



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 15, 2012

DATE: September 5, 2012

SUBJECT: Enactment of an Ordinance to Vacate two portions of a 25 Foot Public Water Service Easement: 1) one portion, of variable width, located northwest of the intersection of 20th Street South and Crystal Drive; and 2) the second portion, of variable width, located parallel to, and west of, Crystal Drive, between 20th Street South and 18th Street South; both portions located on Parcel X-2A-1A, South Washington Industrial Subdivision, RPC# 34026037, with Conditions.

Owner/Applicant: CESC Mall Land LLC
c/o Vornado/CES
2345 Crystal Drive, Suite 1000
Arlington, VA 22202

CESC Mall LLC
c/o Vornado/CES
2345 Crystal Drive, Suite 1000

By: John G. Milliken, Esquire
Venable LLP
8010 Towers Crescent Drive, Suite 300
Vienna, Virginia 22182

C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance to Vacate two portions of a 25 Foot Public Water Service Easement: 1) one portion, of variable width, located northwest of the intersection of 20th Street South and Crystal Drive; and 2) the second portion, of variable width, located parallel to, and west of, Crystal Drive, between 20th Street South and 18th Street South; both portions located on Parcel X-2A-1A, South Washington Industrial Subdivision, RPC# 34026037, with Conditions.

County Manager:

BMD/GA

County Attorney:

GA *BAK*

40. A.

Staff: Linda Collier & Ryan Johnson—DES, Real Estate Bureau

2. Authorize the Real Estate Bureau Chief, or his designee, to execute the Deed of Vacation, to accept any deeds of easement required or permitted by the Ordinance of Vacation, and to execute all related documents on behalf of the County Board, subject to approval of the Deed of Vacation, as to form, by the County Attorney.

ISSUES: This is a request for the vacation of two portions of an existing 25 foot Public Water Service Easement in order for the Applicant to construct the project that is the subject of Site Plan #56, a mixed-use office tower to be known as 1900 Crystal Drive. As conditions of the ordinance of vacation, the Applicant has agreed, at its own cost and expense, to relocate public water service facilities and infrastructure, and thereafter to grant the County any necessary easements for the relocated public facilities and infrastructure . No outstanding issues have been identified.

SUMMARY: CESC Mall Land LLC and CESC Mall LLC (“Applicant”) have requested the vacation of two portions of an existing 25 Foot Public Water Service Easement (the “Easement”): 1) one portion located northwest of the intersection of 20th Street South and Crystal Drive having a total area of 737.15 square feet; and 2) the second portion located parallel to, and west of, Crystal Drive, between 20th Street South and 18th Street South, 3 having a total area of 97.02 square feet. The vacation of the two portions of the Easement has been requested to facilitate the redevelopment of the block bounded by 18th Street South, South Bell Street, 20th Street South, and Crystal Drive, pursuant to Site Plan #56, as a mixed-use office tower to be known as 1900 Crystal Drive. After the enactment of the Ordinance of Vacation, satisfaction of the conditions contained in the Ordinance, and recordation of the Deed of Vacation, the County’s interest in the vacated portions of the Easement will be extinguished. As a condition of the Ordinance, the Applicant will be required to relocate the public water service utilities and dedicate to the County a new easement for the relocated facilities.

BACKGROUND: In October 2011, the Applicant submitted to the County, for its approval, a 4.1 Site Plan Application, Site Plan #56 (“Site Plan”), for the redevelopment of the block bounded by 18th Street South, South Bell Street, 20th Street South, and Crystal Drive. The Site Plan consists of a new mixed-use office tower building consisting of an approximately 746,465 square foot office tower with retail on the first floor. The Applicant has requested enactment of the attached Ordinance to vacate two portions of the Easement to facilitate the redevelopment of the Property.

The Applicant acquired the subject property (the “Property”) by deed recorded March 4, 1999 in Deed Book 2965, at Page 830 among the land records of Arlington County, Virginia.

The County Board acquired the Easement by Deed of Easements recorded among the land records of Arlington County, Virginia, in Deed Book 3941, at Page 1340 on June 21, 2006.

DISCUSSION: The portions of the Easement to be vacated are depicted on the plat attached to this Board Report as Exhibit “A.” Vicinity maps depicting the location of the project are attached hereto as Exhibit “B”, “C”, and Exhibit “D”.

The Easement contains public water service facilities and infrastructure. The Applicant will be required to relocate such public facilities and infrastructure and grant the County a new easement for the relocated public facilities and infrastructure as conditions of the ordinance of vacation.

After 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 Easement will be extinguished.

Legal and Physical Description: The Property is located in the Crystal City neighborhood of Arlington County, Virginia, and is owned by the Applicant. The current zoning is C-O. The Property is 311,760 sq. ft.

- The applicant acquired the Property by Deed dated March 3, 1999, and recorded March 4, 1999 among the land records of Arlington County, Virginia in Deed Book 2965 at Page 830.
- The County Board acquired the Easement that is the subject of this vacation request by Deed of Easements dated June 21, 2006 (typological error in Deed that should read June 21, 2005) and recorded January 12, 2006 among the land records of Arlington County, Virginia in Deed Book 3941 at Page 1350.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the August 21, 2012 and August 28, 2012 issues of the Washington Times for the Planning Commission meeting of September 4, 2012 and the County Board meeting of September 15, 2012.

Compensation: Staff recommends that no compensation be required from the Applicant. This recommendation follows the current County practice of not requiring compensation for the vacation of public utility easements where the Applicant is required to relocate the public water facilities, at the Applicant's expense, and grant appropriate easements for the new facilities to the County.

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

ORDINANCE TO VACATE TWO PORTIONS OF A 25 FOOT PUBLIC WATER SERVICE EASEMENT: 1) ONE PORTION, OF VARIABLE WIDTH, LOCATED NORTHWEST OF THE INTERSECTION OF 20TH STREET SOUTH AND CRYSTAL DRIVE; AND 2) ONE PORTION, OF VARIABLE WIDTH, LOCATED PARALLEL TO, AND WEST OF, CRYSTAL DRIVE, BETWEEN 20TH STREET SOUTH AND 18TH STREET SOUTH; BOTH PORTIONS LOCATED ON PARCEL X-2A-1A, SOUTH WASHINGTON INDUSTRIAL SUBDIVISION, RPC# 34026037, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by CESC Mall Land LLC c/o Lisa Marier Vornado/CES (“Applicant”), on file in the offices of the Department of Environmental Services, the following two portions of a 25 Foot Public Water Service Easement: 1) One portion northwest of the intersection of 20th Street South and Crystal Drive having a total area of 737.15 square feet; and 2) the second portion, located parallel to, and west of, Crystal Drive, between 20th Street South and 18th Street South having a total area of 97.02 square feet; both portions located on Parcel X-2A-1A, South Washington Industrial Subdivision, and created by Deed of Easements dated June 21, 2006, and recorded in Deed Book 3941, at Page 1350, among the land records of Arlington County, Virginia, which portions of the 25 Foot Public Water Service Easement (“Easement”) are shown on the plat entitled “Plat Showing Vacation of Water Service Easement, Deed Book 3941, Page 1350, Arlington County, Virginia”, dated February 15, 2012, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s report dated August 27, 2012, as Exhibit “A”, are hereby vacated, subject to the following conditions:

1. The Applicant shall submit, for review and approval, to the Department of Environmental Services (“DES”), a utility relocation and engineering design plan for the construction, relocation, removal, and/or replacement of any and all public facilities and infrastructure located in whole or in part, within the 25 Foot Public Water Service Easement vacated by this Ordinance of Vacation (“Plan”), which Plan shall be in compliance with the Arlington County Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.
2. The Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, acceptable to the County Manager, in an amount and in form, as determined by and acceptable to the County Manager, or her designee, to secure the construction, relocation, removal, and/or replacement of any and all existing public facilities and infrastructure pursuant to the approved Plan.
3. The Applicant shall remove, relocate and reconstruct, or cause to be removed, relocated and reconstructed, at Applicant’s sole cause and expense, all public facilities and infrastructure of the County existing at the time of recordation of the Deed of Vacation within the portions of the Easement vacated by this Ordinance. All public utilities facilities and infrastructure removed shall be relocated or reconstructed with new facilities and infrastructure, and related appurtenant facilities, of size, dimension, and location acceptable to the County, in accordance with the approved Plan and, all applicable laws, ordinances, regulations and policies.

4. The Applicant shall dedicate and convey, without compensation from the County, any and all new utility easements, required by the County Manager, or her designee, in a form acceptable to the County Manager and approved by the County Attorney.
5. 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 by the County Manager, or her designee, and approval as to form by the County Attorney.
6. The Applicant shall pay all fees, including the fees for review, approval, and recording of all required documents associated with the Ordinance of Vacation.
7. The Applicant shall record the Deed of Vacation, all plats, subject to the approval of the County Manager, or her designee, and approval as to form by the County Attorney.
8. The Applicant shall record a copy of this Ordinance of Vacation among the Land Records.
9. All conditions of the Ordinance of Vacation shall be met by noon on September 15, 2015, or this Ordinance of Vacation shall become null and void without the necessity of any further action by the County Board.

Vicinity Map 1900 Crystal Drive RPC # 34026037

EXHIBIT B

18TH ST. S.

S. BELL ST.

25' Public Water Service
Easement to be vacated

25' Public Water Service
Easement to be vacated

20TH ST. S.

CRYSTAL DR.

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 2012

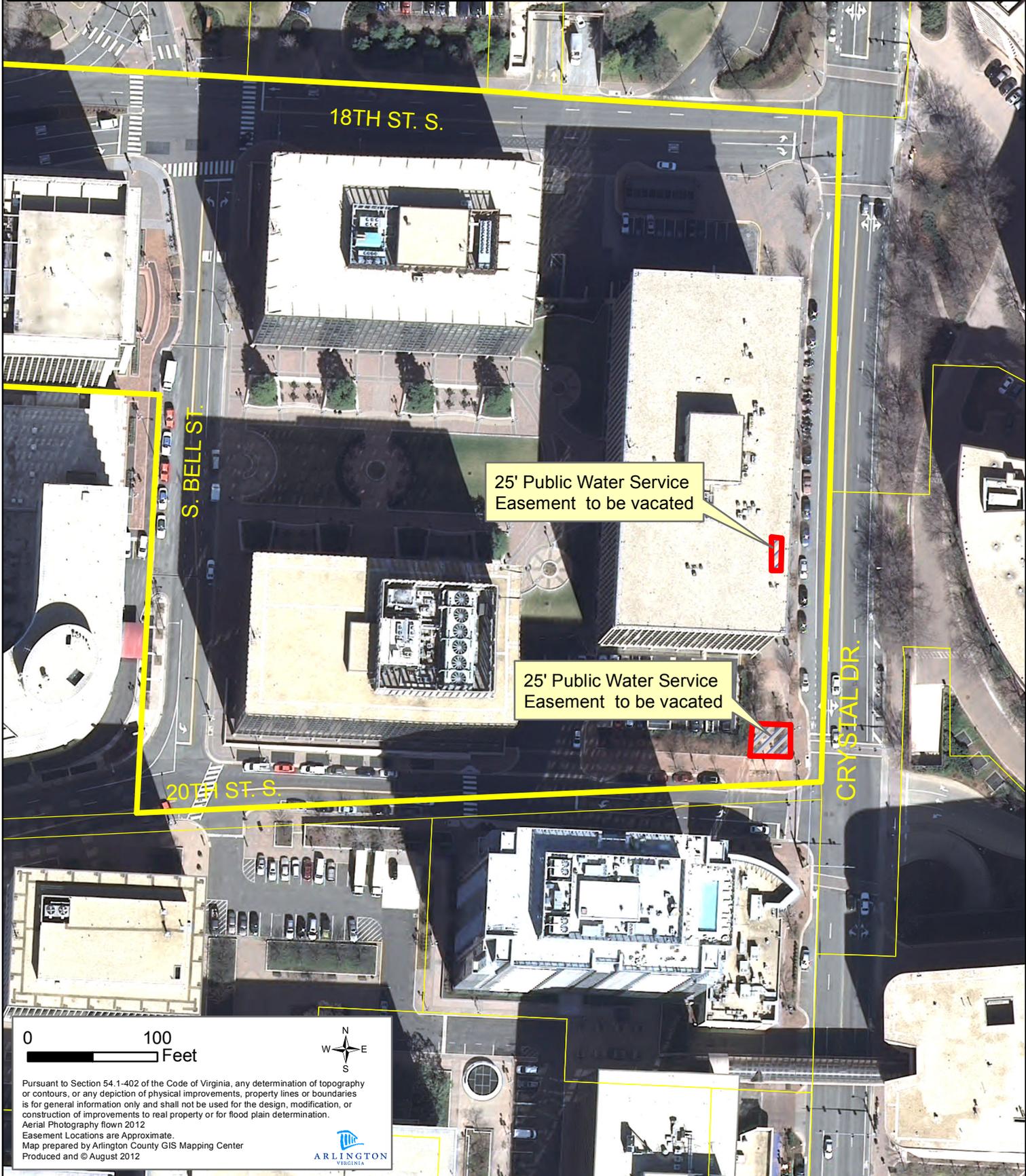
Easement Locations are Approximate.

Map prepared by Arlington County GIS Mapping Center

Produced and © August 2012



Vicinity Map 1900 Crystal Drive RPC # 34026037



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

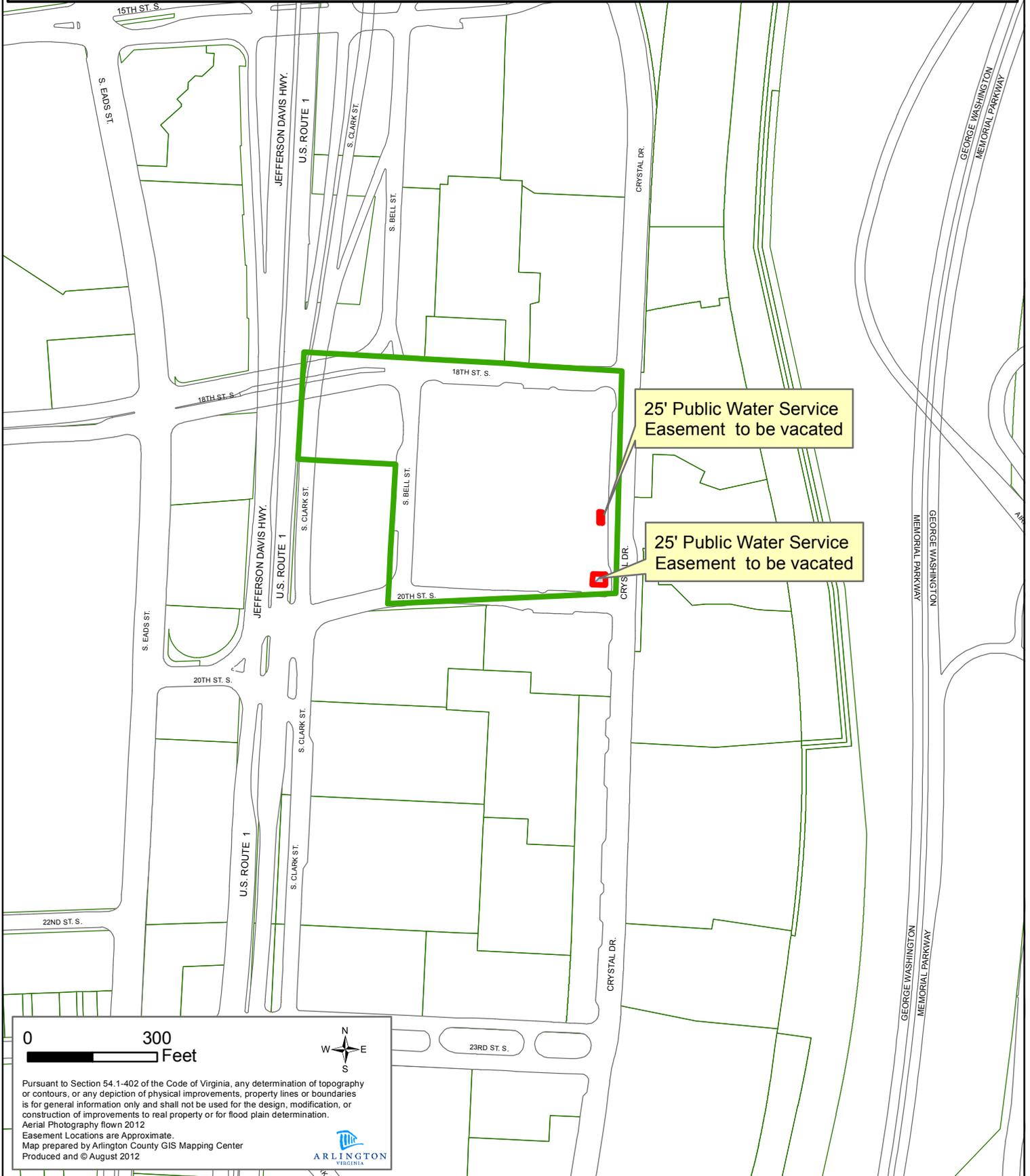


Vicinity Map

1900 Crystal Drive

RPC # 34026037

EXHIBIT D



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 2012

Easement Locations are Approximate.

Map prepared by Arlington County GIS Mapping Center

Produced and © August 2012

