



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of November 5, 2016**

**DATE:** October 25, 2016

**SUBJECT:** Vacation of a Portion of an Easement for Public Sidewalk and Utilities Purposes Along the South Side of 11<sup>th</sup> Street South, East of its Intersection with South Walter Reed Drive, on Property Known as Phase 1, Columbia Place Condominium (RPC #32-005-047), with Conditions.

**Applicant/Owner:**

EVG-CP, LLC  
Robert Cappellini, Managing Member  
3684 Centerview Drive, Suite 120  
Chantilly, VA 20151

**C. M. RECOMMENDATION:**

1. Enact the attached Ordinance to Vacate a Portion of an Easement for Public Sidewalk and Utilities Purposes Along the South Side of 11th Street South, East of its Intersection with South Walter Reed Drive, on Property Known as Phase 1, Columbia Place Condominium (RPC #32-005-047), with Conditions (“Attachment 1”).
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 all documents necessary to effectuate the Ordinances of Vacation, subject to approval as to form by the County Attorney.

**ISSUES:** This request to vacate a portion of an easement for public sidewalk and utilities purposes is necessary in order to correct the location of a previously recorded dedication as it relates to the physical location of the constructed building. There are no issues related to this request.

**SUMMARY:** The Applicant has requested that the County Board enact an Ordinance to vacate an inaccurate portion of a previously dedicated easement for public sidewalk and utilities purposes. If enacted, the requested vacation ordinance would permit the vacation of a portion of the easement to accurately align with the constructed building.

County Manager:

*MJS/GA*

County Attorney:

*[Handwritten Signature]*      *[Handwritten Signature]*

**11. B.**

Staff: Betsy Herbst, DES, Real Estate Bureau

**BACKGROUND:** On July 11, 2009, the County Board approved a use permit authorizing the development of a mixed use project, known as Columbia Place, to include a 14-unit condominium building with approximately 3,000 square feet of ground floor retail and eight (8) townhouse units. The subject property, bordered by South Walter Reed Drive, 11<sup>th</sup> Street South, and South Edgewood Street, is located within the Columbia Pike Special Revitalization District, designated on the General Land Use Plan, and was approved for redevelopment using the Columbia Pike Form Based Code (FBC).

On May 18, 2013, the County Board enacted an ordinance to permit encroachment into the South Walter Reed Drive right-of-way of portions of above-grade architectural awning and roof overhangs, which were features required under the approved use permit conditions and the Columbia Pike Form Based Code.

On November 14, 2015, the County Board further enacted an ordinance to permit encroachment of balconies and box window overhangs within a newly created easement for public access and utilities purposes and an ordinance to permit encroachment of portions of entry awning eave and upper floor building overhangs within an easement for public sidewalk and utilities purposes.

**DISCUSSION:** The Applicant has nearly completed construction of the project and is in the process of obtaining the last occupancy permits. The erroneous dedications were discovered when the Applicant submitted final survey plats to County staff for review. During the review, staff determined that the building face encroaches into the previously dedicated easement for public sidewalk and utilities by approximately 6 inches.

Before the Applicant can obtain final occupancy permits for the final phase of the project, the Applicant must obtain an ordinance to vacate the portion of the existing easement for public sidewalk and utilities purposes and satisfy the conditions of the vacation ordinance, including recordation of a Deed of Vacation among the land records of Arlington County Virginia (“Land Records”).

In addition, the Applicant must obtain approval to amend the associated Use Permit conditions, which is the subject of a separate Board Report, to allow the dedication of the sidewalk easement to be reduced to 5.5 ft. in the area of encroachment, instead of the standard 6 ft. dedication. The physically constructed sidewalk is, and will remain, in excess of 6 ft.

EVG-CP, LLC acquired the property by Deed dated January 9, 2013 and recorded on January 11, 2013 in Deed Book 4643, Page 1628, among the Land Records. The proposed vacation is more specifically shown as “Portion of Ex. Easement for Public Sidewalk and Utilities Purposes (Area=25 sq.ft.) Instrument #20050100012375 (Hereby Vacated)”, on a Plat entitled, “Plat Showing Vacation of a Portion of An Easement for Public Sidewalk and Utilities Purposes Phase 1 Columbia Place Condominium, Instrument #20150100020308, Arlington County, Virginia”, prepared by Land Design Consultants, Inc., Sheets 1 and 2, dated August, 2016, attached hereto as Exhibit A (“Plat”).

**Legal and Physical Description:** The County easement for public sidewalk and utilities purposes was established by Deed of Resubdivision, Vacation, Rededication, Easement and Dedication dated April 9, 2015, and recorded as Instrument #20150100012375 among the Land Records.

**Public Notice:** Public notice was given in accordance with the Code of Virginia. Notices for the vacation was placed in the October 11, 2016, and October 18, 2016, issues of the Washington Times for the November 5, 2016 County Board Meeting.

**Compensation:** Because the vacation is necessary for correction purposes, County staff recommends that no compensation be required by the Applicant for the proposed vacation.

**FISCAL IMPACT:** Compensation is not being required of the Applicant because the vacation of the easement is being requested to correct the erroneous dedication. There is no fiscal impact related to this request.

**ORDINANCE TO VACATE A PORTION OF AN EASEMENT FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES ALONG THE SOUTH SIDE OF 11TH STREET SOUTH, EAST OF ITS INTERSECTION WITH SOUTH WALTER REED DRIVE, ON PROPERTY KNOWN AS PHASE 1, COLUMBIA PLACE CONDOMINIUM (RPC #32-005-047), WITH CONDITIONS.**

**BE IT ORDAINED** that, pursuant to a request on file, by EVG-CP, LLC, (the “Applicant”), in the Office of the Department of Environmental Services, the portion of an Easement for Public Sidewalk and Utilities Purposes along the South Side of 11<sup>th</sup> Street South, East of its Intersection with South Walter Reed Drive, on property known as Phase 1, Columbia Place Condominium (RPC #32-005-047), established by Deed of Resubdivision, Vacation, Rededication, Easement and Dedication dated April 9, 2015, and recorded as Instrument #20150100012375 among the Arlington County, Virginia land records, and which portion of the easement for public sidewalk and utilities purposes is depicted on the plat entitled “Plat Showing Vacation of a Portion of An Easement for Public Sidewalk and Utilities Purposes Phase 1 Columbia Place Condominium, Instrument #20150100020308, Arlington County, Virginia”, prepared by Land Design Consultants, Inc., Sheets 1 and 2, dated August, 2016, attached hereto as Exhibit A, is hereby vacated, subject to the following conditions:

1. The Applicant shall prepare and submit to the County for review and approval, the Deed of Vacation, and all required plats, subject to the approval thereof by the County Manager, or his designee, and approval of the deeds as to form by the County Attorney.
2. The Deed of Vacation shall be 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 the portion of the public sidewalk and utilities, 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.
3. 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.
4. 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.
5. All conditions of this Ordinance of Vacation shall be met by noon on May 5, 2017, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.

**SURVEYOR'S CERTIFICATE**

I, KEVIN D. VANCIAN, A DAILY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS THE PROPERTY ACQUIRED BY EVG - CP, LLC, BY DEED RECORDED IN DEED BOOK 46-9, PAGE 46-9, AMONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA.  
 I FURTHER CERTIFY THAT THE PROPERTY LIES WITHIN THE BOUNDS OF THE ORIGINAL TRACT, THAT BEARINGS REFER TO VIRGINIA STATE GRID NORTH (VCS 1983).



**OWNER DEDICATION**

THE PLATTING OF THE PROPERTY SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER.

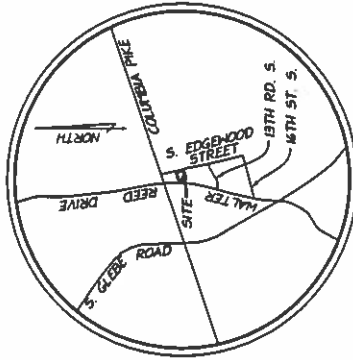
EVG - CP, LLC \_\_\_\_\_ DATE \_\_\_\_\_

**NOTES**

1. THE PROPERTY DELINEATED ON THIS PLAT IS IDENTIFIED ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NUMBER 74-05 AS RFC #32-005-047 AND IS CURRENTLY ZONED CP-FBC.
2. THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD SURVEY BY THIS FIRM PERFORMED ON AUGUST 30, 2011.
3. TITLE REPORT FURNISHED BY CHICAGO TITLE INSURANCE COMPANY, TITLE NO. 11-4276, WITH AN EFFECTIVE DATE OF AUGUST 2, 2011.
4. THE PROPERTY SHOWN HEREON LIES WITHIN A ZONE 'C', AN AREA DETERMINED TO HAVE MINIMAL FLOODING, AS DELINEATED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 545520000E, DATED MAY 3, 1982.
5. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA STATE COORDINATE SYSTEM OF 1983 AS COMPUTED FROM A DRAWING PROVIDED BY THE ARLINGTON COUNTY SURVEY DEPARTMENT.
6. THE PROPERTY IS SUBJECT TO THE CONTROL OF USE PERMIT BU-3223-09-1 APPROVED BY THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA ON JULY 11, 2009, AND APPROVAL OF THIS PLAT NEITHER ENLARGES NOR REDUCES THE OBLIGATIONS IMPOSED BY THIS USE PERMIT, AND ANY AMENDMENTS, AS THEY RELATE TO THESE PROPERTIES. USE PERMIT BU-3223-09-1 IS ON FILE IN THE OFFICE OF THE ZONING ADMINISTRATOR OF ARLINGTON COUNTY, VIRGINIA.

**CURVE DATA**

CURVE	ARC LENGTH 91.91'	RADIUS 1479.20'	TANGENT 45.97'	DELTA ANGLE 333°52'	CHORD BEARING N00°37'41"E	CHORD LENGTH 91.89'
C1						



**VICINITY MAP**  
SCALE: 1" = 2000'

PLAT SHOWING  
 VACATION OF A PORTION OF AN EASEMENT  
 FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES  
**PHASE 1**  
**COLUMBIA PLACE**  
**CONDOMINIUM**  
 INSTRUMENT #201501000203008  
 ARLINGTON COUNTY, VIRGINIA  
 SCALE 1" = 20' DATE AUGUST, 2016



LAND DESIGN CONSULTANTS, INC.  
 680 GARY ROAD SUITE 200 ROANOKE VIRGINIA 24012  
 P: 753-886-6565 F: 753-886-6573



WALTER REED DRIVE  
VARIABLE WIDTH R/W  
(PUBLIC STREET)

CULCOT B

PART ORIGINAL  
CORP. E. HEINTZSH  
PROPERTY

IITH STREET SOUTH

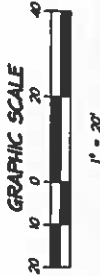
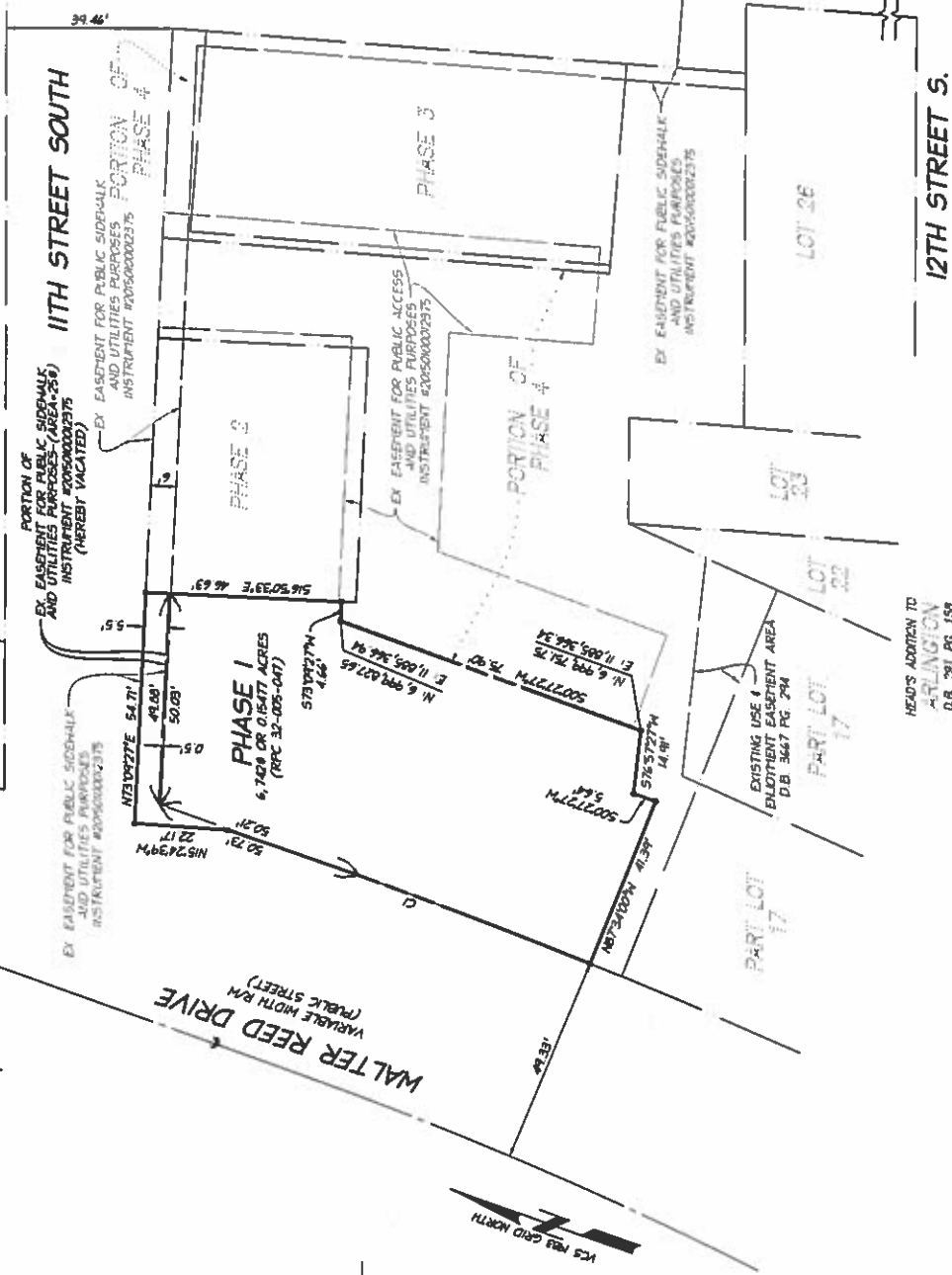
SOUTH EDGEWOOD STREET  
VARIABLE WIDTH R/W  
(PUBLIC STREET)



PLAT SHOWING  
VACATION OF A PORTION OF AN EASEMENT  
FOR PUBLIC SIDEWALK AND UTILITIES PURPOSES  
**PHASE 1**  
**COLUMBIA PLACE  
CONDOMINIUM**  
INSTRUMENT #20150100020308  
ARLINGTON COUNTY, VIRGINIA  
SCALE: 1" = 20' DATE: AUGUST 2016

**LDC**  
LAND DESIGN CONSULTANTS, INC.  
6860 DART ROAD, SUITE 201, WOODBRIDGE, VIRGINIA 22191  
PH: 703-448-5265 TX: 703-448-4775

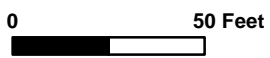
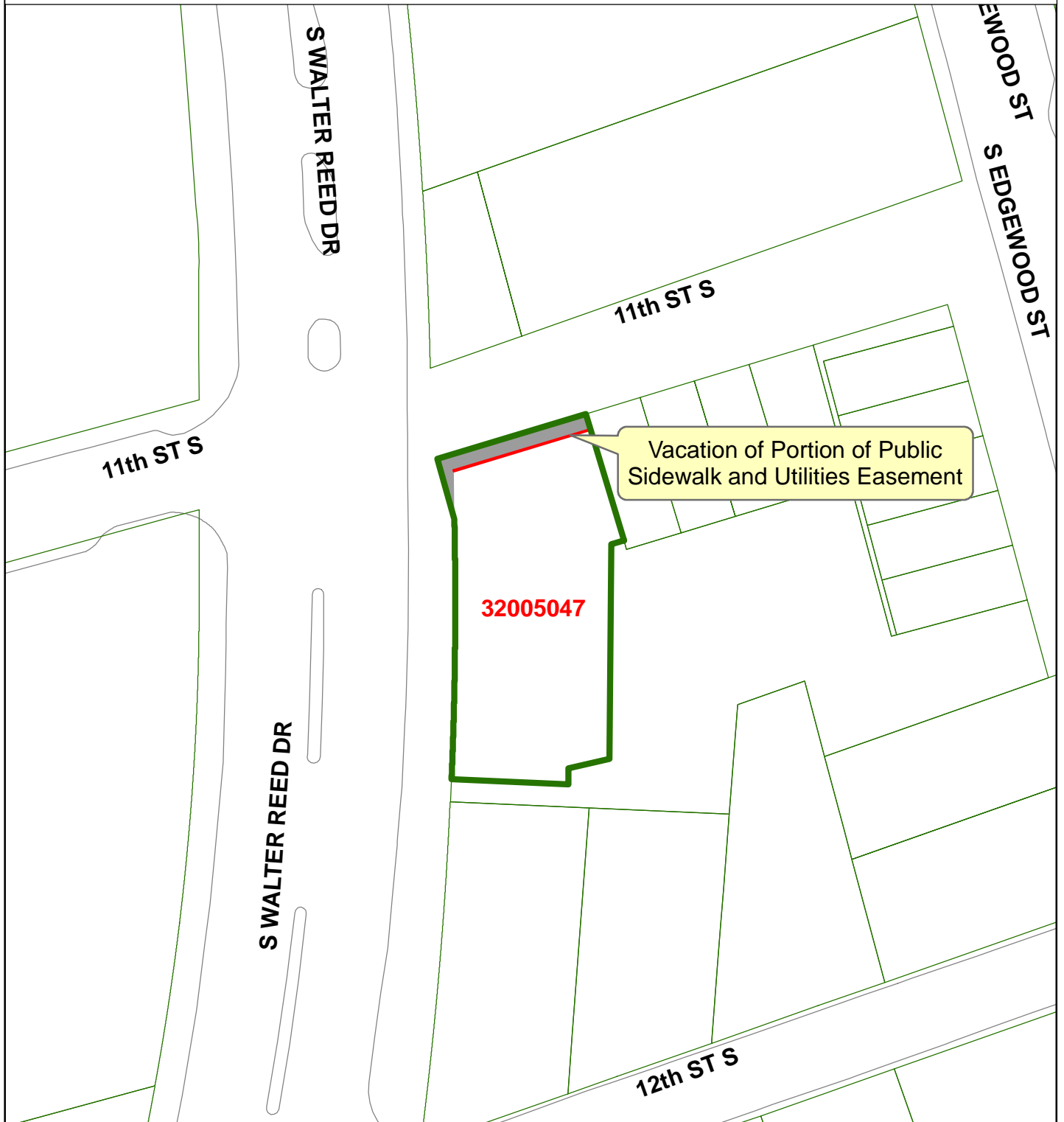
SHEET 2 OF 2



HELD'S ADDITION TO  
ARLINGTON  
D.B. 291 PG. 159

Vicinity Map  
Columbia Place  
RPC # 32005047

Attachment 1



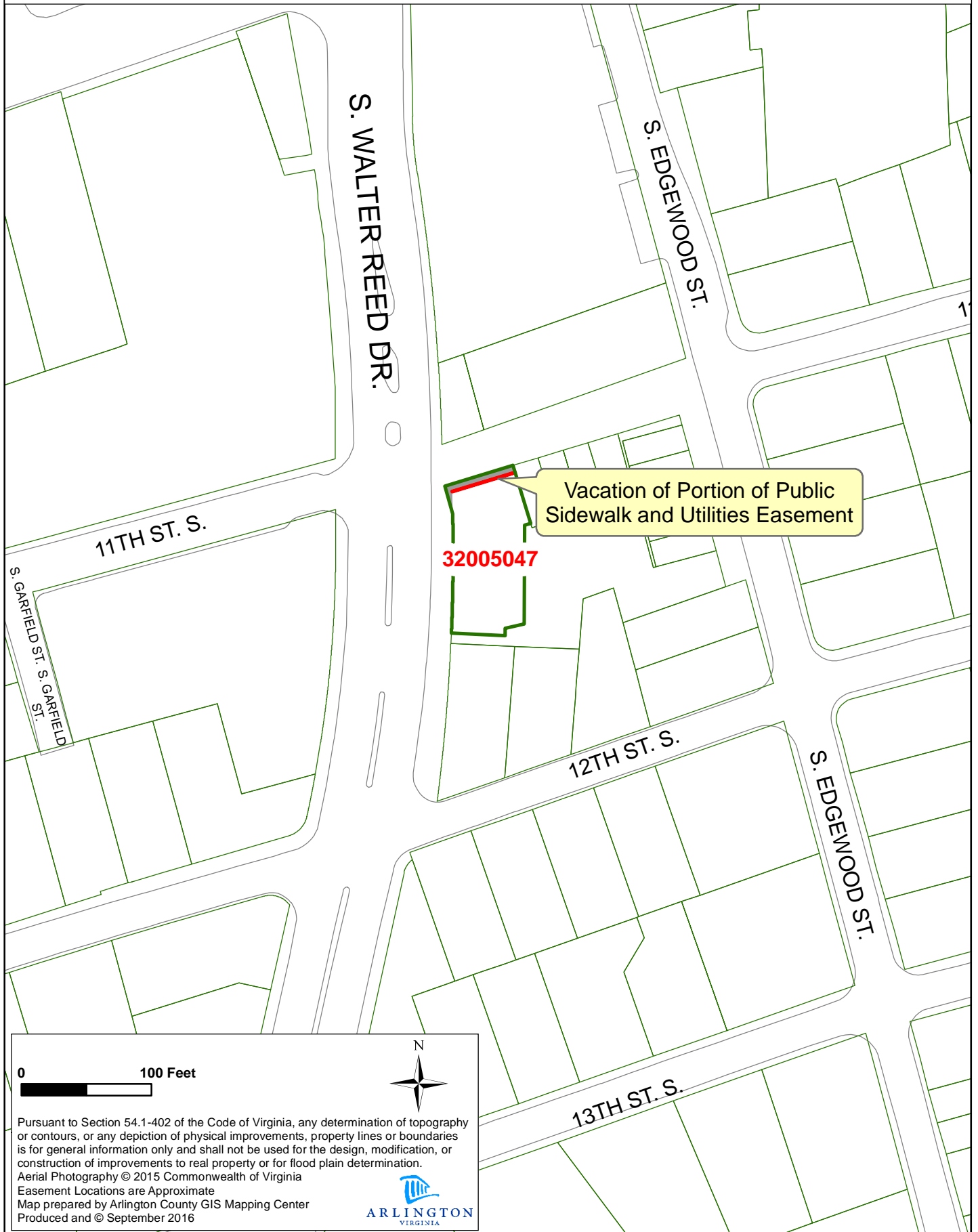
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

Aerial Photography © 2015 Commonwealth of Virginia  
Easement Locations are Approximate  
Map prepared by Arlington County GIS Mapping Center  
Produced and © September 2016



Vicinity Map  
Columbia Place  
RPC # 32005047

Attachment 2



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Vicinity Map  
Columbia Place  
RPC # 32005047

Attachment 3



0 50 Feet



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