



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 13, 2007

DATE: October 11, 2007

SUBJECT: Approval of a License Agreement Between the County Board of Arlington County, Virginia, as Licensor, and George Contis, as Licensee, to Grant Permission to Use County Property, Known As Lot 9 and Part Lot 11, Block 1, Wharton's Addition to Fort Myer Heights, Arlington County, Virginia, RPC #17010010.

C. M. RECOMMENDATIONS:

1. Approve the License Agreement ("License Agreement") between the County Board of Arlington County, Virginia (the "County"), as Licensor, and George Contis (the "Licensee"), as Licensee, concerning use of County property, known as Lot 9 and Part Lot 11, Block 1, Wharton's Addition to Fort Myer Heights, Arlington County, Virginia, RPC #17010010 (the "County Parcel"), such License Agreement being attached hereto as Exhibit A;
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County, the License Agreement and all related documents regarding the License Agreement, subject to approval of the License Agreement as to form by the County Attorney.

ISSUE: None.

SUMMARY: Under the terms of the License Agreement, the County would grant the Licensee permission to enter onto and use the County Parcel, as shown on the Vicinity Map attached as Exhibit B for the following uses: 1) to stage the construction of the development on Licensee's adjacent parcels pursuant to Site Plan Number 409 ("SP #409"); and, 2) to construct and install on street, sidewalk, curb and gutter on the County Parcel to extend North Quinn Street between Wilson Boulevard and Clarendon Boulevard, as required per conditions of SP #409. The Licensee has agreed, as consideration for this License Agreement, to, among other things, waive its rights to obtain permits to use the right-of-way of Wilson Boulevard and Clarendon Boulevard for the same purposes for which it can use the County Parcel. This will result in less disruption of traffic on Wilson Boulevard and Clarendon Boulevard during construction.

BACKGROUND: The Licensee is the owner of several parcels adjacent to the County Parcel, herein referred to as the "Contis Parcels." The Licensee has submitted an Administrative Regulation 4.1 Site Plan, SP #409, to the County for the development of the Contis Parcels. The County purchased the County Parcel on June 4, 2007, for the purpose of extending North Quinn

County Manager: _____
County Attorney: _____
Staff: Michael R. Halewski, Real Estate Specialist – DES, Real Estate Bureau

Street between Wilson Boulevard and Clarendon Boulevard. As required by Condition 79 of SP #409, the Licensee agrees to construct and install the public street, sidewalk, curb and gutter improvements (the “Public Improvements”) on the County Parcel, which improvements will constitute the North Quinn Street extension between Wilson Boulevard and Clarendon Boulevard. This License Agreement is granted to the Licensee to effectuate that construction and installation. The Licensee also will be permitted to engage in construction staging on the County Parcel for construction of the Public Improvements and for the use of the County Parcel for development of the adjacent Contis Parcels. The Licensee will waive its right to obtain permits from the County to do work or stage construction in the right-of-way of Wilson Boulevard and Clarendon Boulevard that can be performed from the County Parcel. This will reduce the impact of the construction on the traffic on Wilson Boulevard and Clarendon Boulevard.

DISCUSSION: This License Agreement permits the Licensee: 1) for staging for the Public Improvements and the construction of the development on Licensee’s adjacent parcels pursuant to Site Plan Number 409 (“SP #409”); and, 2) to construct and install on street, sidewalk, curb and gutter on the County Parcel to extend North Quinn Street between Wilson Boulevard and Clarendon Boulevard, as required per conditions of SP #409. The proposed License Agreement includes the following provisions:

- The County grants Licensee a license to use County property, known as Lot 9 and Part Lot 11, Block 1, Wharton’s Addition to Fort Myer Heights, Arlington County, Virginia, RPC #17010010.
- The Permitted Uses for which Licensee may use the County Parcel are: 1) for staging for the Public Improvements and the construction of the development on Licensee’s adjacent parcels pursuant to Site Plan Number 409 (“SP #409”); and, 2) to construct and install on street, sidewalk, curb and gutter on the County Parcel to extend North Quinn Street between Wilson Boulevard and Clarendon Boulevard, as required per conditions of SP #409.
- The Licensee, as consideration for this License Agreement, among other things, waives its right to obtain permits from the County to perform work or stage construction operations pursuant to SP #409 in the right-of-way of Wilson Boulevard or Clarendon Boulevard, which work or construction staging is otherwise permitted and can be performed on or from the County Parcel (i.e. is a Permitted Use of the County Parcel per the License Agreement).
- The License Agreement expires upon the County’s acceptance of the Public Improvements, and other public improvements required to be constructed or installed by Licensee pursuant to SP #409, as such acceptance is evidenced by the County’s release of the required bond by the County Subdivision and Bonds Administrator. Upon expiration or termination of this License Agreement, Licensee agrees to terminate its use of the County Property and vacate all areas of the County Property.

- The Licensee agrees to be fully liable during the term of the License Agreement, for any and all damages and losses arising from the terms of the License Agreement and to defend, indemnify and hold harmless the County for any such damages or losses.
- During the term of the License Agreement, and for on year thereafter, the Licensee is required to obtain and maintain commercial general liability insurance with a minimum amount of not less than \$2,000,000 per occurrence, and must name the County as an additional insured.

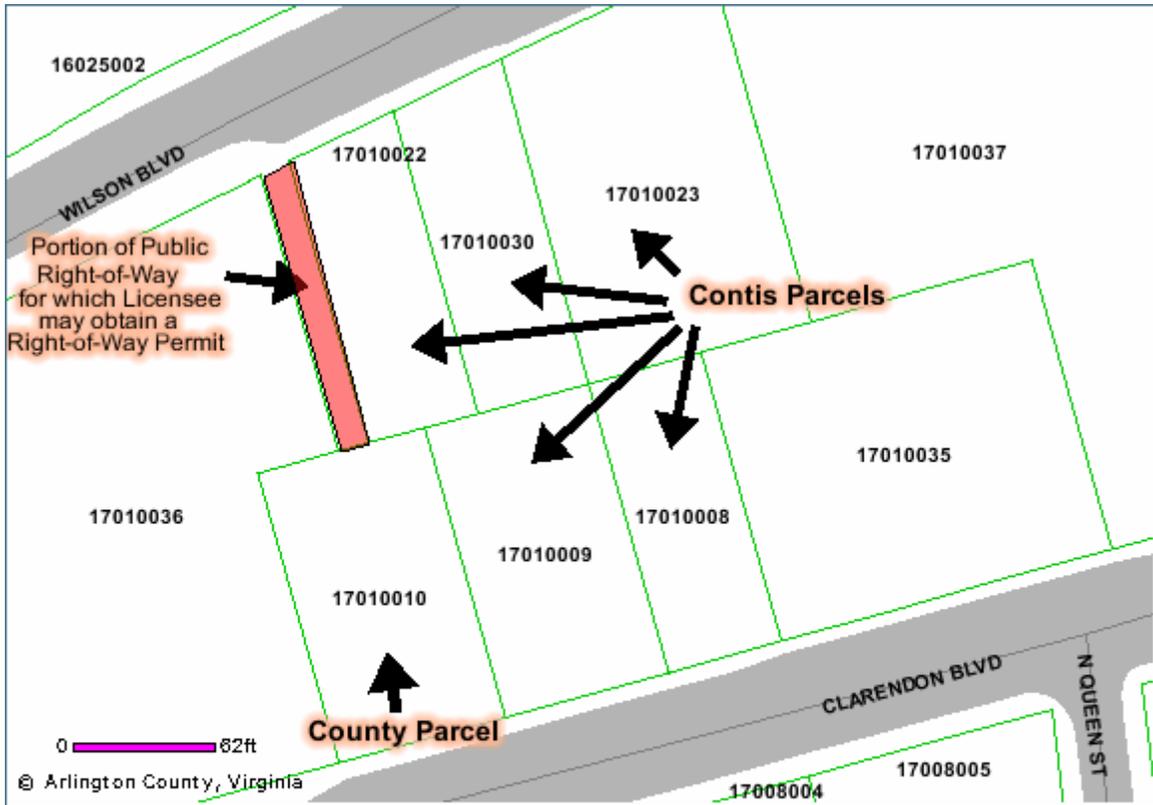
It is recommended that the County Board approve the attached License Agreement and authorize the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County Board, the License Agreement and all related documents, subject to approval as to form by the County Attorney.

FISCAL IMPACT: None.

EXHIBIT A

[TO BE INSERTED]

EXHIBIT B
VICINITY MAP



License Agreement
George Contis (per Condition 79 of SP #409)
1721 Clarendon Boulevard, Arlington Virginia (RPC #17010010)

October 13, 2007