



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 16, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES L. BANKS, JR, CITY ATTORNEY /s/
RASHAD M. YOUNG, CITY MANAGER /s/

DOCKET TITLE:

Consideration and Receipt of the Settlement Agreement and the Property Acquisition and Exchange Agreement Between the City of Alexandria and the Old Dominion Boat Club and Authorization for the City Manager to Enter into all Necessary Documents to Implement the Agreement.

ISSUE: Consideration and receipt of the Settlement Agreement and the Property Acquisition and Exchange Agreement between the City of Alexandria and the Old Dominion Boat Club and authorization for the City Manager to enter into all necessary documents to implement the agreement.

RECOMMENDATION: That City Council receive the Settlement Agreement and Property Acquisition and Exchange Agreement and authorize the City Manager to execute these documents and any future documents necessary to implement these agreements.

DISCUSSION:

Over the last decade, the City and the Old Dominion Boat Club (ODBC) have been in negotiations regarding disputes about property ownership at the foot of King Street, which is at the center of the Waterfront Plan. On November 19, 2013, City Council approved a motion directing City Staff to conduct an additional 90 day negotiation period with the ODBC to attempt to resolve the disputes. The motion also directed City Staff to continue the process of eminent domain in the event the negotiations did not resolve the disputes. On March 13, 2014 the City made two offers to the ODBC to resolve the disputes including a proposal that would allow the club to stay in the same location with relocated parking ("Stay in Place Option" and a proposal that would relocate the club to a new facility on the Waterfront ("Move Option"). By a vote of its membership on March 22-24, 2014, the ODBC accepted the Move Option

The Settlement Agreement and Property Acquisition and Exchange Agreement ("Agreement") are the legal

documents to implement the Move Option. The Agreement includes the legal details for how the Move Option will be implemented but does not modify the terms of the Move Option proposal.

The major terms of the Move Option and the Agreement are:

- The City pays to the ODBC \$5 Million and
- The City acquires 1 and 2 King Street and any claimed right the ODBC has to the City owned property at the foot of King Street including King Street Park, the Strand, Wales Alley and Wales Alley extended.
- The ODBC acquires a newly created lot at 0 Prince and 200 Strand that is set back from the river to accommodate the Waterfront walkway and set back from the Strand to accommodate the expanded sidewalk area along the Strand.
- The new ODBC lot will be expanded with a portion of 204 Strand and the water rights off of 204 and 208 Strand when the City acquires that property.
- If, in the unlikely event, the City does not acquire 204 Strand, the ODBC will be granted exclusive use of parking spaces along the Strand next to Waterfront Park.
- The property transfers will take place by December 31, 2014.
- ODBC will continue to use 1 and 2 King Street for up to five (5) years while it obtains the necessary land use approvals and constructs the new clubhouse facility on its new lot; the leaseback time will be extended if the construction is delayed by a City action.
- The City will continue to use the property transferred to the ODBC until at least July 2015 and the piers until the ODBC moves to the site.
- ODBC will continue to use the North and South piers that extend off of 1 King Street for up to a ten (10) year period during which ODBC may decide to build a new pier that extends off of 204 and 208 Strand. If the City does not acquire 204 and 208 Strand or if the ODBC decides not to build a new pier off of 204 and 208 Strand, the ODBC will continue to use the North and South Piers indefinitely and the water rights off of 204 and 208 Strand would return to the City.
- If the City removes the South Pier, ODBC will be granted the City's A/B Pier which will take the place of the South Pier in the paragraph above.

The Agreements must be signed by both the City Manager and the President of the ODBC. The ODBC has informed the City that subsequent to execution of the documents, the Agreement must be ratified by a two thirds majority of their membership. ODBC has scheduled a meeting of its membership and subsequent vote on the Agreement for Saturday July 19 through Monday, July 21.

Once the Agreements are signed and ratified, various City actions necessary to implement the Agreement will be triggered such as the necessary subdivisions of the 0 Prince and 200 Strand properties, the acquisition and the necessary subdivisions of the 204 and 208 Strand properties, the property acquisition and sale ordinances. These subsequent actions will take place in early Fall.

CONCLUSION: This Agreement represents a very positive resolution to a dispute that has been ongoing for the last decade or more. The resolution addresses both the needs of this long time Waterfront institution with the needs of the community to access and promote its Waterfront.

FISCAL IMPACT: The \$5 million cost of acquiring the ODBC properties will be funded by \$4.6 million in projected proceeds from planned land sales and \$0.4 million from the City's Open Space Fund.

ATTACHMENTS:

Attachment 1: Settlement Agreement

Attachment 2: Property Acquisition and Exchange Agreement

STAFF:

Mark Jinks, Deputy City Manager

Joanna Anderson, Assistant City Attorney

Faroll Hamer, Director, Department of Planning and Zoning

Emily Baker, Director, Department of Project Implementation