

***City Charter Section 9.06 Case #2021-00009***  
***3002A Mosby Street***

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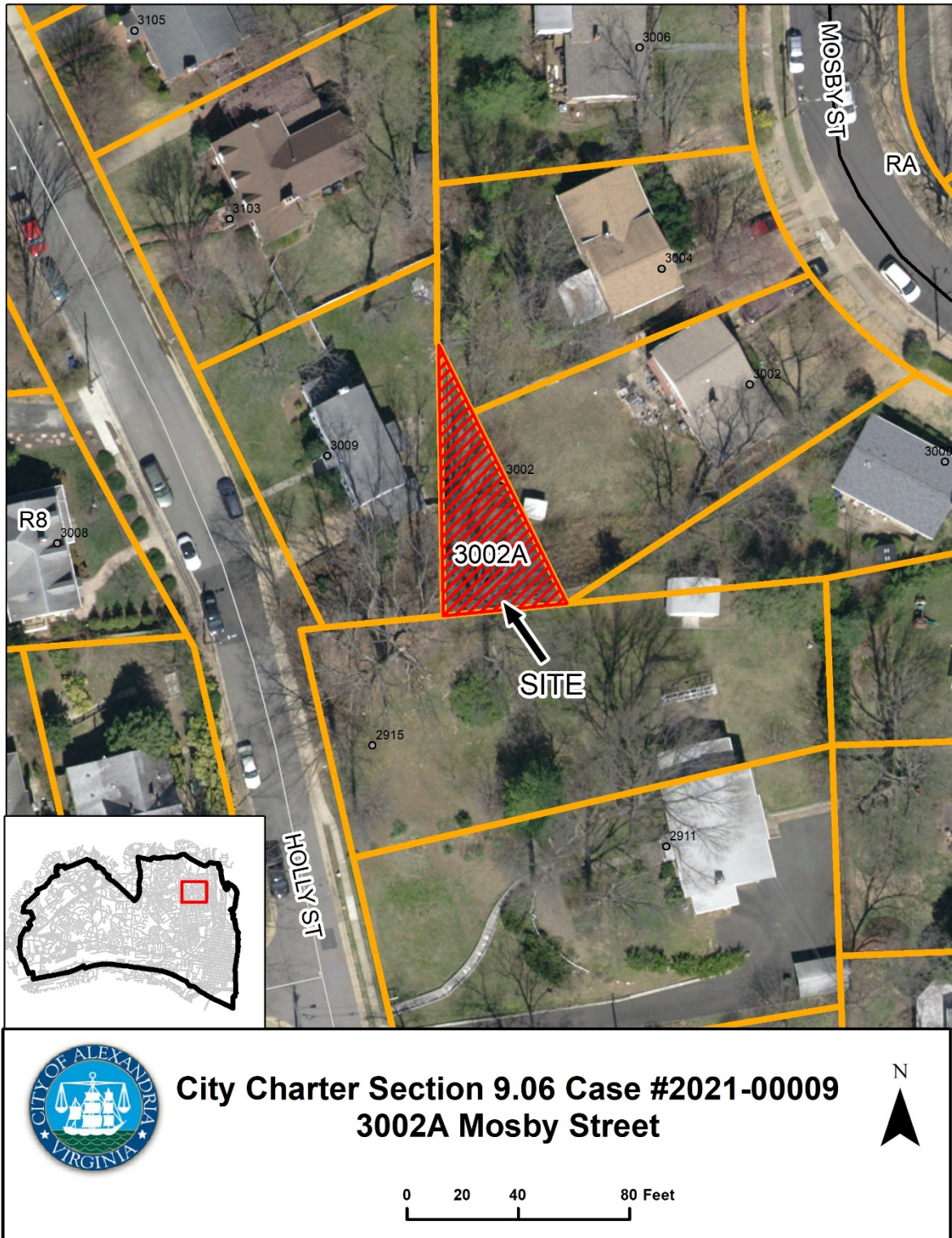
<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public Hearing and consideration of a request for Planning Commission to review whether the proposed sale of property by the City of Alexandria is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter.	<b>Planning Commission Hearing:</b>	January 4, 2022
	<b>City Council Hearing:</b>	January 22, 2022 (For Information Only)
	<b>Zone:</b>	R8 - Single Family
<b>Address:</b> 3002A Mosby Street	<b>Small Area Plan(s):</b>	Potomac West

**Staff Reviewers:** Karl Moritz, Director, Planning & Zoning, [karl.moritz@alexandriava.gov](mailto:karl.moritz@alexandriava.gov); Katherine Carraway, Urban Planner, Planning & Zoning, [katherine.carraway@alexandriava.gov](mailto:katherine.carraway@alexandriava.gov); Margaret Curran, Urban Planner, Planning & Zoning, [Margaret.curran@alexandriava.gov](mailto:Margaret.curran@alexandriava.gov)

**Staff Recommendation:** Staff recommends that the Planning Commission **approve** this request, finding that the proposal is consistent with Section 9.06 of the City Charter of Alexandria, Virginia, and with the City's Master Plan.

**PLANNING COMMISSION ACTION, JANUARY 4, 2022:**

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to find the proposed sale of property by the City of Alexandria consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 6-0 with Commissioner Lyle absent.



## **I. DISCUSSION**

The City proposes to sell its property at 3002A Mosby Street located within the Potomac West Small Area Plan. Section 9.06 of the City's Charter requires that the Planning Commission review any acquisition or sale of public land. The Planning Commission is charged with ensuring that any such acquisition, sale or change is consistent with the City's Master Plan.

## **II. BACKGROUND**

The property located at 3002A Mosby Street is a 2,137 square foot parcel located between 3002 Mosby Street to the east, 3009 Holly Street to the west and 2915 Holly Street to the south. The parcel is zoned R8 – Single Family.

This property was previously owned by Frank N. Hume, surviving Trustee under the will of Emma P. Hume, and was acquired by the City on April 23, 2014, at public auction for the sum of \$1.00 via Special Commissioner's Deed as a result of unpaid real estate taxes assessed against the property for tax years 1994 through 2011. Being the highest bidder, at \$1.00, the property was sold and conveyed to the City via Special Warranty Deed as there were no other interested buyers.

The property is landlocked with no road access or established easement and is surrounded by privately owned land. Over the years, the City has received several nuisance complaints regarding the property primarily regarding upkeep. To maintain the property, the adjacent landowners must grant the City permission to access the property. Currently the property is maintained by the Department of Recreation, Parks and Cultural Activities (RPCA) when possible.

Permitted by-right uses of this City-owned parcel include public parks and public schools. However, because of the landlocked condition restricting access to the parcel, Planning and Zoning staff cannot identify any uses that may be of interest to the City. In addition, it would be extremely difficult, if not impossible for a purchaser to develop anything on this lot because there is no public access, and it does not meet the size requirement for development.

On May 11, 2021, City Council declared the property at 3002A Mosby Street surplus and authorized the City Manager to issue an Invitation to Bid (ITB) for the disposition and sale of the property for no less than thirty (30) days following the process detailed in the City Real Estate Disposition Policy.

The Property was offered and shall be sold "as-is", "where is" and "with all faults" and the City of Alexandria shall make no warranties or representations, expressed or implied; and Development Special Use Permit (DSUP) requests for modifications to the property including increased Floor Area Ratio (FAR), increased building height and other special requirements listed in the R-8/Single Family zone in the City's Zoning Ordinance are not permitted.

The ITB was issued on October 4, 2021, for a period of thirty (30) days, and closed on November 4, 2021. The opportunity to submit a bid to purchase this property was offered to adjacent property owners only, including those persons owning property at 3002 Mosby Street, 3009 Holly Street, and 2915 Holly Street. The highest bid received was from the owners of 3009 Holly Street.

### **III. CONSISTENCY WITH THE MASTER PLAN**

The proposed sale is consistent with the goals of the Potomac West Small Area Plan Chapter of the City's Master Plan.

#### **Potomac West Small Area Plan**

The Potomac West Small Area Plan designates the subject property and adjoining areas as RM-Residential Medium. Additionally, Small Area Plan objectives include protecting and enriching existing parks, maximizing the use of public open space areas, and creating public open space from vacant land. Consistent with these and citywide objectives to increase open space, the City explored the feasibility of using this site for open space or natural area. However, given the lack of public access to the subject property, no established easement or recorded deed that describes how the property is to be accessed, and the existing difficulties in adequately maintaining the parcel, development on this lot or its potential conversion to a pocket park is infeasible (a more detailed discussion of the challenges regarding using the site as public open space or a natural area is provided in attachments 1 and 2).

To ensure consistency with the master plan land use designation, terms of the sale of the parcel prohibit Development Special Use Permit (DSUP) requests for modifications to the property including increased Floor Area Ratio (FAR), increased building height and other special requirements listed in the R-8/Single Family zone in the City's Zoning Ordinance. The sale and future use of the site are not expected to disrupt current land use patterns or the residential character of the area.

### **IV. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find that the proposed sale of 3002A Mosby Street is consistent with Section 9.06 of the City Charter of Alexandria, Virginia and with the City's Master Plan, including specifically the Potomac West Small Area Plan Chapter.

SEC2021-00009  
3002A Mosby Street

STAFF: Karl Moritz, Director, Planning & Zoning  
Katherine Carraway, Urban Planner, Planning & Zoning  
Margaret Curran, Urban Planner, Planning & Zoning

Attachments:

1. May 5, 2021 Memo to City Council



Legislation Details (With Text)

**File #:** 21-0971 **Name:**  
**Type:** **Status:** Agenda Ready  
**File created:** 4/13/2021 **In control:** City Council Legislative Meeting  
**On agenda:** 5/11/2021 **Final action:**  
**Title:** Disposition of City-owned Property Located at 3002A Mosby Street.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 21-0971\_AerialMapAttachment

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

**DATE:** MAY 5, 2021  
**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**  
Disposition of City-owned Property Located at 3002A Mosby Street.

**ISSUE:** Disposition of City-owned property located at 3002A Mosby Street.

**RECOMMENDATION:** That City Council:

- (1) Declare City-owned property located at 3002A Mosby Street surplus property and authorize the City Manager to seek offers of bids as described in the City Real Estate Disposition Policy; and
- (2) Authorize the City Manager to issue an Invitation to Bid (ITB) for the disposition and sale of City-owned property at 3002A Mosby Street for no less than thirty (30) days following the process detailed in the City Real Estate Disposition Policy.

**BACKGROUND:** The City-owned property at 3002A Mosby Street is a 2,137 square foot, triangle-shaped parcel (approx. 103' x 45' x 95') located between 3002 Mosby Street to the east, 3009 Holly Street to the west



and 2915 Holly Street to the South. The parcel is zoned R8 - Single Family, 8,000 square feet.

This property was previously owned by Frank N. Hume, surviving Trustee under the will of Emma P. Hume and was acquired by the City on April 23, 2014 at public auction for the sum of \$1.00 via Special Commissioner's Deed. The property became the subject of public auction as a result of unpaid real estate taxes assessed against the property for the tax years 1994 through 2011 in the amount of \$1,987.60 with accrued penalties and interest in the amount of \$1,291.99. Under the Code of Virginia §58.1-3965, the City may commence a tax sale process once the real estate taxes due on a property have been delinquent for three (3) years. Thirty (30) days following notification of the property owner of the intent to take action and notice was published in the newspaper that the property would be offered for sale, the City initiated proceedings to sell the property for the purpose of collecting the delinquent taxes. Being the highest bidder, at \$1.00, the property was sold and conveyed to the City via Special Warranty Deed as there were no other interested buyers.

This City-owned parcel has not been declared surplus and no formal unsolicited offers for this property have been received. There was interest from the adjacent property owner at 3002 Mosby Street during the tax sale process in 2014, however this property owner made no formal offer to purchase the property.

**DISCUSSION:** A property is said to be “landlocked” when it does not have road frontage, an established easement, or recorded deed that describes how the property is to be accessed. This condition usually occurs when a parcel of land without road access is entirely surrounded by land owned by others which is the case with the City-owned property at 3002A Mosby Street.

The property (see attached plat), bounded by 3002 Mosby Street to the east, 3009 Holly Street to the west and 2915 Holly Street to the South, is landlocked with no road access or established easement and is entirely surrounded by land owned by others. Over the years the City has received several nuisance complaints regarding the property primarily regarding upkeep. In order to maintain the property, the adjacent landowners must grant the City permission to access the property. Currently the property is maintained by the Department of Recreation, Parks and Cultural Activities (RPCA) when possible.

Zoned R8 - Single Family, 8,000 sq. ft., permitted by right city uses of the City-owned parcel at 3002A Mosby Street include public park and public school. However, because of the landlocked condition restricting access to the parcel, Planning and Zoning staff cannot identify any uses that may be of interest to the City. In addition, it would be extremely difficult, if not impossible for a purchaser to develop anything on this lot because there is no public access and it does not meet the size requirement for development.

To use this parcel as a pocket park for community use, an easement would be required across one or more private properties and would require the removal of privately-owned fencing. To acquire the easement(s), either one or more of the adjacent landowners would have to agree to grant the City the easement(s) or the City would have to sue to acquire an easement. The easement(s) and the removal of the fencing would also be required to maintain the site and for inspections. In addition, a pocket park would result in public access and congregating at the rear of the adjacent private properties. If the City were to not sell the property, the parcel could be designated as a non-maintained natural area for open space conservation. However, the fact that this parcel is so difficult to maintain is the reason to consider other options for this property.

Therefore, although the City has not received any formal offers for the property staff recommend that the property be declared surplus. In addition, because the property is landlocked and not “independently developable” because the adjacent landowners would be the only entities having access to or capable of using the land, staff recommends soliciting offers from the adjacent land owners for a period of thirty (30) days for the purchase of the property through an Invitation to Bid (ITB) process as determined by the City's Real Estate

Disposition Policy in which the bids would be evaluated solely on the basis of the price and relevant terms not related to price as stated in the bid.

If the ITB is authorized and subsequently issued for a period of 30 days, the next steps would be to evaluate the bids and seek Council authorization to execute a sales contract contingent on review by the Planning Commission pursuant to Section 9.06 of the City Charter, and passage of an ordinance to sell City property with a three-fourths majority vote (i.e., six (6) members of Council).

**FISCAL IMPACT:** Staff will present to Council the highest bid received during the Invitation to Bid (ITB) process per the City's Real Estate Disposition Policy and pursuant to Section 9.06 of the City Charter for consideration. Revenue from the sale of this City-owned property will be allocated to the City's Capital Improvement Program (CIP) as prescribed in the City's Real Estate Disposition Policy.

**ATTACHMENT:** Aerial of Parcel at 3002A Mosby Street

**STAFF:**

Laura Triggs Deputy City Manager

Joanna Anderson, City Attorney

Jeremy McPike, Director, Department of General Services

Alfred Coleman, Deputy Director, Department of General Services