



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of January 26, 2007

DATE: January 14, 2008

SUBJECT: Approval, as Part of Virginia Department of Transportation (VDOT) funded Improvements to the Intersection of Arlington Boulevard and Fairfax Drive, of the Subdivision of County Board-Owned Parcel RPC #18084001 (the "Property") and the Dedication of a Portion of the Property for Public Street and Utilities Purposes; Approval of a Resolution Granting a Density Credit to Parcel 1 of the Subdivided Property for the Dedication of the 7,183 Square Foot Portion of the Property Dedicated for Public Street and Utilities Purposes; and Approval of a Right of Entry for VDOT to Enter the Property for the Purposes of Constructing Improvements to the Intersection of Route 50 and North Fairfax Drive.

C. M. RECOMMENDATIONS:

1. Approve, as part of Virginia Department of Transportation (VDOT) funded improvements to the intersection of Arlington Boulevard and Fairfax Drive, the subdivision of the County Board-owned parcel RPC #1808400 (the "Property"), and the dedication of a portion of the Property for public street and utility purposes, both in accordance with the plat attached hereto as Exhibit A;
2. Approve the resolution attached hereto as Exhibit B, granting a density credit to Parcel 1 of the subdivided Property for the dedication of the 7,183 square foot portion of the Property for public street and utilities purposes;
3. Approve the Right of Entry attached hereto as Exhibit C, giving VDOT the right to enter the Property for the purposes of constructing improvements to the intersection of Route 50 and North Fairfax Drive; and
4. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to execute the Right of Entry, and all deeds and other documents necessary to subdivide the Property and dedicate a portion of the Property for public street and utilities purposes, subject to the approval of such documents as to form by the County Attorney.

County Manager: _____

County Attorney: _____

Staff: Kevin Connolly, DES, Real Estate Bureau

Report Date: 1/14/2008

ISSUE: The requested actions are to facilitate the construction of planned County transportation improvements to the Route 50/Fairfax Drive intersection, and are being funded and constructed by VDOT for the County. No outstanding issues have been identified relevant to this request

SUMMARY: This is a request to approve the subdivision of the County owned parcel at the intersection of Arlington Boulevard and Fairfax Drive, RPC #180840010 (“Property”) and dedication of a portion of the Property for public street and utility purposes (see Exhibit A). The subdivision and dedication will establish the public street and facilitate the construction of planned County transportation improvements to the Route 50/Fairfax Drive intersection to be funded and constructed by VDOT for the County. A density credit, requested by County’s Department of Human Services (DHS), and authorized by Section 36L of the County’s Zoning Ordinance, will permit the County to retain the density from the area dedicated for street and utilities purposes for potential future use, with subdivided Parcel 1, for affordable housing. Approval of the attached Right of Entry (Exhibit C) will authorize VDOT to enter the Property to stage and construct the planned intersection improvements.

BACKGROUND: VDOT is scheduled to commence work in the near future on the reconfiguration of Arlington Boulevard between Courthouse Road and 10th Street, as part of VDOT’s ongoing construction of improvements to the Route 50 Arlington Boulevard right-of-way corridor. The reconfiguration has been designed to improve the intersection of these roads by correcting certain deficiencies in the present design. At Arlington County’s initiative, as part of the planned reconfiguration, VDOT has agreed to redevelop the intersection of Fairfax Drive at Arlington Boulevard to realign the current curvilinear intersection of Fairfax Drive and Arlington Boulevard into a T-intersection. The planned reconfiguration will include the relocation of an underground Washington Gas Light Company gas line (“Gas Line”) from the median to the County-owned Property.

The Property was conveyed to the County to satisfy conditions of an Amendment to Site Plan #75 (SP #75, approved at the County Board’s regular meeting in April 2005), primarily to facilitate the future reconfiguration of Fairfax Drive and Arlington Boulevard into a T-intersection. The Property is currently leased to the developer of SP #75 as a parking/staging area for the ongoing construction of SP #75. However, the lease specifically provides that its terms are subject to any written determination by the Virginia Department of Transportation (VDOT) that it is necessary for VDOT to enter onto and/or use the Leased Premises [the Property], or any portion thereof, for construction of a revised intersection for Fairfax Drive at its entrance to Arlington Boulevard and sidewalk improvements to Fairfax Drive. The Property is bounded on the west by the Woodbury Park apartment development, on the east by Arlington Boulevard, and on the north by Fairfax Drive.

DISCUSSION: Dedication of a portion of the Property for public street and utilities purposes, to permit realignment of the intersection, will be accomplished by a deed and plat subdividing the Property into two distinct parcels: Parcel 1 (12,153 square feet in area) and Parcel 2 (187 square feet in area); and dedicating the remaining portion of the Property (7,183 square feet in area), situated between and abutting the subdivided parcels, for public street and utilities purposes, all as shown on the attached Exhibit A .

At the request of County DHS staff, in order to preserve the density associated with the proposed dedication for potential future use for potential affordable housing projects, it is recommended by County staff that a density credit be granted by the County Board for the portion of the property to be dedicated for public street and utilities purposes. The density credit would be applied/given to the subdivided Parcel 1, as shown on the plat attached hereto as Exhibit A. The recommended density credit is permitted by Section 36L [Density Credit] of the Arlington County Zoning Ordinance, upon the following findings, all of which are applicable to the recommended dedication, and are recited in the attached resolution (Exhibit B):

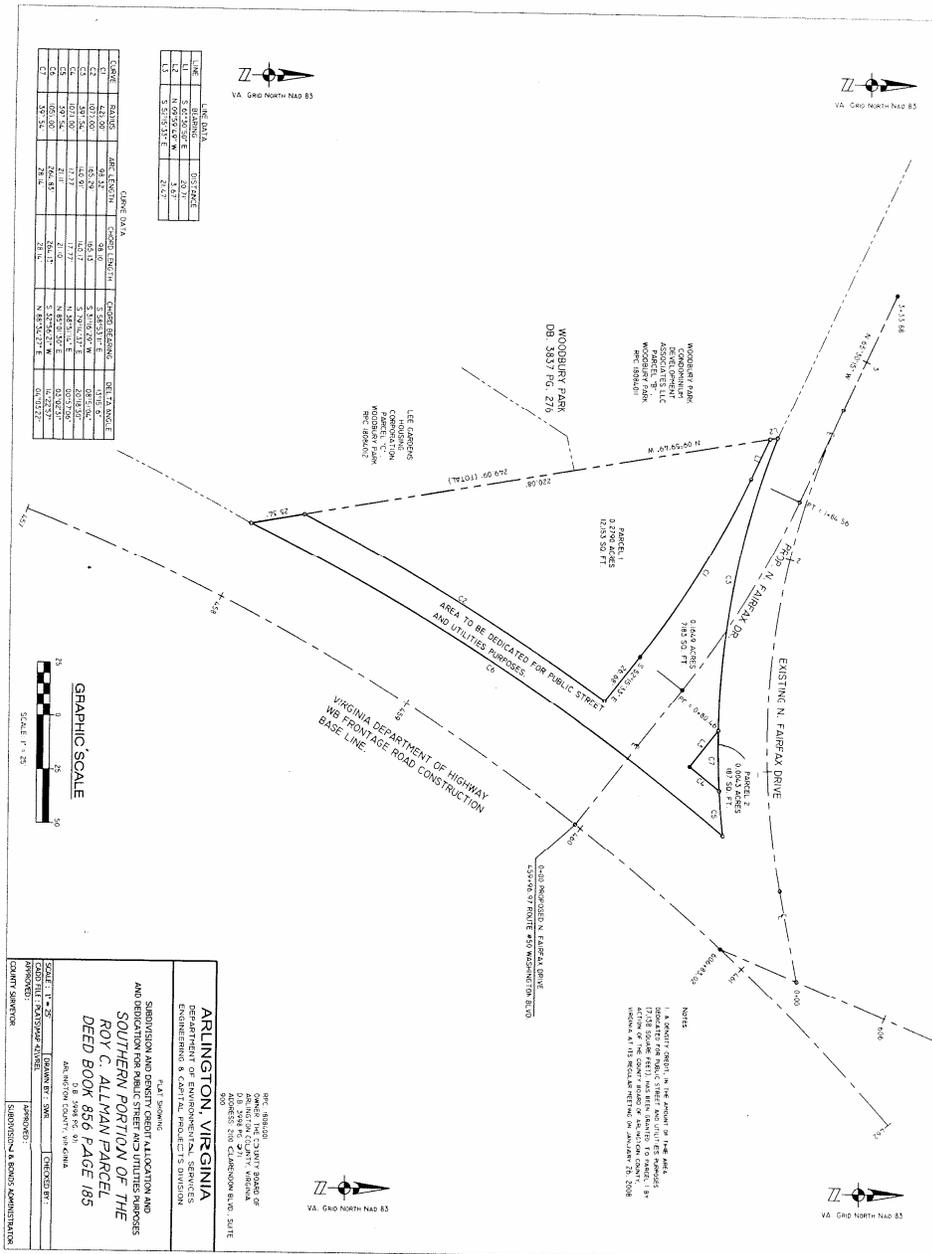
- The portion of the Property to be dedicated for public street and utilities purposes is needed by the County for a public use (i.e., public street and utility purposes);
- The portion of the Property to be dedicated for said public purposes is suitable in location, size, shape, condition and topography for such public purposes;
- There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other;
- The portion of the Property to be dedicated for such public purposes is in accordance with the County's Comprehensive Plan and the dedication of such portion of the Property will contribute to the implementation of County Board approved transportation plans; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except the granting of the density credit.

VDOT's work on the realignment of the Fairfax Drive intersection and the undergrounding of the Gas Line will also require the County Board to approve and executed the attached Right of Entry (Exhibit C) on the Property, for the purposes of VDOT's staging and construction of the planned improvements to the intersection. The Gas Line will be undergrounded in the newly dedicated County right of way by permit.

FISCAL IMPACT: None.

EXHIBIT A

County Subdivision and Dedication Plat for the Property



Subdivision and Dedication
County Owned Parcel at Fairfax Dr. & Arlington Blvd. RPC #18084001

EXHIBIT B

RESOLUTION GRANTING DENSITY CREDIT

WHEREAS, the County Manager has recommended that, in conjunction with the County's subdivision of County property located at the intersection of Arlington Boulevard and Fairfax Drive, RPC #18084001 (the "Property") and the dedication of a portion of the Property for public use, the County Board grant a density credit pursuant to Section 36.L of the Arlington County Zoning Ordinance in the amount of 7,183 square feet (the area of the Property being dedicated for public street and utilities purposes) to the subdivided Parcel 1 of the Property as shown on the attached County Subdivision and Dedication Plat for the Property; and

WHEREAS, upon consideration of the report of the County Manager dated January 14, 2008, and other information presented at the time of consideration of this matter, the County Board finds that:

- The portion of the Property to be dedicated for public street and utilities purposes is needed by the County for a public use (i.e., public street and utility purposes);
- The portion of the Property to be dedicated for said public purposes is suitable in location, size, shape, condition and topography for such public purposes;
- There are no encumbrances, title restrictions, or survey exceptions to such portion of the Property that would restrict, adversely affect, or otherwise interfere with public use of said portion of the Property for such public purpose or any other;
- The portion of the Property to be dedicated for such public purposes is in accordance with the County's Comprehensive Plan and the dedication of such portion of the Property will contribute to the implementation of County Board approved transportation plans; and
- The portion of the Property for which density credit is to be granted will be dedicated to the County Board without monetary or other compensation except the granting of the density credit.

NOW, THEREFORE, BE IT RESOLVED, that in conjunction with the County's subdivision of the Property and the dedication of a portion of the Property for public use, the County Board, pursuant to Section 36.L of the Arlington County Zoning Ordinance, hereby grants a density credit in the amount of 7,183 square feet to the subdivided Parcel 1 of the Property as referenced in the attached County Subdivision and Dedication Plat for the Property.

EXHIBIT C

VDOT Right of Entry

RIGHT OF ENTRY

Route: 50
State Project: 0050-000-V18-R201
Federal Project: STP-5401(682)
County: Arlington
PPMS I.D.: 13531

RIGHT OF WAY - Property of: The County Board of Arlington County, Virginia
Parcel 103 (RPC # 18084007) ("Property")

To: S. A. Waymack, Director
Right of Way and Utilities Division

State project plans (0050-000-V18-R201) for the construction and improvements to Route 50 have been fully explained to us, and we are fully aware of the effects on our Property. We, the undersigned landowner grant to the Commonwealth of Virginia, Department of Transportation (hereinafter called VDOT), it's agents or assigns, permission to enter upon our Property for the purpose of constructing and improving Route 50, and North Fairfax Drive within the areas shown on the plan sheets of the subject project plans.

The County Board of Arlington County, Virginia reserves all rights, title and interest in and to the right of way to be occupied by VDOT, and nothing contained herein shall prejudice the County's rights in any way. There is no fee taking of any of the subject Property necessary for this project, and all temporary easements or entry rights to VDOT shall terminate at the completion of the project.

THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA

BY: _____

DATE _____

ATTACHMENT 1

Vicinity Map

Deleted: ¶

