

**ORDINANCE OF VACATION TO VACATE EASEMENT FOR PUBLIC PURPOSES LOCATED ON THE EAST SIDE OF NORTH QUEEN STREET, SOUTH OF ROUTE 50, ON PROPERTY KNOWN AS OUTLOT B, BLOCK 24, FT. MYER HEIGHTS, RPC #17-033-009, WITH CONDITIONS**

BE IT ORDAINED that, pursuant to a request by Marbella Development, LLC (“Owner/Applicant”), on file in the offices of the Department of Environmental Services, and related to Site Plan #463 (“Site Plan”), the easement for public purposes on Outlot B, Block 24, Ft. Myer Heights, retained in Ordinance to Vacate Portion of North Queen Street, and the plat attached thereto, adopted by the County Board on July 13, 1968, and recorded in Deed Book 1688, Page 579 (the “Easement”) in the land records of Arlington County, Virginia (the “Land Records”), and shown as “Easement for Public Purposes DB 1688 PG 579 Hereby Vacated,” on a plat attached to the January 20, 2022 County Board Report for this Ordinance of Vacation, entitled “Plat Showing the Vacation of Easement for Public Purposes (Shown as Outlot B) Deed Book 1688 Page 579 Arlington County, Virginia”, dated May 7, 2021, prepared by Walter A. Phillips Incorporated (the “Plat”), is hereby vacated, subject to the following conditions:

1. The Owner/Applicant shall submit, for review and approval, to the Department of Environmental Services (“DES”), a utility relocation and engineering design plan (“Plan”) for the construction, abandonment, relocation, continued location in place, removal, and/or replacement of all utilities located, in whole or in part, within the areas of the Easement vacated by this Ordinance of Vacation. The Plan shall be subject to approval by the Director of DES, or his designee.
2. After approval of the Plan and before commencing the work described therein, the Owner/Applicant shall submit to the Director of DES, or his designee, a bond, letter of credit, or other security, acceptable to the County Manager, in an amount and in a form as determined by and acceptable to the County Manager, or his designee, to secure the construction, abandonment, relocation, continued location, removal, and/or replacement of any and all existing utilities pursuant to the approved Plan.
3. The Owner/Applicant shall remove, relocate, leave in place, abandon and/or reconstruct, or cause to be removed, relocated, left in place, abandoned and/or reconstructed, at its sole cost and expense, all utilities of the County, or of others, existing within the areas of the Easement and required to be removed, relocated, left in place, abandoned and/or reconstructed by the approved Plan. Such utilities shall include, but not be limited to, all water lines, sewer lines and any and all infrastructure and appurtenances thereto. All utilities removed or abandoned shall be relocated or reconstructed with new utilities and related facilities and appurtenances of size, dimension and location acceptable to the County, in accordance with the approved Plan and in strict accordance with Arlington County Construction Standards and Specifications, and all applicable laws, ordinances, regulation and policies, and as required by the Site Plan, as approved by the County Board.
4. The Owner/Applicant shall convey to the County Board, without payment of any compensation, all new utility easements required by the County Manager, by deed, in

substance acceptable to the County Manager and approved as to form by the County Attorney. Such utility easements shall include easements for any utilities permitted in the approved Plan to continue to be located in the areas of the Easement, whether such location is temporary or permanent. Utility easements for the continued location of utilities in the areas of the Easement may be accomplished by reservation of easement rights by the County Board in the Deed of Vacation. In addition, and if applicable, the Owner/Applicant shall obtain all required right-of-way permits at the Owner/Applicant's sole cost and expense, needed to perform any work required therein.

5. The Owner/Applicant shall pay to the County the total sum of Two Hundred Sixteen Thousand and No/100 Dollars (\$216,000.00) as compensation for the vacation of the Easement.

6. The Owner/Applicant shall prepare and submit to the 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. The Real Estate Bureau Chief, Department of Environmental Services, or his designee, is authorized to accept the deeds on behalf of the County.

7. The Deed of Vacation shall be in recordable form. The Deed of Vacation shall, among other things, convey by quitclaim, all right, title and interest, if any, of the County Board to and in the Easement and related County facilities within the boundaries of the Easement, subject to any reservations for easement required for any County facilities designated to remain in place with the area of the Easement as set forth in the approved Plan.

8. The Owner/Applicant shall pay all fees, including the fees for review, approval, and recordation of the required documents associated with the Ordinance of Vacation.

9. The Owner/Applicant shall record, all plats and the Deed of Vacation required by these Conditions among the Land Records.

10. All conditions of the Ordinance of Vacation shall be met by noon on February 12, 2025, or this Ordinance of Vacation shall become null and void, without the necessity of any further action by the County Board.