

**Washington Metropolitan Area Transportation Authority  
Board Action/Information Summary**

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number: 99720	Resolution: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**PURPOSE**

To obtain Board authorization for staff to execute the Sales and Development Agreement negotiated between WMATA staff and Ashton Park Associates, LLC (APA) for the sale of WMATA's Arlington bus garage property to APA for mixed-use, transit-oriented development.

**DESCRIPTION**

On April 22, 2005, the Board approved the reinstatement and extension of APA as the developer, with the addition of The Shooshan Company as the principal member. On January 19, 2006, the Board approved the joint development term sheet and authorized staff to negotiate a binding sales agreement. Since that time, staff has worked with APA to more fully develop the site plan and address issues such as pricing and environmental remediation.

The conceptual site plan calls for a transit-oriented, mixed-use development to be built on an assemblage of properties, of which the WMATA site will be a key component. Among the proposed uses are residential, office, and retail. WMATA has the right to approve the site plan submitted to Arlington County, and to approve any changes to that plan that would materially affect the purchase price or any transit-oriented development features.

The agreement states that WMATA will not close on this sale until such time as WMATA's on-site operating facilities have been relocated to the West Ox Road garage, which is scheduled to occur about December 31, 2008. The agreement does state, however, that WMATA makes no warranties as to the date by which it will actually vacate.

Settlement on the land will occur after FTA approval, County approval of the site plan, and WMATA vacation of the property. The agreement provides a mechanism for determining the purchase price once the site plan has been approved by both WMATA and Arlington County.

APA has conducted a second phase environmental analysis of the site and has determined that contamination does exist on WMATA's property. The agreement provides a mechanism to determine and limit WMATA's financial exposure for the cost of environmental remediation. Please see the Confidential Attachment for additional information.

### **FUNDING IMPACT**

Proceeds from this sale are planned to provide part of the funding for the West Ox Road expanded replacement garage to be built and shared by WMATA and Fairfax County. The Board's approval of the term sheet was for a sale of this land as a joint development property. However, now this will not be a sale of joint development property as defined by the FTA, but rather a sale of WMATA surplus property.

### **RECOMMENDATION**

That the Board authorizes staff to execute the Sales and Development Agreement negotiated between WMATA staff and Ashton Park Associates, LLC (APA).