



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 21, 2012

DATE: July 1, 2012

SUBJECT: An Ordinance to Vacate a Portion of 20th Street North Running in a Westerly Direction from, and Abutting the Northeast Corner of Lot 21, Harrison's Addition to Dominion Heights, 1905 N. Lincoln Street, Arlington, Virginia, RPC No. 06-031-044, with Conditions.

Owner/Applicant: Joan Lizbeth Mashburn

C. M. RECOMMENDATION:

1. Enact the attached Ordinance to Vacate a portion of 20th Street North running in a westerly direction from, and abutting the northeast corner of Lot 21, Harrison's Addition to Dominion Heights, 1905 N. Lincoln Street, Arlington, Virginia, RPC #06-031-044, with conditions.
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Vacation, and all other documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

ISSUES: In order to acquire ownership of a portion of the existing constructed 20th Street North travelway and to acquire other real property interests necessary for construction of a planned County street improvement project, County staff recommends, and the Owner/Applicant has agreed to request, that the County Board vacate a portion of 20th Street North in exchange for the following : 1) a fee dedication to the County from the Owner/Applicant to the County of a portion of private property for public street and utilities purposes; and 2) a conveyance from the Owner/Applicant to the County of a portion of the Owner/Applicant's private property for an easement for public sidewalk, utilities and drainage purposes. There are no outstanding issues related to this request.

SUMMARY: In order to acquire ownership of a portion of the existing constructed 20th Street North travelway and to acquire other real property interests necessary for construction of a planned County street improvement project, County staff recommends and the Owner/Applicant requests that the Board enact an ordinance to vacate 661 square feet of the right-of-way for 20th Street North in exchange for a fee dedication of 1,055 square feet and a conveyance of 448 square feet of easement from the Owner/Applicant.

County Manager:

County Attorney:

19.

Staff: Troy C. Harris, Linda Eichelbaum Collier, Real Estate Specialists

BACKGROUND: The County has planned a street improvement project for 20th Street North, between North Monroe Street and North Kenmore Street. (See Vicinity Maps, attached hereto as Exhibits C-1 and C-2). The project will: realign 20th Street North (to eliminate the sharp turn onto North Lincoln Street); provide ADA compliant sidewalk on the south side of 20th Street North; new street curb and gutter on each side of 20th Street North; new street lighting; new water main and storm water infrastructure; new roadway bed and improved roadside drainage (See Plan, attached hereto as Exhibit B).

The portion of the right-of-way for 20th Street North, proposed to be vacated, was established by Deed of Dedication recorded among the Land Records of Arlington County, Virginia (“Land Records”) in Deed Book 137, Page 263. The proposed areas of dedication and conveyance are located on the property of the Owner/Applicant at 1905 N. Lincoln Street, Arlington, Virginia, RPC #06-032-044 (“Property”). The current travel way of 20th Street crosses over and across the Owner/Applicant’s private property to the full extent of the proposed 1,055 square foot dedication. The Owner/Applicant is also conveying to the County an easement for public sidewalk, utilities and drainage purposes. Because the area being dedicated in fee and conveyed in easement by the Owner/Applicant is larger than, and exceeds the value of, the area being vacated by the County, no payment of monetary compensation is required from the Owner/Applicant to the County. The Owner/Applicant owns the Property by virtue of a Deed recorded in Deed Book 2142, Page 1261 among the Land Records. The Office of Zoning reviewed the proposed vacation and land exchange and determined that the proposed vacation, dedication and conveyance will not cause the resulting lot to be more non-conforming. The Owner/Applicant has consented to the proposed vacation, dedication and conveyance.

After the proposed vacation, dedication and conveyance, and the construction of the proposed improvements, 20th Street North will consist of a two-way yield street with on-street parking on one side of the street, and a curb-to-curb width of at least 22 feet. In addition, the right-of- way for 20th Street North will be at least 30 feet wide.

DISCUSSION: In order to acquire ownership of a portion of the existing constructed 20th Street North travelway and acquire other real property interests necessary for construction of a planned County street improvement project, County staff proposes to vacate a portion of 20th Street North (661 square feet) in exchange for the Owner/Applicant’s dedication of a fee area for public street and utilities purposes (1,055 square feet) and a conveyance of a permanent easement for public sidewalk, utilities and drainage purposes (448 square feet). The area proposed to be vacated is not needed by the County for the proposed construction and realignment, while the proposed area to be dedicated is located in the current and proposed travel way for 20th Street North. Public sidewalk will be constructed within the area proposed to be dedicated for public sidewalk and utilities purposes.

The area of the right-of-way of 20th Street North proposed to be vacated is depicted on a plat entitled “Plat Showing Vacation of a Portion of 20th Street North and Area Dedicated for Public Street and Utilities Purposes and Easement for Public Sidewalk, Utilities and Drainage Purposes on Lot 21 Harrison’s Addition to Dominion Heights D.B. 137, Pg. 263 Arlington County,

Virginia,” dated April 24, 2012 and prepared by the Arlington, Virginia Department of Environmental Services Engineering Bureau – Survey Section (“Plat”) and labeled “Portion of 20th Street North Hereby Vacated Area = 661 Sq. Ft.”. The portion of the Property to be dedicated to the County is depicted on the Plat as “Area Hereby Dedicated for Public Street and Utilities Purposes Area = 1,055 Sq. Ft.” and the portion of the Property to be conveyed to the County is depicted on the Plat as “Easement for Public Sidewalk, Utilities and Drainage Purposes Hereby Granted Area = 448 Sq. Ft.”. A copy of the Plat is attached hereto as Exhibit A.

The Transportation Commission and the Planning Commission both found that the proposed vacation and resultant right of way for 20th Street North is substantially in accord with the provisions of the County’s Comprehensive Plan. In response to a question posed by the Planning Commission, the vacated area does not affect the required street width of 20th Street North. The resultant right of way, which is a minimum of 30 feet wide, meets the definition of and the requirements for a legal street within Arlington County required by the Zoning Ordinance and the County Code. Moreover, the resultant paved width of the road after the improvement project, which is a minimum of 22 feet wide, meets the 22 to 27 foot wide travelway guideline suggested in the Master Transportation Plan for Neighborhood Minor Roads with parking on one side.

The proposed ordinance of vacation (“Ordinance”) is attached to this report as “Attachment 1”. As a condition of the Ordinance, the Owner/Applicant will be required to first dedicate the fee area to the County and convey a permanent easement to the County.

Legal and Physical Description: The area of the vacation, as well as the areas of the dedication and conveyance, is described on the Plat, attached to this report as Exhibit A. The right-of-way for 20th Street North was established by Deed of Dedication recorded among the Land Records in Deed Book 137, Page 263. The Owner/Applicant owns the Property by virtue of a Deed recorded in Deed Book 2142, Page 1261 among the Land Records.

Public Notice: Public notice of the enactment of the proposed Ordinance was given in accordance with the Code of Virginia. Notices were placed in the May 22, 2012 and the May 29, 2012 issues of the Washington Times for the Transportation Commission Meeting of May 31, 2012, the Planning Commission meeting of June 4, 2012 and the County Board Meeting of June 16, 2012.

Compensation: The property that is the subject of the Ordinance of Vacation abuts residential property and has the same square foot value as the residential property proposed to be dedicated to the County. Given that the Owner/Applicant will be required, as a condition of the Ordinance of Vacation, to: 1) dedicate property to the County that is greater in area and value than the area that to be vacated by the County; and 2) convey to the County an easement for public sidewalk, utilities and drainage purposes, the County staff recommends that no additional monetary compensation be required for the vacation.

FISCAL IMPACT: None

CONCLUSION: It is recommended that the County Board enact the attached Ordinance of Vacation as set forth in Attachment 1 hereto.

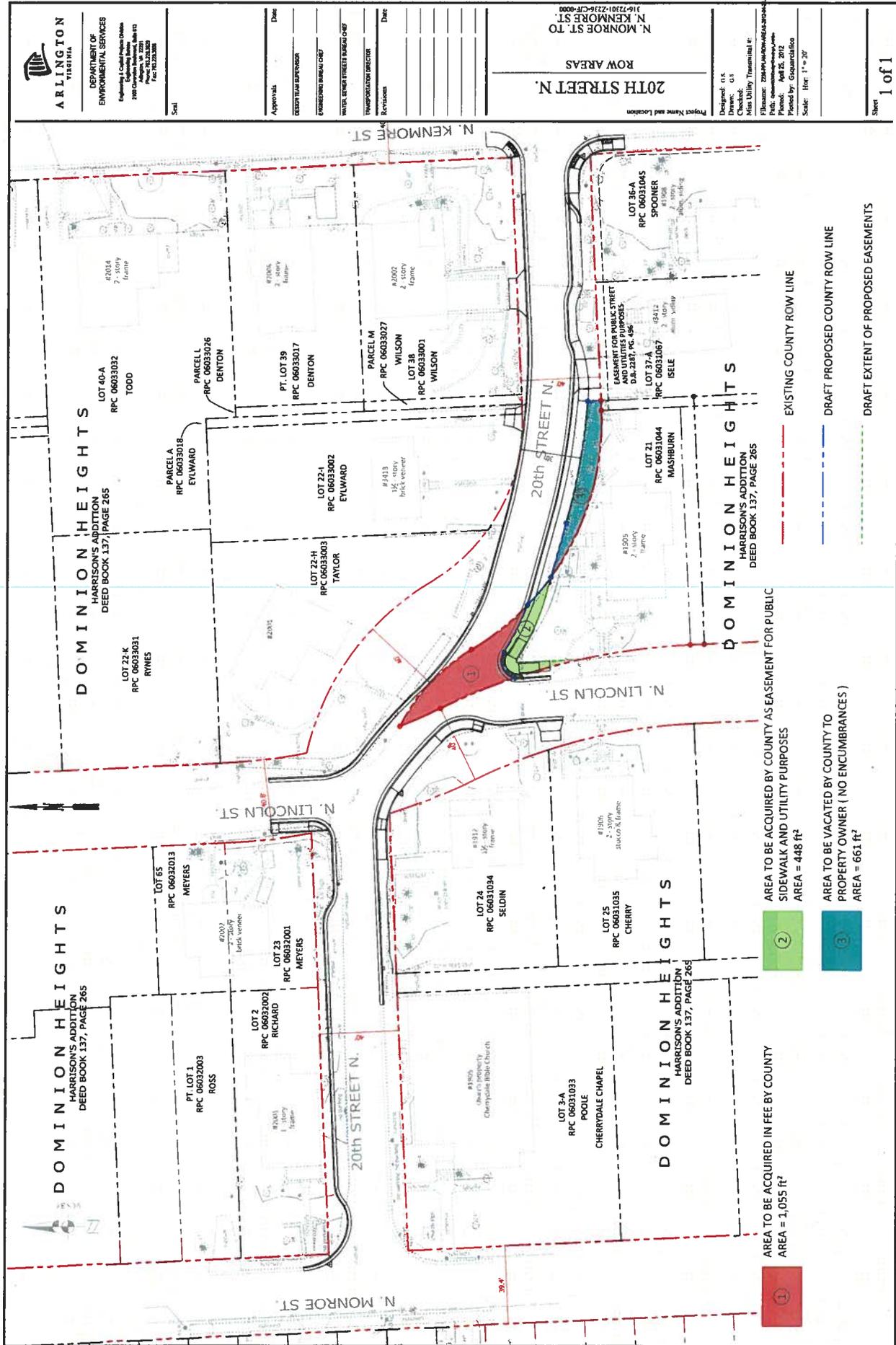
ATTACHMENT 1

AN ORDINANCE TO VACATE A PORTION OF 20TH STREET NORTH RUNNING IN A WESTERLY DIRECTION FROM, AND ABUTTING THE NORTHEAST CORNER OF LOT 21, HARRISON'S ADDITION TO DOMINION HEIGHTS, 1905 N. LINCOLN STREET, ARLINGTON, VIRGINIA, RPC NO. 06-031-044, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Joan Lizbeth Masburn (“Owner/Applicant”), on file with the Department of Environmental Services, a portion of 20th Street North running in a westerly direction from, and abutting the northeast corner of Lot 21, Harrison’s Addition to Dominion Heights, 1905 N. Lincoln Street, Arlington, Virginia, RPC No. 06-031-044 (“Property”), and created by a Deed of Dedication, dated April 18, 1913, and recorded in Deed Book 137 at Page 263 among the land records of Arlington County, Virginia (“20th Street North”), and which portion of 20th Street North is shown on a plat entitled, “Plat Showing Vacation of a Portion of 20th Street North and Area Dedicated for Public Street and Utilities Purposes and Easement for Public Sidewalk, Utilities and Drainage Purposes on Lot 21 Harrison’s Addition to Dominion Heights D.B. 137, Pg. 263 Arlington County, Virginia,” dated April 24, 2012, prepared by the Arlington, Virginia Department of Environmental Services Engineering Bureau – Survey Section (“Plat”), attached to the County Manager’s Report dated July 1, 2012, as Exhibit A, and designated on the Plat as “Portion of 20th Street North Hereby Vacated Area = 661 SQ. FT.,” is hereby vacated subject to the following conditions:

1. Prior to the recordation of a Deed of Vacation for the vacated portion of 20th Street North, the Owner/Applicant shall dedicate, grant and convey to the County, by general warranty deed, approved as to form by the County Attorney, the following:
 - a. A portion of the Property depicted on the Plat as “Area Hereby Dedicated for Public Street and Utilities Purposes Area = 1,055 Sq. Ft.”; and
 - b. A portion of the Property depicted on the Plat as “Easement for Public Sidewalk, Utilities and Drainage Purposes Hereby Granted Area = 448 Sq. Ft.”.
2. The County staff shall prepare the Deed of Vacation, all required plats, and all required deed of easement, subject to approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney. The Real Estate Bureau Chief is authorized to accept, on behalf of the County Board, the general warranty deed and deed of easement, subject to approval thereof as to form by the County Attorney.
3. The County will record all plats, the Deed of Vacation, and general warranty deed and deed of easement required by this Ordinance of Vacation.

4. The County will pay all fees for recording of the required Deed of Vacation, deed of easement, all required plats and documents associated with this Ordinance of Vacation.
5. All conditions of this Ordinance of Vacation shall be met by June 16, 2015, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.



ARLINGTON VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 1100 Courthouse Square, Suite 413
 Fairfax, VA 22033
 Phone: 703.221.3200
 Fax: 703.221.3206

Approvals	Date
DESIGN TEAM APPROVAL	
ENGINEERING REVIEW CHECK	
UTILITY REVIEW STREET BUREAU CHECK	
TRANSPORTATION DEPARTMENT	
REVISIONS	Date

Project Name and Location
20TH STREET N.
 ROW AREAS
 N. MONROE ST. TO N. KENNOR ST.
 116-72301-2216-CR-0008

Designed: G.S.
 Drawn: G.S.
 Checked: G.S.
 Title Utility Transmittal #: _____
 Planning: 2206-0000-0000-0000-0000
 Printed: April 25, 2012
 Printed by: Geographic Information Systems
 Scale: 1" = 20'

Scale: 1" = 20'

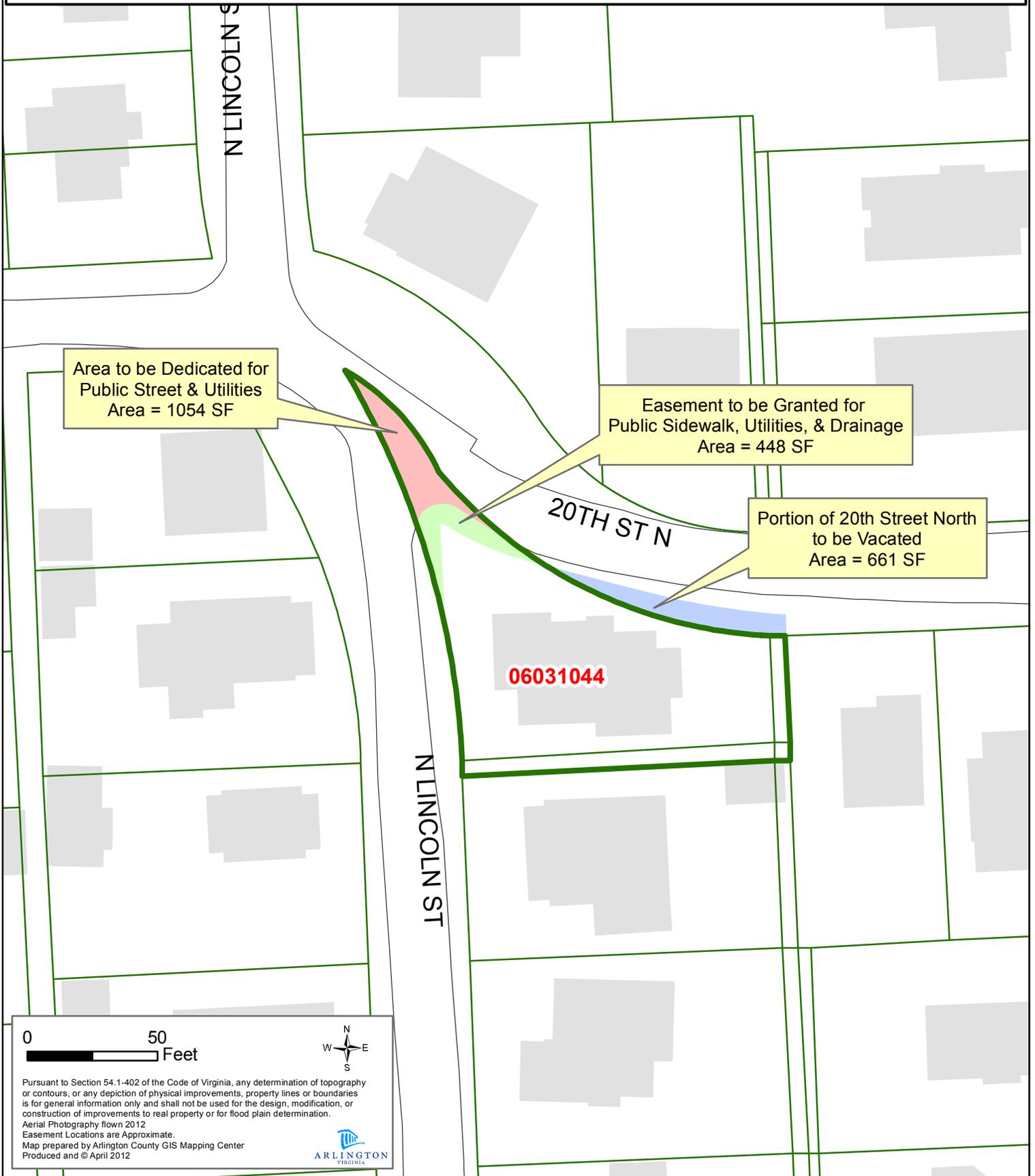
Sheet: 1 of 1

20TH STREET N. - Z236

Vicinity Map

1905 N Lincoln Street

RPC # 06031044



Area to be Dedicated for Public Street & Utilities
Area = 1054 SF

Easement to be Granted for Public Sidewalk, Utilities, & Drainage
Area = 448 SF

Portion of 20th Street North to be Vacated
Area = 661 SF

06031044

0 50 Feet



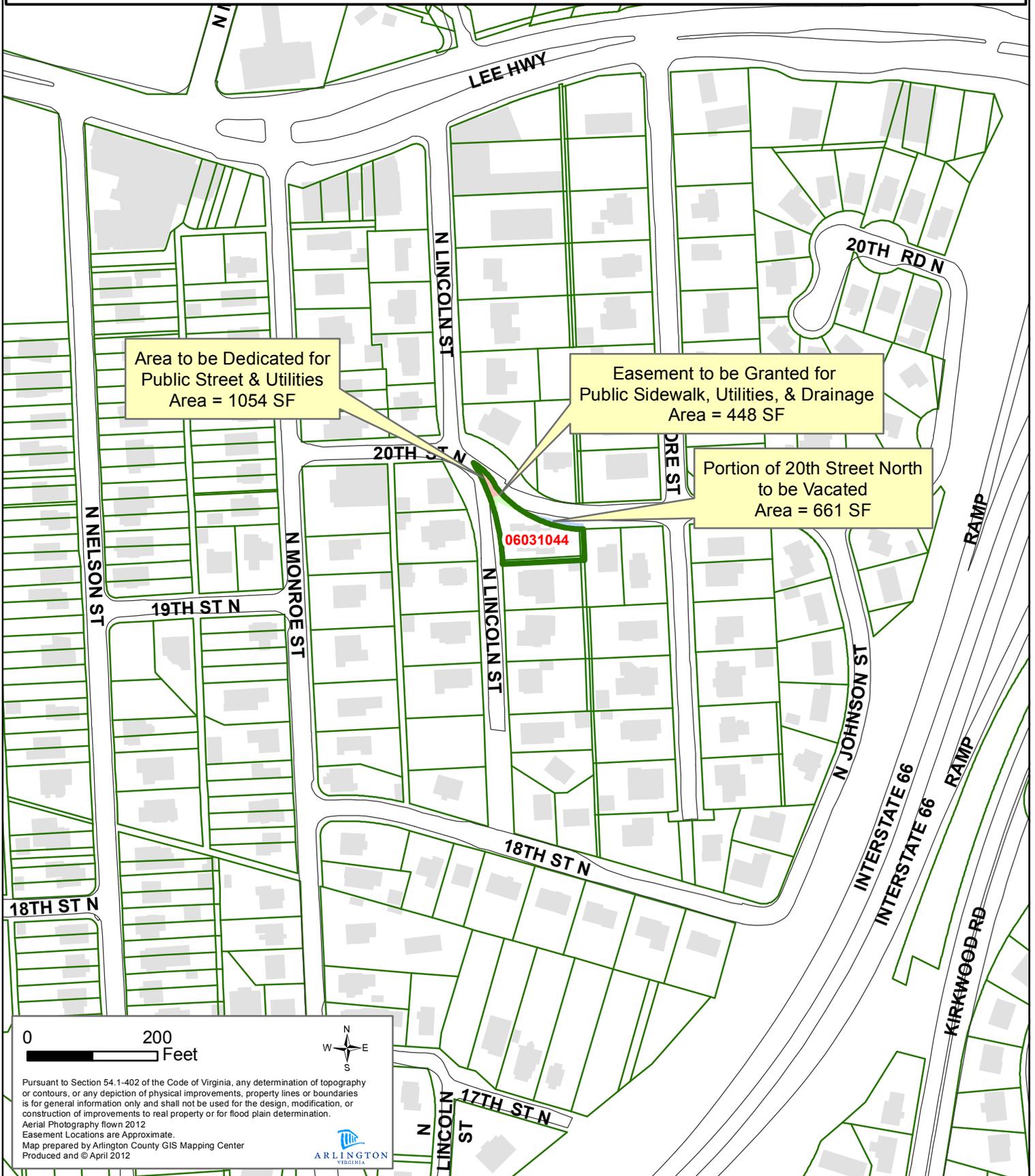
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Aerial Photography flown 2012
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © April 2012



Vicinity Map

1905 N Lincoln Street

RPC # 06031044



0 200 Feet



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