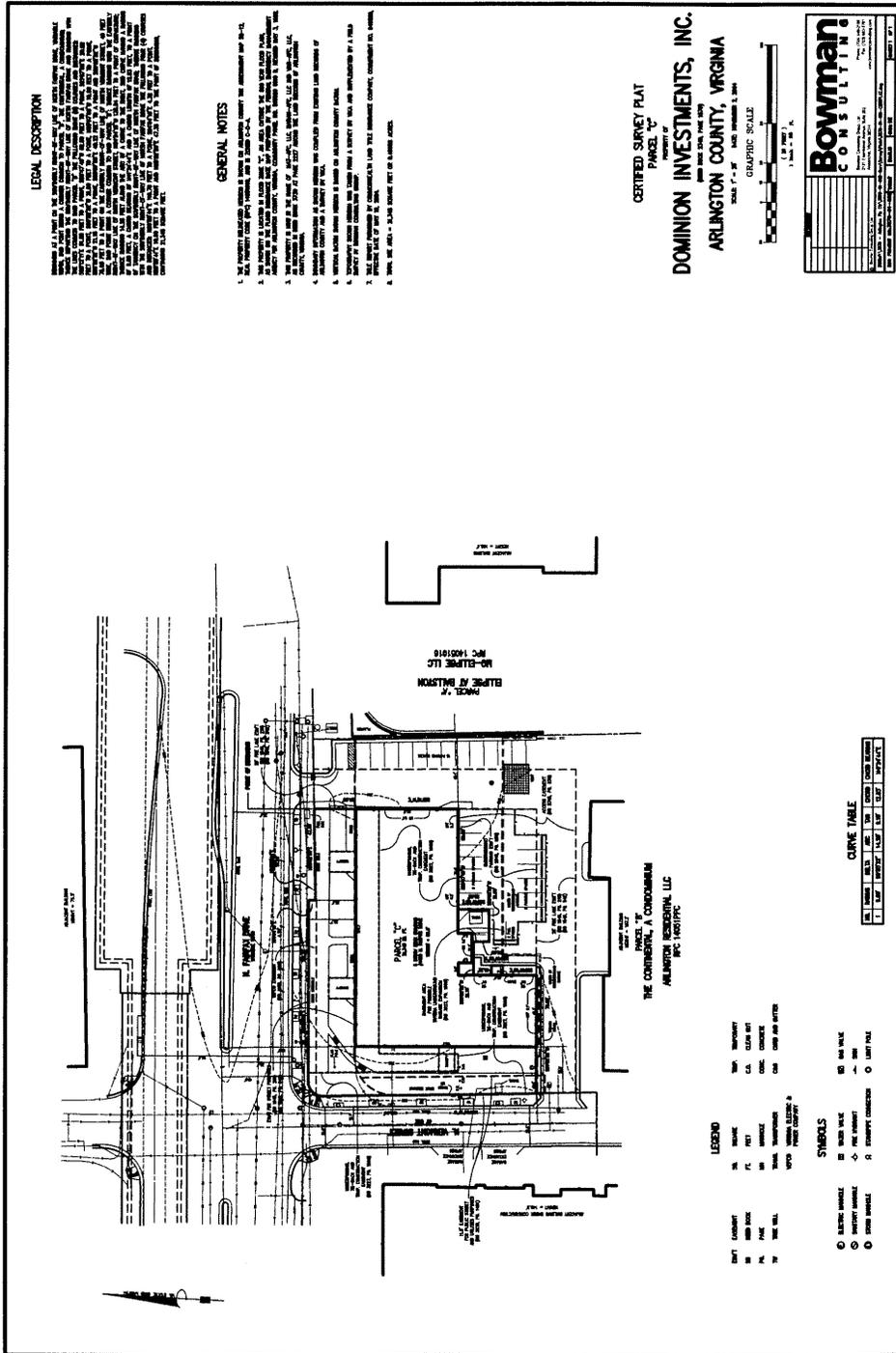
AREA EXCLUDED FROM THE EASEMENTS TO BE CONVEYED TO COUNTY

AREA EXCLUDED FROM THE EASEMENTS TO BE CONVEYED TO COUNTY

AREA EXCLUDED FROM THE EASEMENTS TO BE CONVEYED TO COUNTY

AREA EXCLUDED FROM THE EASEMENTS TO BE CONVEYED TO COUNTY

EXHIBIT B- To Board Report



LEGAL DESCRIPTION

THIS SURVEY PLAT IS A PART OF THE SURVEY MADE BY THE SURVEYOR, BOWMAN CONSULTING, INC., FOR THE PURPOSES OF THE DEVELOPMENT OF THE CONVENTRAL, A CONDOMINIUM, IN ARLINGTON COUNTY, VIRGINIA, AND IS SUBJECT TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING. THIS SURVEY PLAT IS A PART OF THE SURVEY MADE BY THE SURVEYOR, BOWMAN CONSULTING, INC., FOR THE PURPOSES OF THE DEVELOPMENT OF THE CONVENTRAL, A CONDOMINIUM, IN ARLINGTON COUNTY, VIRGINIA, AND IS SUBJECT TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.

GENERAL NOTES

1. THE PROPERTY DESCRIBED HEREIN IS BEING SURVEYED UNDER THE AUTHORITY OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
3. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
6. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
7. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.
8. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS BEING SURVEYED ACCORDING TO THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PUBLIC WORKS, AND THE RECORDS OF THE ARLINGTON COUNTY DEPARTMENT OF PLANNING AND ZONING.

CERTIFIED SURVEY PLAT
 PANEL "C"
 PROPERTY OF
DOMINION INVESTMENTS, INC.
 ARLINGTON COUNTY, VIRGINIA
 SURVEYED BY
 BOWMAN CONSULTING, INC.



Bowman CONSULTING

10000 WOODBRIDGE DRIVE, SUITE 100
 ARLINGTON, VIRGINIA 22204
 TEL: 703.441.1111 FAX: 703.441.1112
 WWW.BOWMANCONSULTING.COM

LEGEND

BY	BOUNDARY	TOP	TOPOGRAPHY
CL	CLASH	CA	CURB AND GUTTER
PA	PAVEMENT	CO	CONCRETE
TR	TRAIL	CS	CONCRETE SURFACE
AS	ASPHALT	SI	SILO
SI	SILO	SI	SILO

SYMBOLS

○	BOUNDARY MARKER	○	BOUNDARY MARKER
○	BOUNDARY MARKER	○	BOUNDARY MARKER
○	BOUNDARY MARKER	○	BOUNDARY MARKER

CURVE TABLE

NO.	TYPE	ANGLE	CHORD	CHORD BEARING
1	100'	100'	100'	100'
2	100'	100'	100'	100'
3	100'	100'	100'	100'
4	100'	100'	100'	100'
5	100'	100'	100'	100'
6	100'	100'	100'	100'
7	100'	100'	100'	100'
8	100'	100'	100'	100'
9	100'	100'	100'	100'
10	100'	100'	100'	100'

ATTACHMENT 1

ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE PARCEL “1” OF NORTH VERMONT STREET BETWEEN NORTH GLEBE ROAD AND NORTH FAIRFAX DRIVE, ADJACENT TO PARCEL “C” (RPC# 14-051-358), ARLINGTON GATEWAY AT BALLSTON II; VACATE PARCEL “2” OF NORTH VERMONT STREET BETWEEN NORTH GLEBE ROAD AND NORTH FAIRFAX DRIVE, ADJACENT TO PARCEL “C” (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC.; VACATE THE REMAINING PORTION OF AN EXISTING 11.5 FOOT EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ON PARCEL “C” (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE EAST SIDE OF NORTH VERMONT STREET; AND, VACATE A PORTION OF AND EASEMENT FOR STREET PURPOSES ON PARCEL “C” (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE SOUTH SIDE OF NORTH FAIRFAX DRIVE, WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request by Arlington Office, L.L.C. (the “Applicant”) on file in the offices of the Department of Environmental Services, Parcel “1” of North Vermont Street between North Glebe Road and North Fairfax Drive, adjacent to Parcel “C” (RPC# 14-051-358), Arlington Gateway at Ballston II, recorded in Deed Book 111, Page 341; Parcel “2” of North Vermont Street, between North Glebe Road and North Fairfax Drive, adjacent to Parcel “C” (RPC# 14-051-019), Property of Dominion Investments, Inc., recorded in Deed Book 111, Page 341; the Remaining Portion of an Existing 11.5 Foot Easement for Public Street and Utilities Purposes on Parcel “C” (RPC# 14-051-019), Property of Dominion Investments, Inc., along the east side of North Vermont Street, recorded in Deed Book 2238, Page 1451; and a portion of the Easement for Street Purposes on Parcel “C” (RPC# 14-051-019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, recorded in Deed Book 1546, Page 219 and Page 542, all as shown on Exhibit A attached hereto, are vacated, subject to the following conditions:

1. The Applicant/Property Owner shall have completed all requirements of Condition #76 of Site Plan #331, which shall constitute the consideration to be paid by the Applicant/Property Owner to the County for the real estate interests vacated by this Ordinance.
2. The Applicant/Property Owner shall grant and convey to Washington Metropolitan Transit Authority (“WMATA”) for use by the public at-large, for the sum of One Dollar (\$1.00), a permanent underground easement for the pedestrian tunnel (“Tunnel Easement”), which shall be a perpetual, assignable and exclusive subsurface easement and right-of-way in, through and under a portion of the property of JBG/Fairfax Drive, L.L.C., which property is more further described as RPC# 14-051-019, to construct, operate, maintain, repair, replace and remove a pedestrian tunnel and appurtenant facilities serving the Ballston-MU Metrorail Station, and all related facilities, which tunnel and facilities, will be located underground, within the easement for street purposes vacated pursuant to this Ordinance, as shown on a plat entitled “Plat Showing the

Vacation of an Existing 11.5' Easement for Public Street and Utilities Purposes and a Portion of an Easement for Street Purposes on Parcel 'C', Property of Dominion Investments, Inc. and the Vacation of a Portion of North Vermont Street", dated January 6, 2006, attached hereto as Exhibit A. The Tunnel Easement, among other things, shall be: granted by deed, free and clear of all liens and encumbrances; specifically to WMATA or WMATA's designee; and acceptable in substance and in form, in all respects, to WMATA as evidenced by a certification to be obtained by the Applicant/Property Owner from WMATA, and submitted to the County, indicating that such Tunnel Easement is acceptable to, and approved by, WMATA. The final location, width, and dimensions of the Tunnel Easement shall be acceptable to, and approved by WMATA and the County. The Tunnel Easement shall be recorded by the Applicant/Property Owner among the land records of the Clerk of the Circuit Court of Arlington County.

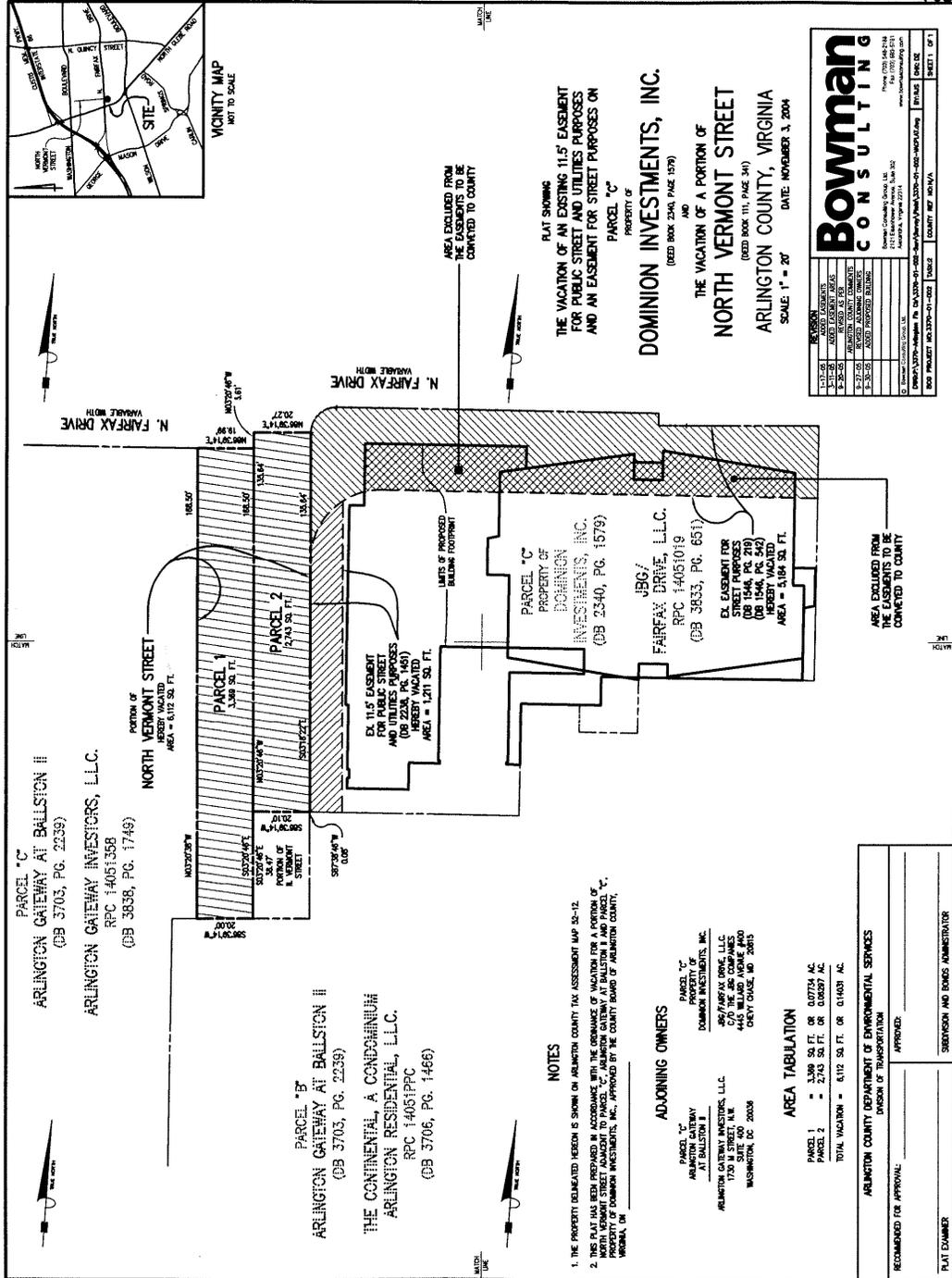
3. The Applicant/Property Owner shall grant and convey to the County, for the sum of One Dollar (\$1.00), a Public Utilities Easement ("Utilities Easement") for public utilities purposes and related facilities, as such facilities now exist or may be installed in the future, in, upon, under, through, and across the entirety of all of the areas vacated pursuant to this Ordinance, as shown on Exhibit A. The Applicant/Property Owner agrees that the Utilities Easement shall be granted by deed, in substance acceptable to the County Manager, or his designee, and in a form acceptable to the County Attorney. The Utilities Easement, among other things, shall be: granted free and clear of all liens and encumbrances; and, transferable by the County. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the Utilities Easement on behalf of the County. The Utilities Easement shall be recorded by the Applicant/Property Owner among the land records of the Clerk of the Circuit Court of Arlington County.
4. The Applicant/Property Owner shall grant and convey to the County, for the sum of One Dollar (\$1.00), a public use access easement ("Access Easement") for access to and use, at all times, by the County and the public at-large, over the entirety of all of the areas vacated pursuant to this Ordinance, as shown on Exhibit A. The Applicant/Property Owner agrees that the Deed of Access Easement shall provide, among other things, that the County shall have the right to use and control the vacated Parcels 1 and 2 of North Vermont Street, including, but not limited to, regulating vehicular traffic and parking. The Deed of Access Easement shall not obligate or require the County to construct or maintain the street or sidewalks, but shall permit public use of the Access Easement areas for street, sidewalk, pedestrian, vehicular, and related public purposes. The Deed of Access Easement shall further provide, among other things, that the Applicant/Property Owner, its successor(s) in title and interest, and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from all liability, claims, damages, costs and expenses, of whatever nature, concerning or arising out of the construction, and maintenance of the Access Easement by the Applicant/Property Owner and use thereof by the County, the public at-large, and the Applicant/Property Owner. The Access Easement shall be granted free and clear of all liens and encumbrances, and be transferable by the County. The Access Easement shall

be granted by deed, in substance acceptable to the County Manager, or his designee, and in a form acceptable to the County Attorney. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the Deed of Access Easement on behalf of the County. The Deed of Access Easement shall be recorded by the Applicant/Property Owner among the land records of the Clerk of the Circuit Court of Arlington County.

5. The Applicant/Property Owner shall record all plats, the Deed(s) of Vacation, and all deeds of easement required by this Condition.
6. The Applicant/Property Owner shall pay all fees, including the fees for review, approval, and recording of the required documents associated with the Ordinance of Vacation.
7. All conditions of the Ordinance of Vacation shall be met by noon on July 1, 2014, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A

To Ordinance at Attachment 1



PARCEL "C"
ARLINGTON GATEWAY AT BALLSTON II
(OB 3703, PG. 2239)
ARLINGTON GATEWAY INVESTORS, L.L.C.
RPC 1405135B
(OB 3636, PG. 1749)

PARCEL "E"
ARLINGTON GATEWAY AT BALLSTON II
(OB 3703, PG. 2239)
THE CONTINENTAL, A CONDOMINIUM
ARLINGTON RESIDENTIAL, L.L.C.
RPC 140511PC
(OB 3706, PG. 1466)

NOTES
1. THE PROPERTY DELINEATED HEREON IS SHOWN ON ARLINGTON COUNTY TAX ASSESSMENT MAP 30-12.
2. THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE ORDINANCE FOR THE VACATION OF A PORTION OF NORTH VERMONT STREET ADJACENT TO PARCELS "C", "ARLINGTON GATEWAY AT BALLSTON II" AND PARCEL "E", PROPERTY OF DOMINION INVESTMENTS, INC., APPROVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, ON _____.

ADJOINING OWNERS
PARCEL "C"
ARLINGTON GATEWAY
AT BALLSTON II
PROPERTY OF
DOMINION INVESTMENTS, INC.
200/FAIRFAX DRIVE, L.L.C.
1738 BALLSTON, N.W.
STATE 400
WASHINGTON, DC 20038
ARLINGTON GATEWAY INVESTORS, L.L.C.
1738 BALLSTON, N.W.
STATE 400
WASHINGTON, DC 20038

AREA TABULATION
PARCEL 1 = 3,340 SQ. FT. OR 0.07134 AC.
PARCEL 2 = 2,745 SQ. FT. OR 0.06277 AC.
TOTAL VACATION = 6,110 SQ. FT. OR 0.14031 AC.

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____ APPROVED: _____

PLAT DRAWER: _____ SUPERVISOR AND ENGINE ADMINISTRATOR: _____

FLAT SHOWING
THE VACATION OF AN EXISTING 11.5' EASEMENT
FOR PUBLIC STREET AND UTILITIES PURPOSES
AND AN EASEMENT FOR STREET PURPOSES ON
PARCEL "C"
PROPERTY OF
DOMINION INVESTMENTS, INC.
(SEE BOOK 2046, PAGE 1979)
THE VACATION OF A PORTION OF
NORTH VERMONT STREET
(SEE BOOK 1111, PAGE 341)
ARLINGTON COUNTY, VIRGINIA
SCALE: 1" = 20'
DATE: NOVEMBER 3, 2004

Bowman CONSULTING

Bowman Consulting Group, LLC
1415 BELLAIR AVENUE, SUITE 200
ARLINGTON, VIRGINIA 22204
Tel: 703.542.7414
Fax: 703.542.7415
www.bowmanconsulting.com

REVISION	DATE	BY	DESCRIPTION
1	11-03-04	AW	ISSUED FOR PERMITS
2	11-03-04	AW	ISSUED FOR PERMITS
3	11-03-04	AW	ISSUED FOR PERMITS
4	11-03-04	AW	ISSUED FOR PERMITS
5	11-03-04	AW	ISSUED FOR PERMITS
6	11-03-04	AW	ISSUED FOR PERMITS
7	11-03-04	AW	ISSUED FOR PERMITS
8	11-03-04	AW	ISSUED FOR PERMITS
9	11-03-04	AW	ISSUED FOR PERMITS
10	11-03-04	AW	ISSUED FOR PERMITS

PROJECT: 04-3374-01-002
SHEET: 01 OF 01

ATTACHMENT 2

ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR STREET PURPOSES ON PARCEL “C” (RPC# 14-051-019), PROPERTY OF DOMINION INVESTMENTS, INC., ALONG THE SOUTH SIDE OF NORTH FAIRFAX DRIVE, WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request by Arlington Office, L.L.C. (the “Applicant”) on file in the offices of the Department of Environmental Services, a portion of the Easement for Street Purposes on Parcel “C” (RPC# 14-051-019), Property of Dominion Investments, Inc., along the south side of North Fairfax Drive, recorded in Deed Book 1546, Page 219 and Page 542, as shown on Exhibit A attached hereto, is vacated, subject to the following conditions:

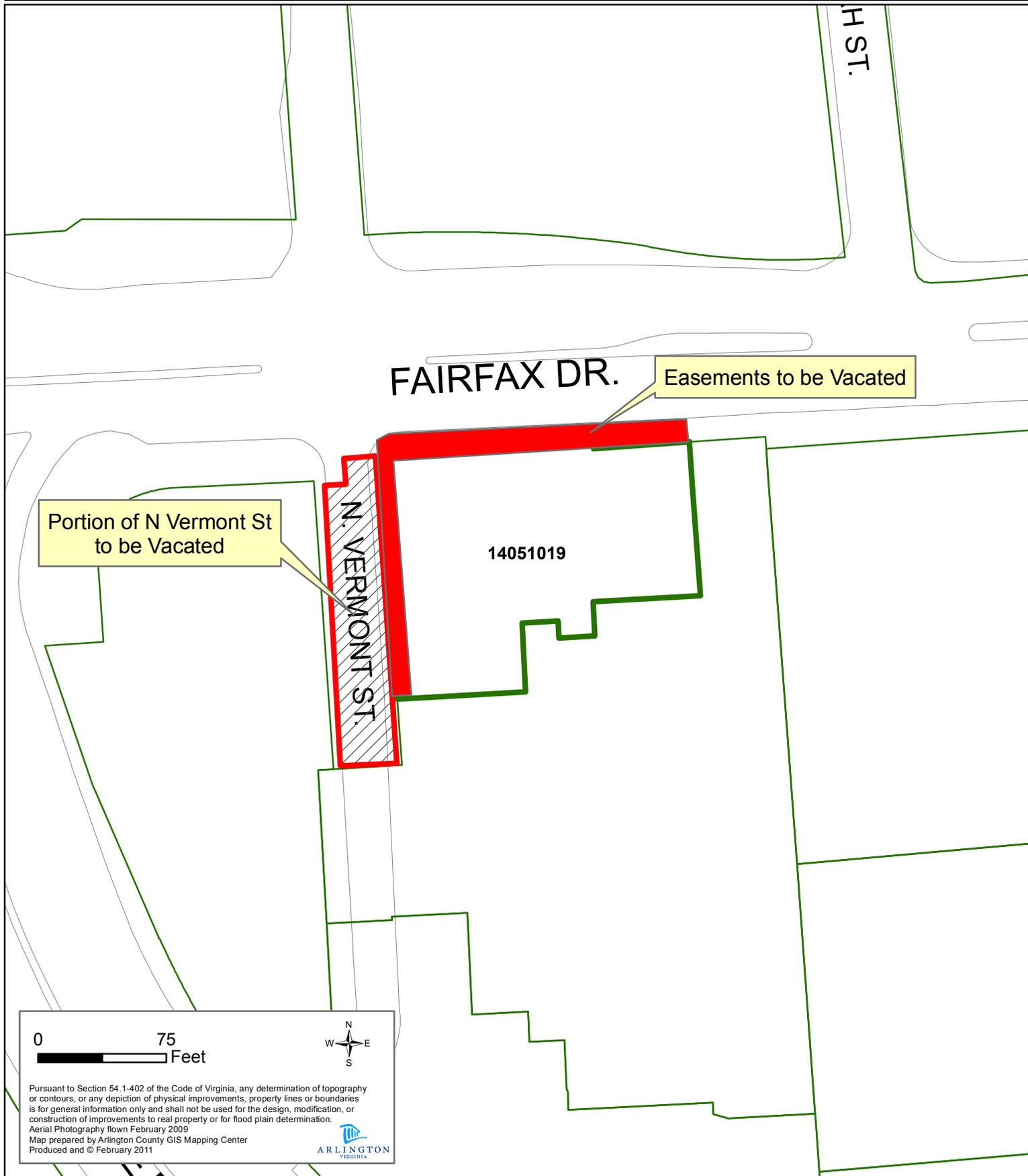
1. The Applicant/Property Owner shall grant and convey to the County, for the sum of One Dollar (\$1.00), a Public Utilities Easement (“Utilities Easement”) for public utilities purposes and related facilities, as such facilities now exist or may be installed in the future, in, upon, under, through, and across the entirety of all of the areas vacated pursuant to this Ordinance, as shown on a plat entitled “Plat Showing the Vacation of a Portion of an Easement for Street Purposes on Parcel ‘C’, Property of Dominion Investments, Inc. and the Vacation of a Portion of North Vermont Street”, dated January 6, 2006, attached hereto as Exhibit A, except the areas labeled “Area Excluded from the Easements to be Conveyed to the County”. The Applicant/Property Owner agrees that the Utilities Easement shall be granted by deed, in substance acceptable to the County Manager, or his designee, and in a form acceptable to the County Attorney. The Utilities Easement, among other things, shall be: granted free and clear of all liens and encumbrances; and, transferable by the County. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the Utilities Easement on behalf of the County. The Utilities Easement shall be recorded by the Applicant/Property Owner among the land records of the Clerk of the Circuit Court of Arlington County.
2. The Applicant/Property Owner shall grant and convey to the County, for the sum of One Dollar (\$1.00), a public use access easement (“Access Easement”) for access to and use, at all times, by the County and the public at-large, over the entirety of all of the areas vacated pursuant to this Ordinance, as shown on Exhibit A, except the areas labeled “Area Excluded from the Easements to be Conveyed to the County”. The Applicant/Property Owner agrees that the Deed of Access Easement shall provide, among other things, that the County shall have the right to use and control the vacated Parcels 1 and 2 of North Vermont Street, including, but not limited to, regulating vehicular traffic and parking. The Deed of Access Easement shall not obligate or require the County to construct or maintain the street or sidewalks, but shall permit public use of the Access Easement areas for street, sidewalk, pedestrian, vehicular, and related public purposes. The Deed of Access Easement shall further provide, among other things, that the Applicant/Property Owner, its successor(s) in title and interest, and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials,

employees and agents from all liability, claims, damages, costs and expenses, of whatever nature, concerning or arising out of the construction, and maintenance of the Access Easement by the Applicant/Property Owner and use thereof by the County, the public at-large, and the Applicant/Property Owner. The Access Easement shall be granted free and clear of all liens and encumbrances, and be transferable by the County. The Access Easement shall be granted by deed, in substance acceptable to the County Manager, or his designee, and in a form acceptable to the County Attorney. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the Deed of Access Easement on behalf of the County. The Deed of Access Easement shall be recorded by the Applicant/Property Owner among the land records of the Clerk of the Circuit Court of Arlington County.

3. The Applicant/Property Owner shall pay to the County compensation in the amount of \$566,730 for the vacated easement for street purposes.
4. The Applicant/Property Owner shall pay all compensation, record all plats, the Deed(s) of Vacation, and all deeds of easement required by this Condition.
5. The Applicant/Property Owner shall pay all fees, including the fees for review, approval, and recording of the required documents associated with the Ordinance of Vacation.
6. All conditions of the Ordinance of Vacation shall be met by noon on July 1, 2014, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

Vicinity Map

Arlington Gateway - Fairmont
Vacation Extensions
RPC # 14051019



Portion of N Vermont St
to be Vacated

FAIRFAX DR.

Easements to be Vacated

N. VERMONT ST.

14051019

H ST.

0 75 Feet



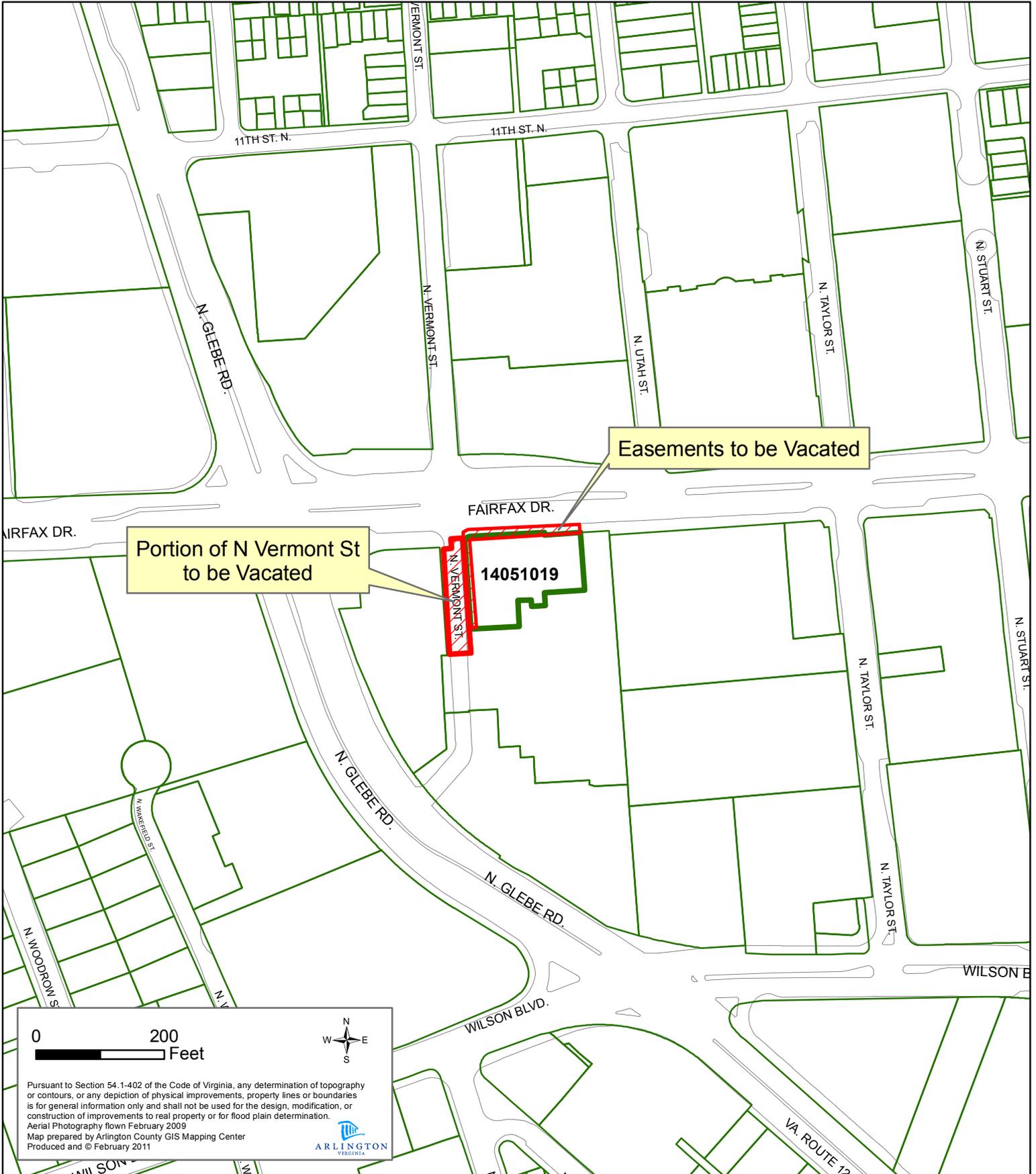
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property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

Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
Produced and © February 2011



Vicinity Map

Arlington Gateway - Fairmont
Vacation Extensions
RPC # 14051019



Portion of N Vermont St
to be Vacated

Easements to be Vacated

14051019

0 200 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.
Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
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