



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 23, 2008**

DATE: February 8, 2008

SUBJECT: Enactment of an Ordinance to Vacate a Five Foot Sanitary Sewer and Water Facilities Easement Running Along the Easterly Portion of the Property known as 800 N. Glebe Road (RPC #14053019), with Conditions.

Applicant: North Glebe Residential, LLC, c/o JBG Companies

Owner: North Glebe Residential, LLC

By: Nan E. Walsh

Walsh Colucci Lubeley Emrich & Walsh PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Enact the attached Ordinance (Attachment 1) to Vacate a Five Foot Sanitary Sewer and Water Facilities Easement running along the easterly portion of the property known as 800 N. Glebe Road (RPC #14053019), with conditions.

ISSUE: This is a request for the vacation of a sanitary sewer and water facilities easement to facilitate development of the property under proposed Site Plan #401. There are no outstanding issues.

SUMMARY: North Glebe Residential, LLC, c/o JBG Companies (“Applicant”) has requested the County Board to enact an Ordinance to vacate a five foot (5’) sanitary sewer and water facilities easement, running along the easterly portion of the property known as 800 North Glebe Road. This vacation request would permit the redevelopment of the property as proposed in Site Plan #401, which is the subject of a separate staff report. Upon enactment of the Ordinance, satisfaction by the Applicant of the applicable conditions, and recordation by the Applicant of the Deed of Vacation before the expiration of the Ordinance, the County’s interest in the vacated sanitary sewer and water facilities easement will be extinguished.

BACKGROUND: The subject site is located on a block at the intersection of North Glebe Road and Wilson Boulevard in the Ballston area. (See Attachment 2, Vicinity Map.) The parcel is

County Manager: _____

County Attorney: _____

Staff: Betsy Herbst, DES, Real Estate Bureau

currently developed with the former Bob Peck car dealership and surface parking. The Applicant acquired the property by Special Warranty Deed dated January 31, 2006, and recorded in Deed Book 3946, Page 1039, among the Arlington County land records. In conjunction with its plans to redevelop the property located at 800 North Glebe Road, bounded by North Glebe Road, Wilson Boulevard and North Wakefield Street, the Applicant has submitted an application for rezoning of the property and approval of the Site Plan concurrently with this vacation application. The Site Plan consists of a proposal to construct two high-rise office buildings along North Glebe Road, a four-story residential apartment building, including ninety affordable dwelling units, and 28 residential townhouses, plus retail space on the site of the former Bob Peck car dealership and the Staples store.

The Site Plan was heard as an information item by the County Board at the January 26, 2008 meeting. The Applicant requested deferral of consideration of the proposed Site Plan and associated applications for vacation and encroachments to the February 23, 2008 County Board meeting to allow additional time for Applicant to discuss and resolve with County staff issues relating to the proposed Site Plan. County staff is now recommending approval of the Site Plan and associated vacation and encroachment applications.

DISCUSSION: In conjunction with the plans for redevelopment of the property, the Applicant has requested the County Board to vacate a five foot (5') sanitary sewer and water facilities easement, running along the easterly portion of the property known as 800 North Glebe Road, RPC No. 14053019, as designated on a Plat entitled "Plat Showing the Vacation of a 5' Sanitary Sewer & Water Facilities Easement on the Property now in the name of North Glebe Residential LLC being Part of Lots 1 & 2 and Lots 3 & 4, O.T. Dodd's Addition to Ballston, Deed Book 288, Page 558 and the Property Now in the Name of North Glebe Residential LLC, Deed Book 3946, Page 1039, Arlington County, Virginia", prepared by Bowman Consulting, dated December 12, 2007, attached hereto as Exhibit A ("Vacation Plat"). Under the Site Plan, the Applicant proposes to dedicate new utility easements to serve the proposed improvements. Also, as a condition of the vacation, the Applicant must dedicate new sanitary sewer and water facilities easements. The Applicant must pay all costs and fees associated with removal of the existing sanitary sewer and water facilities line, and relocation of the new utilities.

Legal and Physical Description: The Easement was created by reservation in a Deed dated March 31, 1952, and recorded in Deed Book 1045, Page 402, among the land records of Arlington County, Virginia.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the January 28, 2008 and February 4, 2008 issues of the Washington Times for the February 23, 2008 County Board Meeting.

Compensation: In keeping with current practice, staff recommends that no compensation be required from the Applicant for vacating the sanitary sewer and water facilities easement located on Applicant's property, which portion of the easement will be vacated for redevelopment and replaced with new easements dedicated to serve the proposed new improvements, as provided in Site Plan #401.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to Vacate a Five Foot Sanitary Sewer and Water Facilities Easement Running Along the Easterly Portion of the Property known as 800 N. Glebe Road, RPC #14053019, with conditions.

ATTACHMENT 1

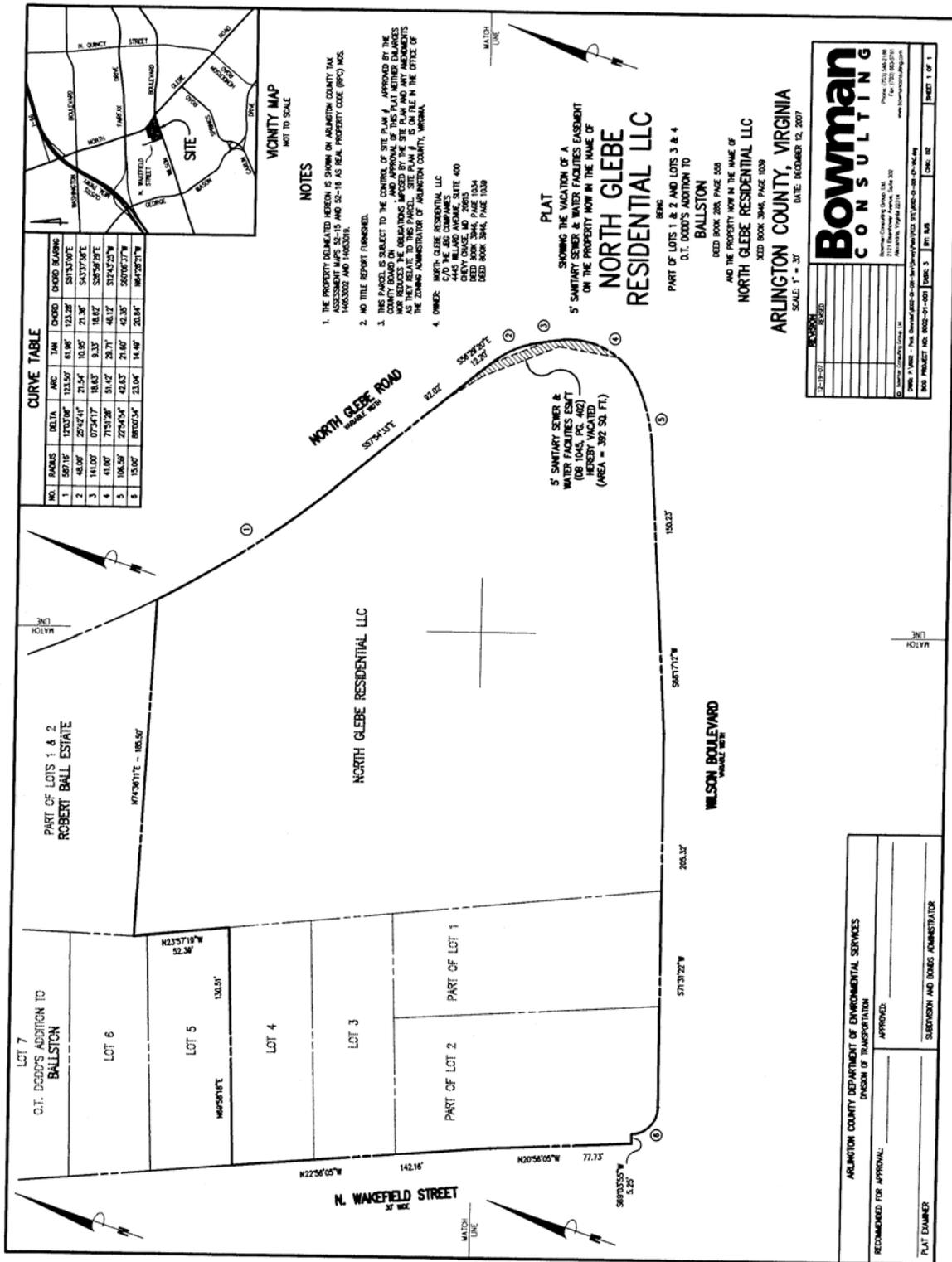
ORDINANCE TO VACATE A FIVE FOOT SANITARY SEWER AND WATER FACILITIES EASEMENT RUNNING ALONG THE EASTERLY PORTION OF THE PROPERTY KNOWN AS 800 N. GLEBE ROAD (RPC #14053019), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request on file by North Glebe Residential, LLC c/o JBG Companies (jointly the “Applicant”) in the Office of the Department of Environmental Services, a Five Foot Sanitary Sewer and Water Facilities Easement running along the easterly portion of the Property known as 800 N. Glebe Road, RPC #14053019, established by reservation in a Deed, dated March 31, 1952, and recorded in Deed Book 1045, Page 402, among the land records of Arlington County, Virginia, which easement is shown on a plat dated December 12, 2007, prepared by Bowman Consulting, entitled “Plat Showing the Vacation of a 5’ Sanitary Sewer & Water Facilities Easement on the Property now in the name of North Glebe Residential LLC being Part of Lots 1 & 2 and Lots 3 & 4, O.T. Dodd’s Addition to Ballston, Deed Book 288, Page 558 and the Property Now in the Name of North Glebe Residential LLC, Deed Book 3946, Page 1039, Arlington County, Virginia”, attached to the County Manager’s Report dated February 8, 2008, as Exhibit A, is hereby vacated subject to the following conditions:

1. The Applicant/Property Owner shall, at its own cost and expense, remove, relocate and reconstruct the exiting sanitary sewer and water facilities, located within the easement herein vacated, with new sanitary sewer, water 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 new sanitary sewer and water facilities easements, at locations and of dimensions necessary to accommodate the relocated facilities as required by the County and as provided in Site Plan # 401, approved by the County Board concurrently with this Ordinance. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the sanitary sewer and water facilities 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, and/or replacement of the sanitary sewer and water facilities located, in whole or in part, within the portion of the easement 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 construction, relocation, removal, and/or replacement of the sanitary sewer and water facilities pursuant to the approved Plan.

5. 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 the approval thereof by the County Manager, or his designee, and approval of the deeds as to form by the County Attorney.
6. The Applicant/Property Owner shall record all plats, Deed(s) of Vacation, and all required deed(s) 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.
7. 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.
8. All conditions of this Ordinance of Vacation shall be met by noon on February 23, 2011, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A VACATION PLAT



ATTACHMENT 2

Vicinity Map
North Glebe Residential, LLC
Peck / Staples Site
800 N Glebe Rd.



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 © 2008 Arlington County, VA
Printed: January 2008

