



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 17, 2007**

SUPPLEMENTAL REPORT

DATE: March 19, 2007

SUBJECT: Enactment of an Ordinance to Vacate a Portion of the Right-Of-Way of 23rd Street South, of Variable Width, Located Between South Shirlington Road and South Kenmore Street, Adjacent to Parcels Known as: the Ada S. Thompson Estate at Nauck (RPC # 31-022-004); Part of Lots 13 and 14, Subdivision of Mary Norris (RPC # 31-022-099); Lot 15, Subdivision of Mary Norris (RPC # 31-022-005); Lot 1, Block 1, Nauck Subdivision (RPC # 31-023-001); and Lot 24, Block 1, Nauck Subdivision (RPC # 31-023-002); with Conditions.

DISCUSSION: The following issues have been raised regarding the proposed vacation:

- **What is the market value of the proposed vacation?**
 - **What are the criteria staff used to determine that no compensation should be received for the vacation?**
1. An appraisal determining the market value of the proposed vacation area is not warranted since the compensation to the County for the proposed vacation area has already been determined by the County Board and is non-monetary in nature (*See infra*).
 2. There has not been a determination that no compensation should be received for the vacation; on the contrary, the County Board has already determined that it is receiving, as compensation for the vacation, a provision of additional affordable dwelling units within the affordable housing project being developed adjacent to the vacation area.
 3. As discussed in the staff report dated February 28, 2007, Implementation Item 20 of the Nauck Village Center Action Plan (Exhibit "A"), adopted by the County Board on July 10, 2004, provides that the County Board *could* provide surplus public property/right-of-way to affordable housing developments of adjacent property at below-market rates (essentially down to \$1), provided the reduced value is directly reflected in an increase in the number of affordable units.

County Manager: _____

County Attorney: _____

Staff: Michael R. Halewski, Real Estate Bureau, DES

Report Date: 3/19/2007

4. The staff report (Exhibit "B-1" through "B-3"), dated January 18, 2005, which accompanied the Use Permit, U-3130-05-1, for the affordable housing project being developed adjacent to the vacation area, recommends that the County Board *should* provide this vacation of 23rd Street South in exchange for the provision of additional affordable dwelling units (*See* Pages 2-3 ("Site"), Page 8-9 ("Total Project Density"), and Page 12 ("Conclusion")). This approved Use Permit also incorporates the density from the proposed vacation area, allowing the inclusion of additional affordable dwelling units into the development.
5. Condition 24 of the Use Permit (Exhibit "C") provides that the density from the proposed vacation area is being granted in exchange for a provision that additional affordable dwelling units using this density are incorporated into the project.
6. In summary: 1) the Nauck Village Center Action Plan indicates that the County Board *could* grant excess right of way in exchange for a provision of additional affordable dwelling units; 2) the staff report accompanying the Use Permit recommended that the County Board *should* grant the proposed vacation area, which is excess right of way, in exchange for a provision of additional affordable dwelling units; and, 3) by approving Use Permit #U-3130-05-1, including Condition 24, the County Board *approved* the compensation for the proposed vacation area, which is excess right of way, as a provision of additional affordable dwelling units in the adjacent development. The present action before the Board is simply affecting this Condition 24 of the approved Use Permit.