



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 15, 2011

**DATE:** September 29, 2011

**SUBJECT:** Enactment of an Ordinance to Vacate: 1) all of that portion of a ten (10) foot drainage easement located on Lots "M", "N" and on the southerly part of Lot "O"; 2) all of that portion of a five (5) foot sanitary sewer easement located on Lot "N" and on the southerly part of Lot "O"; and 3) all of that portion of a ten (10) foot storm sewer easement located on Lot "N" and on the southerly part of Lot "O," said lots being part of a Resubdivision of Lots 44-60 Inclusive, Tuckahoe Village, located at the northeast corner of 22nd Street North and North Kentucky Street, (RPC # 10-009-013 and -014), with conditions.

#### **C. M. RECOMMENDATION:**

1. Enact the attached Ordinance to Vacate: 1) all of that portion of a ten (10) foot drainage easement located on Lots "M", "N" and on the southerly part of Lot "O"; 2) all of that portion of a five (5) foot sanitary sewer easement located on Lot "N" and on the southerly part of Lot "O"; and 3) all of that portion of a ten (10) foot storm sewer easement located on Lot "N" and on the southerly part of Lot "O," said lots being part of a Resubdivision of Lots 44-60 Inclusive, Tuckahoe Village, located at the northeast corner of 22<sup>nd</sup> Street North and North Kentucky Street, (RPC # 10-009-013 and -014), with conditions (Attachment 1).
2. Authorize the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation and all related documents on behalf of the County Board, subject to approval of the Deed of Vacation, as to form, by the County Attorney.

**ISSUES:** This is a request for the vacation of portions of three existing easements for the purposes of facilitating potential future construction and consolidating the area of three existing easements into one larger easement for public utilities purposes. No issues have been identified.

**SUMMARY:** The applicants, Nathan Glick and Isa Glick, have requested the vacation of portions of three existing easements: 1) a One Thousand Four Hundred and seventy (1,470)

County Manager:

County Attorney:

14.

Staff: Lynne Porfiri & Ryan Johnson- DES, Real Estate Bureau

square foot portion of a ten (10) foot drainage easement running east from the western boundaries of Lot “N” and the southerly part of Lot “O” and then running north to the northern boundaries of Lot “M” and the southerly part of Lot “O”; 2) a Four Hundred and Seventy-four (474) square foot portion of a five (5) foot sanitary easement running in a northerly direction from the southern boundary of Lot “N” to the northern boundary of the southerly part of Lot “O”; and 3) a One Thousand and Sixty-seven (1,067) square foot portion of a ten (10) foot storm sewer easement running south from the northern boundary of the southerly part of Lot “O”, and then running diagonally to the southwest, on Lot “N” to the southern boundary of Lot “N”, said lots being part of a Resubdivision of Lots 44-60 Inclusive, Tuckahoe Village, located at the northeast corner of 22<sup>nd</sup> Street North and North Kentucky Street. The vacations are requested to accommodate potential future construction on the subject parcels. With the enactment of the Ordinance of Vacation, upon satisfaction of the conditions and recordation of the Deed of Vacation, the County’s interest in the vacated portions of each of the three easements will be extinguished. As a condition of the Ordinance, the applicants will be required to dedicate a single large contiguous easement for public utilities purposes which will accommodate all current and planned public utilities. The newly dedicated easement will allow for better access for the maintenance of the public sanitary and storm sewer utilities located therein.

**BACKGROUND:** On September 27, 1948, the County Board acquired a ten (10) foot drainage easement by Deed of Vacation and Resubdivision, recorded in the land records of Arlington County, Virginia, in Deed Book 853, at Page 209. Currently, there are no pipes, or other facilities, within the drainage easement area.

On January 14, 1941, the County Board acquired a five (5) foot sanitary sewer easement by Agreement recorded in the land records of Arlington County, Virginia, in Deed Book 538, at Page 83. Currently, there is an eight (8) inch sanitary pipe located in the sanitary sewer easement. The sanitary sewer pipe will remain in its current location and within the proposed new easement for public utilities.

On June 11, 1969, the County Board acquired a ten (10) foot storm sewer easement by Deed of Easement recorded in the land records of Arlington County, Virginia, in Deed Book 1702, at Page 248. This easement was acquired as part of the Westover Branch Storm Water Drainage Project with the goal of improving storm water drainage issues in the Westover area. Currently, there is a Fifty-four (54) inch concrete storm sewer pipe located in the easement area which will remain in place and within the proposed new easement for public utilities.

The vacation of the existing easements and the subsequent dedication of a larger, contiguous easement for public utilities purposes will allow the County better access to the facilities for maintenance and repair.

**DISCUSSION:** The vacation of the existing easements is necessary to allow future residential construction. The existing ten (10) foot drainage easement contains no pipes or other facilities. The consolidation and widening of the drainage, sanitary and storm sewer easements into one larger easement will provide the County with better access for maintenance of all of the facilities located therein.

The three existing easement areas that are the subject of the Ordinance of Vacation are depicted on a plat attached hereto as Exhibit "A" entitled "Plat Showing Existing Sewer Conditions and Vacation of Various Easements Located On Lot "M", Lot "N" and Southerly Part of Lot "O" of A Resubdivision of Lots 44-60 Inclusive Tuckahoe Village Deed Book 853, Page 209 Arlington County, Virginia" prepared by Dominion Surveyors, Inc., dated September 22, 2011. Vicinity maps of the project are attached hereto as Exhibit "B", Exhibit "C", and Exhibit "D".

With the enactment of the Ordinance, upon satisfaction of the conditions, and upon recordation of the Deed of Vacation, the County's interest in the vacated portions of the subject easements will be extinguished.

Legal and Physical Description: The property located at the northeast corner of 22<sup>nd</sup> Street North and North Kentucky Street (RPC #10-009-013 and #10-009-014) is owned by Nathan and Isa Glick. The three existing easements that are the subject of this vacation request are depicted on the plat attached as Exhibit "A".

The applicants acquired the property by Deed dated January 1, 1969, and recorded May 9, 1969 among the land records of Arlington County, Virginia, in Deed Book 1699, at Page 558.

The County Board acquired the drainage easement that is the subject of this vacation request by Deed of Vacation and Resubdivision dated September 27, 1948, and recorded October 13, 1948 among the land records of Arlington County, Virginia in Deed Book 853, at Page 209.

The County Board acquired the sanitary sewer easement that is the subject of this vacation request by Agreement dated January 14, 1941 and recorded among the land records of Arlington County, Virginia in Deed Book 538, at Page 83.

The County Board acquired the storm sewer easement that is the subject of this vacation request by Deed of Easement dated June 11, 1969, and recorded June 11, 1969 among the land records of Arlington County, Virginia in Deed Book 1702, at Page 248.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the September 20, 2011 and September 27, 2011 issues of the Washington Times for the County Board meeting of October 15, 2011.

Compensation: Staff recommends that no compensation be required from the applicants for vacating the easements located on the subject properties. This follows the current County practice of not requiring compensation for the vacation of public utility easements when the County will be receiving a larger, more accessible public utilities easement in return.

**FISCAL IMPACT:** None.

## ATTACHMENT 1

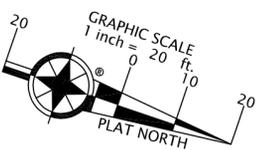
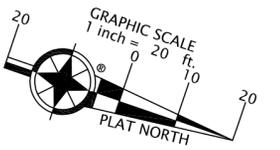
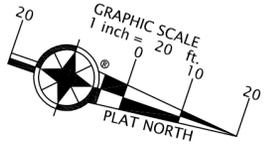
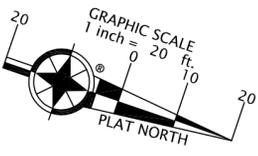
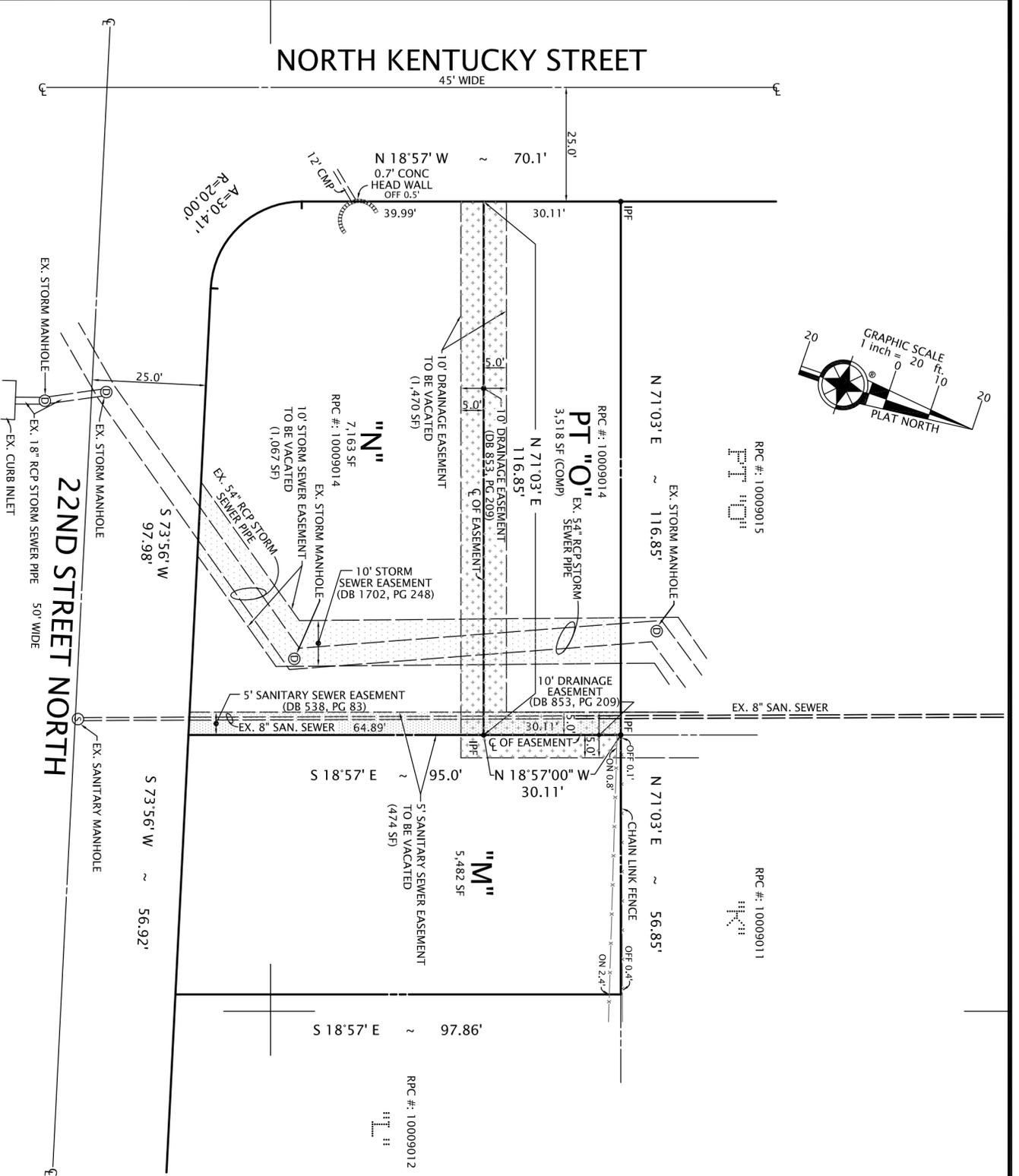
**ORDINANCE TO VACATE: 1) ALL OF THAT PORTION OF A TEN (10) FOOT DRAINAGE EASEMENT LOCATED ON LOTS “M”, “N” AND ON THE SOUTHERLY PART OF LOT “O”;** 2) **ALL OF THAT PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT LOCATED ON LOT “N” AND ON THE SOUTHERLY PART OF LOT “O”;** AND 3) **ALL OF THAT PORTION OF A TEN (10) FOOT STORM SEWER EASEMENT LOCATED ON LOT “N” AND ON THE SOUTHERLY PART OF LOT “O,” SAID LOTS BEING PART OF A RESUBDIVISION OF LOTS 44-60 INCLUSIVE, TUCKAHOE VILLAGE, LOCATED AT THE NORTHEAST CORNER OF 22<sup>ND</sup> STREET NORTH AND NORTH KENTUCKY STREET, (RPC # 10-009-013 AND -014), WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to a request by Nathan and Isa Glick, husband and wife, (“Applicant”), on file in the offices of the Department of Environmental Services, the following described portions of easements: 1) a one thousand four hundred and seventy (1,470) square foot portion of a ten (10) foot wide drainage easement located on Lots “M”, “N” and on the southerly part of Lot “O”, created by a Deed of Vacation and Resubdivision dated September 27, 1948, and recorded in Deed Book 853, at Page 209, among the land records of Arlington County, Virginia; 2) a four hundred and seventy-four (474) square foot portion of a five (5) foot wide sanitary sewer easement located on Lot “N” and on the southerly part of Lot “O”, created by an Agreement dated January 14, 1941, and recorded in Deed Book 538, at Page 83, among the land records of Arlington County, Virginia; and 3) a one thousand and sixty-seven (1,067) square foot portion of a ten (10) foot wide storm sewer easement located on Lot “N” and on the southerly part of Lot “O”, created by a Deed of Easement dated June 11, 1969, and recorded in Deed Book 1702, at Page 248, among the land records of Arlington County, Virginia, which portions of easements are shown on the plat entitled “Plat Showing Existing Sewer Conditions and Vacation of Various Easements Located On Lot “M”, Lot “N” and Southerly Part of Lot “O” of A Resubdivision of Lots 44-60 Inclusive Tuckahoe Village Deed Book 863, Page 209 Arlington County, Virginia”, dated September 22, 2011, prepared by Dominion Surveyors, Inc., attached to the County Manager’s report dated September 28, 2011, as Exhibit “A”, are hereby vacated, subject to the following conditions:

1. The Applicant shall prepare and submit, to the County, for review and approval, the Deed of Vacation, all plats and all required deed(s) 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. The Deed of Vacation shall reserve, unto the County, title to all existing County pipes and facilities within the areas of the easements being vacated; such pipes and facilities shall remain the property of the County.
2. The Applicant shall dedicate to the County an easement for public utilities purposes. The easement for public utilities shall be dedicated to replace and expand the area of the existing easements being vacated. The final physical location, width, and dimensions of such easement interest shall be determined by, and are subject to, the approval of the Director of DES, or his designee, provided however that the location, width, and dimensions shall include the area within which existing County pipes and facilities are located. Such deed of

easement is subject to the approval as to form, by the County Attorney. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the easement on behalf of the County Board. Applicant shall record at Applicant's expense, the deed of easement in the Land Records of Arlington County, Virginia.

3. The Applicant shall record the Deed of Vacation, all plats, and all required deed(s) of dedication required by the conditions of this Ordinance of Vacation among the land records of the Circuit Court of Arlington County, Virginia.
4. The Applicant shall pay all fees, including the fees for review, approval, and recording of all required documents associated with the Ordinance of Vacation.
5. The Deed of Vacation shall not be executed on behalf of the County Board until all the requirements of this Ordinance are satisfied.
6. All conditions of the Ordinance of Vacation shall be met by noon on October 15, 2012, or this Ordinance of Vacation shall become null and void without the necessity of any further action by the County Board.



**NOTES:**

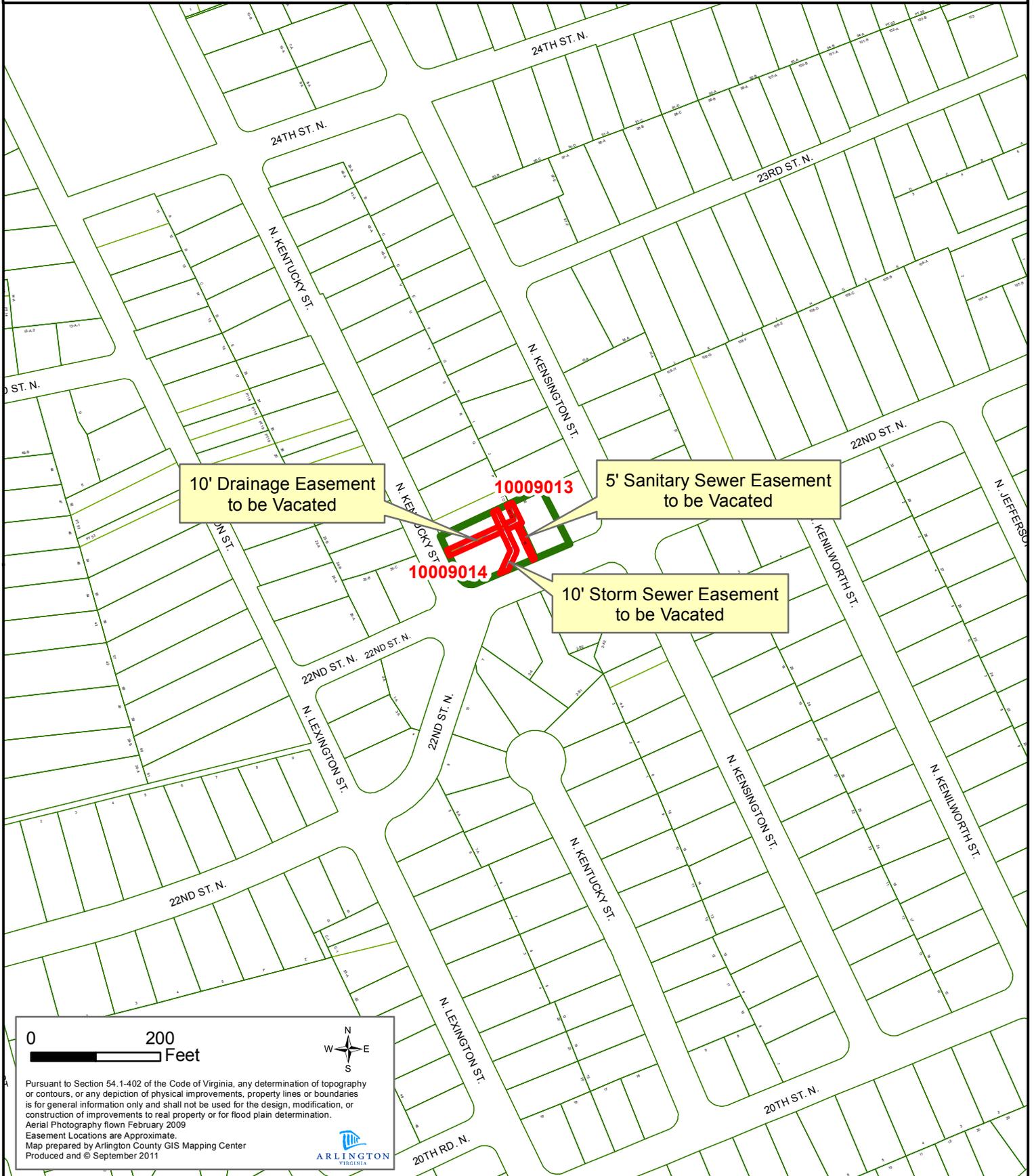
1. THE PROPERTY DELINEATED HEREON IS SHOWN AS RPC#s: 10009014 & 10009013 AND ARE ZONED R-6.
2. OWNERS: NATHAN AND ISA GLICK  
5705 22nd STREET NORTH  
ARLINGTON, VIRGINIA 22205  
DB: 1699, PG. 558
3. NO TITLE REPORT FURNISHED.
4. THIS PROPERTY IS SUBJECT TO RESTRICTIONS OF RECORD.
5. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
6. FENCES ARE FRAME.

PLAT SHOWING  
EXISTING SEWER CONDITIONS  
AND  
VACATION OF  
VARIOUS EASEMENTS  
LOCATED ON  
LOT "M", LOT "N" AND SOUTHERLY PART OF LOT "O"  
OF A RESUBDIVISION OF  
LOTS 44-60 INCLUSIVE  
**TUCKAHOE VILLAGE**  
DEED BOOK 853, PAGE 209  
ARLINGTON COUNTY, VIRGINIA  
SCALE: 1" = 20'  
SEPTEMBER 22, 2011



**DOMINION** Surveyors Inc.®  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX 703-799-6412

Vicinity Map  
5705 22nd Street North  
RPC# 10009013 & 10009014



0 200 Feet



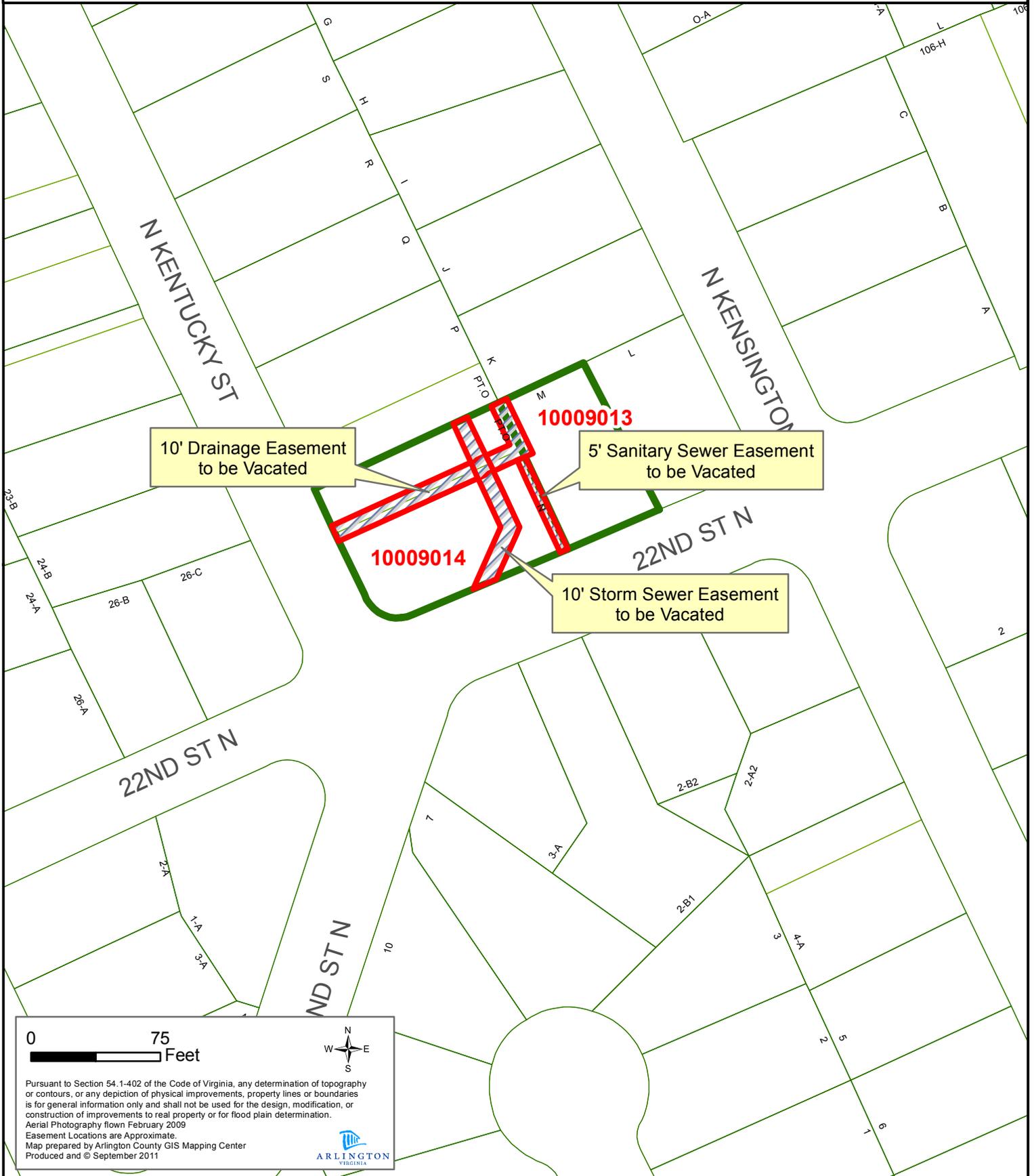
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property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



Vicinity Map  
5705 22nd Street North  
RPC# 10009013 & 10009014



Vicinity Map  
5705 22nd Street North  
RPC# 10009013 & 10009014



10' Drainage Easement  
to be Vacated

5' Sanitary Sewer Easement  
to be Vacated

10' Storm Sewer Easement  
to be Vacated

0 75 Feet



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Aerial Photography flown February 2009  
Easement Locations are Approximate.  
Map prepared by Arlington County GIS Mapping Center  
Produced and © September 2011

