



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 10, 2010

DATE: June 23, 2010.

SUBJECT: Approval of, and Authorization to Accept, a Deed of Easement for Public Bus Shelter Purposes for the Department of Environmental Services Project on a Property Located at 611 South Carlin Springs Road, Arlington, Virginia (RPC #21028144).

C. M. RECOMMENDATION:

1. Approve the attached Deed of Easement for Public Bus Shelter Purposes; and
2. Authorize the Real Estate Bureau Chief, Engineering and Capital projects Division, Department of Environmental Services, or his designee, to execute, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney.

ISSUE: This report requests the County Board to approve, and authorize the execution of, a Deed of Easement for a new bus shelter on South Carlin Springs Road. No issues have been identified.

SUMMARY: County staff have received an offer to dedicate a permanent easement for public bus shelter purposes from the Northern Virginia Doctors Medical Center, a Condominium, as part of a Department of Environmental Services, Transportation Division, project. The subject permanent easement is 126 square feet in area, and is located on the parcel of land currently known as 611 South Carlin Springs Road, Arlington, Virginia. If the County Board approves and authorizes the acceptance of this permanent easement, then County staff will coordinate the execution of the easement on behalf of the County Board, and record the easement in the land records for Arlington County. Thereafter, Department of Environmental Services, Transportation Division staff will install a bus shelter within the easement area.

BACKGROUND: After receiving feedback regarding the need for a bus shelter in front of the doctor's offices located at 611 South Carlin Springs Road, the Department of Environmental Services, Transportation Division initiated a project to place a new bus shelter at this location. Given the dimensions of the right-of-way and the topography in the area, installing a bus shelter in this location requires obtaining a permanent easement from the owner of the property, the Northern Virginia Doctors Medical Center, a Condominium.

County Manager: MBM

County Attorney: BAC/SAM

Staff: Michael Halewski – DES, Real Estate Bureau

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The subject property, 611 South Carlin Springs Road, is located on the east side of South Carlin Springs Drive, mid-block between 6th Road South and 7th Road South. The subject easement area is located at the southeast corner of the property, adjacent to and abutting the County's right-of-way for South Carlin Springs Road. The vicinity maps, attached hereto as Exhibits C-1, C-2, and C-3, show the location of the property and the easement area.

DISCUSSION: Deeds conveying property interests to the County Board must be accepted by, or on behalf of, the County Board in order to be valid. A Deed of Easement for public bus shelter purposes on the parcel of land currently known as 611 South Carlin Springs Road, Arlington, Virginia, which Deed of Easement is necessary for the installation of a bus shelter within the easement area, has been received in the office of the Department of Environmental Services. A copy of the Deed of Easement, signed on behalf of the property owners, is attached hereto as Exhibit A. In order to expedite the acceptance process and allow construction to move forward, the County Board's authorization for the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services to execute the deeds, indicating acceptance thereof, is being requested for this project. If the County Board approves and authorizes the acceptance of this permanent easement, then County staff will coordinate the execution of the easement on behalf of the County Board, and record the easement in the land records for Arlington County. Thereafter, Department of Environmental Services, Transportation Division staff will install a bus shelter within the easement area.

Attached hereto as Exhibit B is a plat entitled, "Plat Showing Easement Acquired for Public Bus Shelter Purposes on Parcel B, Northern Virginia Doctors Hospital Corporation & NVDH Corporation, D.B. 2022, PG. 739, Arlington County, Virginia", prepared by the Arlington, Virginia, Department of Environmental Services, and approved by the Department of Environmental Services, Division of Transportation, Subdivision and Bonds Administrator on June 7, 2010.

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

EXHIBIT A

**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

**RPC #s 21028PCA;
21028099 thru
21028144**

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

DEED OF EASEMENT

This DEED OF EASEMENT is made this 19 day of June, 2010, by **NORTHERN VIRGINIA DOCTORS MEDICAL CENTER, A CONDOMINIUM**, a Virginia Condominium ("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 bus shelter purposes over, under, upon and across **one hundred twenty-six (126)** 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 Public Bus Shelter Purposes on Parcel B, Northern Virginia Doctors Hospital Corporation & NVDH Corporation, D.B. 2022, PG. 739, Arlington County, Virginia**", which plat was approved on **June 7, 2010** 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 6, 1980**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book 2044 at Page 1051, and more particularly described therein in Schedule "A", a copy of which is attached hereto and incorporated herein as **EXHIBIT A** (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove public bus shelter facilities, 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 public bus shelter facilities 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.

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Project: Bus Stop Enhancement Project - S. Carlin Springs Road - Project # MA45 (the "Project")
RPC: 21028144
Address: 611 South Carlin Springs Road, 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 public sidewalk, utilities, and storm drainage system 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 public streets, sidewalks, utilities and drainage facilities 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS the following signature(s):

GRANTOR: **NORTHERN VIRGINIA DOCTORS MEDICAL CENTER, A CONDOMINIUM**, a Virginia Condominium

BY: Harold E. Bondy

NAME: Harold E. Bondy

TITLE: President

DATE: June 19, 2010

State/Commonwealth of Virginia :
County/City of Fairfax :

The foregoing instrument was acknowledged before me on this 19th day of June, 2010, by Harold E. Bondy, the President of **Northern Virginia Doctors Medical Center**, a Condominium, a Virginia Condominium, Grantor.

Notary Public: Salima Karimi-Kabir
My Commission expires: March 31, 2012



Salima Karimi-Kabir
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7147972
My Commission Expires
March 31, 2012

Project: Bus Stop Enhancement Project - S. Carlin Springs Road - Project # MA45 (the "Project")
RPC: 21028144
Address: 611 South Carlin Springs Road, Arlington, Virginia

GRANTEE:

Accepted this _____ day of _____, 20____, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 20____.

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 _____, 20____.

Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

Project: Bus Stop Enhancement Project - S. Carlin Springs Road - Project # MA45 (the "Project")
RPC: 21028144
Address: 611 South Carlin Springs Road, Arlington, Virginia

EXHIBIT A

SCHEDULE "A"

BOOK 2044 PAGE 1067

Parcel B, being a subdivision of the property of Northern Virginia Doctors Hospital Corporation and NVDH Corporation, as the same appears duly dedicated, platted, and recorded among the land records of Arlington County, Virginia in Deed Book 2022 at page 739, being more particularly described by metes and bounds as follows:

"Beginning at a point in the east line of South Carlin Springs Road said point marking the northwest corner of the Arlington County School Board; thence with the east line of South Carlin Springs Road, N 01° 07' 15" W, 78.11 feet to a point of curvature; thence 274.87 feet with the arc of a curve bearing to the left and having a radius of 715.68 feet (longest length 130.15 feet, chord length 273.19 feet, chord bearing N 12° 07' 25" W) to a point marking the southwest corner of Parcel A, Subdivision of Northern Virginia Doctors Hospital Corporation and N. V. D. H. Corporation; thence departing the east line of South Carlin Springs Road and with the south line of Parcel A, Subdivision of Northern Virginia Doctors Hospital Corporation and N. V. D. H. Corporation the following courses and distances; N 84° 22' 40" E, 254.00 feet to a point; thence S 87° 11' 16" E, 163.00 feet to a point; thence N 84° 22' 46" E, 323.78 feet to a point in the west line of the Arlington County Board; thence with the west line of the Arlington County Board, 6th Road South and other part of the Arlington County Board the following courses and distances, S 01° 32' 58" W, 105.15 feet to a point; thence S 89° 56' 00" E, 3.80 feet to a point; thence S 90° 03' 54" W, 30.00 feet to a point; thence N 89° 56' 00" W, 5.54 feet to a point; thence S 03° 22' 58" W, 125.23 feet to a point marking the northeast corner of the Arlington County Board; thence departing the west line of the Arlington County Board and with the north line of the Arlington County Board the following courses and distances, S 83° 35' 11" W, 80.74 feet to a point; thence N 87° 13' 20" W, 103.15 feet to a point; thence N 75° 28' 30" W, 160.84 feet to a point; thence S 65° 40' 11" W, 81.34 feet to a point; thence S 37° 08' 31" W, 93.87 feet to a point; thence S 75° 54' 01" W, 174.60 feet to a point; thence S 49° 42' 16" W, 21.15 feet to the point of beginning and containing 183,280 square feet or 4.20772 acres more or less."

Project: Bus Stop Enhancement Project - S. Carlin Springs Road - Project # MA45 (the "Project")
RPC: 21028144
Address: 611 South Carlin Springs Road, Arlington, Virginia

EXHIBIT C-1
VICINITY MAP

Vicinity Map
611 S Carlin Springs RD
Bus Shelter Project # MA45

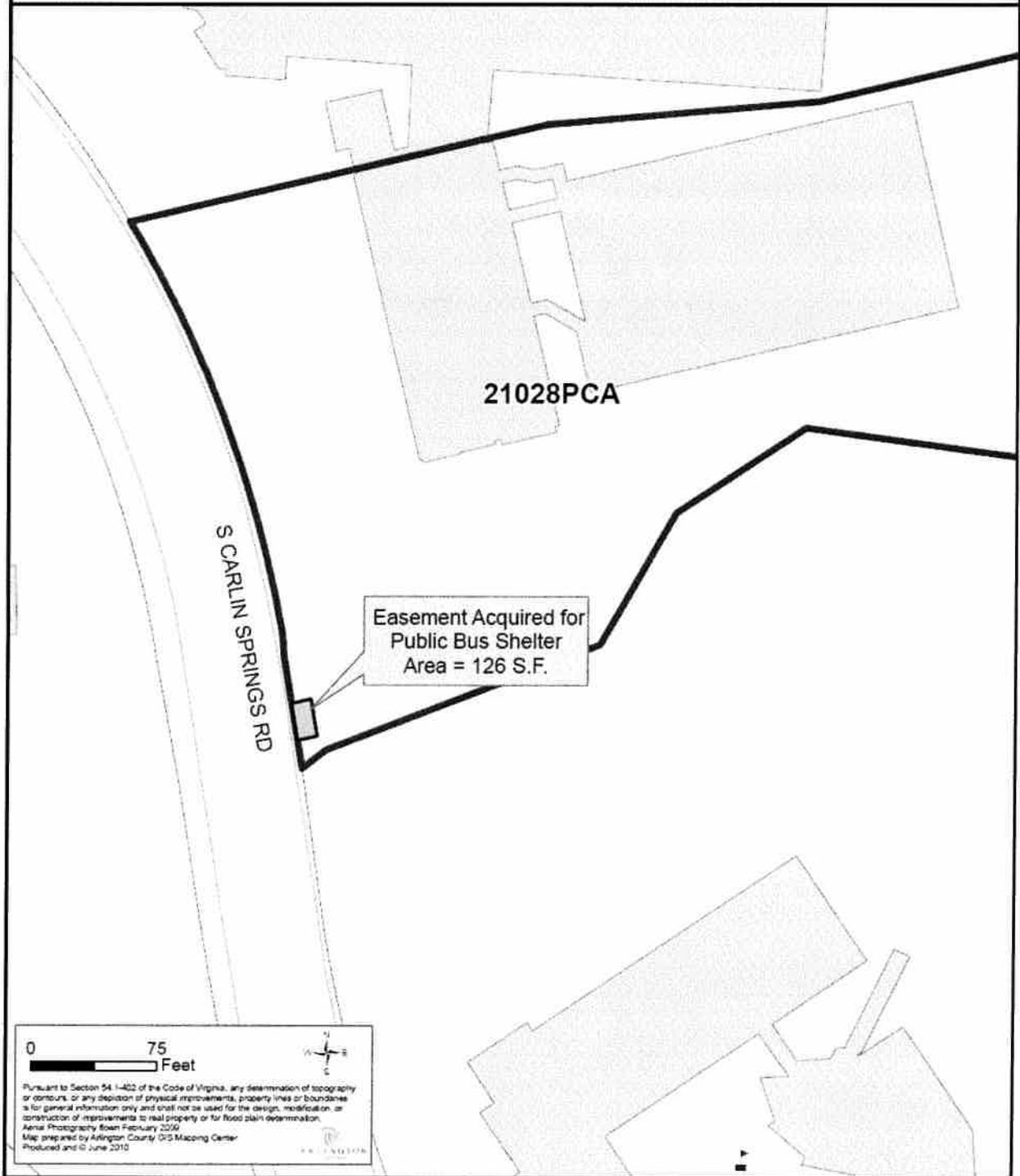


EXHIBIT C-2
VICINITY MAP

Vicinity Map
611 S Carlin Springs RD
Bus Shelter Project # MA45

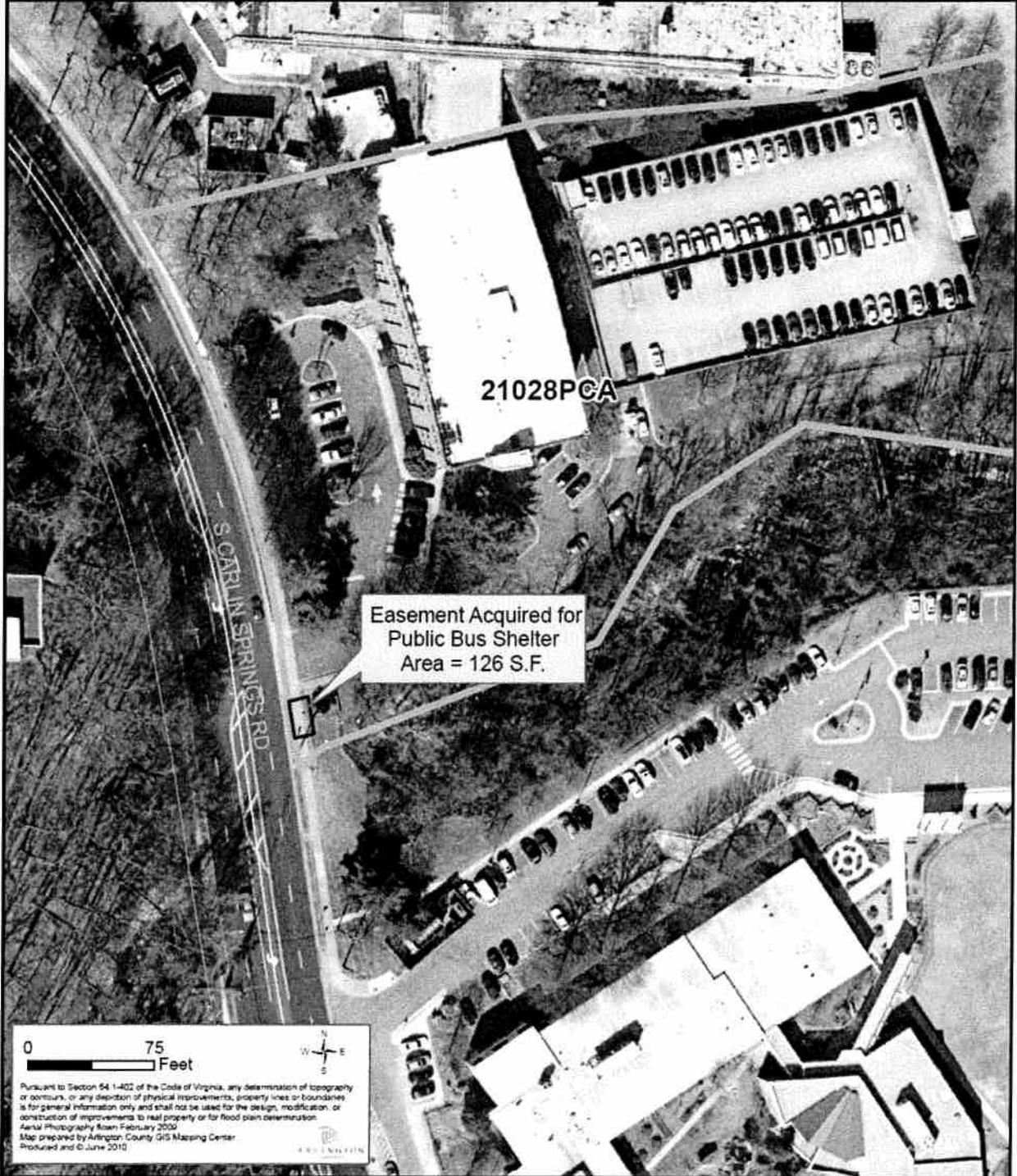


EXHIBIT C-3
VICINITY MAP

Vicinity Map
611 S Carlin Springs RD
Bus Shelter Project # MA45

