



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 24, 2010**

DATE: March 25, 2010.

SUBJECT: Approval of a Deed of Temporary Easement and Construction Agreement for a Department of Environmental Services Project on the Property Located at 3401 North George Mason Drive, RPC # 02019010.

C. M. RECOMMENDATION:

1. Approve the attached Deed of Temporary Easement and Construction Agreement (the "Deed") between Dwight H. O'Donnell and Rosalie A. O'Donnell, husband and wife (the "Owner"), and the County Board of Arlington County, Virginia, for the acquisition of additional temporary easement on a portion of the property located at 3401 North George Mason Drive (the "Property"), RPC # 02019010; and
2. Authorize the Real Estate Bureau Chief, or his designee, to accept, on behalf of the County Board, a Deed of Temporary Easement and Construction Agreement, attached hereto as Exhibit 1, for the acquisition of additional temporary easement on a portion of the property known as 3401 North George Mason Drive, subject to approval as to form of all documents by the County Attorney.

ISSUE: The County Board must approve all temporary deeds of easement that are acquired for more than nominal consideration.

SUMMARY: This is a request for County Board approval and acceptance of a Deed required for additional temporary easement for construction access, over the subject Property, necessary for construction of a concrete culvert and channel project. The additional temporary easement area would provide additional construction access to enter the Little Pimmit Run drainage channel between Williamsburg Boulevard and Little Falls Road. This additional access would allow for timely and, therefore, cost efficient construction of the proposed culvert and channel. The proposed culvert and channel project is known as "Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements" (the "Project").

BACKGROUND: This Deed is required for completion of the Project for improved flood control between Little Falls Road and Williamsburg Boulevard. The Project is designed to replace the structurally deficient culvert beneath Williamsburg Boulevard with a larger culvert and replace the existing deteriorated concrete channel with a new channel of uniform width.

County Manager: BMD

County Attorney: BAL / SAM

Staff: Troy Harris, DES, Real Estate Bureau

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The results of this Project would reduce flood elevations at Williamsburg Boulevard by approximately 1.5 to 3.5 feet. It would reduce flood elevations at Little Falls Road by approximately 1.5 to 2.0 feet. The completion of this Project, in conjunction with the Old Dominion Drive Culvert Replacement, which was recently finished, will remove 16 homes from the 100-year floodplain and reduce flood risks to several additional homes.

DISCUSSION: The Owner of the Property has signed a Deed, which provides an “Additional Temporary Construction Easement Area” of 669 square feet. The additional temporary construction easement area will be used by the County to complete the Project in a more efficient, economical, timely, and less disruptive manner. The additional temporary construction easement area will provide for greater ease of access to the Little Pimmit Run drainage channel.

The Owner signed and donated a previous deed, which provided 669 square feet of temporary construction easement area. Although across a portion of the Property and abutting the Project area, this grant of a temporary construction easement area was insufficient to provide access to the Little Pimmit Run drainage channel for the proposed culvert and channel construction. Moreover, the temporary easement area was being exceeded by the construction contractor in construction of the proposed culvert and channel. An additional temporary construction easement area was requested from the Owner.

The Owner was asked to sign, and has proposed to convey, the attached Deed, which conveys an additional 669 square feet of temporary construction easement area. The attached Deed would provide for additional construction access over the final months of the Project, doubling the area of temporary construction easement over the Owner’s Property.

While most temporary easements obtained by the County last no longer than a month, and extend along only a small portion of frontage, the additional temporary construction easement area extends through much of the Owner’s yard. Staff recommends that compensation in the amount of \$1,973.00 be paid to the Owner for the Deed, due to the anticipated duration and extent of the additional temporary construction easement area. The compensation of \$1,973.00 is derived from the County’s 2010 land assessment and use of the Owner’s land for 7 to 9 months.

Although the Deed has been signed by the Owner, the Deed must be accepted by, or on behalf of, the County Board in order to be valid. Vicinity maps showing the location of the Property and additional temporary construction easement area are attached hereto as Exhibits 2 - 4.

The Deed also includes a plan sheet, which shows the Property, the real property code, the project name, and the construction notes related to the temporary easement area. The Deed’s plan sheet is entitled and described as follows below:

- Plan Entitled "Partial Plan View of Temporary Construction Easement Plan, Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements from Williamsburg Boulevard to Little Falls Road," dated June 7, 2007, revised November 30, 2007, and March 10, 2010 - Project No. 314.43527.S04/S08D –

RPC No. 02019010 – 3401 North George Mason Drive. The area of the additional temporary construction easement area is 669 square feet.

FISCAL IMPACT: Compensation in the amount of \$1,973.00 is to be paid for the property interests herein described. The funds have been appropriated and are available from the previously approved Street and Highway Bond (Fund 314, Cost Center 43527 & Source of Funds SJD), Project Number S08D.

**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 TEMPORARY EASEMENT
AND CONSTRUCTION AGREEMENT**

This **DEED OF TEMPORARY EASEMENT AND CONSTRUCTION AGREEMENT** is made this ___ day of _____, 201__, by **DWIGHT H. O'DONNELL** and **ROSALIE A. O'DONNELL** ("Grantors"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic ("Grantee" or, the "County").

RECITALS

Whereas, by deed dated January 15, 2008, recorded on January 16, 2008, among the land records of Arlington County, Virginia, in Deed Book 4161, at Page 1342, the Grantors conveyed 669 square feet of Temporary Easement area to the County; and

Whereas, in order to complete the construction of drainage facilities, the County needs, and the Grantors by this Deed of Temporary Construction Easement and Construction Agreement conveys to the County, 669 square feet of "Additional Temporary Easement Area," as herein described.

WITNESSETH

For and in consideration of the sum of One Thousand Nine Hundred Seventy-three Dollars (\$ 1,973.00) 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 temporary easement for the use, as described herein, of a portion of Grantors' property (the "Additional Temporary Construction Easement Area"), more specifically described as an area of real estate containing approximately **Six Hundred Sixty-nine (669) square feet** of land situated in Arlington County, Virginia, shown on the plans attached hereto and made a part hereof, entitled "**Partial Plan View of Temporary Construction Easement Plan, Williamsburg Boulevard Culvert**

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Project: Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements
Project #: S08D (the "Project")
RPC: 02019010
Address: 3401 North George Mason Drive, Arlington, VA

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Replacement and Little Pimmit Run Channel Improvements from Williamsburg Boulevard to Little Falls Road", which plans are dated **June 7, 2007**, as revised on **November 30, 2007**, and on **March 10, 2010** (the "Plans"), said area being a portion of the property acquired by the Grantors by deed dated **November 7, 2007**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4147** at Page **2484**, and more particularly described as **Lot 8, Block 1, Section 1, STRATFORD HILLS, as the same appears duly dedicated, platted and recorded in Deed Book 758 at page 63 among the land records of Arlington County, Virginia** (the "Property"), together with the right of Grantee to use the area to construct, maintain, repair, reconstruct and/or remove utilities and drainage facilities, including accessories and appurtenances thereto, adjacent to the Additional Temporary Construction Easement Area, as shown on the Plans, and for such other purposes as are incidental and related thereto, and together with the right of ingress and egress over the Property, to the above-described Additional Temporary Construction Easement Area.

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

The Additional Temporary Construction Easement Area created by this document shall begin upon the date of acceptance of this Deed of Temporary Easement by the Grantee and shall expire upon the completion of the Project or on an earlier date if Grantors are so notified in writing by Grantee.

Grantee agrees that, as soon as practicable after the completion of construction, maintenance, repair, reconstruction, or replacement of the utilities and drainage facilities within or adjacent to the Additional Temporary Construction Easement Area, the Grantee will, at no cost to the Grantors: (1) restore the disturbed area on and adjacent to the Additional Temporary Construction 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 on or adjacent to the Additional Temporary Construction 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 Additional Temporary Construction Easement Area that are affected by the construction, maintenance, repair, reconstruction, or replacement of the public streets, sidewalks, utilities and drainage facilities within or adjacent to the Additional Temporary Construction Easement Area; and (4) guarantee any new nursery stock trees, plants, shrubbery, and hedges for one year against damage from the date of planting.

This Deed of Temporary Easement and Construction Agreement 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 Temporary Easement and Construction Agreement.

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Project: Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements
 Project #: S08D (the "Project")
 RPC: 02019010
 Address: 3401 North George Mason Drive, Arlington, VA

v3

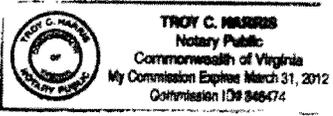
WITNESS the following signature(s):

GRANTOR: [Signature]
DWIGHT H. O'DONNELL

STATE: VIRGINIA
COUNTY: DUNNINGTON

The foregoing instrument was acknowledged before me on this 24 day of March, 2010, by Dwight H. O'Donnell, Grantor.

Notary Public: [Signature]
My Commission Expires: March 31, 2012

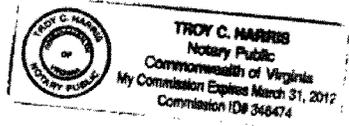


GRANTOR: [Signature]
ROSALIE A. O'DONNELL

STATE: Virginia
COUNTY: Arlington

The foregoing instrument was acknowledged before me on this 24th day of March, 2010, by Rosalie A. O'Donnell, Grantor.

Notary Public: [Signature]
My Commission Expires: March 31, 2012



Project: Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements
Project #: S08D (the "Project")
RPC: 02019010
Address: 3401 North George Mason Drive, Arlington, VA

GRANTEE:

ACCEPTED this _____ day of _____, 201__, on behalf of The County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 201__.

By: _____

Title: _____
For The County Board of Arlington County, Virginia

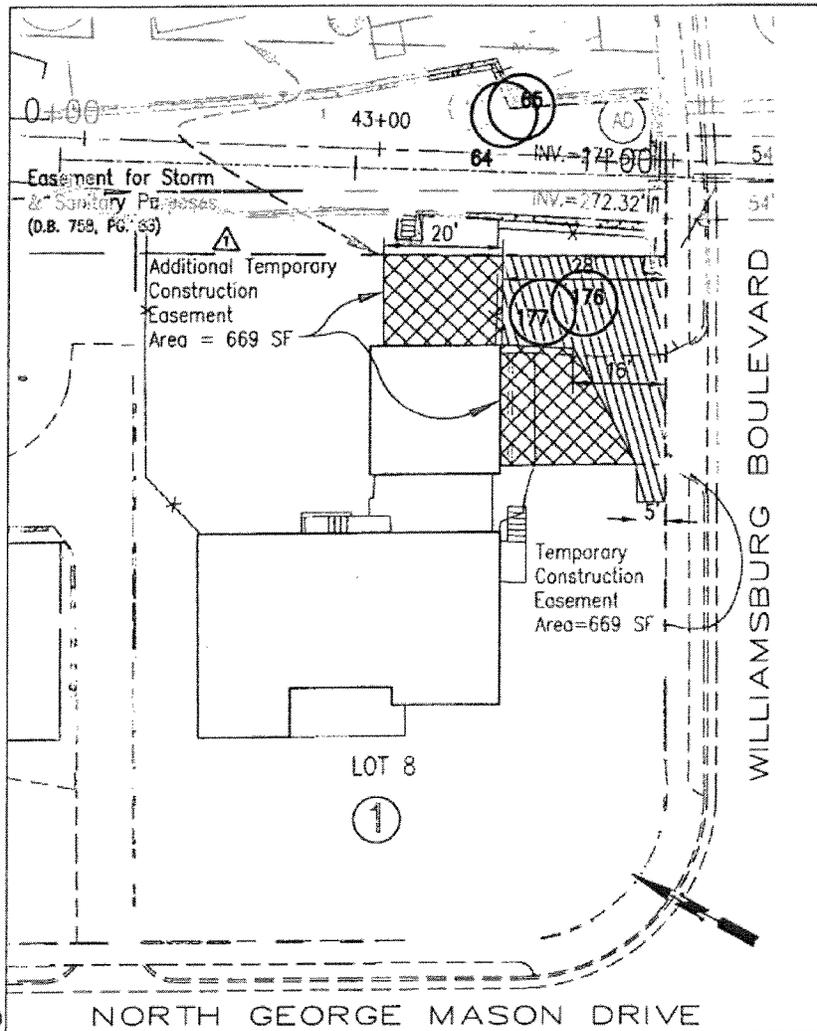
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

The foregoing instrument was acknowledged before me by _____, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate and politic, this _____ day of _____, 201__.

Notary Public: _____
My Commission expires: _____

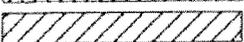
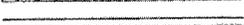
APPROVED as to form: _____
COUNTY ATTORNEY

Project: Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements
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LEGEND

- ⑦⑨ CRAPEMYRTLE, SIZE = TRIPLE TRUNK 4" EACH- TO BE REMOVED
- ⑦⑦ RED MAPLE, SIZE = 11" -TO BE REMOVED
- ▲ EXISTING EASEMENT FOR STORM & SANITARY PURPOSES (D.B. 758, PG. 63)

-  ADDITIONAL TEMPORARY CONSTRUCTION EASEMENT AREA
-  TEMPORARY CONSTRUCTION EASEMENT AREA
-  LIMITS OF DISTURBANCE

DWIGHT H. & ROSALIE A. O'DONNELL

3401 NORTH GEORGE MASON DRIVE

DB 758, PG 63

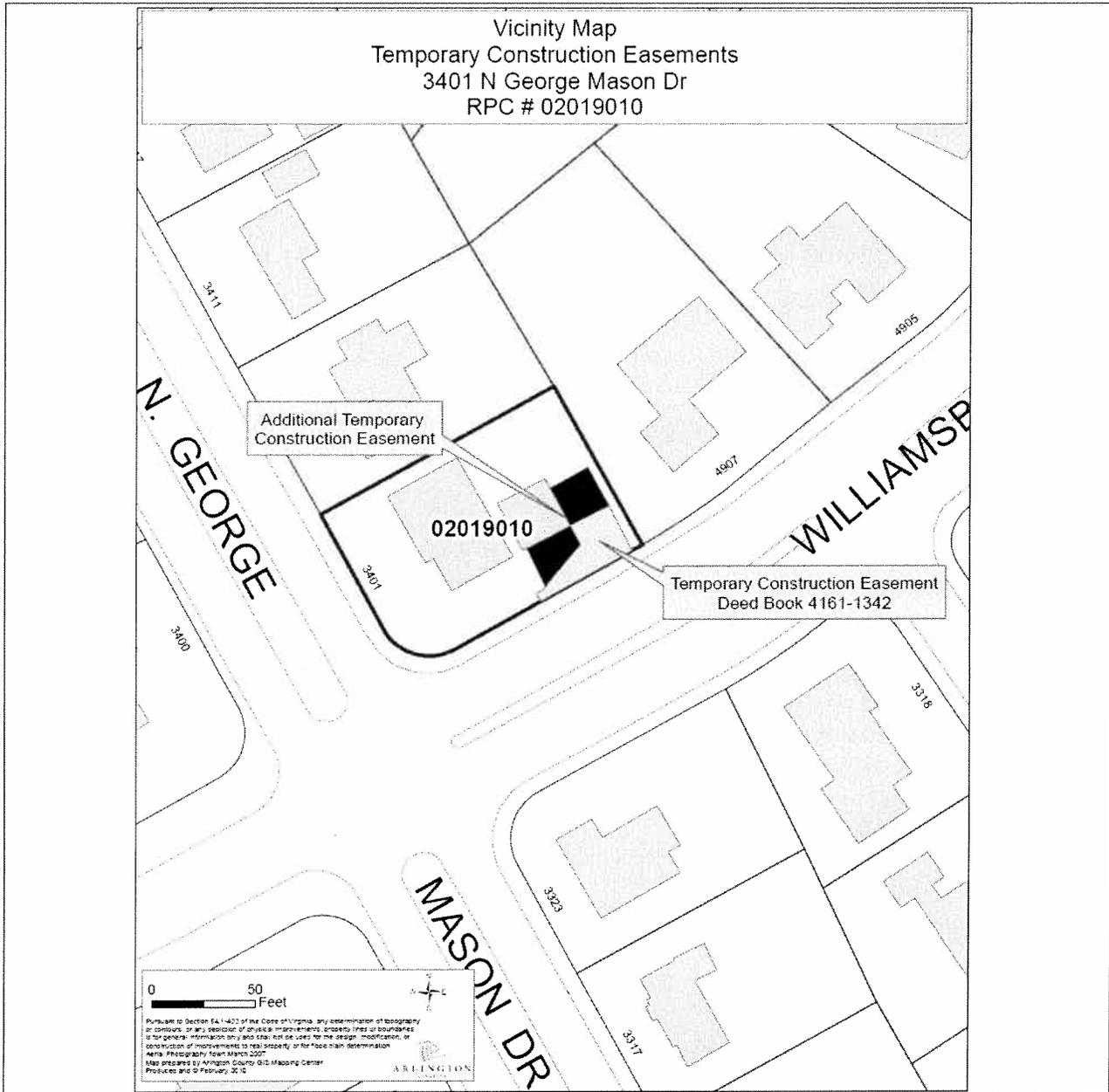
RPC 02019010

SCALE: 1" = 25'

PARTIAL PLAN VIEW OF
TEMPORARY CONSTRUCTION EASEMENT PLAN
WILLIAMSBURG BOULEVARD CULVERT REPLACEMENT
AND LITTLE PIMMIT RUN CHANNEL IMPROVEMENTS

from Williamsburg Boulevard to Little Falls Road
 June 7, 2007

Revised March 10, 2010
 Revised November 30, 2007



Williamsburg Boulevard Culvert Replacement and Little Pimmit Run Channel Improvements

Project 314.43527.S04/S08D

Channel Access, Channel & Culvert Construction

Labels on this schematic indicates the location of the temporary easement

Deed of Temporary Easement and Construction Agreement

April 24, 2010

