



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of April 16, 2011**

**DATE:** March 21, 2011

- SUBJECT:**
- A. Enactment of an Ordinance to Amend and Reenact an Ordinance to Vacate a portion of South Clark Street between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South, abutting: Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard (RPC# 34-024-345); Parcel 3-A, Resubdivision of Lot 3, Cullinane Subdivision (RPC# 34-025-003); and Parcel 13, RF&P Railroad Property, Zone 123 (RPC# 34-025-004), which adjacent parcels are owned by The County Board of Arlington County, Virginia, by extending the ordinance expiration date, with conditions; and
  
  - B. Enactment of an Ordinance to Amend and Reenact an Ordinance to Vacate: 1) a 10' Water Main Easement on Parcel 12, remainder from Subdivision of Parcels 14 and 15, Potomac Yard, running from South Clark Street to Old Jefferson Davis Highway, parallel to 6<sup>th</sup> Street South, then running southwest along the southern boundary of Old Jefferson Davis Highway; and 2) a 15' Sanitary Sewer and Force Main Easement on Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard, running northwest from South Clark Street to Old Jefferson Davis Highway; both easements located in Arlington County, Virginia (RPC# 34-024-345), by extending the ordinance expiration date, with conditions.

**Owner:** County Board of Arlington County, Virginia

**Current Applicant/Developer:** MR Monument View LLC/Monument Realty, LLC

**By:** Martin D. Walsh  
Walsh Colucci Lubeley Emrich & Walsh PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

County Manager: *BMD/GA*

County Attorney: *BAK* *GA*

Staff: Betsy Herbst, DES, Real Estate Bureau

**15.**

- A. Enact the attached Ordinance (Attachment 1) to Amend and Reenact an Ordinance to Vacate a portion of South Clark Street between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South, Abutting: Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard (RPC# 34-024-345); Parcel 3-A, Resubdivision of Lot 3, Cullinane Subdivision (RPC# 34-025-003); and Parcel 13, RF&P Railroad Property, Zone 123 (RPC# 34-025-004), which adjacent parcels are owned by The County Board of Arlington County, Virginia, with conditions.
  
- B. Enact the attached Ordinance (Attachment 2) to Amend and Reenact an Ordinance to Vacate: 1) a 10' Water Main Easement on Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard, running from South Clark Street to Old Jefferson Davis Highway, parallel to 6<sup>th</sup> Street South, then running southwest along the southern boundary of Old Jefferson Davis Highway; and 2) a 15' Sanitary Sewer and Force Main Easement on Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard, Running Northwest from South Clark Street to Old Jefferson Davis Highway; both easements located in Arlington County, Virginia (RPC# 34-024-345), with conditions.
  
- C. Authorize the Real Estate Bureau Chief or his designee to execute the deeds of vacation on behalf of the County Board, accept on behalf of the County Board, easements required by the Ordinance or the deed of vacation to be dedicated or conveyed to the County Board; and to execute other documents necessary to effectuate the Ordinances of Vacation set forth in Attachments 1 and 2, and to sign, on behalf of the County Manager and the County Board, subject to approval of such documents as to form by the County Attorney.

**ISSUE:** The County and MR Monument View LLC (“Monument”) are parties to an Exchange Agreement dated September 29, 2010. The proposed exchange would include the conveyance of a ‘to be vacated’ portion of South Clark Street and Parcel 12, both owned by the County. In light of the likelihood that closing of the Exchange Agreement will occur after June 17, 2011, Monument has requested an extension of time for the fulfillment of certain conditions of previously approved Ordinances of Vacation from the existing June 17, 2011 deadline, until December 31, 2011, for the vacation of a portion of South Clark Street, and until April 16, 2014, for the vacation of the certain utility easements located on Parcel 12. 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 #400, on property which is the subject of an Exchange Agreement with the County, for the purpose of extending the expiration of the ordinances. The 2008 Ordinances of Vacation were originally approved on June 24, 2008 (“2008 Ordinances”), concurrently with a GLUP Amendment, rezoning and site plan for the property, and will expire on June 17, 2011, if all conditions of the ordinances are not met.

The County and Monument entered into an Exchange Agreement dated September 29, 2010, for the exchange of real properties that include a portion of South Clark Street and Parcel 12. The Applicant has filed with the County a site plan amendment to Site Plan #400 (Site Plan #400 and

any amendments thereto are hereafter referred to as “Site Plan”) for the property to be received by Monument in the exchange. The amendment to Site Plan #400 is expected to be considered by the County Board sometime later this year. Under the Exchange Agreement, the obligations of both the County and Monument to proceed to closing are expressly conditioned upon the enactment by the County Board of Amended Ordinances extending the ordinance expiration dates, but only if, and to the extent necessary, closing occurs after June 17, 2011. In order to facilitate completion of the obligations of both parties under the Exchange Agreement, the Applicant has requested an extension of time to fulfill the ordinance conditions from the current June 17, 2011 deadline to December 31, 2011, for the street vacation, and until April 16, 2014, for the utility easement vacations. The Amended Ordinances are attached to this report as Attachments 1 and 2.

**BACKGROUND:** The subject portion of South Clark Street is located between 10<sup>th</sup> Street South and 6<sup>th</sup> Street South, abutting the adjacent parcels owned by the County Board known as RPC# 34-024-345, 34-025-003 and 34-025-004 (see Attachment 3, Vicinity Maps). The adjacent parcels will be acquired by Monument as part of the Exchange Agreement. The requested extensions of the expiration dates of the ordinances, if approved, would permit the redevelopment by the Applicant of the property to be acquired by Monument under the Exchange Agreement, including the vacated street, the adjacent parcels and surrounding parcels, as approved in Site Plan #400.

The County and MR Boundary Channel LLC entered into an original Exchange Agreement dated July 16, 2007 for the exchange of the subject properties. The properties to be received by the County were subsequently purchased by Monument through a Trustee’s sale, upon foreclosure of a deed of trust loan. The County and Monument, the current Applicant, then negotiated and entered into a new Exchange Agreement dated September 29, 2010, that provides for the filing of a major site plan amendment request to accommodate a “build-to-suit” tenant. Under the terms of the new Exchange Agreement, Monument will acquire 4.70535 acres of County Board owned property bounded by Old Jefferson Davis Highway, 6<sup>th</sup> Street South, South Ball Street and 10<sup>th</sup> Street South (“Exchanged Property”) in exchange for conveyance of the 7.09 acre Twin Bridges site that the County will acquire to facilitate the development of the future Long Bridge Park. Upon closing of the property exchange, Monument will acquire the ‘to be vacated’ portion of South Clark Street and other property, including the property on both sides of the ‘to be vacated’ portion of the South Clark Street right of way.

In conjunction with its plans to redevelop the property to be received under the Exchange Agreement, the Applicant has submitted a site plan amendment application to amend Site Plan #400. The presently approved Site Plan allows for 352 residential units, 3,512 square feet of retail space and 323,229 square feet of office space, along with modifications of use regulations for exclusion of density for recycling storage, unit mechanical closets, parking and loading docks. The proposed Site Plan amendment application requests an amendment to permit 443,299 square feet of office use only, without any residential or retail uses. A GLUP amendment will also be required to reflect the new development program.

**DISCUSSION:** In conjunction with the property exchange and the plans for redevelopment of the Exchanged Property, the Applicant has requested that the County Board amend the 2008

Ordinances to extend the expiration dates of the street vacation to December 31, 2011 and the utility easement vacation to April 16, 2014. The earlier expiration date for completion of the ordinance conditions for the street vacation is consistent with the timing requirements for closing on the Exchange Agreement; the expiration date for completion of the ordinance conditions for the vacation of the utility easements is later in time, since all existing utilities are required to be removed, relocated and reconstructed before the utility easements can be vacated.

The areas to be vacated are designated on a Plat entitled "Plat Showing the Vacation of a 10' Water Main Easement and a 15' Sanitary Sewer and Force Main Easement, Deed Book 1936 Page 1, on Part of the Property of the County Board of Arlington, Virginia, Deed Book 3400 Page 734, and the Vacation of a Portion of South Clark Street, Deed Book 1317, Page 388, Arlington County, Virginia", prepared by VIK A Incorporated, dated May 1, 2006, attached to each of the Ordinances as Exhibit A ("Vacation Plat").

Under the Amended Ordinance for the vacation of a portion of South Clark Street (Attachment 1), the Applicant must submit a utility relocation and engineering design plan for the construction, relocation, removal and/or replacement of any and all utilities located within the vacated portion of South Clark Street. Since the Deed of Vacation may be recorded prior to removal, relocation and reconstruction of all utilities existing within the portion of South Clark Street, the Deed of Vacation is required to include reservations to the County of temporary utility easements for the existing utilities, to continue until such time as the utilities are relocated. The Deed of Vacation further requires that the Applicant: (a) submit to the Director of DES, or his designee, a bond, letter of credit, or other security to secure the construction, removal and/or replacement of any and all existing utilities pursuant to the approved utility plan; (b) remove, relocate and reconstruct or cause to be removed relocated and reconstructed, at its sole cost and expense, all utilities of the County and of others existing at the time of recordation of the Deed of Vacation; and (c) dedicate and convey, without compensation from the County, all required new utility easements and/or, if applicable, obtain right-of-way permits, in accordance with the Site Plan, as amended, and the utility plan.

Under the Amended Ordinance for the vacation of the utility easements on Parcel 12 (Attachment 2), the Applicant must: (a) submit a utility relocation and engineering design plan for the construction, relocation, removal, and/or replacement of the utilities; (b) submit to the Director of DES, or his designee, a bond, letter of credit, or other security to secure the construction, removal and/or replacement of any and all existing utilities pursuant to the approved utility plan; (c) remove, relocate and reconstruct the utilities at its sole cost and expense; (d) dedicate new water main, sanitary sewer and force main easements, and (e) record all required easements, plats and Deed(s) of Vacation prior to the expiration of the ordinance.

Upon completion of all ordinance conditions on or before the respective expiration dates, recordation of the Deeds of Vacation, and subsequent termination of the County's reserved easements in the Deed of Vacation for South Clark Street, the County's interests in the areas to be vacated will be extinguished.

**Legal and Physical Description:** The portion of South Clark Street to be vacated was established by Deed of Dedication dated December 20, 1957, and recorded in Deed Book 1317,

Page 388, among the land records of Arlington County, Virginia, and is located between 6<sup>th</sup> Street South and 10<sup>th</sup> Street South. The existing public utilities in this portion of South Clark Street include a 10” sanitary sewer, a 27” sanitary sewer, a 8” force main, a 27” force main, a 24” force main, a 6” water line, electric, gas and communication lines. The Easements were created by Agreement dated December 1, 1975, and recorded in Deed Book 1936, Page 1, among the land records of Arlington County, Virginia.

**Public Notice:** Public notice was given in accordance with the Code of Virginia. Notices were placed in the March 22, 2011 and March 29, 2011 issues of the Washington Times for the April 16, 2011 County Board Meeting.

**Compensation:** The portion of South Clark Street being vacated is a part of the property being exchanged by the County with Monument for property of greater size being conveyed by Monument to the County under the terms of the Exchange Agreement, which property the County intends to incorporate into the development of the future Long Bridge Park. In keeping with current practice regarding the vacation of utility easements, staff recommends that no compensation be required from the Applicant for vacating the water main easement and the sanitary sewer and force main easement located on the County’s property, which easements will be vacated for redevelopment and replaced with new easements dedicated to the County to serve the proposed new improvements, as provided in Site Plan #400.

**FISCAL IMPACT:** None.

**CONCLUSION:** It is recommended that the County Board enact the attached Amended Ordinances as set forth in Attachments 1 and 2 hereto.

## ATTACHMENT 1

**ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE A PORTION OF SOUTH CLARK STREET BETWEEN 10<sup>th</sup> STREET SOUTH AND 6<sup>th</sup> STREET SOUTH, ABUTTING: PARCEL 12, REMAINDER FROM SUBDIVISION OF PARCELS 14 AND 15, POTOMAC YARD (RPC# 34-024-345); PARCEL 3-A, RESUBDIVISION OF LOT 3, CULLINANE SUBDIVISION (RPC# 34-025-003); AND PARCEL 13, RF&P RAILROAD PROPERTY, ZONE 123 (RPC# 34-025-004), WHICH ADJACENT PARCELS ARE OWNED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, WITH CONDITIONS:**

**BE IT ORDAINED** that, pursuant to a request on file by MR Monument View LLC and Monument Realty, LLC (jointly the “Applicant”) in the Office of the Department of Environmental Services, a portion of South Clark Street between the northeastern right-of-way line of 10<sup>th</sup> Street South and the southwestern right-of-way line of 6<sup>th</sup> Street South, abutting: Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard (RPC# 34-024-345); Parcel 3-A, Resubdivision of Lot 3, Cullinane Subdivision (RPC# 34-025-003); and Parcel 13, RF&P Railroad Property, Zone 123 (RPC# 34-025-004), which abutting parcels are owned by The County Board of Arlington County, Virginia, and which portion of South Clark Street was established by Deed of Dedication dated December 20, 1957, and recorded in Deed Book 1317, Page 388, among the land records of Arlington County, Virginia, which portion of South Clark Street is also shown on a plat dated May 1, 2006, prepared by VIKA Incorporated, entitled “Plat Showing the Vacation of a 10’ Water Main Easement and a 15’ Sanitary Sewer and Force Main Easement, Deed Book 1936 Page 1, on Part of the Property of the County Board of Arlington, Virginia, Deed Book 3400 Page 734, and the Vacation of a Portion of South Clark Street, Deed Book 1317 Page 388, Arlington County, Virginia”, attached to the County Manager’s Report dated March 21, 2011, as Exhibit A, is hereby vacated subject to the following conditions:

1. The Applicant/Property Owner shall submit, for review and approval, to the Department of Environmental Services (“DES”), a utility relocation and engineering design plan for the construction, relocation, removal, and/or replacement of any and all utilities located, in whole or in part, within the portion of South Clark Street vacated by this Ordinance of Vacation (“Plan”) in compliance with the Arlington County Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.
2. The Applicant/Property Owner shall prepare and submit to the County for review and approval, a Deed of Vacation and Reservation of Utility Easements (“Deed of Vacation”) substantially in the form attached hereto as Exhibit B and incorporated herein by reference, which Deed shall reserve unto the County utility easements for any then existing utilities within the area to be vacated, which utilities are proposed or required to be relocated and reconstructed under Site Plan #400. The reservation of the utility easements shall continue until completion, as determined by the Arlington County Manager or her designee, of each of the following:
  - (a) Applicant/Property 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 her designee, to secure the construction, relocation, removal, and/or replacement of any and all existing utilities pursuant to the approved Plan;

(b) Applicant/Property Owner shall remove, relocate and reconstruct, or cause to be removed, relocated and reconstructed, at its sole cost and expense, all utilities of the County and of others existing at the time of recordation of the Deed of Vacation within the portion of South Clark Street being vacated, including but not limited to a 10” sanitary sewer, 27” sanitary sewer, 8” force main, 24” force main, 6” water line, and any electric, gas and communication lines. Any utilities removed shall be relocated or reconstructed with new utilities and related appurtenant facilities of size, dimension and location acceptable to the County, in accordance with the approved Plan as defined in Condition No. 1 of this Ordinance and in strict accordance with Arlington County Construction Standards and Specifications, all applicable laws, ordinances, regulations and policies, as provided in Site Plan #400, approved by the County Board; and

(c) Applicant/Property Owner shall dedicate and convey, without compensation from the County, any and all required new utility easements in a form acceptable to the County Manager and approved by the County Attorney, and/or, if applicable, obtain right-of-way permits, in accordance with Site Plan #400, and the Plan described in Condition No. 1 of this Ordinance.

The Deed shall provide that the utility easements reserved unto the County shall automatically terminate upon completion of the requirements contained therein and acceptance by the County of all relocated utilities and all deed(s) of easement, if any, for the relocated utilities. If the County Manager or her designee determines that the requirements of the Deed have been completed, then upon the request of the Applicant/Property Owner, the Real Estate Bureau Chief shall execute a Confirmation of Termination of Utility Easements, in substance acceptable to the County Manager, and approved as to form by the County Attorney, to be recorded among the land records of Arlington County, Virginia acknowledging the termination of the reserved utility easements without the requirement of compensation to the County.

3. The Applicant/Property Owner shall prepare and submit the Deed of Vacation and accompanying plat, such deed and plat shall be subject to the approval thereof by the County Manager, or her designee, and approval of the deed as to form by the County Attorney.
4. The Applicant/Property Owner shall record the Deed of Vacation and accompanying plat among the land records of the Clerk of the Circuit Court of Arlington County.

5. The Applicant/Property Owner shall pay all fees, including the fees for review, approval and recordation of the required documents associated with the Ordinance of Vacation.
6. All conditions of this Ordinance of Vacation shall be met by noon on December 31, 2011, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.



**EXHIBIT B**  
**To Ordinance at Attachment 1**

Prepared by and return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RPC NO.:** \_\_\_\_\_

**DEED OF VACATION AND**  
**RESERVATION OF UTILITY EASEMENTS**

This **DEED OF VACATION AND RESERVATION OF UTILITY EASEMENTS** (“Deed of Vacation”) is made this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic, Grantor, (the “County”), and **MR MONUMENT VIEW LLC**, a \_\_\_\_\_ limited liability company, its successors or assigns, Grantee (“Monument”).

**RECITALS**

- R-1: By Deed of Dedication dated December 20, 1957, recorded in Deed Book 1317 at Page 388 among the land records of Arlington County Virginia (“Land Records”), the County was dedicated a portion of South Clark Street as shown on the plat attached thereto (“South Clark Street”); and
- R-2: At a regular meeting on June 17, 2008, the County enacted an “ORDINANCE TO VACATE A PORTION OF SOUTH CLARK STREET BETWEEN 10<sup>th</sup> STREET SOUTH AND 6<sup>th</sup> STREET SOUTH, ABUTTING: PARCEL 12, REMAINDER FROM SUBDIVISION OF PARCELS 14 AND 15, POTOMAC YARD (RPC# 34-024-345); PARCEL 3-A, RESUBDIVISION OF LOT 3, CULLINANE SUBDIVISION (RPC# 34-025-003); AND PARCEL 13, RF&P RAILROAD PROPERTY, ZONE 123 (RPC# 34-025-004), WHICH ADJACENT PARCELS ARE OWNED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, WITH CONDITIONS” (the “Ordinance of Vacation”), to vacate a certain portion of South Clark Street, of which said ordinance was amended and restated on April \_\_\_\_, 2011 by the County, to extend the expiration of the Ordinance; and
- R-3: The portion of South Clark Street to be vacated by this Deed of Vacation is more particularly shown on the plat entitled “Plat Showing the Vacation of a 10’ Water Main Easement and a 15’ Sanitary Sewer and Force Main Easement, Deed Book 1936 Page 1, on Part of the Property of the County Board of Arlington, Virginia, Deed Book 3400 Page 734, and the Vacation of a Portion of South Clark Street, Deed Book 1317, Page

388, Arlington County, Virginia”, prepared by VIK A Incorporated, dated May 1, 2006, certified on \_\_\_\_\_, 20\_\_\_\_, approved by the Arlington County Department of Environmental Services Division of Transportation on \_\_\_\_\_, 20\_\_\_\_, attached hereto and made a part hereof (the “Vacation Plat”); and

- R-4: Monument is the owner of certain real property located in Arlington County, Virginia, by virtue of a deed recorded in Deed Book \_\_\_\_ at Page \_\_\_\_ (or recorded immediately prior hereto) among the Land Records (the “Property”); and
- R-5: The County and Monument desire to record this Deed of Vacation and the Vacation Plat in accordance with the conditions of the Ordinance of Vacation and Site Plan #400; and
- R-6: The County desires to reserve certain utility easements located within the vacated portion of South Clark Street, as shown on the Easement Plat attached hereto, until such time as Monument completes certain conditions contained herein; and
- R-7: A certified, true copy of the Ordinance of Vacation and a copy of the Vacation Plat are attached hereto and made a part hereof.

#### VACATION AND RESERVATION OF EASEMENTS

NOW, THEREFORE, in consideration of the premises and the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, the County does hereby forever, and for all time, vacate, surrender and quitclaim unto Monument, its successors and assigns, all rights, title and interest that the County has in the portion of South Clark Street described in the Vacation Plat, subject to a reservation of certain utility easements by the County, as shown on a Plat entitled '\_\_\_\_\_', prepared by \_\_\_\_\_ and dated \_\_\_\_\_ (the “Easement Plat”), designated on the Plat as \_\_\_\_\_. The utility easements reserved herein shall automatically terminate upon completion of the following requirements, and acceptance by the County of all relocated utilities and all deed(s) of easement, if any, for the relocated utilities:

- (1) Monument shall have submitted to the Director of Arlington County Department of Environmental Services, 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 her designee, to secure the construction, relocation, removal, and/or replacement of any and all existing utilities pursuant to the approved utility relocation and engineering design plan for the construction, relocation, removal, and/or replacement of any and all utilities located in whole or in part, within the portion of South Clark Street vacated by the Ordinance of Vacation and this Deed of Vacation (the “Plan”); and
- (2) Monument shall have removed, relocated and reconstructed, or caused to be removed, relocated and reconstructed, at its sole cost and expense, all existing utilities of the County and of others existing within the portion of South Clark

Street as of the date of this Deed of Vacation, which utilities include but are not limited to a 10” sanitary sewer, 27” sanitary sewer, 8” force main, 24” force main, 6” water line, and any electric, gas and communication lines located within the portion of South Clark Street herein being vacated, with new utilities and related appurtenant facilities of size, dimension and location acceptable to the County, in accordance with the Plan and in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies; and

(3) Monument shall have dedicated and conveyed, without compensation from the County, and the County shall have accepted, any and all required new utility easements and/or, if applicable, obtain right-of-way permits, in accordance with the approved Site Plan #400, and the Plan.

If the County Manager or her designee determines that the requirements of this Deed have been completed, then upon the request of Monument, the Real Estate Bureau Chief shall execute a Confirmation of Termination of Utility Easements, in substance acceptable to the County Manager, and approved as to form by the County Attorney, to be recorded among the land records of Arlington County, Virginia, acknowledging the termination of the reserved utility easements without the requirement of compensation to the County.

The Recitals set out above are incorporated into this Deed of Vacation.

No representations or statements have been made which would modify, add to or change the terms of this Deed of Vacation.

This Deed of Vacation shall be construed, interpreted, and applied according to the law of the Commonwealth of Virginia.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

WITNESS the following signature(s).

**GRANTOR:**

THE COUNTY BOARD OF ARLINGTON COUNTY,  
VIRGINIA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF VIRGINIA

CITY/COUNTY OF ARLINGTON, to-wit:

I, the undersigned, a Notary Public in and for the City/County and State aforesaid, do hereby certify that \_\_\_\_\_ of \_\_\_\_\_, whose name is signed to the foregoing, appeared before me this \_\_\_\_ day of \_\_\_\_\_, 2011, and acknowledged that the foregoing is his/her true act and deed.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Notary Registration No: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
County Attorney

## ATTACHMENT 2

**ORDINANCE TO AMEND AND REENACT AN ORDINANCE TO VACATE: 1) A 10' WATER MAIN EASEMENT ON PARCEL 12, REMAINDER FROM SUBDIVISION OF PARCELS 14 AND 15, POTOMAC YARD, RUNNING FROM SOUTH CLARK STREET TO OLD JEFFERSON DAVIS HIGHWAY, PARALLEL TO 6<sup>th</sup> STREET SOUTH, THEN RUNNING SOUTHWEST ALONG THE SOUTHERN BOUNDARY OF OLD JEFFERSON DAVIS HIGHWAY; AND 2) A 15' SANITARY SEWER AND FORCE MAIN EASEMENT ON PARCEL 12, REMAINDER FROM SUBDIVISION OF PARCELS 14 AND 15, POTOMAC YARD, RUNNING NORTHWEST FROM SOUTH CLARK STREET TO OLD JEFFERSON DAVIS HIGHWAY; BOTH EASEMENTS LOCATED IN ARLINGTON COUNTY, VIRGINIA (RPC# 34-024-345), WITH CONDITIONS:**

**BE IT ORDAINED** that, pursuant to a request on file by MR Monument View, LLC/Monument Realty, LLC (jointly the "Applicant") in the Office of the Department of Environmental Services, 1) a 10' Water Main Easement on Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard, running from South Clark Street to Old Jefferson Davis Highway, parallel to 6<sup>th</sup> Street South, then running southwest along the southern boundary of Old Jefferson Davis Highway; and 2) a 15' Sanitary Sewer and Force Main Easement on Parcel 12, Remainder from Subdivision of Parcels 14 and 15, Potomac Yard, running northwest from South Clark Street to Old Jefferson Davis Highway, established by Agreement dated December 1, 1975 and recorded in Deed Book 1936, Page 1, among the land records of Arlington County, Virginia, which easement is shown on a plat dated May 1, 2006, prepared by VIKA Incorporated, entitled "Plat Showing the Vacation of a 10' Water Main Easement and a 15' Sanitary Sewer and Force Main Easement, Deed Book 1936 Page 1, on Part of the Property of the County Board of Arlington, Virginia, Deed Book 3400 Page 734, and the Vacation of a Portion of South Clark Street, Deed Book 1317 Page 388, Arlington County, Virginia", attached to the County Manager's Report dated March 21, 2011, as Exhibit A, is hereby vacated subject to the following conditions:

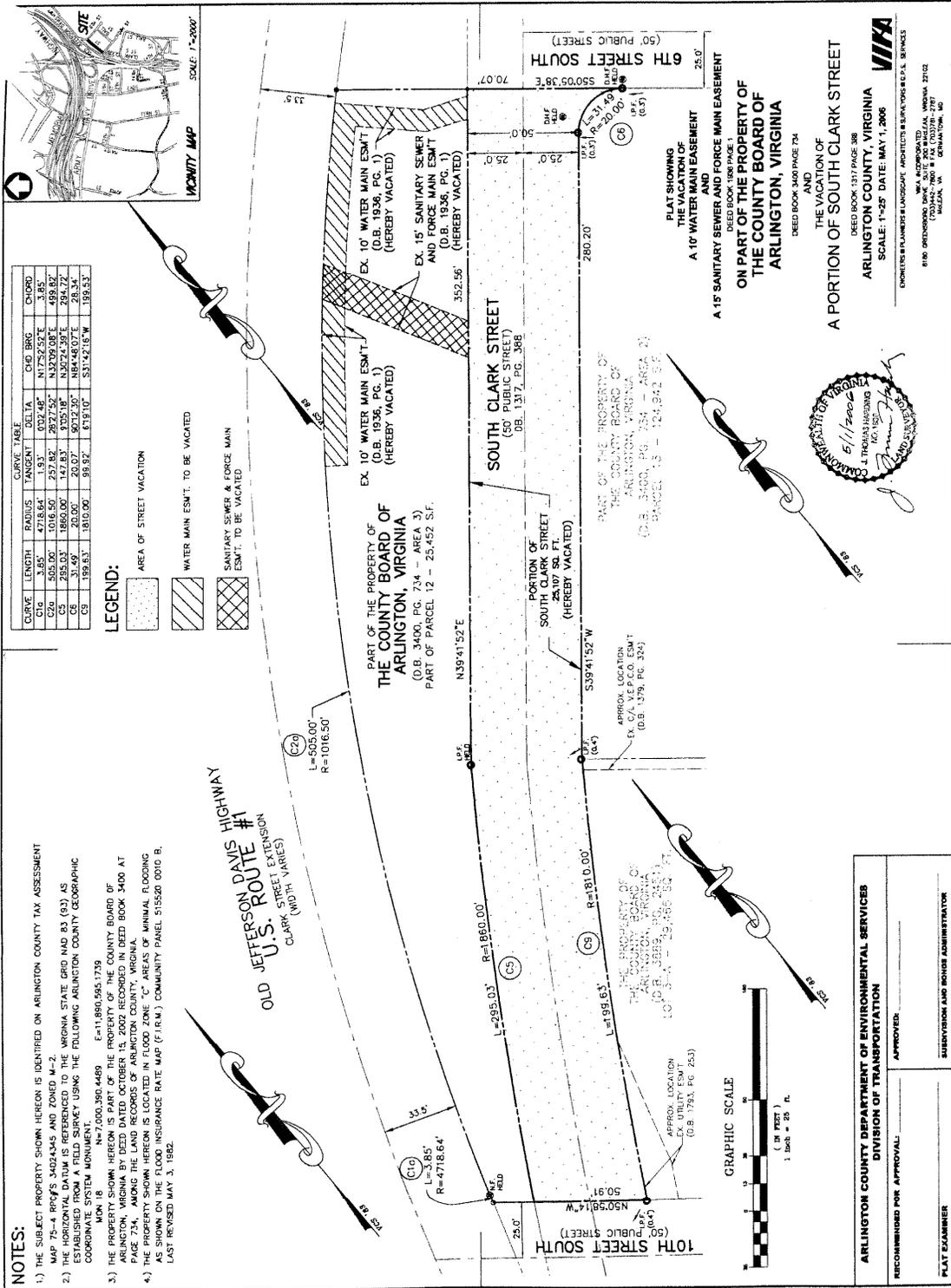
1. The Applicant/Property Owner shall, at its own cost and expense, remove, relocate and reconstruct the existing water main, and sanitary sewer and force main, located within the easements herein vacated, with new water main, sanitary sewer and force main and related appurtenant facilities of size, 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/Property Owner shall dedicate, grant and convey to the County new water main, sanitary sewer and force main easements, at locations and of dimensions necessary to accommodate the relocated facilities as required by the County and as provided in Site Plan # 400, approved by the County Board. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the water main, sanitary sewer and force main easements on behalf of the County, subject to approval thereof as to form by the County Attorney.
3. The Applicant/Property Owner shall submit, for review and approval, to the Department of Environmental Services ("DES"), a utility relocation and engineering design plan for

the construction, relocation, removal, and/or replacement of the water main, and the sanitary sewer and force main located, in whole or in part, within the easements vacated by this Ordinance of Vacation (“Plan”) in compliance with the Arlington County Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.

4. The Applicant/Property 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 her designee, to secure the construction, relocation, removal, and/or replacement of the water main, sanitary sewer and force main pursuant to the approved Plan.
5. The Applicant/Property 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 the approval thereof by the County Manager, or her designee, and approval of the deeds as to form by the County Attorney.
6. The Applicant/Property Owner shall record all plats, Deed(s) of Vacation, and all required 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.
7. The Applicant/Property Owner shall pay all fees, including the fees for review, approval and recordation of the required documents associated with the Ordinance of Vacation.
8. All conditions of this Ordinance of Vacation shall be met by noon on April 16, 2014, or this 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 2 - VACATION PLAT



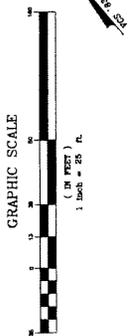
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHD BRG	CHORD
C16	3.85'	4718.64'	1.93'	0.0248°	N1752.52°E	3.85'
C26	505.00'	1016.50'	257.82'	2877.59°E	N4229.98°E	499.82'
C36	295.03'	1860.00'	147.83'	9705.18°E	N8274.95°E	284.72'
C46	31.89'	203.00'	26.07'	9772.30°E	N8448.07°E	28.34'
C56	139.53'	1019.59'	69.83'	11879.10°E	S9142.16°W	139.53'

- LEGEND:**
- AREA OF STREET VACATION
  - WATER MAIN ESMT. TO BE VACATED
  - SANITARY SEWER & FORCE MAIN ESMT. TO BE VACATED

**NOTES:**

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON ARLINGTON COUNTY TAX ASSESSMENT MAP 75-4 RPF'S 3402A345 AND ZONED M-2.
- 2.) THE HORIZONTAL DATUM IS REFERENCED TO THE VIRGINIA STATE GRID NAD 83 (93) AS ESTABLISHED FROM A FIELD SURVEY USING THE FOLLOWING ARLINGTON COUNTY GEOGRAPHIC COORDINATE SYSTEM MONUMENT POINT NO. 1000.960.4489 E.A.11890.595.1239
- 3.) THE PROPERTY SHOWN HEREON IS PART OF THE PROPERTY OF THE COUNTY BOARD OF ARLINGTON, VIRGINIA BY DEED DATED OCTOBER 15, 2002 RECORDED IN DEED BOOK 3400 AT PAGE 734, AMONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA.
- 4.) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C" AREAS OF MINIMAL FLOODING AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM.) COMMUNITY PANEL 515220 0010 B, LAST REVISED MAY 3, 1982.

OLD JEFFERSON DAVIS HIGHWAY  
U.S. ROUTE #1  
CLARK (WIDTH VARIES)



**ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES**  
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: \_\_\_\_\_

APPROVED: \_\_\_\_\_

PLAT EXAMINER: \_\_\_\_\_

SUBMISSION AND DESIGN ADMINISTRATOR

PLAT SHOWING THE VACATION OF THE PROPERTY OF THE COUNTY BOARD OF ARLINGTON, VIRGINIA ON A PORTION OF SOUTH CLARK STREET AND THE VACATION OF A PORTION OF SOUTH CLARK STREET ON THE PROPERTY OF THE COUNTY BOARD OF ARLINGTON, VIRGINIA

DEED BOOK 3400 PAGE 734  
DEED BOOK 1586 PAGE 1

DEED BOOK 1317 PAGE 388  
DEED BOOK 1317 PAGE 388

SCALE: 1"=25' DATE: MAY 1, 2006

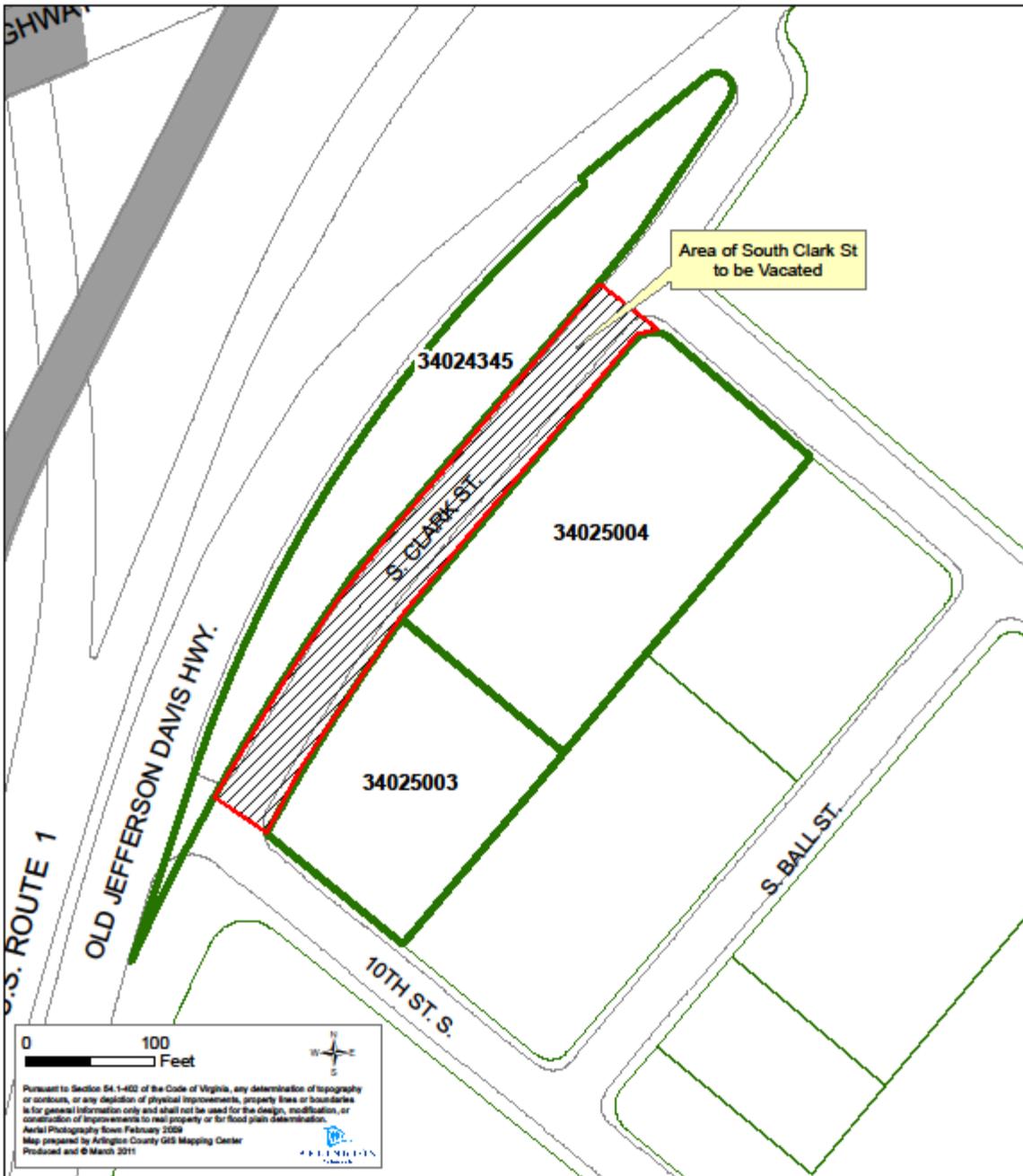
**VIVA**

ENGINEER PLANNERS LANDSCAPE ARCHITECTS SURVEYORS E.C.A. SERVICES  
8100 BROOKWOOD DRIVE, SUITE 200 WILMINGTON, VIRGINIA 23102  
(703) 790-1100 FAX (703) 790-1107  
WILMINGTON, VA 23102

RPH 5/24  
C 3/8

ATTACHMENT 3

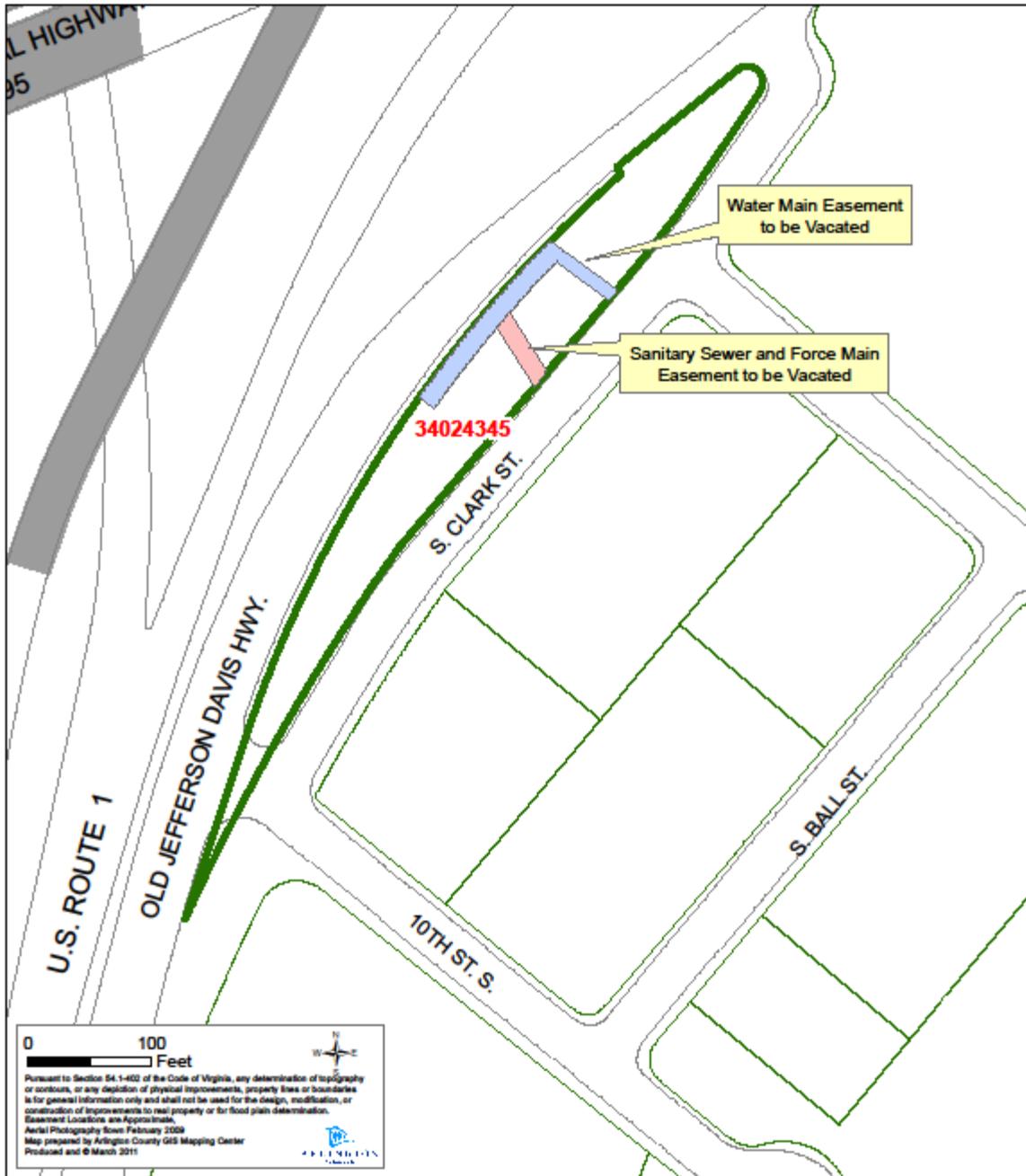
**Vicinity Map**  
Monument View Site - Old Jefferson Davis Hwy  
Extension of Vacation of a Portion of South Clark Street  
County Board Property





# Vicinity Map

Monument View Site - Old Jefferson Davis Hwy  
RPC # 34024345  
County Board Property



# Vicinity Map

Monument View Site - Old Jefferson Davis Hwy  
RPC # 34024345  
County Board Property

