



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 19, 2008**

DATE: March 28, 2008

SUBJECT: Enactment of Six Ordinances to Vacate Portions of Easements Within Parcels Located Between N. Moore Street and N. Lynn Street, RPC No. 16038001 Through RPC No. 16038005, Related to Central Place, S.P. #335, as follows:

1. Enactment of an Ordinance to Vacate the following portions of Public Sidewalk and Public Street and Utilities Easements located within RPC No.16038001, with Conditions;
2. Enactment of an Ordinance to Vacate portions of an Easement for Public Street and Utilities Purposes within RPC No.16038002, with Conditions;
3. Enactment of an Ordinance to Vacate a 5.0' Sanitary Sewer Easement within RPC No.16038003, with Conditions;
4. Enactment of an Ordinance to Vacate portions of Easements for Public Street and Utilities Purposes and a Ten (10) Foot Wide Easement for Public Street and Utilities Purposes within RPC No. 16038003, with Conditions.
5. Enactment of An Ordinance to Vacate portions of Easements for Public Street, Utilities and Walkway Purposes within RPC No.16038004, with Conditions.
6. Enactment of An Ordinance to Vacate Portions of a Permanent Right-of-Way and Easement for Public Street and Utilities Purposes within RPC No. 16038005, with Conditions.

C. M. RECOMMENDATIONS:

1. Enact the attached Ordinance To Vacate: A) two portions of an Easement For Public Sidewalk Purposes: 1) one portion running south from the shared property line with RPC No. 16038002, parallel to N. Lynn Street, toward its intersection with Wilson Boulevard; and 2) another portion located in the southwestern corner of RPC No. 16038001, near the intersection of Wilson Boulevard and N. Moore Street; and B) two portions of an Easement For Public Street And Utilities Purposes: 1) one portion running south from the shared property line with RPC No. 16038002, parallel to N. Lynn Street, toward its intersection with Wilson Boulevard; and 2) another portion

County Manager: _____

County Attorney: _____

Staff: Linda Eichelbaum Collier, Betsy Herbst, DES, Real Estate Bureau

located in the southwestern corner of RPC No. 16038001, near the intersection of Wilson Boulevard and N. Moore Street; both Easements located on a parcel known as 1213 Wilson Boulevard, Rosslyn (RPC No. 16038001), with Conditions. (Attachment 1)

2. Enact the attached Ordinance to Vacate: A) one portion running south from the shared property line with RPC No. 16038003, parallel to N. Lynn Street; and B) another portion running south from the shared property line with RPC No. 16038003, parallel to N. Moore Street, of an Easement for Public Street and Utilities Purposes on a parcel owned by Washington Metropolitan Area Transit Authority, Rosslyn (RPC No. 16038002), with Conditions. (Attachment 2)
3. Enact the attached Ordinance to Vacate a 5.0' Sanitary Sewer Easement running east to west along the shared property line with RPC No.16038002 from N. Lynn Street to N. Moore Street on a parcel known as 1730 N. Lynn Street, Rosslyn (RPC No. 16038003), with Conditions. (Attachment 3)
4. Enact the attached Ordinance to Vacate: A) one portion of an Easement for Public Street and Utilities Purposes running south from the shared property line with RPC No.16038004, parallel to N. Lynn Street; and B) another portion of a Ten (10) Foot Wide Easement for Public Street and Utilities Purposes running south from the shared property line with RPC No.16038004, parallel to N. Moore Street on a parcel known as 1730 N. Lynn Street, Rosslyn (RPC No. 16038003), with Conditions. (Attachment 4)
5. Enact an ordinance to vacate: A) portions of an Easement for Public Street and Utilities Purposes: 1) one portion running south from the shared property line with RPC No. 16038005, parallel to N. Lynn Street; and 2) another portion running south from the shared property line with RPC No. 16038005, parallel to N. Moore Street; and B) portions of an Easement for Walkways located primarily in the southern and eastern portions of RPC No. 16038004 on a parcel owned by Rosslyn Center Associates, Rosslyn (RPC No. 16038004), with Conditions. (Attachment 5)
6. Enact an ordinance to vacate: A) one portion running north to south, parallel to N. Lynn Street; and B) another portion running north to south, parallel to N. Moore Street, of a Permanent Right-of-Way and Easement for Public Street and Utilities Purposes on a parcel known as 1801 N. Moore Street, Rosslyn (RPC No. 16038005), with Conditions. (Attachment 6)
7. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, all Deeds of Vacation and other documents necessary to effectuate the Ordinances of Vacation set forth in Attachments 1 through 6 hereto, subject to approval as to form by the County Attorney.

ISSUES: Amended Site Plan #335, approved by the County Board on May 5, 2007, is conditioned upon the Applicant obtaining the vacation of various County easements. Approval of the Ordinances of Vacation is required to fulfill the conditions of the Site Plan and to permit development of the Property as approved under amended Site Plan #335. There are no issues identified with this request.

SUMMARY: To permit development of the commercial office building and the plaza approved by the County Board as part of Site Plan #335 on May 5, 2007 (“Site Plan”), and to comply with the conditions of the Site Plan, Central Place, L.L.C. (“Applicant”) has requested that the County Board enact six Ordinances of Vacation to vacate portions of the County right-of-way for N. Lynn Street and N. Moore Street around the perimeter of the commercial building and the plaza, vacation of a portion of County sidewalk easement at the southwest corner and the southeastern perimeter of the commercial building, a 5' Sanitary Sewer Easement running from east to west along the southern boundary of RPC No. 16038003 (located across the middle of the commercial building site) and portions of a walkway easement primarily in the southern and eastern portions of RPC No. 16038004 (located across the northern edge of the commercial building site and the southern edge of the plaza) (“Ordinances of Vacation”). With the enactment of the Ordinances of Vacation and upon satisfaction by the Applicant of the conditions contained therein, including recordation of the Deed(s) of Vacation and payment of the designated compensation, the County’s interests in the vacated portions of the easements will be extinguished.

BACKGROUND: The Central Place development, located on the western side of the Site Plan in the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east, consists of a residential building and a commercial office building, both with ground floor retail space, and a plaza area located between the two buildings (collectively, “Property”). (See Vicinity Map, attached hereto as “Exhibit F”). Conditions Number 1, 14 and 90 of the Site Plan require the Applicant to obtain the Ordinances of Vacation before the issuance of specific permits identified therein. Condition 14 also allows the Applicant to phase its requests for vacation related to each phase of development subject to certain conditions. The Applicant currently is proceeding with development of the commercial office building, which is located at the southern end of the block, and the plaza, which is located just north of the commercial building. The Easements described below need to be vacated before the Applicant can construct the commercial office building and the plaza as set forth on the Site Plan. As set forth in a separate Board Report, the Applicant also is seeking two encroachment ordinances necessary to construct the approved commercial office building. The Applicant must seek additional ordinances of vacation and encroachment at a later date before it can construct the residential building located on RPC Nos. 16038005, 16038006, 16038008 through 16038013.

DISCUSSION: To comply with the conditions of the Site Plan, and to construct the commercial building and the plaza depicted on the approved Site Plan, the Applicant must obtain the vacation of the portions of the described Easements as set forth below:

Vacation 1:

A) Two portions, totaling 1,067 square feet, of an Easement for Public Sidewalk Purposes (“Easement 1-A”), and B) two portions, totaling 925 square feet, of an Easement for Public Street and Utilities Purposes (“Easement 1-B”), all as depicted on a plat entitled “Plat Showing

the Vacation of Portions of an Existing Easement for Public Sidewalk Purposes and an Existing Easement for Public Street and Utilities Purposes on the Property Now in the Name of Sarris Restaurants Inc., Deed Book 2167, Page 373, Arlington County Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as “Exhibit A”.

Applicant: Central Place L.L.C.
Owner: JBG/1213 Wilson, Inc., successor by name change to Sarris Restaurants, Inc.
By: John G. Miliken
Erika Byrd
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easements 1-A and 1-B are described in Exhibit A. The Property upon which Easements 1-A and 1-B are located is in Rosslyn and consists of the southernmost parcel of property on the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038001. The record owner, Sarris Restaurants Inc. (succeeded by JBG/1213 Wilson, Inc. by name change), acquired the property by Deed, with special warranty of title, dated February 6, 1985 and recorded among the Land Records in Deed Book 2167, at Page 373 on February 8, 1985. The County acquired Easements 1-A and 1-B by Deed dated October 29, 1969 recorded among the Land Records in Deed Book 1714, at Page 259 on November 7, 1969.

Compensation: Site Plan Condition #90 requires that compensation be paid by the developer for the vacation of County property rights, and that it be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

Based upon an appraisal prepared by Robert Jones, dated September 17, 2007, the Applicant has agreed with staff’s recommendation to compensate the County Board in the amount of \$20,059.60 for vacation of Easement 1-A and \$17,390.00 for vacation of Easement 1-B (totaling \$37,449.60).

Vacation 2:

Two portions, totaling 416 square feet, of an Easement for Public Street and Utilities Purposes (“Easement 2”), as depicted on a plat entitled “Plat Showing the Vacation of Portions of Existing Easement for Public Street and Utilities Purposes on the Property Now in the Name of Washington Metropolitan Area Transit Authority, Deed Book 1824, Page 33, Arlington County, Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as “Exhibit B”.

Applicant: Central Place L.L.C.
Owner: Washington Metropolitan Area Transit Authority
By: John G. Miliken
Erika Byrd

8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easement 2 is described in Exhibit B. The Property upon which Easement 2 is located is in Rosslyn and consists of a parcel in the southern portion of the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038002. The record owner, Washington Metropolitan Area Transit Authority, acquired the property by a Declaration of Taking, dated February 20, 1967 and recorded among the Land Records in Deed Book 1824, at Page 33 on June 5, 1973. The County acquired Easement 2 by Deed of Easement dated September 29, 1969 recorded among the Land Records in Deed Book 1746, at Page 254 on February 11, 1971.

Compensation: Site Plan Condition #90 requires that compensation be paid by the developer for the vacation of County property rights, and that it be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

Based upon an appraisal prepared by Robert Jones, dated September 17, 2007, the Applicant has agreed with staff's recommendation to compensate the County Board in the amount of \$78,129.79 for vacation of Easement 2.

Vacation 3:

A 5.0' Sanitary Sewer Easement, totaling 679 square feet ("Easement 3"), as depicted on a plat entitled "Plat Showing the Vacation of a Portion of an Existing Ten (10) Foot Wide Easement for Public Street and Utilities Purposes, the Vacation of a Portion of an Existing Easement for Public Street and Utilities Purposes and the Vacation of an Existing 5.0' Sanitary Sewer Easement on the Property Now in the Name of 1730 North Lynn Street Limited Partnership, Deed Book 2356, Page 1633, Arlington County, Virginia," dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as "Exhibit C".

Applicant: Central Place L.L.C.
Owner: 1730 North Lynn Street R.L.L.P., successor by name change to 1730 North Lynn Street Limited Partnership
By: John G. Miliken
Erika Byrd
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easement 3 is described in Exhibit C. The Property upon which Easement 3 is located is in Rosslyn and consists of a parcel in the southern portion of the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038003. The record owner, 1730 North Lynn Street Limited Partnership (succeeded by 1730 North Lynn Street R.L.L.P. by name change), acquired the property by Deed of Bargain and Sale, with special warranty of title, dated November 10, 1988 and recorded

among the Land Records in Deed Book 2356, at Page 1633 on November 14, 1988. The County acquired Easement 3 by Deed recorded among the Land Records in Deed Book 753, at Page 468.

Compensation: In keeping with current County practice, staff recommends that no compensation be required from the Applicant for the requested vacation of the 5.0 ' Sanitary Sewer Easement.

Vacation 4:

A 1,080 square foot portion of an Easement for Public Street and Utilities Purposes and a 126 square foot portion of a Ten (10) Foot Wide Easement for Public Street and Utilities Purposes (jointly, "Easement 4"), both portions as depicted on a plat entitled "Plat Showing the Vacation of a Portion of an Existing Ten (10) Foot Wide Easement for Public Street and Utilities Purposes, the Vacation of a Portion of an Existing Easement for Public Street and Utilities Purposes and the Vacation of an Existing 5.0 ' Sanitary Sewer Easement on the Property Now in the Name of 1730 North Lynn Street Limited Partnership, Deed Book 2356, Page 1633, Arlington County, Virginia," dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as "Exhibit C".

Applicant: Central Place L.L.C.
Owner: 1730 North Lynn Street R.L.L.P., successor by name change to 1730 North Lynn Street Limited Partnership
By: John G. Miliken
Erika Byrd
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easement 4 is described in Exhibit C. The Property upon which Easement 4 is located is in Rosslyn and consists of a parcel in the southern portion of the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038003. The record owner, 1730 North Lynn Street Limited Partnership (succeeded by 1730 North Lynn Street R.L.L.P. by name change), acquired the property by Deed of Bargain and Sale, with special warranty of title, dated November 10, 1988 and recorded among the Land Records in Deed Book 2356, at Page 1633 on November 14, 1988. The County acquired Easement 4 by Deed of Easement dated February 28, 1966 and recorded among the Land Records in Deed Book 1616, at Page 615 and Deed Book 1626, at Page 382.

Compensation: Site Plan Condition #90 requires that compensation be paid by the developer for the vacation of County property rights, and that it be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

Based upon an appraisal prepared by Robert Jones, dated September 17, 2007, the Applicant has agreed with staff's recommendation to compensate the County Board in the amount of \$22,672.80 for vacation of Easement 4.

Vacation 5:

Two portions, totaling 1,329 square feet, of an Easement for Public Street and Utilities Purposes (“Easement 5-A”) and portions of an Easement for Walkways, totaling 1,665 square feet (“Easement 5-B”), all portions as depicted on a plat entitled “Plat Showing the Vacation of Portions of Existing Easements for Public Street and Utilities Purposes and the Vacation of an Existing Easement for Walkways on the Property Now in the Name of Rosslyn Center Associates, Deed Book 1951, Page 759, Arlington County, Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as “Exhibit D”.

Applicant: Central Place L.L.C.
Owner: Central Place II, L.L.C., assignee of development rights through County from Rosslyn Center Associates
By: John G. Miliken
Erika Byrd
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easements 5-A and 5-B are described in Exhibit D. The Property upon which Easements 5-A and 5-B are located is in Rosslyn and consists of a parcel in the middle portion of the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038004. The record owner, Rosslyn Center Associates (succeeded by Central Place II, L.L.C., assignee of development rights through County from Rosslyn Center Associates), acquired the property by Deed, with special warranty of title, dated August 31, 1977 and recorded among the Land Records in Deed Book 1951, at Page 759 on September 7, 1977. The County acquired Easements 5-A and 5-B by Deed of Easement dated September 5, 1980 and recorded among the Land Records in Deed Book 2020, at Page 1497 on September 8, 1980.

Compensation: Site Plan Condition #90 requires that compensation be paid by the developer for the vacation of County property rights, and that it be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

Based upon an appraisal prepared by Robert Jones, dated September 17, 2007, the Applicant has agreed with staff’s recommendation to compensate the County Board in the amount of \$18,738.90 for vacation of Easement 5-A. In keeping with current County policy and practice, staff recommends that no compensation be required from the Applicant for the requested vacation of Easement 5-B (Easement for Walkways).

Vacation 6:

Two portions, totaling 438 square feet, of a Permanent Right-of-Way and Easement for Public Street and Utilities Purposes (“Easement 6”), as depicted on a plat entitled “Plat Showing the Vacation of Portions of Existing Permanent Right-of-Way and Easement for Public Street and

Utilities Purposes on the Property Now in the Name of Central Place L.L.C., Deed Book 3432, Page 1827, Arlington County, Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached hereto as “Exhibit E”.

Applicant: Central Place L.L.C.
Owner: Central Place LLC
By: John G. Miliken
Erika Byrd
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182-2707

Legal and Physical Description: Easement 6 is described in Exhibit E. The Property upon which Easement 6 is located is in Rosslyn and consists of a parcel in the middle portion of the block bounded by Wilson Boulevard to the south, N. Moore Street to the west, 19th Street North to the north, and N. Lynn Street to the east and is identified in the Arlington County Real Estate Records by RPC No. 16038005. The record owner, Central Place L.L.C., acquired the property by Trustee’s Deed, with special warranty of title, dated December 30, 2002 and recorded among the Land Records in Deed Book 3432, at Page 1827 on December 30, 2002. The County acquired Easement 6 by Deed of Easement dated September 30, 1985 recorded among the Land Records in Deed Book 2191, at Page 1577 on September 30, 1985.

Compensation: Site Plan Condition #90 requires that compensation be paid by the developer for the vacation of County property rights, and that it be determined by an appraisal by an independent, state certified, general real estate appraiser, and not be reduced by, or treated as an offset to, any community benefits that are contributed by the developer by any Site Plan condition.

Based upon an appraisal prepared by Robert Jones, dated September 17, 2007, the Applicant has agreed with staff’s recommendation to compensate the County Board in the amount of \$113,766.12 for vacation of Easement 6.

PUBLIC NOTICE: Public notice of all of the proposed vacations as set forth in Attachments 1 through 6 was given accordance with the Code of Virginia. Notices were placed in the March 25, 2008 and the April 1, 2008 issues of the Washington Times for the Planning Commission Meeting of April 7, 2008 and the County Board Meeting of April 19, 2008.

FISCAL IMPACT: The total amount of \$270,757.21, received as compensation for all of the above-referenced Ordinances of Vacation, will be deposited in the County’s General Fund.

CONCLUSION: It is recommended that the County Board enact all of the above-referenced Ordinances of Vacation as set forth in Attachments 1 through 6, attached hereto.

**ATTACHMENT 1
(Vacation 1)**

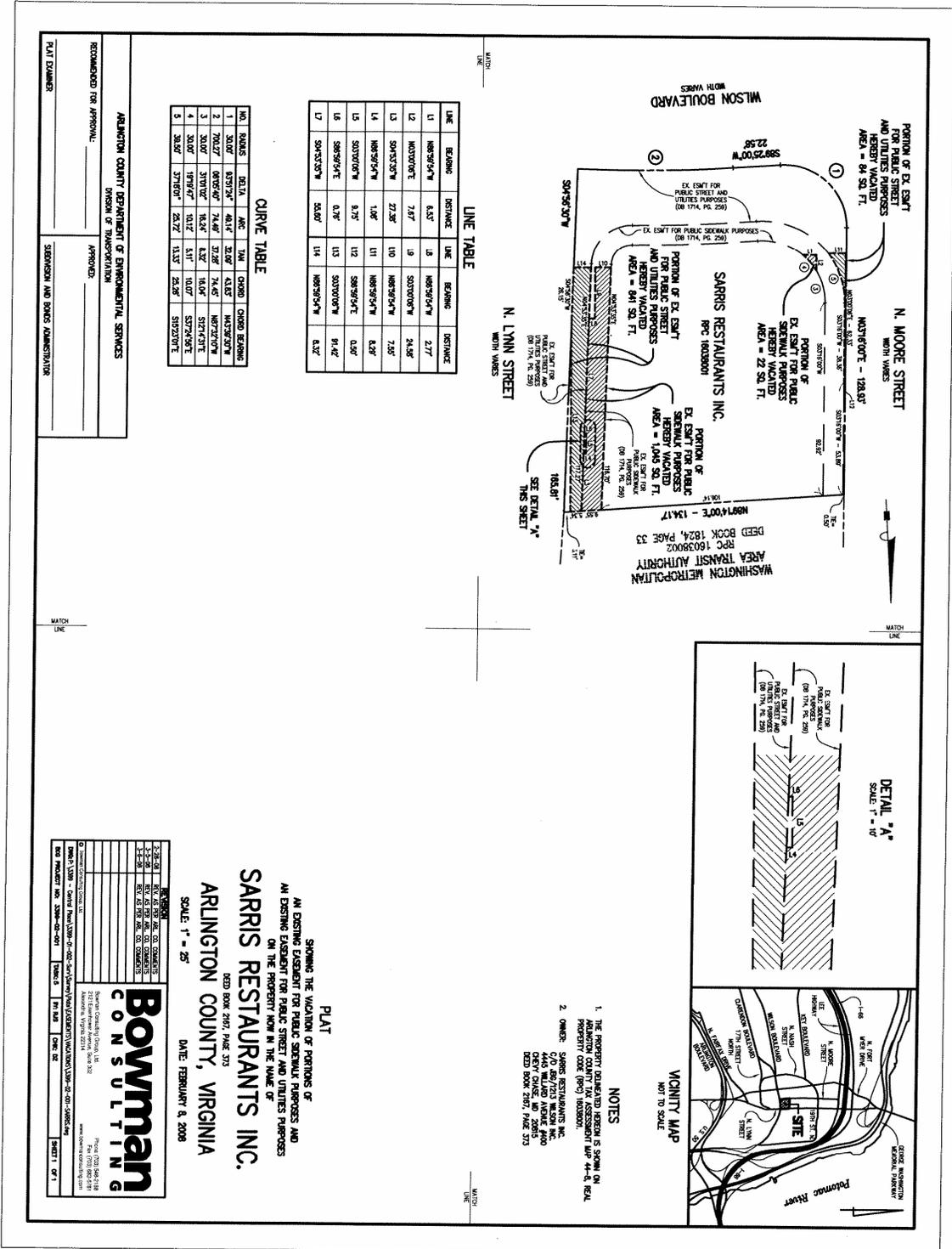
AN ORDINANCE TO VACATE: A) TWO PORTIONS OF AN EASEMENT FOR PUBLIC SIDEWALK PURPOSES: 1) ONE PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038002, PARALLEL TO N. LYNN STREET, TOWARD ITS INTERSECTION WITH WILSON BOULEVARD; AND 2) ANOTHER PORTION LOCATED IN THE SOUTHWESTERN CORNER OF RPC NO. 16038001, NEAR THE INTERSECTION OF WILSON BOULEVARD AND N. MOORE STREET; AND B) TWO PORTIONS OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES: 1) ONE PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038002, PARALLEL TO N. LYNN STREET, TOWARD ITS INTERSECTION WITH WILSON BOULEVARD; AND 2) ANOTHER PORTION LOCATED IN THE SOUTHWESTERN CORNER OF RPC NO. 16038001, NEAR THE INTERSECTION OF WILSON BOULEVARD AND N. MOORE STREET; BOTH EASEMENTS LOCATED ON A PARCEL KNOWN AS 1213 WILSON BOULEVARD, ROSSLYN (RPC NO. 16038001), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant”) and JBG/1213 Wilson, Inc., successor by name change to Sarris Restaurants, Inc. (“Owner”), on file in the offices of the Department of Environmental Services, A) two portions of an Easement for Public Sidewalk and Utilities Purposes: 1) one portion running south from the shared property line with RPC No.16038002, parallel to N. Lynn Street, toward its intersection with Wilson Boulevard; and 2) another portion located in the southwestern corner of RPC No. 16038001, near the intersection of Wilson Boulevard and N. Moore Street (jointly, “Easement 1-A”), and B) two portions of an Easement for Public Street and Utilities Purposes: 1) one portion running south from the shared property line with RPC No. 16038002, parallel to N. Lynn Street, toward its intersection with Wilson Boulevard; and 2) another portion located in the southwestern corner of RPC No. 16038001, near the intersection of Wilson Boulevard and N. Moore Street (jointly, “Easement 1-B”); both Easements 1-A and 1-B located on a parcel known as 1213 Wilson Boulevard, Rosslyn, RPC No. 16038001, and created by a Deed, dated October 29, 1969, recorded at Deed Book 1714, at Page 259 on November 7, 1969 among the land records of Arlington County, Virginia, and which Easements 1-A and 1-B are shown on a plat entitled “Plat Showing the Vacation of Portions of an Existing Easement for Public Sidewalk Purposes and an Existing Easement for Public Street and Utilities Purposes on the Property Now in the Name of Sarris Restaurants Inc., Deed Book 2167, Page 373, Arlington County Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit A, are hereby vacated, subject to the following conditions:

1. The Applicant shall prepare and submit to Arlington County (“County”) for review and approval, the Deed(s) of Vacation and all required plats, subject to approval thereof by the County Manager, or his designee, as to substance, and approval of the deed(s), as to form, by the County Attorney.

2. Applicant, at its own cost and expense, shall perform an initial television (video) inspection (“Initial Television Inspection”) of the approximately one hundred feet (100') of the thirty-three inch (33") storm sewer pipe located, in part, on RPC #16038001 and, in part, in the intersection of N. Lynn Street and Wilson Boulevard, between Existing Structures 14 and 15, as shown on the attached Exhibit A-1 (“Storm Sewer Pipe”), and provide a copy of the video of the Initial Television Inspection to the Director, Department of Environmental Services (“Director”) for review.
3. Applicant shall deliver to the Director, Cash, a Bond, Letter of Credit, or other security in an amount and in a form determined by, and acceptable to, the County Manager, or his designee (collectively, “Bond”), to secure Applicant’s obligations, as described below and in the Bond, to perform, at the Applicant’s sole cost and expense, the following:
 - A. A post-construction television (video) inspection (“Post-Construction Inspection”) of the Storm Sewer Pipe and delivery of the video of the Post-Construction Inspection to the Director. The Post-Construction Inspection and delivery of the video shall be completed before the issuance of the first Certificate of Occupancy for the first phase of S.P. #335.
 - B. Repair and replacement of all portions of the Storm Sewer Pipe, the necessity for which shall be determined by the Director after viewing the Initial Television Inspection video and the Post-Construction Inspection video.
 - C. The Bond shall provide, among other things, that it shall not be released until all required repairs and/or replacement, deemed necessary by the Director, are completed, by the Applicant, to the satisfaction of the Director.
4. The Applicant shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.
5. The Applicant shall pay to the County the total sum of \$37,449.60 as compensation for Easement 1-A and Easement 1-B vacated by this Ordinance of Vacation.
6. The Applicant shall record all plats and the Deed(s) of Vacation required by this Condition among the land records of the Clerk of the Circuit Court of Arlington County.
7. All conditions of the Ordinance of Vacation shall be met by noon on May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT A Vacation 1



LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N89°59'4"W	6.57'	L8	N89°59'4"W	2.77'
L2	N40°30'0"E	7.67'	L9	S03°00'0"W	24.88'
L3	S04°53'5"W	27.28'	L10	N89°59'4"W	7.50'
L4	N89°59'4"W	1.08'	L11	N89°59'4"W	8.29'
L5	S03°00'0"W	8.75'	L12	S88°39'4"E	0.97'
L6	S88°39'4"E	0.76'	L13	S03°00'0"W	91.42'
L7	S04°53'5"W	50.60'	L14	N89°59'4"W	8.32'

CURVE TABLE

NO.	POINTS	DELTA	ARC	TAN	CHORD	CHORD BEARING
1	30.00'	63°31'2"	48.14'	32.00'	43.87'	N45°29'0"W
2	70.527'	60°56'0"	74.49'	37.28'	74.45'	N87°20'0"W
3	30.00'	31°10'0"	18.24'	8.32'	18.04'	S27°43'5"E
4	30.00'	31°10'0"	10.12'	5.17'	10.07'	S27°43'5"E
5	30.00'	31°10'0"	25.27'	13.57'	25.20'	S32°20'0"E

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____ APPROVED: _____

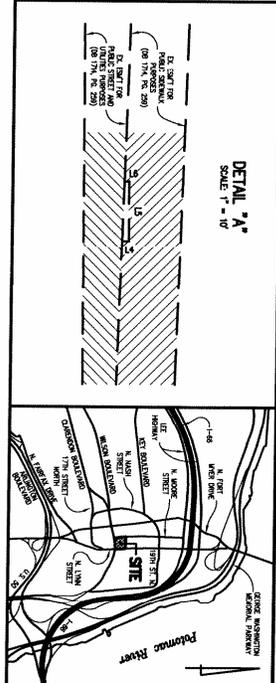
PLAT EXAMINER: _____ SUBMISSION AND STAMPS ADMINISTRATOR

Bowman CONSULTING
22111 Elmwood Avenue, Suite 202
Falls Church, Virginia 22046
Tel: (703) 486-5391
www.bowmanconsulting.com

PROJECT: SARRIS RESTAURANTS INC. VACATION 1
DATE: FEBRUARY 8, 2008
SHEET 1 OF 1

SHOWING THE VACATION OF PORTIONS OF
AN EXISTING EASEMENT FOR PUBLIC SIDEWALK PURPOSES AND
ON THE PROPERTY NOW IN THE NAME OF
SARRIS RESTAURANTS INC.
ARLINGTON COUNTY, VIRGINIA
DEED BOOK 2167, PAGE 373
DATE: FEBRUARY 8, 2008
SCALE: 1" = 25'

- NOTES**
1. THE PROPERTY IDENTIFIED BY REFERENCE TO SARRIS RESTAURANTS INC. IS SHOWN ON ARLINGTON COUNTY TAX ASSESSMENT MAP 44-4, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
 2. OWNER: SARRIS RESTAURANTS INC., C/O 486/713 WILSON BLVD, CREY CHASE, VA 22035, DEED BOOK 2167, PAGE 373



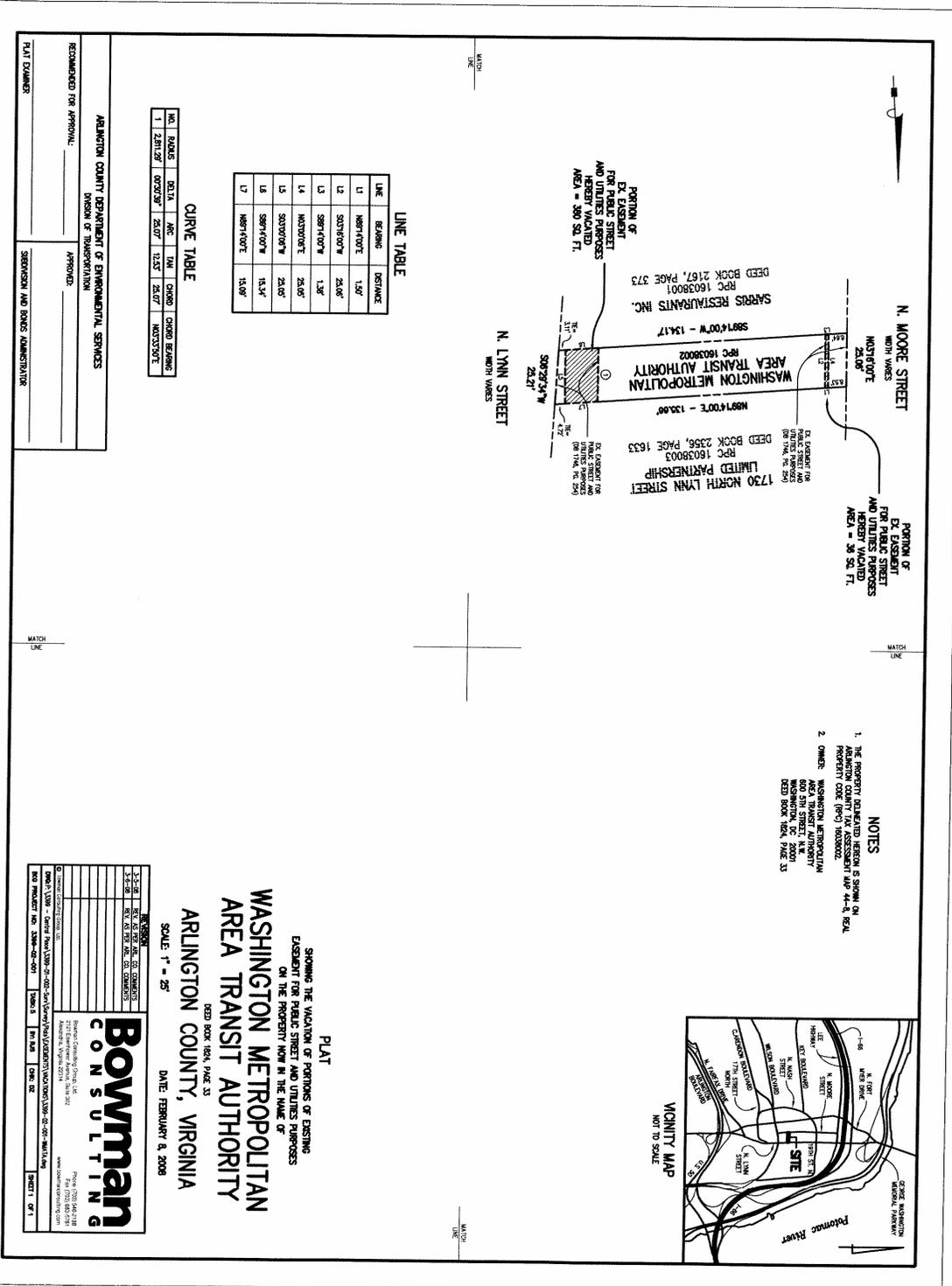
ATTACHMENT 2
(Vacation 2)

AN ORDINANCE TO VACATE: A) ONE PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038003, PARALLEL TO N. LYNN STREET; AND B) ANOTHER PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038003, PARALLEL TO N. MOORE STREET, OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ON A PARCEL OWNED BY WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, ROSSLYN (RPC NO. 16038002), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant”) and Washington Metropolitan Area Transit Authority (“Owner”), on file in the offices of the Department of Environmental Services, A) one portion running south from the shared property line with RPC No.16038003, parallel to N. Lynn Street; and B) another portion running south from the shared property line with RPC No. 16038003 parallel to N. Moore Street, of an Easement for Public Street and Utilities Purposes (both portions jointly, “Easement 2”), located on a parcel owned by Washington Metropolitan Area Transit Authority, Rosslyn (RPC No. 16038002), created by a Deed, dated September 29, 1969, recorded among the Land Records of Arlington County, Virginia, in Deed Book 1746, at Page 254 on February 11, 1971, and shown on a plat entitled “Plat Showing the Vacation of Portions of Existing Easement for Public Street and Utilities Purposes on the Property Now in the Name of Washington Metropolitan Area Transit Authority, Deed Book 1824, Page 33, Arlington County Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit B, are hereby vacated, subject to the following conditions:

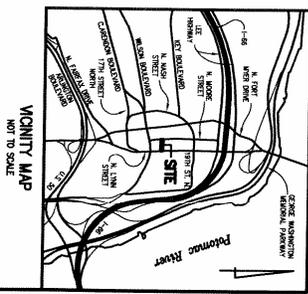
1. The Applicant shall prepare and submit to Arlington County (“County”) for review and approval, the Deed of Vacation and all required plats, subject to approval thereof by the County Manager, or his designee, as to substance, and approval of the deeds, as to form, by the County Attorney.
2. The Applicant 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 shall pay to the County the total sum of \$78,129.79 as compensation for Easement 2 vacated by this Ordinance of Vacation.
4. The Applicant 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 May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT B
Vacation 2



NOTES

1. THE PROPERTY SHOWN AS SHOWN IS SHOWN ON ARLINGTON COUNTY RECORDS AS BEING A PUBLIC STREET AND UTILITY PURPOSES AREA = 300 SQ. FT.
2. OWNER: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
WASHINGTON, DC 20001
DEED BOOK 1634, PAGE 33



LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°14'00"E	13.00'
L2	S03°04'00"W	23.00'
L3	S89°14'00"W	1.30'
L4	N03°00'00"E	23.00'
L5	S03°04'00"W	23.00'
L6	S89°14'00"W	15.34'
L7	N89°14'00"E	15.00'

CURVE TABLE

NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHORD BEARING
1	2381.28'	0°07'03"	23.07'	11.52'	N03°00'00"E	

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION
RECOMMENDED FOR APPROVAL: _____
APPROVED: _____
SUPERVISOR AND BOARD ADMINISTRATOR

PLAT
SHOWING THE VACATION OF PORTIONS OF EXISTING EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ON THE PROPERTY NOW IN THE NAME OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY ARLINGTON COUNTY, VIRGINIA
DEED BOOK 1634, PAGE 33
SCALE: 1" = 25'
DATE: FEBRUARY 8, 2008

Bowman CONSULTING
2717 Lee Highway, Suite 200
Arlington, VA 22204
Phone: (703) 544-1414
www.bowmanconsulting.com

PROJECT NO: 2006-02-001
SHEET 1 OF 1

ATTACHMENT 3
(Vacation 3)

AN ORDINANCE TO VACATE A 5.0' SANITARY SEWER EASEMENT RUNNING EAST TO WEST ALONG THE SHARED PROPERTY LINE WITH RPC NO. 16038002 FROM N. LYNN STREET TO N. MOORE STREET ON A PARCEL KNOWN AS 1730 N. LYNN STREET, ROSSLYN (RPC NO. 16038003), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant”) and 1730 North Lynn Street R.L.L.P., successor by name change to 1730 North Lynn Street Limited Partnership (“Owner”), on file in the offices of the Department of Environmental Services, a 5.0' Sanitary Sewer Easement (“Easement 3”), running east to west along the shared property line with RPC No. 16038002 from N. Lynn Street to N. Moore Street, located on a parcel known as 1730 North Lynn Street (RPC No. 16038003), and created by a Deed, recorded among the Land Records of Arlington County, Virginia, in Deed Book 753, at Page 468, and shown on a plat entitled “Plat Showing the Vacation of a Portion of an Existing Ten (10) Foot Wide Easement for Public Street and Utilities Purposes, the Vacation of a Portion of an Existing Easement for Public Street and Utilities Purposes and the Vacation of an Existing 5.0' Sanitary Sewer Easement on the Property Now in the Name of 1730 North Lynn Street Limited Partnership, Deed Book 2356, Page 1633, Arlington County Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit C, is hereby vacated, subject to the following conditions:

1. The Applicant 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 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 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.
4. All conditions of the Ordinance of Vacation shall be met by noon on May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

ATTACHMENT 4
(Vacation 4)

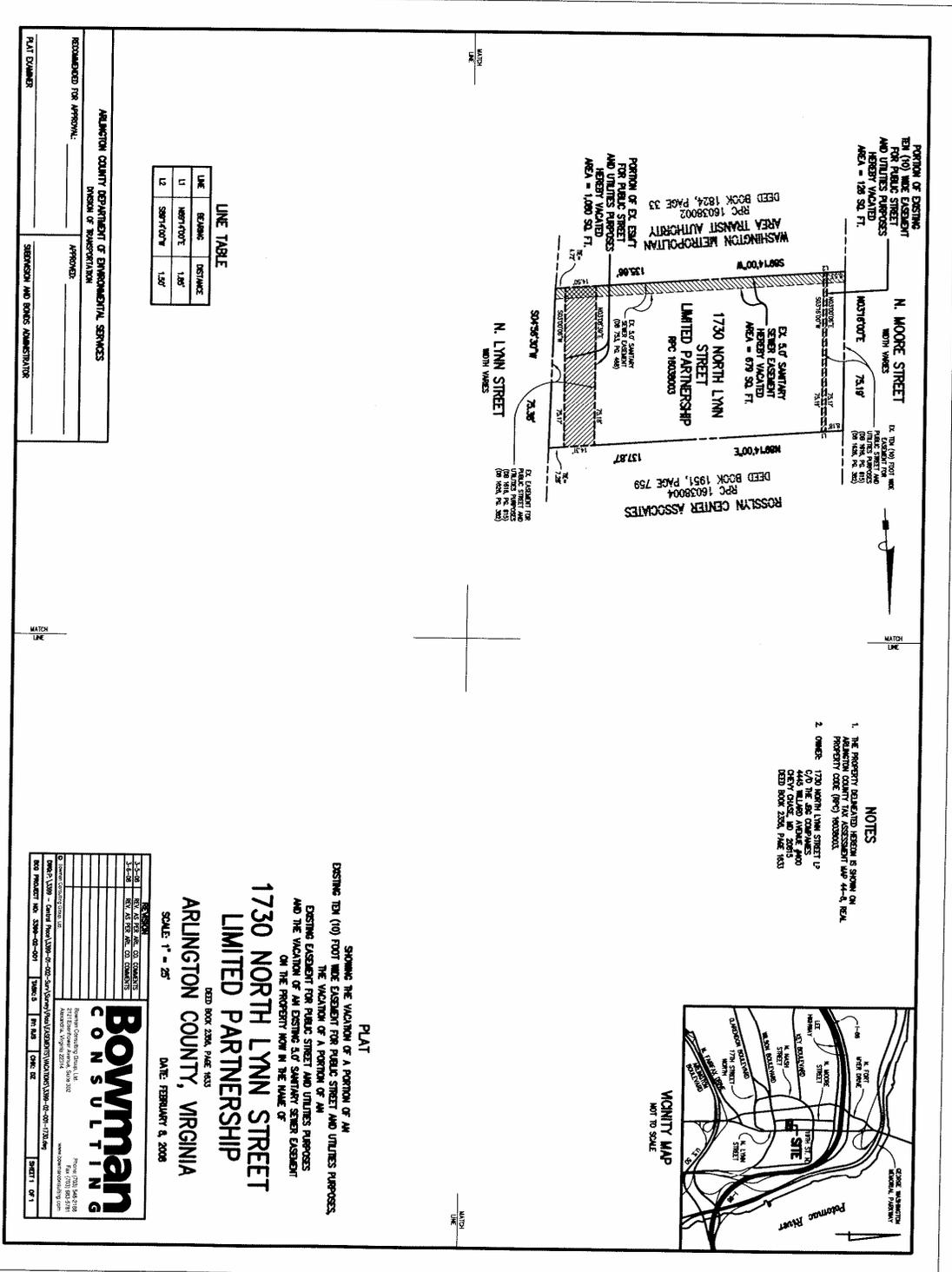
AN ORDINANCE TO VACATE: A) ONE PORTION OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038004, PARALLEL TO N. LYNN STREET; AND B) ANOTHER PORTION OF A TEN (10) FOOT WIDE EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038004, PARALLEL TO N. MOORE STREET ON A PARCEL KNOWN AS 1730 N. LYNN STREET, ROSSLYN (RPC NO. 16038003), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant”) and 1730 North Lynn Street R.L.L.P., successor by name change to 1730 North Lynn Street Limited Partnership (“Owner”), on file in the offices of the Department of Environmental Services, A) one portion of an Easement for Public Street and Utilities Purposes running south from the shared property line with RPC No. 16038004, parallel to N. Lynn Street; and B) another portion of a ten (10) foot wide easement for Public Street and Utilities purposes running south from the shared property line with RPC No. 16038004, parallel to N. Moore Street (jointly, both portions “Easement 4”), located on a parcel known as 1730 N. Lynn Street, Rosslyn (RPC No. 16038003), and created by a Deed, recorded among the Land Records of Arlington County, Virginia, in Deed Book 1616, at Page 615, and Deed Book 1626, at Page 382, and shown on a plat entitled “Plat Showing the Vacation of a Portion of an Existing Ten (10) Foot Wide Easement for Public Street and Utilities Purposes, the Vacation of a Portion of an Existing Easement for Public Street and Utilities Purposes and the Vacation of an Existing 5.0' Sanitary Sewer Easement on the Property Now in the Name of 1730 North Lynn Street Limited Partnership, Deed Book 2356, Page 1633, Arlington County Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit C, are hereby vacated, subject to the following conditions:

1. The Applicant 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 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 shall pay to the County the total sum of \$22,672.80 as compensation for Easement 4 vacated by this Ordinance of Vacation.
4. The Applicant 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 May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT C Vacations 3 & 4



ATTACHMENT 5
(Vacation 5)

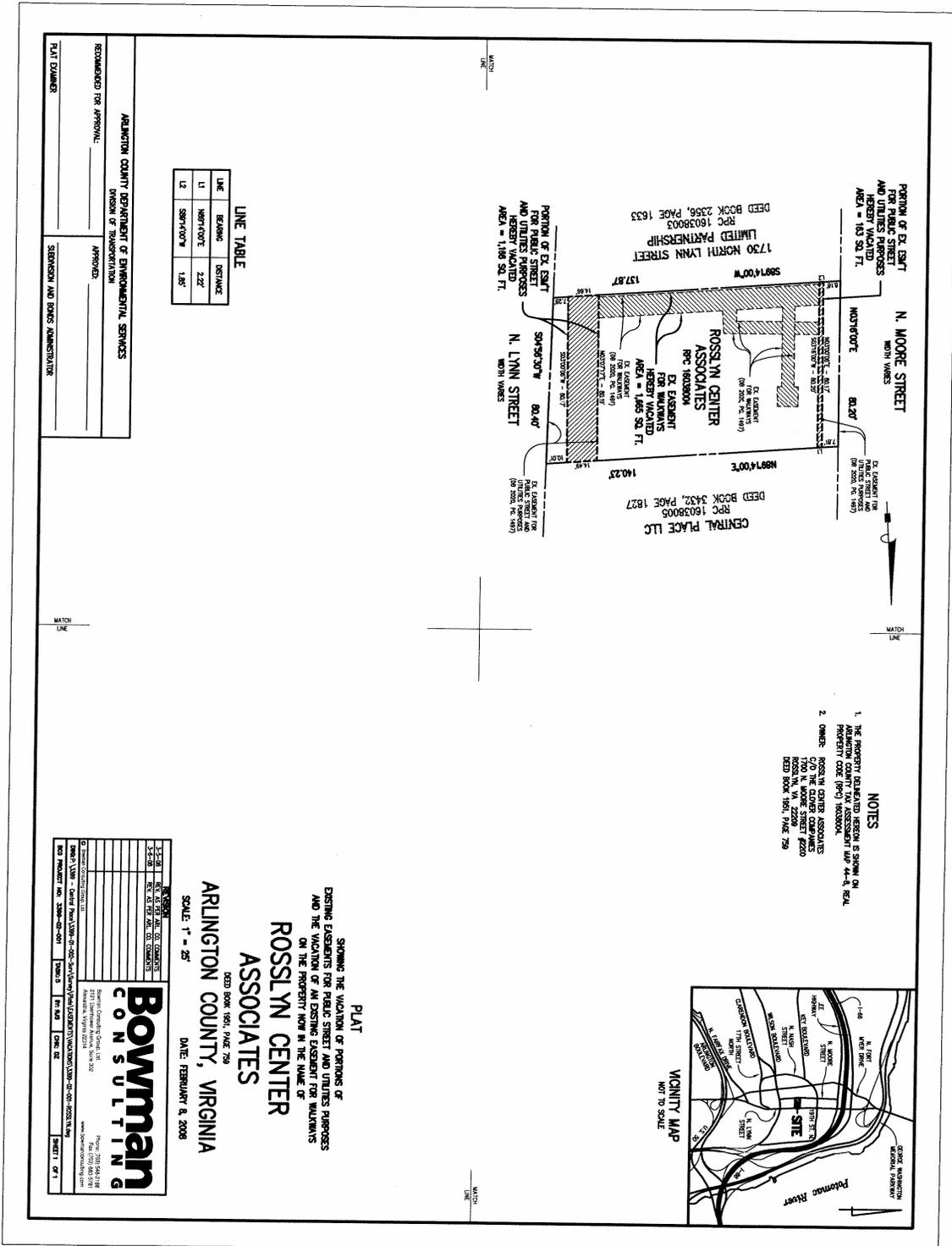
AN ORDINANCE TO VACATE: A) PORTIONS OF AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES: 1) ONE PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038005, PARALLEL TO N. LYNN STREET; AND 2) ANOTHER PORTION RUNNING SOUTH FROM THE SHARED PROPERTY LINE WITH RPC NO. 16038005, PARALLEL TO N. MOORE STREET; AND B) PORTIONS OF AN EASEMENT FOR WALKWAYS LOCATED PRIMARILY IN THE SOUTHERN AND EASTERN PORTIONS OF RPC NO. 16038004 ON A PARCEL OWNED BY ROSSLYN CENTER ASSOCIATES, ROSSLYN (RPC NO. 16038004), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant”) and Central Place II, L.L.C., assignee of development rights through County from Rosslyn Center Associates (“Owner”), on file in the offices of the Department of Environmental Services, A) portions of an Easement for Public Street and Utilities Purposes: 1) one portion running south from the shared property line with RPC No. 16038005, parallel to N. Lynn Street; and 2) another portion running south from the shared property line with RPC No. 16038005, parallel to N. Moore Street (jointly “Easement 5-A”); and B) portions of an Easement for Walkways located primarily in the southern and eastern portions of RPC No. 16038004 (jointly, “Easement 5-B”); both Easements 5-A and 5-B located on a parcel owned by Rosslyn Center Associates, Rosslyn (RPC No. 16038004), and created by a Deed of Easement, dated September 5, 1980, recorded at Deed Book 2020, at Page 1497 on September 8, 1980 among the land records of Arlington County, Virginia, and which Easements 5-A and 5-B are shown on a plat entitled “Plat Showing the Vacation of Portions of Existing Easements for Public Street and Utilities Purposes and the Vacation of an Existing Easement for Walkways on the Property Now in the Name of Rosslyn Center Associates, Deed Book 1951, Page 759, Arlington County, Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit D, are hereby vacated, subject to the following conditions:

1. The Applicant shall prepare and submit to Arlington County (“County”) for review and approval, the Deed(s) 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 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 shall pay to the County the total sum of \$18,738.90 as compensation for Easement 5-A and Easement 5-B vacated by this Ordinance of Vacation.
4. The Applicant shall record all plats and the Deed(s) 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 May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT D
Vacation 5



ATTACHMENT 6
(Vacation 6)

AN ORDINANCE TO VACATE: A) ONE PORTION RUNNING NORTH TO SOUTH, PARALLEL TO N. LYNN STREET; AND B) ANOTHER PORTION RUNNING NORTH TO SOUTH, PARALLEL TO N. MOORE STREET, OF A PERMANENT RIGHT-OF-WAY AND EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ON A PARCEL KNOWN AS 1801 N. MOORE STREET, ROSSLYN (RPC NO. 16038005), WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request by Central Place L.L.C (“Applicant/Owner”), on file in the offices of the Department of Environmental Services, A) one portion running north to south, parallel to N. Lynn Street; and B) another portion running north to south, parallel to N. Moore Street, of a Permanent Right-of-Way and Easement for Public Street and Utilities Purposes (both portions jointly, “Easement 6”), located on a parcel known as 1801 N. Moore Street, Rosslyn (RPC No. 16038005), created by a Deed of Easement, dated September 30, 1985, recorded among the Land Records of Arlington County, Virginia, in Deed Book 2191, at Page 1577 on September 30, 1985 and shown on a plat entitled “Plat Showing the Vacation of Portions of Existing Permanent Right-of-Way and Easement for Public Street and Utilities Purposes on the Property Now in the Name of Central Place L.L.C., Deed Book 3432, Page 1827, Arlington County, Virginia,” dated February 8, 2008, and revised March 6, 2008, prepared by Bowman Consulting Group, Ltd., attached to the County Manager’s March 28, 2008 report as Exhibit E, are hereby vacated, subject to the following conditions:

1. The Applicant shall prepare and submit to Arlington County (“County”) for review and approval, the Deed(s) 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 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 shall pay to the County the total sum of \$113,766.12 as compensation for Easement 6 vacated by this Ordinance of Vacation.
4. The Applicant shall record all plats and the Deed(s) 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 May 5, 2010, or the Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

EXHIBIT E
Vacation 6

