



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 17, 2011**

**DATE:** August 22, 2011

**SUBJECT:** Authorization to Accept a Deed of Easement for Public Storm and Sanitary Sewer Purposes from the Owner of Property Located at the Southeast Corner of John Marshall Drive and Lee Highway for the Department of Environmental Services Storm Drainage Capital Improvement Project #S20D (RPC #11-001-200).

**C. M. RECOMMENDATION:**

1. Approve the Deed of Easement for public storm and sanitary sewer purposes attached to this Report as “Exhibits 1 and 2”, on property located at the southeast corner of John Marshall Drive and Lee Highway, Arlington, Virginia (RPC #11-001-200);
2. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept and execute on behalf of the County Board the Deed of Easement and all associated documents, subject to approval of all documents by the County Attorney.

**ISSUES:** This matter involves the conveyance to the County of a deed of easement for public storm and sanitary sewer purposes. No issues have been identified.

**SUMMARY:** The proposed County Board action would authorize acceptance by the County of a deed of easement for a public storm and sanitary sewer purposes from Overlee Community Association, Incorporated, a Virginia non-stock corporation. The property is located at the southeast corner of John Marshall Drive and Lee Highway. This deed will allow the County to construct and maintain proposed public storm and sanitary sewer improvements on a portion of the property.

**BACKGROUND:** The subject property is located at the southeast corner of John Marshall Drive and Lee Highway, in the Leeway Overlee Civic Association. The property and the easement are more particularly shown on the Vicinity Maps attached to this report as “Attachments 1, 2, and 3”. This area has endured two severe flood events in the last forty years: Tropical Storm Agnes in June 1972 and flooding from a major storm in June 2006. The

County Manager:

County Attorney:

19.

Staff: Lynne Porfiri, DES-Real Estate Bureau

proposed project is designed to reduce the possibility of flooding north of Lee Highway, along John Marshall Drive and Lee Highway, by diverting storm water flow into enhanced drainage infrastructure to be constructed as part of the project. The deed of easement will allow the project to be designed and constructed in a manner that avoids disturbance to mature Sycamore trees and a major utility bank currently located within the Lee Highway right-of-way. Without the easement, construction of the proposed storm and sanitary sewer improvements would result in more disruption of traffic on Lee Highway, the loss of numerous trees along Lee Highway, and the costly relocation of the utility bank along Lee Highway.

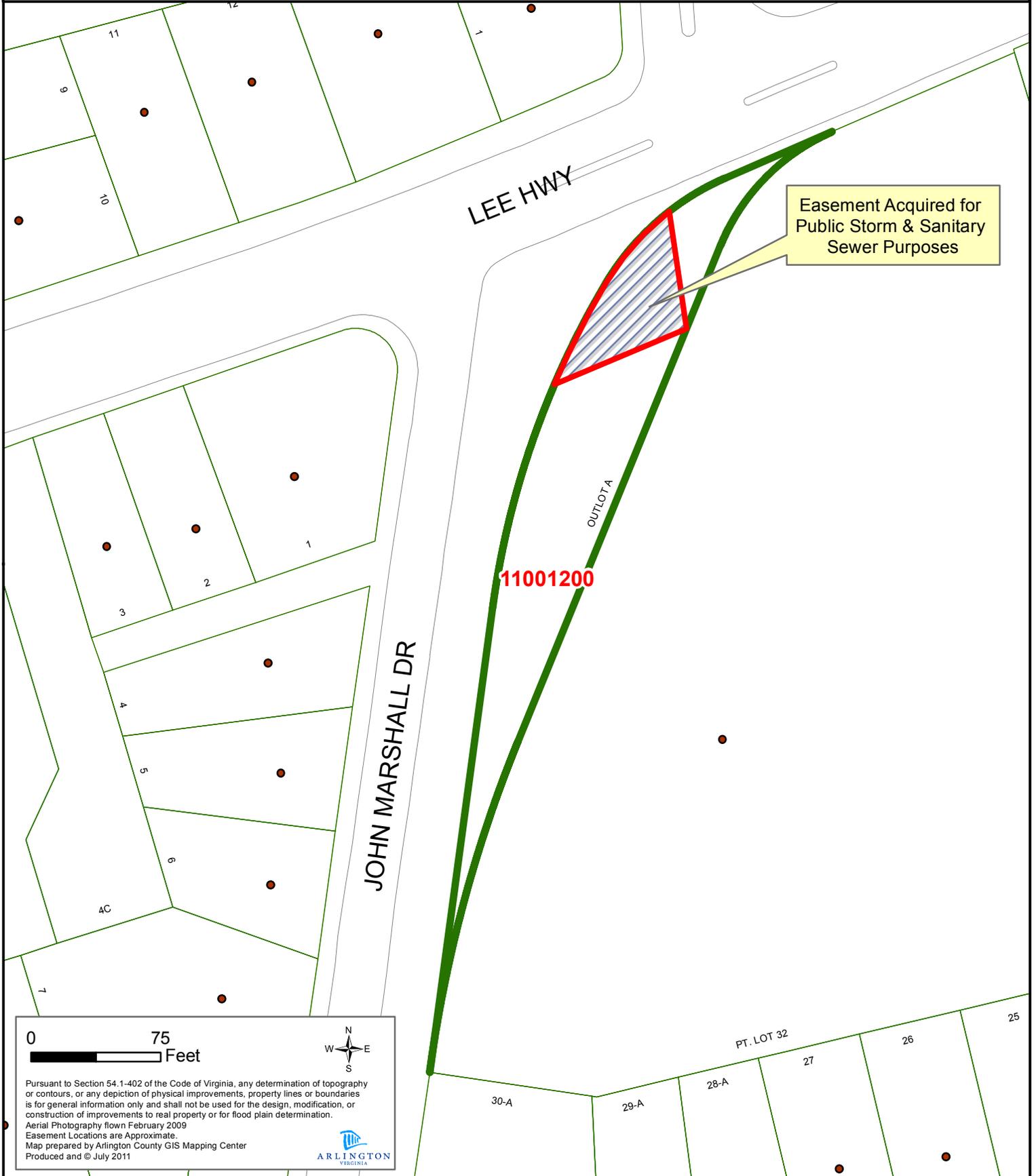
**DISCUSSION:** All deeds conveying property interests to the County Board must be accepted by, or on behalf of, the County Board in order to be valid. The permanent easement for storm and sanitary sewer purposes is necessary to document the County's right to enter and use the easement area to construct and maintain storm and sanitary facilities.

The permanent easement is 2756 square feet in area, as shown on the plat attached to the Deed of Easement, entitled, "Plat Showing Easement Acquired for Public Storm and Sanitary Sewer Purposes on Outlot A Being an Abandoned Portion of John Marshall Drive, D.B. 2951, PG. 2073, Arlington County, Virginia". The easement is necessary to allow the County access to construct and maintain the public storm and sanitary sewer facilities within the easement area.

If the County Board approves and authorizes acceptance of this easement, then County staff will coordinate the execution of the deed of easement on behalf of the County Board, and record the easement in the land records of Arlington County.

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

# Vicinity Map Outlot A - Overlee RPC# 11001200



Easement Acquired for  
Public Storm & Sanitary  
Sewer Purposes

11001200

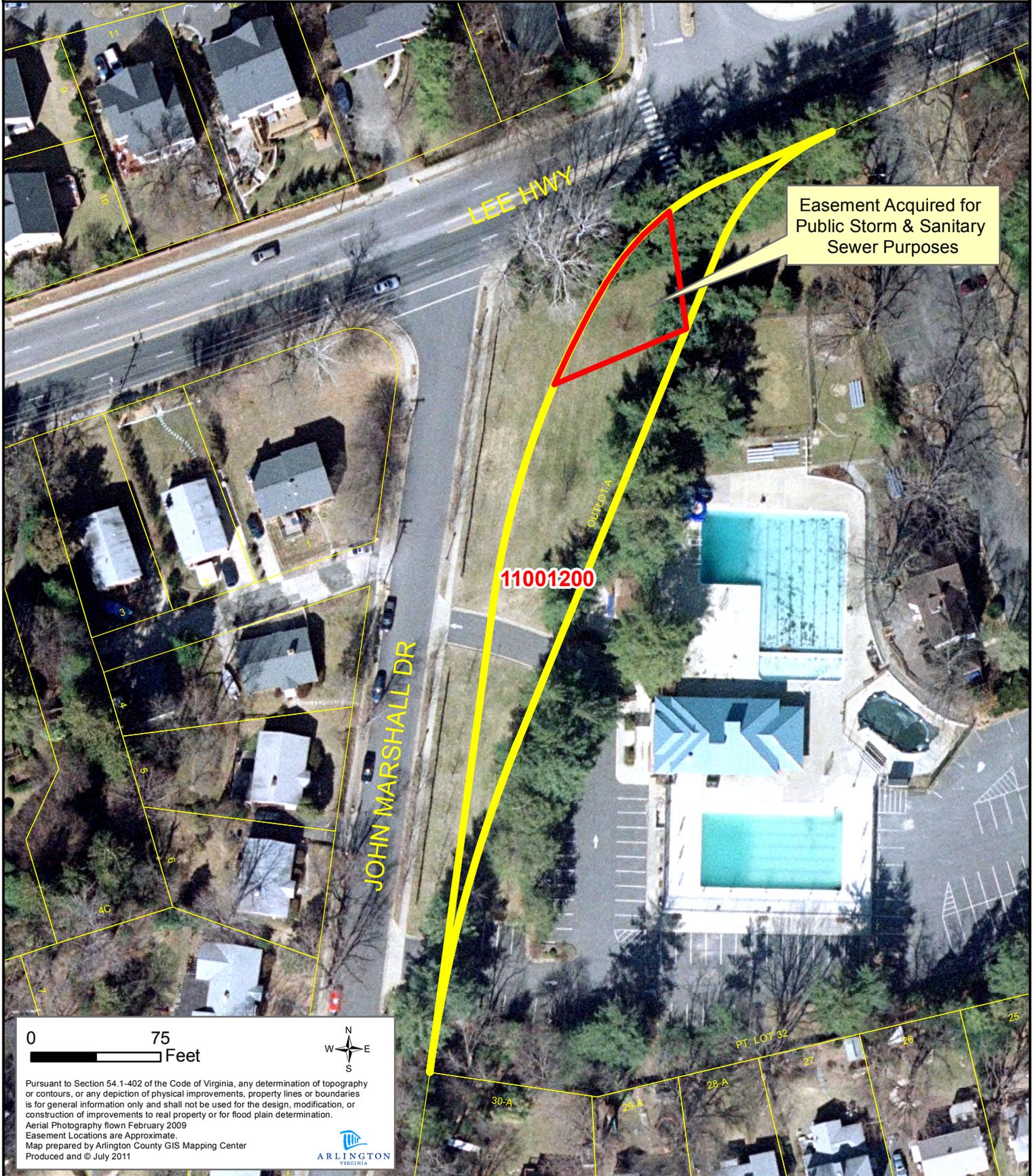
0 75 Feet



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 © July 2011



# Vicinity Map Outlot A - Overlee RPC# 11001200



Easement Acquired for  
Public Storm & Sanitary  
Sewer Purposes

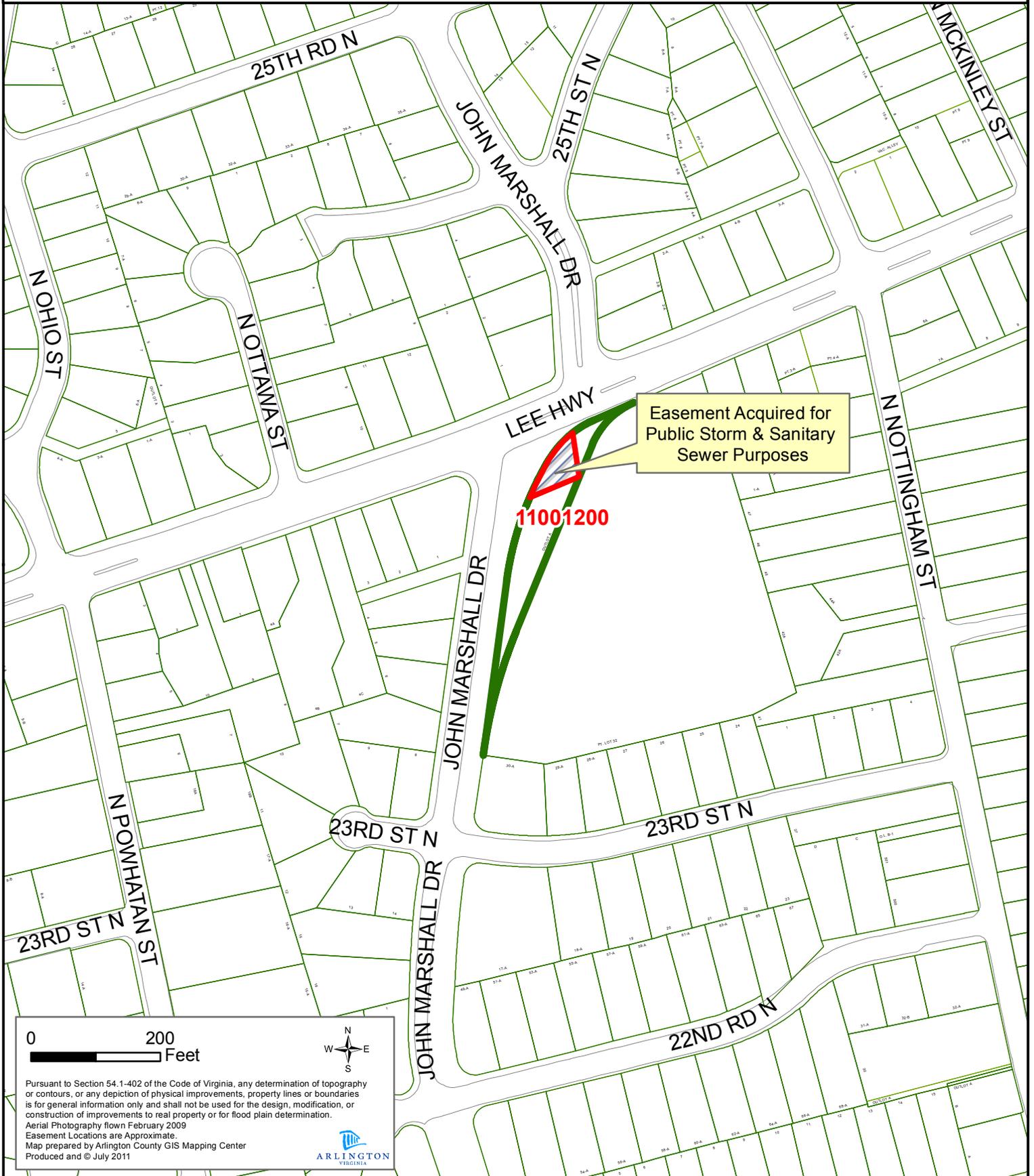
0 75 Feet



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 © July 2011.



# Vicinity Map Outlot A - Overlee RPC# 11001200



Easement Acquired for  
Public Storm & Sanitary  
Sewer Purposes

11001200

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 © July 2011



**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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **OVERLEE COMMUNITY ASSOCIATION, INCORPORATED**, a Virginia non-stock corporation ("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 sewer and drainage, and public sanitary sewer purposes over, under, upon and across **Two Thousand Seven Hundred Fifty-six (2756)** 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 and Sanitary Sewer Purposes on Outlot A, Being an Abandoned Portion of John Marshall Drive, D.B. 2951, PG. 2073, Arlington County, Virginia**" which plat was approved on **June 7, 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 Grantor by deed dated **December 30, 1998**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2951** at Page **2073**, and more particularly described therein as "**Outlot A, formerly being a portion of John Marshall Drive, as the same is vacated and abandoned by quitclaim deed and shown on plat attached thereto as recorded in Deed Book 2951, page 2073 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 sewer, storm drainage facilities, and public sanitary sewer, 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 sewer, storm drainage facilities, and public sanitary sewer 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.

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 sewer, storm drainage facilities, and public sanitary sewer 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 sewer, storm drainage facilities, and public sanitary sewer 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 APPEAR ON THE FOLLOWING PAGES]**

GRANTOR:

**OVERLEE COMMUNITY ASSOCIATION, INCORPORATED,**  
a Virginia non-stock corporation

By: \_\_\_\_\_

Name: Mary Bohan

Title: President

State: \_\_\_\_\_

County: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_, by Mary Bohan, President of the **Overlee Community Association,**  
**Incorporated,** a Virginia non-stock corporation, Grantor.

Notary Public: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

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

P.O.C. 228+70.60 LEE HIGHWAY  
 P.I. 0+03.67 JOHN MARSHALL DR.  
 $\Delta = 59^\circ 59' 00''$  LT.

**LEE HIGHWAY - ROUTE 29**  
 S  $67^\circ 00' 26''$   
 (VARIABLE WIDTH)  
 RADIUS=2864.75'  
 PC=228+09.62 AHD  
 228  
 V.D.O.T. CENTERLINE

**JOHN MARSHALL DRIVE**  
 S  $8^\circ 10' 26''$  W  
 ARLINGTON COUNTY CENTERLINE

ARLINGTON COUNTY CENTERLINE

C1

**OUTLOT A**

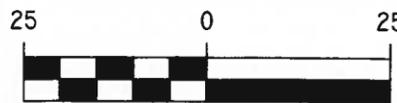
PT. 32  
**CRESTDALE**  
 DB. 799, PG. 133

EASEMENT ACQUIRED FOR  
 PUBLIC STORM AND  
 SANITARY SEWER  
 PURPOSES  
 AREA = 2756 SQ. FT.



VCS 1983

**GRAPHIC SCALE**



SCALE: 1" = 25'

MATCH LINE



VCS 1983

CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD BEARING
C1	500.00'	200.71'	23°00'00"	101.73'	199.37'	N19°40'26"E
C2	150'	93.75'	35°48'40"	48.47'	92.24'	N49°04'46"E
C3	122.74'	94.96'	44°19'40"	50.00'	92.61'	S44°49'16"W
C4	500.00'	39.78'	4°33'30"	19.90'	39.77'	N28°53'41"E
C5	150.00'	74.91'	28°36'54"	38.26'	74.18'	N45°28'53"E
C6	150.00'	18.84'	7°11'46"	9.43'	18.83'	N63°23'13"E

RPC 11001200  
 OWNER: OVERLEE COMMUNITY ASSOCIATION INCORPORATED  
 D.B. 2951, PG. 2073  
 ADDRESS: NO STREET ADDRESS

**ARLINGTON, VIRGINIA**

DEPARTMENT OF ENVIRONMENTAL SERVICES  
 ENGINEERING & CAPITAL PROJECTS DIVISION

PLAT SHOWING  
 EASEMENT ACQUIRED FOR  
 PUBLIC STORM AND SANITARY SEWER PURPOSES ON  
 OUTLOT A  
 BEING AN ABANDONED PORTION OF  
**JOHN MARSHALL DRIVE**

D. B. 2951, PG. 2073  
 ARLINGTON COUNTY, VIRGINIA

SCALE : 1" = 25'      DRAWN BY : JMB      CHECKED BY : RLF

CADD FILE : PLATS\MAP4\109\11001200.DWG

APPROVED : 6-3-11

*Robert L. Franca*  
 COUNTY SURVEYOR

APPROVED : 6-7-2011

*Steve Schulz*  
 SUBDIVISION & BONDS ADMINISTRATOR