



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 26, 2008**

DATE: January 8, 2008

SUBJECT: Enactment of an Ordinance to Vacate A Portion of an Easement for Public Street & Utilities Purposes Located Along Wilson Boulevard at its Intersection with North Rhodes Street, on the Northerly Portion of Part Lot 5, and the Northeasterly Portion of Part Lot 6, Washington View, Property of the National Science Teachers Association (RPC #17011023), with Conditions.

Applicant/ Owner: National Science Teachers Association

By: Nan E. Walsh, Esq.
Walsh, Collucci, Lubeley, Emerich, & Walsh, PC
2200 Clarendon Boulevard
Arlington, VA 22201

C.M. RECOMMENDATIONS:

1. Enact the Attached Ordinance to Vacate a Portion of an Easement for Public Street and Utilities Purposes Located Along Wilson Boulevard at its Intersection with North Rhodes Street, on the Northerly Portion of Part Lot 5, and the Northeasterly Portion of Part Lot 6, Washington View, Property of the National Science Teachers Association (RPC #17011023), with Conditions; and
2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his Designee, to Execute, on Behalf of the County Board, the Deed of Vacation, and to Accept on Behalf of the County Board all Easements Required by Conditions of the Ordinance, Subject to Approval as to Form by the County Attorney.

ISSUE: This is a routine application to vacate a portion of an easement for public street and utilities purposes to allow construction of Site Plan #382 ("SP #382"). No outstanding issues have been identified as part of this application.

County Manager: _____

County Attorney: _____

Staff: Kevin Connolly, Real Estate Bureau, Department of Environmental Services

SUMMARY: The Applicant has requested the vacation of a portion of an easement for public street and utility purposes (“Easement”) located along Wilson Boulevard upon or adjacent to RPC# 17011023. The proposed vacation would facilitate the implementation of approved plans to retain an approximately 46,080 square foot office structure and construct an approximately 70,245 square new office structure with ground floor retail/restaurant and a conference facility, as proposed in SP # 382, adopted by the County Board on November 16, 2005. More specifically, the Applicant has requested the vacation of an approximately one hundred and sixty square foot (160 Sq Ft) portion of an easement for public street and utility purposes located along Wilson Boulevard at its intersection with North Rhodes Street, on the northerly portion of Part Lot 5, and the northeasterly portion of Part Lot 6, Washington View, property of the National Science Teachers Association known as 1801 and 1805 Clarendon Boulevard (RPC# 17011023), with conditions. The vacation has been requested by the Applicant to facilitate the construction of an underground parking garage, as part of SP #382.

Upon enactment of the Ordinance, satisfaction by the Applicant on the applicable conditions, and recordation by the Applicant of the Deed of Vacation before the expiration of the Ordinance, the County’s interest in the vacated portion of the Public Street and utilities easement will be extinguished.

BACKGROUND: The portion of the Easement to be vacated forms part of the site plan area of the approved NSTA Development, SP# 382. The site plan area is currently improved by three buildings; a four story office building (NSTA), a two story commercial building (Il Radicchio), and a one story commercial building (Rhodeside Grill). The Applicant’s plan for the redevelopment of the site, SP #382, was approved by the County Board on November 16, 2005. The redevelopment of the site area includes the retention of the existing four story office building (NSTA) and the construction of an additional 70,245 square feet of new office with ground floor retail/restaurant, parking, loading bays, and a conference facility. A portion of the parking garage and approved building to be constructed in compliance with the approved SP #382 would be located within the portion of the Easement to be vacated.

The portion of the Easement to be vacated is situated at the northwest corner of the development area, along Wilson Boulevard at its intersection with North Rhodes Street, spanning the North portion of Lot 105 and the northeasterly portion of Lot 106, Washington View.

DISCUSSION: The portion of the Easement to be vacated, as shown in Exhibit A attached hereto, forms part of an easement for public street and utility purposes. The entire easement area runs across portions of Lot 5 and Lot 6, Washington View with frontage on Wilson Boulevard, North Rhodes Street and Clarendon Boulevard. The Easement was created through a Deed of Easement dated August 24, 1973 and was recorded in Deed book 1840 at Page 27 among the Land records of Arlington County, Virginia.

If vacated, the portion of the Easement to be vacated shall be used for the location of an underground garage and above-grade improvements for SP#382. The location of the underground garage and above grade improvements are to be built in accordance with the approved conditions of SP# 382.

Legal and Physical Description: The subject right-of-way was created by the recordation of a Deed of Easement dated August 24, 1973, recorded on October 3, 1973 Deed Book 1840, at Page 27. The portion of the Easement requested to be vacated, is shown on a plat attached to this report as Exhibit A, entitled “Plat Showing The Vacation of a Portion of A Public Street & Utility Purposes Easement Deed Book 1840, Page 27 on Part of Lot 5 and Part of Lot 6 Washington View Deed Book K-4, Page 335 Arlington County, Virginia”. The area of the portion of the Easement requested to be vacated is approximately 160 square feet.

Public Notice: Public notice of the proposed vacation was given in accord with the Code of Virginia. Notices were placed in the January 2, 2008 and January 9, 2008 issues of the Washington Times for the Planning Commission Meeting of January 14, 2008 County Board Meeting of January 26, 2008.

Compensation: The Applicant has agreed to pay the amount of \$16,723 to the County in consideration for the vacation of the portion of the Easement to be vacated. This amount, determined on a square foot basis, is 90% of the 2007 assessed value of the underlying property. The County staff has determined that such amount is reasonable compensation for the County property interest.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to vacate a portion of an easement for public street and utilities purposes located along Wilson Boulevard at its intersection with North Rhodes Street, on the northerly portion of Part Lot 5, and the northeasterly portion of Part Lot 6, Washington View, property of the National Science Teachers Association (RPC #17011023), with conditions (“Attachment 1”).

ATTACHMENT 1

ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET & UTILITY PURPOSES LOCATED ALONG WILSON BOULEVARD AT ITS INTERSECTION WITH NORTH RHODES STREET, ON THE NORTHERLY PORTION OF PART OF LOT 5, AND THE NORTHEASTERLY PORTION OF PART LOT 6, WASHINGTON VIEW, PROPERTY OF THE NATIONAL SCIENCE TEACHERS ASSOCIATION, AT 1801 & 1805 CLARENDON BOULEVARD, SITE PLAN #382 (RPC#17011023), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request by The National Science Teachers Association (Applicant”) on file in the Department of Environmental Services, a 160 Square Foot portion of an Easement for Public Street & Utility Purposes (“Easement”), established by a Deed of Easement dated August 24, 1973, and recorded in Deed Book 1840 at Page 27 among the land records of Arlington County, Virginia, as shown on the plat attached to the County Manager’s January 8, 2008 report as Exhibit “A”, entitled “Plat Showing The Vacation of a Portion of A Public Street & Utility Purposes Easement Deed Book 1840, Page 27 on Part of Lot 5 and Part of Lot 6 Washington View Deed Book K-4, Page 335 Arlington County, Virginia” prepared by Vika, Inc., dated September 23, 2007 (the “Plat”) is hereby vacated, subject to the following conditions:

1. The Applicant/ Property Owner shall prepare and submit to the County for review and approval all required plat and the Deed(s) of Vacation subject to approval by the County Manager, or his designee, as to substance, and approval as to form by the County Attorney.
2. The Applicant/ Property Owner shall record all plats and the Deed(s) of Vacation required by the conditions of this Ordinance among the land records of the Clerk of the Circuit Court of Arlington County.
3. The Applicant shall pay to the County compensation in the amount of \$16,723 for vacation of the Easement. The compensation of \$16,723 for the vacated the Easement will be deposited in the County’s General Fund.
4. The Applicant/Property Owner shall pay all fees, including the fees for review, approval and recordation of the required documents associated with the Ordinance of Vacation.
5. All conditions of the Ordinance of Vacation must be met by noon on November 16, 2008, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A

PLAT SHOWING THE VACATION OF A PORTION OF A OF A PUBLIC STREET & UTILITIES PURPOSES EASEMENT DEED BOOK 1840, PAGE 27 ON PART OF LOT 5 AND PART OF LOT 6 WASHINGTON VIEW DEED BOOK K-4, PAGE 335 ARLINGTON COUNTY, VIRGINIA

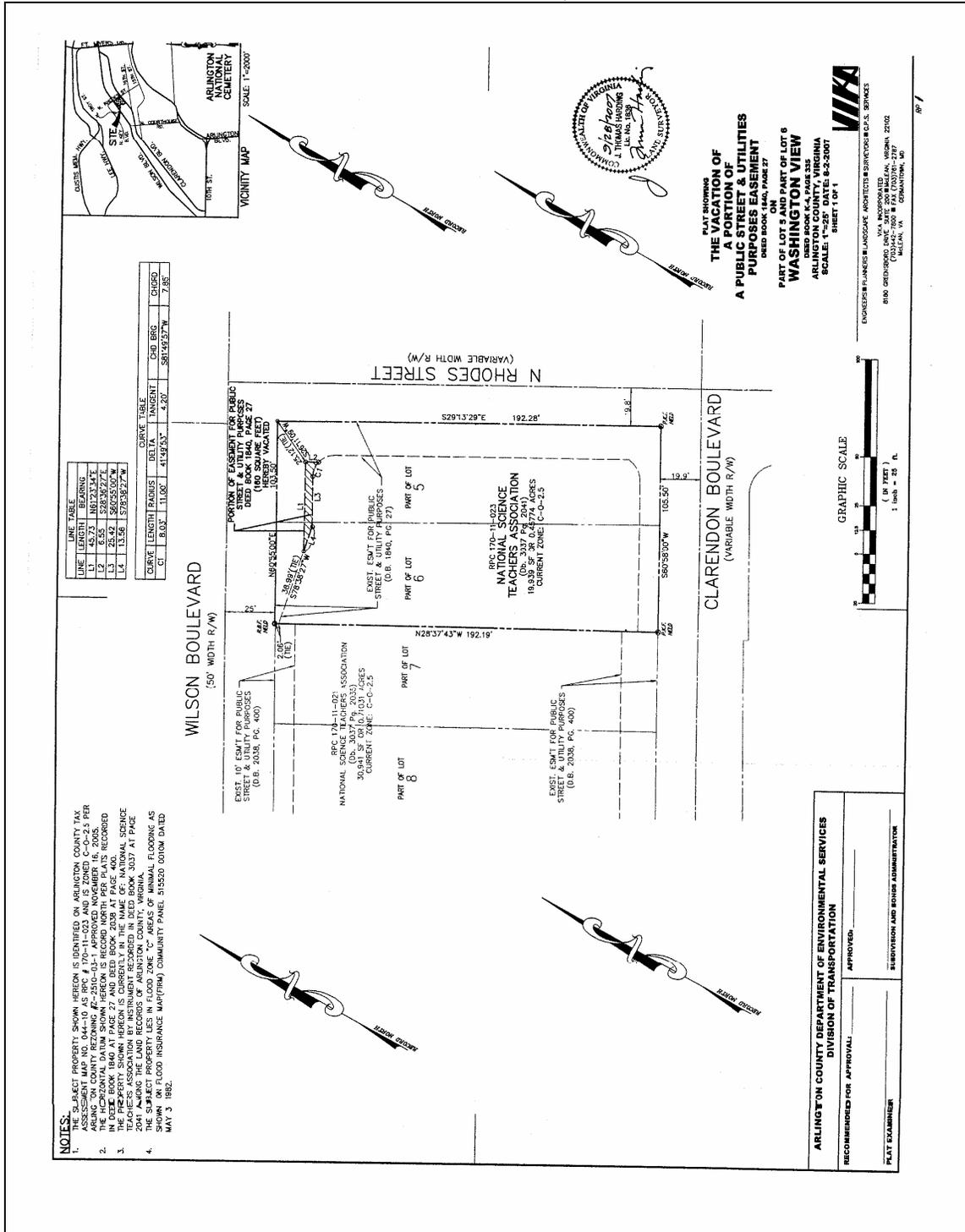
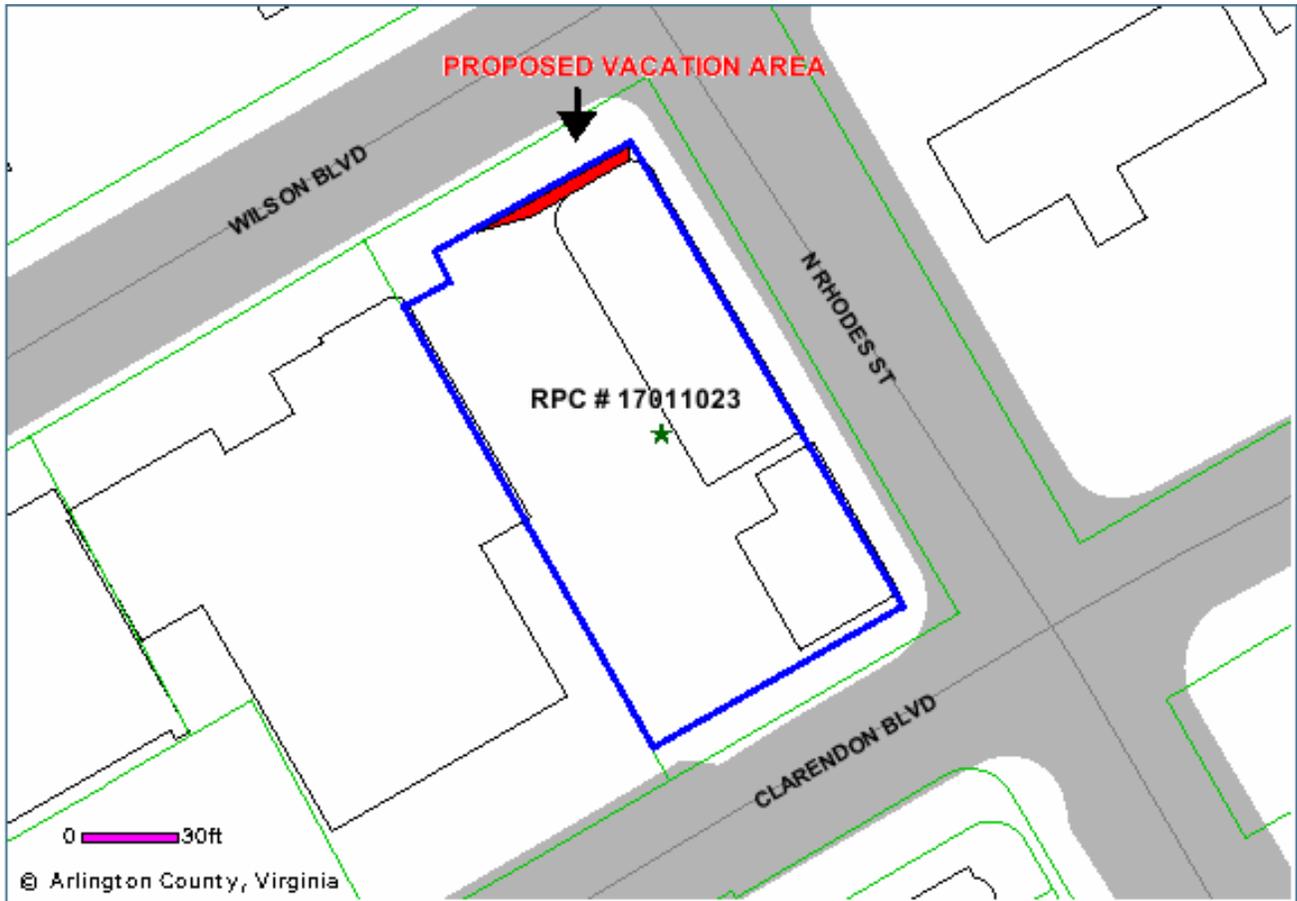


EXHIBIT B

**VICINITY MAP SHOWING SUBJECT PROPERTY LOCATION
ON WHICH
PUBLIC RIGHT-OF-WAY AREA IS PROPOSED BE VACATED**



The red area on the schematic indicates the Proposed Vacation Area.

The blue area on the schematic indicates periphery of site area for proposed
Redevelopment pursuant to SP # 382.

Vicinity Map

Washington View
(1801 & 1805 Clarendon Blvd)