



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of December 10, 2011

**DATE:** November 10, 2011

**SUBJECT:** An Ordinance to Vacate: 1) a Portion of an Easement for Public Street and Utility Purposes Running North from the Corner of the Intersection of Washington Boulevard and N. Garfield Street along the Eastern Boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore's Addition to Clarendon, RPC No. 18-026-001; and 2) a Portion of an Easement for Public Street & Utility Purposes, located at the Northeastern Corner of the Intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore's Addition to Clarendon, RPC No. 18-026-009, both with Conditions.

**Applicant:** Penzance Clarendon Assemblage, LLC

**Owners:** First Virginia Bank, now doing business as BB&T Bank (RPC No. 18-026-001); Juan Ginuinans, Trustee and Martha B. Ginuinans, Trustee (RPC No. 18-026-009)

**By:** Tad Lunger, Esquire  
Bean, Kinney & Korman, P.C.  
2300 Wilson Boulevard, 7<sup>th</sup> Floor  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:** Defer consideration of the proposed enactment of an Ordinance to Vacate portions of two easements for public street and utility purposes until the January 21, 2012 County Board meeting.

**ISSUES:** The Applicant has requested vacation of portions of easements for public street and utility purposes related to a request for approval of proposed Site Plan #418. The County must obtain appropriate compensation from the Applicant for vacating its interests in real property. However, the Applicant has not yet agreed upon the amount of compensation to be paid to the County for the requested vacations, and has also indicated that they will need to modify their vacation request, based upon recent revisions to the site plan.

**SUMMARY:** In order to permit redevelopment of the property under proposed Site Plan #418, the Applicant has requested the vacation of portions of two easements for public street and utility purposes. The Applicant has not agreed upon the amount of compensation to be paid to the

County Manager:

*BMD/GA*

County Attorney:

*BAK*      *GA*

**7. F.**

Staff: Betsy Herbst/Linda Collier, DES – Real Estate Bureau

County, and has indicated that they will be reducing the spatial area required to be vacated based upon recent revisions to the site plan. Staff recommends deferral of consideration of the proposed vacations to allow additional time for the Applicant to modify their vacation application and for staff to resolve with the Applicant the issues relating to the compensation for vacation of the easements.

**DISCUSSION:** The subject site is located on the block surrounded by Washington Boulevard, N. Highland Street, 11<sup>th</sup> Street N. and N. Garfield Street in the Clarendon area. The Applicant requests that the County vacate portions of two recorded easements for public street and utility purposes in order to facilitate construction of two office buildings under proposed Site Plan #418. The requested areas to be vacated include a portion of an easement located on Lots 10-13 and Part Lots 7-9, adjacent to N. Garfield Street, and another portion on Lot 5-A, adjacent to Washington Boulevard, all such lots being part of the subdivision known as Moore's Addition to Clarendon. In other matters related to the site plan, the Applicant has submitted a request for transfer of density rights and approval of an encroachment of an underground electric vault, all of which, in addition to the underlying site plan, are being recommended for deferral in separate Board Reports.

County staff has received an appraisal report prepared by an independent license appraiser to determine the fair market value of the requested easement vacations, but the Applicant has not yet agreed to the amount of compensation to be paid to the County for the vacated areas. In addition, the Applicant has indicated that they will be amending their vacation application to reduce the spatial area required to be vacated as a result of recent revisions to the site plan. Consequently, the appraisal report may also need to be revised to determine the appropriate fair market value.

Staff recommends deferral of consideration of the proposed vacations to the January 21, 2012 County Board meeting to allow additional time for staff to resolve with the Applicant issues relating to the proposed vacations.