



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 14, 2011

**DATE:** April 20, 2011

**SUBJECT:** Enactment of An Ordinance to Vacate a Portion of a 10 foot Sanitary Sewer Easement Running South to North Across the Southeast Corner of Lot 25-B, Washington View, RPC# 17-011-009, with Conditions.

**Applicant:** ZOM 1900 Wilson, L.P.

**Owner:** Skylark Investments LLC

#### C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Vacate a Portion of a 10 foot Sanitary Sewer Easement Running South to North Across the Southeast Corner of Lot 25-B, Washington View, RPC# 17-011-009, with Conditions.
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 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 has requested the vacation of a portion of a 10 foot Sanitary Sewer Easement, totaling 322 square feet, in order to construct the project contemplated by Site Plan #411. There are no issues identified with this request.

**SUMMARY:** The Applicant has requested enactment of an ordinance of vacation to vacate a portion of a 10 foot Sanitary Sewer Easement, located on an adjacent parcel of land owned by Skylark Investments, which parcel is part of a land exchange agreement between the Applicant and the Owner, totaling 322 square feet. A portion of this parcel will be dedicated to the County as part of Troy Street. The vacation is needed to construct the project contemplated by Site Plan #411 ("Ordinance"), approved by the County Board on June 15, 2010.

County Manager: *BMD/GA*

County Attorney: *BAK* *GA*

Staff: Linda Collier, Real Estate Bureau, DES

11.

With the enactment of the Ordinance, and upon satisfaction of the conditions contained therein and recordation of the Deed of Vacation, the County's interest in the area that is the subject of the Ordinance will be extinguished.

**BACKGROUND:** In order to construct the project that is proposed for Site Plan #411 ("Site Plan"), ZOM 1900 Wilson, L.P. ("Applicant") has requested the vacation of a portion of a 10 foot Sanitary Sewer Easement in the southeast corner of Lot 25-B, Washington View ("Sewer Vacation"). (See Vicinity Maps, attached hereto as Exhibits B-1 and B-2). The area of the Sewer Vacation is located on property that is part of a land exchange between the Applicant and the Owner. A portion of Lot 25-B will be dedicated to the County as part of Troy Street and a portion of Lot 25-B will be part of the Site Plan. Previously, on June 15, 2010, the Board enacted ordinances vacating a portion of 17<sup>th</sup> Street North and a portion of the same sanitary sewer line, also to permit development of the Site Plan. The present Sewer Vacation could not be brought at the time the Site Plan was approved because the Applicant had not finalized the land exchange agreement with the Owner.

The area of the Sewer Vacation is depicted on a plat entitled "Plat Showing the Vacation of a 10' Sanitary Sewer Easement on Lot 25-B Washington View (Deed Book K-4, Page 335) Arlington County, Virginia," dated March 3, 2011, prepared by Bowman Consulting Group, Ltd. ("Plat"), and attached hereto as Exhibit A.

As a condition of the Sewer Vacation, Applicant/Owner will be required to relocate and replace the sanitary sewer line that is located within the area of the Sewer Vacation, pursuant to a relocation plan approved by the County. County staff has determined that, so long as the conditions of the proposed Ordinance are met, the 322 square foot Sewer Vacation will not interfere with any present or planned County projects in the area.

**DISCUSSION:** To build the Site Plan, the Applicant must obtain the requested Sewer Vacation. As part of the Ordinance, and as required to develop the site, the Applicant is relocating the sanitary sewer line into the right of way of Clarendon Boulevard. Staff has determined that enactment of the Ordinance, and relocation of the line into Clarendon Boulevard will not adversely impact the sanitary sewer line, other nearby utilities, or the right of way and staff has no objection to such vacations. The proposed Ordinance is attached to this report as "Attachment 1".

Legal and Physical Description: The area of the Sewer Vacation that is the subject of this request for vacation is described on the Plat, attached to this report as Exhibit A. The County acquired the Sanitary Sewer Easement that is the subject of the Sewer Vacation by Deed of Easement dated August 21, 1978, recorded among the Arlington County land records in Deed Book 1974 at Page 503.

Compensation: The County typically does not charge for the vacation of utility easements as long as the underlying utility is being relocated at the Applicant's expense, and new easements for the utility, if necessary, are dedicated to the County. Given that the Applicant is relocating the sanitary sewer line in Clarendon Boulevard, staff recommends that no compensation be required from the Applicant for the requested Sewer Vacation.

Public Notice: Public notice of the enactment of the proposed Ordinance was given in accordance with the Code of Virginia. Notices were placed in the April 19, 2011 and April 26, 2011 issues of the Washington Times for the County Board Meeting of May 14, 2011.

**FISCAL IMPACT:** None.

**CONCLUSION:** It is recommended that the County Board enact the attached Ordinance to Vacate a Portion of a 10 foot Sanitary Sewer Easement Running South to North Across the Southeast Corner of Lot 25-B, Washington View, RPC# 17-011-009, with Conditions.

## ATTACHMENT 1

### **AN ORDINANCE TO VACATE A PORTION OF A 10 FOOT SANITARY SEWER EASEMENT RUNNING SOUTH TO NORTH ACROSS THE SOUTHEAST CORNER OF LOT 25-B, WASHINGTON VIEW, RPC NO. 17011009, WITH CONDITIONS.**

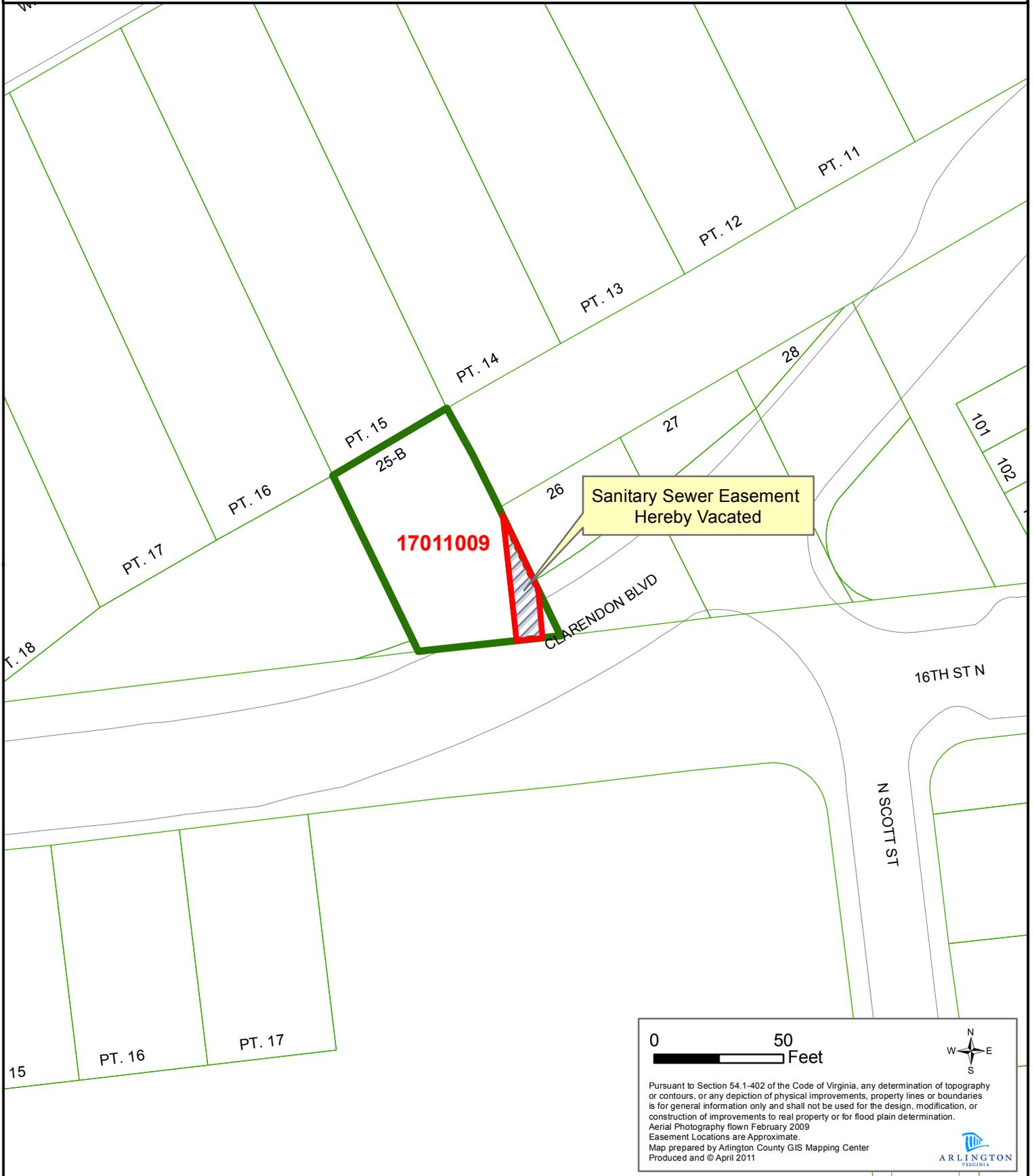
**BE IT ORDAINED** that, pursuant to a request by ZOM 1900 Wilson, L.P. (“Applicant”) and Skylark Investments, LLC (“Owner”) (Owner and Applicant collectively called “Owner/Applicant”), on file in the offices of the Department of Environmental Services, a portion of a 10 foot Sanitary Sewer Easement running south to north across the southeast corner of Lot 25-B, Washington View, RPC No. 17011009, and created by a Deed, dated August 21, 1978, recorded in Deed Book 1974, at Page 503 on August 31, 1978 among the land records of Arlington County, Virginia (“Sewer Easement”), and which portion of the Sewer Easement is shown on a plat entitled “Plat Showing The Vacation of A 10' Sanitary Sewer Easement on Lot 26 Washington View (Deed Book K-4, page 335) Arlington County, Virginia,” dated March 3, 2011, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s April 20, 2011 report as **Exhibit A**, is hereby vacated, subject to the following conditions:

1. The Applicant/Owner shall, at its own cost and expense, either remove or abandon in place, as determined and required by County Manager, or designee, the existing sanitary sewer facilities vacated herein (“Sanitary Sewer Line(s)”). If such Sanitary Sewer Line(s) are required to be relocated, then the Applicant/Owner shall, at its own cost and expense, relocate and reconstruct the Sanitary Sewer Line(s) 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 dedicate, grant and convey to the County sanitary sewer easements, at locations and of dimensions necessary to accommodate the relocated Water Main, Sanitary Sewer Line(s) and appurtenant facilities as required by the County. Such line(s) and facilities, upon acceptance by the County, shall be owned by the County.
3. The Applicant/Owner shall submit, for review and approval, to the Department of Environmental Services (“DES”), a utility relocation and engineering design plan (“Plan”), either as part of the final engineering plans required by the conditions of Site Plan # 411 (“Site Plan”) or as a separate utility relocation and engineering design plan, for the construction, relocation, removal, replacement and/or abandonment of the Sanitary Sewer Line and appurtenant facilities. The Plan shall be subject to approval by the County Manager, or designee and shall be in compliance with the Arlington County Construction Standards and Specifications. The Plan shall include, among other things, the requirement that the Applicant/Owner shall, at its sole cost and expense, repave the full width of Clarendon Boulevard from the intersection of the western side of future Troy Street in an easterly direction to a point which is fifty (50) feet past the area disturbed resulting from the installation of the utility lines relocated from 17<sup>th</sup> Street North, in accordance with County Standards and Specifications (“Clarendon Boulevard Repaving”).

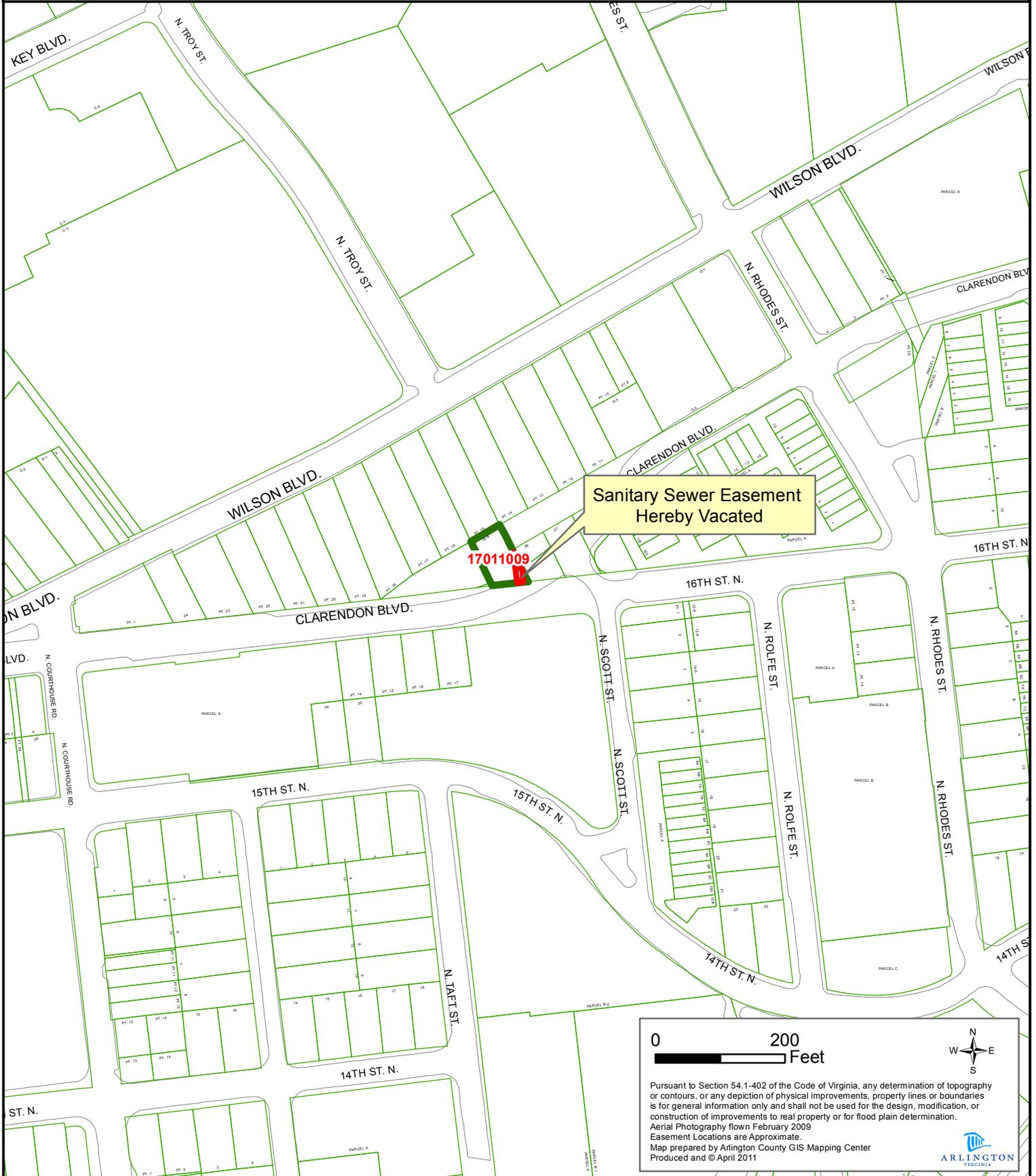
4. The Applicant/Owner shall submit to the County Manager, or designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or designee, to secure the proper construction, relocation, removal, replacement or abandonment of the Sanitary Sewer Line and appurtenant facilities and the Clarendon Boulevard Repaving, according to the approved Plan.
5. 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, and deeds of dedication, subject to approval thereof as to substance by the County Manager, or designee, and approval of the deeds as to form by the County Attorney.
6. The Applicant/Owner shall record all plats, the Deed(s) of Vacation, and all deeds of easement and/or dedication 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/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 the Ordinance of Vacation shall be met by May 14, 2014, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.



# Vicinity Map 1900 Wilson Blvd RPC # 17011009



# Vicinity Map 1900 Wilson Blvd RPC # 17011009



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. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © April 2011