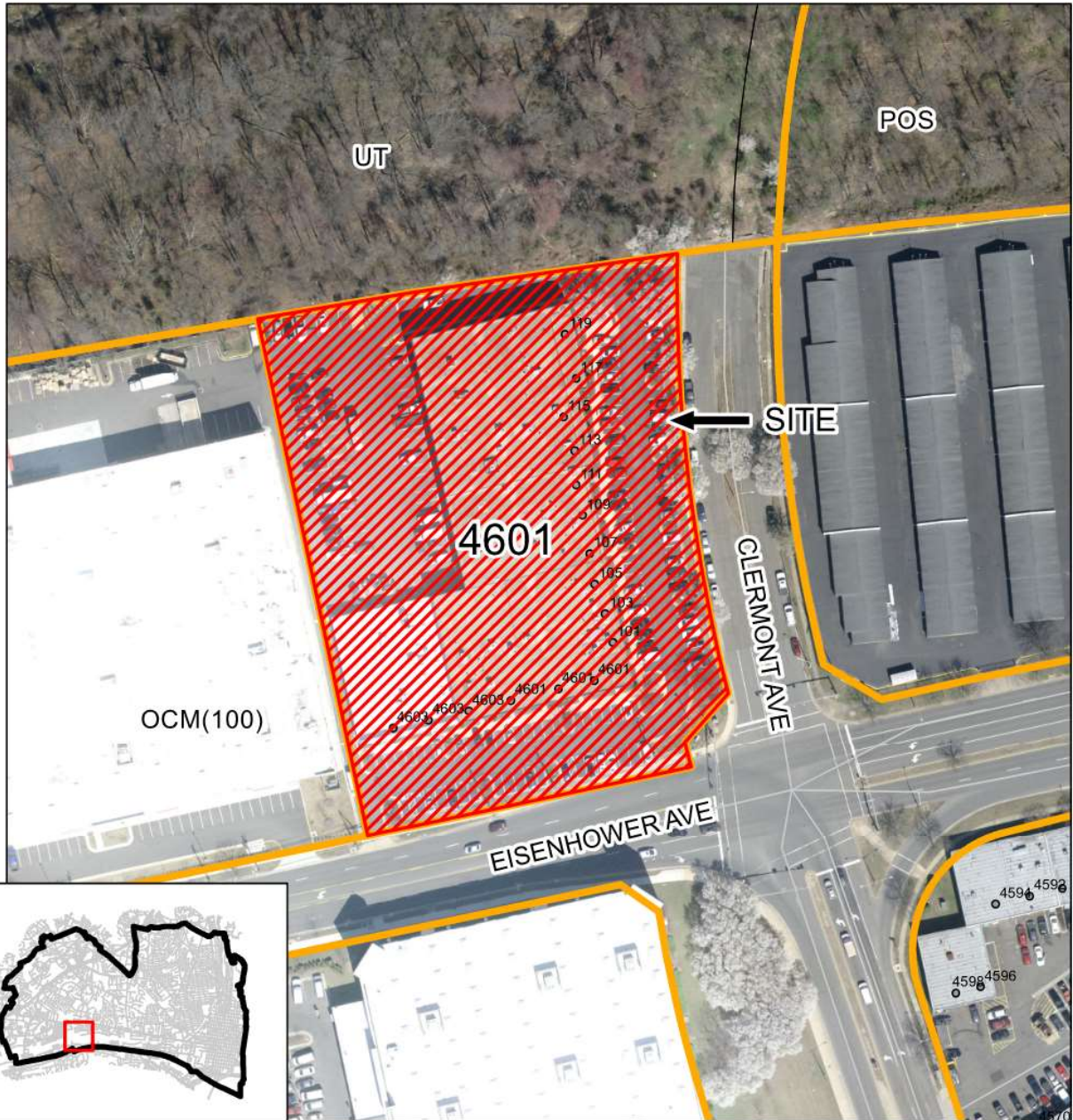


***Docket Item #4
Vacation #2024-00004
4601 Eisenhower Avenue***

Application	General Data	
Request: Public hearing and consideration of a request to vacate 8,621 square feet of reserved right-of-way located at the southeast corner of lot 500 adjacent to the intersection of Claremont and Eisenhower Avenues.	Planning Commission Hearing:	June 24, 2024
Address: 4601 Eisenhower Avenue	Zone:	OCM(100)
Applicant: Boundary Investments, LLC, Robert D Brandt, attorney	Small Area Plan:	Eisenhower West Small Area Plan

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

Staff Reviewers: Lalit Sharma, Deputy Director, T&ES lalit.sharma@alexandriava.gov
 Brian Dofflemyer, Land Development Services, T&ES
brian.dofflemyer@alexandriava.gov
 Jose Delcid, Urban Planner, P&Z jose.delcid@alexandriava.gov
 Bryan MacAvoy, Assistant City Attorney, City Attorney's Office
bryan.macavoy@alexandriava.gov



VAC#2024-00004
4601 Eisenhower Avenue



0 50 100 200 Feet

I. DISCUSSION

The applicant, Boundary Investments, LLC, requests approval of a vacation of the reserved public right-of-way on the subject property.

SITE DESCRIPTION

The site is located at 4601 Eisenhower Ave, with the proposed reserved public right-of-way vacation adjacent to the northwest corner of the Clermont Avenue and Eisenhower Avenue intersection. The site is developed with a two-story building occupied by a variety of office and commercial businesses, as well as a surface parking lot on the west, east and south sides of the property. Located within the Eisenhower West Small Area Plan (EWSAP), the property is zoned Office Commercial medium/OCM(100). Adjacent properties are a mix of commercial and industrial businesses also zoned OCM(100), but the property to the north is zoned Utility/UT and is open space associated with the Norfolk Southern Railway.

BACKGROUND

A reserved public right-of-way is an area on private property that the City indicates would be required for a future planned public improvement. There is typically a trigger identified in the recorded deed or on the plat that would necessitate the landowner to dedicate the area of the reservation to the City. In this case, the plat note reads “RESERVATION FOR EXTENSION OF WHEELER AVE. TO BECOME NULL AND VOID AT SUCH TIME AS WHEELER AVE. IS DEDICATED AND CONSTRUCTED TO THE NORTH.” These reservations are considered a land interest on the part of the City similar to dedicated right-of-way to the extent that vacation is the process for disposition of such a land interest.

The 1963 subdivision of the subject parcel included a reservation for a future right-of-way for a connection to the northern side of the railroad tracks. The reservation was carried forward to an updated 1976 subdivision that created the current layout of Clermont Avenue through a right-of-way dedication that included a portion of the reservation. The remainder of the original 1963 reservation remains on the site and was never triggered because the planned improvements were never implemented (see Figure 1).

In 1985 the site was developed with the existing building and parking lot (SIT85-018). In 20024, approval was granted to expand the uses of the site (SUP2024-00011) but did not result in any further development.

In the current EWSAP, the connection from 1963 is no longer considered or identified. Staff does not see a continuing need or use for this reserved right-of-way, and therefore recommends vacation.

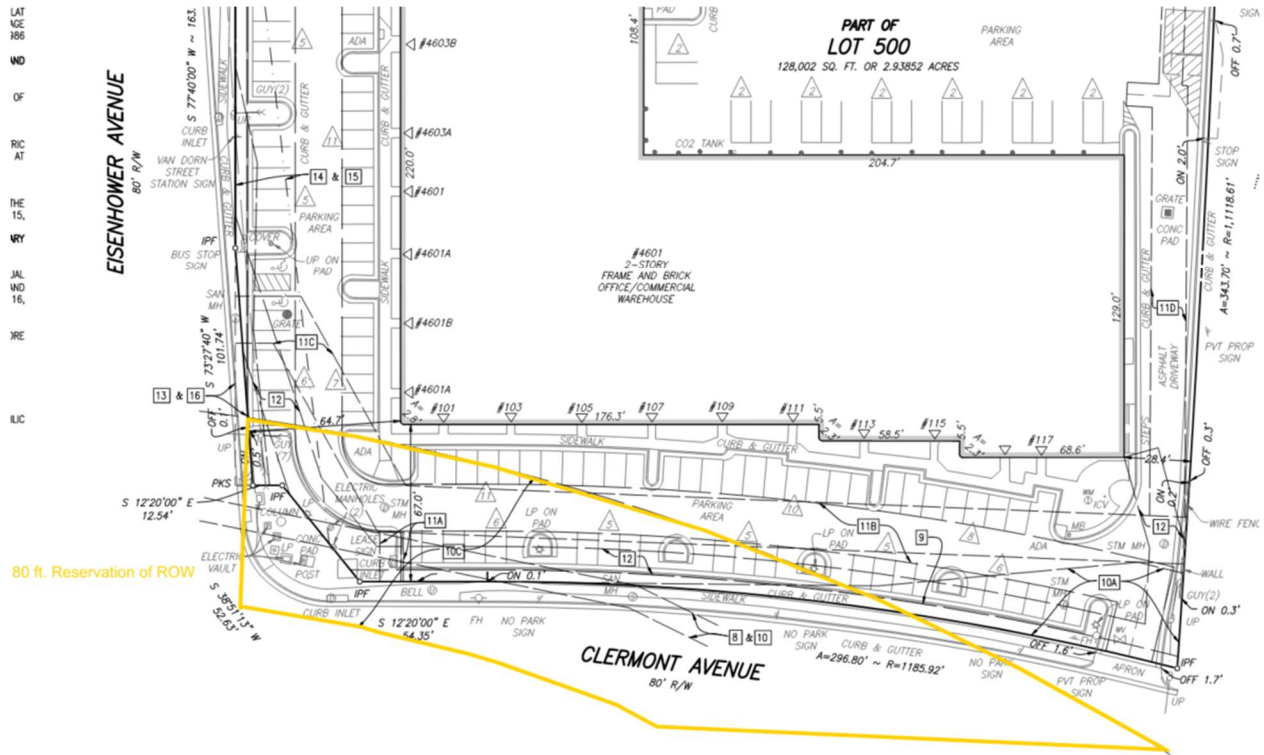


Figure 1: ALTA of the subject site with the 1963 reservation outlined in yellow

PROPOSAL

The applicant requests the vacation of the reserved public right-of-way remaining at the site to remove the encumbrance at the site (see Figure 2). The applicant is interested in future redevelopment of the site, and the vacated reservation would improve the ability of the property owner to attract investors to the site.

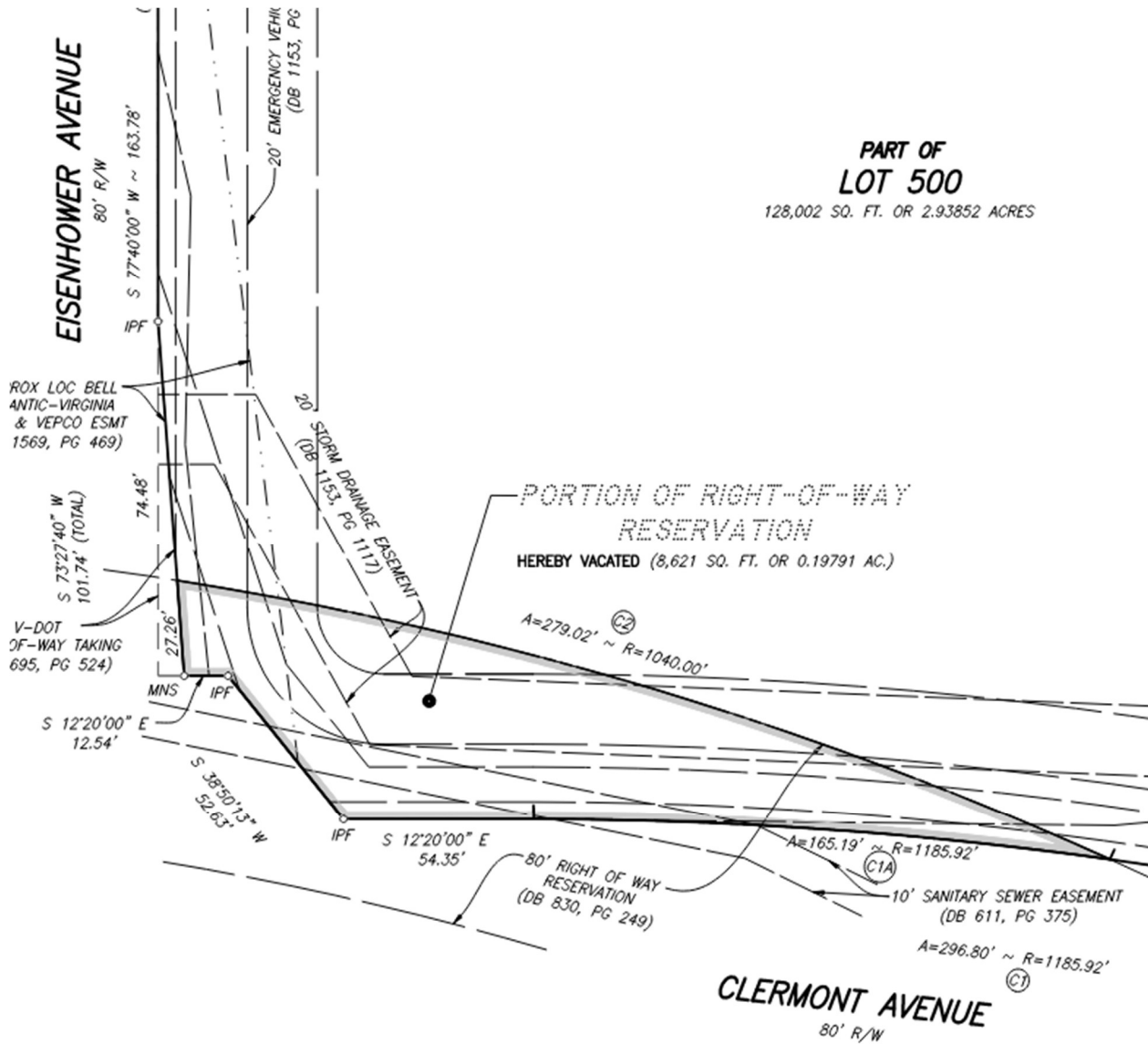


Figure 2: The portion of the reservation on-site to be vacated outlined in grey.

ZONING/MASTER PLAN

The subject property is zoned OCM(100) and is within the Eisenhower West Small Area Plan. The proposal is consistent with the goals of the Eisenhower West Small Area Plan.

The City recently sponsored a ULI Technical Assistance Panel (TAP) that evaluated options and strategies for redevelopment of the Self Storage Plus site, located at 4551 Eisenhower Avenue, in the Clermont Neighborhood of the Eisenhower West Small Area Plan (SAP). The site is located on the opposite side of Clermont Avenue from the subject 4601 Eisenhower Avenue

property. The broad goal of the TAP was to identify strategies to enable redevelopment, provide the open space envisioned by the Plan, and meet the City's housing and housing affordability goals. The TAP also considered the existing and potential improvements for adjoining parcels, including the City-owned Clermont Natural Park and Norfolk Southern-owned heavily wooded parcel. The TAP concluded that the self-storage site can be a catalytic development to help spur development in Eisenhower West and support a more walkable and multi-modal medium-density urban setting. The vacation that is being requested does not preclude implementing the recommendations of the TAP Panel or the recommendations of the Eisenhower West Plan.

While the applicant is requesting a vacation of reserved right-of-way that is not needed for planned improvements, the property will be responsible for dedicating all necessary land area for future streets, sidewalks and open spaces as recommended by the Eisenhower West Plan as part of the redevelopment of the site (see Figure 3).

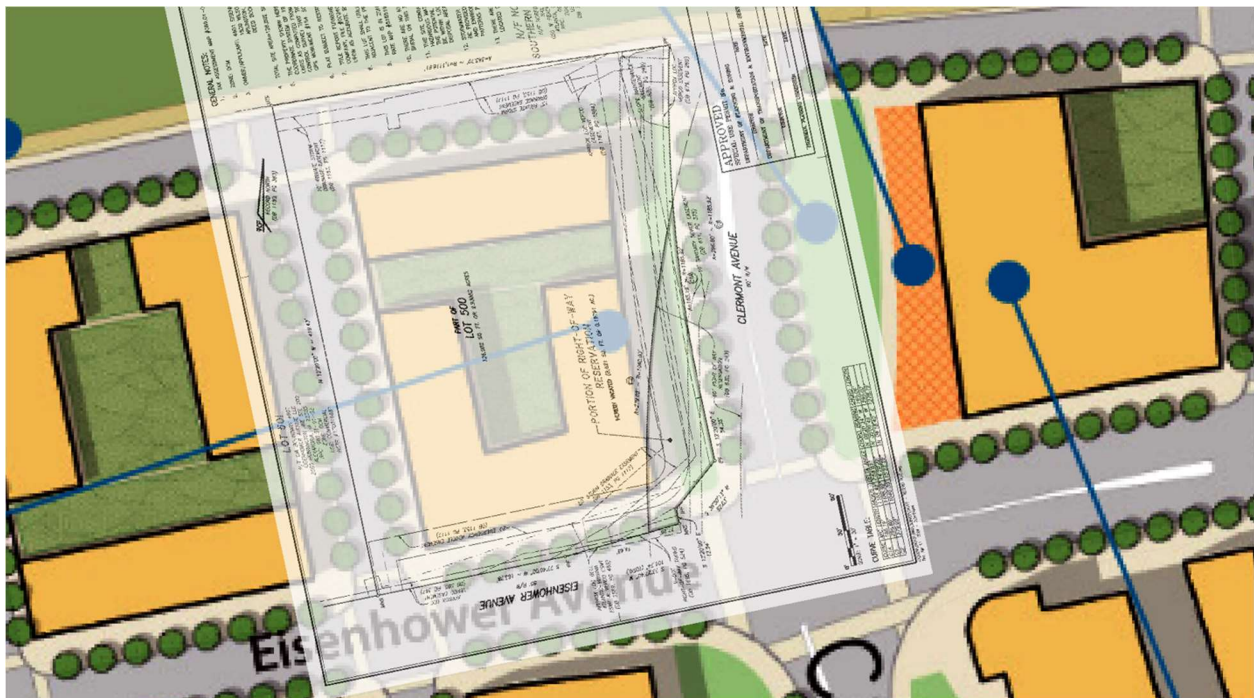


Figure 3: Overlay of the proposed vacation plat and the Eisenhower West Planned Streets and Open Spaces.

VALUE OF VACATED RESERVED RIGHT-OF-WAY

The Department of Real Estate Assessments has valued 8,621 square feet of the land in question at \$0. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this valuation in detail with the understanding that the applicant already owns and pays taxes on the property, the 1963 trigger for the reservation was never constructed, and the trigger for the reservation is no longer envisioned in the EWSAP.

II. STAFF ANALYSIS

The applicant's request to vacate a public right-of-way reservation in this location is acceptable. The vacation will have no impact to the City's plans per the current Master Plan as this reservation was originally included for an improvement that the City no longer envisions.

The removal of the reservation will allow the applicant to clear up an encumbrance that is no longer required. However, whenever the applicant does redevelop the site, they will have to comply with the City's Master Plan to include right-of-way dedications and frontage improvements.

The vacation meets the 2002 Vacation Memo criteria:

1. Existing Public Use: The reserved right-of-way is no longer planned for in the small area plans and is no longer serves an existing public use.
2. Reasonable Future Use: The reserved right-of-way improvements are no longer planned for in the small area plan and no longer has a reasonable future use.
3. Landlocked Public Property: Approval of the vacation would not create a situation where public or private property would be landlocked. The requested vacation would not hinder access to streets or sidewalks, and personal property would not be affected.
4. Landlocked Private Property/Impaired Access: Approval of the vacation would not create a situation where public or private property would be landlocked. The requested vacation would not hinder access to streets or sidewalks, and personal property would not be affected.
5. Public Benefit: Removal of unneeded encumbrances would lessen future administrative demands on City staff and potentially make the site more attractive for redevelopment.

III. STAFF RECOMMENDATION AND CONDITIONS

Staff recommends **approval** of the requested vacation subject to compliance with all applicable codes and ordinances and the following conditions:

1. Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. (T&ES)
2. The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
3. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right of way. (T&ES) (P&Z)

STAFF: Brian Dofflemyer, Land Development Services, T&ES
Bryan MacAvoy, Assistant City Attorney, City Attorney
Jose Delcid, Urban Planner, P&Z

IV. CITY DEPARTMENT COMMENTS

Legend: F – finding C – code requirement R – recommendation S – suggestion

Transportation & Environmental Services:

- F-1 Vacation shall not preclude the City or others from designing and constructing the trail connection identified in the [Alexandria Mobility Plan \(“AMP”\) on Clermont Avenue](#). (T&ES)
- F-2 The application for this Vacation includes a narrative description (page 6 of application) that specifies this ROW Reservation as being granted in DB 590 PG 455. As such, please change the DB/PG reference associated with the ROW Reservation label on the body of the plat to correspond. This label (on body of plat) currently displays DB 830 PG 249. In addition, please consider adding DB 590 PG 455 to the title block of this plat. (T&ES)
- R-1 The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
- R-2 Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. (T&ES)
- R-3 The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
- R-4 The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right of way. (T&ES) (P&Z)

Planning & Zoning:

- F-1 Proposed vacation must comply with all terms and conditions of SUP2024-00011. (P&Z)
- F-2 The proposed right-of-way to be vacated is part of a previous proposed street connection that is no longer anticipated as part of the Eisenhower West Plan. While we do not oppose the vacation of the existing right-of-way, as part of the future redevelopment of the site the applicant will be required to dedicate all necessary right-of-way for the future streets and sidewalks envisioned as part of the Eisenhower West Plan. (P&Z)

RPCA:

No comments or concerns.

Fire:

No comments or concerns.

GIS:

No comments received.

Code Administration:

No comments or concerns.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 10, 2024

TO: BRIAN DOFFLEMYER, DIVISION CHIEF
LAND DEVELOPMENT SERVICES
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES

FROM: WILLIAM BRYAN PAGE, REAL ESTATE ASSESSOR
DEPUTY DIRECTOR OF FINANCE - REAL ESTATE (OREA)

SUBJECT: R-O-W RESERVATION ON PROPERTY AT THE NORTHWEST CORNER
OF EISENHOWER AVENUE AND CLERMONT AVENUE

ADDRESS: 4601 EISENHOWER AVENUE

PROJECT: VACATION #2024-00004

Per your request, I have reviewed the proposed vacation of an 8,621 square-foot parcel identified as the residual of a larger 80-foot-wide right-of-way reservation that dates back approximately 61 years to a December 13, 1963, Deed of Subdivision and Dedication recorded among the City of Alexandria land records within Deed Book 590, Page 455. At that time, it was part of the proposed extension of Wheeler Avenue from what is now Eisenhower Avenue to the north connecting to an operating section of Wheeler Avenue in the vicinity of the Cameron Run.

The subject property is a portion of a larger 128,317 square-foot site improved with a 65,699 square-foot flex/office building constructed in 1985 and operating as the Bogle Business Center (OREA Account Number 50511900). While not encumbered by any structural improvements, the subject reservation is improved with surface parking that supports building operations.

While the reservation constitutes an interest in the real property, the real question is does it possess a quantifiable market value to the city considering its very limited marketability. In my opinion, the current property owner (4601 Eisenhower Avenue Associates LLC, % Lincoln Property Company) would be the only logical purchaser. They have historically paid all real property taxes for the entire site which includes the subject reservation. Any residual interest possessed by the city would have been essentially extinguished when it failed to trigger the right-of-way improvements defined on the 1963 plat which reads "RESERVATION FOR EXTENSION OF WHELLER AVENUE TO BECOME NULL AND VOID AT SUCH TIME AS WHEELER AVENUE IS DEDICATED AND CONSTRUCTED TO THE NORTH". This never happened as Clermont Avenue was subsequently constructed on a portion of the original dedication indicating a change in the original intent.

Additional support for my conclusion is contained in the Eisenhower West Small Area Plan (EWSAP) which fails to reference any planned infrastructure improvements north of the subject property and connecting to Wheeler Avenue. The financial feasibility is also questionable as they would have to span tracks of the Southern Railroad right-of-way, Cameron Run, and parkland which would involve environmental issues.

After a thorough review of the information provided for use in this analysis, it my opinion that the city no longer maintains a possessory interest in the reservation for right-of-way, and that its value is **\$0.00 dollars**. It is also my opinion that the vacation would enhance the marketability of the larger parcel and its future redevelopment potential where the city would benefit from any dedications and contributions.

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis complies with City policies and guidelines regarding vacations.

Attachments

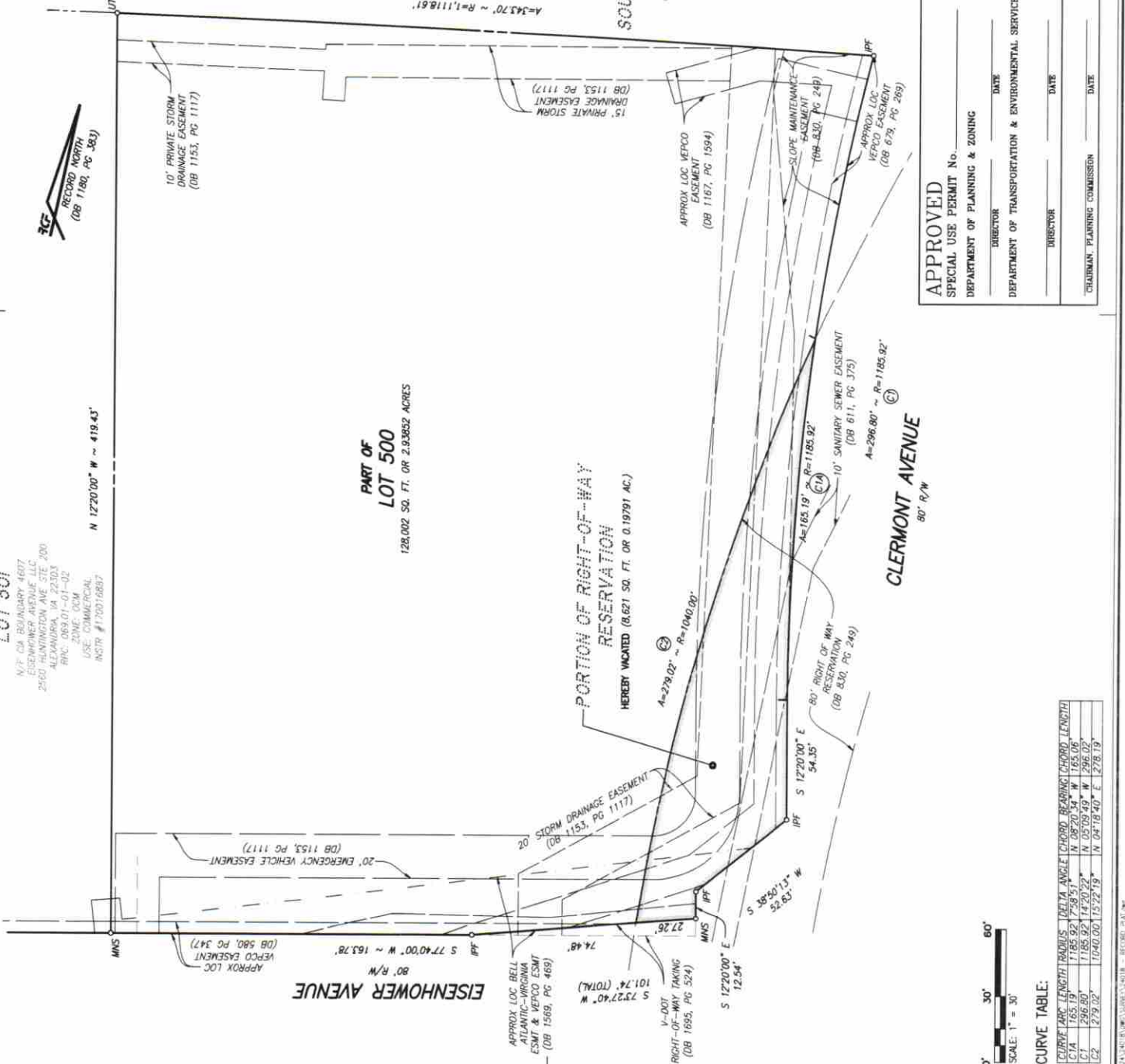
Plat of Right-Of-Way Reservation:	April 11, 2024
Metes and Bounds Legal Description:	April 11, 2024
ALTA/NSPS Land Title Survey:	February 7, 2024

- GENERAL NOTES:**
- TAX ASSESSMENT MAP #069.01-01-03
 - ZONE: OCM
 - OWNER/APPLICANT: 4601 EISENHOWER ASSOCIATES, LLC.
 1530 WILSON BLVD., STE. 200
 ARLINGTON, VA 22204
 DEED BOOK 1688, PAGE 44
 - TOTAL SITE AREA=128,002 SQUARE FEET, OR 2.93852 ACRES.
 - THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83) NORTH ZONE. US SURVEY FOOT UNITS AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS BOUNDARY TO THE CITY OF ALEXANDRIA GPS MONUMENT #154. SCALE FACTOR: 0.99995844.
 - PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 - TITLE REPORT FURNISHED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, FILE #DC2400236, DATED FEBRUARY 1, 2024 AND IS RELIED UPON AS ACCURATE BY THE SURVEYOR.
 - THIS LOT SHALL UTILIZE THE PUBLIC SANITARY SEWER AND WATER ADJACENT TO THE PROPERTY.
 - THIS LOT IS IN ZONE X (UNSHADED) OF THE FEMA FLOOD INSURANCE RATE MAP #1515190036E.
 - THERE ARE NO KNOWN GRAVE SITES OR OBJECTS MARKING A PLACE OF BURIAL ON THIS SITE.
 - THIS SITE CONTAINS NO KNOWN CONTAMINATED SOILS, TOXIC OR HAZARDOUS MATERIALS, UNDERGROUND STORAGE TANKS OR AREAS WITH THE POTENTIAL TO GENERATE COMBUSTIBLE GASES THAT IS NOT KNOWN TO BE WITHIN 1,000 FEET OF A FORMER SANITARY LANDFILL, DUMP OR DISPOSAL AREA.
 - STORMWATER MANAGEMENT AND RUNOFF FROM THIS PROPOSED LOT WILL BE PROVIDED TO THE SATISFACTION OF THE DIRECTOR OF TRANSPORTATION AND ENVIRONMENTAL SERVICES. THERE ARE NO CHANGES IN DRAINAGE PATTERNS PROPOSED WITH THIS PLAT.
 - THERE ARE NO FLOODPLANS OR RESOURCE PROTECTION AREAS (RPA) LOCATED ON THIS PROPERTY.

N/F NORFOLK SOUTHERN SOUTHERN RAILWAY CO
 N/F NORFOLK SOUTHERN RAILWAY CO
 650 W PEACOCK STREET NW
 ALLEGANY COUNTY, PA 15515
 POC: (893) 010-1551
 ZONE: OCM/017
 USE: VACANT
 (DB-21089 PG 532)



SHOWING THE VACATION OF A PORTION OF PLAT
RIGHT-OF-WAY RESERVATION
 SHOWN ON PLAT AT DEED BOOK 650, PAGE 249
 ON PART OF LOT 500
 SUBDIVISION OF THE PROPERTY OF
BOGLE INDUSTRIES, INC.
 DEED BOOK 1180, PAGE 383, DEED BOOK 1181, PAGE 1165
 LESS & EXCEPT DEED BOOK 1695, PAGE 524
 (4601 EISENHOWER AVENUE)
CITY OF ALEXANDRIA, VIRGINIA
 DATE: APRIL 11, 2024 SCALE: 1" = 30'



APPROVED
 SPECIAL USE PERMIT No. _____
 DEPARTMENT OF PLANNING & ZONING

DATE _____
 DIRECTOR

DATE _____
 DIRECTOR

DATE _____
 CHAIRMAN, PLANNING COMMISSION



CURVE TABLE:

CURVE	ARC LENGTH	TRADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
C1A	165.19'	1185.92'	7°58'55"	N 08°20'34"	N 165.06'	
C2	279.02'	1185.92'	14°20'22"	N 05°09'49"	N 296.02'	
C3	1279.02'	10400.00'	15°52'19"	N 04°18'40"	N 1278.19'	

April 11, 2024

LEGAL DESCRIPTION

**VACATED PORTION of RIGHT-OF-WAY RESERVATION
for
CLERMONT AVENUE**

Shown on Plat in Deed Book 830, Page 249
on Part of Lot 500
Subdivision of the Property of
"BOGLE INDUSTRIES, INC."
Deed Book 1180, Page 383
Consented to in Deed Book 1181 at Page 1165
Less and Except Deed Book 1695, Page 524
City of Alexandria, Virginia

All that certain tract or parcel of land lying, being and situate in the City of Alexandria, Virginia being a portion of an eighty (80) foot wide right-of-way reservation as shown on plat attached to Deed of Resubdivision dated June 11, 1976 and recorded June 30, 1976 in Deed Book 830 at Page 249. Said portion of right-of-way reservation further lying within the bounds and being part of Lot 500, "SUBDIVISION OF THE PROPERTY OF BOGLE INDUSTRIES, INC." as resubdivided by Deed of Resubdivision and Partial Release in Deed Book 1180 at Page 383, consented to in Deed Book 1181 at Page 1165, and LESS AND EXCEPT that portion of the property conveyed to the Commonwealth of Virginia in Deed Book 1695 at Page 524, all among the land records of said City of Alexandria, Virginia.

Being further described by metes and bounds as follows:

BEGINNING AT A POINT at the intersection of the northerly right-of-way line of Eisenhower Avenue (80 feet wide) and the westerly variable width right-of-way line of the above referenced Clermont Avenue;

Thence, departing said Clermont Avenue and running with said northerly right-of-way line of Eisenhower Avenue:

1. **South 73° 27' 40" West**, a distance of **27.26 feet** to a point;

Thence, departing said northerly right-of-way line of Eisenhower Avenue and crossing and including a portion of the above referenced Lot 500, "SUBDIVISION OF THE PROPERTY OF BOGLE INDUSTRIES, INC.":

2. **279.02 feet** along an arc of a curve to the right, having a radius of **1,040.00 feet**, a central angle of **15° 22' 19"**, a chord which bears **North 04° 18' 40" East**, a chord distance of **278.19 feet** to a point in the aforementioned westerly variable width right-of-way line of Clermont Avenue;

Thence, running with said westerly right-of-line(s) of Clermont Avenue the following four (4) courses and distances:

3. **165.19 feet** along an arc of a curve to the left, having a radius of **1,185.92 feet**, a central angle of **07° 58' 51"**, a chord which bears **South 08° 20' 34" East**, a chord distance of **165.06 feet** to a point;
4. **South 12° 20' 00" East**, a distance of **54.35 feet** to a point;
5. **South 38° 50' 13" West**, a distance of **52.63 feet** to a point;
6. **South 12° 20' 00" East**, a distance of **12.54 feet** to the **POINT OF BEGINNING**,

Containing an Area of **8,621 Square Feet** or **0.19791 Acres** of Land, More or Less.

PROPERTY LOCATION: 4601 Eisenhower Avenue

TAX MAP REFERENCE: 069.01-01-03 ZONE: OCM(100)

APPLICANT'S NAME: Boundary Investments, LLC

ADDRESS: 4800 Hampden Lane, Suite 800, Bethesda, Maryland 20814

PROPERTY OWNER NAME: 4601Eisenhower Associates, LLC

(Owner of abutting area to be vacated)

ADDRESS: 820 Elaine Court, Alexandria, Virginia 22308

VACATION DESCRIPTION: Request to vacate approximately 0.19 acres (8,621 square feet) of previously reserved, yet undedicated, right-of-way on a portion of property located at 4601 Eisenhower Avenue.

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Robert D. Brant, Attorney/Agent


Print Name of Applicant or Agent

2200 Clarendon Boulevard, Suite 1300

Mailing/Street Address

Arlington, Virginia 22201

City and State Zip Code



Signature

703-528-4700

Telephone #

Fax #

April 15, 2024

Date

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. See attached		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4800 Hampden Lane, Suite 800, Bethesda, Maryland (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. See attached		
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. See attached	none	none
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

04/10/2024

Boundary Investments LLC By: Robert D. Brant, Attorney/Agent

Date

Printed Name


 Signature

APPLICANT AND PROPERTY OWNERSHIP BREAKDOWN

Owner of 4601 Eisenhower Avenue (TM No. 069.01-01-03)

4601 Eisenhower Associates, LLC

820 Elaine Court
Alexandria, Virginia 22308

- **Bogle Industries, Inc. (100%)**
820 Elaine Court
Alexandria, Virginia 22308

Applicant/Contract Purchaser of 4601 Eisenhower Avenue (TM No. 069.01-01-03)

Boundary Investments, LLC (a Delaware Limited Liability Company)

4800 Hampden Lane, Suite 800
Bethesda, Maryland 20814

- **John Douglas Wilkinson Revocable Trust u/a/d July 6, 2018 (100%)**
4800 Hampden Lane, Suite 800
Bethesda, Maryland 20814

Note: none of the entities listed above have a business or financial relationship with any member of the Board of Architectural Review, Board of Zoning Appeals, City Council, or Planning Commission as defined by Section 11-350 of the Zoning Ordinance.

Boundary Investments LLC
4800 Hampden Lane, Suite 800
Bethesda, Maryland 20814

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Authorization to File Special Use Permit Application
4601 Eisenhower Avenue, Tax Map No. 069.01-01-03 (the "Property")

Dear Mr. Moritz:

Boundary Investments LLC hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of an application for a Special Use Permit on the Property and any related requests.

Very truly yours,

BOUNDARY INVESTMENTS LLC

By: 

Its: Member

Date: 2-14-2024

4601 Eisenhower Associates, LLC
820 Elaine Court
Alexandria, Virginia 22308

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File Special Use Permit Application
4601 Eisenhower Avenue, Tax Map No. 069.01-01-03 (the "Property")

Dear Mr. Moritz:

4601 Eisenhower Associates, LLC, as owner of the above-referenced Property, hereby consents to the filing of an application for a Special Use Permit on the Property and any related requests by Boundary Investments LLC.

Very truly yours,

4601 EISENHOWER ASSOCIATES, LLC

By: *Randy B. Lefe*

Its: *Manager*

Date: *2/13/24*

Vacation Application Narrative Description
Boundary Investments LLC
4601 Eisenhower Avenue
Tax Map No. 069.01-01-03

Boundary Investments LLC (the “Applicant”) is the contract purchaser of property located at 4601 Eisenhower Avenue, Alexandria, Virginia (the “Property”). The Applicant requests to vacate approximately 0.19 acres (8,621 square feet) of previously reserved, but un-dedicated right of way located on a portion of the Property, as more particularly shown on the enclosed plat.

An 80-foot reservation of right of way along the Property’s eastern boundary (the “Reservation”) was granted to the City in 1963 when the Property was subdivided pursuant to that certain Deed of Subdivision and Dedication dated December 13, 1963 (Book 590, Page 455) (the “1963 Deed of Subdivision”). The plat attached to the 1963 Deed of Subdivision references the Reservation with the note: “Reservation for extension of Wheeler Ave. to become null and void at such time as Wheeler Ave. is dedicated and constructed to the north.”

At the time of the subdivision in 1963, Wheeler Avenue was the dedicated street running east to west along the southern border of the Property and terminating at the southeast corner of the Property. It was contemplated that Wheeler Avenue would extend north along the eastern boundary of the Property and connect to a to-be-constructed section of Wheeler Avenue to the north. Wheeler Avenue was later dedicated and constructed to the north between 1963 and 1964. The connection between the existing section of Wheeler Avenue to the south and the to-be-constructed section of Wheeler Avenue to the north, for which this Reservation was intended, was never constructed.

Subsequently in 1976, the southern section of Wheeler Avenue (fronting the southern boundary of the Property) was extended to the east and rededicated as Eisenhower Avenue through a Deed of Resubdivision (Book 830, Page 249). The 1976 Deed of Resubdivision also established the dedication of Clermont Avenue along the eastern border of the Property and terminating at the Southern Railway System railroad tracks to the north.

Additionally, the City established Ben Brenman Park in 1996. A portion of this 48.33-acre park, along with the railway tracks, is located between the northern most point of Clermont Drive and Wheeler Avenue. As such, the connection from Eisenhower Avenue/Clermont Avenue to Wheeler Avenue (to the north) that was contemplated in the 1963 Deed of Subdivision is no longer possible, negating the need for the Reservation.

The Reservation also extended south across Wheeler Avenue along the property boundary of Tax Map No. 069.03-01-13, which today is Lot 600, Restaurant Depot (4600 Eisenhower Avenue). Note that this section was previously dedicated and the City later approved an ordinance to vacate the right of way in 2022 (VAC #2022-000002).

There is no longer a need for the Reservation on the Property given the existing road network surrounding the Property and the inability to connect Claremont Ave to Wheeler Avenue to the north. Accordingly, the Applicant requests to vacate approximately 0.19 acres of un-dedicated, reserved right-of-way as shown on the enclosed plat.