



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of July 11, 2009

**DATE:** June 24, 2009

**SUBJECT:** Approval of Deeds of Easement(s) (“Deeds”) for Public Storm Sewer Project on Properties located at 3101 John Marshall Drive (RPC 02031025), 3206 N. Kensington Street (RPC 02031012), and 3212 N. Kensington Street (RPC 02031011).

#### **C. M. RECOMMENDATION:**

1. Approve the attached Deed of Easement between Sunline, Inc., a Virginia corporation, and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 3101 John Marshall Drive, RPC 02031025; and
2. Approve the attached Deed of Easements between Marie C. Milnes-Vasquez and Anthony J. Johnstone and the County Board of Arlington County, Virginia, for the acquisition of two permanent easements on portions of the property located at 3206 N. Kensington Street, RPC 02031012; and
3. Approve the attached Deed of Easement between John Matthew McCracken and Lynette S. McCracken, husband and wife, and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 3212 N. Kensington Street, RPC 02031011; and
4. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 1, for a permanent easement on a portion of the property located at 3101 John Marshall Drive, subject to approval as to form by the County Attorney; and
5. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 2, for two permanent easements on portions of the property located at 3206 N. Kensington Street, subject to approval as to form by the County Attorney; and

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Lynne Porfiri, DES Real Estate Bureau  
Michael Halewski, DES Real Estate Bureau

6. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deed of Easement attached hereto as Attachment 3, for a permanent easement on a portion of the property located at 3212 N. Kensington Street, subject to approval as to form by the County Attorney.

**ISSUE:** There are no issues associated with the approval and acceptance of the Deeds.

**SUMMARY:** This is a request for the County Board's approval and authorization to accept three Deeds of Easement(s) for a public storm sewer project located at 3101 John Marshall Drive, 3206 N. Kensington Street, and 3212 N. Kensington Street.

**DISCUSSION:** Deeds conveying properties to the County Board must be accepted by, or on behalf of, the County Board in order to be valid. The subject Deeds are needed for a public storm sewer project designed to improve the flow of storm water and to improve County infrastructure in the area.

The attached vicinity maps "A" through "D" show the location of the properties.

**FISCAL IMPACT:** Because the easements will be conveyed to the County Board for nominal consideration, no significant fiscal impact related to the acceptance of the Deeds is expected.

**RECORDING REQUESTED BY,  
AND WHEN RECORDED RETURN TO:**

Real Estate Bureau Chief  
Engineering & Capital Projects Division  
Department of Environmental Services  
Arlington County Government  
2100 Clarendon Boulevard, Suite 800  
Arlington, Virginia 22201

Exempt from Recordation Tax  
Per Virginia Code § 58.1-811.A.3

**DEED OF EASEMENT**

This DEED OF EASEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by **SUNLINE, INC.**, a Virginia Corporation ("Grantor"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate ("Grantee").

For and in consideration of the sum of One Dollar (\$1.00) and the mutual benefits to be derived by the parties hereto, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey unto the Grantee a perpetual easement for public storm sewer purposes over, under, upon and across **One Thousand Three Hundred Forty-three (1,343)** square feet of land ("Easement Area") situated in Arlington County, Virginia, as shown on the plat attached hereto and made a part hereof, entitled "**Plat Showing Temporary Construction Easement and Easement Acquired for Public Storm Sewer Purposes on Lot 24, Springhill, D.B. 740, PG. 527, Arlington County, Virginia**" which plat was approved on **June 18, 2009** by the Arlington County Subdivision and Bonds Administrator of the Department of Environmental Services (the "Plat"), being a portion of the same property acquired by the Grantor by deed dated **February 3, 2009**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4240** at Page **1048**, and more particularly described therein as "**All of Lot 24, in the Subdivision of Springhill, as the same is duly dedicated, platted and recorded among the land records of Arlington County, Virginia in Deed Book 740 at page 527, and by Deed of Correction recorded in Deed Book 766 at page 344 and by Deed of Vacation and Rededication recorded in Deed Book 1009 at page 548**" (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove a storm drain system to convey storm water, including accessories and appurtenances thereto, within said Easement Area, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, in order to construct, maintain, repair, reconstruct or replace a storm drain system to convey storm water within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

Reference is hereby made to the Plat attached hereto and incorporated herein for a more full and complete description of the Easement Area hereby conveyed.

1

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031025  
Address: 3101 John Marshall Drive, Arlington, Virginia

Grantor covenants that Grantor is seized of and has the right to convey the Easement, and that Grantor shall make no use of the Easement Area which is inconsistent with the Easement rights hereby conveyed.

Grantee agrees that, as soon as practicable after the completion of construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within the Easement Area, the Grantee will, at no cost to the Grantor: (1) restore the disturbed area adjacent to the Easement Area as nearly as practicable to its original condition; (2) reseed (or resod, at the sole option of the Grantee) all damaged grass areas adjacent to the Easement Area; (3) reset (or replace with new nursery stock, at the sole option of Grantee), all existing trees, plants, shrubbery, and hedges on or adjacent to the Easement Area that are affected by the construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within or adjacent to the Easement Area; and (4) guarantee any new nursery stock trees, plants, shrubbery, and hedges for one year against damage from the date of planting.

All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the Easement.

This Deed of Easement incorporates all agreements between the parties hereto. No representations or statements have been made which would modify, add to or change the terms of this Deed of Easement.

This Deed of Easement is contingent upon acceptance on behalf of the County Board of Arlington, Virginia.

This Deed of Easement shall be construed, interpreted, and applied according to the law of the Commonwealth of Virginia.

WITNESS the following signature(s):

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES]**

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031025  
Address: 3101 John Marshall Drive, Arlington, Virginia

GRANTOR:

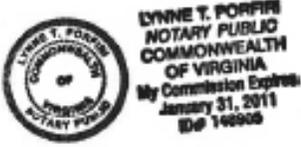
SUNLINE, INC., a Virginia corporation

By: [Signature]  
Name: KENNETH FREYBOERGER  
Title: PRESIDENT

STATE: VA  
COUNTY: Arlington

The foregoing instrument was acknowledged before me on this 30<sup>th</sup> day of June, 2009 by Kenneth Freyboerger, the President of Sunline, Inc., a Virginia corporation, on behalf of the corporation, Grantor.

Notary Public [Signature]  
My Commission Expires: 1/31/2011



Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031025  
Address: 3101 John Marshall Drive, Arlington, Virginia

GRANTEE:

Accepted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on \_\_\_\_\_, 200\_\_.

By: \_\_\_\_\_  
For the County Board of Arlington County, Virginia

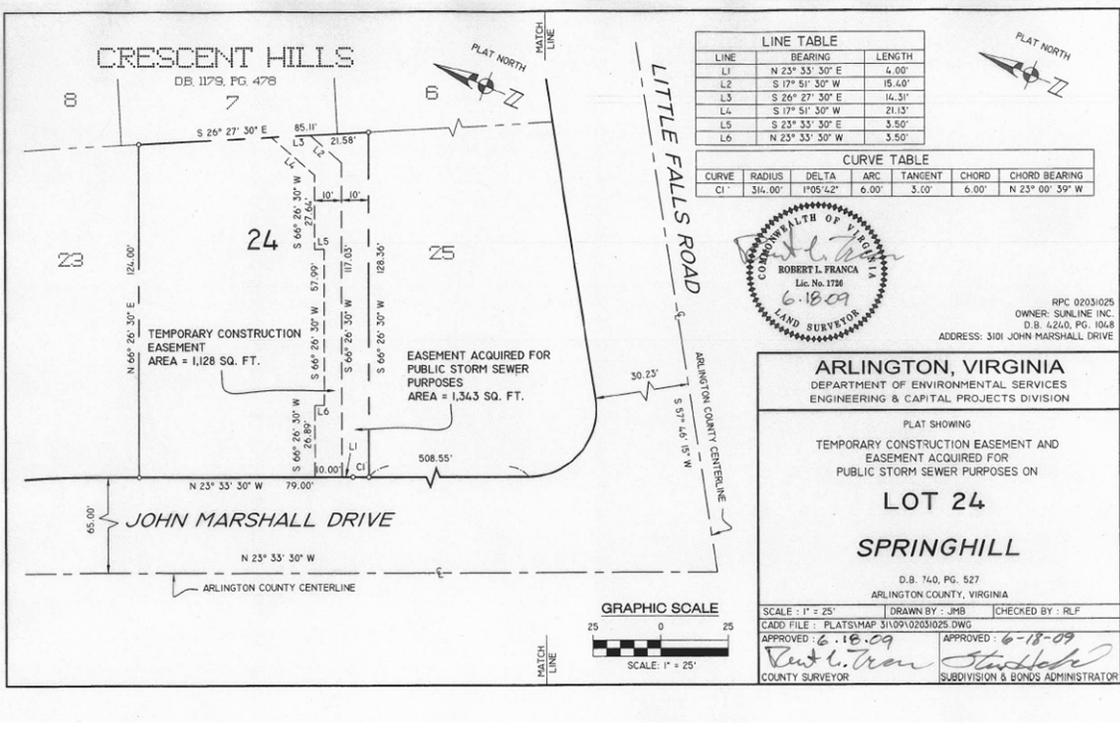
COMMONWEALTH OF VIRGINIA  
COUNTY OF ARLINGTON, to-wit:

The foregoing instrument was acknowledged before me by \_\_\_\_\_, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Notary Public \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
COUNTY ATTORNEY

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031025  
Address: 3101 John Marshall Drive, Arlington, Virginia



| LINE | BEARING         | LENGTH |
|------|-----------------|--------|
| L1   | N 23° 33' 30" E | 4.00'  |
| L2   | S 17° 51' 30" W | 15.40' |
| L3   | S 26° 27' 30" E | 14.31' |
| L4   | S 17° 51' 30" W | 21.13' |
| L5   | S 23° 33' 30" E | 3.50'  |
| L6   | N 23° 33' 30" W | 3.50'  |

| CURVE | RADIUS  | DELTA    | ARC   | TANGENT | CHORD | CHORD BEARING   |
|-------|---------|----------|-------|---------|-------|-----------------|
| CI    | 314.00' | 1705°42' | 6.00' | 3.00'   | 6.00' | N 23° 00' 59" W |



RPC 0203/025  
 OWNER: SUNLINE INC.  
 D.B. 4240, PG. 106.8  
 ADDRESS: 3101 JOHN MARSHALL DRIVE

**ARLINGTON, VIRGINIA**  
 DEPARTMENT OF ENVIRONMENTAL SERVICES  
 ENGINEERING & CAPITAL PROJECTS DIVISION

PLAT SHOWING  
 TEMPORARY CONSTRUCTION EASEMENT AND  
 EASEMENT ACQUIRED FOR  
 PUBLIC STORM SEWER PURPOSES ON  
**LOT 24**  
**SPRINGHILL**  
 D.B. 740, PG. 527  
 ARLINGTON COUNTY, VIRGINIA

SCALE: 1" = 25'  
 DRAWN BY: JMB  
 CHECKED BY: RLF  
 CADD FILE: PLATSMAP 3119910203025.DWG  
 APPROVED: 6-18-09  
 COUNTY SURVEYOR  
 APPROVED: 6-18-09  
 SUBDIVISION & BONDS ADMINISTRATOR

**RECORDING REQUESTED BY,  
AND WHEN RECORDED RETURN TO:**

Real Estate Bureau Chief  
Engineering & Capital Projects Division  
Department of Environmental Services  
Arlington County Government  
2100 Clarendon Boulevard, Suite 800  
Arlington, Virginia 22201

Exempt from Recordation Tax  
Per Virginia Code § 58.1-811.A.3

**DEED OF EASEMENTS**

This DEED OF EASEMENTS is made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by **MARIE C. MILNES-VASQUEZ** and **ANTHONY J. JOHNSTONE**, husband and wife ("Grantors"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate ("Grantee").

For and in consideration of the sum of One Dollar (\$1.00) and the mutual benefits to be derived by the parties hereto, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant and convey unto the Grantee perpetual easements for public storm sewer purposes over, under, upon and across land comprised of **Two Hundred Forty-One (241)** square feet and **Two Hundred Twenty (220)** square feet ("Easement Areas") situated in Arlington County, Virginia, as both are shown on the plat attached hereto and made a part hereof, entitled "**Plat Showing Easements Acquired for Public Storm Sewer Purposes on Lot 6, Crescent Hills, D.B. 1179, PG. 478, Arlington County, Virginia**" which plat was approved on **June 10, 2009** by the Arlington County Subdivision and Bonds Administrator of the Department of Environmental Services (the "Plat"), being a portion of the same property acquired by the Grantors by deed dated **July 13, 2006**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4057** at Page **1721**, and more particularly described therein as "**ALL OF LOT SIX (6), of the Subdivision of CRESCENT HILLS, as the same appears duly dedicated, platted and recorded in Deed Book 1179, at Page 478, among the land records of Arlington County, Virginia**" (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove a storm drain system to convey storm water, including accessories and appurtenances thereto, within said Easement Areas, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, in order to construct, maintain, repair, reconstruct or replace a storm drain system to convey storm water within the above-described Easement Areas (the Easement Areas, and the rights related thereto, are referred to herein jointly as the "Easements").

1

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031012  
Address: 3206 N. Kensington Street, Arlington, Virginia

Reference is hereby made to the Plat attached hereto and incorporated herein for a more full and complete description of the Easement Areas hereby conveyed.

Grantors covenant that Grantors are seized of and have the right to convey the Easements, and that Grantors shall make no use of the Easement Areas which are inconsistent with the Easement rights hereby conveyed.

Grantee agrees that, as soon as practicable after the completion of construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within the Easement Areas, the Grantee will, at no cost to the Grantors: (1) restore the disturbed area adjacent to the Easement Areas as nearly as practicable to its original condition; (2) reseed (or resod, at the sole option of the Grantee) all damaged grass areas adjacent to the Easement Areas; (3) reset (or replace with new nursery stock, at the sole option of Grantee), all existing trees, plants, shrubbery, and hedges on or adjacent to the Easement Areas that are affected by the construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within or adjacent to the Easement Areas; and (4) guarantee any new nursery stock trees, plants, shrubbery, and hedges for one year against damage from the date of planting.

All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the Easements.

This Deed of Easement incorporates all agreements between the parties hereto. No representations or statements have been made which would modify, add to or change the terms of this Deed of Easement.

This Deed of Easement is contingent upon acceptance on behalf of the County Board of Arlington, Virginia.

This Deed of Easement shall be construed, interpreted, and applied according to the law of the Commonwealth of Virginia.

WITNESS the following signature(s):

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES]**

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031012  
Address: 3206 N. Kensington Street, Arlington, Virginia

GRANTOR:

Marie C. Milnes-Vasquez  
MARIE C. MILNES-VASQUEZ

State: VA

County: Arlington

The foregoing instrument was acknowledged before me on this 25<sup>th</sup> day of June, 2009, by Marie C. Milnes-Vasquez, Grantor.

Notary Public: Lynne T. Porfiri

My Commission expires: 1/31/2011



LYNNE T. PORFIRI  
NOTARY PUBLIC  
COMMONWEALTH  
OF VIRGINIA  
My Commission Expires  
January 31, 2011  
ID# 148905

GRANTOR:

Anthony J. Johnstone  
ANTHONY J. JOHNSTONE

State: VA

County: Arlington

The foregoing instrument was acknowledged before me on this 25<sup>th</sup> day of June, 2009, by Anthony J. Johnstone, Grantor.

Notary Public: Lynne T. Porfiri

My Commission expires: 1/31/2011



LYNNE T. PORFIRI  
NOTARY PUBLIC  
COMMONWEALTH  
OF VIRGINIA  
My Commission Expires  
January 31, 2011  
ID# 148905

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031012  
Address: 3206 N. Kensington Street, Arlington, Virginia

GRANTEE:

Accepted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on \_\_\_\_\_, 200\_\_.

By: \_\_\_\_\_  
For the County Board of Arlington County, Virginia

COMMONWEALTH OF VIRGINIA  
COUNTY OF ARLINGTON, to-wit:

The foregoing instrument was acknowledged before me by \_\_\_\_\_, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Notary Public \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
COUNTY ATTORNEY

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031012  
Address: 3206 N. Kensington Street, Arlington, Virginia



**RECORDING REQUESTED BY,  
AND WHEN RECORDED RETURN TO:**

Real Estate Bureau Chief  
Engineering & Capital Projects Division  
Department of Environmental Services  
Arlington County Government  
2100 Clarendon Boulevard, Suite 800  
Arlington, Virginia 22201

Exempt from Recordation Tax  
Per Virginia Code § 58.1-811.A.3

**DEED OF EASEMENT**

This DEED OF EASEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by **JOHN MATTHEW MCCRACKEN and LYNETTE S. MCCRACKEN**, husband and wife, ("Grantors"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate ("Grantee").

For and in consideration of the sum of One Dollar (\$1.00) and the mutual benefits to be derived by the parties hereto, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant and convey unto the Grantee a perpetual easement for public storm sewer purposes over, under, upon and across **One Thousand Three Hundred Fifty-five (1,355)** square feet of land ("Easement Area") situated in Arlington County, Virginia, as shown on the plat attached hereto and made a part hereof, entitled "**Plat Showing Temporary Construction Easement and Easement Acquired for Public Storm Sewer Purposes on Lot 7, Crescent Hills, D.B. 1179, PG. 478, Arlington County, Virginia**" which plat was approved on **June 18, 2009** by the Arlington County Subdivision and Bonds Administrator of the Department of Environmental Services (the "Plat"), being a portion of the same property acquired by the Grantors by deed dated **August 24, 1998**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2920** at Page **143**, and more particularly described therein as "**Lot Seven (7), CRESCENT HILLS, as same is duly dedicated, platted and recorded among the land records of Arlington County, Virginia in Deed Book 1179 at Page 478**" (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove a storm drain system to convey storm water, including accessories and appurtenances thereto, within said Easement Area, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, in order to construct, maintain, repair, reconstruct or replace a storm drain system to convey storm water within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

Reference is hereby made to the Plat attached hereto and incorporated herein for a more full and complete description of the Easement Area hereby conveyed.

1

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031011  
Address: 3212 N. Kensington Street, Arlington, Virginia

Grantors covenant that Grantors are seized of and have the right to convey the Easement, and that Grantors shall make no use of the Easement Area which is inconsistent with the Easement rights hereby conveyed.

Grantee agrees that, as soon as practicable after the completion of construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within the Easement Area, the Grantee will, at no cost to the Grantors: (1) restore the disturbed area adjacent to the Easement Area as nearly as practicable to its original condition; (2) repair or replace any fixtures or improvements, including, but not limited to, fences, walls, pipes or cables, which fixtures or improvements are on or adjacent to the Easement Area and are removed or damaged by the Grantee during the construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within the Easement Area; (3) reseed (or resod, at the sole option of the Grantee) all damaged grass areas adjacent to the Easement Area; (4) reset (or replace with new nursery stock, at the sole option of Grantee), all existing trees, plants, shrubbery, and hedges on or adjacent to the Easement Area that are affected by the construction, maintenance, repair, reconstruction, or replacement of a storm drain system to convey storm water within or adjacent to the Easement Area; and (5) guarantee any new nursery stock trees, plants, shrubbery, and hedges for one year against damage from the date of planting.

All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the Easement.

This Deed of Easement incorporates all agreements between the parties hereto. No representations or statements have been made which would modify, add to or change the terms of this Deed of Easement.

This Deed of Easement is contingent upon acceptance on behalf of the County Board of Arlington, Virginia.

This Deed of Easement shall be construed, interpreted, and applied according to the law of the Commonwealth of Virginia.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES]**

2

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031011  
Address: 3212 N. Kensington Street, Arlington, Virginia

GRANTOR: J. M. McCracken  
JOHN MATTHEW MCCRACKEN



STATE: Virginia  
COUNTY: Arlington

The foregoing instrument was acknowledged before me on this 20th day of June, 2007, by John Matthew McCracken, Grantor.

Notary Public: Sandra D. Shannon  
My Commission Expires: 3-21-11

Commonwealth of Virginia  
Sandra D. Shannon - Notary Public  
Commission ID: 107981  
My Commission Expires 03/21/11

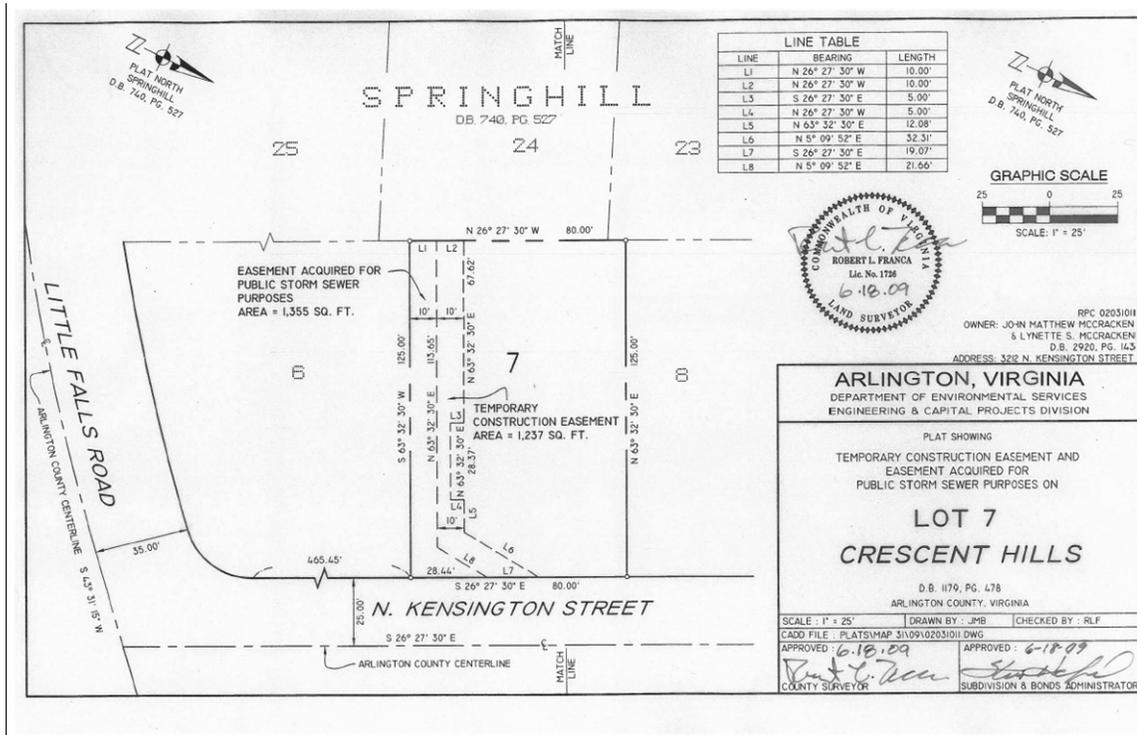
GRANTOR: Lynette S. McCracken  
LYNETTE S. MCCRACKEN

STATE: VA  
COUNTY: Arlington

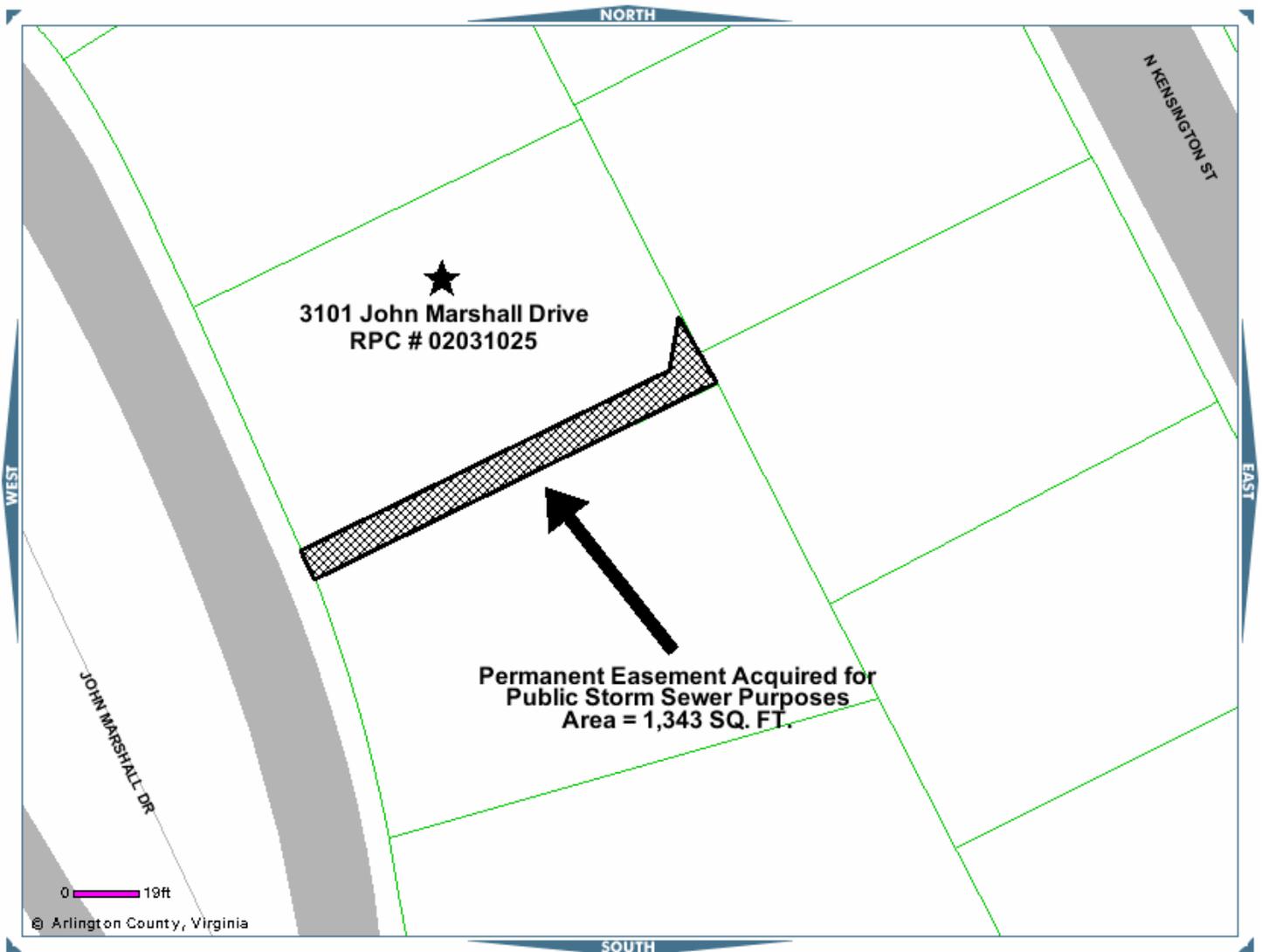
The foregoing instrument was acknowledged before me on this 25th day of June, 2007, by Lynette S. McCracken, Grantor.

Notary Public: Maryann Esik  
My Commission Expires: 6/30/2012  
#345183

Project: West Little Pimmit Run - Phase I - Project # S18D (the "Project")  
RPC: 02031011  
Address: 3212 N. Kensington Street, Arlington, VA



Vicinity Map

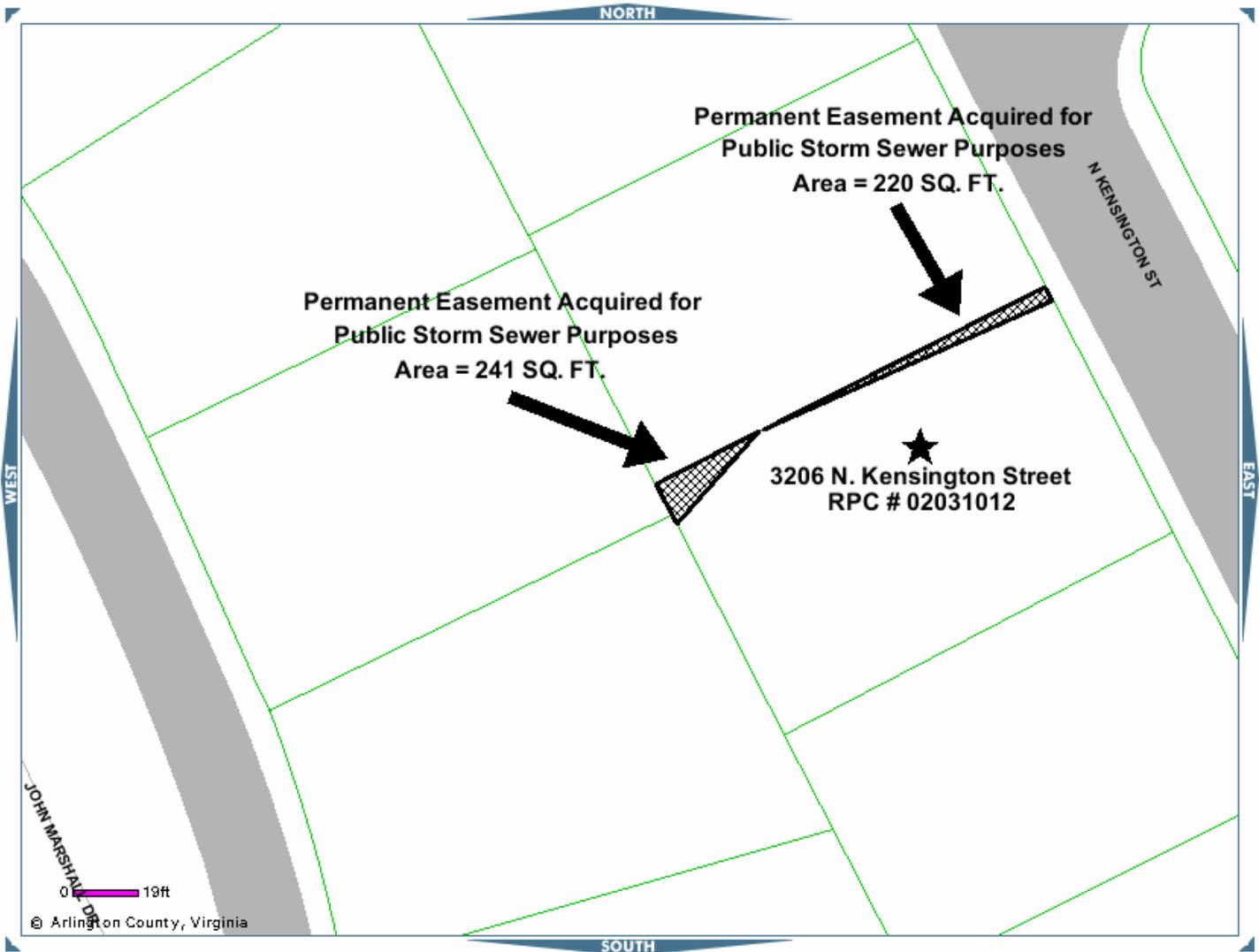


**3101 John Marshall Drive (RPC # 02031025)  
Deed of Easement for Public Storm Sewer Purposes**

**West Little Pimmit Run - Phase I  
Project # S18D**

July 11, 2009

Vicinity Map

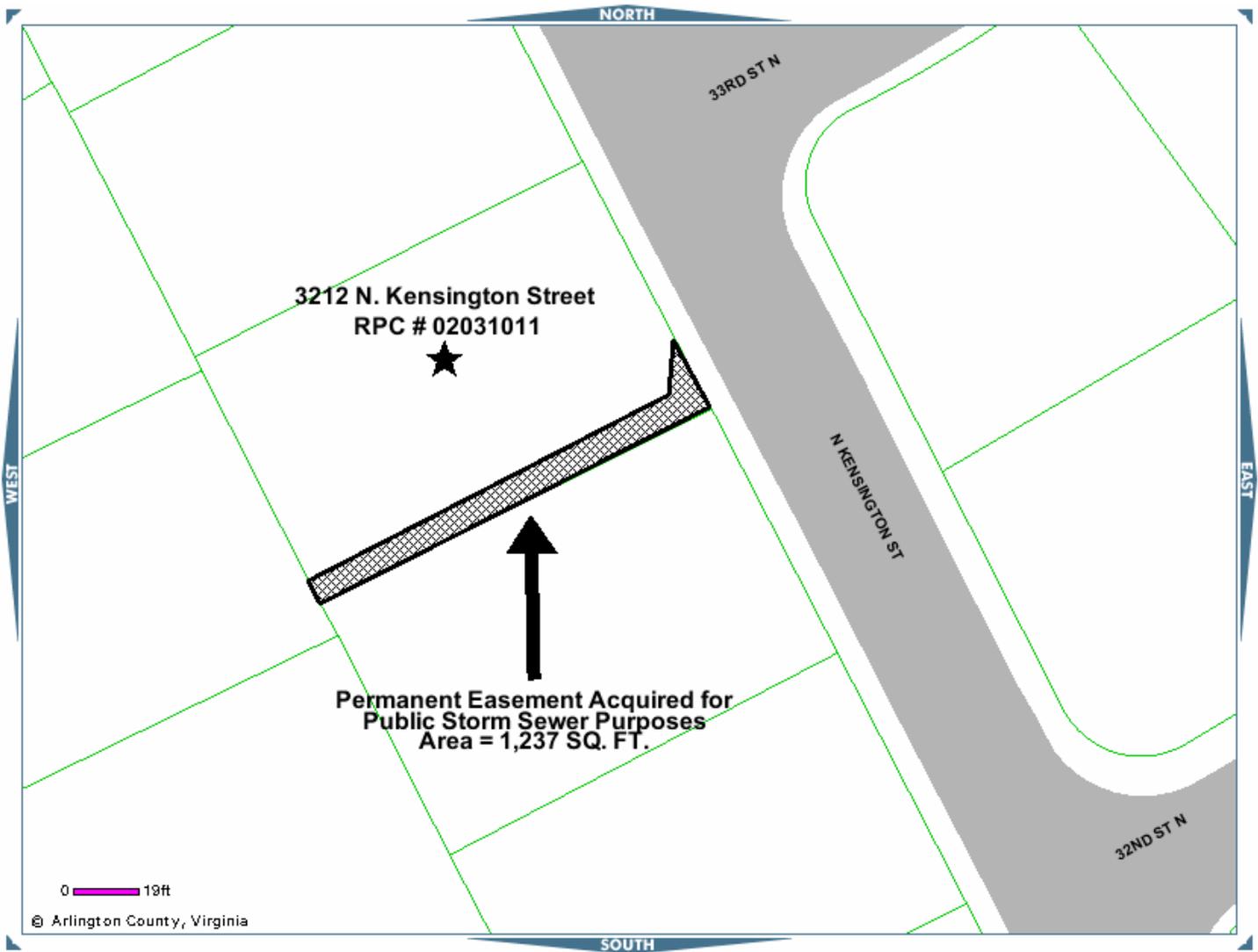


**3206 N. Kensington Street (RPC # 02031012)  
Deed of Easement for Public Storm Sewer Purposes**

**West Little Pimmit Run - Phase I  
Project # S18D**

July 11, 2009

Vicinity Map

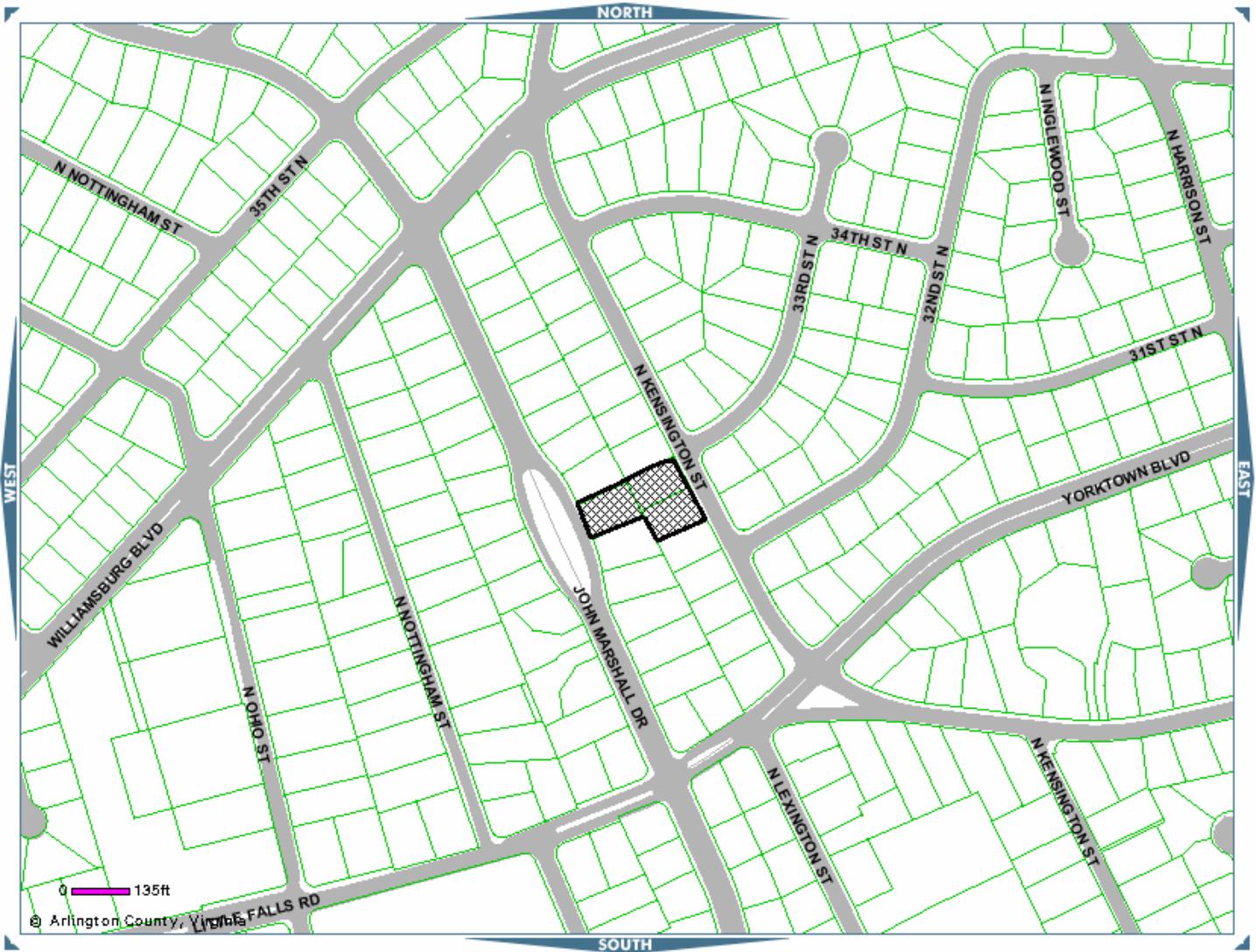


**3212 N. Kensington Street (RPC # 02031011)  
Deed of Easement for Public Storm Sewer Purposes**

**West Little Pimmit Run - Phase I  
Project # S18D**

July 11, 2009

Vicinity Map



**Deeds of Easement for Public Storm Sewer Purposes  
West Little Pimmit Run - Phase I  
Project # S18D**

July 11, 2009