



ARLINGTON COUNTY, VIRGINIA

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

DATE: January 8, 2008

SUBJECT: Enactment of an Ordinance to Vacate Non Contiguous Portions of an Easement for Sanitary Sewer and Gas Pipeline Purposes, Located within Lyon's Addition to Clarendon, Block F, Parcel "A" and Block F, Outlot A, RPC #s 18013007 and 18013008, with Conditions

Applicant: Saul Holdings, LP

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 Non Contiguous Portions of an Easement for Sanitary Sewer and Gas Pipeline Purposes, Located within Lyon's Addition to Clarendon, Block F, Parcel "A" and Block F, Outlot A, RPC #s 18013007 and 18013008, with Conditions.
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 all Related Documents Regarding the Above Described Ordinance, Subject to Approval of such Deed and Related Documents as to Form by the County Attorney.

ISSUES: This is a routine request to enact an Ordinance to vacate non contiguous portions of an easement for sanitary sewer and gas pipeline purposes to allow construction of Site Plan #397 ("SP #397"). No issues have been identified.

SUMMARY: Saul Holdings, LP (the "Applicant") has requested the vacation of an easement for sanitary sewer and gas pipeline purposes that runs the length of a vacated alley. The Applicant has requested the vacation to accommodate the approved SP# 397, to redevelop the two blocks bounded by Wilson Boulevard, North Highland Street, 11th Street and North Garfield Street.

County Manager: _____

County Attorney: _____

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

BACKGROUND: The Applicant plans to redevelop property bounded by Wilson Boulevard, North Highland Street, 11th Street North and North Garfield Street (“Property”). The Applicant obtained the approval from the County Board for a site plan to redevelop the Property at the County Board’s recessed meeting on June 13, 2006. The approved SP #397, is applicable to two blocks; a north block (Block “E”, Lyons Addition to Clarendon) and a south block (Block “F”, Lyons Addition to Clarendon). The north block is to contain a six-story office building with ground floor retail and a three-level parking garage. The south block is to contain a twelve-story residential tower and a nine-story office building, with first floor retail and a four-level parking garage. (See Attached Exhibit B for Vicinity Map). As part of the approved redevelopment, the Applicant has requested the vacation of an existing sanitary sewer and gas pipeline easement located in block “F”, Lyons Addition to Clarendon.

One of the parcels abutting the easement area that will benefit by the vacation of the Easement, (RPC 18013010), is owned by the Leadership Institute, a Virginia non-profit corporation, (“Leadership Institute”). The Leadership Institute has consented to the vacation by letter on file with County Staff.

DISCUSSION: The subject easement was created when the County vacated its fee interest in an alley located in block “F” Lyon’s Addition to Clarendon. When the fee interest in the alley was vacated the County retained an easement for an existing sanitary sewer and gas pipeline, as shown in Exhibit A attached hereto. The Applicant now requests that the County vacate said easement, as designated on the plat entitled “Vacation of Gas Easement Parcel “A” Block F and Vacation of Sanitary Sewer Easements Parcel “A” and Outlot A Block F”, prepared by Bowman Consulting, Ltd., dated November 17, 2006, and attached hereto as Exhibit B, to permit redevelopment in accordance with the approved SP #397.

The existing sanitary sewer and gas pipeline easement area contains both a Washington Gas pipeline and a sanitary sewer line. Upon enactment of the Ordinance of Vacation, attached hereto as Attachment 1, the County will vacate the easement and abandon any right, title and interest, if any, that the County may have in the facilities existing therein. The Washington Gas pipeline has been abandoned in place and is no longer in use or needed by Washington Gas. The sanitary sewer line located in the easement area serves only the parcels owned by the Applicant and the Leadership Institute. The Ordinance requires, and the Applicant and the Leadership Institute have agreed, to assume responsibility for the private ownership, maintenance and repair of the sanitary sewer line located in the easement to be vacated.

Upon enactment of the Ordinance of Vacation, satisfaction by the Applicant of the applicable conditions and recordation of the Deed of Vacation before the expiration of the Ordinance, the County’s interest in the sanitary sewer and gas pipeline easement shall be vacated and any right, title and interest, if any, the County has in the facilities therein, shall be extinguished.

Legal and Physical Description: The Easement for an existing sanitary sewer and gas pipeline was created by Deed of Vacation recorded in Deed Book 1966, Page 1143, among the land records of Arlington County, Virginia.

Public Notice: Public notice was given in accordance with the code of Virginia. Notice were placed in the January 2, 2008, January 9, issues of the Washington Times for the January 26, 2008 County Board Meeting.

Compensation: In keeping with the County's current policy in effect of not requiring compensation for the vacation of public utility easements as part of new development or redevelopment, no compensation has been requested for the vacation of the proposed vacation area.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the Ordinance to vacate an Ordinance to vacate non contiguous portions of an Easement for Sanitary Sewer and Gas Pipeline Purposes, Located within Lyon's Addition to Clarendon, Block F, Parcel "A" and Block F, Outlot A, RPC #s 18013007 and 18013008, with Conditions.

ATTACHMENT 1

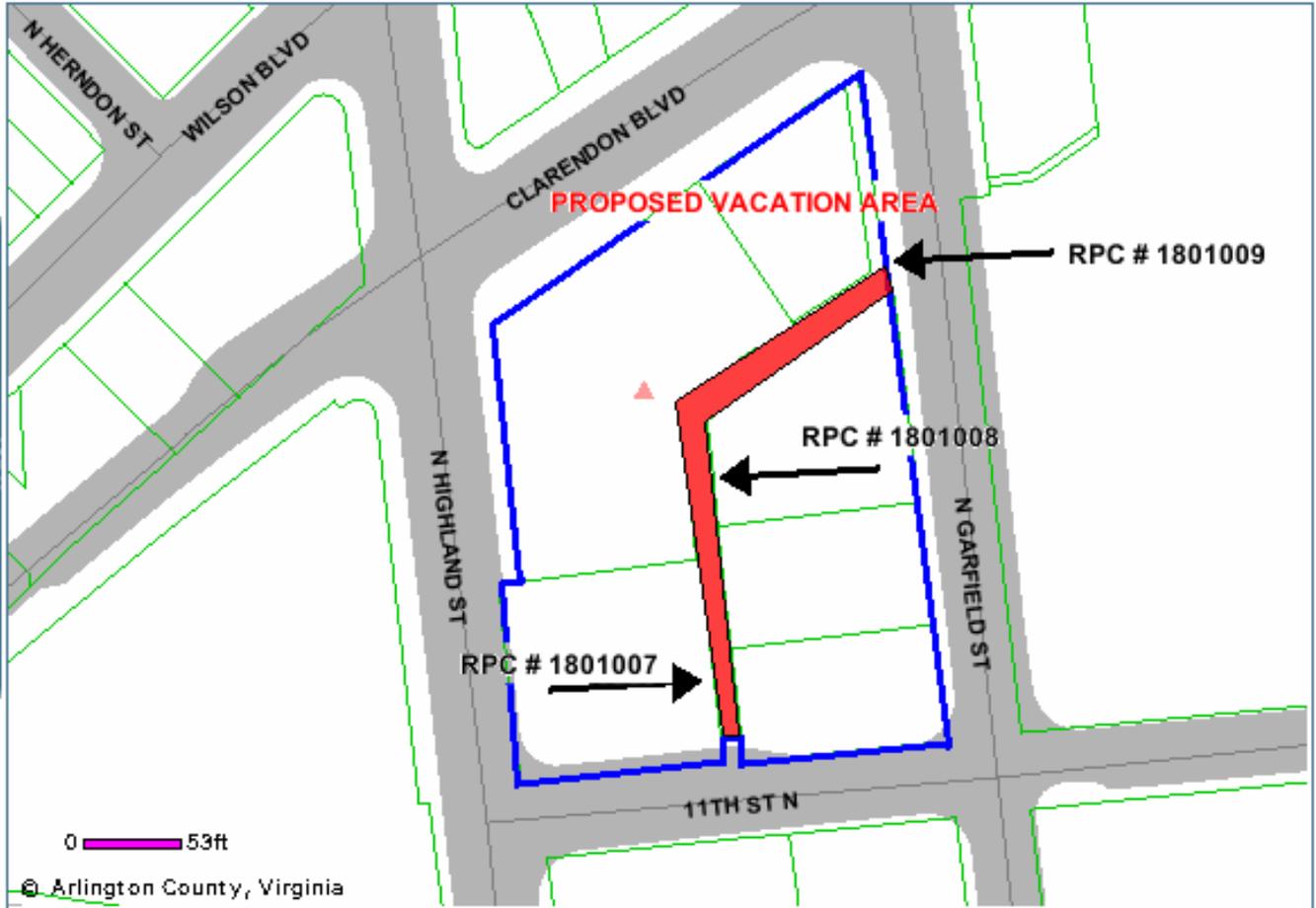
AN ORDINANCE TO VACATE NON CONTIGUOUS PORTIONS OF AN EASEMENT FOR SANITARY SEWER AND GAS PIPELINE PURPOSES, LOCATED WITHIN LYON'S ADDITION TO CLARENDON, BLOCK F, PARCEL "A" AND BLOCK F, OUTLOT A, RPC # S 18013007 AND 18013008, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Saul Holdings, LP ("Applicant"), on file in the offices of the Department of Environmental Services, that an Easement for Sanitary Sewer and Gas Pipeline, located in non contiguous portions of Lyon's Addition to Clarendon, Block F, Parcel "A" and Block F, Outlot A, RPC # s 18013007 and 18013008, as depicted in the plat attached as Exhibit A to the Manager's January 8, 2008 Report, is hereby vacated, subject to the following conditions:

1. In vacating the easement for an existing sanitary sewer and gas pipeline, the County conveys all right, title and interest, if any, which the County may have in the sanitary sewer lines and facilities existing within the boundaries of the vacated easement;
2. That the Applicant, its successors and assigns, and the Leadership Institute, its successors and assigns, shall assume responsibility for private maintenance and repair of the sanitary sewer line located within the easement herein vacated. Maintenance and repair of the sanitary sewer line located within the easement area shall occur in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies;
3. The Applicant/ Property Owner shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, and all required plats, subject to approval thereof as to form by the County Attorney;
4. The Applicant/ Property Owner shall record all plats, the Deed(s) of Vacation, among the land records of the Clerk of the Circuit Court of Arlington County;
5. The Applicant/ Property Owner shall pay all fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation; and
6. All conditions of the Ordinance of Vacation shall be met by noon on June 13, 2009, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT B

VICINITY MAP SHOWING SUBJECT PROPERTY LOCATION
ON WHICH
EASEMENT AREA IS PROPOSED BE VACATED



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

The blue area on the schematic indicates the periphery of block "F" of the area proposed for Redevelopment pursuant to SP # 397