



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 21, 2012**

**DATE:** December 30, 2011

**SUBJECT:** Approval and Authorization to Accept Deeds of Easement for Public Storm Sewer on Lot 63, Block 5, Bon Air, located at 609 North Jefferson Street (RPC #13-034-011); and Lot 64, Block 5, Bon Air, located at 613 North Jefferson Street (RPC #13-034-065).

**C. M. RECOMMENDATION:**

1. Approve the attached Deed of Easement from Nicole Gabrielle Pineau to the County Board of Arlington County, Virginia (“Exhibit A”), granting to the County a permanent public storm sewer easement on a portion of the property located at 609 North Jefferson Street, RPC # 13-034-011; and
2. Approve the attached Deed of Easement from 615 Jefferson LLC, a Virginia limited liability company, to the County Board of Arlington County, Virginia (“Exhibit B”), granting to the County a permanent public storm sewer easement on a portion of the property located at 613 North Jefferson Street, RPC # 13-034-065; and
3. Authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to accept, on behalf of the County Board, the Deeds of Easement attached hereto as Exhibits “A” and “B” and all associated documents, subject to approval of all documents by the County Attorney.

**ISSUES:** This is a request for the County Board to approve two attached Deeds of Easement for public storm sewer purposes on portions of properties located at 609 North Jefferson Street and 613 North Jefferson Street and to authorize the Deeds to be accepted on behalf of the Board. No issues have been identified.

**SUMMARY:** The Department of Environmental Services Office of Sustainability and Environmental Management (OSEM) wants to obtain the public storm sewer easements to allow for the proper access to, and maintenance of, a portion of a fifteen (15) inch diameter storm sewer pipe that currently is not located within a County easement. This storm sewer pipe carries

County Manager:

County Attorney:

20.

Staff: Lynne Porfiri & Ryan Johnson- DES, Real Estate Bureau

water from existing structures in the right of way to existing storm sewer pipes within existing easements. No easement for this portion of the pipe has been previously conveyed to the County.

**BACKGROUND:** The subject properties are in Bluemont Civic Association near the intersection of North Jefferson Street and 6<sup>th</sup> Street North. The easements to be conveyed to the County are more particularly shown on the Vicinity Maps attached to this report as Exhibits “C”, “D”, and “E”.

**DISCUSSION:** The permanent public storm sewer easements, which the property owners have agreed to convey to the County, will authorize the County to enter and use the easement areas to repair and maintain the existing storm sewer and drainage facilities. The existing facilities consist of a fifteen (15) inch diameter storm sewer pipe straddling the property line between Lots 63 and 64, Block 5, Bon Air. The eastern end of the pipe connects to a County owned drainage facility in a County easement and the western end connects to an inlet structure in the public right of way. In order to complete this portion of the public storm sewer system, the County needs an easement for existing drainage facilities located within the two lots. Upon approval and acceptance of the Deeds of Easement, the County will have the right to enter the easement areas for purposes specified in the Deeds of Easement, the existing facilities will become County facilities and the County will be responsible for improving and maintaining them.

Deeds conveying property to the County Board must be accepted by, or on behalf of, the County Board in order to be valid.

**FISCAL IMPACT:** Because the easements will be conveyed to the County Board for nominal consideration, no significant fiscal impact related to the acceptance of the Deeds 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

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

## **DEED OF EASEMENT**

This DEED OF EASEMENT is made this 16 day of December, 2011, by **NICOLE GABRIELLE PINEAU**, unmarried ("Grantor"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic ("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 facilities, including accessories and appurtenances thereto, over, under, upon and across **Seven Hundred and Twenty-four (724) 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 Public Storm Sewer Easement On Lot 63, Block 5, Bon Air, Liber K-4, Pg. 388, Arlington County, Virginia**", which plat was approved on **December 1, 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 **May 1, 1997**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2844** at Page **1090**, and more particularly described therein as "**All of Lot Sixty Three (63), Block Five (5), of the subdivision of BON AIR, as the same appears duly dedicated, platted and recorded in Deed Book K-4 at Page 388 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 and 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 public storm sewer and drainage facilities, including accessories and appurtenances thereto, within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

Project: Jefferson St. N Storm Sewer Easement  
Project #: 8500-7  
RPC: 13034011  
Address: 609 North Jefferson Street, Arlington, Virginia 22205

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 public storm sewer and drainage facilities, including accessories and appurtenances thereto, 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 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 appear on the following pages]**

GRANTOR:

*Nicole Pineau*

**NICOLE GABRIELLE PINEAU**

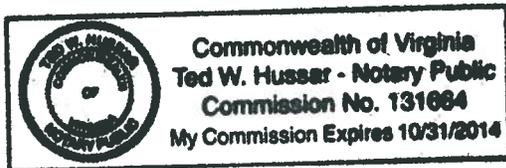
State: Virginia

County: Fairfax

The foregoing instrument was acknowledged before me on this 16 day of December, 2011, by **Nicole Gabrielle Pineau**, Grantor.

Notary Public: *Ted W. Hussar*

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



GRANTEE:

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2011, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
For the County Board of Arlington County, Virginia

COMMONWEALTH OF VIRGINIA  
COUNTY OF ARLINGTON, to-wit:

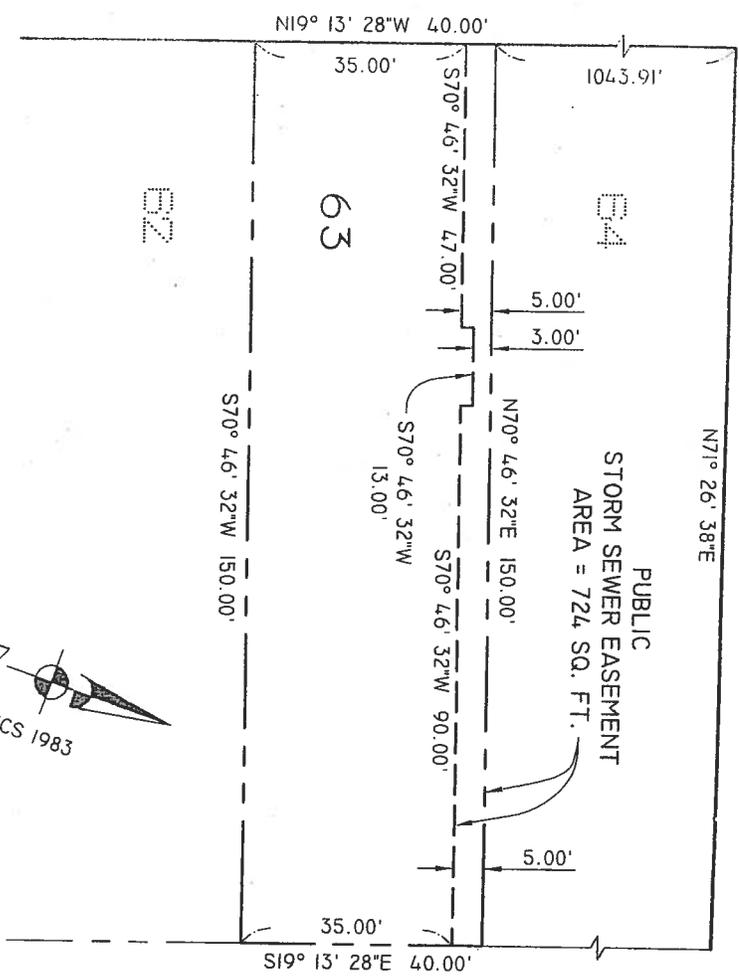
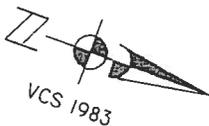
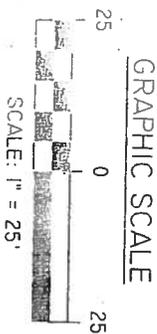
The foregoing instrument was acknowledged before me by \_\_\_\_\_, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this \_\_\_\_ day of \_\_\_\_\_, 2011.

Notary Public: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
COUNTY ATTORNEY

**WILSON BOULEVARD**

**NORTH JEFFERSON STREET**



**BRANDON VILLAGE**  
SECTION ONE  
DB, 292, PG. 1



OWNER: NICOLE GABRIELLE PINEAU  
D.B. 2844, PG. 1090  
ADDRESS: 609 N. JEFFERSON STREET  
RPC 13034.011

**ARLINGTON, VIRGINIA**  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
ENGINEERING BUREAU - SURVEY SECTION

PLAT SHOWING  
PUBLIC STORM SEWER EASEMENT ON

LOT 63  
BLOCK 5  
**BON AIR**  
LIBER K-4, PG. 388  
ARLINGTON COUNTY, VIRGINIA

SCALE : 1" = 25'	DRAWN BY : RLF	CHECKED BY : JMB
CADD FILE : PLATSMAP62105\PLAT-RPC13034.011.DWG		
APPROVED : 12-1-11		APPROVED : 12-1-2011
COUNTY SURVEYOR		SUBDIVISION & BONDS 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 \_\_\_\_ day of \_\_\_\_\_, 201\_, by **615 JEFFERSON LLC**, a Virginia limited liability company ("Grantor"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate and politic ("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 facilities, including accessories and appurtenances thereto, over, under, upon and across **One Thousand Three Hundred and Seventy-Five (1,375) 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 Public Storm Sewer Easement On Lot 64, Block 5, Bon Air, Liber K-4, Pg. 388, Arlington County, Virginia**" which plat was approved on **December 6, 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 **February 18, 2011**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **4442** at Page **594**, and more particularly described therein as "**Lots SIXTY-FOUR (64) and SIXTY-FIVE (65), Block FIVE (5), BON AIR SUBDIVISION, as per plat thereof duly dedicated, platted and recorded in Deed Book K-4 at page 388 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 and 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 public storm sewer and drainage facilities, including accessories and appurtenances thereto, within the above-described Easement Area (the Easement Area, and the rights related thereto, are referred to herein jointly as the "Easement").

Project: N. Jefferson St. Storm Sewer Easement  
 Project #: 8500-7  
 RPC: 13034065  
 Address: 613 North Jefferson Street, Arlington, Virginia 22205

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 and drainage facilities, including accessories and appurtenances thereto, 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 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.

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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.

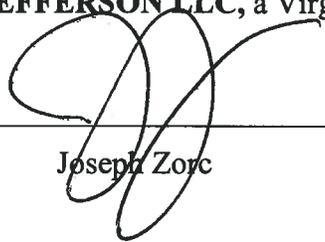
WITNESS the following signature(s):

**[Signatures appear on the following pages]**

GRANTOR:

**615 JEFFERSON LLC**, a Virginia limited liability company

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



Joseph Zorc

Title: Managing Member

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

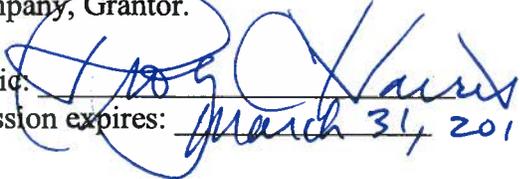
Virginia

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

Arlington

The foregoing instrument was acknowledged before me on this 30th day of Dec., 2011, by Joseph Zorc, Managing Member of **615 Jefferson LLC**, a Virginia limited liability company, Grantor.

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



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

March 31, 2012



**TROY C. HARRIS**  
Notary Public  
Commonwealth of Virginia  
My Commission Expires March 31, 2012  
Commission ID# 348474

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:

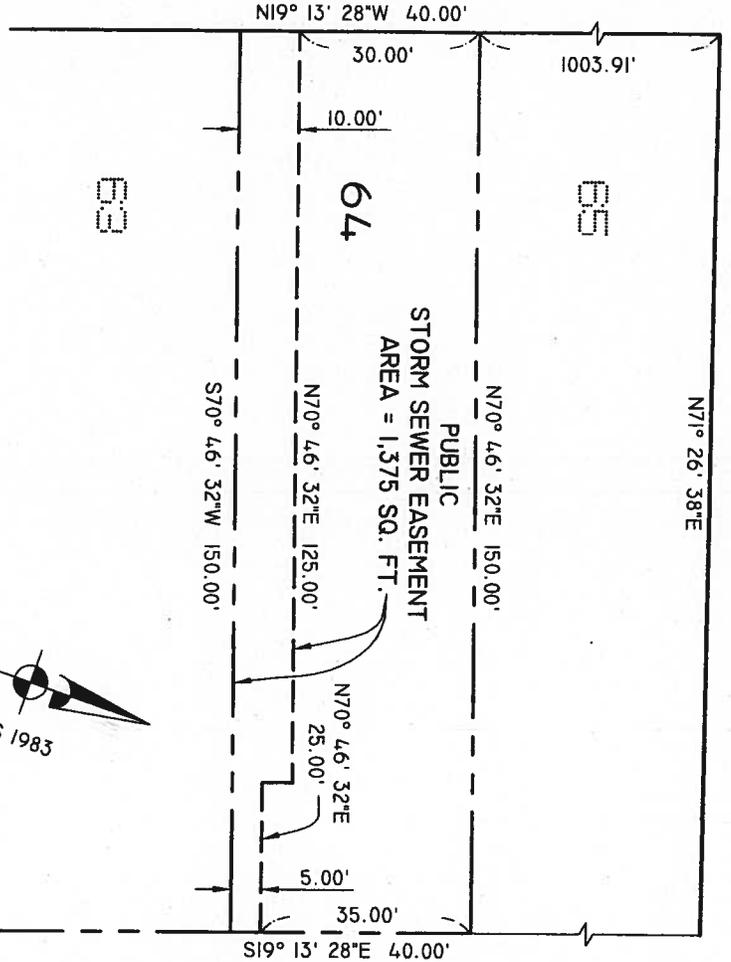
The foregoing instrument was acknowledged before me by \_\_\_\_\_, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_.

Notary Public: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_  
COUNTY ATTORNEY

NORTH JEFFERSON STREET

WILSON BOULEVARD



BRANDON VILLAGE

SECTION ONE  
DB. 292, PG. 1



RPC 13034065  
OWNER: 615 JEFFERSON, LLC  
D.B. 4442, PG. 594  
ADDRESS: 615 N. JEFFERSON STREET

ARLINGTON, VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
ENGINEERING BUREAU - SURVEY SECTION

PLAT SHOWING  
PUBLIC STORM SEWER EASEMENT ON

LOT 64  
BLOCK 5  
**BON AIR**

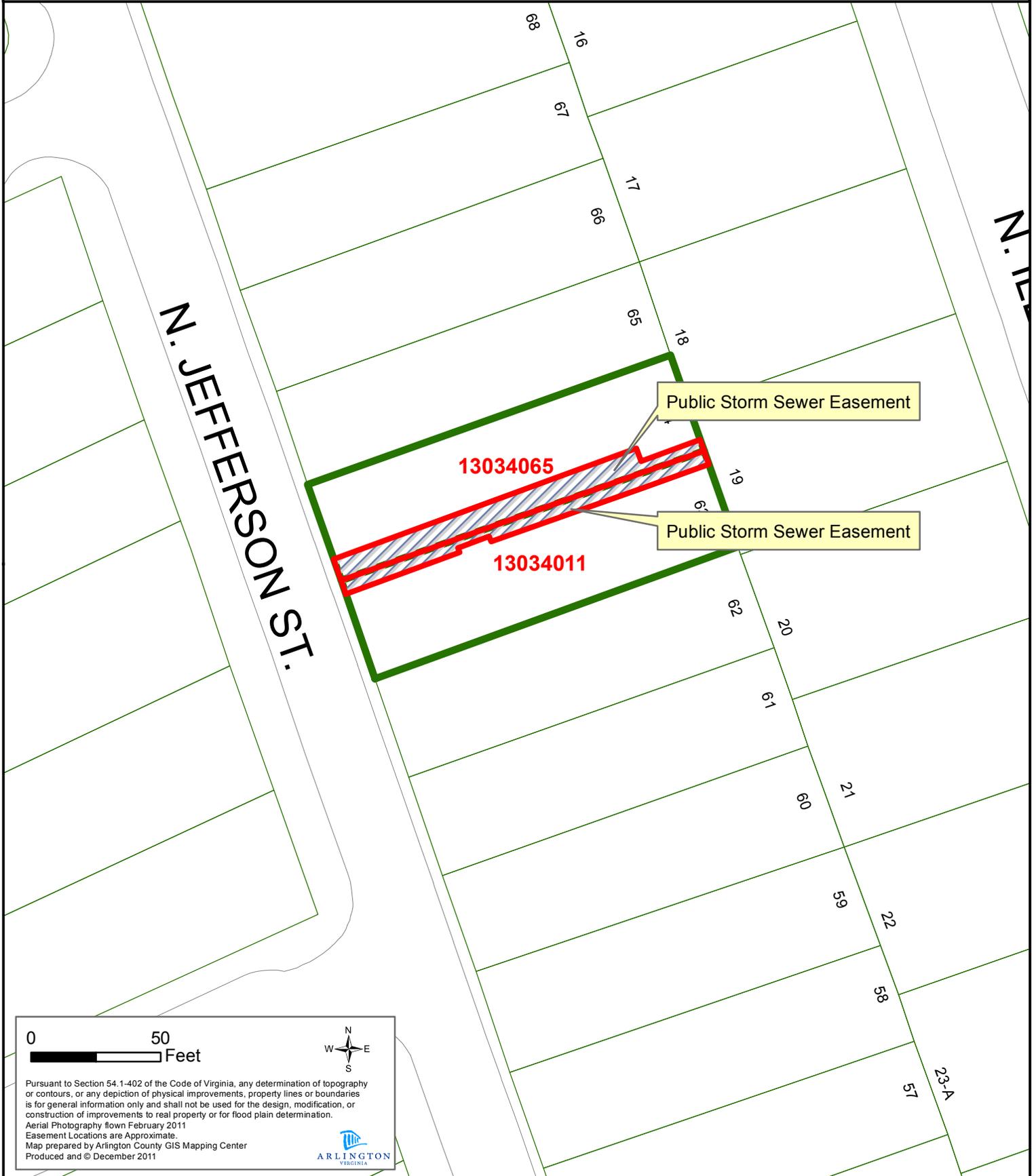
LIBER K-4, PG. 388  
ARLINGTON COUNTY, VIRGINIA

SCALE : 1" = 25'	DRAWN BY : RLF	CHECKED BY : JMB
CADD FILE : PLATS\MAP62\05\PLAT-RPC13034065.DWG		
APPROVED : 12-6-11	APPROVED : 12-6-2011	
COUNTY SURVEYOR	SUBDIVISION & BONDS ADMINISTRATOR	

# Vicinity Map

## 609 & 613 North Jefferson Street

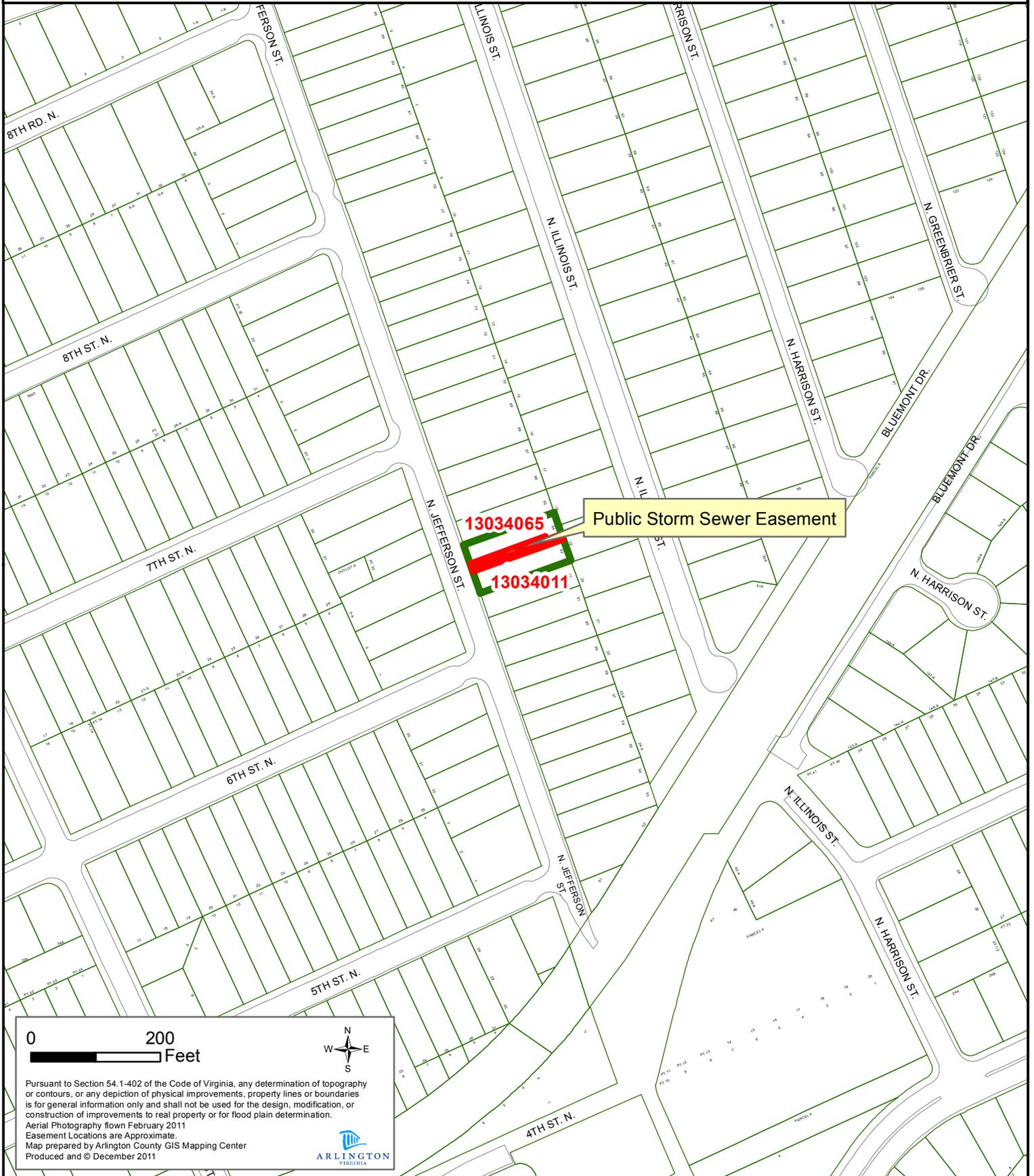
### RPC# 13034065 & 13034011



# Vicinity Map

## 609 & 613 North Jefferson Street

### RPC# 13034065 & 13034011



# Vicinity Map

## 609 & 613 North Jefferson Street

### RPC# 13034065 & 13034011

