



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 10, 2011

DATE: November 21, 2011

SUBJECT: Enactment of an Ordinance to Vacate: 1) a portion of a five (5) foot sanitary sewer easement running from east to west and located on Part of Lot 32, Crestdale (RPC # 11-001-027); and 2) a portion of a five (5) foot sanitary sewer easement and an additional two and a half (2.5) foot sanitary sewer easement, each easement running from east to west, and located on Outlot "A", being an abandoned portion of John Marshall Drive, located at the southeast corner of John Marshall Drive and Lee Highway (RPC # 11-001-200), with conditions.

Applicant: Overlee Community Association, Inc.

By: Ronald J. Keller
R.C. Fields, Jr. & Associates
730 S. Washington Street
Alexandria, Virginia 22314

C. M. RECOMMENDATION:

1. Enact the attached Ordinance to Vacate: 1) a portion of a five (5) foot sanitary sewer easement running from east to west and located on Part of Lot 32, Crestdale (RPC # 11-001-027); and 2) a portion of a five (5) foot sanitary sewer easement and an additional two and a half (2.5) foot sanitary sewer easement, each easement running from east to west, and located on Outlot "A", being an abandoned portion of John Marshall Drive, located at the southeast corner of John Marshall Drive and Lee Highway (RPC # 11-001 -200), 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.

County Manager:

County Attorney:

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

14.

ISSUES: This is a request for the vacation of portions of sanitary sewer easements. The vacations are necessary for applicant to construct the renovation of the Overlee Community Recreation Club consistent with Use Permit U-1247-56-1 and the Administrative Change approved on July 1, 2011. No issues have been identified.

SUMMARY: The applicant, Overlee Community Association, Inc., has requested the vacation of: 1) a One Thousand and One Hundred and Seventy (1,170) square foot portion of an existing five (5) foot public sanitary sewer easement running from east to west across Part of Lot 32, Crestdale; and 2) a One Hundred and Seventy-eight (178) square foot portion of an existing five (5) foot public sanitary easement and One Hundred and Seventy-Nine (179) square feet of an additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary easement, both running from east to west on Outlot A, an abandoned portion of John Marshall Drive. The vacations are required to facilitate the renovation of the Overlee Community Recreation Club site. 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 these easements will be extinguished. As a condition of the Ordinance, the applicants will be required to dedicate a Fourteen Thousand Two Hundred and Forty-seven (14,247) square foot 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: The existing five (5) foot public sanitary sewer easement running from east to west across Part of Lot 32, Crestdale, was created by subdivision plat entitled "Plat Showing Crestdale, Arlington County, Virginia", dated February 14, 1947, prepared by Johnson and Williams, Certified Land Surveyors, in Deed Book 799, at Page 133, among the land records of Arlington County, Virginia ("Land Records"). Vacation of a portion of this existing five (5) foot public sanitary sewer easement, which contains an eight (8) inch sanitary sewer pipe located therein, has been requested to accommodate applicant's development plans.

On December 2, 1998, the County Board acquired an additional two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary sewer easement by Deed of Open Space Easement, Public Storm Sewer Easement, and Sanitary Sewer Easements recorded in the land records of Arlington County, Virginia, in Deed Book 2951, at Page 2085. The additional two and a half (2.5) foot public sanitary sewer easement area on each side of the existing five (5) foot public sanitary sewer easement was acquired as a condition of an Ordinance of Abandonment enacted by the County Board at a regular meeting on April 4, 1998, in which the County abandoned an unused portion of John Marshall Drive, conveyed the unused portion as Outlot "A" to applicant, and required, as a condition of the Ordinance of Abandonment, the dedication of an open space easement, a public storm sewer easement, and the sanitary sewer easements which are the subjects of this vacation request.

The current owners acquired Part of Lot 32, Crestdale by Deed recorded January 31, 1957 in Deed Book 1281, at Page 201 among the Land Records.

The current owners acquired Outlot "A" by Quitclaim Deed recorded January 6, 1999 in Deed Book 2951, at Page 2073 among the Land Records.

The vacation has been requested by the applicant because applicant plans to renovate the Overlee Community Recreation Club located at 6030 Lee Highway.

DISCUSSION:

Vacation of a Portion of the Existing Five (5) foot Public Sanitary Sewer Easement on Part of Lot 32, Crestdale.

The portion of the existing five (5) foot public sanitary sewer easement on Part of Lot 32, Crestdale, to be vacated contains an eight (8) inch public sanitary sewer pipe. Applicant plans to remove a portion of the existing eight (8) inch public sanitary sewer pipe currently located within the easement, and to construct a private sanitary sewer lateral that will connect to the remaining portion of the existing eight (8) inch public sanitary sewer pipe. The existing eight (8) inch public sanitary sewer pipe that is located within the existing five (5) foot public sanitary sewer easement will be removed within an area of the easement east of its intersection with a proposed private sanitary lateral, and will remain in existence within the area of the easement west of the intersection of the proposed sanitary lateral. The portion of the line west of the intersection of the current eight (8) inch public sanitary sewer pipe and the proposed private sanitary lateral will be privately maintained.

The County has no current or future need for the portion of the five (5) foot public sanitary sewer easement on Part of Lot 32, Crestdale, and the eight (8) inch public sanitary sewer pipe located therein. The County will no longer need this pipe, because it has historically only served applicant's property, and with applicant's plan to construct a renovation project on its site, there is no need for the County to retain this easement.

Vacation of a Portion of Both the Five (5) Foot Public Sanitary Sewer Easement and a Portion of An Additional Existing Two and a Half (2.5) Foot Public Sanitary Sewer Easement on Each Side of the Existing Five (5) Foot Public Sanitary Sewer Easement, Both Located on Outlot "A".

The portion of both the existing five (5) foot public sanitary sewer easement and the additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary sewer easement, both requested to be vacated and located on Outlot "A", contains the same eight (8) inch public sanitary sewer pipe that is also located on Part of Lot 32, Crestdale. The County will, in the Deed of Vacation, convey title to the existing eight (8) inch sanitary sewer pipe located in the five (5) foot public sanitary sewer easement to be vacated to the owner of Outlot "A". Thereafter, the applicant shall own such facilities and be responsible for maintenance thereof.

The County has no current or future need for the portion of the existing five (5) foot public sanitary sewer easement running from east to west on Pt. of Lot 32, Crestdale and the portion of the additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary sewer easement, both located on Outlot "A".

Dedication of a Large, Contiguous Easement For Public Utility Purposes

As a condition of the ordinance of vacation, applicant has agreed to dedicate to the County a large, contiguous easement for public utility purposes. Applicant has agreed to the widening of an existing public storm sewer easement to twenty (20) feet where possible running along a portion of both the southern and western boundaries of applicant's property. The widening of the existing storm sewer easement into one large, contiguous easement for public utilities purposes will provide the County with: (i) better access for maintenance of all of the facilities located within the easement; (ii) additional easement area that will aid storm water management on applicant's property and (iii) broader rights of use within the entire larger easement area. The applicants have agreed to dedicate the new larger, consolidated easement, as a condition of the vacations that they have requested.

Depiction of Vacated and Dedicated Interests

The two easement areas to be vacated are depicted on a plat attached hereto as Exhibit "A". The area to be dedicated to the County as an easement for public utilities purposes is shown on a plat attached hereto as Exhibit "B". Vicinity maps of the project are attached hereto as Exhibit "C", Exhibit "D", and Exhibit "E".

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 southeast corner of Lee Highway and John Marshall Drive (RPC #11-001-027 and #11-001-200) is owned by Overlee Community Association, Inc. Both parcels are zoned R-6. The relevant interests in applicant's property were created by the following recorded instruments:

- The applicant acquired Part Lot 32, Crestdale, by Deed dated January 31, 1957 in Deed Book 1281, at Page 201 among the Land Records.
- The applicant acquired Outlot "A" by Quitclaim Deed recorded January 6, 1999 in Deed Book 2951, at Page 2073 among the Land Records.
- The County Board acquired the existing five (5) foot public sanitary sewer easement located on Part of Lot 32, Crestdale, that is the subject of this vacation request by the recordation of a subdivision plat entitled "Plat Showing Crestdale, Arlington County, Virginia", dated February 14, 1947, prepared by Johnson and Williams, Certified Land Surveyors, in Deed Book 799, at Page 133, among the Land Records.

- The County Board acquired the additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary sewer easement, both located on Outlot “A” by Deed of Open Space Easement, Public Storm Sewer Easement, and Sanitary Sewer Easements recorded in the land records of Arlington County, Virginia, in Deed Book 2951, at Page 2085.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the November 22, 2011 and November 29, 2011 issues of the Washington Times for the County Board meeting of December 10, 2011.

Compensation: Staff recommends that no compensation be required from applicant for vacating the easements located on the subject properties. This follows the current County practice of not requiring compensation for a requested vacation of a utility easement when the easement is no longer necessary to meet current or planned future County needs.

FISCAL IMPACT: None.

ATTACHMENT 1

ORDINANCE TO VACATE: 1) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT RUNNING FROM EAST TO WEST AND LOCATED ON PART OF LOT 32, CRESTDALE (RPC # 11-001-027); AND 2) A PORTION OF A FIVE (5) FOOT SANITARY SEWER EASEMENT AND AN ADDITIONAL TWO AND A HALF (2.5) FOOT SANITARY SEWER EASEMENT, EACH EASEMENT RUNNING FROM EAST TO WEST, AND LOCATED ON OUTLOT "A", BEING AN ABANDONED PORTION OF JOHN MARSHALL DRIVE, LOCATED AT THE SOUTHEAST CORNER OF JOHN MARSHALL DRIVE AND LEE HIGHWAY (RPC # 11-001 -200), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Overlee Community Association, Inc. ("Applicant"), on file in the offices of the Department of Environmental Services, the following described easements: 1) a One Thousand and One Hundred and Seventy (1, 170) square foot portion of an existing five (5) foot public sanitary sewer easement running from east to west across Part of Lot 32, Crestdale; and 2) a One Hundred and Seventy-eight (178) square foot portion of an existing five (5) foot public sanitary easement and One Hundred and Seventy-Nine (179) square feet of an additional existing two and a half (2.5) foot public sanitary sewer easement on each side of the existing five (5) foot public sanitary easement, both running from east to west on Outlot A, an abandoned portion of John Marshall Drive, which are shown on the plat entitled "Preliminary Plat Showing Vacation of a Portion of a 5' and 10' Sanitary Sewer Easement and the Dedication of Various Easements for Public Utilities Purposes on Part of Lot 32, Crestdale (Rec'd Deed Book 799, Page 133) and Outlot "A", Being an Abandoned Portion of John Marshall Drive (Rec'd in Deed Book 2951, Page 2073) , Arlington County, Virginia", dated November 17, 2011, prepared by RC Fields, Jr. & Associates, attached to the County Manager's report dated November 21, 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.
2. The Applicant shall dedicate to the County an easement for public utilities purposes. The easement for public utilities purposes shall be dedicated to expand the area of existing public storm and sanitary sewer easements. 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 Deed of Vacation further shall provide that title to the existing eight (8) inch sanitary sewer facilities in the portion of the five (5) public sanitary sewer easement to be vacated on Outlot "A" shall, upon execution of the Deed on behalf of the County Board, become vested in the owner of Outlot "A", which owner shall be responsible for, inter alia, maintaining such facilities.
5. The Applicant shall pay all fees, including the fees for review, approval, and recording of all required documents associated with the Ordinance of Vacation.
6. The Deed of Vacation shall not be executed on behalf of the County Board until all the requirements of this Ordinance are satisfied.
7. All conditions of the Ordinance of Vacation shall be met by noon on December 10, 2014, or this Ordinance of Vacation shall become null and void without the necessity of any further action by the County Board.

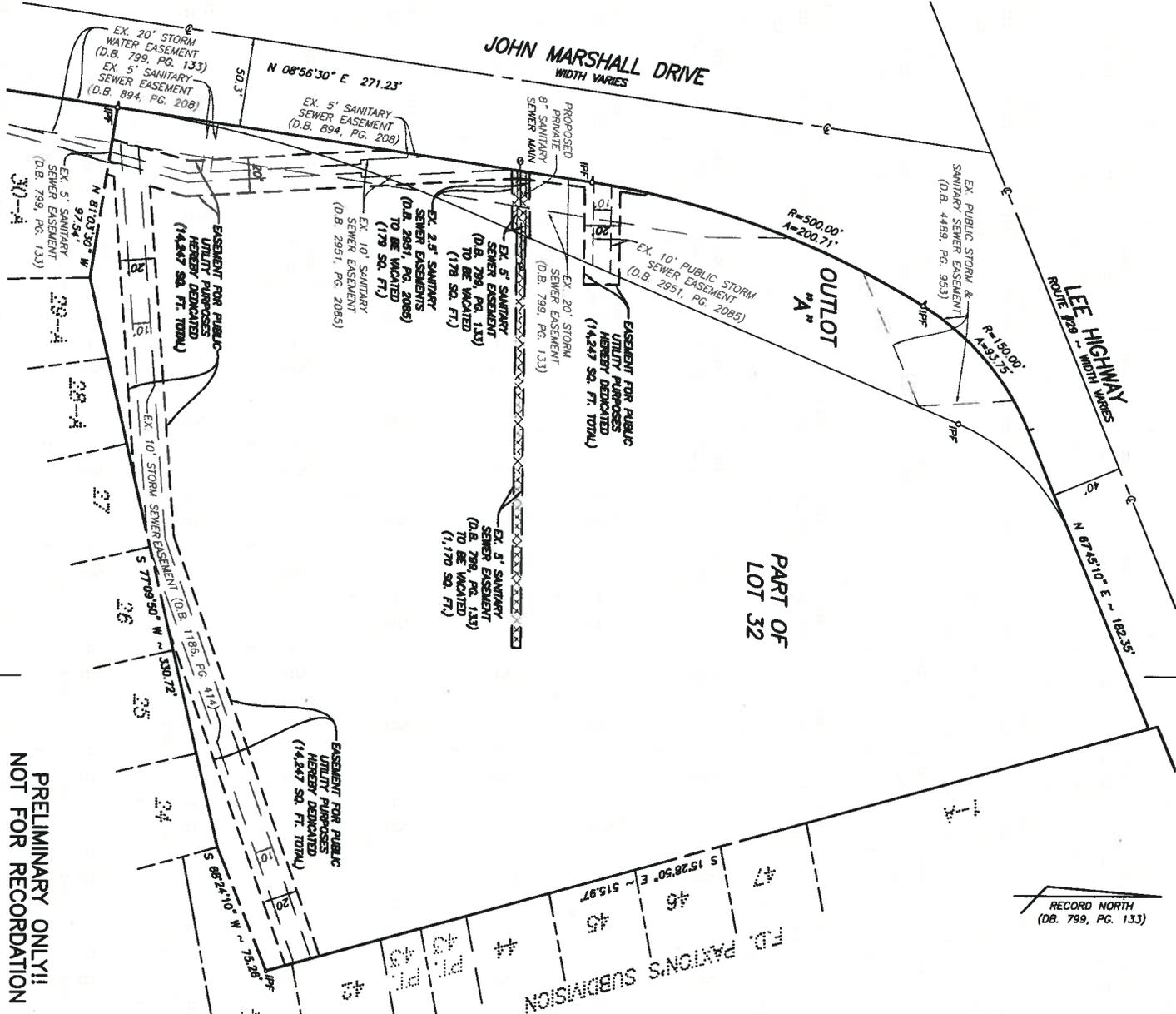
EXHIBIT A

RECORD NORTH
(DB. 799, PG. 133)

RECORD NORTH
(DB. 799, PG. 133)

JOHN MARSHALL DRIVE
WIDTH VARIES

LEE HIGHWAY
ROUTE 799 - WIDTH VARIES



PRELIMINARY ONLY!!!
NOT FOR RECORDATION

RECORD NORTH
(DB. 799, PG. 133)

GENERAL NOTES:

1. RPC: 11001027
2. ZONE: R-6
3. OWNER: OVERLEE COMMUNITY ASSOCIATION, INC.
PO BOX 5346
ARLINGTON, VA 22205
D.B. 1281, PG. 201
4. PT. LOT 32 AREA = 175,776 SQ. FT. OR 4.0353 ACRES
OUTLOT A AREA = 18,397 SQ. FT. OR 0.4223 ACRES
5. TITLE REPORT FURNISHED BY WALKER TITLE, LLC, CASE NUMBER A1001785, DATED OCTOBER 28, 2010 AND IS RELED UPON BY THE SURVEYOR TO BE ACCURATE.
6. PLAT SUBJECT TO RESTRICTIONS OF RECORD.

EASEMENT AREA TABULATION:

TOTAL EASEMENT AREA VACATED = 1,527 SQ. FT.
TOTAL EASEMENT AREA DEDICATED = 14,247 SQ. FT.
OUTLOT A AREA VACATED = 357 SQ. FT.
EASEMENT AREA DEDICATED = 2,336 SQ. FT.
PART OF LOT 32, CRESTDALE EASEMENT AREA VACATED = 1,170 SQ. FT.
EASEMENT AREA DEDICATED = 11,911 SQ. FT.



PRELIMINARY PLAT SHOWING VACATION OF A PORTION OF A 5' AND 10' SANITARY SEWER EASEMENT AND THE DEDICATION OF VARIOUS EASEMENTS FOR PUBLIC UTILITIES PURPOSES ON PART OF LOT 32 ON CRESTDALE

(REC'D IN DEED BOOK 799, PAGE 133) AND OUTLOT "A", BEING AN ABANDONED PORTION OF JOHN MARSHALL DRIVE (REC'D IN DEED BOOK 2951, PAGE 2073) ARLINGTON COUNTY, VIRGINIA
SCALE: 1" = 40' DATE: NOVEMBER 17, 2011

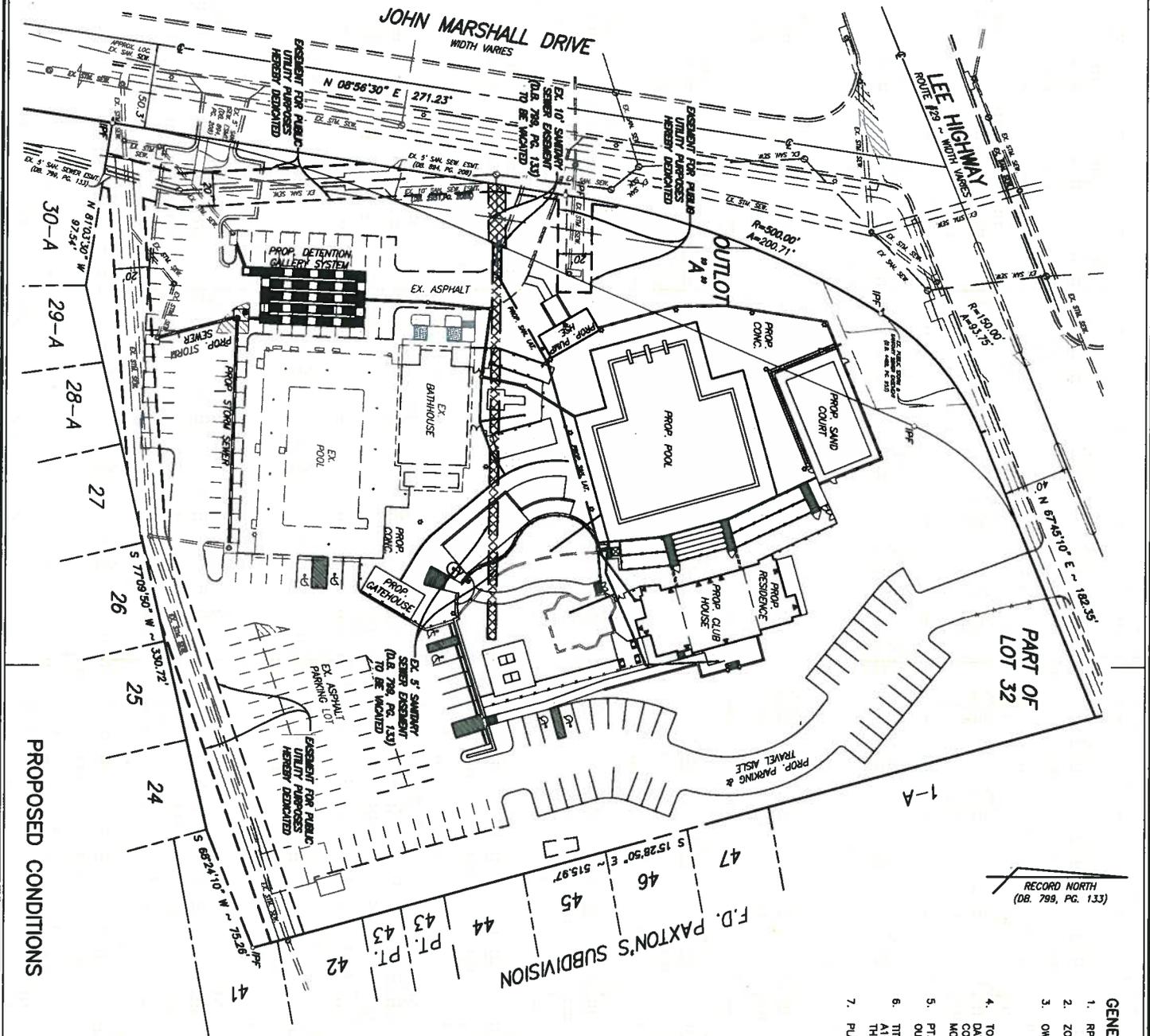
RCF FIELDS, R. & ASSOCIATES
A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

EXHIBIT B

RECORD NORTH
(DB. 799, PG. 133)

RECORD NORTH
(DB. 799, PG. 133)



PROPOSED CONDITIONS

RECORD NORTH
(DB. 799, PG. 133)

GENERAL NOTES:

1. RPC: 11001027
2. ZONE: R-6
3. OWNER: OVERLEE COMMUNITY ASSOCIATION, INC.
PO BOX 5346
ARLINGTON, VA 22205
D.B. 1281, PG. 201
4. TOPOGRAPHIC SURVEY WAS FIELD RUN BY THIS FIRM, VERTICAL DATUM=NAVD '88, CONVERTED FROM NVD '29 ARLINGTON COUNTY SEWER RECORDS WITH NGS VERTCON UTILITY MONUMENT USED: MH #5363; INV.=296.04.
5. PT. LOT 32 AREA = 175,776 SQ. FT. OR 4.0353 ACRES
OUTLOT "A" AREA = 18,387 SQ. FT. OR 0.4223 ACRES
6. TITLE REPORT FURNISHED BY WALKER TITLE, L.L.C. CASE NUMBER A1001785, DATED OCTOBER 28, 2010 AND IS RELIED UPON BY THE SURVEYOR TO BE ACCURATE.
7. PLAT SUBJECT TO RESTRICTIONS OF RECORD.

RECORD NORTH
(DB. 799, PG. 133)



PRELIMINARY PLAT SHOWING
VACATION OF A PORTION OF A
5' AND 10' SANITARY SEWER
EASEMENT AND THE DEDICATION
OF VARIOUS EASEMENTS FOR
PUBLIC UTILITIES PURPOSES
ON
PART OF LOT 32
ON
CRESTDALE

(RECD IN DEED BOOK 799, PAGE 133)
AND OUTLOT "A" BEING AN
ABANDONED PORTION OF JOHN
MARSHALL DRIVE
ARLINGTON COUNTY, VIRGINIA
(RECD IN DEED BOOK 2951, PAGE 2073)
SCALE: 1" = 40' DATE: NOVEMBER 17, 2011

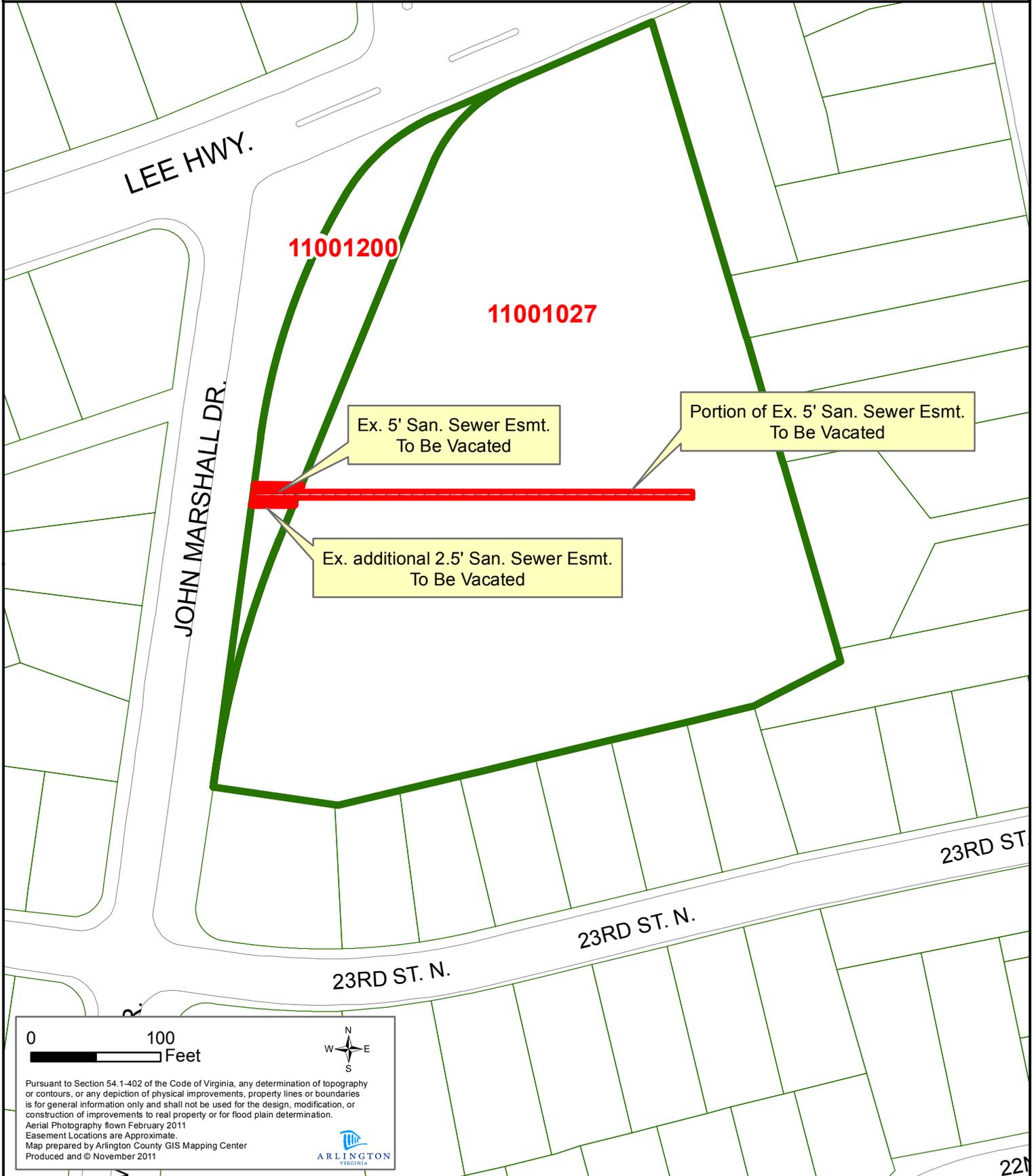
RCF FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION

● LAND SURVEYING ● SITE PLANNING ● SUBDIVISION DESIGN
730 S. Washington St. Alexandria, Virginia 22314 (703) 549-6422

COMP.	T.G.
DRAWN	D.J.O.
CHECKED	R.C.F.

Vicinity Map
Overlee Community Association
RPC# 11001027 & 11001200

EXHIBIT C



0 100 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 2011
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © November 2011

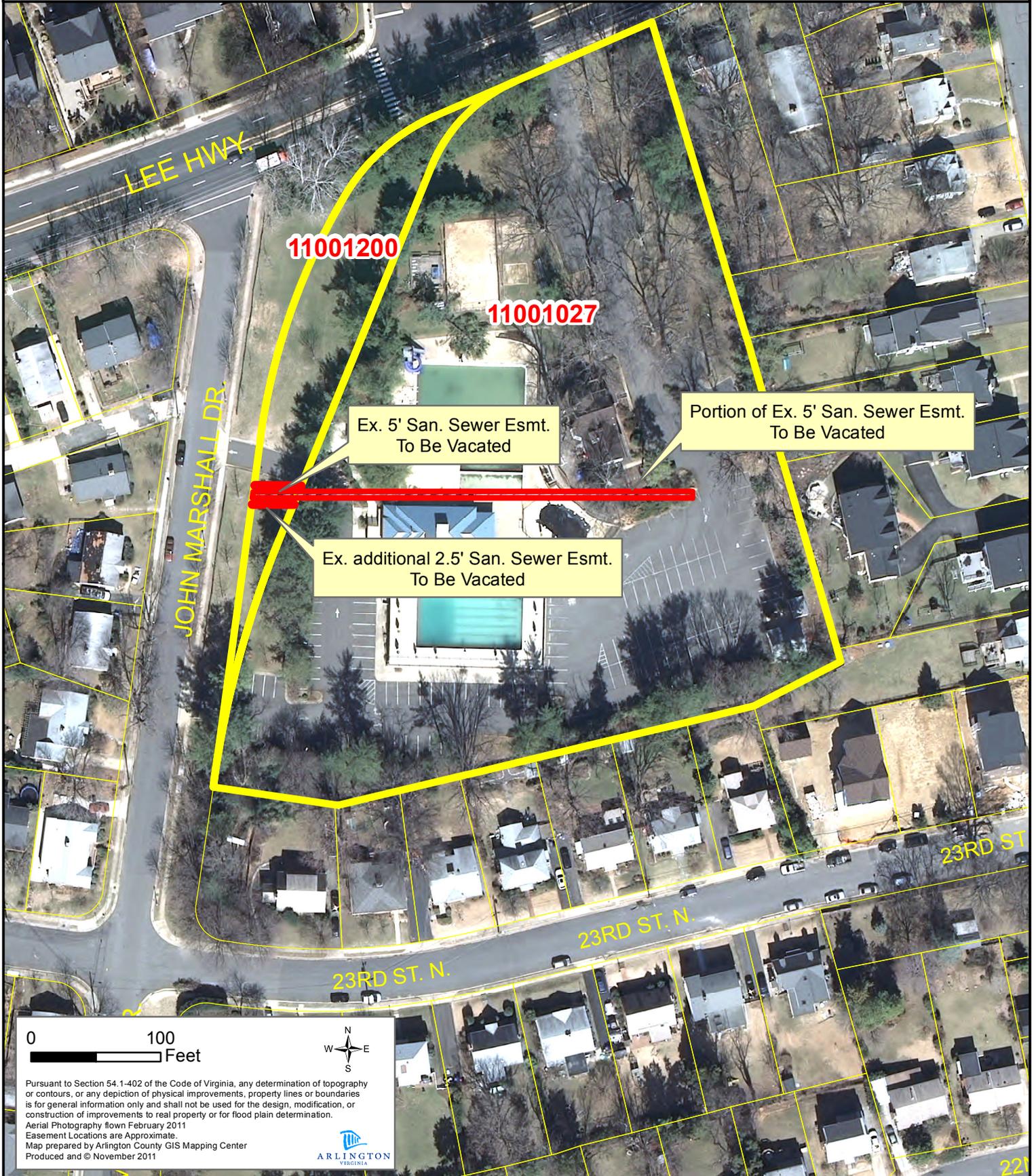


Vicinity Map

Overlee Community Association

RPC# 11001027 & 11001200

EXHIBIT D



0 100 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 2011. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © November 2011.



