



ARLINGTON COUNTY, VIRGINIA

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

DATE: January 7, 2008

SUBJECT: Enactment of An Ordinance to Vacate: 1) a Fifteen (15) Foot Public Sidewalk and Utilities Easement Which Runs North to South on Parcels Known as 2207 N. Pershing Drive and 2211 N. Pershing Drive, RPC No. 18038019, with Conditions; and 2) a Five (5) Foot Sanitary Sewer Easement Which Runs East to West Along the Northern Portion on Parcels Known as 2207 through 2233 N. Pershing Drive, RPC No. 18038019, With Conditions.

Applicant: Arlington Pershing, LLC c/o Abbey Road Property Group, LLC

Owner: Arlington Building & Development, LLC

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

C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance of Vacation to Vacate: 1) a Fifteen (15) Foot Public Sidewalk and Utilities Easement Which Runs North to South on Parcels Known as 2207 N. Pershing Drive and 2211 N. Pershing Drive, RPC No. 18038019, with Conditions; and 2) a Five (5) Foot Sanitary Sewer Easement Which Runs East to West Along the Northern Portion on Parcels Known as 2207 through 2233 N. Pershing Drive, RPC No. 18038019, 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, the Deed or Deeds of Vacation and all documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

ISSUES: The Applicant has requested the vacation ordinance in order to construct Site Plan #406. If Site Plan #406 is not approved by the County Board, then the vacation ordinance is no longer necessary and should not be enacted.

County Manager: _____

County Attorney: _____

Staff: Linda Collier, Real Estate Bureau, DES

SUMMARY: The Applicant has requested the vacation of a fifteen (15) foot public sidewalk and utilities easement and a five (5) foot sanitary sewer easement concurrent with a request for approval of Site Plan # 406, for a property located at 2207 N. Pershing Drive. The requested vacations would enable the Applicant to construct the buildings and facilities as depicted on Site Plan #406.

With the enactment of the Ordinance of Vacation, and upon satisfaction of the conditions contained therein, and recordation of the Deed or Deeds of Vacation, the County's interests in the vacated portions of the sidewalk and utilities easement and the sanitary sewer easement will be extinguished.

BACKGROUND: The subject site is located at the northwest corner of North Pershing Drive and Arlington Boulevard ("Property"). (See Vicinity Map attached hereto as Exhibit B). In conjunction with plans for redevelopment of the Property, the Applicant filed Site Plan #406 to allow construction of two mixed use (residential and retail) buildings, separated by a private driveway, and construction of an underground garage located beneath both of the buildings and the driveway. To accomplish the proposed development, the Applicant requested the vacation of a fifteen (15) foot sidewalk and utilities easement of 3,146 square feet ("Sidewalk and Utilities Easement") and a five (5) foot sanitary sewer easement of 1,333 square feet ("Sanitary Sewer Easement") (collectively, "Easements"). The Easements are depicted on the attached plat entitled "Plat Showing the Vacation of Various Easements on the Property Now in the Name of Arlington Building & Development L.L.C. (Deed Book 3882, Page 97), Arlington County, Virginia," dated November 13, 2006, prepared by Bowman Consulting Group, Ltd. ("Plat"), and attached hereto as Exhibit A. The current storm and sanitary facilities within the Easements will be constructed and relocated in new easements which the Applicant/Owner will be required to grant to the County as conditions of the proposed Ordinance of Vacation. In addition, the Applicant/Owner will be required to provide a new sidewalk easement in the general location of the current sidewalk easement as a condition of the proposed Ordinance of Vacation.

The County acquired the Easements by a Deed, dated February 15, 1949, recorded at Deed Book 871, Page 7, among the land records of Arlington County, Virginia on March 11, 1949 and a plat attached thereto.

DISCUSSION: The Easements, in their current locations, prevent the Applicant from constructing the proposed buildings and improvements that are the subject of Site Plan #406. The Applicant proposes to relocate the storm sewer line, currently located in the Sidewalk and Utilities Easement, in North Pershing Drive and the sanitary sewer line, currently located in the Sanitary Sewer Easement, to the northern edge of the Property. County staff has concurred with such relocation. The conditions of the Ordinance of Vacation will require the Applicant/Owner to grant all necessary easements to encompass any relocated public sanitary and storm sewer facilities on the Property. In addition, the Applicant/Owner has agreed to grant the County a sidewalk easement in the same general location as the current location of the Sidewalk and Utilities Easement. (See Attachment 1 for the proposed Ordinance of Vacation).

Legal and Physical Description: The Easements that are the subject of this vacation request are described on the Plat attached as Exhibit A. The subject property is located at the northwest

corner of North Pershing Drive and Arlington Drive and is identified in the Arlington County Real Estate Records by RPC #18038019. The County acquired the Easements by a Deed, dated February 15, 1949, recorded at Deed Book 871, Page 7, among the land records of Arlington County, Virginia on March 11, 1949 and a plat attached thereto.

Compensation: In keeping with current County policy and practice, and because the Applicant, as a condition of the Ordinance of Vacation, will be required to grant to the County public storm and sanitary easements, and a sidewalk easement, staff recommends that no compensation be required from the Applicant for the requested vacation of the Sidewalk and Utilities Easement and the Sanitary Sewer Easement. The Easements, and all utilities or facilities located therein, will be relocated at Applicant's expense.

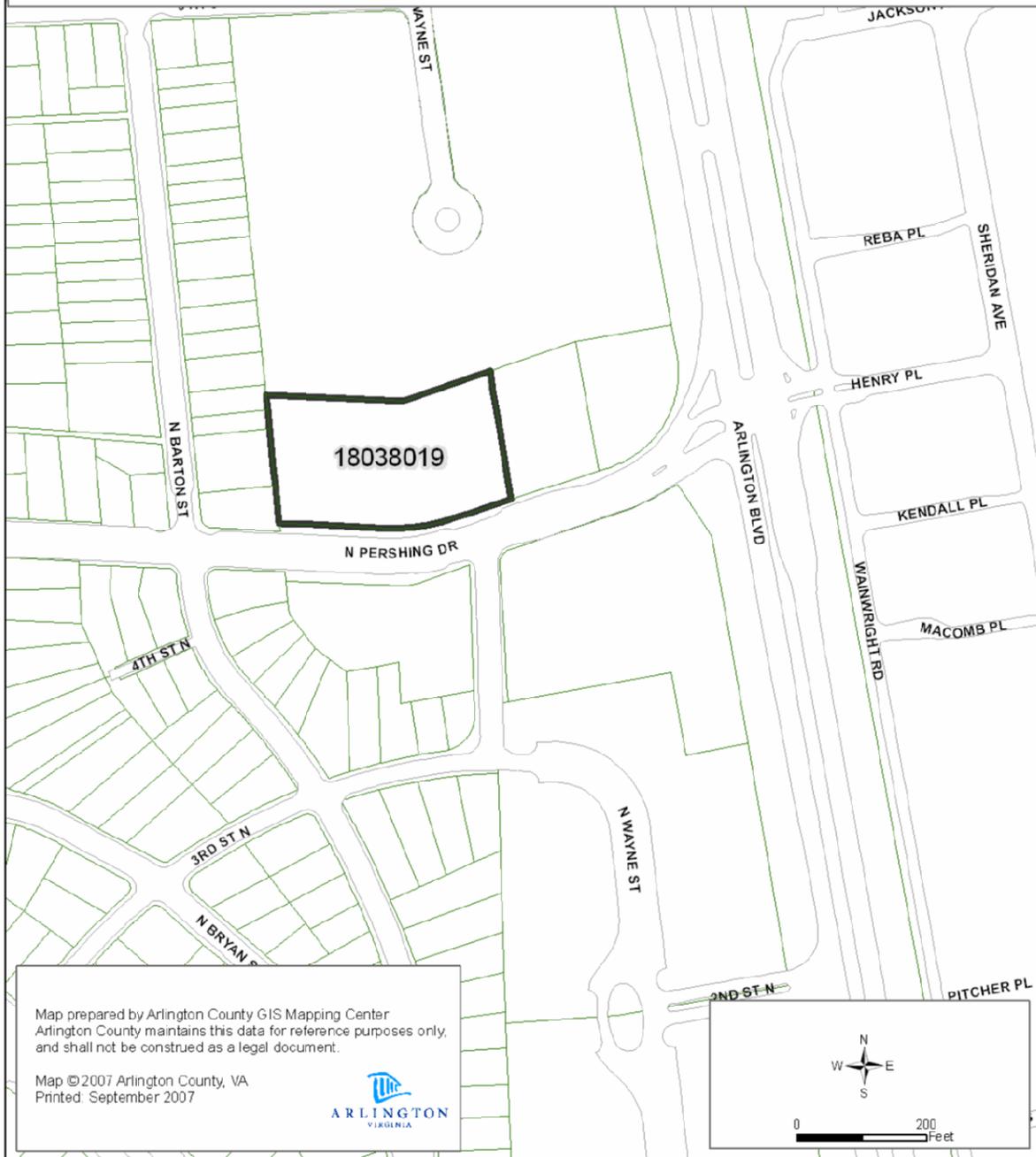
Public Notice: Public notice of the proposed vacation was given in accordance with the Code of Virginia. Notices were placed in the December 31, 2007 and January 7, 2008 issues of the Washington Times for the Planning Commission Meeting of January 14, 2008 and the County Board Meeting of January 26,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

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to Vacate: 1) a Fifteen (15) Foot Public Sidewalk and Utilities Easement Which Runs North to South on Parcels Known as 2207 N. Pershing Drive and 2211 N. Pershing Drive, RPC No. 18038019, with Conditions; and 2) a Five (5) Foot Sanitary Sewer Easement Which Runs East to West Along the Northern Portion on Parcels Known as 2207 through 2233 N. Pershing Drive, RPC No. 18038019, With Conditions.

Vicinity Map

2201-2207 N Pershing Drive
RPC - 18038019



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: September 2007

