



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 17, 2008**

DATE: May 27, 2008

SUBJECT: Enactment of an Ordinance to Vacate an Easement for Public Street and Utilities Purposes Abutting South Dinwiddie Street Within RPC No. 22001004, Along the Northwesterly Property Line of the Parcel Known as 4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004), with Conditions.

Applicant: Public Private Alliances, LLC

Property Owner: The County Board of Arlington County, Virginia

By: Nan E. Walsh

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

C. M. RECOMMENDATION:

- A. Enact the attached Ordinance (Attachment 1) to Vacate an Easement for Public Street and Utilities Purposes abutting South Dinwiddie Street within RPC No. 22001004, along the northwesterly property line of the parcel known as 4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004), with conditions.
- B. 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 of Vacation and other documents necessary to effectuate the Ordinance of Vacation, subject to approval as to form by the County Attorney.

ISSUE: This is a request for the vacation of an Easement for Public Street and Utilities Purposes to facilitate redevelopment of the County Board-owned Arlington Mill property, which will include a new County Community Center, affordable and market rental residential units, and retail space, consistent with a proposed Columbia Pike Form Based Code ("CFBC") Use Permit requested by Public Private Alliances, LLC. There are no outstanding issues relating to the proposed vacation.

SUMMARY: Public Private Alliances, LLC ("Applicant") has requested the County Board to enact an Ordinance to Vacate a Easement for Public Street and Utilities Purposes (the

County Manager: _____

County Attorney: _____

Staff: Tim O'Hora, DES, Real Estate Bureau

“Easement”), abutting South Dinwiddie Street within the parcel known as 4975 Columbia Pike, Arlington, owned by the County Board. The Easement runs along the northwesterly property line of the Property. The vacation is requested to permit the redevelopment of the parcel as proposed in an application for CFBC Use Permit # U-3199-08-2, 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 Easement will be extinguished.

BACKGROUND: The subject parcel, RPC No. 22001004 (the “Property”), is owned by the County Board and is located along Columbia Pike between South Dinwiddie Street and South Arlington Mill Drive (See Attachment 2, Vicinity Map). The parcel is currently improved with a surface parking lot and a building which formerly housed a Safeway grocery store. The parcel has since been acquired by the County Board and converted to community center uses. The Property was acquired by the County Board by Special Warranty Deed dated June 27, 1996, and recorded in Deed Book 2784, Page 1541 among the Arlington County land records. In conjunction with Applicant’s plans to redevelop the Property as part of an anticipated public-private partnership with the County, the Applicant has submitted an application for a CFBC Use Permit (CFBC Use Permit # U-3199-08-2) for the development of a mixed use project. As proposed, this complex project would redevelop the entire site with a mix of community center uses (including a gymnasium approximately 40,000 square feet in size and a public plaza encompassing more than 17,000 square feet), retail uses (approximately 3,000 square feet), and residential uses (192 rental units), including 61 of affordable rental units (units serving households at or below 60% of the Area Median Income level), utilizing the Federal LIHTC tax credit program offered through VHDA.

DISCUSSION: In conjunction with the plans for redevelopment of the Property, the Applicant has requested the County Board to vacate the entire Easement, which is located within the Property, running along the northwesterly property line abutting South Dinwiddie Street and is depicted on the plat entitled “Plat Showing the Vacation of 10’ Sanitary Sewer Easement, Deed Book 714, Page 357 and Vacation of Public Street and Utility, Deed Book 2183, Page 1889, Arlington Mills Center, Arlington County, Virginia”, dated December 5, 2007, prepared by VIKA Incorporated, which is attached hereto as Exhibit A (“Vacation Plat”). The requested vacation of the entire Easement is necessary to permit the Applicant to construct the buildings proposed by CFBC Use Permit # U-3199-08-2 up to the Required Building Line (“RBL”) required by the Columbia Pike Form Based Code regulating plan.

Legal and Physical Description: The Easement was created by Deed of Easement dated July 11, 1985, and recorded in Deed Book 2183, Page 1889, among the land records of Arlington County, Virginia and is depicted on the Vacation Plat.

Public Notice: Public notice was given in accordance with the Code of Virginia. Notices were placed in the May 22, 2008 and May 29, 2008 issues of the Washington Times for the June 4, 2008 Planning Commission Meeting, and the June 17, 2008 County Board Meeting.

Compensation: Staff recommends that no compensation be required from the Applicant for the requested vacation. The request is for vacation of an Easement for Public Street and Utilities

Purposes on County Board-owned land that is necessary to meet the RBL requirements of the CFBC. The Property will continue to be owned by the County Board, but will be ground leased to the Applicant for development of the Property as a part of the public-private partnership with the County. The ground lease will account for the value of the area to be vacated to development of the project, consistent with CFBC Use Permit # U-3199-08-2, as approved.

FISCAL IMPACT: None.

CONCLUSION: It is recommended that the County Board enact the attached Ordinance to Vacate an Easement for Public Street and Utilities Purposes Abutting South Dinwiddie Street Within RPC No. 22001004, Along the Northwesterly Property Line of the Parcel Known as 4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004), with Conditions.

ATTACHMENT 1

ORDINANCE TO VACATE AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES ABUTTING SOUTH DINWIDDIE STREET WITHIN RPC NO. 22001004, ALONG THE NORTHWESTERLY PROPERTY LINE OF THE PARCEL KNOWN AS 4975 COLUMBIA PIKE, ARLINGTON, VIRGINIA (RPC #22001004), WITH CONDITIONS:

BE IT ORDAINED that, pursuant to a request on file by Public Private Alliances, LLC (the "Applicant") and the County Board of Arlington County, Virginia ("Property Owner") in the Office of the Department of Environmental Services, an Easement for Public Street and Utilities Purposes abutting South Dinwiddie Street within RPC No. 22001004, along the northwesterly property line of the parcel known as 4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004), established by a Deed of Easement, dated July 11, 1985, and recorded in Deed Book 2183, Page 1889, among the land records of Arlington County, Virginia, which easement is shown on a plat dated December 5, 2007, prepared by VIKA Incorporated, entitled "Plat Showing the Vacation of 10' Sanitary Sewer Easement, Deed Book 714, Page 357 and Vacation of Public Street and Utility, Deed Book 2183, Page 1889, Arlington Mills Center, Arlington County, Virginia", attached to the County Manager's Report dated May 27, 2008, as Exhibit A, 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/Property Owner 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/Property Owner 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 this Ordinance of Vacation shall be met by noon on June 17, 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
4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004)

