



ARLINGTON COUNTY, VIRGINIA

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

DATE: September 7, 2011

SUBJECT: Enactment of an Ordinance to Vacate a 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running Northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), with conditions.

Applicant: Ashton Overlook, L.C.

Owners: Ashton Overlook, L.C. and Bankhead T. Davies

By: Nan Walsh, Agent/Attorney
c/o Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Vacate a 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running Northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), 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(s) of Vacation, subject to approval as to form by the County Attorney.

ISSUE: The Applicant has requested vacation of an unimproved public alley related to a request for rezoning and a request for approval of proposed Site Plan #416 to allow redevelopment of the parcels for construction of two multi-family residential buildings. There are no outstanding issues.

County Manager:

BMD/GA

County Attorney:

BAC *GA*

52. C.

Staff: Betsy Herbst, DES, Real Estate Bureau

SUMMARY: In order to permit redevelopment of the property under proposed Site Plan #416, the Applicant has requested the vacation of an unimproved public alley in Center Clarendon Subdivision, abutting the rear property lines of Lots 37 through 71, on the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street. In a related matter, the Applicant has also submitted a request for rezoning and approval of the Site Plan in order to redevelop the property into a mixed use development, including two residential buildings and ground floor retail space, which are addressed in a separate Board Report. Upon satisfaction of all conditions specified in the Ordinance, including recordation of the Deed(s) of Vacation by the Applicant before the expiration date of the Ordinance, the County's interest in the alley will be extinguished.

BACKGROUND: The alley is located on the block surrounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street. (See Vicinity Maps at Attachments 2 and 3.) The parcels adjacent to the alley are currently being used for multiple commercial purposes, including a commercial condominium and a dental office.

The alley was established by the recordation of the subdivision plat in 1911 for Center Clarendon recorded in Deed Book 128 Page 68, among the land records of Arlington County, Virginia. The alley, which runs from Wilson Boulevard to N. Fairfax Drive, abuts the rear of Lots 37-71, Center Clarendon, all of which are owned by the Applicant, except for Lots 51-54, which are owned by Bankhead T. Davies. Mr. Davies has consented to the vacation, rezoning and site plan application.

The Applicant acquired its property, located in the Center Clarendon Subdivision, Arlington, Virginia, at various times, as follows: Lots 41-45 and Lots 64-69 by Deed of Gift dated February 11, 2008, recorded in Deed Book 4166 at Page 1679; Lots 37-40 by Deed dated April 26, 2010, recorded in Deed Book 4360 at Page 1998; Lots 70 and 71 by Deed dated December 18, 2009, recorded in Deed Book 4333 at Page 971; Lots 47-50 and Lots 57-63 by Deed of Gift dated December 18, 2010, recorded in Deed Book 4335 at Page 35; and Lots 37-40 by Deed dated April 26, 2010, recorded in Deed Book 4360 at Page 1998, all among the land records of Arlington County, Virginia.

In conjunction with its plans to redevelop the site, the Applicant has submitted a request for rezoning and approval of a mixed use Site Plan, proposing redevelopment of the site to include construction of two multi-family residential buildings comprising 534 units and ground floor retail space.

Following the vacation, the site will consist of approximately 107,415 square feet (or 2.466 acres). The Applicant proposes to request rezoning of the property from C-2 to MU-VS. If the rezoning and Site Plan are approved, the property will be rezoned from C-2 "Service Commercial – Community Business District" to MU-VS "Mixed Use – Virginia Square Districts". The Applicant proposes to construct the mixed use development to include two residential buildings comprising 520,837 s.f. or 534 residential units, and 12,815 s.f. ground floor commercial retail space. The Site Plan area is part of the Virginia Square district.

DISCUSSION: The Applicant requests that the County vacate the alley which runs northwest across the entire block from N. Fairfax Drive to Wilson Boulevard, to allow the construction of a proposed mixed use development on the site. The proposed development would include residential and commercial retail space. The alley to be vacated is depicted on the plat entitled "Plat Showing The Vacation of a 10' Alley, Center Clarendon, Deed Book 128 Page 68, Arlington County, Virginia", prepared by Walter L. Phillips, Inc., dated May 24, 2010, and attached hereto as Exhibit A. As a condition of the vacation ordinance (Attachment 1), the Applicant will be required to pay fair market value of the alley.

Legal and Physical Description: The Alley was established by Deed of Dedication and subdivision plat dated February 1, 1911 and recorded in Deed Book 128 at Page 68, among the land records.

Public Notice: Public notice of the proposed vacations 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 Planning Commission meeting of September 6, 2011, the Transportation Commission meeting of September 1, 2011, and the County Board Meeting of September 17, 2011.

Compensation: The County retained an appraiser, at the Applicant's cost, to appraise the alley requested to be vacated. An independent appraisal was prepared by a licensed Virginia commercial appraiser for the purpose of determining the fair market value of the alley proposed to be vacated. The appraisal, dated March 28, 2011, determined that the fair market value of the vacated alley is \$1,119,500.00. The Applicant has agreed to pay to the County such amount as consideration of vacating the alley.

FISCAL IMPACT: The compensation will be deposited in the Sale of Land/Right of Way account in the General Fund (101.350130.42203.0000.0000.0000).

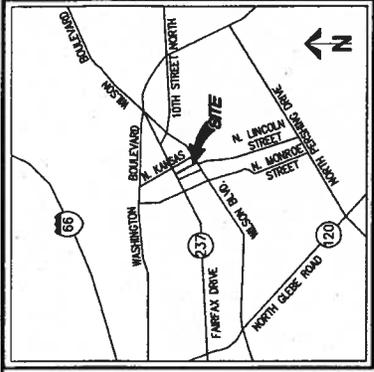
CONCLUSION: It is recommended that the County Board enact the attached Ordinance of Vacation as set forth in Attachment 1 hereto.

ORDINANCE TO VACATE A 10' ALLEY IN CENTER CLARENDON SUBDIVISION ABUTTING THE REAR OF LOTS 37 THROUGH 71, AND RUNNING NORTHWEST FROM WILSON BOULEVARD TO N. FAIRFAX DRIVE, WITHIN THE BLOCK BOUNDED BY WILSON BOULEVARD, N. KANSAS STREET, N. FAIRFAX DRIVE AND N. LINCOLN STREET, ARLINGTON, VIRGINIA (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request on file, by Ashton Overlook, L.C. (the "Applicant"), in the Office of the Department of Environmental Services, the 10' Alley in Center Clarendon Subdivision abutting the rear of Lots 37 through 71, and running northwest from Wilson Boulevard to N. Fairfax Drive, within the block bounded by Wilson Boulevard, N. Kansas Street, N. Fairfax Drive and N. Lincoln Street, Arlington, Virginia (RPC# 14-035-001, -002, -003, -005, -006, -008, -010, -011, -013, -014, -015, -016, -018, -019, -020, -021, -022, -023, -024 and -025), being established by Deed of Dedication and subdivision plat dated February 1, 1911 and recorded in Deed Book 128 at Page 68, among the Arlington County, Virginia land records, and which vacated alley is depicted on the plat entitled "Plat Showing The Vacation of a 10' Alley Center Clarendon and Existing Conditions, Deed Book 128 Page 68, Arlington, Virginia", dated May 24, 2010, prepared by Walter L. Phillips, Inc., and attached to the County Manager's Report dated September 7, 2011, as Exhibit A, is hereby vacated subject to the following conditions:

1. The Applicant shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to the approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney.
2. All of the Deed(s) of Vacation for the entire length and width of the alley vacated by this Ordinance shall be submitted to the County at the same time.
3. Prior to the recordation of any Deed of Vacation, the Applicant shall pay to the County compensation in the full amount of \$1,119,500.00 for the entirety of the alley to be vacated. No partial vacation of the alley is permitted or authorized by this Ordinance.
4. The Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed(s) of Vacation associated with the Ordinance of Vacation.
5. The Applicant shall record the Deed(s) of Vacation and all plats, subject to the approval of the County Manager, or her designee, and approval as to form by the County Attorney.
6. All conditions of this Ordinance of Vacation shall be met by noon on September 17, 2014, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A - SHEET 1 of 2



VICINITY MAP SCALE: 1"=2000'

OUTLOT AREA TABULATION

A	240 SQ. FT.
B	250 SQ. FT.
C	250 SQ. FT.
D	250 SQ. FT.
E	125 SQ. FT.
F	125 SQ. FT.
G	250 SQ. FT.
H	250 SQ. FT.
I	362 SQ. FT.
J	250 SQ. FT.
K	250 SQ. FT.
L	250 SQ. FT.
M	250 SQ. FT.
N	125 SQ. FT.
O	375 SQ. FT.
P	313 SQ. FT.
TOTAL	4,478 SQ. FT.

TOTAL AREA VACATED ... 4,478 SQ. FT.



PLAT SHOWING THE VACATION OF A 10' ALLEY CENTER CLARENDON AND

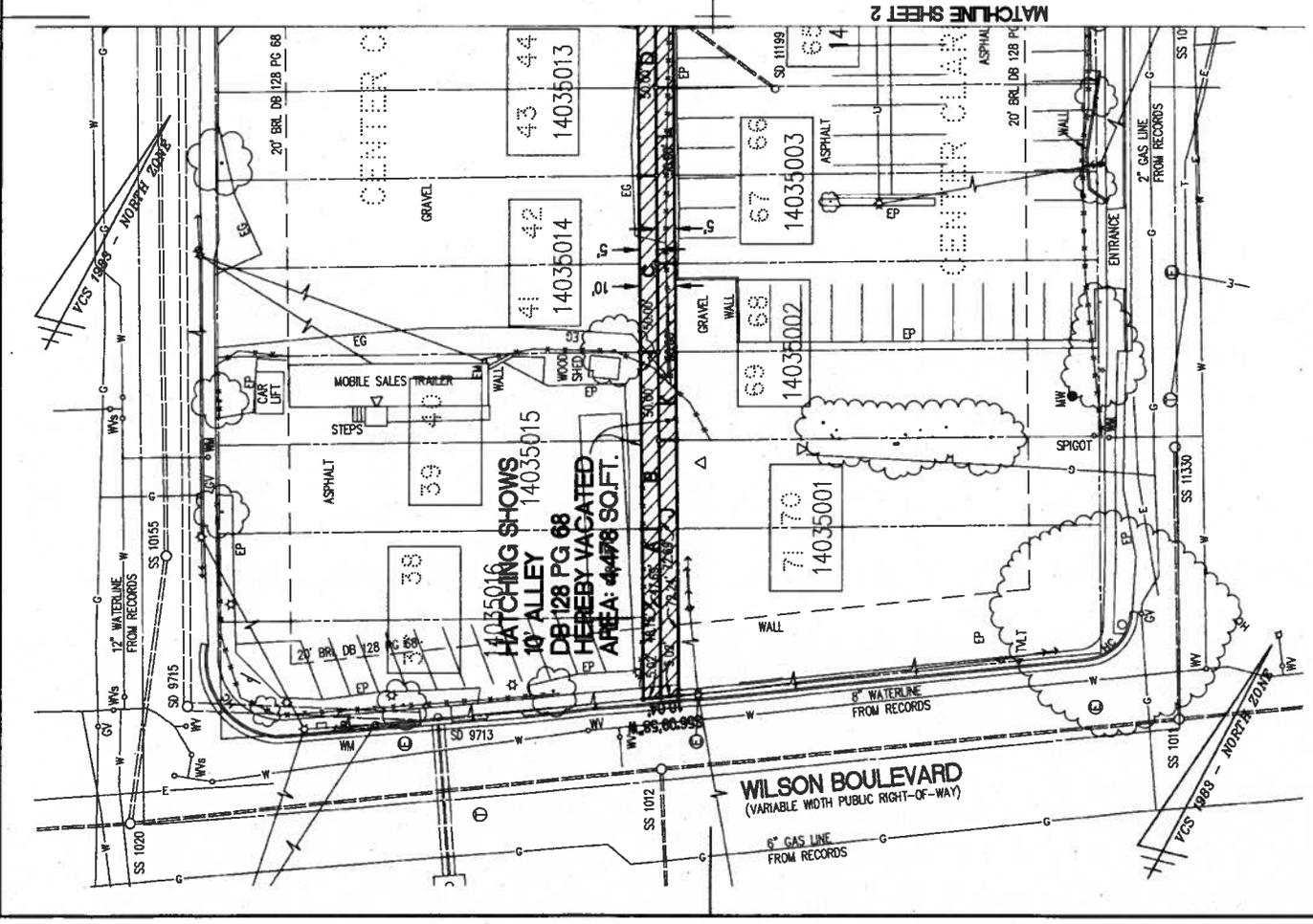
EXISTING CONDITIONS DEED BOOK 128 PAGE 68 ARLINGTON COUNTY, VIRGINIA

WALTER L. PHILLIPS, INC.
 CIVIL ENGINEERS—LAND SURVEYORS—PLANNERS—LANDSCAPE ARCHITECTS
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
 (703) 632-6153 FAX (703) 633-1301 <http://www.wlphinc.com>

SCALE: 1" = 25' DATE: MAY 24, 2010 SHEET: 1 OF 2 DWG FILE NAME: 01046-101

NOTES:

1. THE PROPERTY DELINEATED HEREON APPEARS ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NUMBER 53-6 AND 53-10 AND IS ADJACENT TO REAL PROPERTY CODE (RPC) NUMBERS, 14035001 THROUGH 14035003, 14035005, 14035006, 314035008, 14035010, 14035011, 14035013 THROUGH 14035016, AND 14035018 THROUGH 14035025.
2. THE PROPERTY IS A PART OF CENTER CLARENDON AS RECORDED IN DEED BOOK 128 AT PAGE 68.
3. THIS PLAT DOES NOT SHOW ALL COVENANTS, RESTRICTIONS AND EASEMENTS THAT EXIST IN THE CHAIN OF TITLE.
4. THIS PLAT IS BASED ON A FIELD SURVEY BY THIS FIRM.
5. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (NAD 83) (GCS83) (EPSG:3147) (NAD 83) COMPUTED FROM A FIELD SURVEY WHICH TIES THIS BOUNDARY TO MONUMENT A17403: USNO U.S. NAVAL OBSERV COYS ARP. THE GRID FACTOR (ELEVATION FACTOR X SCALE FACTOR) WHICH HAS BEEN APPLIED TO THE FIELD DISTANCES TO DERIVE THE REFERENCED COORDINATES IS 0.99995698. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES IS THE U.S. SURVEY FOOT.
6. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH AN ORDINANCE TO VACATE THE PUBLIC ALLEY IN CENTER CLARENDON FROM WILSON BOULEVARD TO NORTH FAIRFAX DRIVE - ROUTE 237, ENACTED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, XXXXXX XX, XXXX.



APPROVED: _____ DATE: _____ THIS PLAT OFFERED FOR RECORD

CHIEF, PUBLIC WORKS PLANNING DIVISION DIRECTOR, DEPARTMENT OF PUBLIC WORKS

FILE NO.: AK-19 TAX MAP NO.: _____ JOB NO.: 01-046

DATE: _____ D.B.: _____ PAGE: _____

REFERENCE:

EXHIBIT A - SHEET 2 of 2

LEGEND

- BLD..... BUILDING RESTRICTION LINE
- BRL..... BUILDING RESTRICTION LINE
- CO..... CONCRETE
- DB..... DEED BOOK
- EM..... ENTRANCE
- EP..... EDGE OF PAVEMENT
- EVLT..... ELECTRIC VAULT
- FC..... FIRE DEPARTMENT CONNECTION
- FF..... FIRST/FINISH FLOOR ELEVATION
- GA..... GAS METER
- GV..... GAS VALVE
- HC..... HAND CAPPED RAMP
- INV..... INVERT
- IPF..... IRON PIPE FOUND
- MW..... MONITORING WELL
- N/F..... NOW OR FORMERLY
- OH..... OVERHANG/CANOPY
- PG..... PAGE
- PLNTR..... PLANTER
- PM..... PARKING METER
- POB..... POINT OF BEGINNING
- RET..... RETAINING WALL
- SD..... STORM SEWER STRUCTURE
- SS..... SANITARY SEWER STRUCTURE
- TCB..... TRAFFIC CONTROL BOX
- TG..... TREE GRATE
- TVLT..... TRAFFIC VAULT
- WM..... WATER METER
- WW..... WATER VALVE
- Δ..... FIRE HYDRANT
- ◇..... DOORWAY/ENTRANCE
- UTILITY POLE
- LIGHT POLE
- TELEPHONE PEDESTAL
- FENCE
- GUY WIRE
- OVERHEAD WIRES
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND UTILITY LINE
- UNDERGROUND WATER LINE
- TREE
- LIMITS OF TREE CANOPY/VEGETATION
- CURB AND GUTTER
- ELECTRIC TRANSFORMER
- SIGN
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- WATER MANHOLE

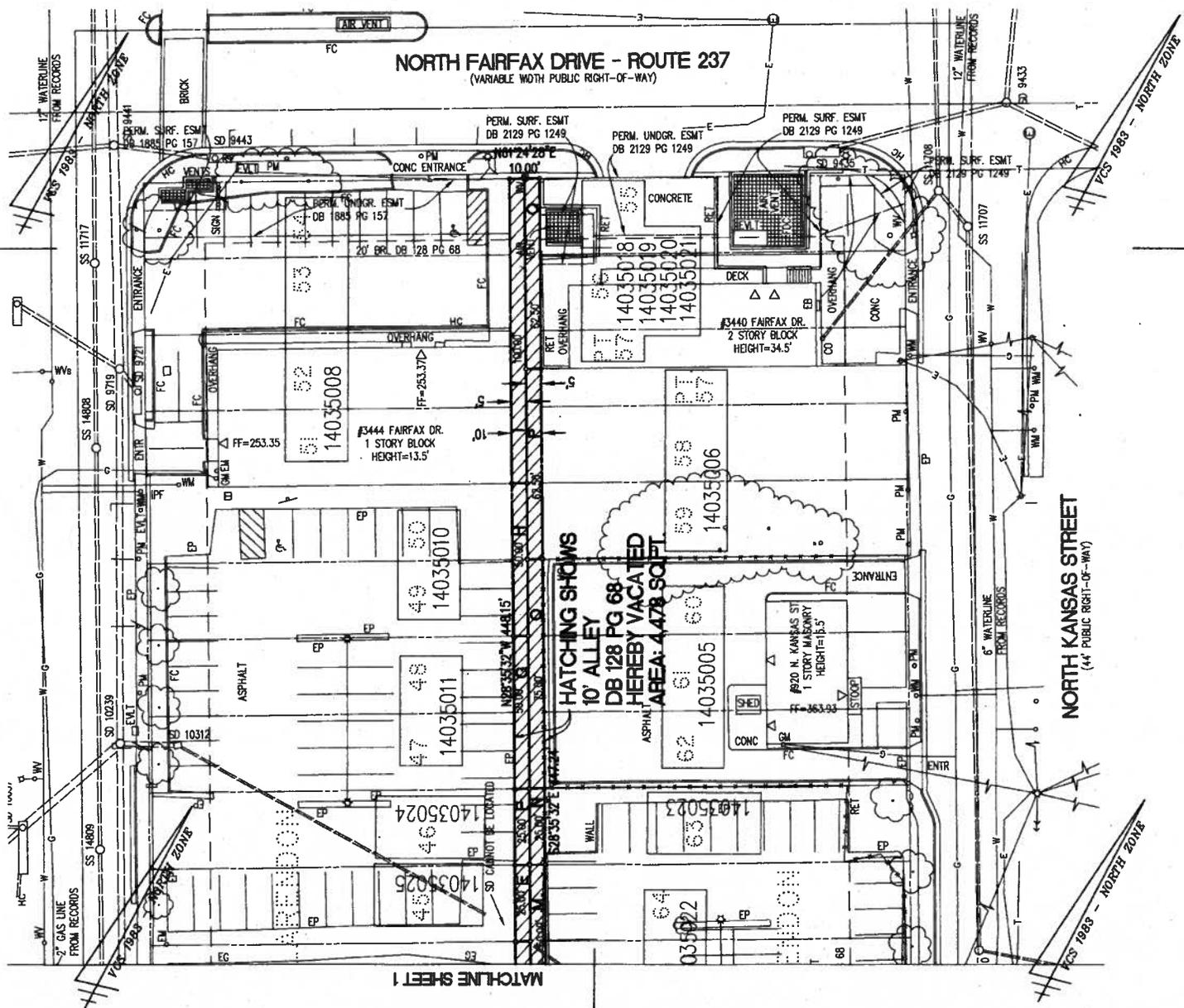


PLAT SHOWING
THE VACATION OF A 10' ALLEY
CENTER CLARENDON
AND

EXISTING CONDITIONS
DEED BOOK 128 PAGE 68

ARLINGTON COUNTY, VIRGINIA
WALTER L. PHILLIPS, INC.
CIVIL ENGINEERS-LAND SURVEYORS-PLANNERS-LANDSCAPE ARCHITECTS
207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
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SCALE: 1" = 25'
DATE: MAY 24, 2010
SHEET: 2 OF 2
DWG FILE NAME: 01046.v01

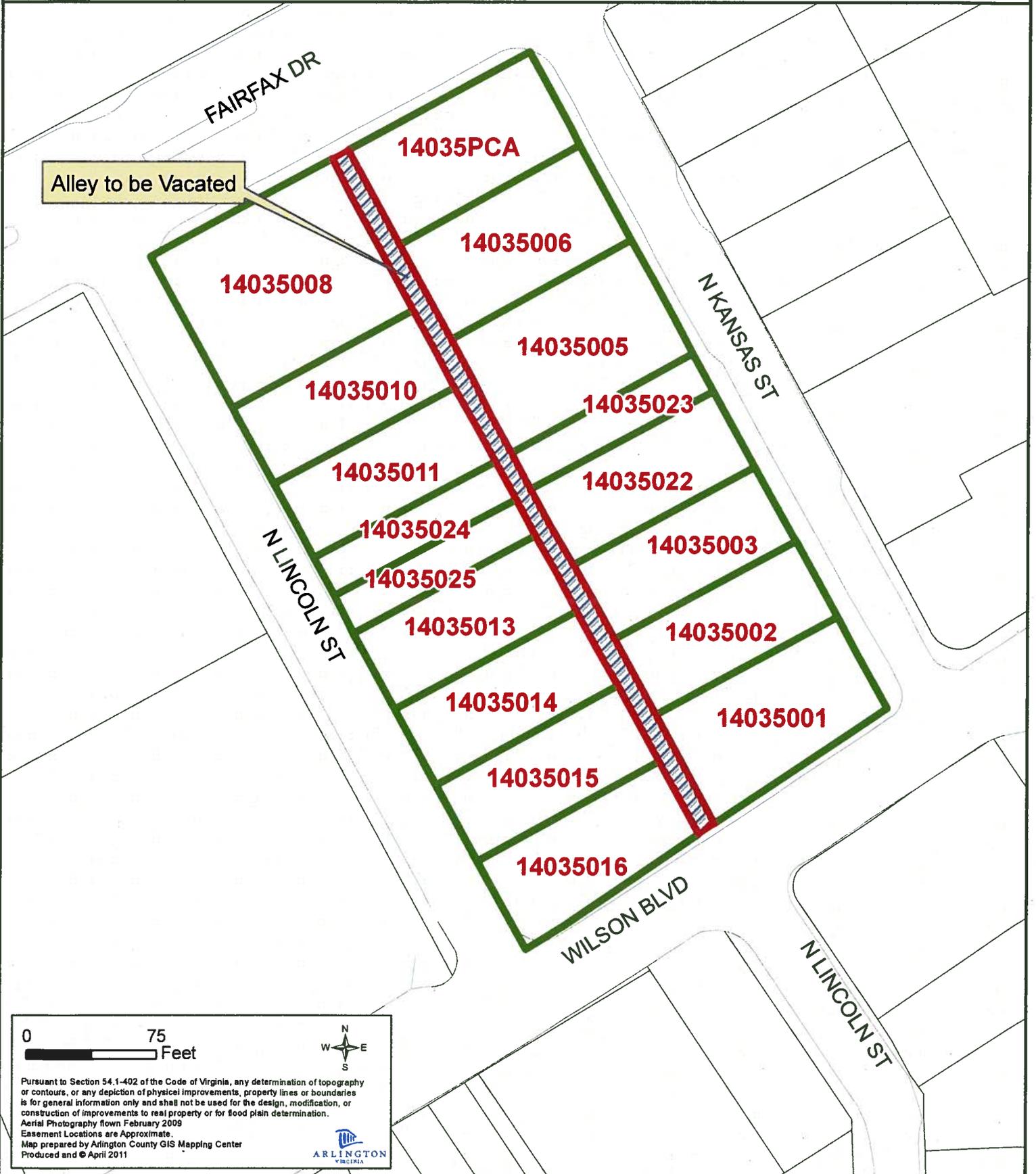


REFERENCE:

JOB NO.: 01-046

FILE NO.: AX-19 TAX MAP NO.:

Vicinity Map Virginia Square Towers Alley Vacation



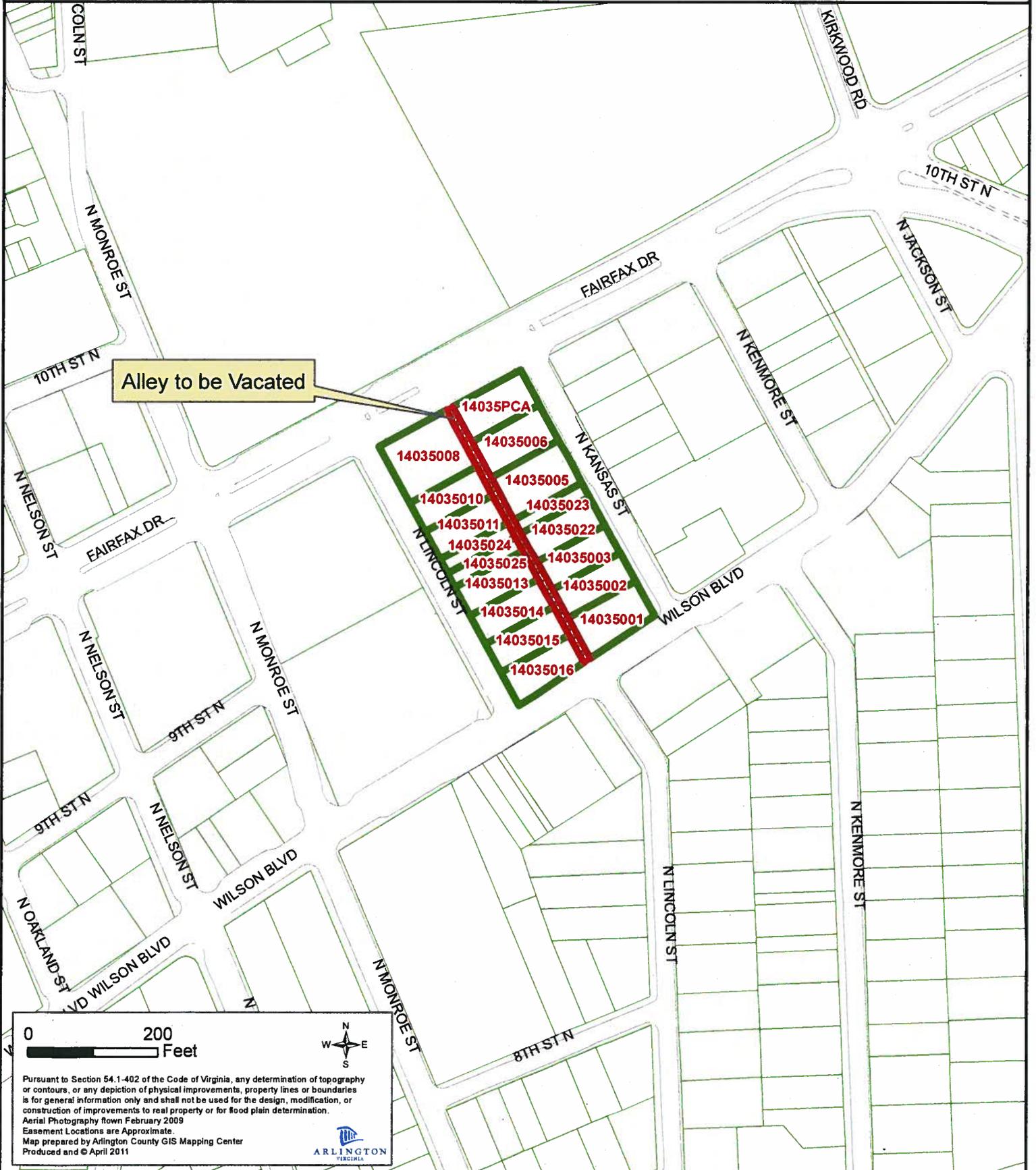
0 75 Feet



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 © April 2011



Vicinity Map Virginia Square Towers Alley Vacation



0 200 Feet



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