



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 17, 2011**

DATE: August 18, 2011

SUBJECT: Enactment of an Ordinance to Vacate a 5' Sanitary Sewer Easement Located on Lot 3-A of a Resubdivision of Lot 3, Block 6, Section 3, Bellevue Forest, 3888 30th Street North (RPC#04-038-306), with Conditions.

Applicant: N. 30th St, LLC
Owner: N. 30th St, LLC

1. Enact the attached Ordinance to Vacate a 5' Sanitary Sewer Easement, Located on Lot 3-A of a Resubdivision of Lot 3, Block 6, Section 3, Bellevue Forest, 3888 30th Street North (RPC#04-038-306), with Conditions.
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, 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 of the deed as to form by the County Attorney.

ISSUE: The Applicant has requested the vacation a 5' sanitary sewer easement located on property at 3888 30th Street North to accommodate the construction of a new single family dwelling on the property. There are no outstanding issues.

SUMMARY: The Applicant has requested enactment of an ordinance to vacate an existing County 5' sanitary sewer easement on the property located at 3888 30th Street North. In consideration of the vacation of the existing easement, the Applicant will be required to dedicate and convey to the County a new 15' sanitary sewer easement at a different location on the property and to relocate the existing sanitary sewer line into the new easement. The proposed Ordinance will allow the planned construction of a new residential dwelling on the property. Upon enactment of the Ordinance by the County Board, satisfaction of the conditions, and recordation of the Deed of Vacation by the Applicant, the County's interest in the existing easement will be extinguished.

County Manager:

County Attorney:

Staff: Kevin Connolly/Betsy Herbst, DES, Real Estate Bureau

18.

BACKGROUND: The existing sanitary sewer easement was acquired by the County in 1941, as part of a subdivision of Section 3, Bellevue Forest. The easement encumbers Lot 3-A of a recent resubdivision of Lot 3, Block 6, Section 3, Bellevue Forest (“Lot 3-A”). The Applicant has requested the vacation of the easement to facilitate the construction of a new single family dwelling on Lot 3-A.

DISCUSSION: The County owns and maintains the existing sanitary sewer facilities located within the sanitary sewer easement requested to be vacated. In order to construct a new single family dwelling proposed for Lot 3-A, Block 6, Section 3, Bellevue Forest, the Applicant has requested the vacation of the 5’ sanitary sewer easement located on the lot. The easement to be vacated runs diagonally across Lot 3-A from the southern corner of the lot to the northerly property line. The Applicant proposes to remove the existing sanitary sewer facilities and relocate and install the sanitary facilities, at its sole cost, into a new 15-foot wide sanitary sewer easement, generally running along the northerly property line of Lot 3-A, to be dedicated to the County. Both the easement to be vacated and the new easement to be dedicated to the County are shown on Exhibit A.

As conditions of the County vacating the existing easement on Lot 3-A, the Applicant will be required to complete the following tasks: (a) submit, for review and approval, to the Department of Environmental Services (“DES”), an engineering site design plan showing the construction, relocation, removal, and/or replacement of any and all sanitary sewer facilities located within the sanitary sewer easement to be vacated (the “Plan”); (b) submit to the Director of DES, or his designee, a bond, letter of credit, or other security to secure construction, relocation, removal, and/or replacement of any and all existing sanitary sewer facilities pursuant to the approved Plan; (c) remove the existing underground pipe located within the easement to be vacated; (d) install a new sanitary sewer pipe, in accordance with the approved Plan; and (e) dedicate a new sanitary sewer easement to the County, in a form acceptable to the County Attorney, for the newly constructed sanitary sewer facilities on Lot 3-A.

Legal and Physical Description: The easement to be vacated was created by Deed, dated May 26, 1941, and recorded in Deed Book 544 at Page 330, among the land records of Arlington County, Virginia, and runs diagonally across Lot 3-A from the southern corner of the lot to the northerly property line. The Applicant acquired Lot 3, Block 6, Section 3, Bellevue Forest, by Deed dated May 27, 2010, and recorded in Deed Book 4368, Page 728, among the land records of Arlington County, Virginia. The Applicant resubdivided Lot 3 into Lots 3-A and 3-B, Block 6, Section 3, Bellevue Forest by Deed of Resubdivision and Covenant dated March 30, 2011, and recorded in Deed Book 4451, Page 2394, among the land records of Arlington County, Virginia.

Compensation: The County typically does not charge compensation 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 relocated utility, if necessary, are dedicated to the County. Given that the Applicant is relocating the sanitary sewer line, at its sole cost, into a new easement to be dedicated to the County by the Applicant on Lot 3-A, staff recommends that no compensation be required from the Applicant for the requested 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 August 23, 2011 and

August 30, 2011 issues of the Washington Times for the County Board Meeting of September 17, 2011.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the Ordinance to Vacate a 5' Sanitary Sewer Easement Located on Lot 3-A of a Resubdivision of Lot 3, Block 6, Section 3, Bellevue Forest, 3888 30th Street North (RPC#04-038-306), with Conditions attached hereto as Attachment 1.

ORDINANCE TO VACATE A 5' SANITARY SEWER EASEMENT, LOCATED ON LOT 3-A OF A RESUBDIVISION OF LOT 3, BLOCK 6, SECTION 3, BELLEVUE FOREST, 3888 30TH STREET NORTH (RPC #04-038-306), WITH CONDITIONS:

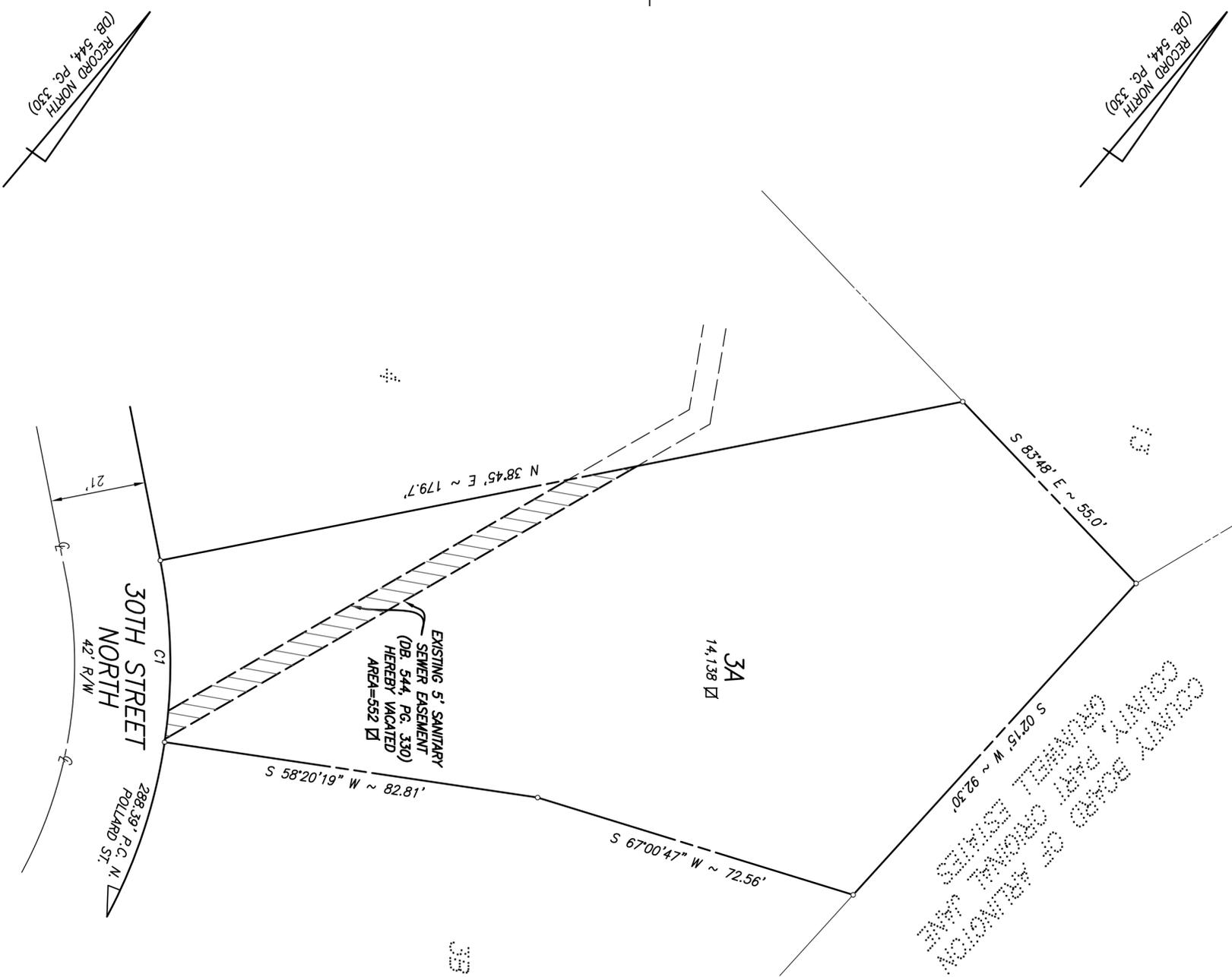
BE IT ORDAINED that, pursuant to a request by N. 30th St, LLC (the "Property Owner/Applicant"), on file in the Department of Environmental Services, a 5' sanitary sewer easement located on Lot 3-A, Bellevue Forest (RPC# 04-038-306), and created by a Deed dated May 26, 1941, and recorded in Deed Book 544 at Page 330, among the land records of Arlington County, Virginia, and which easement is shown on the plat entitled "Plat Showing the Vacation of an Existing 5' Sanitary Sewer Easement, on Lot 3-A, of the Resubdivision of Lot 3, Block 6, Section 3, BELLEVUE FOREST, Deed Book 4451, Page 2394, Arlington County, Virginia", dated April 29, 2011, prepared by R.C. Fields, Jr. and Associates, a Professional Corporation, attached to the County Manager's report dated August 18, 2011, as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Property Owner/Applicant shall submit, for review and approval, to the Department of Environmental Services ("DES"), an engineering site design plan showing the construction, relocation, removal, and/or replacement of any and all sanitary sewer facilities located, in whole or in part, within the sanitary sewer easement vacated by this Ordinance of Vacation in compliance with the Arlington County Construction Standards and Specifications (the "Plan"). The Plan shall be subject to approval by the Director of DES, or his designee.
2. The Property Owner/Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in substance and 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 sanitary sewer facilities pursuant to the approved Plan;
3. The Property Owner/Applicant shall, at its sole cost and expense: (a) remove the existing underground sanitary sewer pipe within the easement herein being vacated, and (b) install a new underground pipe within the proposed new easement, and in accordance with the Arlington County Construction Standards and Specifications, all applicable laws, ordinances, regulations and policies, and the approved building plans.
4. The Property Owner/Applicant shall dedicate, grant and convey a new sanitary sewer easement to the County, in a form acceptable to the County Attorney, over, under, across and through the Property.

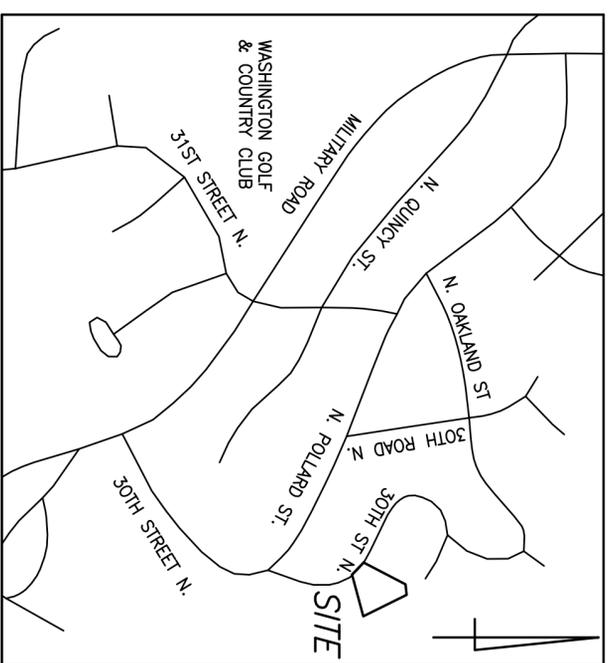
5. The Property Owner/Applicant shall prepare, submit to the County Real Estate Bureau Chief, or his designee, for review and approval, the Deed of Vacation, all plats and all required deeds of easement and deeds of dedication, subject to the approval thereof as to substance by the County Manager, or her designee, and approval as to form by the County Attorney.
6. The Property Owner/Applicant shall record the Deed of Vacation, all plats, and all deeds of easement and/or dedication required by the conditions of this Ordinance of Vacation among the land records of the Circuit Court of Arlington County, Virginia.
7. The Property Owner/Applicant shall pay all fees, including the fees for recording the required documents associated with the Ordinance of Vacation, including the Deed of Vacation and Deed of Easement.
8. All conditions of the Ordinance of Vacation shall be met by 5:00 p.m. on September 17, 2014 or the Ordinance shall become null and void without the necessity of further action by the County Board.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	40.00	117.00	19°35'19"	20.20	39.81	N 41°27'21" W

Exhibit A



COUNTY BOARD OF SUPERVISORS
ARLINGTON COUNTY, VIRGINIA
RESOLVED TO GRANT
SPECIAL EXCEPTIONS
TO THE ABOVE



- NOTES:
1. THE PROPERTY DELINEATED HEREON APPEARS ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NO. 022-12 IDENTIFIED AS REAL PROPERTY CODE NUMBER (RPC#) 04038306.
 2. TITLE REPORT FURNISHED BY TRI-COUNTY TITLES, INC. DATED APRIL 20, 2010 AND IS RELIED UPON BY THE SURVEYOR TO BE ACCURATE.
 3. PLAT SUBJECT TO RESTRICTIONS OF RECORD
 4. OWNER: N 30TH ST LLC



EXHIBIT SHOWING
VACATION OF A 5' SANITARY SEWER EASEMENT
ON
DEED BOOK 544, PAGE 330

LOT 3-A
BLOCK 6
SECTION 3
BELLEVUE FOREST

DEED BOOK 4451, PAGE 2394
ARLINGTON COUNTY, VIRGINIA
SCALE: 1" = 20' DATE: APRIL 29, 2011

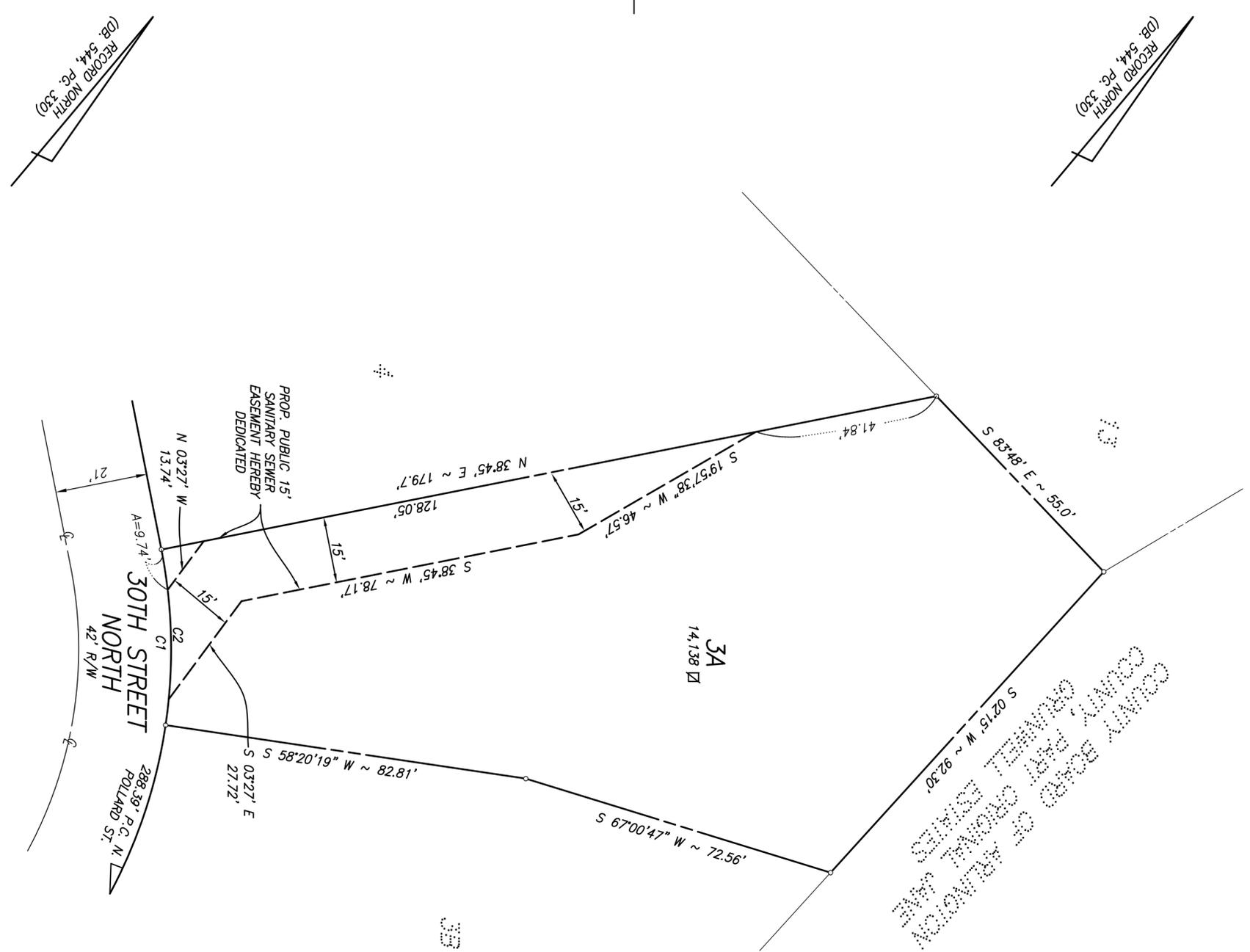
R. C. FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION
730 S. Washington St.
Alexandria, Virginia 22314
PH. (703) 549-6422
FAX (703) 549-6452

COMP.	T.G.
DRAWN	T.G.
CHECKED	R.C.F.

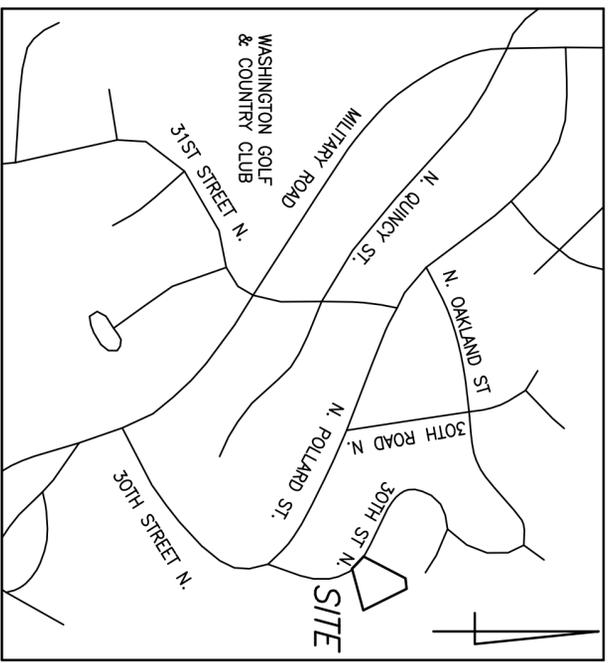
FILE NO. 10-40
SHEET 1 OF 1

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	40.00	117.00	19°35'19"	20.20	39.81	N 41°27'21" W
C2	24.86	117.00	12°10'35"	12.48	24.82	N 40°38'14" W

Exhibit A



COUNTY BOARD OF SUPERVISORS
 COUNTY, PART OF THE
 ORIGINAL SURVEY
 NOTED TO BE



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EXHIBIT SHOWING
 PUBLIC SANITARY SEWER EASEMENT ON
 LOT 3-A
 BLOCK 6
 SECTION 3
 BELLEVUE FOREST

DEED BOOK 4451, PAGE 2394
 ARLINGTON COUNTY, VIRGINIA
 SCALE: 1" = 20' DATE: APRIL 29, 2011

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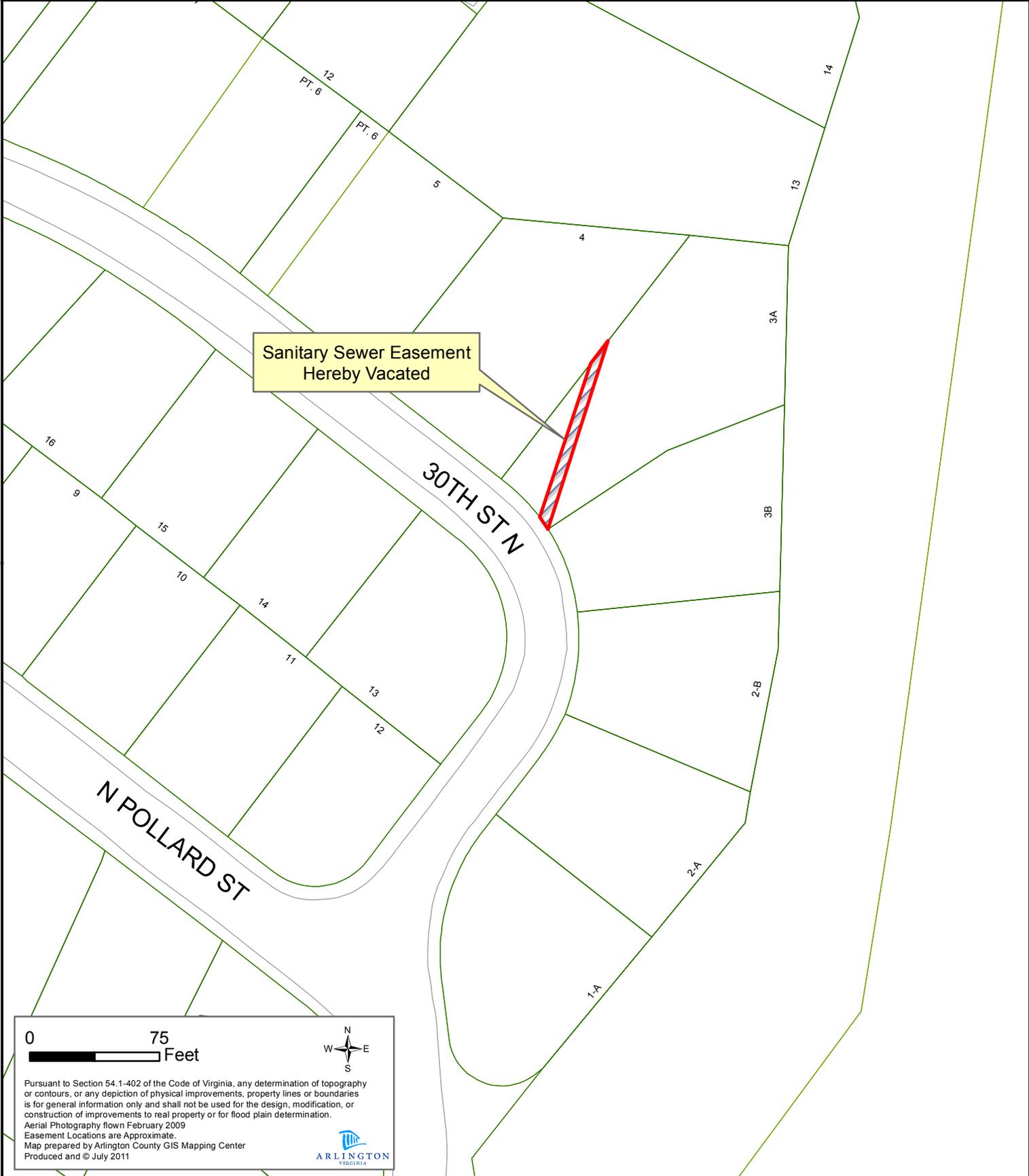
COMP.	T.G.
DRAWN	T.G.
CHECKED	R.C.F.

FILE NO. 10-40
 SHEET 1 OF 1

Vicinity Map

Lot 3-A Bellevue Forest

RPC# 04038306



Sanitary Sewer Easement
Hereby Vacated

30TH ST N

N POLLARD ST

0 75 Feet



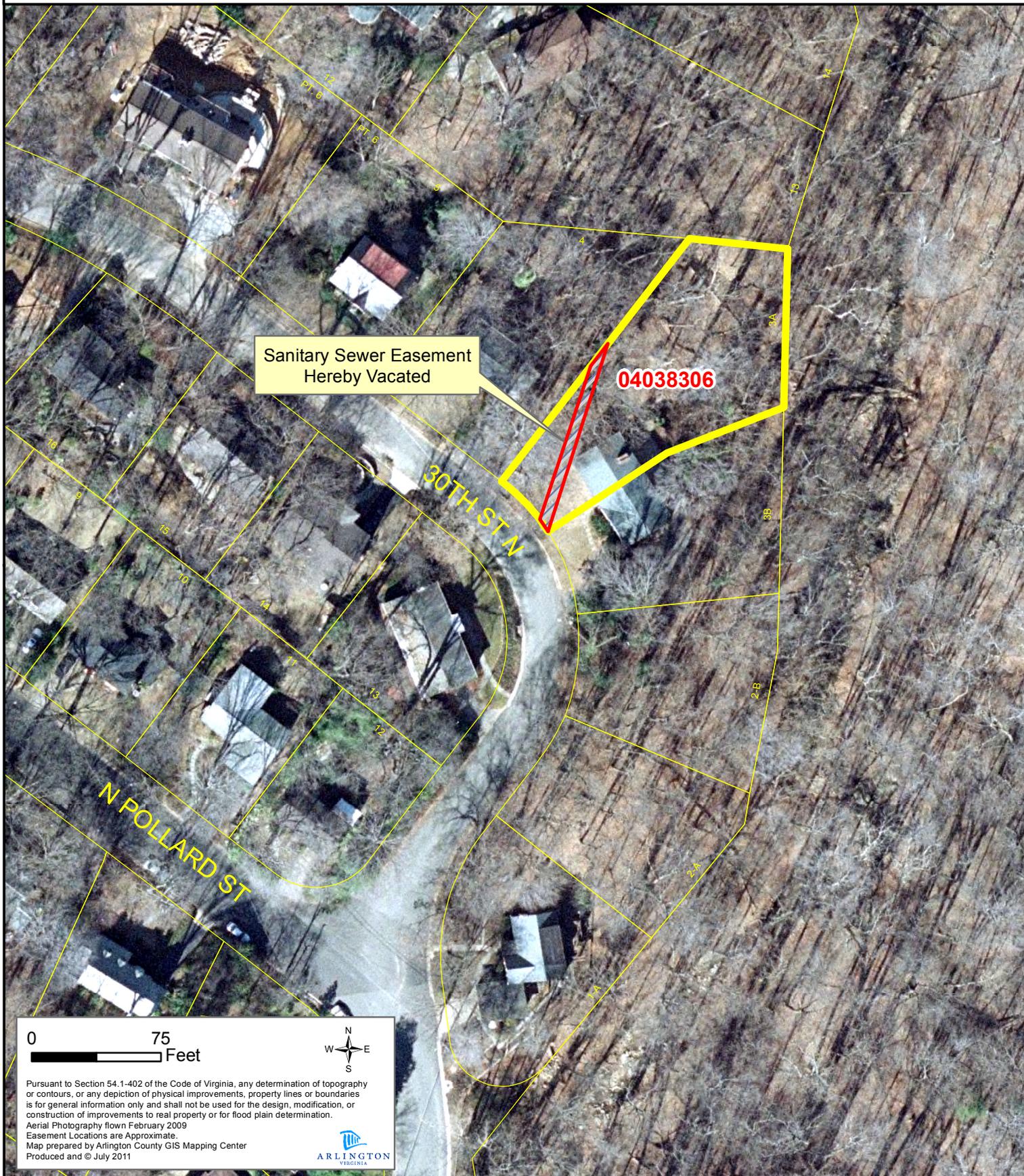
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Aerial Photography flown February 2009
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © July 2011



Vicinity Map

Lot 3-A Bellevue Forest

RPC# 04038306



Sanitary Sewer Easement
Hereby Vacated

04038306

30TH ST N

N POLLARD ST

0 75 Feet



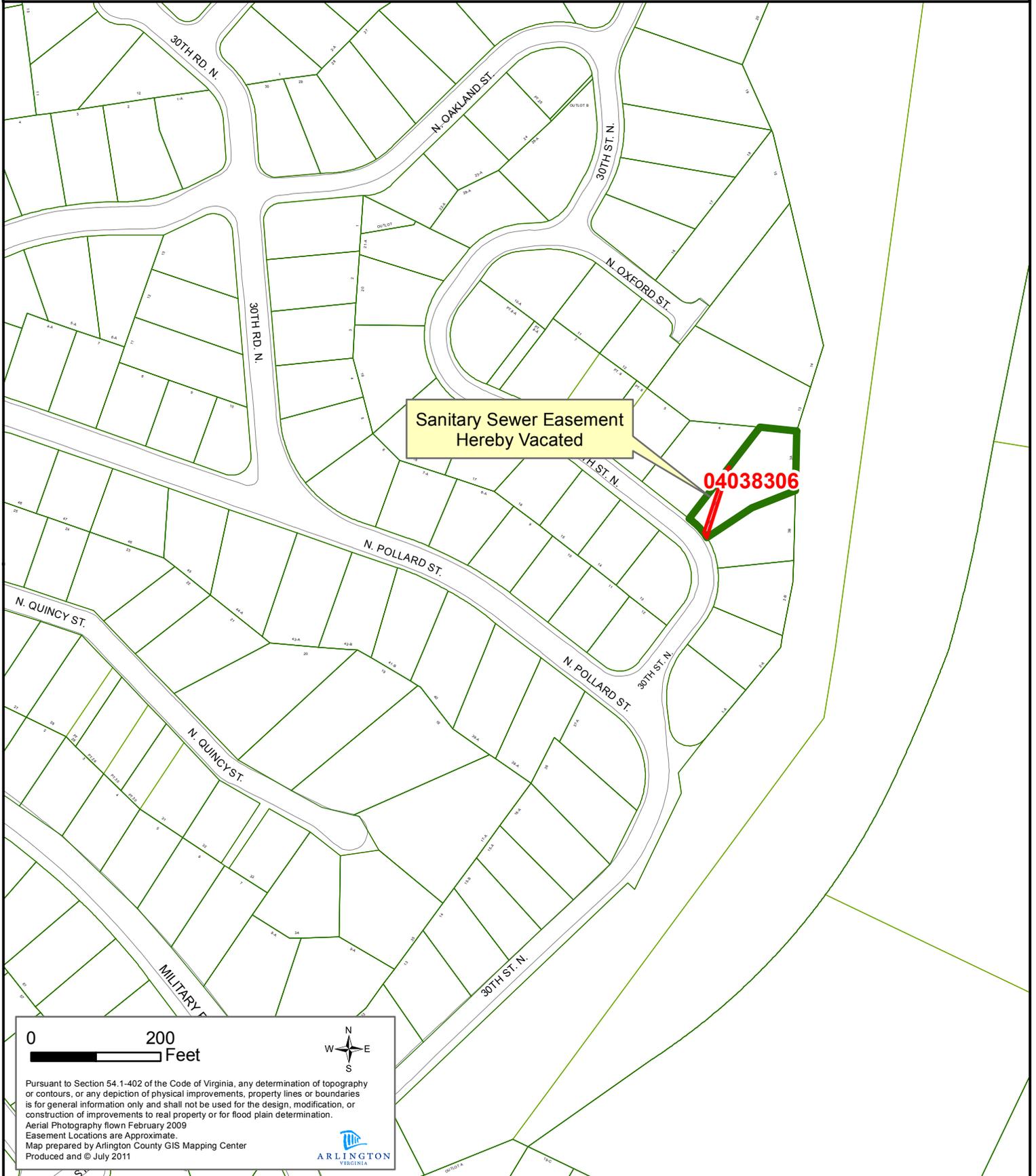
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Vicinity Map

Lot 3-A Bellevue Forest

RPC# 04038306



Sanitary Sewer Easement
Hereby Vacated

04038306

0 200 Feet

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