

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.

BE IT ORDAINED that, pursuant to a request by Arlington Pershing, LLC (“Applicant”) and Arlington Building & Development (“Owner”), on file in the offices of the Department of Environmental Services, that: 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; 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, both easements being located on a portion of the Harriet R F Vinson Estate, and both easements created 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 shown on a plat attached thereto, entitled “Plat Showing Property of the Arlington Bldg. & Dev’t. Corp, Arlington County Virginia,” and both easements which are all shown on a 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 to the County Manager’s January 7, 2008 report as Exhibit A, are hereby vacated, subject to the following conditions:

1. The Applicant/Property Owner shall, at its own cost and expense, remove, relocate and reconstruct the existing storm and sanitary sewer facilities, located within the easements herein vacated, with new storm sewers, sanitary sewers and related appurtenant facilities of size, dimension and location acceptable to Arlington County (“County”), in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulations and policies.
2. The Applicant/Property Owner shall dedicate, grant and convey to the County public storm and sanitary easements, at locations and of dimensions necessary to accommodate the relocated facilities as required by the County. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the storm and sanitary sewer easements on behalf of the County, subject to approval thereof as to form by the County Attorney.
3. The Applicant/Property Owner shall submit, for review and approval, to the Department of Environmental Services (“DES”), a utility relocation and engineering design plan for the construction, relocation, removal, replacement and/or abandonment of the storm and sanitary sewer facilities located, in whole or in part, within the portions of the easements vacated by this Ordinance of Vacation (“Plan”) in compliance with the Arlington County Construction Standards and Specifications. The Plan shall be subject to approval by the Director of DES, or his designee.
4. The Applicant/Property Owner shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, in an amount and in a form as determined by, and acceptable to, the County Manager or his designee, to secure the proper construction, relocation, removal, replacement or abandonment of the storm and sanitary sewer facilities pursuant to the approved Plan.
5. The Applicant/Property Owner shall dedicate, grant and convey to the County, the Sidewalk Easement required by Condition #85 of the site plan conditions approved as part of Site Plan #406. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the Sidewalk Easement on behalf of the County, subject to approval thereof as to form by the County Attorney.
6. The Applicant /Property Owner shall prepare and submit to the County for review and approval, the Deed(s) of Vacation, all required plats, and all required deeds of easement, subject to approval thereof by the County Manager, or his designee, and approval of the deeds as to form by the County Attorney.
7. The Applicant/Property Owner shall record all plats, the Deed(s) of Vacation, and all deeds of easement required by the conditions of this Ordinance of Vacation among the land records of the Clerk of the Circuit Court of Arlington County.
8. 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.
9. All conditions of the Ordinance of Vacation shall be met by noon on January 26, 2011, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT B

