



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 19, 2011**

DATE: October 14, 2011

SUBJECT: Approval of a Deed of Easement for a Department of Environmental Services Sidewalk Project Located Along Old Dominion Drive in Arlington County, Virginia (RPC# 02-042-070).

C. M. RECOMMENDATIONS:

1. Approve the Deed of Easement, attached hereto as Exhibit 1, between Annette Lam and David Clemmer, Jr., wife and husband, and the County Board of Arlington County, Virginia, granting to the County a permanent easement for public sidewalk, utilities and storm drainage purposes on a portion of the property located on the service drive between 29th Street North and 30th Street North at 4806 Old Dominion Drive, in Arlington, Virginia (RPC# 02-042-070);
2. Authorize the Real Estate Bureau Chief, or his designee, to accept, on behalf of the County Board, the attached Deed of Easement, subject to approval as to form of all documents by the County Attorney.

ISSUES: The Code of Virginia requires that, for any conveyance of real property to the County Board to be effective, the conveyance must be accepted on behalf of the County Board. No issues have been identified.

SUMMARY: This is a request for the County Board's approval and authorization to accept a Deed of Easement, attached hereto as Exhibit 1, for public sidewalk, utilities, and drainage facilities associated with the Department of Environmental Services sidewalk project known as "Old Dominion Drive, North Glebe Road to 38th Street North."

BACKGROUND: The subject deed is required for a public sidewalk project, which encompasses Old Dominion Drive from North Glebe Road to the Arlington County line, and extends through the Rock Spring and Yorktown civic associations. The project is designed to construct public sidewalk, curb and gutter, and storm drainage along both sides of Old Dominion Drive. The project will provide improved roadside clearance and sight distance vision, which

County Manager:

County Attorney:

18.

Staff: Troy Harris, DES, Real Estate Bureau

will promote pedestrian, bicycle, transit, and vehicular safety. In addition to the proposed construction along Old Dominion Drive, the County will improve the Old Dominion Drive service road between Rock Springs Road and 29th Street North.

DISCUSSION: The attached Deed of Easement would convey a permanent easement to the County. This easement would allow the County to construct a County-standard, five (5) foot-wide, public sidewalk along the southerly side of the Old Dominion Drive service road between Rock Springs Road and 29th Street North. This will promote pedestrian access to and from Old Dominion Drive and the Old Dominion Drive service road. The public sidewalk, along with curb and gutter that will be constructed along the service road, will improve the service road for future pedestrian and vehicular uses. The attached deed may be summarized in the following manner:

- A Deed of Easement for 493 square feet in permanent easement for public sidewalk, utilities and storm drainage purposes (RPC# 02-042-070).

FISCAL IMPACT: Because the Deed of Easement 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
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 **ANNETTE LAM** and **DAVID CLEMMER, JR.**, wife and husband ("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 **Four Hundred Ninety-three (493)** 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 Sidewalk, Utilities and Storm Drainage Purposes, on Lot 2 of the Subdivision of Yeonas & Ellis – Woodmont LLC, Deed Book 4148, Page 1597, Arlington County, Virginia**" which plat was approved on **June 3, 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 **April 13, 2010**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4357** at Page **199**, and more particularly described therein as "**Lot 2, YEONAS & ELLIS – WOODMONT, LLC SUBDIVISION, as duly dedicated, platted and recorded in Deed Book 4148 at Page 1597 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").

Project: Old Dominion Drive from N. Glebe Road to Fairfax County Line
Project #: TBOD (the "Project")
RPC: 02042070
Address: 4806 Old Dominion Drive, Arlington, Virginia

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.

The Grantee shall only construct a public sidewalk within the Easement Area after the Grantee obtains permission to construct a public sidewalk along the adjoining property at 4801 29th Street North (RPC 02042069).

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]

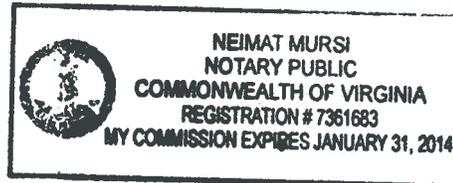
GRANTOR:

Annette Lam
ANNETTE LAM

State: Virginia
County: Arlingla

The foregoing instrument was acknowledged before me on this 23 day of September 2011, by **Annette Lam**, Grantor.

Notary Public: Neimat A. Lalit
My Commission expires: January 31, 2014



GRANTOR:



DAVID CLEMMER, JR.

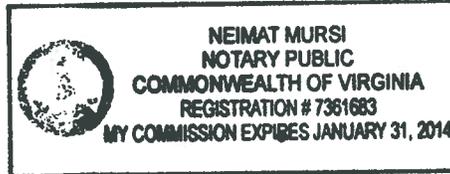
State: Virginia

County: Arlington

The foregoing instrument was acknowledged before me on this 23 day of September 2011, by **David Clemmer, Jr.**, Grantor.

Notary Public: Niemat A. Jalti

My Commission expires: January 31, 2014



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____.

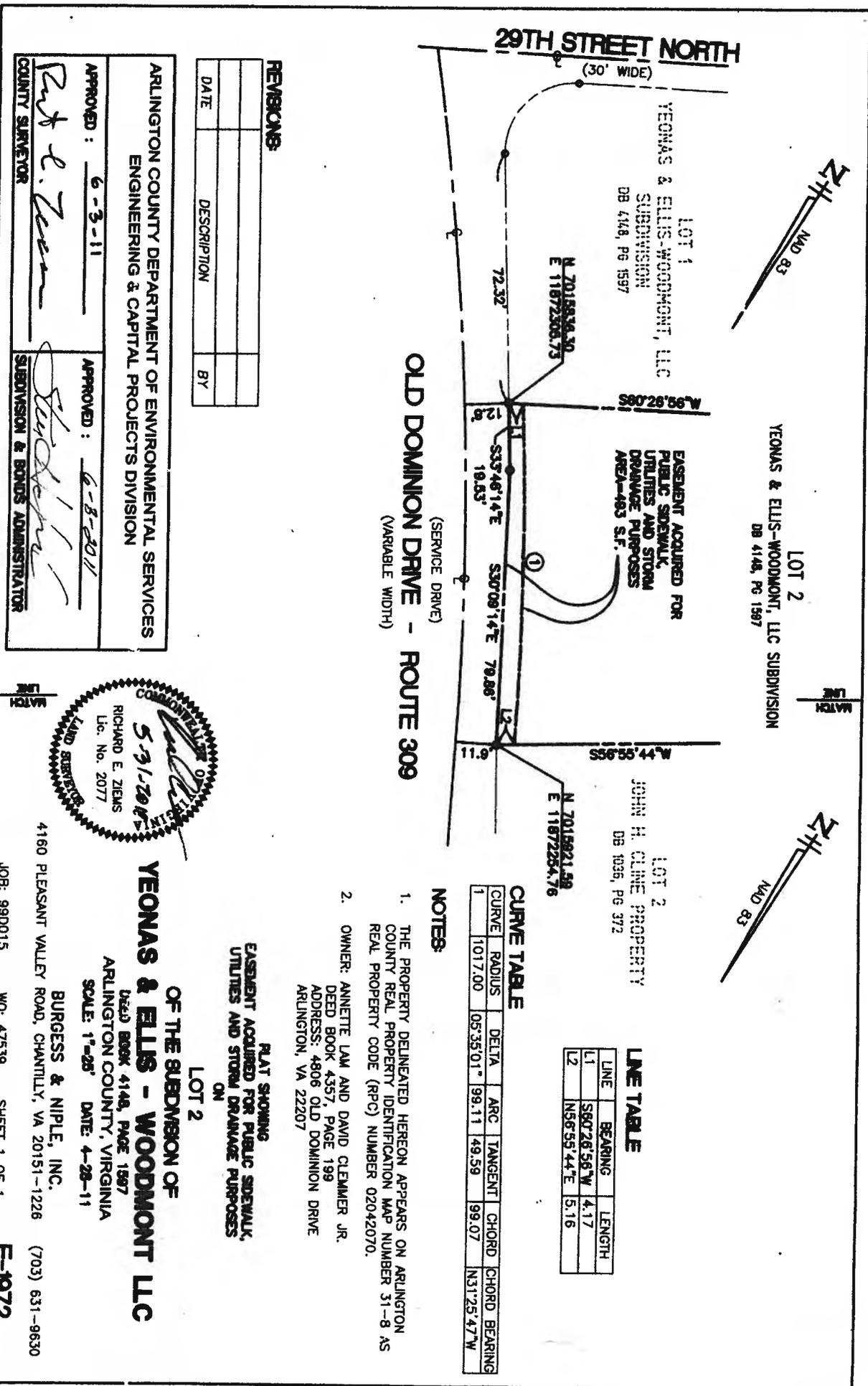
By: _____
For the County Board of Arlington County, Virginia

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



OLD DOMINION DRIVE - ROUTE 309
(SERVICE DRIVE)
(VARIABLE WIDTH)

YEONAS & ELLIS-WOODMONT, LLC
SUBDIVISION
DB 4148, PG 1597

EASEMENT ACQUIRED FOR
PUBLIC SIDEWALK,
UTILITIES AND STORM
DRAINAGE PURPOSES
AREA-493 S.F.

JOHN H. CLINE PROPERTY
DB 1036, PG 372

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	1017.00	05°35'01"	99.11	49.59	99.07	N31°25'47"W

LINE TABLE

LINE	BEARING	LENGTH
L1	S80°26'56"W	4.17
L2	N56°55'44"E	5.16

NOTES:

1. THE PROPERTY DELINEATED HEREON APPEARS ON ARLINGTON COUNTY REAL PROPERTY IDENTIFICATION MAP NUMBER 31-8 AS REAL PROPERTY CODE (RPC) NUMBER 02042070.
2. OWNER: ANNIETTE LAM AND DAVID CLEMMER JR.
DEED BOOK 4357, PAGE 199
ADDRESS: 4806 OLD DOMINION DRIVE
ARLINGTON, VA 22207

PLAT SHOWING
EASEMENT ACQUIRED FOR PUBLIC SIDEWALK,
UTILITIES AND STORM DRAINAGE PURPOSES
ON

OF THE SUBDIVISION OF
YEONAS & ELLIS - WOODMONT LLC

DEED BOOK 4148, PAGE 1897
ARLINGTON COUNTY, VIRGINIA
SCALE: 1"=25' DATE: 4-28-11



BURGESS & NIPLE, INC.
4160 PLEASANT VALLEY ROAD, CHANTILLY, VA 20151-1226 (703) 631-9630

JOB: 99D015 WO: 47539 SHEET 1 OF 1 **F-1972**

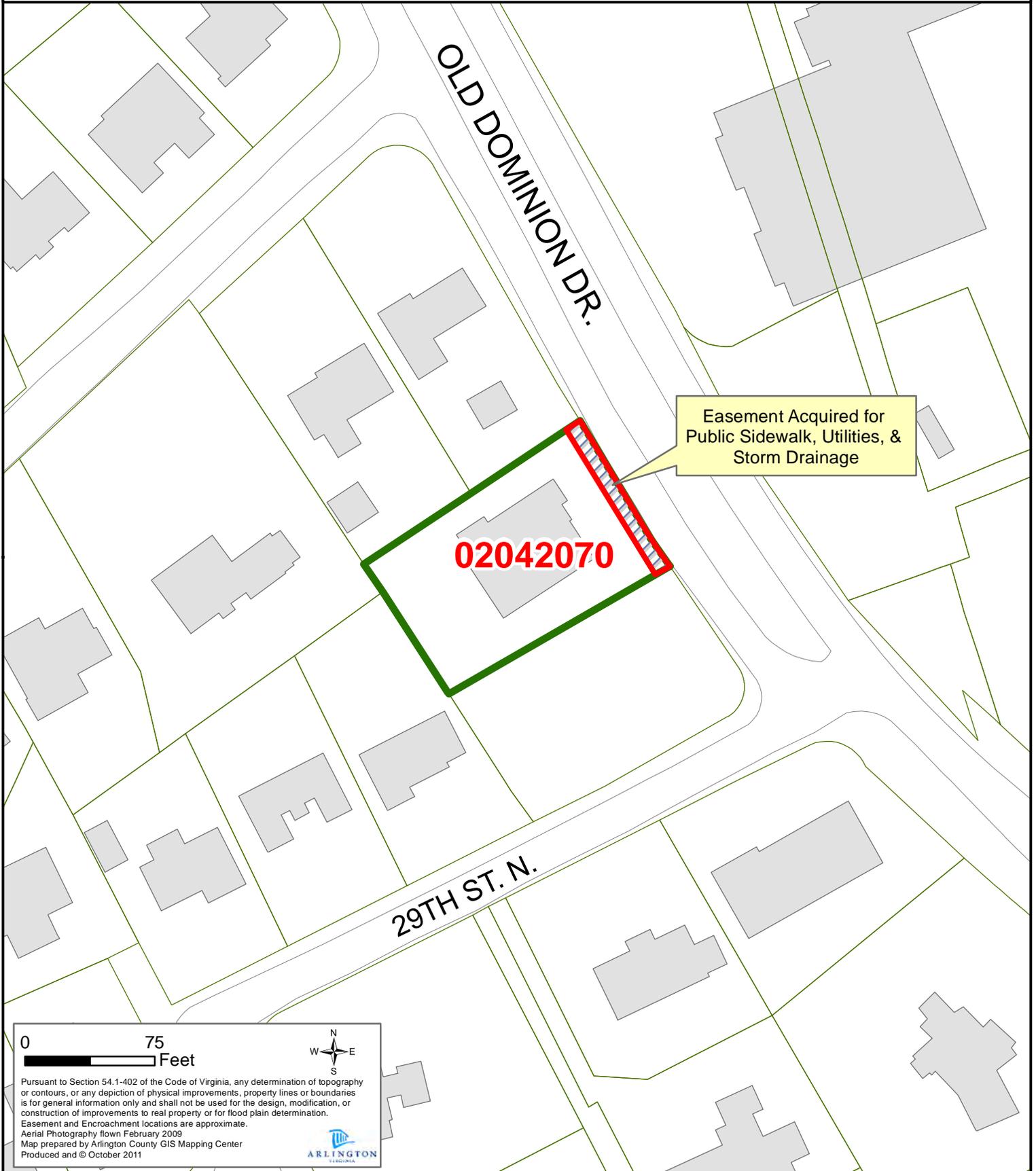
REVISIONS:

DATE	DESCRIPTION	BY

ARLINGTON COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES
ENGINEERING & CAPITAL PROJECTS DIVISION

APPROVED: 6-3-11
APPROVED: 6-8-2011
COUNTY SURVEYOR SUBDIVISION & BONDS ADMINISTRATOR

Vicinity Map
4806 Old Dominion Drive
RPC # 02042070



Easement Acquired for
Public Sidewalk, Utilities, &
Storm Drainage

02042070

OLD DOMINION DR.

29TH ST. N.

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. Easement and Encroachment locations are approximate.

Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
Produced and © October 2011



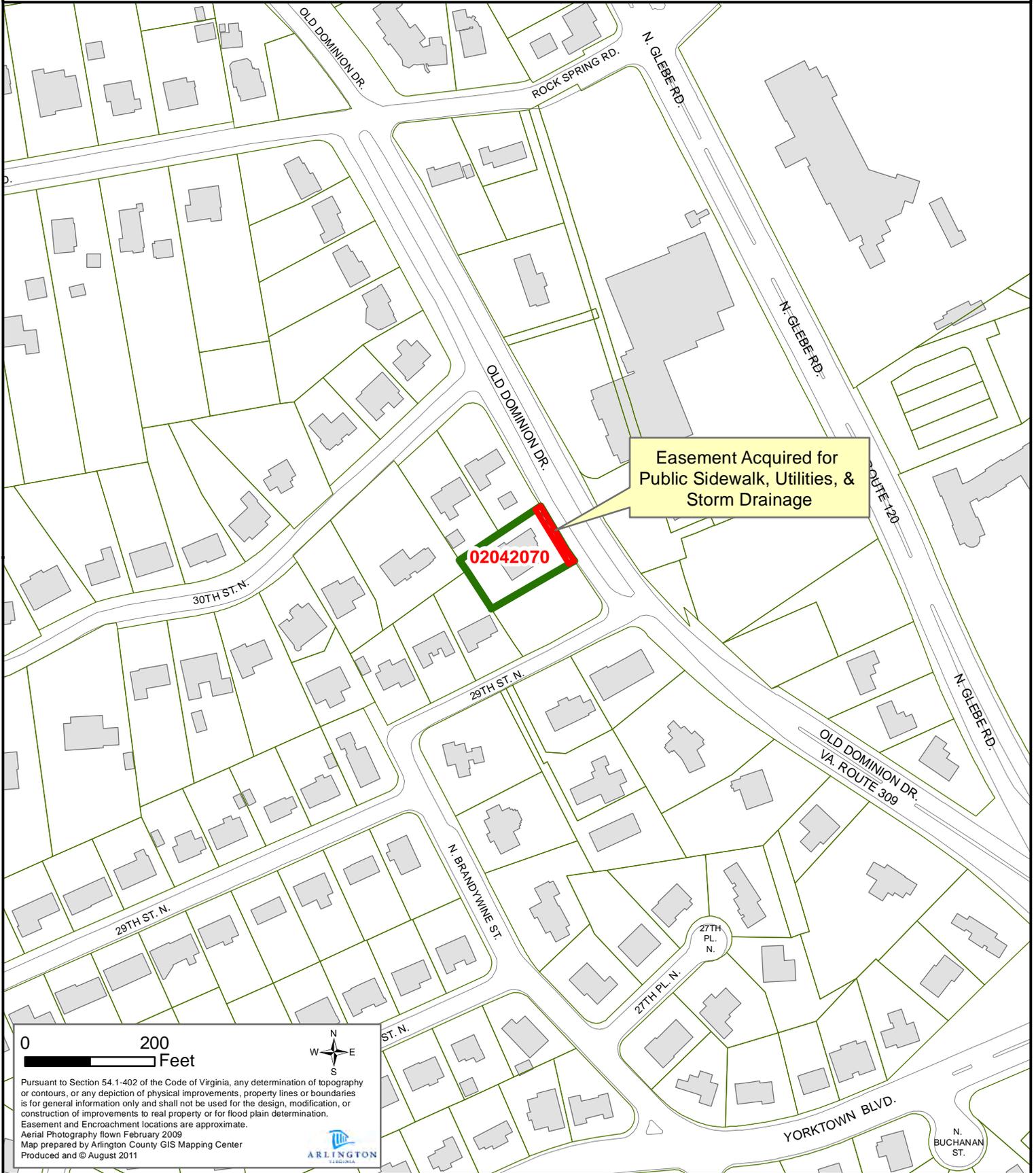
Vicinity Map
4806 Old Dominion Drive
RPC # 02042070



Vicinity Map

4806 Old Dominion Drive

RPC # 02042070



0 200 Feet



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Aerial Photography flown February 2009
Map prepared by Arlington County GIS Mapping Center
Produced and © August 2011

