



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of February 24, 2018

DATE: February 16, 2018

SUBJECT: Vacation of an Easement for Public Utilities over a Vacated Alley Parcel, located on 11th Street North Abutting the Easterly Boundary Lines of Lots 40, 41, 42 and 43-C, West Ballston, Arlington, Virginia, such Parcel also identified as RPC# 14-017-018, with Conditions.

Applicant: NVR, Inc.

Owner: Northern Virginia Church Properties LLC

By: Tad Lunger
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
Tysons, VA 22102

C. M. RECOMMENDATION:

1. Enact the attached Ordinance to Vacate an Easement for Public Utilities over a Vacated Alley Parcel, located on 11th Street North Abutting the Easterly Boundary Lines of Lots 40, 41, 42 and 43-C, West Ballston, Arlington, Virginia, such Parcel also identified as RPC# 14-017-018, with Conditions.
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the Deed of Vacation, and to accept any deeds of easement related to the vacation, subject to approval as to form by the County Attorney.

ISSUES: The Applicant has requested vacation of a public utilities easement over a vacated alley to allow the redevelopment of the property under a new site plan. There are no outstanding issues related to the requested vacation.

SUMMARY: In order to permit redevelopment of the property under a new site plan, the Applicant has requested the vacation of a public utilities easement over a vacated alley abutting 11th Street North in the Ballston area. Upon approval and enactment of the proposed Ordinance,

County Manager:

County Attorney:

CR Sanders

22. D.

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

and satisfaction of all conditions specified in the Ordinance, including recordation of the Deed of Vacation by the Applicant before the expiration date of the Ordinance, the County's interest in the public utilities easement will be extinguished.

BACKGROUND: The subject property, owned by Northern Virginia Church Properties LLC, and proposed to be developed by NVR, Inc., is located in the Ballston-Virginia Square neighborhood, within the block that is bounded by 11th Street North to the north, North Utah Street to the east, North Fairfax Drive to the south and North Vermont Street to the west. (See Vicinity Maps at Attachments 2, 3 and 4). The property is located one block north of Fairfax Drive, one block south of Washington Boulevard and four blocks west of Washington-Lee High School.

If the new site plan, SP #447, is approved, it provides for two areas of redevelopment separated by 11th Street North. The proposed vacation is located within the south block where the site would be redeveloped with a 73-unit residential building and townhouse-style units. The north block of the project includes construction of 12 townhouse units. The project will also require modification of zoning standards, including density exclusions for below-grade spaces, vertical shafts and parking modifications.

The parcels abutting the easement to be vacated are located within the south block of the proposed project and are currently developed with a two and three-story church building and a one-story single family house. These parcels are currently zoned "R-5", One-Family and Restricted Two-Family Dwelling District.

The Applicant acquired the property on which the easement is located by Deed of Gift from First Baptist Church of Ballston, dated July 1, 2013, and recorded in Deed Book 4712 at Page 1, among the land records of Arlington County, Virginia. The public utilities easement was established by the recordation of a Deed of Easement dated October 20, 1987, and recorded in Deed Book 2302 at Page 886 among the land records, as a requirement of the vacation of a public alley in the same location by action of the County Board on September 12, 1981.

DISCUSSION: In order to facilitate redevelopment of the property under proposed SP# 447, the Applicant has requested the vacation of an easement for public utilities over an alley that was previously vacated by action of the County Board on September 12, 1981 (minutes of September 12, 1981 meeting corrected on October 17, 1981). As a condition of the ordinance of vacation, the recipient of the vacated area was required to grant an easement for public utilities over the vacated area to the County Board.

There are currently no existing public utilities located within the easement. The vacated area will be used by the Applicant for construction of portions of the buildings and underground garage. As a condition of the site plan, the Applicant will be required to dedicate new public easements to the County as shown on the approved plans.

The public utilities easement to be vacated is depicted on the plat entitled, "Plat Showing Vacation of an Existing Easement for Public Utilities on Vacated Alley, West Ballston, Deed Book 2302, Page 886, Arlington County, Virginia", prepared by VIKa, dated September 14,

2016, and attached hereto as Exhibit A. The easement is approximately 10' x 200' and is 2,000 sq. ft. in area.

Legal and Physical Description: The easement was established by Deed of Easement dated October 20, 1987, and recorded on November 5, 1987, among the land records.

Public Notice: Public notice of the proposed vacation was given in accordance with the Code of Virginia. Notices were placed in the January 30 and February 6, 2018 issues of the Washington Times for the County Board Meeting of February 24, 2018.

Compensation: In keeping with current practice, County staff recommends that no compensation be required from the Applicant for vacating the public utilities easement located on the Applicant's property in relation to redevelopment of the property under a new site plan.

PUBLIC ENGAGEMENT: The Virginia Code requires that notice of vacations of County easements must be published twice at least five days prior to the scheduled County Board meeting in a newspaper with general circulation in the County. Public notice of the proposed vacation has been published as required. In addition, the Applicant has sent written notices of the proposed vacation by certified mail to all surrounding property owners. There is no other public engagement process necessary for the vacation of a public utility easement on private property.

FISCAL IMPACT: No compensation is required to be paid by the Applicant for this vacation. Consequently, there is no Fiscal Impact related to this request.

ORDINANCE TO VACATE AN EASEMENT FOR PUBLIC UTILITIES OVER A VACATED ALLEY PARCEL, LOCATED ON 11TH STREET NORTH ABUTTING THE EASTERLY BOUNDARY LINES OF LOTS 40, 41, 42 AND 43-C, WEST BALLSTON, ARLINGTON, VIRGINIA, SUCH PARCEL ALSO IDENTIFIED AS RPC# 14-017-018, WITH CONDITIONS.

BE IT ORDAINED that, pursuant to a request on file, by NVR, Inc., with consent of the owner, Northern Virginia Church Properties LLC (collectively, the “Applicant”), in the Office of the Department of Environmental Services, the easement for public utilities over a vacated alley parcel, located on 11th Street North abutting the Easterly Boundary Lines of Lots 40, 41, 42 and 43-C, West Ballston, Arlington, Virginia, such parcel also identified as RPC# 14-017-019, established by Deed of Easement dated October 20, 1987, and recorded in Deed Book 2302 at Page 896, among the Arlington County, Virginia land records, and which public utilities easement is depicted on the plat entitled “Plat Showing Vacation of an Existing Easement for Public Utilities on Vacated Alley, West Ballston, Deed Book 2302, Page 886, Arlington County, Virginia”, prepared by VIKa, dated September 14, 2016, and attached to the County Manager’s Report for this item as Exhibit A, is hereby vacated subject to the following conditions:

1. The Applicant 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 public utility facilities, if any, 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.
2. The Applicant shall, at its own cost and expense, remove, relocate and reconstruct the existing public and private utilities, if any, located within the easement herein vacated, with new public and private utility 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.
3. The Applicant 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, and removal, and/or replacement of any public or private utility facilities pursuant to the approved Plan.
4. The Applicant shall dedicate, grant and convey to the County new public and private utility easement(s), at locations and of dimensions necessary to accommodate any relocated facilities as required by the County as and provided in Site Plan #447, 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 public utility easement(s) on behalf of the County, subject to approval as to form by the County Attorney. The Deed shall provide that the Grantor, its successors in title and interest, shall indemnify and hold harmless the County, its elected and appointed officials, employees and agents from all liability, claims, damages, costs, and expenses of any nature concerning, or arising out of, the construction, or continued existence, of any building or structure within the new easement area(s).

5. The Applicant shall prepare and submit to the County for review and approval, the Deed of Vacation, and all required plats, and all required deed(s) 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 Deed of Vacation, for the entire length and width of the portion of the easement to be vacated by this Ordinance, shall be a single deed, in recordable form. The deed shall, among other things, convey by quitclaim all right, title and interest, if any, of the County Board to and in all public utility lines, and related County facilities within the boundaries of the easement to be vacated. Upon recordation of the Deed of Vacation, all facilities located within the vacated easement shall be the property of the Applicant.
7. The Applicant shall pay all fees, including the fees for plat review, approval and recordation of the Deed of Vacation associated with the Ordinance of Vacation.
8. The Applicant shall record all plats, the Deed of Vacation, all required deed(s) of easement required by the conditions of this Ordinance of Vacation and all plats, subject to the approval of the County Manager, or his designee, and approval as to form by the County Attorney.
9. All conditions of this Ordinance of Vacation shall be met by noon on February 24, 2021, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.



VICINITY MAP
SCALE: 1"=2000'

NOTES:

1. THE SUBJECT PROPERTIES ARE IDENTIFIED ON ARLINGTON COUNTY, VIRGINIA REAL PROPERTY IDENTIFICATION MAP AS RPC 14017005, 14017006, 14017018, 14018001, 14018002, AND 14018070 AND ARE ZONED R-5 AND R15-30T.
2. THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF NORTHERN VIRGINIA DEVELOPMENT, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, BOOK 472 AT PAGE 1 AMONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA.
3. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) NUMBER 5101300038C, COMMUNITY PANEL 515520 0038 C, FOR ARLINGTON COUNTY, VIRGINIA, DATED AUGUST 19, 2013. ZONE "X" IS NOT IDENTIFIED AS A SPECIAL FLOOD HAZARD ZONE AREA.
4. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO VIRGINIA COORDINATE SYSTEM 1983 (VCS 83).
5. THE HORIZONTAL DATUM SHOWN HEREON IS BASED ON A GPS SURVEY PERFORMED BY VIK A VIRGINIA, LLC ON APRIL 12, 2016, USING THE FOLLOWING CORS STATIONS:
LOYB LORTON VA - 0576 (NGS PID DH7960)
LOYA ANNAPOLIS JCT MD - 370 (NGS PID D36440)
LOYA LEESBURG VA - 75 (NGS PID DH3146)
6. BOUNDARY SURVEY WAS CONDUCTED BY VIK A VIRGINIA, LLC ON MAY 20, 2016. THE SURVEY CONTROL ESTABLISHED BY VIK A VIRGINIA, LLC ON MAY 20, 2016, THE SURVEY CONTROL ESTABLISHED BY VIK A VIRGINIA, LLC ON MAY 20, 2016, WHICH EXCEEDS THE MINIMUM HORIZONTAL PRECISION OF 1:92210 WHICH EXCEEDS THE MINIMUM HORIZONTAL PRECISION OF 1:20,000 AS REQUIRED BY THE COMMONWEALTH OF VIRGINIA.
7. THE SUBJECT PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT PER THE ARLINGTON COUNTY HISTORIC DISTRICT COMMISSION, APRIL 2016. THE SUBJECT PROPERTIES ARE NOT CATEGORIZED ON ARLINGTON COUNTY HISTORIC RESOURCES INVENTORY (HRI).
8. THE SUBJECT PROPERTY DOES NOT LIE IN A RESOURCE PROTECTION AREA (RPA) PER ARLINGTON COUNTY STREAMS, WATERSHEDS, AND RESOURCE PROTECTION AREAS (RPAs) MAP DATED JUNE 2013.

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	TANGENT	CHORD BRG.
C5	13.00'	20.37'	89°48'00"	12.95'	S51°03'22"E
					18.35'

Exhibit A

PLAT SHOWING
VACATION OF AN EXISTING
EASEMENT FOR PUBLIC UTILITIES
ON

VACATED ALLEY
WEST BALLSTON

DEED BOOK 2302 PAGE 886
ARLINGTON COUNTY, VIRGINIA
SCALE: 1"=25' DATE: 09/14/2016
SHEET 1 OF 1



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ 3D LASER SCANNING

VIK A VIRGINIA, LLC

8180 GREENSBORO DRIVE, SUITE 200 ■ TYSONS, VIRGINIA 22102

(703) 442-7600 ■ FAX (703) 761-2787

WWW.VIK.A.C.O.M

RP/SP:



GRAPHIC SCALE
(IN FEET)
1 inch = 25 ft.

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF TRANSPORTATION

RECOMMENDED FOR APPROVAL: _____

APPROVED: _____

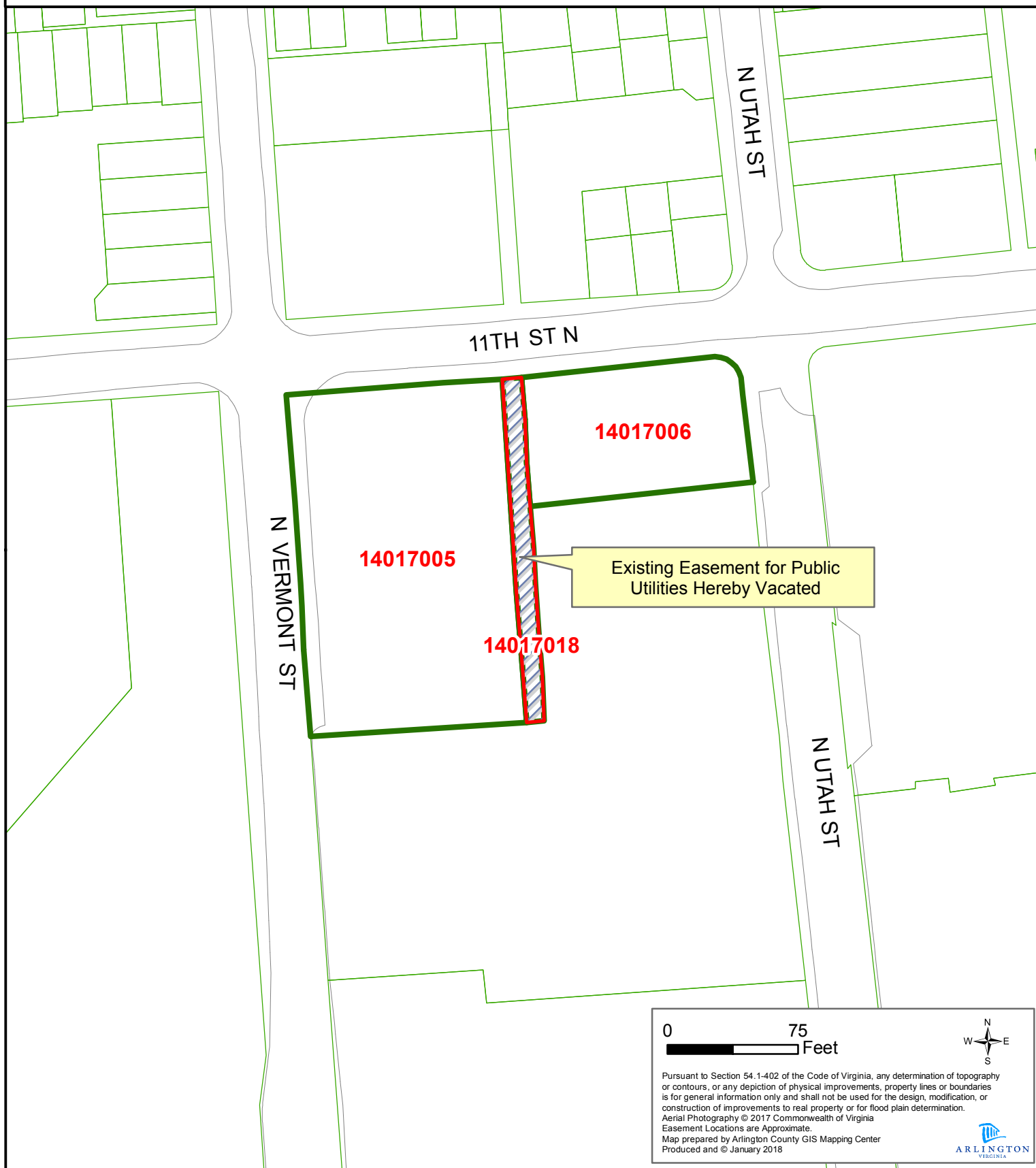
PLAT EXAMINER

SUBDIVISION AND BONDS ADMINISTRATOR

Vicinity Map

Vacation of Easement for Public Utilities

RPC# 14-017-018

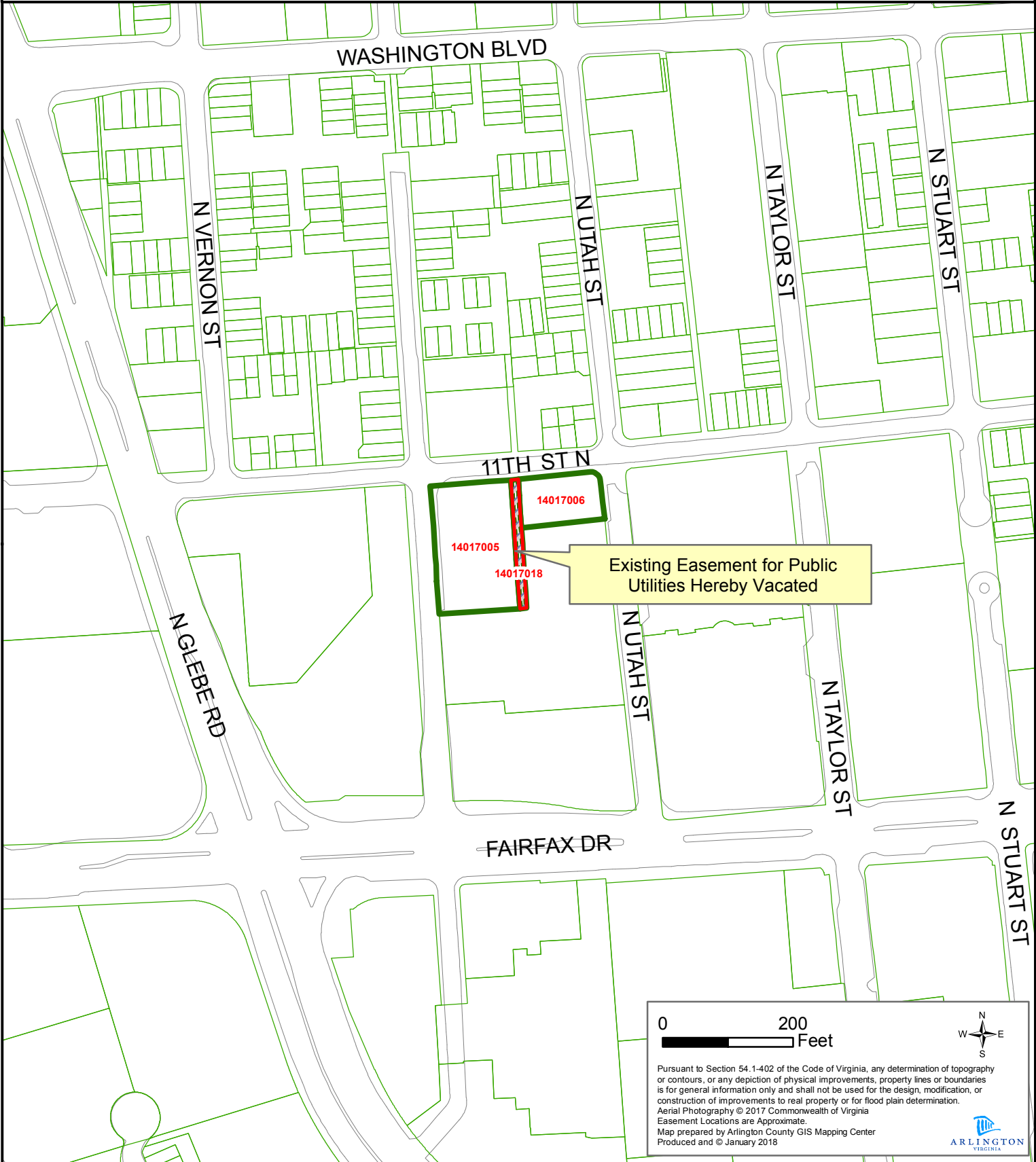


0 75 Feet

Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Aerial Photography © 2017 Commonwealth of Virginia. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © January 2018.

ARLINGTON VIRGINIA

Vicinity Map
Vacation of Easement for Public Utilities
RPC# 14-017-018



Vicinity Map
Vacation of Easement for Public Utilities
RPC# 14-017-018

