



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of October 24, 2009

DATE: September 30, 2009.

SUBJECT: Approval of Deeds of Easement (“Deeds”) for Relocation of Water Meters Associated with the Department of Environmental Services Project (“Project”) on Properties Located at 2601 South Joyce Street (RPC 37021181), 2605 South Joyce Street (RPC 37021180) and 2611 South Joyce Street (RPC 37021179).

C. M. RECOMMENDATION:

1. Approve the attached Deed of Easement for water meter purposes between Maria Sue Landini and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 2601 South Joyce Street, RPC 37021181; and
2. Approve the attached Deed of Easement for water meter purposes between Kevin D. McCormick and Cynthia McCormick and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 2605 South Joyce Street, RPC 37021180; and
3. Approve the attached Deed of Easement for water meter purposes between Rolf Thorvald Lundberg and Carolyn H. Lundberg and the County Board of Arlington County, Virginia, for the acquisition of a permanent easement on a portion of the property located at 2611 South Joyce Street, RPC 37021179; and
4. Authorize the Real Estate Bureau Chief, Engineer and Capital Projects Division, Department of Environmental Services, or his designee, to accept on behalf of the County Board, the Deeds of Easement attached hereto as Attachments 1, 2, and 3 for permanent easements on portions of the properties located at 2601 South Joyce Street, 2605 South Joyce Street, and 2611 South Joyce Street, subject to approval as to form by the County Attorney.

ISSUE: The County Board is required to review and approve Deeds of Easement. No issue has been identified.

SUMMARY: This is a request for the County Board’s approval and authorization to accept three Deeds, attached hereto as Attachments 1, 2, and 3 for relocation of the water meters

County Manager: PC/AAA

County Attorney: BAK/SAM

Staff: Troy Harris, DES Real Estate Bureau

associated with a County construction project located at 2601 South Joyce Street, 2605 South Joyce Street, and 2611 South Joyce Street (the “Properties”).

DISCUSSION: Upon approval and execution of the Deeds by the County Board, the County will be able to relocate the water meters located in South Joyce Street onto private property. Relocation of the water meters will allow the County to proceed with the proposed construction of South Joyce Street. The Project will include construction of public sidewalk, curb and gutter, driveway aprons and resurfacing of South Joyce Street. The resurfaced South Joyce Street will allow better drainage to curb, gutter, and catch basin facilities. This Project is a storm drainage improvements project of the Water, Sewer and Streets Bureau known as “South Joyce Street, Fort Scott Drive to 200’ South of South Oakcrest Road.”

The respective property owners have agreed to convey permanent easements to the County for construction of the water meters on their land without any monetary consideration as evidenced by the executed Deeds attached hereto. Approval and authorization to accept the Deeds will result in the conveyance of permanent easements to the County, thereby granting the County the rights necessary to construct and maintain the County improvements on the Properties.

The vicinity maps, attached hereto as Exhibits A and B, show the location of the Properties and respective Deeds.

FISCAL IMPACT: Because the easements will be conveyed to the County Board for nominal consideration, no significant fiscal impact related to the acquisition of the easement 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 2 day of Sept., 2009, by **MARIA SUE LANDINI** ("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 water meter purposes over, under, upon and across **Twenty-five (25)** 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 Easement Acquired for Water Meter Purposes on Lot 10, Block 4, Section 2, Oakcrest, D.B. 206, PG. 83, Arlington County, Virginia**" which plat was approved on **August 13, 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 **July 20, 1995**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book 2734 at Page 170, and more particularly described therein as "**Lot numbered Ten (10) in Block numbered Four (4), Section Two (2), of the subdivision known as "Oakcrest," as the same appears duly dedicated, platted and recorded in Deed Book 206 at page 83 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 water meter, 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 the water meter 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.

Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021181
Address: 2601 South Joyce Street, 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 the water meter 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 the water meter 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):

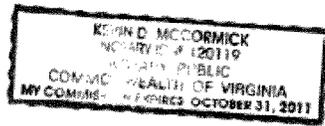
GRANTOR:

Maria Sue Landini
MARIA SUE LANDINI

State: VA
County: Arlington

The foregoing instrument was acknowledged before me on this 2 day of Sept, 2009, by Maria Sue Landini, Grantor.

Notary Public: [Signature]
My Commission expires: 10/31/11



Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021181
Address: 2601 South Joyce Street, Arlington, Virginia

GRANTEE:

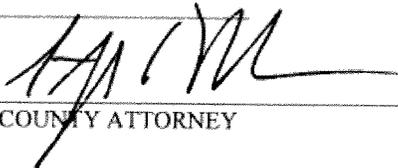
Accepted this _____ day of _____, 200__, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 200__.

By: _____
For the County Board of Arlington County, Virginia

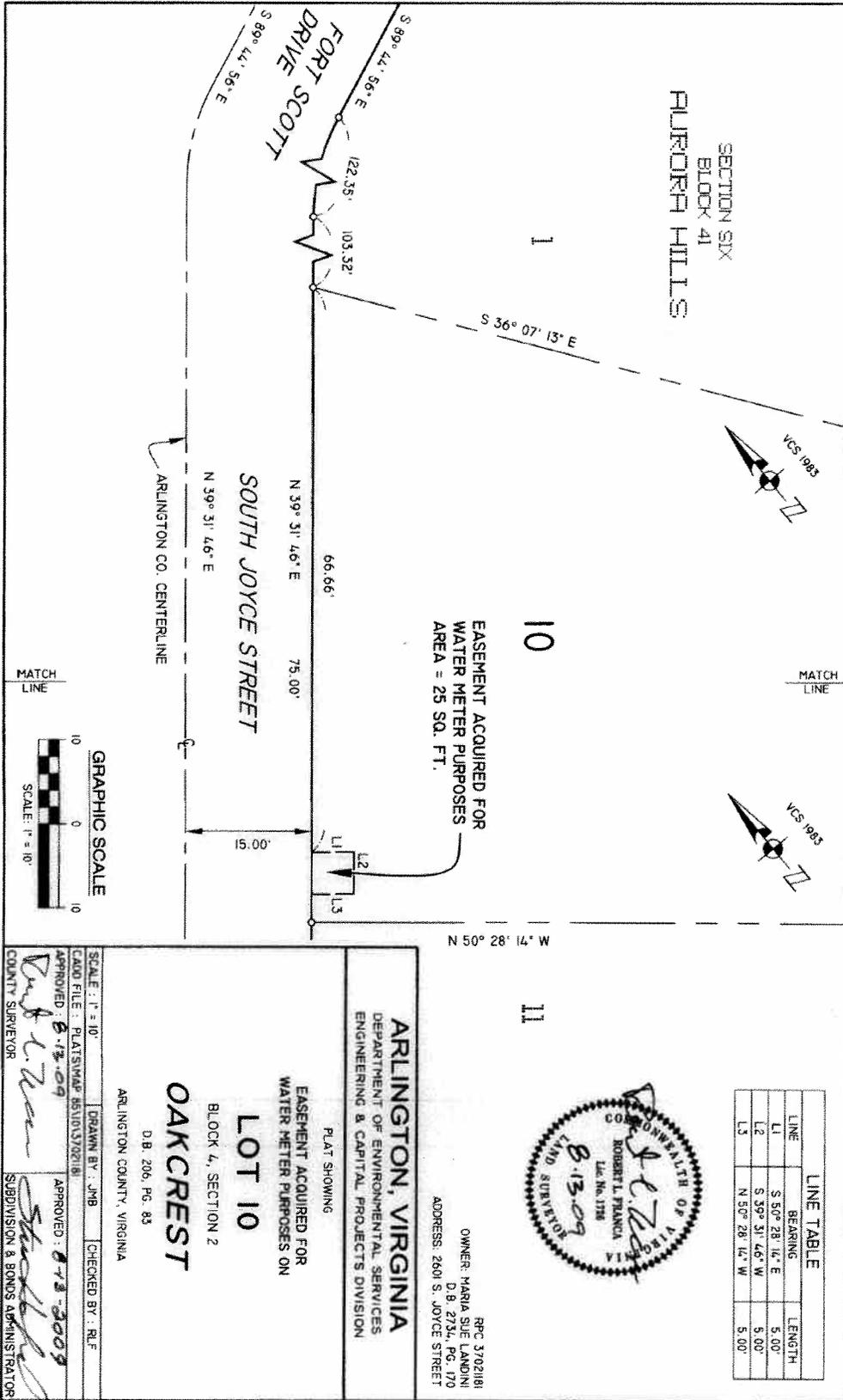
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

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: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021181
Address: 2601 South Joyce 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 25 day of August, 2009, by **KEVIN D. MCCORMICK and CYNTHIA MCCORMICK** (also known of record as **CYNTHIA L. STALNAKER**), 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 water meter purposes over, under, upon and across **Twenty-five (25)** 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 Easement Acquired for Water Meter Purposes on Lot 11, Block 4, Section 2, Oakcrest, D.B. 206, PG. 83, Arlington County, Virginia**" which plat was approved on **August 13, 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 1, 1996**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2784** at Page **453**, and more particularly described therein as "**Lot 11, Block 4, Section 2, OAKCREST, as the same appears duly dedicated, platted and recorded in Deed Book 206, at Page 83, 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 water meter, 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 the water meter 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: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021180
Address: 2605 South Joyce Street, Arlington, Virginia

VI

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 the water meter 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) 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 the water meter 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.

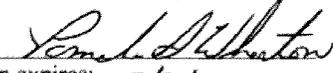
WITNESS the following signature(s):

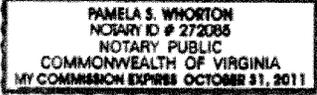
GRANTOR


KEVIN D. MCCORMICK

State: VA
County: Fairfax

The foregoing instrument was acknowledged before me on this 25 day of August, 2009, by **Kevin D. McCormick**, Grantor.

Notary Public: 
My Commission expires: 10/31/11



Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021180
Address: 2605 South Joyce Street, Arlington, Virginia

GRANTOR:

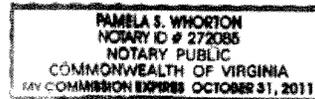
Cynthia McCormick
CYNTHIA MCCORMICK, also known of
record as Cynthia L. Stalnaker

State: VA

County: Fairfax

The foregoing instrument was acknowledged before me on this 25 day of August,
2009, by Cynthia McCormick, Grantor.

Notary Public: Paul Whitton
My Commission expires: 10/31/11



Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021180
Address: 2605 South Joyce 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

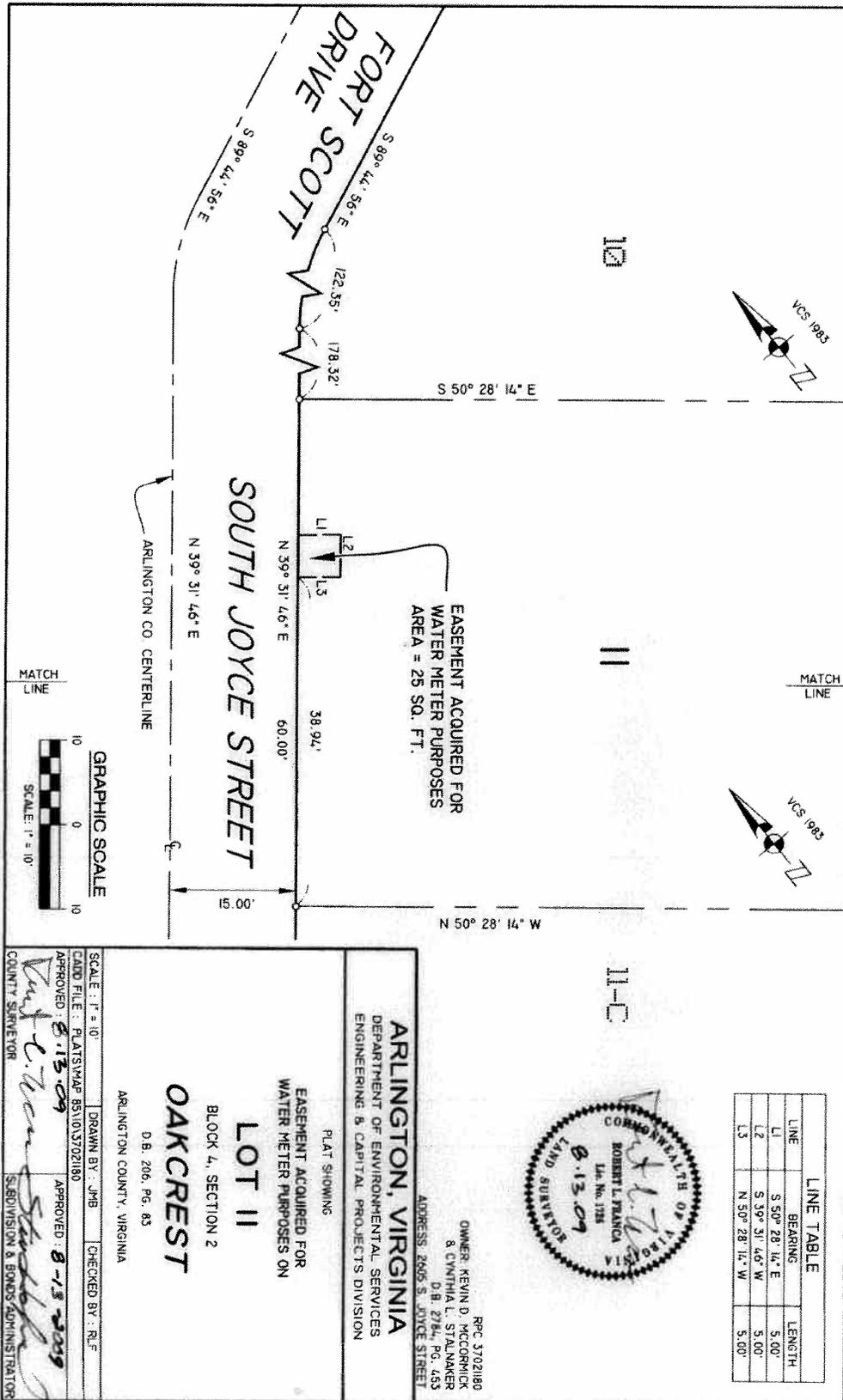
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

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: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021180
Address: 2605 South Joyce Street, Arlington, Virginia



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

PLAT SHOWING
 EASEMENT ACQUIRED FOR
 WATER METER PURPOSES ON
LOT II
 BLOCK 4, SECTION 2
OAKCREST
 D.B. 206, Pg. 83
 ARLINGTON COUNTY, VIRGINIA

RPC 3702180
 OWNER: KEVIN D. MCCORMICK
 & CYNTHIA L. STALNAKER
 D.B. 2784, PG. 453
 ADDRESS: 2605 S. JOYCE STREET

SCALE: 1" = 10'
 DRAWN BY: JHB
 CHECKED BY: RLF

CADD FILE: PLATSMAP 851013702180
 APPROVED: 8-15-09
 APPROVED: 8-13-2009

COUNTY SURVEYOR
 COUNTY SURVEYOR



**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 2 day of Sept, 2009, by **ROLF THORVALD LUNDBERG** and **CAROLYN H. LUNDBERG**, 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 water meter purposes over, under, upon and across **Twenty-five (25)** 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 Easement Acquired for Water Meter Purposes on Lot 11-C, Resubdivision of Lot 11A and Lot 12, Block 4, Section 2, Oakcrest, D.B. 1250, PG. 492, Arlington County, Virginia**" which plat was approved on **August 13, 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 **January 29, 1999**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2957** at Page **1590**, and more particularly described therein as "**Lot Numbered ELEVEN-C (11-C), being a resubdivision of Lots ELEVEN-A (11-A) and TWELVE (12), Section TWO (2), "OAKCREST", as per plat of resubdivision recorded in Deed Book 1250 at Page 492, the original plat of subdivision of "OAKCREST" being recorded in Deed Book 206 at Page 83, 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 water meter, 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 the water meter within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

1

Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021179
Address: 2611 South Joyce Street, Arlington, Virginia

VI

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.

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 the water meter 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) 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 the water meter 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.

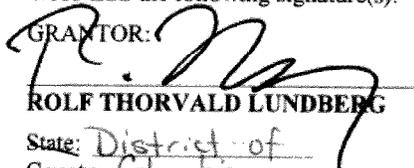
All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the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

GRANTOR: 
ROLF THORVALD LUNDBERG
State: District of
County: Columbia

The foregoing instrument was acknowledged before me on this 1st day of September, 2009, by **Rolf Thorvald Lundberg**, Grantor.

Notary Public: 
My Commission expires: _____

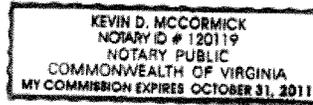
ALICIA R. HARRIS
Notary Public, District of Columbia
My Commission Expires May 31, 2011

Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021179
Address: 2611 South Joyce Street, Arlington, Virginia

GRANTOR:
Carolyn H. Lundberg
CAROLYN H. LUNDBERG
State: VA
County: Arlington

The foregoing instrument was acknowledged before me on this 2 day of Sept.,
2009, by **Carolyn H. Lundberg**, Grantor

Notary Public: [Signature]
My Commission expires: 10/31/11



Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021179
Address: 2611 South Joyce 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

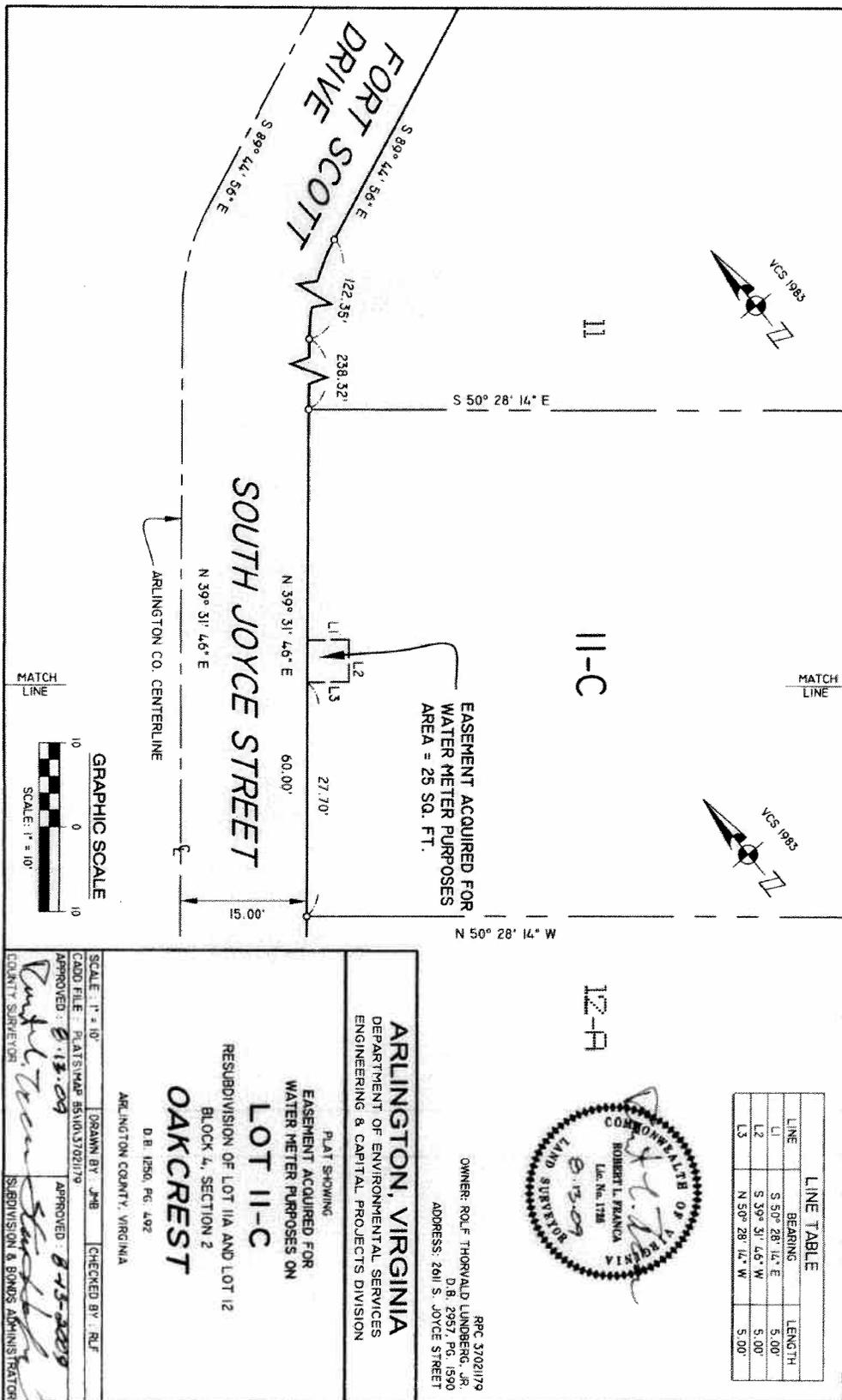
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

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__.

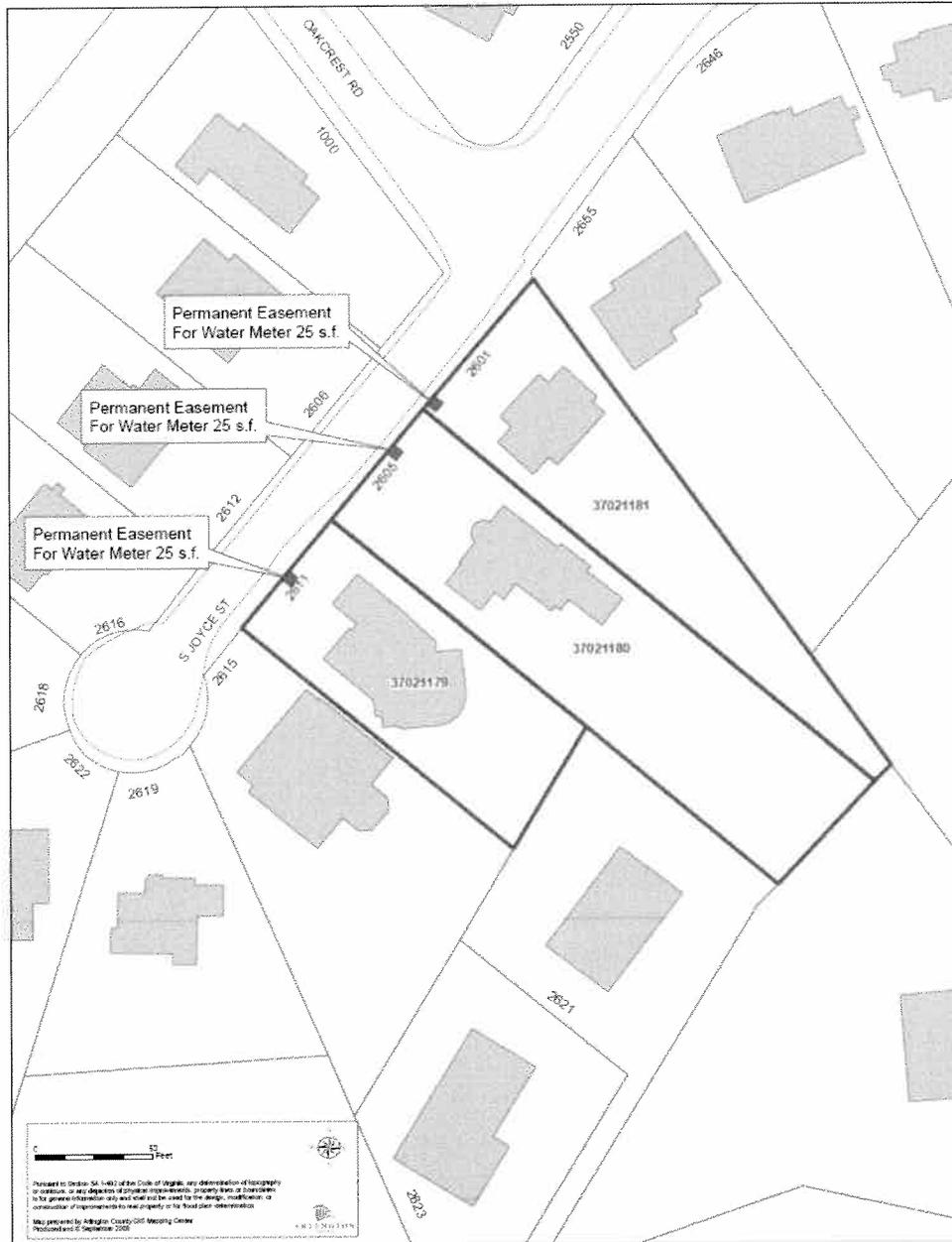
Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: 
COUNTY ATTORNEY

Project: S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project #: CG06 (the "Project")
RPC: 37021179
Address: 2611 South Joyce Street, Arlington, Virginia



Vicinity Map



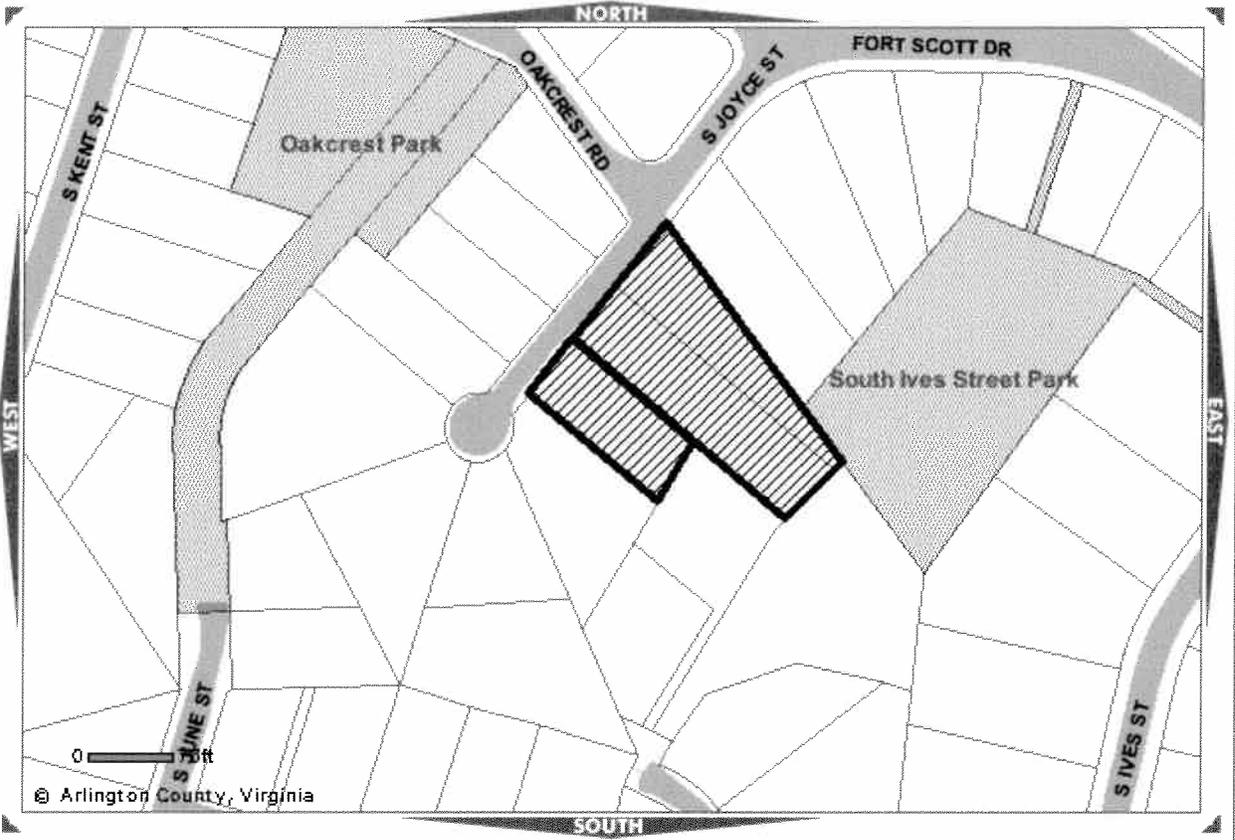
**S. Joyce Street, Fort Scott Drive to 200' South of S. Oakcrest Road
Project 313.43528.319.0000/CG06**

Public Sidewalk, curb and gutter

Boldface line on this schematic indicates the location of local improvement

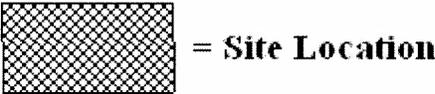
Deed of Easement
October 24, 2009

Vicinity Map



DEEDS OF EASEMENT FOR WATER METER PURPOSES

NOTE: This map is for property location assistance only. It does not represent the latest survey or other information.



**2601, 2605 & 2611 South Joyce Street
 Arlington, Virginia
 RPC Nos. 37021181, 37021180 & 37021179
 S. Joyce Street, Scott Drive to 200' South of S. Oakcrest Road
 Project 313.43528.319.0000/CG06**

The subject easements are located on the southerly side of South Joyce Street, south of the intersection of South Joyce Street and Oakcrest Road, within the Arlington Ridge Association.

October 24, 2009