



## ARLINGTON COUNTY, VIRGINIA

<b>County Board Agenda Item Meeting of January 26, 2008</b>
---

**DATE:** January 14, 2008

**SUBJECT:** Enactment of an Ordinance of Vacation to Vacate a Portion of an Easement for Public Street, Utilities and Bus Passenger Shelter Purposes, 1815 N. Fort Myer Drive, Pt. Lot 3, Lots 5, 6 and 7, Block 9, Rosslyn, and The Herrell Tract, RPC No. 16037004, with Conditions.

**Applicant/Owner:** 1812 Holdings, LLC, c/o Monday Properties Services, LLC

**By:** Nan E. Walsh, Agent/Attorney  
Walsh Colucci Lubeley Emrich & Walsh PC  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

### **C. M. RECOMMENDATION:**

1. Enact the attached Ordinance of Vacation to Vacate a Portion of an Easement for Public Street, Utilities and Bus Passenger Shelter Purposes, 1815 N. Fort Myer Drive, Pt. Lot 3, Lots 5, 6 and 7, Block 9, Rosslyn, and The Herrell Tract, RPC No. 16037004, with Conditions.
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 of Vacation, subject to approval as to form by the County Attorney.

**ISSUES:** This is a request for the vacation of a portion of an Easement for Public Street, Utilities and Bus Shelter Passenger purposes to enable construction of the project approved by the County Board on December 15, 2007 in a major site plan amendment to Site Plan #18.

**SUMMARY:** To enable construction of the project depicted on Site Plan #18, approved by the County Board on December 15, 2007, the Applicant has requested enactment of an Ordinance of Vacation to Vacate a Portion of an Easement for Public Street, Utilities and Bus Passenger Shelter Purposes, 1815 N. Fort Myer Drive, Pt. Lot 3, Lots 5, 6 and 7, Block 9, Rosslyn, and The Herrell Tract, RPC No. 16037004, with Conditions (“Ordinance of Vacation”).

County Manager: _____
County Attorney: _____
Staff: Linda Eichelbaum Collier, Real Estate Bureau, DES

With the enactment of the Ordinance of Vacation and upon satisfaction of the conditions contained therein, including recordation of the Deed of Vacation, the County's interests in the vacated portion of the easement for public street and utilities purposes will be extinguished.

**BACKGROUND:** The subject site is located in Rosslyn, on the two northern most parcels of the block bounded by North Moore Street, 19<sup>th</sup> Street North, North Fort Myer Drive and Wilson Boulevard ("Property"). (See Vicinity Map attached hereto as Exhibit B). In conjunction with plans for redevelopment of the Property, the Applicant filed a major site plan amendment to Site Plan #18 ("SP #18"), which was approved by the Board on December 15, 2007 and provides for construction of a 30 story office building containing 569,739 square feet of commercial use and 11,020 square feet of retail GFA. To construct the building approved on the site plan, Applicant requested the vacation of a 679 square foot portion ("Easement Area") of an easement for Public Street, Utilities and Bus Passenger Shelter purposes ("Easement"), as depicted on a plat entitled "Plat Showing Area "A," Vacation of a Portion of a (sic) Existing Easement for Public Street, Utilities, and Bus Passenger Shelter Purposes, Deed Book 2002, Page 851 on Lots Pt Lot 3, and 5 thru 7, Block 9 – Rosslyn, Deed Book 105, Page 275 and Herrell Tract, Deed Book 138, Page 165, Arlington County, Virginia," dated November 21, 2007, and revised January 9, 2008, prepared by VIKA ("Plat") and attached hereto as Exhibit A. There are no County utility lines located within the area proposed to be vacated.

The County acquired the Easement by Deed, dated November 9, 1979, recorded at Deed Book 2002, Page 851, among the land records of Arlington County, Virginia on November 30, 1979.

**DISCUSSION:** The Easement has to be vacated before the Applicant can construct the building set forth on the approved amendment to SP #18. Conditions Number 1, 14 and 89 of SP #18 require the Applicant to obtain a vacation before the issuance of specified permits. Applicant has therefore requested the Board to vacate the 679 square foot portion of the Easement along North Moore Street as depicted on the Plat so that the building wall can be located in the Easement Area. In addition, Applicant has requested various encroachments from the Board, which are the subject of a separate Board Report. There are no County utility lines located within the portion of the Easement to be vacated and therefore, no issues concerning relocation of lines. There is a sewer line to the west of the Easement area that will be relocated by the Applicant as part of the construction of the site plan.

Legal and Physical Description: The Easement and the portion that is the subject of this vacation request are described on the Plat attached as Exhibit A. The Property is located in Rosslyn and consists of the two northernmost parcels of property on the block bounded by North Moore Street, 19<sup>th</sup> Street North, Fort Myer Drive and Wilson Boulevard and is identified in the Arlington County Real Estate Records by RPC Nos. 16037004 and 16037005. The County acquired the Easement by a Deed, dated November 9, 1979, recorded at Deed Book 2002, Page 851, among the land records of Arlington County, Virginia on November 30, 1979.

Compensation: Based upon the fair market value of the property requested to be vacated, the staff has determined the compensation, to be paid to the County by the Applicant, to be \$105,045.00. The Applicant has agreed with the staff's recommendation and has agreed to pay the County \$105,045.00 in compensation for the County's property interest to be vacated.

Public Notice: Public notice of the proposed vacation was given in accordance with the Code of Virginia. Notices were placed in the December 31, 2007 and the January 7, 2008 issues of the Washington Times for the Planning Commission Meeting on January 14, 2008 and the County Board Meeting of January 26, 2008.

**FISCAL IMPACT:** The amount of \$105,045.00, received as compensation for the Ordinance of Vacation, will be deposited in the County's General Fund.

**CONCLUSION:** It is recommended that the County Board enact the Ordinance of Vacation to Vacate a Portion of an Easement for Public Street, Utilities and Bus Passenger Shelter Purposes, 1815 N. Fort Myer Drive, Pt. Lot 3, Lots 5, 6 and 7, Block 9, Rosslyn, and The Herrell Tract, RPC No. 16037004, with Conditions.

## ATTACHMENT 1

### **AN ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC STREET, UTILITIES AND BUS PASSENGER SHELTER PURPOSES, 1815 N. FORT MYER DRIVE, PT. LOT 3, LOTS 5, 6 AND 7, BLOCK 9, ROSSLYN, AND THE HERRELL TRACT, RPC NO. 16037004, WITH CONDITIONS.**

BE IT ORDAINED that, pursuant to a request by 1812 Holdings, LLC, c/o Monday Properties Services, LLC (“Applicant/Property Owner”), on file in the offices of the Department of Environmental Services, a 679 square foot portion of an Easement for Public Street and Utilities Purposes (“Easement”), 1815 N. Fort Myer Drive, Pt. Lot 3, Lots 5, 6 and 7, Block 9, Rosslyn, and the Herrell Tract, RPC No. 16037004, which portion of the Easement is located within the Property known as 1815 N. Forth Myer Drive, RPC #16037004, and was created by a Deed, dated November 9, 1979, recorded at Deed Book 2002, Page 851 among the land records of Arlington County Virginia on November 30, 1979, and which portion of the Easement is shown on a plat entitled “Plat Showing Area “A,” Vacation of a Portion of a (sic) Existing Easement for Public Street, Utilities, and Bus Passenger Shelter Purposes, Deed Book 2002, Page 851 on Lots Pt Lot 3, and 5 thru 7, Block 9 – Rosslyn, Deed Book 105, Page 275 and Herrell Tract, Deed Book 138, Page 165, Arlington County, Virginia,” dated November 21, 2007, and revised January 9, 2008, prepared by VIKI (“Plat”) and attached to the County Manager’s January 14, 2008 report as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Applicant /Property Owner shall prepare and submit to Arlington County (“County”) for review and approval, the Deed of Vacation and all required plats, subject to approval thereof by the County Manager, or his designee, as to substance, and approval of the deeds, as to form, by the County Attorney.
2. 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.
3. The Applicant/Property Owner agrees to pay to the County the sum of \$105,045.00 as compensation for the portion of the Easement vacated by this Ordinance of Vacation.
4. The Applicant/Property Owner shall record all plats and the Deed of Vacation required by this Condition among the land records of the Clerk of the Circuit Court of Arlington County.
5. All conditions of the Ordinance of Vacation shall be met by noon on January 26, 2011, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.



# Vicinity Map

1812 N Moore Street  
Vacation & Encroachments



Map prepared by Arlington County GIS Mapping Center  
Arlington County maintains this data for reference purposes only,  
and shall not be construed as a legal document.  
Map © 2007 Arlington County, VA  
Printed: December 2007

