



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 10, 2011

DATE: November 16, 2011

SUBJECT: Enactment of An Ordinance to Permit Encroachment of: 1) an Electric Vault in a Portion of a Public Sidewalk and Utilities Easement located near the Northern Boundary of Lot 16, Block 1, Wharton's Addition to Fort Myer Heights (in the Vicinity of the Northeast Corner of the Resubdivided Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights), along the South Side of Wilson Boulevard, RPC No. 17-010-023; and 2) a Stormwater Management Vault in a Portion of a Public Sidewalk and Utilities Easement located on a Portion of the Southern Boundary of Part of Lot 11 and Lot 13, Block 1, Wharton's Addition to Fort Myer Heights (in the Vicinity of the Southwest Corner of the Resubdivided Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights), along the North Side of Clarendon Boulevard, RPC No. 17-010-009, with Conditions.

Owner/Applicant: 1776 Wilson, LLC
c/o Skanska USA Commercial Development, Inc.

By: H. Mark Goetzman
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Enact the attached Ordinance to Permit Encroachment of: 1) an electric vault in a portion of a Public Sidewalk and Utilities Easement located near the northern boundary of Lot 16, Block 1, Wharton's Addition to Fort Myer Heights (In the vicinity of the northeast corner of the resubdivided Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights), along the south side of Wilson Boulevard, RPC No. 17-010-023; and 2) an underground stormwater management vault in a portion of a Public Sidewalk and Utilities Easement located on a portion of the southern boundary of Part of Lot 11 and Lot 13, Block 1, Wharton's Addition to Fort Myer Heights (in the vicinity of the southwest corner of the resubdivided Parcel "A", Block 1, Wharton's Addition to Fort

County Manager:

BMD/GA

County Attorney:

BAC *GA*

Staff: Linda Eichelbaum Collier, Real Estate Bureau

15.

Myer Heights), along the north side of Clarendon Boulevard, RPC No. 17-010-009, with conditions (Attachment 1).

ISSUES: This is a request for an ordinance of encroachment to permit the construction, operation and maintenance of an underground electric vault, and an underground stormwater management vault, within portions of a sidewalk and utilities easement to be dedicated to the County by the Owner/Applicant, consistent with the requirements of the conditions of approved Site Plan #409. No issues have been identified with this request.

SUMMARY: The Owner/Applicant of 1776 Wilson Boulevard has requested enactment of an ordinance of encroachment to permit the construction, operation and maintenance of an underground electric vault, and an underground stormwater management vault, within portions of a Public Sidewalk and Utilities Easement (“Easement”), to be dedicated to the County by the Owner/Applicant along the Wilson Boulevard and Clarendon Boulevard sides of the property included in Site Plan #409. Dedication of the Easement by the Owner/Applicant to the County is required as part of the conditions for Site Plan #409, approved by the County Board on October 13, 2007. If the ordinance is enacted, it would continue in effect until the electric vault and/or stormwater management vault encroaching into the Easement is destroyed, removed, no longer in use or no longer continuously and promptly maintained by the Owner/Applicant.

BACKGROUND: The project that is the subject of this request for enactment of an ordinance of encroachment, Site Plan #409, is located at the between Wilson Boulevard and Clarendon Boulevard between North Pierce Street and the new North Quinn Street extension. (See attached Vicinity Maps, **Exhibits C and D**). The approved Site Plan consists of approximately 108,753 square feet of office space and 27,996 square feet of retail space. The Owner/Applicant’s request for the ordinance of encroachment to permit construction, operation and maintenance of the electric vault and the stormwater management vault will permit the Owner/Applicant to construct the project as set forth on the approved site plan.

The attached plat (**Exhibit B**), approved by Steve Halkyard on September 1, 2011, and entitled “Plat Showing the Resubdivision of Lots 10, 12, 12, 14, 15, 16 and Part Lot 11, Block 1, Wharton’s Addition to Fort Myer Heights, Deed Book M-4, Page 557, Arlington County, Virginia”, dated December 16, 2010, last revised August 8, 2011, prepared by Bowman Consulting Group, Ltd., depicting the Easement to be dedicated, into which the electric vault and the stormwater management vault will be located. This plat, with an accompanying deed, will be recorded among the land records of Arlington County, Virginia before the ordinance of encroachment is considered by the County Board.

DISCUSSION: Enactment of the proposed ordinance of encroachment will provide the Owner/Applicant permission to construct, operate and maintain the underground electric vault and the underground stormwater management vault within the area of the easement until such time as the electric vault and the stormwater management vault are destroyed, removed, no longer in use, or no longer continuously and promptly maintained by the Owner/Applicant.

The provisions of the ordinance of encroachment will limit the size, dimensions and locations of the allowed encroachments. The location and dimensions of the proposed encroachment are

shown on the plat entitled “Plat Showing Encroachment Areas Within Easements for Public Sidewalk and Utilities Purposes on Parcel “A”, Block 1, Wharton’s Additions to Fort Myer Heights, Deed Book ___, Page___, Arlington County, Virginia”, dated November 3, 2011, prepared by Bowman Consulting Group, Ltd., attached hereto as **Exhibit A**.

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

Compensation: No compensation is required from the Owner/Applicant. The County’s current practice is not to charge for the encroachment of underground utility vaults within County public sidewalk and utilities easements.

FISCAL IMPACT: None.

ATTACHMENT 1

ORDINANCE TO PERMIT ENCROACHMENT OF: 1) AN ELECTRIC VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED NEAR THE NORTHERN BOUNDARY OF LOT 16, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE NORTHEAST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS), ALONG THE SOUTH SIDE OF WILSON BOULEVARD, RPC NO. 17-010-023; AND 2) A STORMWATER MANAGEMENT VAULT IN A PORTION OF A PUBLIC SIDEWALK AND UTILITIES EASEMENT LOCATED ON A PORTION OF THE SOUTHERN BOUNDARY OF PART OF LOT 11 AND LOT 13, BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS (IN THE VICINITY OF THE SOUTHWEST CORNER OF THE RESUBDIVIDED PARCEL "A", BLOCK 1, WHARTON'S ADDITION TO FORT MYER HEIGHTS), ALONG THE NORTH SIDE OF CLARENDON BOULEVARD, RPC NO. 17-010-009, WITH CONDITIONS.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that 1776 Wilson, LLC c/o Skanska USA Commercial Development, Inc., its successors and assigns (jointly, "Owner/Applicant"), as Owner/Applicant of property known as 1776 Wilson Boulevard (1716 and 1720 Wilson Boulevard and 1711 Clarendon Boulevard), Arlington Virginia, also known as Parcel "A", Block 1, Wharton's Addition to Fort Myer Heights, RPC #s 17010030, 17010023, 17010022, 17010008 and 1701009 ("Property"), and developer of the project known as Site Plan #409 ("Site Plan"), are permitted to construct, operate and maintain an underground electric vault, and an underground stormwater management vault (jointly, "Encroachments"), within portions of an Easement for Public Sidewalk and Utilities Purposes ("Easement"), such portion located in the vicinity of the northeast corner and the south west corner, respectively, of the Property, with conditions as stated herein. The dimensions (length and width) and spatial location of the permitted Encroachments are depicted on **Exhibit A** attached to the County Manager's Report dated November 17, 2011, entitled "Plat Showing Encroachment Areas Within Easements for Public Sidewalk and Utilities Purposes on Parcel "A", Block 1, Wharton's Additions to Fort Myer Heights, Deed Book ___, Page___, Arlington County, Virginia", dated November 3, 2011, prepared by Bowman Consulting Group, Ltd., attached hereto as Exhibit A ("Plat").

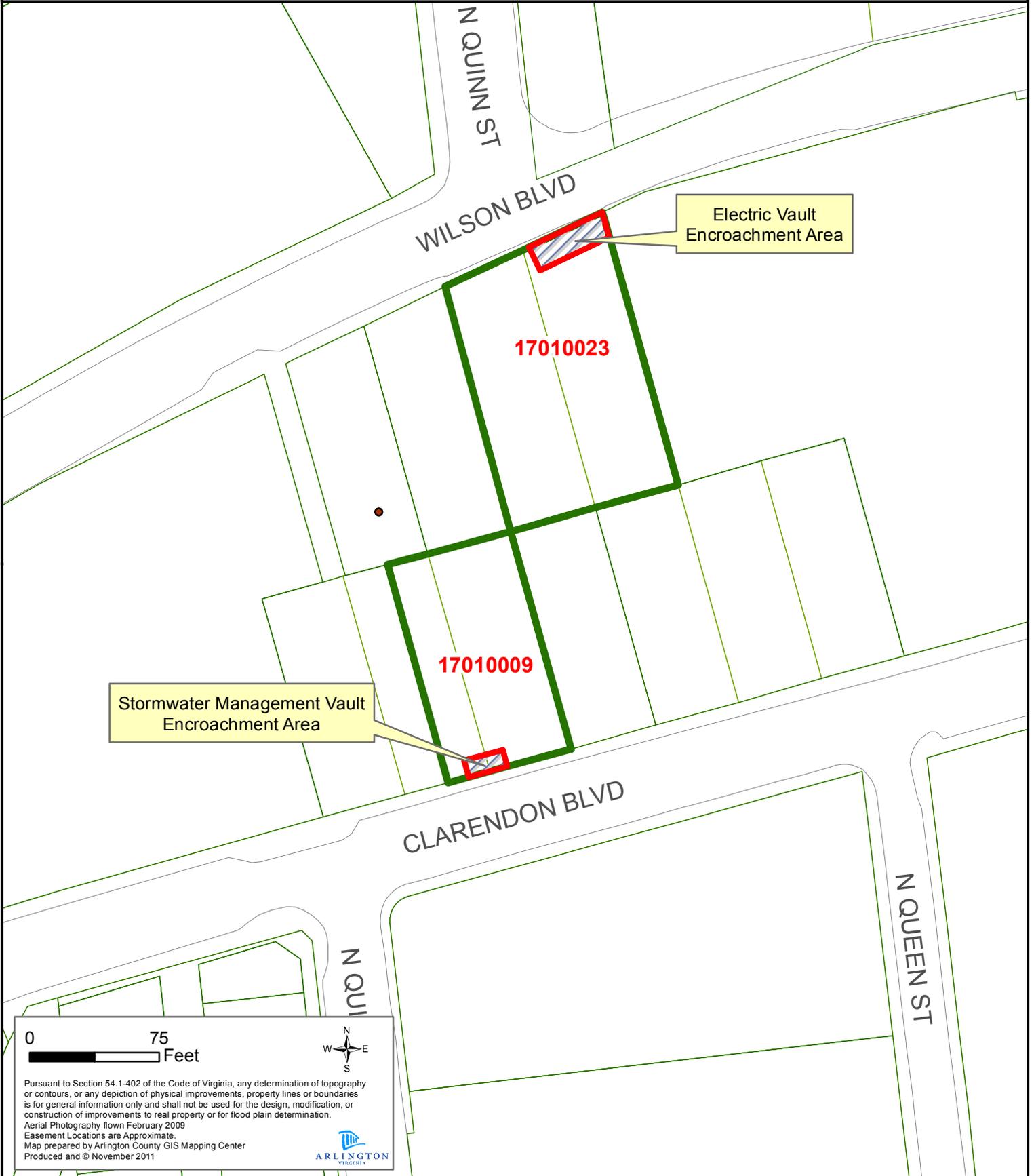
BE IT FURTHER ORDAINED that these permissions shall be a license only, and shall continue until such time as: a) the Site Plan is no longer in effect or is amended; or b) the County requests, in writing to the Owner/Applicant, that the Encroachments be removed. Nothing herein shall be construed to either allow the installation of any above ground structure or any structure other than the Encroachments within the area as shown on the Plat; or to allow any greater encroachments beyond the area shown on the Plat;

BE IT FURTHER ORDAINED that the Owner/Applicant shall continuously and promptly maintain, including snow and ice removal, the area of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the areas of the Encroachments;

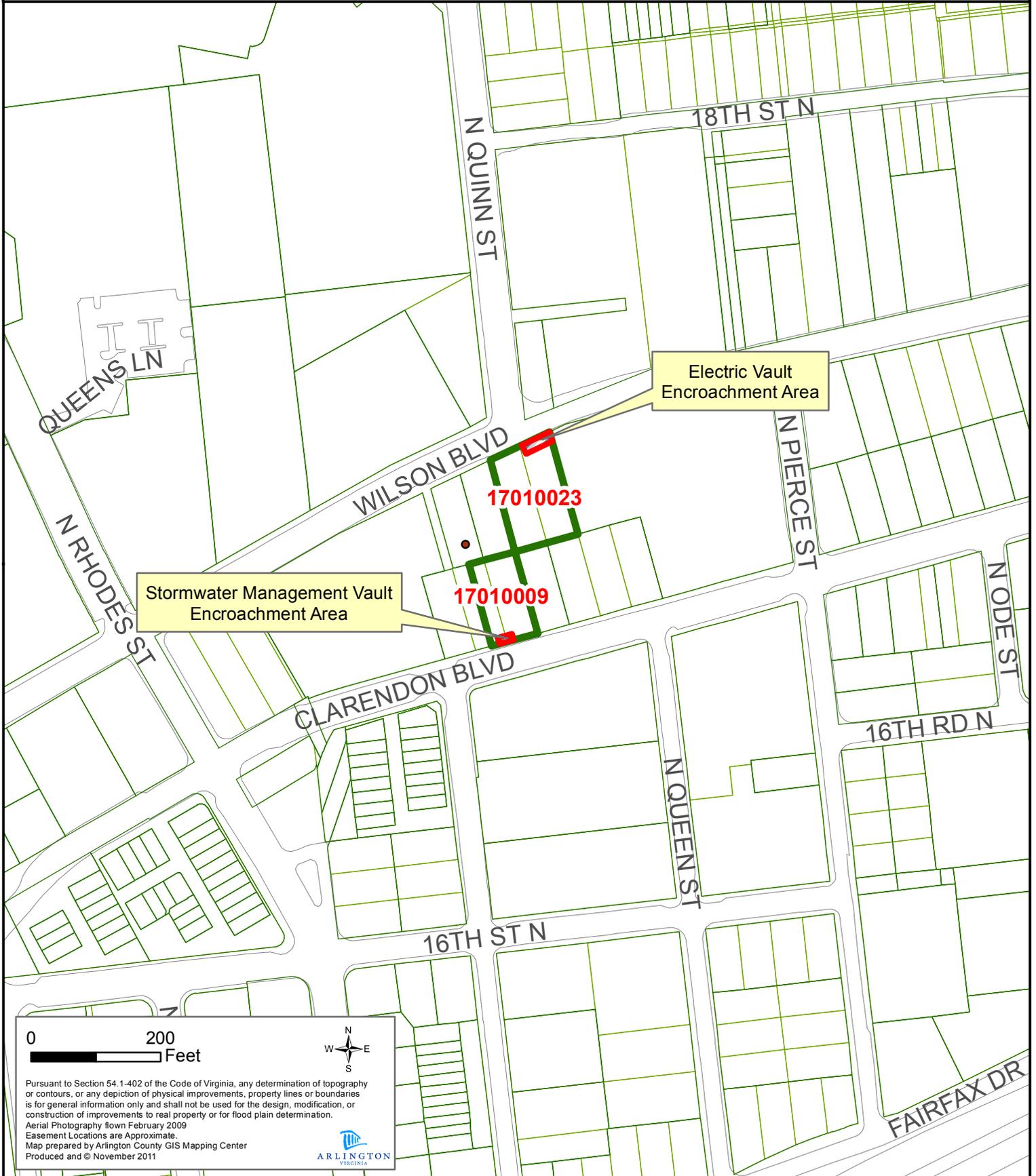
BE IT FURTHER ORDAINED that this permission shall not release the Owner/Applicant of negligence on their part on account of such encroachments. The Owner/Applicant, by availing themselves of the permissions authorized by this Ordinance and by continuing to have the electric vault and the stormwater management vault encroach within the Easement, thereby agrees for themselves, their successors and assigns, to the provisions of this Ordinance and agree to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the electric vault and the stormwater management vault to encroach within the Easement.

BE IT FURTHER ORDAINED that the County may record, or cause to be recorded, in the land records of the Arlington County Circuit Court, a certified copy of the Ordinance and the Plat.

Vicinity Map
1776 Wilson Blvd
RPC # 17010023 & 17010009



Vicinity Map
1776 Wilson Blvd
RPC # 17010023 & 17010009



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 © November 2011.

