



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 14, 2011

DATE: April 22, 2011

SUBJECT: Approval and Authorization to Accept a Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes for a Department of Environmental Services Sidewalk Realignment Project on Property Located at 608 North Highland Street, Arlington, Virginia (RPC #19-290-006).

C. M. RECOMMENDATION:

1. Approve the attached Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes on the property located at 608 North Highland Street, Arlington, Virginia (RPC #19-290-006);
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form by the County Attorney.

ISSUE: This is a request for the County Board to approve and authorize the acceptance of a permanent easement for public sidewalk, utilities and drainage purposes to allow for the realignment of a portion of sidewalk, on property located at 608 North Highland Street Arlington, Virginia (RPC #19-290-006) ("Property"). No issues have been identified.

SUMMARY: The Department of Environmental Services has designed a sidewalk project for an area of sidewalk in front of the Property to realign the sidewalk of North Highland Street ("Project"). As part of this Project, the County needs a permanent easement on the Property. The attached Deed of Easement (Attachment 1) has been signed by the owners of the Property.

BACKGROUND: This Project relates to the sidewalk in front of the Property. The Project is being constructed in response to complaints about the misalignment of the sidewalk in front of

County Manager: *BMD/ma*

County Attorney: *BAK* *AKW*

Staff: Kevin Connolly, DES, Real Estate Bureau

the Property, and the Project is being funded by the County's Concrete Maintenance Program. The Project plans call for: the realignment of the sidewalk to match the sidewalk on the west side of the street, the relocation of a small decorative wall, the replacement of the existing driveway apron with a County-standard apron; and the addition of a utility strip between the curb and the sidewalk. A portion of the realigned sidewalk is to be located on the Property. The permanent easement for public sidewalk, utilities and drainage purposes is required to provide for the construction, and future maintenance of, the realigned sidewalk. The proposed easement is located along the Property's frontage with North Highland Street. The location of the easement area that is the subject of this report is more particularly shown on the Vicinity Maps, attached as Attachment 2.

DISCUSSION: All deeds conveying property to the County Board must be accepted by, or on behalf of, the County Board in order to be valid. The Deed of Easement necessary for the construction of this Project has been signed by the owners of the Property, and was received by the Department of Environmental Services. The County Board's authorization for the Real Estate Bureau Chief, Department of Environmental Services to execute the deed, indicating acceptance thereof, is being requested from the County Board.

The permanent easement area on the Property is more particularly described in the plat attached to the Deed of Easement, entitled, "Easement Acquired for Public Sidewalk, Utilities and Drainage Purposes on Lots 113 & 114, Scroggins Addition to Clarendon, D.B. 126, PG. 475, Arlington County, Virginia".

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

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

Real Estate Bureau Chief
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 20th day of April, 2011, by **PHILLIP ROBERT TAYLOR, unmarried**, and **ROBERTA LOUISE MARINELLI, unmarried**, ("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 sidewalk, utilities and drainage purposes over, under, upon and across **Fifty (50)** square feet of land ("Easement Area") situated in Arlington County, Virginia, as shown on the plat attached hereto and made a part hereof, entitled "**Easement Acquired for Public Sidewalk, Utilities and Drainage Purposes on Lots 113 & 114, Scroggins Addition to Clarendon, D.B. 126, PG. 475, Arlington County, Virginia**" which plat was approved on **April 5, 2011** 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 **February 27, 2007**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4074** at Page **254**, and more particularly described therein as "**Lots One Hundred Thirteen (113) and One Hundred Fourteen (114), SCROGGINS ADDITION TO CLARENDON, as the same appears duly dedicated, platted and recorded in Deed Book 126 at Page 475, 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 sidewalk, utilities, and 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 sidewalk, utilities and 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.

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 public sidewalk, utilities, and storm drainage system 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 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.

WITNESS the following signature(s):

[Signatures and seals appear on the following pages]

GRANTOR:

[Signature]
PHILLIP ROBERT TAYLOR

State: VA
County: Arlington

The foregoing instrument was acknowledged before me on this 20 day of April, 2011, by **Phillip Robert Taylor**, Grantor.

Notary Public: B. Garakani
My Commission expires: 09/30/14



GRANTOR:

[Signature]
ROBERTA LOUISE MARINELLI

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 20 day of April, 2011, by **Roberta Louise Marinelli**, Grantor.

Notary Public: B. Garakani
My Commission expires: 09/30/14



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____.

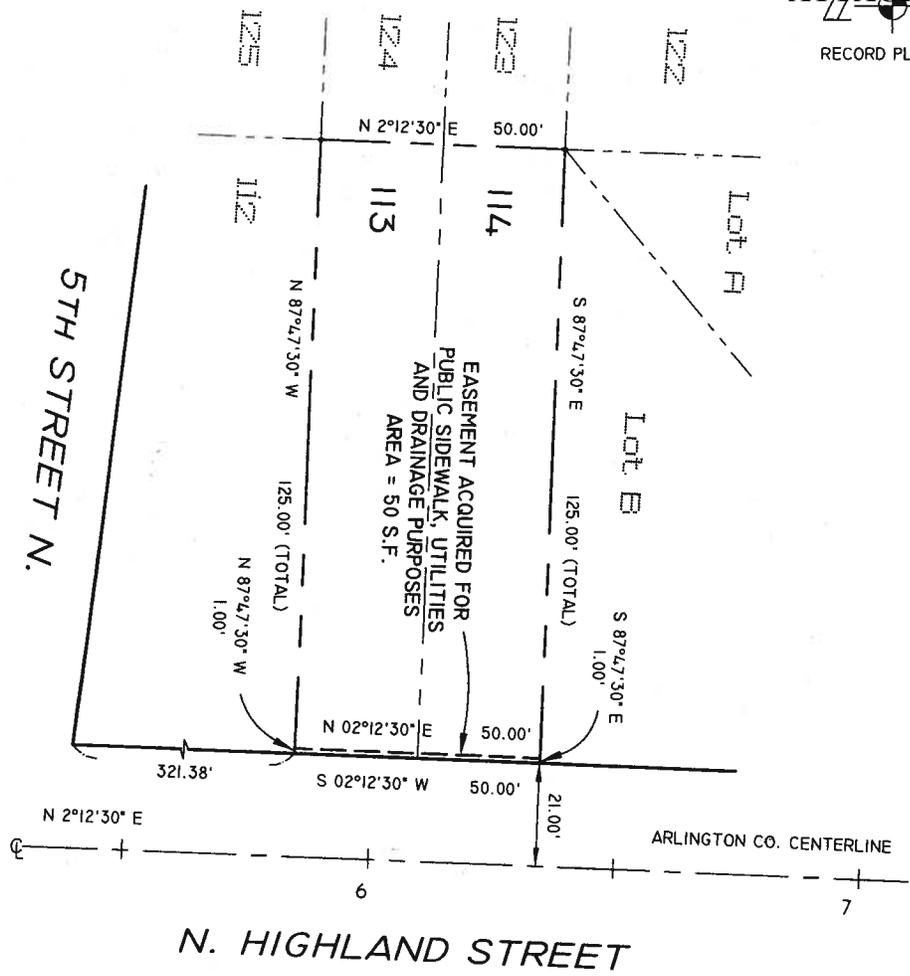
By: _____
For the County Board of Arlington County, Virginia

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



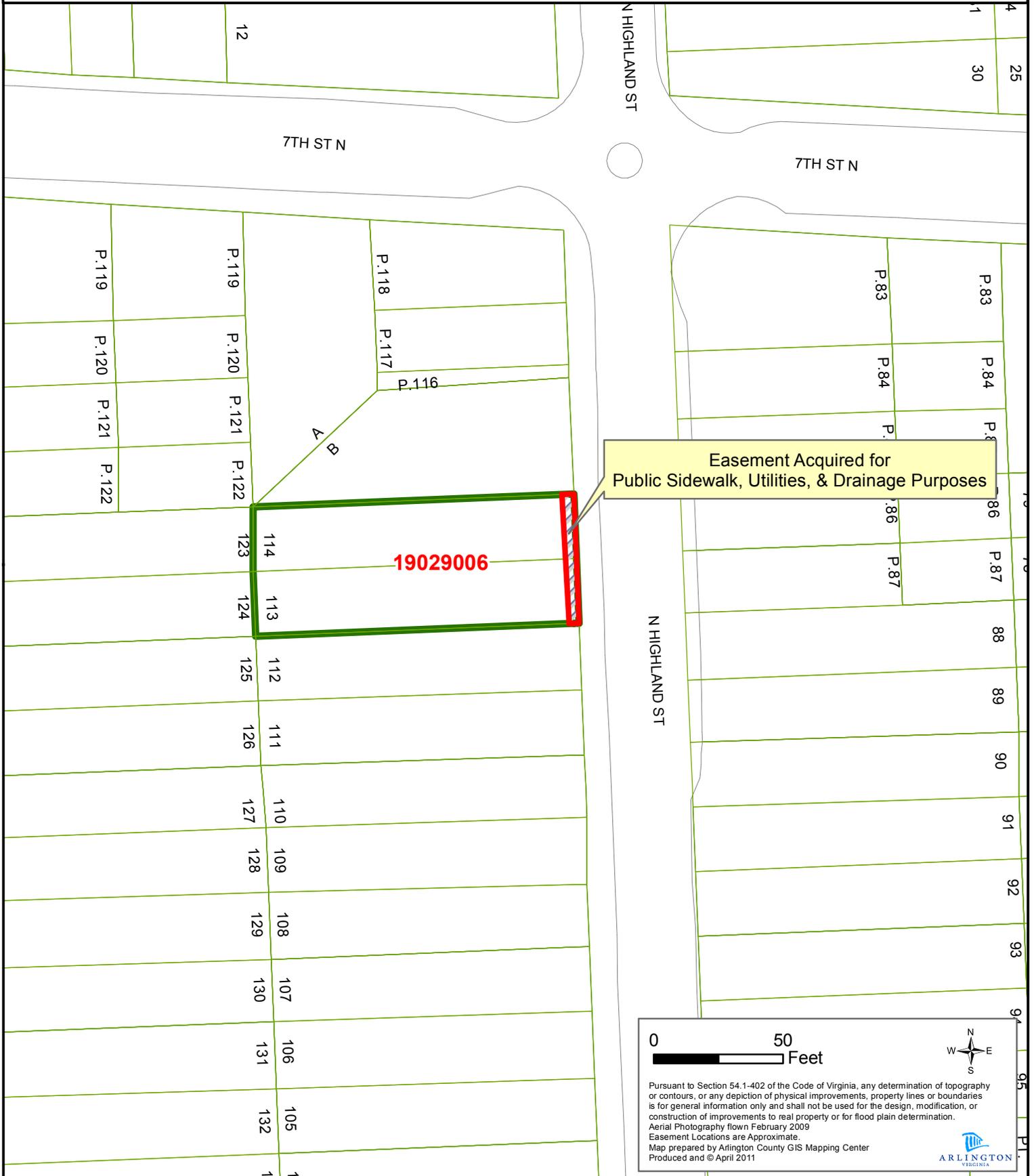
RPC 19029006
 OWNERS: PHILLIP ROBERT TAYLOR
 & ROBERTA LOUISE MARINELLI
 D.B. 4074, PG. 254
 ADDRESS: 608 N. HIGHLAND STREET

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

EASEMENT ACQUIRED FOR
 PUBLIC SIDEWALK, UTILITIES AND DRAINAGE PURPOSES ON
 LOTS 113 & 114
 SCROGGINS ADDITION TO
CLARENDON
 D.B. 126, PG. 475
 ARLINGTON COUNTY, VIRGINIA

SCALE: 1" = 25'	DRAWN BY: RLF	CHECKED BY: JMB
CADD FILE: DATA\PLATS\MAP 531\119029006.DWG		
APPROVED: 4-5-11	APPROVED: 4-5-2011	
COUNTY SURVEYOR	SUBDIVISION & BONDS ADMINISTRATOR	

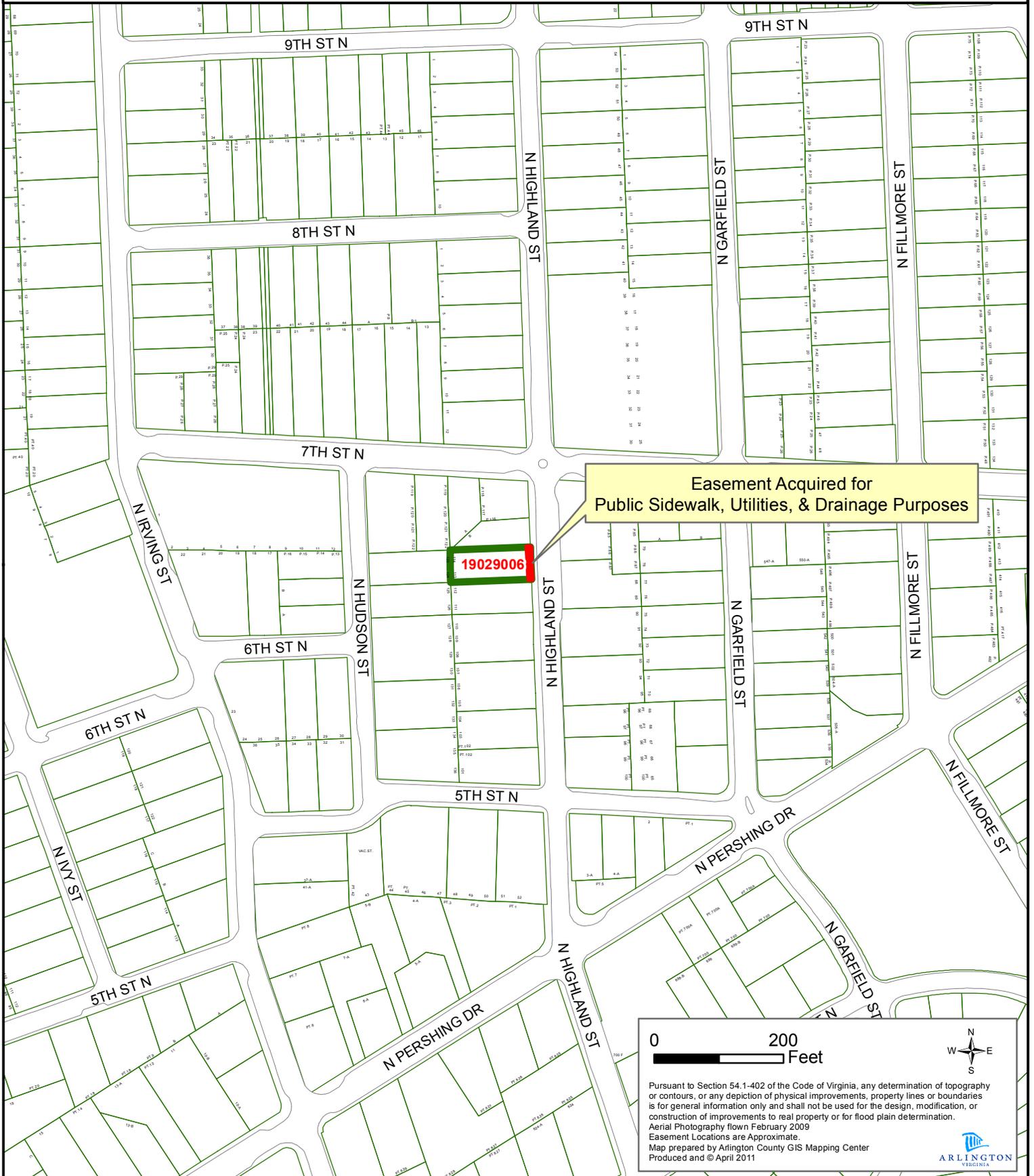
Vicinity Map 608 N Highland St RPC # 19029006



0 50 Feet

Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Easement Locations are Approximate. Aerial Photography flown February 2009. Map prepared by Arlington County GIS Mapping Center. Produced and © April 2011.

Vicinity Map 608 N Highland St RPC # 19029006



Easement Acquired for
Public Sidewalk, Utilities, & Drainage Purposes

19029006

0 200 Feet



Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. Aerial Photography flown February 2009. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © April 2011

