



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 21, 2012

DATE: June 6, 2012

SUBJECT: An Ordinance to Vacate an Easement for Construction Maintenance Purposes Running for a Distance of 156.15 Feet, More or Less, in a Westerly Direction from the Northwest Corner of the Intersection of Columbia Pike and South Greenbrier Street Along and Abutting the Southern Boundary of Parcels 1 and 2, Resubdivision Part Lot 9A and Resubdivision Lot 9, George Klein Estate (RPC# 22-011-054 and 22-011-056) with Conditions.

Owners:

AHC Limited Partnership – 6
NOVA Petroleum Realty LLC

Applicant:

AHC Inc.

C. M. RECOMMENDATION:

1. Enact the attached Ordinance to Vacate an Easement for Construction Maintenance Purposes Running for a Distance of 156.15 Feet, More or Less, in a Westerly Direction from the Northwest Corner of the Intersection of Columbia Pike and South Greenbrier Street Along and Abutting the Southern Boundary of Parcels 1 and 2, Resubdivision Part Lot 9A and Resubdivision Lot 9, George Klein Estate, RPC Nos. 22011054 and 22011056, 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: The requested vacation is required to permit construction of a six story building, consisting of ground floor retail and five stories of affordable residential units at the corner of South Greenbrier Street and Columbia Pike. There are no outstanding issues associated with the proposed vacation.

County Manager:

BMD/GA

County Attorney:

GA

BAK

20.

Staff: Linda Eichelbaum Collier, Real Estate Specialist

SUMMARY: In order to construct a six story building, consisting of ground floor retail and five stories of affordable residential units at the corner of South Greenbrier Street and Columbia Pike, AHC Limited Partnership – 6, NOVA Petroleum Realty LLC and AHC Inc. (“Owner(s)/Applicant(s)”) have requested that the Board enact an ordinance to vacate an easement for construction maintenance purposes along Columbia Pike.

BACKGROUND: The Owner(s)/Applicant are constructing a six story building consisting of ground floor retail and 83 affordable units on the top five floors at the corner of South Greenbrier Street and Columbia Pike (“Project”). (See Vicinity Maps, attached hereto as Exhibits B-1 and B-2.) The Project was approved through the administrative process provided for in the Columbia Pike Form Based Code.

The easement for construction maintenance purposes proposed to be vacated (“Easement”) was conveyed to the Commonwealth of Virginia by deed recorded among the Land Records of Arlington County, Virginia (“Land Records”) in Deed Book 971, Page 179. The Commonwealth conveyed the Easement to the County by Quitclaim Deed recorded among the Land Records at Deed Book 4399, Page 2015 as part of the Columbia Pike conveyance. The Owner(s) own the underlying property, upon which the Easement is located, by virtue of a Deed recorded in Deed Book 3827, Page 1231 and a Deed recorded in Deed Book 4257, Page 2124 among the Land Records.

DISCUSSION: In order to construct the Project, the Owner(s)/Applicant(s) are requesting that the County vacate the Easement. The Easement is depicted on a plat entitled “Plat Showing Vacation of Construction Maintenance Easement Through Parcels 1 and 2 Resubdivision Part Lot 9A and Resubdivision Lot 9 George Klein Estate Deed Book 1324 Page 16 Arlington County, Virginia,” prepared by VIKA Incorporated and dated April 24, 2012, revised May 9, 2012 (“Plat”) and labeled “Approximate Location of Construction Maintenance Easement DB 971 PG 179 DB 4399 PG 2015 (Hereby Vacated) (1683 SF)”. A copy of the Plat is attached hereto as Exhibits A-1 and A-2.

A proposed ordinance of vacation (“Ordinance”) is attached to this report as “Attachment 1”. As a condition of the proposed Ordinance, the Owner(s)/Applicant(s) shall covenant in the Deed of Vacation to grant and convey a temporary construction easement to the County, in the approximate area of the Easement, along the Project frontage of Columbia Pike, if needed and requested by the County, for any future street improvement projects along Columbia Pike.

As a further condition of the Ordinance, AHC, for itself, and its successors in title and interest, shall covenant in the Deed of Vacation to: 1) grant and convey to the County, at no cost to the County, by Deed of Easement acceptable to the County Manager, or her designee, a permanent easement for the installation, maintenance, replacement repair, location, relocation and removal of a streetcar transformer vault and a street car transformer (which Easement shall be of a size sufficient to accommodate a vault and transformer consisting of approximately a total of 30,000 cubic feet) over, under, in and upon the Harvey Hall property (RPC #22-011-054), adjacent to the northwest corner of the intersection of an alley (which will be constructed as part of the project that is the subject of a Columbia Pike and South Greenbrier Street FBC Proposal

Administrative Approval granted by the Zoning Administrator on March 9, 2012) and South Greenbrier Street; and 2) make best efforts to obtain, at no cost to the County, all necessary lender approval(s) and subordination(s) for such permanent easement.

Legal and Physical Description: The physical area of the Easement to be vacated is described on the Plat, attached to this report as Exhibit A. The Easement was conveyed to the Commonwealth of Virginia by deed recorded among the Land Records of Arlington County, Virginia (“Land Records”) in Deed Book 971, Page 179. The Commonwealth conveyed the Easement to the County by Quitclaim Deed recorded among the Land Records at Deed Book 4399, Page 2015 as part of the Columbia Pike conveyance. The Owner(s) own the underlying property upon which the Easement is located by virtue of a Deed recorded in Deed Book 3827, Page 1231 and a Deed recorded in Deed Book 4257, Page 2124 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 June 26, 2012 and the July 3, 2012 issues of the Washington Times for County Board Meeting of July 21, 2012.

Compensation: Given that the Easement is in the nature of a temporary construction easement, for which the County does not charge compensation to vacate, and that the Owner(s)/Applicant(s) have agreed to grant to the County a temporary construction easement, if needed for Columbia Pike street improvements, and that the Owner(s)/Applicant(s) have agreed to potentially grant a permanent easement, at no cost to the County, for a streetcar transformer vault, 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 AN EASEMENT FOR CONSTRUCTION MAINTENANCE PURPOSES, RUNNING FOR A DISTANCE OF 156.15 FEET, MORE OR LESS, IN A WESTERLY DIRECTION FROM THE NORTHWEST CORNER OF THE INTERSECTION OF COLUMBIA PIKE AND SOUTH GREENBRIER STREET ALONG AND ABUTTING THE SOUTHERN BOUNDARY OF PARCELS 1 AND 2, RESUBDIVISION PART LOT 9A AND RESUBDIVISION LOT 9, GEORGE KLEIN ESTATE, RPC NOS. 22011054 AND 22011056, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by AHC Limited Partnership – 6 and NOVA Petroleum Realty LLC, Owner(s), and AHC Inc., Applicant (collectively, “Owner(s)/Applicant(s)”), on file with the Department of Environmental Services, an Easement for Construction Maintenance Purposes (“Easement”), running for a distance of 156.15 feet, more or less, in a westerly direction from the northwest corner of the intersection of Columbia Pike and South Greenbrier Street along and abutting the southern boundary of Parcels 1 and 2, Resubdivision Part Lot 9A and Resubdivision Lot 9, George Klein Estate, RPC Nos. 22011054 and 22011056, (“Property”), and created by a by a deed recorded among the Land Records of Arlington County, Virginia (“Land Records”) in Deed Book 971, Page 179 and conveyed to the County by Quitclaim Deed recorded among the Land Records at Deed Book 4399, Page 2015 as part of the Columbia Pike conveyance and which Easement is shown on a plat entitled “Plat Showing Vacation of Construction Maintenance Easement Through Parcels 1 and 2 Resubdivision Part Lot 9A and Resubdivision Lot 9 George Klein Estate Deed Book 1324 Page 16 Arlington County, Virginia,” prepared by VIKA Incorporated and dated April 24, 2012, revised May 9, 2012 (“Plat”) and labeled “Approximate Location of Construction Maintenance Easement DB 971 PG 179 DB 4399 PG 2015 (Hereby Vacated) (1683SF)”, attached to the County Manager’s Report dated July 1, 2012, as Exhibit A, is hereby vacated subject to the following conditions:

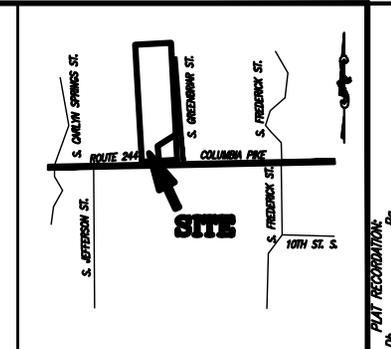
1. The Owner(s)/Applicant(s) shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to the approval thereof by the County Manager, or her designee, and approval of the deed(s) as to form by the County Attorney.
2. The Owner(s)/Applicant(s) shall pay all fees, including the fees for plat review, approval and recordation of the Deed(s) of Vacation associated with the Ordinance of Vacation.
3. The Owner(s)/Applicant(s) shall record the Deed(s) of Vacation and all plats, subject to the approval of the County Manager, or her designee, and approval as to form by the County Attorney.
4. The Deed of Vacation shall contain a covenant by the Owner(s)/Applicant(s), for themselves, and on behalf of their successors in title and interest, that, upon a request by the County, the Owner(s)/Applicant(s), and/or their successors in title and interest, shall grant and convey to the County, by fully executed deed, approved as to form by the

County Attorney, a temporary construction easement for construction of streetscape improvements along the Columbia Pike frontage of the Property.

5. The Deed of Vacation shall also include a covenant by Owner(s)/Applicant(s), for themselves, and on behalf of their successors in title and interest, that upon a request by the County, and upon mutual agreement as to the dimensions and location among the County, AHC Inc. and AHC Limited Partnership – 6, the AHC Inc. and AHC Limited Partnership – 6, and/or their successors in title and interest, shall: 1) grant and convey to the County, at no cost to the County, by Deed of Easement acceptable to the County Manager, or her designee, a permanent easement for the installation, maintenance, replacement repair, location, relocation and removal of a streetcar transformer vault and a street car transformer (which Easement shall be of a size sufficient to accommodate an underground vault and transformer consisting of approximately 30,000 cubic feet, e.g., 20 feet by 100 feet by 15 feet high) over, under, in and upon the Harvey Hall property (RPC #22-011-054) (“Property”), located on the Property near the northwest corner of the intersection of an alley (which will be constructed as part of the project that is the subject of a Columbia Pike and South Greenbrier Street FBC Proposal Administrative Approval granted by the Zoning Administrator on March 9, 2012) and South Greenbrier Street; and 2) make reasonable efforts to obtain, at no cost to the Owner(s)/Applicant(s), all necessary lender approval(s) and subordination(s) for such permanent easement.
6. The Owner(s)/Applicant(s) shall record a copy of this Ordinance of Vacation among the Land Records.
7. All conditions of this Ordinance of Vacation shall be met by noon on January 21, 2015, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHD BRG	CHORD
C1	10.64'	400.00'	1°31'27"	5.32'	S21°22'38"E	10.64'
C2	48.76'	400.00'	6°59'03"	24.41'	S25°37'53"E	48.73'
C3	42.92'	25.00'	98°21'30"	28.94'	N20°03'20"E	37.84'



VICINITY MAP
SCALE: 1"=2000'

NOTES:

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NO. 82-3 AS RPC NUMBER 22011054 AND 22011056 AND IS ZONED RA6-15.
- 2.) THE HORIZONTAL DATUM SHOWN HEREON IS BASED ON VCS '83 BASED ON A FIELD RUN SURVEY PERFORMED BY VIKI, INC.
- 3.) THE PROPERTIES SHOWN HEREON WAS ACQUIRED BY AHC LIMITED PARTNERSHIP - 6 BY DEED RECORDED IN DEED BOOK 3827 AT PAGE 1231, NOVA PETROLEUM REALTY LLC BY DEED RECORDED IN DEED BOOK 4257 AT PAGE 2124 AMONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA.
- 4.) THE SUBJECT PROPERTY LIES IN FLOOD ZONE "C" AREAS OF MINIMAL FLOODING AS SHOWN ON FLOOD INSURANCE MAP (F.I.R.M.) COMMUNITY PANEL 515520-0021B DATED MAY 3 1982.

SHEET 1 OF 2
PLAT SHOWING
VACATION OF
CONSTRUCTION MAINTENANCE
EASEMENT THROUGH
PARCELS 1 AND 2
RESUBDIVISION PART LOT 9A
AND RESUBDIVISION LOT 9
GEORGE KLEIN ESTATE

DEED BOOK 1284 PAGE 18
ARLINGTON COUNTY, VIRGINIA
SCALE: N/A DATE: APRIL 24, 2012
REV: MAY 8, 2012



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ G.P.S. SERVICES

VIKA INCORPORATED
8180 GREENSBORO DRIVE SUITE 200 ■ McLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)781-2787
McLEAN, VA GERMANTOWN, MD

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

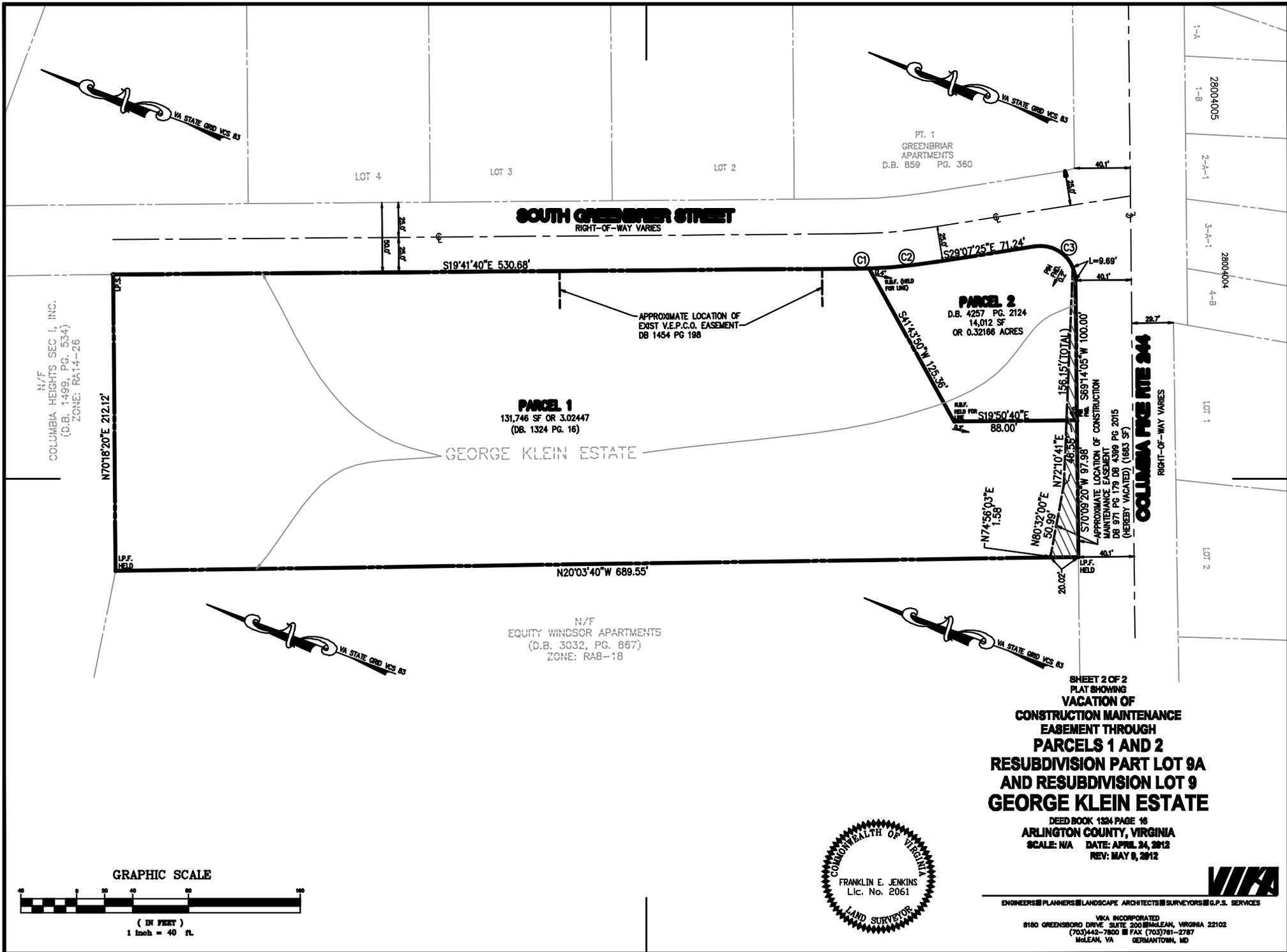
RECOMMENDED FOR APPROVAL:

APPROVED:

PLAT EXAMINER

SUBDIVISION AND BONDS ADMINISTRATOR

P:\Surveys\1183-PROJECTS\663C-1P-1\ang\663c1p1.dwg 6/12/2012 8:45:52 PM EXT

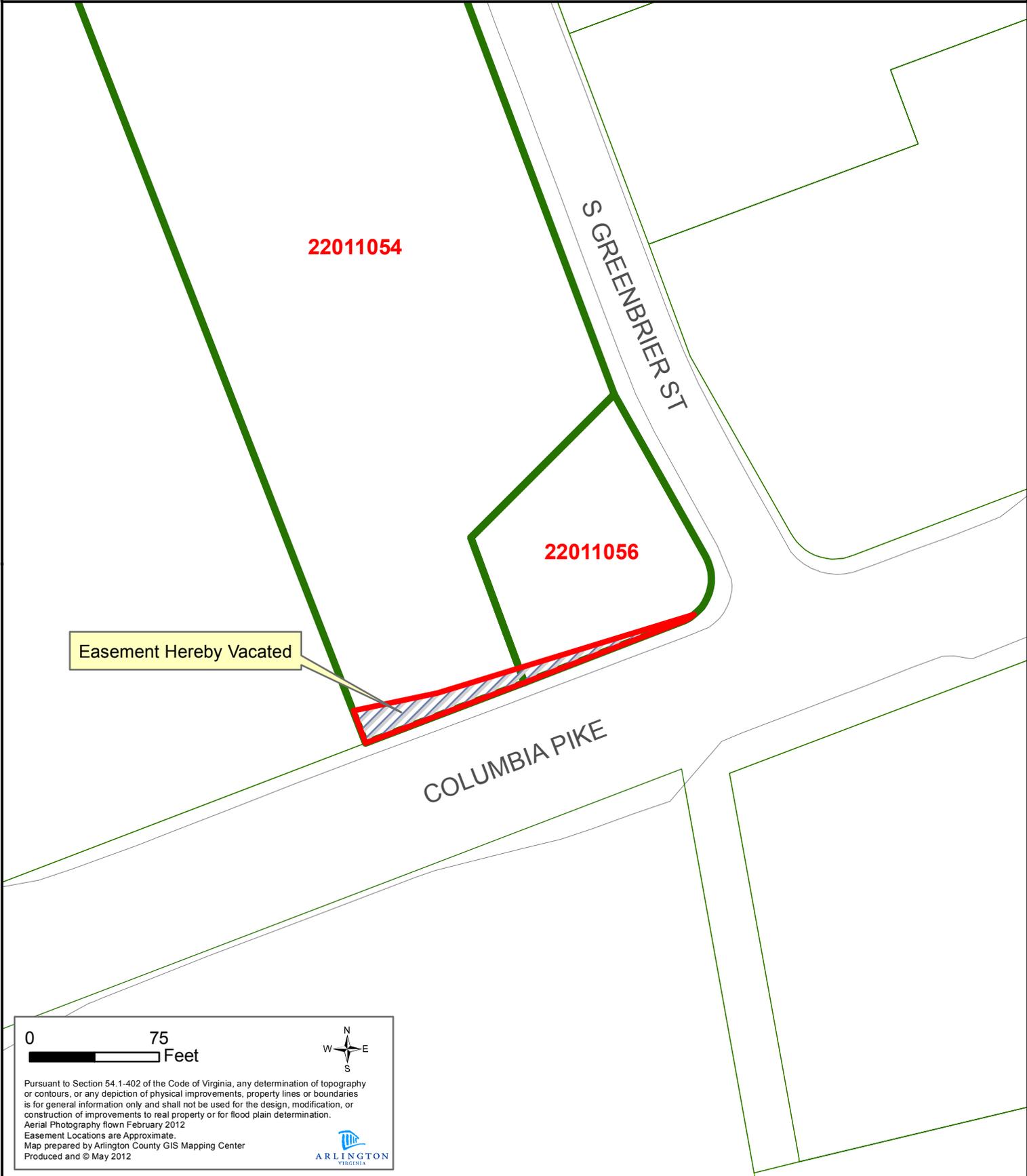


PA-Survey\1120-PROJECTS\666C-HP-Avg\666666.dwg 6/12/2012 8:46:52 PM EST

Vicinity Map

860 S Greenbrier Street & 5511 Columbia Pike

RPC # 22011054 & 22011056



0 75 Feet



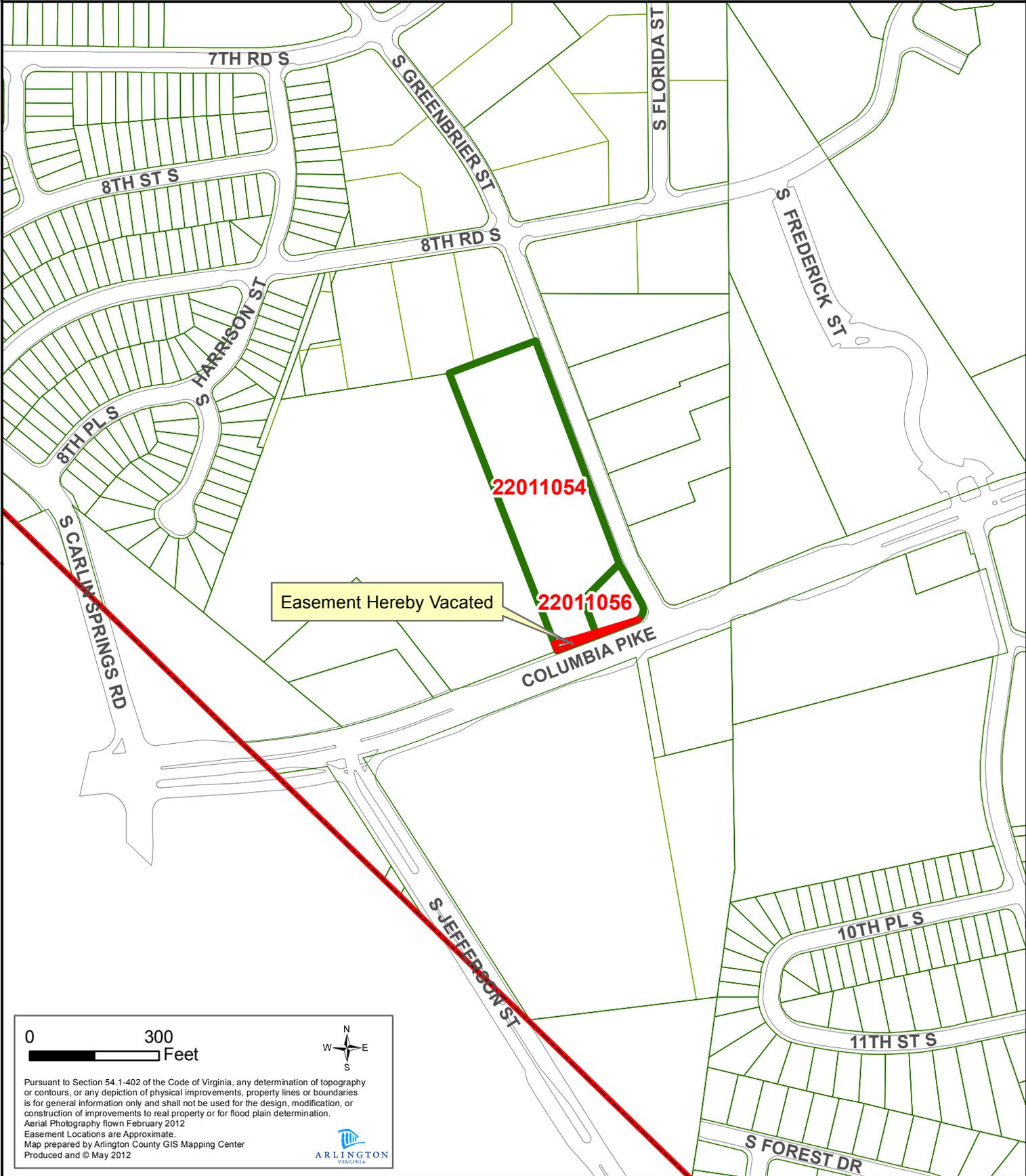
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property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



Vicinity Map

860 S Greenbrier Street & 5511 Columbia Pike

RPC # 22011054 & 22011056



0 300 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 2012. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © May 2012.

