



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of January 21, 2012

SUPPLEMENTAL REPORT

DATE: January 23, 2012

SUBJECT: An Ordinance to Permit Encroachment of an Electric Vault in the Public Right of Way of N. Garfield Street at the Southwest Corner of the Intersection of N. Garfield Street and 11th Street North, along the Eastern Boundary of Part Lot 17, Part Lot 16 and Part Lot 15, Moore's Addition to Clarendon, RPC Nos. 18-026-003 and 18-026-008.

C.M. RECOMMENDATION:

Enact the attached Ordinance to Permit Encroachment of an Electric Vault in the Public Right of Way of N. Garfield Street at the Southwest Corner of the Intersection of N. Garfield Street and 11th Street North, along the Eastern Boundary of Part Lot 17, Part Lot 16 and Part Lot 15, Moore's Addition to Clarendon, RPC# 18-026-003 and 18-026-008 (Attachment 1-1).

DISCUSSION: Applicant has submitted a revised plat showing slightly different dimensions for the requested encroachment. The proposed encroachment ordinance, Attachment 1-1, has been revised to reference the new plat, Exhibit A-1, and a copy of Exhibit A-1 is attached hereto. A date by which any approved encroachment ordinance and approved plat needs to be recorded in the land records also has been added. The County Manager's Recommendation has been changed to reference the revised encroachment ordinance as herein described.

County Manager:

BMD/GA

County Attorney:

[Signature]

41. G.

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

ATTACHMENT 1-1

ORDINANCE TO PERMIT ENCROACHMENT OF AN ELECTRIC VAULT IN THE PUBLIC RIGHT OF WAY OF N. GARFIELD STREET AT THE SOUTHWEST CORNER OF THE INTERSECTION OF N. GARFIELD STREET AND 11TH STREET NORTH, ALONG THE EASTERN BOUNDARY OF PART LOT 17, PART LOT 16 AND PART LOT 15, MOORE'S ADDITION TO CLARENDON, RPC NOS. 18-026-003 AND 18-026-008.

BE IT ORDAINED by the County Board of Arlington County, Virginia, that Penzance Clarendon Assemblage, LLC, Applicant, developer of the project known as Site Plan #418 ("Site Plan") and Jonathan C. Kinney, Trustee, Preston C. Caruthers, Trustee, and Federal Hill L.L.C., Owners (Applicant and Owners collectively, "Applicant/Owner") of property located the intersection of N. Garfield Street and 11th Street N., also known as Part Lot 15, 16, and 17 Moore's Addition to Clarendon, RPC Nos. 18-026-003 and 18-026-008 ("Property"), are permitted to construct, operate and maintain an underground electric vault ("Encroachment") within a portion of the public right of way of N. Garfield Street ("Right of Way"), such portion located along the eastern boundary of the Property. The dimensions of the Encroachment area and the spatial location (including length, width, height and elevation(s)) of the permitted Encroachment are depicted on Exhibit A attached to the County Manager's Supplemental Report dated January 23, 2012, entitled "Plat Showing Encroachment of Electric Vault in the Right-of-way of N. Garfield Street (Deed Book 115, Page 504) adjacent to Part Lot 15, 16, and 17 Moore's Addition to Clarendon (Deed Book 115, Page 504) Arlington County, Virginia," prepared by Bowman Consulting Group, Ltd. and dated March 6, 2011, and revised January 20, 2012, attached hereto as Exhibit A-1 ("Plat").

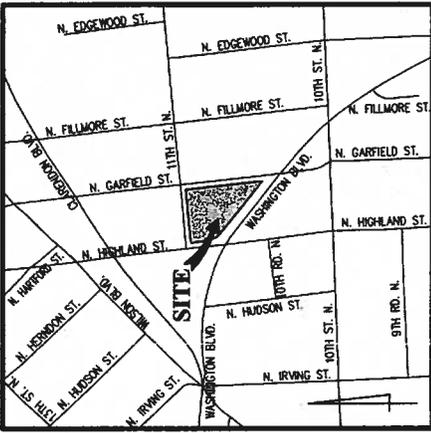
BE IT FURTHER ORDAINED that these permissions shall be a license only, and shall continue until such time as: a) the Site Plan is no longer in effect or is amended so as to eliminate the Encroachment; or b) the County requests in writing to the Applicant/Owner, that the Encroachments be removed. Nothing 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 Applicant/Owner shall continuously and promptly maintain, including snow and ice removal, the surface and subsurface area of the Encroachments, including all maintenance, restoration, repair and replacement of all facilities, within and adjacent to the areas of the Encroachments.

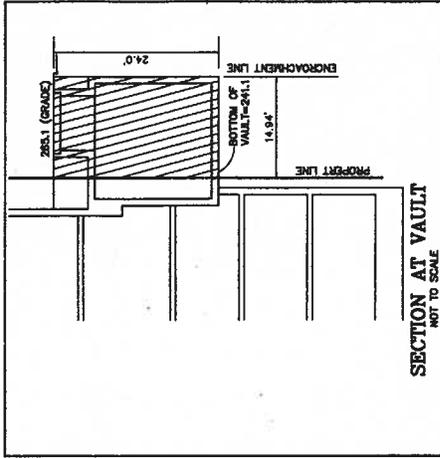
BE IT FURTHER ORDAINED that this permission shall not release the Applicant/Owner of negligence on their part on account of such Encroachment. The Applicant/Owner, by availing themselves of the permission authorized by this Ordinance and by continuing to have the electric vault encroach within the Right of Way, thereby agree for themselves, and 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 all County

officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising out of the permission for the electric vault to encroach within the Right of Way.

BE IT FURTHER ORDAINED that on or before January 24, 2015, the Applicant, at its sole expense, shall cause a certified copy of this Ordinance and the Plat, approved by the Director of the Department of Environmental Services or his designee, to be recorded in the land records of the Arlington County Circuit Court and evidence thereof shall be promptly delivered by the Applicant to the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services.



VICINITY MAP
NOT TO SCALE



SECTION AT VAULT
NOT TO SCALE

PLAT SHOWING
ENCROACHMENT OF ELECTRIC VAULT
IN THE RIGHT-OF-WAY OF
N. GARFIELD STREET
(DEED BOOK 115, PAGE 504)
ADJUSTMENT TO
PART LOT 15, 16, AND 17
MOORE'S ADDITION TO CLARENDON
(DEED BOOK 115, PAGE 504)

ARLINGTON COUNTY, VIRGINIA
SCALE: 1" = 25'
DATE: MARCH 6, 2011

REVISION	DATE	BY	CHKD	DATE
1/28/12	1/28/12	REVISION		
<p>Bowman CONSULTING</p> <p>Bowman Consulting Group, LLC 4400 Transwarp Plaza, Suite 500 Charlottesville, Virginia 22902 www.bowmanconsulting.com Phone: (434) 444-0200 Fax: (434) 444-0700</p>				
<p>DD PROJECT NO. 6149-01-002 (PAGE 0003) COUNTY REF NO.</p>				



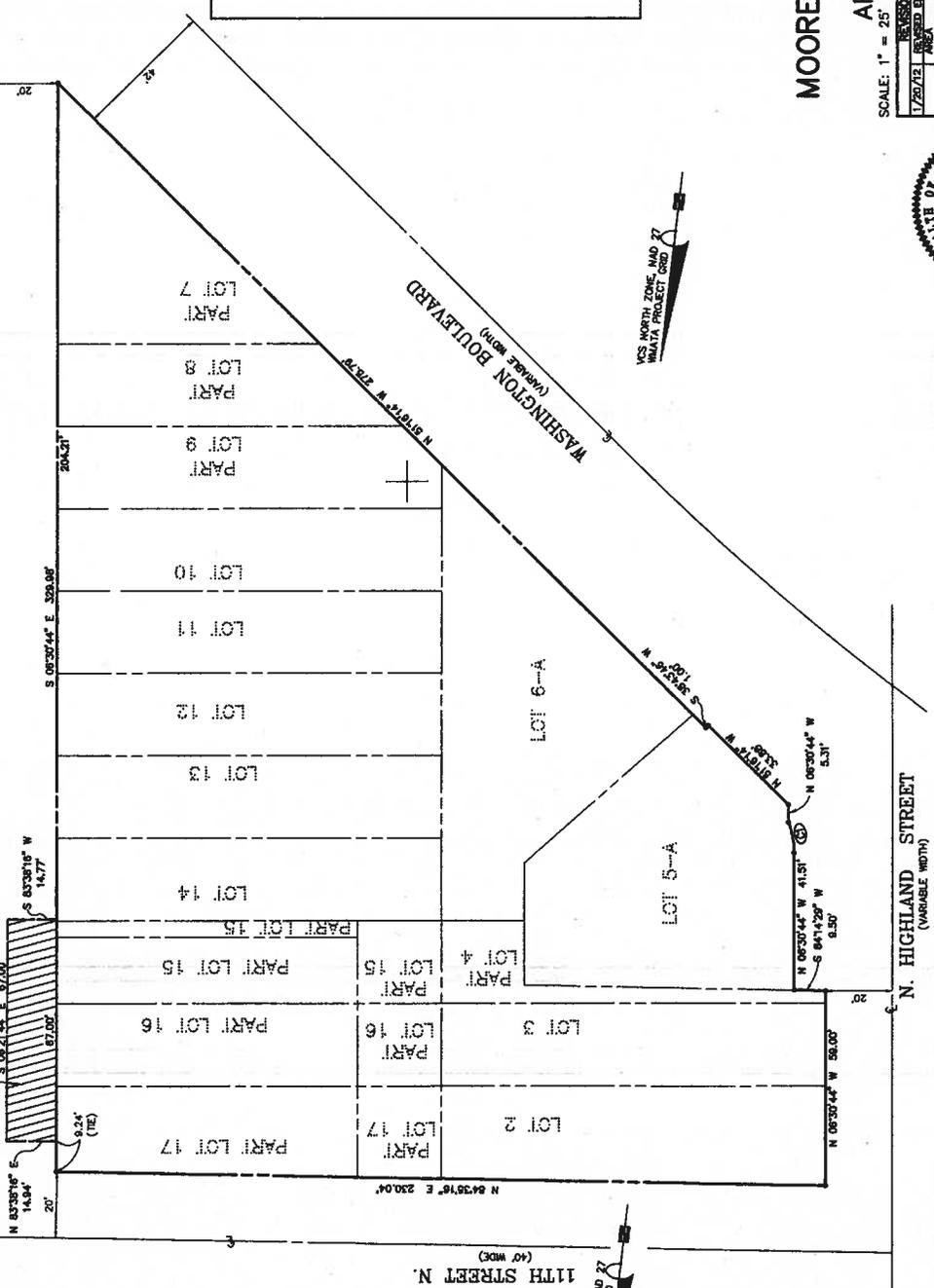
CURVE TABLE

CT	CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
1		25.50'	9.47'	N. 17°02'31" W	9.42'	211°17'15"	4.78'

ELECTRIC VAULT ENCROACHMENT AREA

ENCROACHMENT AREA
ELECTRIC VAULT
AREA = 985 SQ. FT.

- NOTES**
- THE PROPERTIES DELINEATED HEREON ARE SHOWN ON THE ARLINGTON COUNTY TAX MAP AS FOLLOWS: PC-1, 18028001, 18028004, 18028009 AND 18028010 AND ARE ADJACENT TO C-3 AND FOUND ON MAP SHEETS C-7 AND C-8.
 - THESE PROPERTIES ARE LOCATED IN FLOOD ZONE 1. THE FLOOD ZONE MAP WAS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR ARLINGTON COUNTY, VIRGINIA, COMMUNITY PANEL NO. 515030 0010 & REVISED MAY 3, 1982.
 - NO TITLE REPORT WAS FURNISHED.
 - BOUNDARY INFORMATION AS SHOWN HEREON WAS COMPILED FROM EXISTING LAND RECORDS OF ARLINGTON COUNTY AND A FIELD RUN SURVEY BY BOWMAN CONSULTING.



ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____

APPROVED: _____

SUBDIVISION AND BONDS ADMINISTRATOR

PLAT EXAMINER

