



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 8, 2007**

**DATE:** August 20, 2007

**SUBJECT:** Enactment of an Ordinance to Allow an Encroachment of a Pedestrian Bridge Over the Right-of Way of Yorktown Boulevard, Between 26<sup>th</sup> Street and N. Glebe Road, Adjacent to and Connecting a Parcel of Property Owned by Marymount University, RPC No. 03065001 with Parcel A, An Abandoned Portion of Yorktown Boulevard, RPC No. 03047217, with Conditions.

**Applicant:** Marymount University

**Owner:** Marymount University

**By:** Abby C. Denham, Esquire  
Walsh Colucci Lubeley Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

### **C. M. RECOMMENDATIONS:**

1. Enact the attached Ordinance to Allow an Encroachment of a Pedestrian Bridge Over the Right-of Way of Yorktown Boulevard, Between 26<sup>th</sup> Street and N. Glebe Road, Adjacent to and Connecting a Parcel of Property Owned by Marymount University by Deed Recorded at Deed Book 2501, Page 1729, RPC No. 03065001 with Parcel A, An Abandoned Portion of Yorktown Boulevard, RPC No. 03047217, with Conditions; and
2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, all documents necessary to effectuate the Ordinance, subject to approval as to form by the County Attorney.

**ISSUES:** None.

**SUMMARY:** Marymount University has requested permission to encroach over the County's right-of-way for Yorktown Boulevard to permit construction of a pedestrian bridge, consistent with the development plans submitted as part of the Use Permit Amendment approved by the County Board on July 7, 2007. The proposed encroachment would be located over Yorktown Boulevard, between 26<sup>th</sup> Street and N. Glebe Road, adjacent to a parcel of property owned by

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Linda Eichelbaum Collier, DES, Real Estate Bureau

Marymount University, and connecting said parcel to another parcel also owned by Marymount University. If enacted, the requested encroachment ordinance would continue in effect until the pedestrian bridge is destroyed, removed, no longer in use or not continuously and promptly maintained by the applicant.

**BACKGROUND:** On July 7, 2007, the County Board approved the Use Permit, which permits the Applicant to construct additional classrooms, faculty offices, academic space, laboratories, dorm rooms, accessory uses and parking at 2807 N. Glebe Rd., 4655 N. 26<sup>th</sup> Street, said property bounded by Old Dominion Drive, Yorktown Boulevard and N. 26<sup>th</sup> Street, RPC Nos. 03065001, 03047001 and 03047217 (“Property”).

Condition #59 of the Use Permit requires the developer, “to construct the 10 foot wide pedestrian bridge, spanning over Yorktown Boulevard, to connect the project site to the main campus of Marymount University.” Condition #59 further requires that construction of the pedestrian bridge is subject to the developer reaching agreement with the County concerning all appropriate encroachments and permits, and that the developer, “submit the appropriate encroachment request to Department of Environmental Services and obtain approval of such request from the County Board prior to the issuance of the Clearing, Grading and Demolition Permit.”

Pursuant to the requirements of Condition #59, the developer (Marymount University) filed an Application for Encroachment, dated June 18, 2007, to permit construction of the pedestrian bridge over Yorktown Boulevard.

**DISCUSSION:** The proposed pedestrian bridge would encroach above the public right-of-way to connect the plaza level of the newly approved building (located on RPC No. 03065001), with a gazebo, located on the ground level of the main campus of Marymount. (See attached Exhibit B for a Vicinity Map.) The proposed encroachment area comprises 723 square feet or 0.01661 of an acre and is more particularly shown on a plat entitled “Proposed Encroachment Area Thru Yorktown Boulevard, Arlington County, Virginia”, prepared by Dewberry & Davis LLC, dated December, 2006 (three pages) and Exhibit attached thereto (jointly “Plat”), attached hereto as Exhibit A (“Encroachment Area”). The bottom side of the proposed bridge would be 24.5 feet above the crown of Yorktown Boulevard. For comparison purposes, the existing Old Dominion Drive Bridge clearance over Yorktown Boulevard is approximately 14.25 feet.

**Legal and Physical Description:** The Yorktown Boulevard right-of-way was created by deeds recorded at Deed Book 1470, Page 556 and Deed Book 1538, Page 294, among the land records of Arlington County, Virginia.

**Public Notice:** Public notice was given in accordance with the Code of Virginia. Notices were placed in the August 21, 2007, and August 28, 2007, issues of the Washington Times for the September 8, 2007, County Board Meeting.

**Compensation:** Based upon the assessed value of the surrounding land and the nature of the requested encroachment (for use of airspace above the surface of the public right-of-way), County staff has determined that the amount of fair compensation to the County for the

encroachment should be \$9,000.00. The Applicant has agreed to pay \$9,000.00 as compensation to the County for the encroachment as set forth on the Plat.

**FISCAL IMPACT:** The amount of \$9,000.00, received as compensation for the Encroachment Area, will be deposited in the County's General Fund.

**CONCLUSION:** It is recommended that the County Board enact the following:

Ordinance to Allow an Encroachment of a Pedestrian Bridge Over the Right-of Way of Yorktown Boulevard, Between 26<sup>th</sup> Street and N. Glebe Road, Adjacent to and Connecting a Parcel of Property Owned by Marymount University by Deed Recorded at Deed Book 2501, Page 1729, RPC No. 03065001 with Parcel A, An Abandoned Portion of Yorktown Boulevard, RPC No. 03047217, with Conditions. (Attached hereto as Attachment 1).