



ARLINGTON COUNTY, VIRGINIA

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

DATE: June 27, 2008

SUBJECT: Approval of a License Agreement between Arlington School Board, as Licensor, and The County Board of Arlington County, Virginia, as Licensee, on a portion of the School Board-owned Drew Model School property (RPC #31026011); the portion being known as 2410 S. Kenmore Street, Arlington, Virginia.

C. M. RECOMMENDATIONS:

1. Approve the attached License Agreement between Arlington School Board, as Licensor (“School Board” or “Licensor”), and The County Board of Arlington County, Virginia, as Licensee (“County” or “Licensee”), on a portion of the School Board-owned Drew Model School property (RPC #31026011); the portion being known as 2410 S. Kenmore Street, Arlington, Virginia (“License”).
2. Authorize the County Manager, or his designee, to execute on behalf of the County Board, the License Agreement subject to approval as to form by the County Attorney.

ISSUE: As a part of the License approval process, the County Board is being requested to approve and authorize the execution of the attached License.

SUMMARY: Following County Board approval and proper execution of the License, and upon approval and execution of the License by the School Board, the County will have use of 68,625 square feet of space, more or less, as shown as “Proposed Drew Park” on Exhibit A attached hereto, (“Licensed Premises”), together with the non-exclusive use, on a first come, first served basis, of the parking area (“Parking Area”) for the parking of motor vehicles, which such Licensed Premises and Parking Area are located upon and within a portion of the Drew School property (“Premises”). The License will allow the County to construct, use and maintain a playground, including a water play feature, on the Licensed Premises for the benefit and use of the community, Arlington Public Schools and the public at large on a temporary basis until the County and School Board finalize the terms of a land exchange agreement concerning the Premises. The License also grants to the County and the public at large the right of ingress and egress over and across the Premises, Licensed Premises and Parking Area.

County Manager: _____

County Attorney: _____

Staff: Betsy Herbst, DES, Real Estate Bureau

The initial term would begin upon execution of the License by the County and School Board and would expire twenty-four (24) months after the Commencement Date, unless sooner terminated or extended in accordance with the provisions of the License. Arlington Public Schools approved the License at their meeting on June 12, 2008.

DISCUSSION: The subject site, with a street address of 2410 S. Kenmore Street (“Property”), is located in the Nauck neighborhood on the Drew School property. (See Attachment 1, Vicinity Map.) The County desires to use a portion of the property owned by the School Board for the purpose of constructing a new playground for the benefit of the community, Arlington Public Schools and the public at large. The License Agreement will allow immediate construction of the Park while the County and School Board negotiate the terms of a land exchange agreement by which the fee simple interest of land owned by the School Board, including the area of the Licensed Premises, is exchanged for the fee simple interest in land and improvements owned by the County, including the Community Center building. A long term lease for the County’s use of the Community Center will also be negotiated as part of the exchange. County staff obtained bids for construction of the Park, and the awarding of the bid is the subject of a separate board report which is under consideration by the Board. Construction of the park is expected to begin late summer or early fall 2008 and will be completed by spring 2009.

The new Park contains approximately 68,625 square feet in area, and will include a playground with water play feature for the use of the community, Arlington Public Schools and public at large. A copy of the Park design plans are attached as Exhibit B.

The License Agreement, a copy of which is attached hereto as Exhibit C, provides a viable agreement so that the County may construct, use and maintain a public park and playground, together with the non-exclusive use on a first come, first served basis of the Parking Area. Some of the pertinent provisions of the License are as follows:

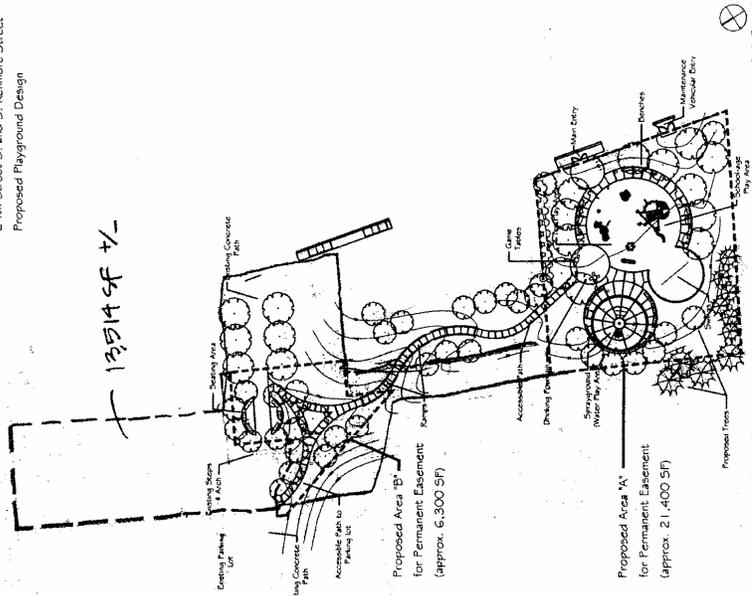
- The initial term shall commence upon execution of the License by both the County and the School Board (“Commencement Date”) and shall continue for a period of twenty-four (24) months at no expense to the County.
- Beginning at the expiration of the initial term, the License shall automatically be extended for four additional twenty-four (24) months at no cost to the County, unless the County gives prior written notice of its intention not to renew to the School Board as provided in the License. In any event, the License term, including all renewals, shall not exceed ten (10) years.
- The County shall be permitted to use the Licensed Premises for the construction, use and maintenance of a playground, including a water play feature, for the benefit and use of the community, Arlington Public Schools and public at large.
- The County shall be responsible for the maintenance, repair and replacement, as needed, of the playground equipment and fixtures, and shall be responsible for risk management requirements of the Park.

FISCAL IMPACT: Funding for construction of the Park was included in the Fiscal Year 2003 Park Bond. The park is anticipated to open in late spring of FY 2009, and any minimal operating costs in fiscal year 2009 will be paid for with existing Parks, Recreation and Cultural Resources (PRCR) appropriated operating funds. It is projected that the annual operating costs of the park and playground (daily routine maintenance, trash removal/recycling, utilities, playground surface replacement, etc.) will be approximately \$50,000, which will be considered during the FY 2010 budget.

CONCLUSION: It is recommended that the County Board approve the attached License Agreement attached as Exhibit C and authorize the County Manager or his designee to execute the License Agreement, subject to approval as to form by the County Attorney.

EXHIBIT B TO BOARD REPORT DREW PARK DESIGN PLAN

DREW PARK
24th Street S. and S. Kemmore Street
Proposed Playground Design

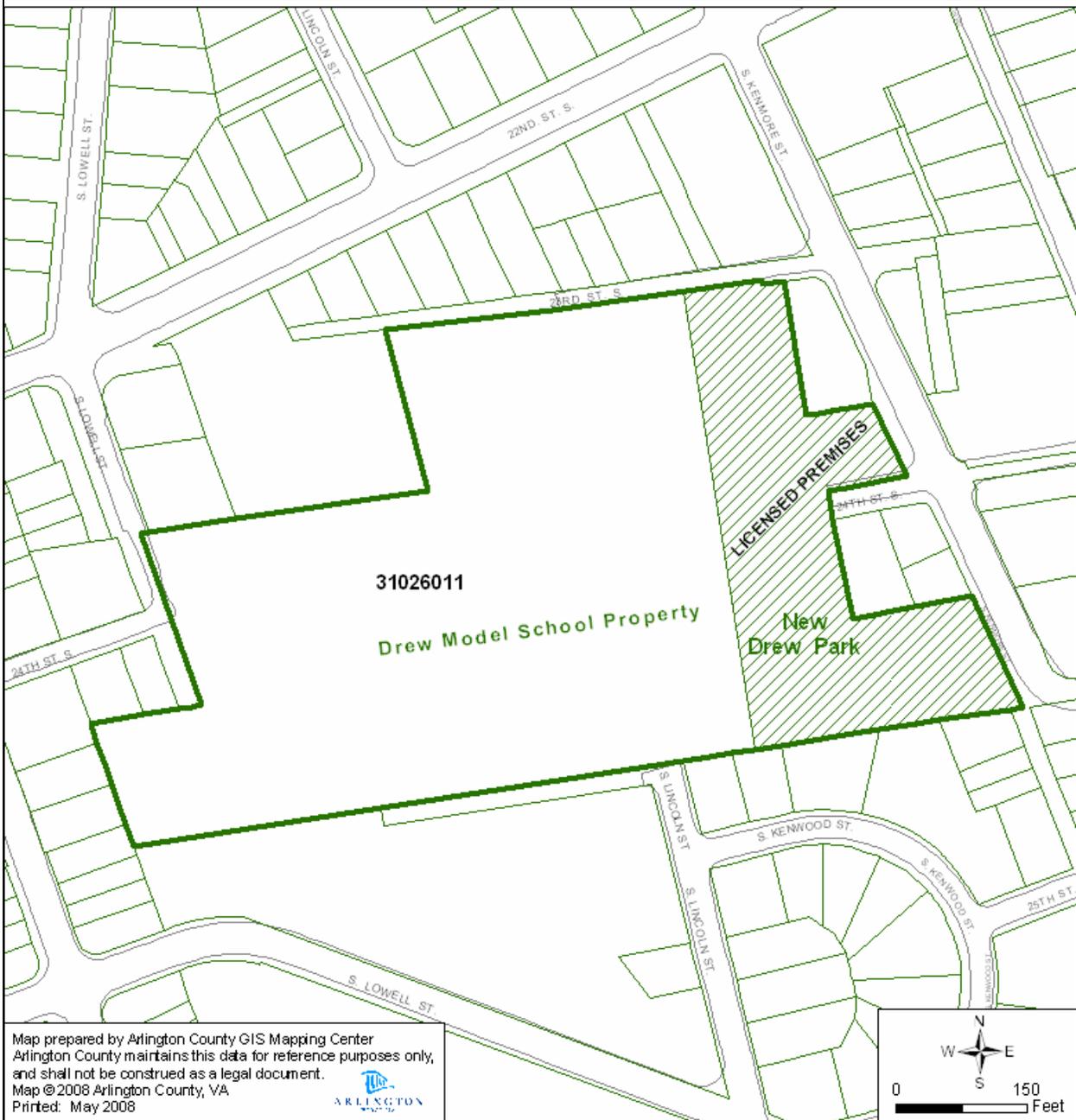


**EXHIBIT C TO BOARD REPORT
LICENSE AGREEMENT**

ATTACHMENT 1

Vicinity Map

New Drew Park
2410 S. Kenmore Street
RPC # 31026011 - APS Property



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: May 2008

