



ARLINGTON COUNTY, VIRGINIA

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

DATE: May 27, 2008

SUBJECT: Enactment of Three Ordinances to Vacate Portions of Public Streets Abutting the Parcel Known as 4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004), as Follows:

- 1) Enactment of an Ordinance to Vacate a Portion of Columbia Pike Running Along the Entire Southeasterly Property Line of RPC No. 22001004, with Conditions;
- 2) Enactment of an Ordinance to Vacate a Portion of South Dinwiddie Street Abutting and Running Along the Southwestern Property Line of RPC No. 22001004 From the Intersection of South Dinwiddie Street with Columbia Pike for a Distance of Approximately 130.29 feet, with Conditions; and
- 3) Enactment of an Ordinance to Vacate a Portion of South Arlington Mill Drive Running Southeast From the Northerly Corner of RPC No. 22001004, Toward Columbia Pike, for a Distance of Approximately 200.79 feet; 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 to Vacate a portion of Columbia Pike running along the entire southeasterly property line of RPC No. 22001004, with conditions (Attachment 1);
- B. Enact the attached Ordinance to Vacate a portion of South Dinwiddie Street abutting and running along the southwestern property line of RPC No. 22001004 from the intersection of South Dinwiddie Street with Columbia Pike for a distance of approximately 130.29 feet, with conditions (Attachment 2);

County Manager: _____

County Attorney: _____

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

- C. Enact the attached Ordinance to Vacate a portion of South Arlington Mill Drive running southeast from the northerly corner of RPC No. 22001004, toward Columbia Pike, for a distance of approximately 200.79 feet; with conditions (Attachment 3); and
- D. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deeds of Vacation and other documents necessary to effectuate the Ordinances of Vacation, subject to approval as to form by the County Attorney.

ISSUE: This is a request for the vacation of three portions of County public streets to facilitate redevelopment of the County Board-owned Arlington Mill property (the “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 vacations.

SUMMARY: The Applicant has requested the County Board to enact three Ordinances to vacate portions of three public streets abutting the parcel known as 4975 Columbia Pike, owned by the County Board. The vacations are requested to permit the redevelopment of the Property 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 Deeds of Vacation before the expiration of the Ordinance, the County’s interest in the vacated portions of the three public streets to be will be extinguished.

BACKGROUND: 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 4, 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 portions of Columbia Pike, South Dinwiddie Street and South Arlington Mill Drive abutting the Property as depicted on the plat entitled “Plat Showing the Vacation of a Portion of Arlington Mill Drive, D.B. 739, PG. 397 and the Vacation of a Portion of S. Dinwiddie Street, D.B. 1090, PG. 12, and the Vacation of a Portion of

Columbia Pike #224, D.B. 1591 PG., 11 D.B. 655, PG. 15, Arlington Mills Center, Arlington County, Virginia”, dated December 3, 2007, prepared by VIK A Incorporated, which is attached hereto as Exhibit A (“Vacation Plat”). The requested vacations of portions of public streets are necessary to permit the Applicant to construct the buildings proposed by CFBC Use Permit # U-3199-08-2 and to allow construction of such buildings up to the Required Building Line (“RBL”) for Columbia Pike and South Dinwiddie Street required by the Columbia Pike Form Based Code regulating plan. The County Board, as property owner, will be required, as a condition of the South Arlington Mill Drive vacation, to dedicate a portion of the Property on the other side of South Arlington Mill Drive for public street purposes, in order to maintain a 30-foot wide public right-of-way.

Legal and Physical Description:

1. The portion of Columbia Pike to be vacated (approximately 1,589 square feet) was conveyed to the County Board for highway purposes by Deed dated August 31, 1964, and recorded in Deed Book 1591 at Page 11, among the land records of Arlington County, Virginia, and is depicted on the Vacation Plat.
2. The portion of South Dinwiddie Street to be vacated (approximately 1,366 square feet) was dedicated for public use by Deed of Dedication dated November 16, 1944, and recorded in Deed Book 655 at Page 15, among the land records of Arlington County, Virginia, and is depicted on the Vacation Plat.
3. The portion of South Arlington Mill Drive to be vacated (approximately 2,873 square feet) was dedicated by Deed of Dedication dated September 25, 1946, and recorded in Deed Book 739 at Page 397, among the land records of Arlington County, Virginia, and is depicted on the Vacation Plat.

Public Notice: Public notice of all three of the proposed vacations 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 any of the three requested vacations. The requests for vacation of portions of Columbia Pike and South Dinwiddie Street are necessary to meet the RBL requirements of the CFBC. The Property and associated vacations will continue to be owned by the County Board, but will be ground leased by the County Board to the Applicant for development of the Property as a part of the public-private partnership with the County. The ground lease and related documents will account for the value of the area to be vacated for 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 all three of the above-referenced Ordinances of Vacation as set forth in Attachments 1 through 3 attached hereto.

ATTACHMENT 1

AN ORDINANCE TO VACATE A PORTION OF COLUMBIA PIKE RUNNING ALONG THE ENTIRE SOUTHEASTERLY PROPERTY LINE OF 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, a portion of Columbia Pike running along the entire southeasterly property line of RPC No. 22001004, established by a Deed dated August 31, 1964, and recorded in Deed Book 1591 at Page 11, among the land records of Arlington County, Virginia, which portion of Columbia Pike is shown on a plat dated December 5, 2007, prepared by VIKA Incorporated, entitled “Plat Showing the Vacation of a Portion of Arlington Mill Drive, D.B. 739, PG. 397 and the Vacation of a Portion of S. Dinwiddie Street, D.B. 1090, PG. 12, and the Vacation of a Portion of Columbia Pike #224, D.B. 1591 PG., 11 D.B. 655, PG. 15, 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.

ATTACHMENT 2

AN ORDINANCE TO VACATE A PORTION OF SOUTH DINWIDDIE STREET ABUTTING AND RUNNING ALONG THE SOUTHWESTERN PROPERTY LINE OF RPC #22001004 FROM THE INTERSECTION OF SOUTH DINWIDDIE STREET WITH COLUMBIA PIKE FOR A DISTANCE OF APPROXIMATELY 130.29 FEET, 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, a portion of South Dinwiddie Street abutting and running along the southwestern property line of RPC No. 22001004 from the intersection of South Dinwiddie Street with Columbia Pike for a distance of approximately 130.29 feet, established by Deed of Dedication dated November 16, 1944, and recorded in Deed Book 655 at Page 15, among the land records of Arlington County, Virginia, which portion of South Dinwiddie Street is shown on a plat dated December 5, 2007, prepared by VIKA Incorporated, entitled "Plat Showing the Vacation of a Portion of Arlington Mill Drive, D.B. 739, PG. 397 and the Vacation of a Portion of S. Dinwiddie Street, D.B. 1090, PG. 12, and the Vacation of a Portion of Columbia Pike #224, D.B. 1591 PG., 11 D.B. 655, PG. 15, 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:

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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.

ATTACHMENT 3

ORDINANCE TO VACATE A PORTION OF SOUTH ARLINGTON MILL DRIVE RUNNING SOUTHEAST FROM THE NORTHERLY CORNER OF RPC #22001004 TOWARD COLUMBIA PIKE, FOR A DISTANCE OF APPROXIMATELY 200.79 FEET, 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, a portion of South Arlington Mill Drive running southeast from the northerly corner of RPC No. 22001004, toward Columbia Pike, for a distance of approximately 200.79 feet, established by a Deed of Dedication dated September 25, 1946, and recorded in Deed Book 739 at Page 397, among the land records of Arlington County, Virginia, which portion of South Arlington Mill Drive is shown on a plat dated December 5, 2007, prepared by VIKA Incorporated, entitled “Plat Showing the Vacation of a Portion of Arlington Mill Drive, D.B. 739, PG. 397 and the Vacation of a Portion of S. Dinwiddie Street, D.B. 1090, PG. 12, and the Vacation of a Portion of Columbia Pike #224, D.B. 1591 PG., 11 D.B. 655, PG. 15, 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. Prior to execution and delivery of the Deed of Vacation to the Applicant by the County, the Property Owner shall dedicate the fee simple interest for South Arlington Mill Drive specified in and required by Condition #28 of the Columbia Pike Form Based Code Use Permit # U-3199-08-2. All property dedications may be accepted, on behalf of the County Board, by the Real Estate Bureau Chief, and are subject to the approval, as to form, by the County Attorney. The Applicant shall, at Applicant’s expense, record all subdivision deeds and plats, deeds of dedication and easements in the Land Records of Arlington County, Virginia.
5. 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 4 -VICINITY MAP
4975 Columbia Pike, Arlington, Virginia (RPC No. 22001004)

