



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 11, 2010

DATE: November 8, 2010.

SUBJECT: Approval of Deeds of Easement for Storm Drainage Purposes on Properties located at 17 South Fenwick Street and 21 South Fenwick Street, Arlington, Virginia (RPCs 24006013 & 24006012).

C. M. RECOMMENDATION:

1. Approve the Deed of Easement, attached hereto as Exhibit 1, from Herminia C. Turner, Trustee, to the County Board of Arlington County, Virginia, granting to the County a permanent public storm drainage easement on a portion of the property located at 17 South Fenwick Street, RPC 24006013; and
2. Approve the Deed of Easement, attached hereto as Exhibit 2, from Gail Helen Massot to the County Board of Arlington County, Virginia, granting to the County a permanent public storm drainage easement on a portion of the property located at 21 South Fenwick Street, RPC 24006012; and
3. Authorize the Real Estate Bureau Chief, or his designee, to accept, on behalf of the County Board, the attached two Deeds of Easement, subject to approval as to form of such Deeds by the County Attorney.

ISSUE: This is a request for the County Board's to approve two Deeds of Easement for public storm drainage purposes on portions of properties located at 17 South Fenwick Street and 21 South Fenwick Street, and authorize the Deeds to be accepted on behalf of the Board. There are no issues associated with the acceptance of the Deeds.

DISCUSSION: Deeds conveying property 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 drainage improvements project in Arlington Heights. The project is designed to improve the storm water collection on South Fillmore Street and on South Fenwick Street, and in the residential area between South Fillmore Street and South Fenwick Street.

County Manager:

County Attorney:

15.

Staff: Troy Harris, Department of Environmental Services, Real Estate Bureau

The proposed project includes the construction of a single 21-inch storm sewer pipe. The design and capacity of the new 21-inch storm sewer pipe will maximize the capture of sheet flow off of South Fillmore Street and South Fenwick Street, and improve drainage at 17 South Fenwick and 21 South Fenwick Street. The proposed storm sewer pipe will form a connection to the storm water systems beneath South Fillmore Street and South Fenwick Street by crossing the properties at 17 South Fenwick Street and 21 South Fenwick Street.

FISCAL IMPACT: Because the easements will be conveyed to the County Board at no cost to the County, 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 _____, 201____, by **HERMINIA C. TURNER, TRUSTEE UNDER THE HERMINIA C. TURNER TRUST DATED NOVEMBER 6, 2006** ("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 drainage purposes over, under, upon and across **Six Hundred Fourteen (614)** 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 Storm Drainage Purposes on Part Original Lot 9, B.W. Hunter Estate, Liber F-4, PG. 138, Arlington County, Virginia**" which plat was approved on **August 2, 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 **November 6, 2006**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4050** at Page **2068**, and more particularly described therein as "**see Addendum 'A' attached hereto**" (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove public storm drainage 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 storm drainage 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.

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006013
Address: 17 South Fenwick 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 public 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 storm 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.

WITNESS the following signature(s):

[Signature(s) on the Following Pages]

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006013
Address: 17 South Fenwick Street, Arlington, Virginia

GRANTOR:

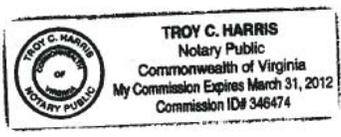
HERMINIA C. TURNER TRUST

Herminia C. Turner
**HERMINIA C. TURNER, TRUSTEE
UNDER THE HERMINIA C. TURNER
TRUST DATED NOVEMBER 6, 2006**

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 22nd day of September, 2010, by **Herminia C. Turner, Trustee under the Herminia C. Turner Trust dated November 6, 2006**, Grantor.

Notary Public: *Troy C. Harris*
My Commission expires: March 31, 2012



Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006013
Address: 17 South Fenwick Street, Arlington, Virginia

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: _____
For the County Board of Arlington County, Virginia

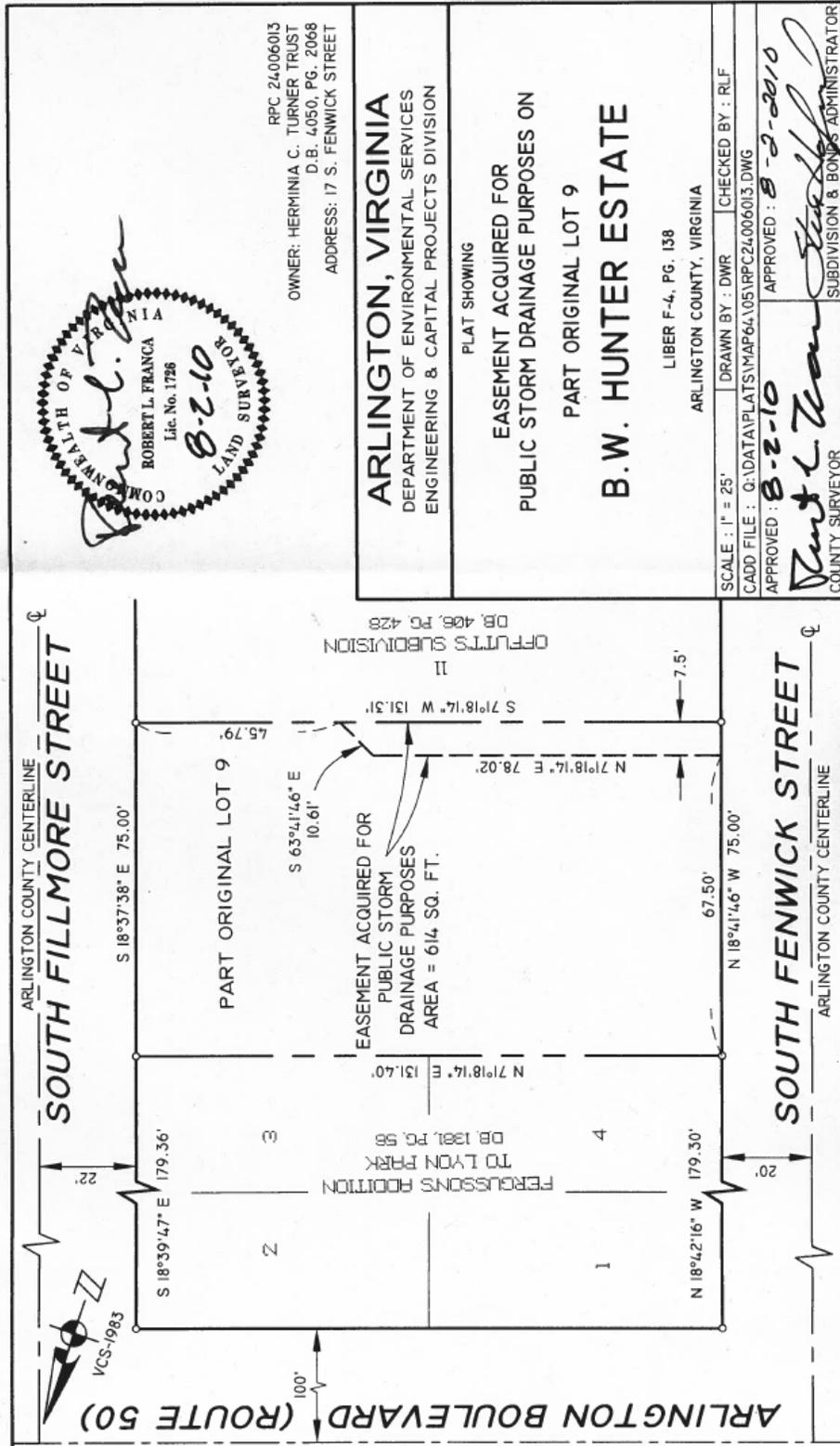
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

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

Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: 
COUNTY ATTORNEY

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006013
Address: 17 South Fenwick Street, Arlington, Virginia



RPC 24006013
 OWNER: HERMINIA C. TURNER TRUST
 D.B. 4050, PG. 2068
 ADDRESS: 17 S. FENWICK STREET

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

PLAT SHOWING
 EASEMENT ACQUIRED FOR
 PUBLIC STORM DRAINAGE PURPOSES ON
 PART ORIGINAL LOT 9
B.W. HUNTER ESTATE

LIBER F-4, PG. 138
 ARLINGTON COUNTY, VIRGINIA

SCALE: 1" = 25' DRAWN BY: DWR CHECKED BY: RLF
 CADD FILE: Q:\DATA\PLATS\MAP64\05VRPC24006013.DWG

APPROVED: **B-2-10**
 COUNTY SURVEYOR
 APPROVED: **B-2-2010**
 SUBDIVISION & BOND 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 EASEMENT

This DEED OF EASEMENT is made this 18th day of October, 2010, by **GAIL HELEN MASSOT**, unmarried ("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 drainage purposes over, under, upon and across **One Thousand One Hundred Thirty-one (1,131)** 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 Storm Drainage Purposes on Lot 11, Offutt's Subdivision, D.B. 406, PG. 428, Arlington County, Virginia**" which plat was approved on **August 4, 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 26, 1988**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2340** at Page **856**, and more particularly described therein as "**All of Lot 11, OFFUTT'S SUBDIVISION, as the same appears duly dedicated, platted and recorded in Deed Book 406 at Page 428 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 public storm drainage 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 storm drainage 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.

1

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006012
Address: 21 South Fenwick Street, Arlington, Virginia

VI

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 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 storm 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.

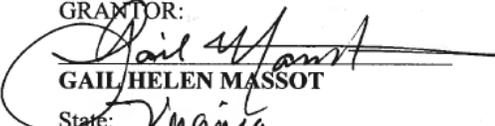
All facilities installed or constructed by the Grantee shall be and remain the property of the Grantee. No additional charge shall at any time be made for the property used or occupied by the Grantee's facilities. The Grantee shall have all rights and privileges reasonably necessary for the use of the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

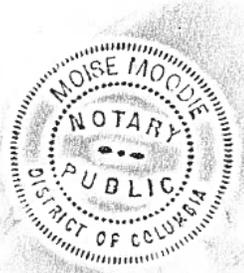
WITNESS the following signature(s):

GRANTOR:

GAIL HELEN MASSOT
State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 18 day of 10, 2010, by **Gail Helen Massot**, Grantor.

Notary Public: 
My Commission expires: _____
MOISE MOODIE
Notary Public, District of Columbia
My Commission Expires Jan 31, 2015 2

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006012
Address: 21 South Fenwick Street, Arlington, Virginia



VI

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: _____
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 _____, 201__.

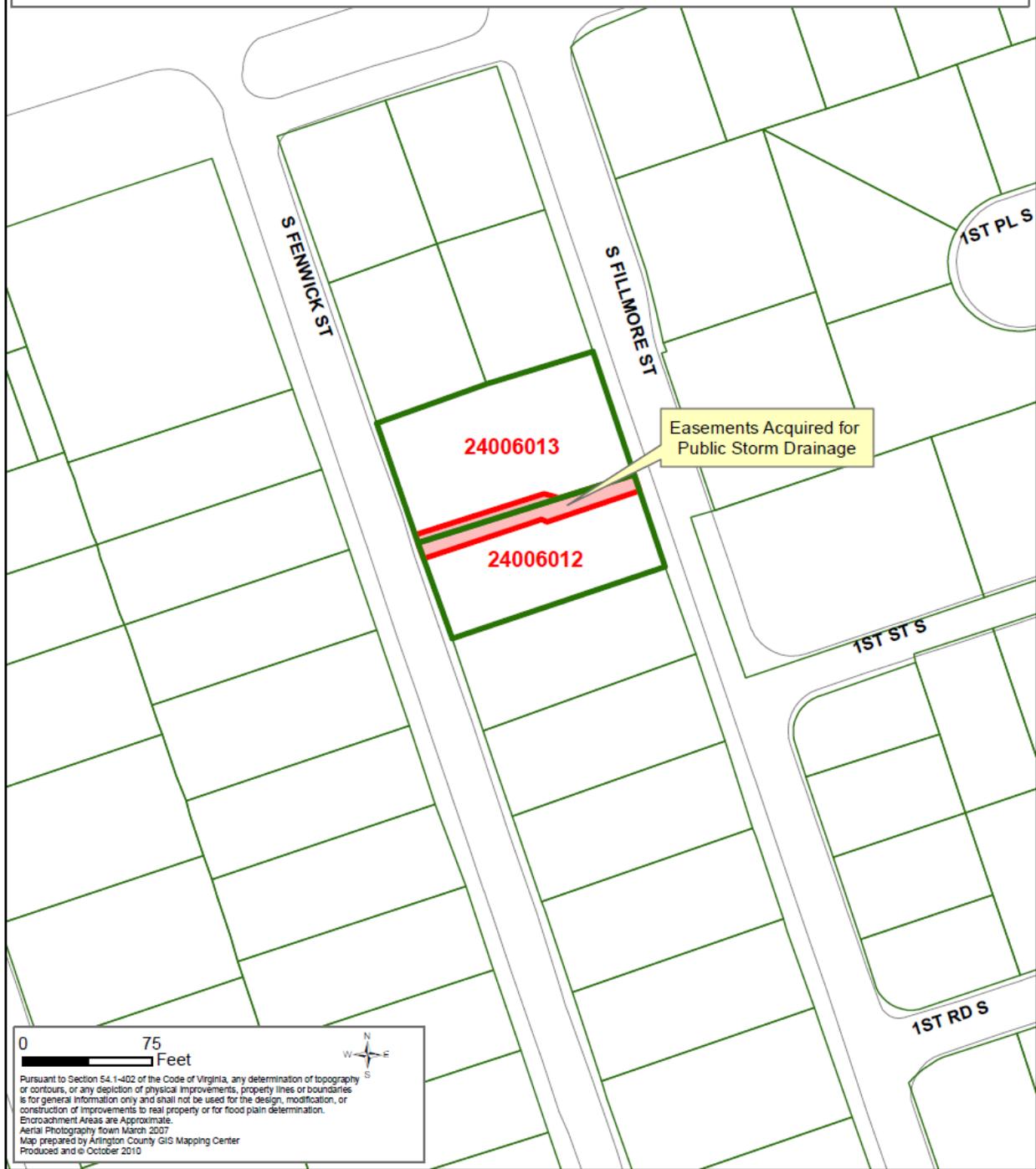
Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: 
COUNTY ATTORNEY

Project: South Fenwick Street Storm Easements
Project #: N484 (the "Project")
RPC: 24006012
Address: 21 South Fenwick Street, Arlington, Virginia

Vicinity Map

Easements for Public Storm Drainage
17 & 21 South Fenwick Street
RPC # 24006012 & 24006013



Vicinity Map

Easements for Public Storm Drainage
17 & 21 South Fenwick Street
RPC # 24006012 & 24006013



Vicinity Map

Easements for Public Storm Drainage
17 & 21 South Fenwick Street
RPC # 24006012 & 24006013

