DATE: June 22, 2005

SUBJECT: Resolution Authorizing A Public Hearing Concerning the Abandonment of a Portion of North Oakland Street from 20th Street North to Lee Highway

C. M. RECOMMENDATION: Approve the attached Resolution Authorizing a Public Hearing on September 17, 2005 Concerning the Abandonment of a Portion of North Oakland Street between 20th Street North and Lee Highway.

ISSUES: None.

SUMMARY: The Cherrydale Citizens Association (CCA) has requested that North Oakland Street, between Lee Highway and 20th Street North, be closed to vehicular traffic. To accomplish the closure, a portion of the North Oakland Street right-of-way must be abandoned under the procedures prescribed by the Code of Virginia concerning the abandonment of roadways not in the State highway system or secondary system. The County Board approved an amendment to the Master Transportation Plan – Part 1, in December 2004, to delete North Oakland Street and a through street between Lee highway and 20th Street North.

BACKGROUND: The Cherrydale Citizens Association has requested that North Oakland Street be closed mid-block between Lee Highway and 20th Street North (see plat attached as Exhibit “A”) to improve pedestrian safety and to redirect additional traffic generated by the Bromptons at Cherrydale townhouse development just north of the proposed abandonment. To determine neighborhood support for the street closure, staff conducted a survey of the affected area of the neighborhood, following procedures of the Neighborhood Traffic Calming Program (NTC). The street closure was endorsed by 73 percent (54 households) of area-of-impact households (74 households), exceeding the 70 percent minimum threshold required under the NTC process. To accomplish the physical street closure, it is necessary to abandon the portion of North Oakland Street right-of-way shown on the attached Exhibit “A”, in order to comply with the provisions of §33.1-157, et seq. of the Code of Virginia concerning abandonment of roads not in the state highway system or secondary system.

County Manager: _____________
County Attorney: _____________
Staff: Elizabeth Diggs, DES, Division of Transportation (DOT), Transportation Planning
DISCUSSION: The present street improvements on North Oakland Street include sidewalks on the east side adjacent to the Camelot Hall property, and on the west side of the street adjacent to the Bromptons at Cherrydale development. At the south end of these above developments, North Oakland Street narrows to an asphalt travel way approximately 14 to 18-feet wide, which continues south to the intersection with 20th Street North. There is a rise in the above asphalt travel way of the street south of these developments which culminates in a crown on the road approximately 100 feet south of the proposed street closure.

In the fall of 2003, the Cherrydale Citizens Association (CCA) had requested that a process be initiated to close North Oakland Street mid-block between Lee Highway and 20th Street North. The CCA made the request citing poor safety for pedestrians and drivers due to narrowness, lack of sidewalks and curbs, and the impaired visibility caused by the crown in the road. The CCA stressed that this situation would be made worse with the increased traffic generated by the completion of the Bromptons project, which is expected to generate approximately 500 additional vehicle trips per day, a number of which would be dispersed onto North Oakland Street.

On November 12, 2003, the CCA voted in favor of requesting the County to move forward with the closure of the street. In July 2004, staff outlined the process to the CCA for a street closure. In January 2005, staff met with area residents to begin development of a plan for the street closure. After several meetings, a design concept for closure was agreed upon. The plan consists of a 40-foot long landscaped closure with a pathway connecting to a new sidewalk on the west side, curb and gutter on the east side, and sidewalk connecting to the new development on 20th Street North. Residents and County staff have agreed on the design of the closure, and other work.

This portion of North Oakland Street, when abandoned, will cease to be a public road.

Title to the property in the abandoned section of right of way will be retained by the County under Code of Virginia Section 33.1-157 et seq., which provides that the governing body of a county may abandon a section of a road by the following procedures:

1. Posting notices of its intention to do so at the front door of the courthouse and at a minimum of three places along and on the road proposed to be abandoned, and by publication of intention to do so at least twice in a newspaper having general circulation in the county stating the time and place at which the governing body will meet to consider the abandonment of such road;

2. After the governing body has determined either that no public necessity exists for continued use of the section of road as a public road, or that the welfare of the public will be best served by abandoning the section of road, the governing body shall enter an order in its minutes abandoning the section of road as a public road.

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Under this procedure, a public hearing is not required unless requested by an affected landowner within thirty-days of the posting of notice of the intention to abandon. However, in keeping with general County practice, staff recommends that the County Board hold a public hearing at its regular meeting on September 17, 2005.

A copy of a proposed Resolution setting a public hearing date and directing Staff to post notices and comply with administrative requirements of the statute is attached as Attachment 1.
RESOLUTION AUTHORIZING A PUBLIC HEARING CONCERNING THE ABANDONMENT OF A PORTION OF NORTH OAKLAND STREET BETWEEN 20TH STREET NORTH AND LEE HIGHWAY

WHEREAS, the Department of Environmental Services-Division of Transportation (DOT) has requested that a 40-foot long, portion of North Oakland Street be closed, thus eliminating the connection between 20th Street North and Lee Highway; and

WHEREAS, §33.1-157 et seq. of the Code of Virginia allows the County Board of Arlington County, Virginia to abandon a section of road no longer necessary for public use, and

WHEREAS, in order to abandon such road a public hearing must be held concerning the proposed abandonment.

NOW THEREFORE BE IT RESOLVED, that the County Board of Arlington County, Virginia directs Staff to post the necessary notice and comply with all administrative requirements of §33.1-157 et seq. of the Code of Virginia to accomplish the abandonment of a 40-foot long, portion of North Oakland Street be closed between 20th Street North and Lee Highway; and

BE IT FURTHER RESOLVED, that a public hearing to consider the abandonment of such portion of North Oakland Street between 20th Street North and Lee Highway is to be held before the County Board of Arlington County, Virginia at its regular meeting of September 17, 2005.
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