



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 19, 2012

DATE: May 4, 2012

SUBJECT: Approval of a Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes for a Department of Environmental Services Street Improvement Project on Property Located at 2222 S. Arlington Ridge Road, Arlington, Virginia (RPC # 37-038-001).

C. M. RECOMMENDATIONS:

1. Approve the attached Deed of Easement for Public Sidewalk, Utilities and Drainage Purposes on the property located at 2222 S. Arlington Ridge Road, Arlington, Virginia (RPC # 37-038-001);
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.

ISSUES: 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 construction of sidewalk improvements on property owned by Advent Evangelical Lutheran Church (“Church”), located at 2222 S. Arlington Ridge Road Arlington, Virginia (RPC # 37-038-001) (“Property”). No outstanding issues have been identified.

SUMMARY: The Department of Environmental Services recently constructed a street improvement project for a portion of South Arlington Ridge Road, between South Meade Street and 23rd Street South in the Arlington Ridge Neighborhood. In order to complete the project, the County requires the conveyance to the County Board of a permanent easement on the Church’s Property. The attached Deed of Easement (Attachment 1) has been signed by the Trustees of the Church.

BACKGROUND: In August 2011, the County began construction of a street improvement project for a portion of South Arlington Ridge Road, between South Meade Street and 23rd Street South in the Arlington Ridge Neighborhood. The project improvements included, among other things: new curb, gutter, nubs, and storm sewer infrastructure; and narrowed vehicular travel lanes to help reduce the speed of traffic and to provide bicycle access. The project plans

County Manager:

County Attorney:

19.

Staff: Betsy Herbst & Kevin Connolly, DES, Real Estate Bureau

included the removal and replacement of existing sidewalk improvements on the Church's Property, at the intersection of Arlington Ridge Road and 23rd Street South. During the planning phase of the project, it was determined that there was no recorded easement for the existing sidewalk improvements on the Church's Property.

Because a permanent easement for public sidewalk, utilities and drainage purposes is required for the County to construct and maintain the portion of the project that is to be located on the Church Property, the project improvements that were planned for the Church Property were not completed at the same time as the rest of the project improvements. Acceptance of the conveyance to the County Board of the attached permanent easement on the Church's Property will allow the County to complete construction of the remaining project improvements. The location of the Church's Property is more particularly shown on the Vicinity Maps, attached as Attachment 2.

The permanent easement area on the Church Property, which is the subject of this report, is more particularly described on the plat attached to the Deed of Easement, entitled "Plat Showing Easement Acquired for Public Sidewalk, Utilities and Drainage Purposes on Lot 1, Block D – Section 1, Green Valley, D.B. 288, PG. 34, Arlington County, Virginia."

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 is necessary for the construction of a portion of the project and has been signed by the Trustees of Advent Evangelical Lutheran Church on behalf of the congregation that owns the Property. The County Board is requested to approve the Deed of Easement and authorize the Real Estate Bureau Chief, Department of Environmental Services, or his designee, to execute the deed, indicating acceptance thereof, on behalf of the County Board.

FISCAL IMPACT: Acquisition cost for the easement conveyed to the County will be for the nominal consideration of one dollar (\$1.00).

**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 **LYNN JUHL, TRUSTEE, INGRID BERDAHL, TRUSTEE, AND DAVID FALKSEN, TRUSTEE, ALL OF THE CURRENT TRUSTEES OF THE ADVENT EVANGELICAL LUTHERAN CHURCH OF ARLINGTON, VIRGINIA** ("Grantors"), and **THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA**, a body corporate ("Grantee").

RECITALS:

WHEREAS, by Order entered March 19, 2012, in the Circuit Court of Arlington County, Virginia, Lynn Juhl, Ingrid Berdahl, and David Falksen were appointed as Legal Trustees ("**Trustees**") of Advent Evangelical Lutheran Church of Arlington, Virginia ("**Church**") which is an unincorporated religious body, to serve in place of former trustees until successor trustee(s) have been duly elected and appointed according to the law, and

WHEREAS, by Order entered March 19, 2012, in the Circuit Court of Arlington County, Virginia, the Court further authorized and empowered the Trustees, on behalf of the Church, to encumber property owned in the name of the Church's Trustees, and to execute and deliver to the County Board of Arlington County, Virginia, (i) a deed of temporary easement and construction agreement permitting the County to enter and use a portion of Church land at the intersection of 23rd Street South and South Arlington Ridge Road, and (ii) a deed of easement granting to the County an easement for public sidewalk, utilities and drainage purposes, on a portion of Church land at the intersection of 23rd Street South and South Arlington Ridge Road;

WITNESSETH:

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 **One Hundred Five (105)** 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 Storm Drainage Purposes on Lot 1, Block D – Section 1, Green Valley, D.B. 288, PG. 34, 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 Grantors by deed dated **September 29, 1952**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **1074** at Page **125**, and more particularly described therein as **“Lots ONE (1), TWO (2), THREE (3), and FOUR (4), in Block D, of the subdivision known as Section ONE (1), GREEN VALLEY, as the said subdivision appears duly platted, dedicated and recorded in Deed Book 288, at page 34, of the land records of Arlington County, Virginia;**

LESS AND EXCEPT the rear or west 5 feet by the full width of the said Lots 3 and 4, being all of those portions of the said Lots 3 and 4 lying west of a line drawn through the said Lots 3 and 4, parallel to the rear, or west lines thereof and 5 feet distance therefrom” (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):

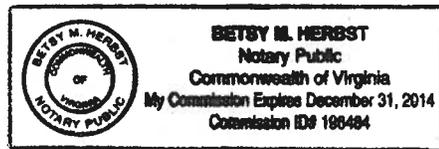
GRANTOR:

Lynn Juhl, Trustee
LYNN JUHL, TRUSTEE OF THE ADVENT EVANGELICAL LUTHERAN CHURCH OF ARLINGTON, VIRGINIA

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 16th day of April, 20 12 by Lynn Juhl, Trustee of the Advent Evangelical Lutheran Church of Arlington, Virginia, Grantor.

Notary Public: Betsy M. Herbst
My Commission expires: 12/31/2014



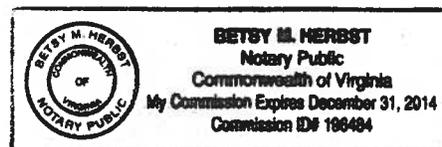
GRANTOR:

Ingrid A. Berdahl, Trustee
INGRID BERDAHL, TRUSTEE OF THE ADVENT EVANGELICAL LUTHERAN CHURCH OF ARLINGTON, VIRGINIA

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 16th day of April, 20 12, by Ingrid Berdahl, Trustee of the Advent Evangelical Lutheran Church of Arlington, Virginia, Grantor.

Notary Public: Betsy M. Herbst
My Commission expires: 12/31/2014



Project: Arlington Ridge Road - Project # T13C (the "Project")
RPC: 37038001
Address: 2222 South Arlington Ridge Road, Arlington, VA

GRANTOR:

David Falksen, Trustee

DAVID FALKSEN, TRUSTEE OF THE ADVENT EVANGELICAL LUTHERAN CHURCH OF ARLINGTON, VIRGINIA

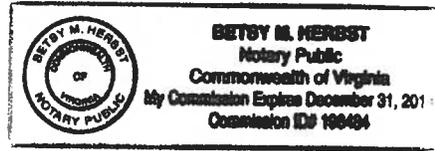
State: Virginia

County: Arlington

The foregoing instrument was acknowledged before me on this 16th day of April, 2012 by **David Falksen, Trustee of the Advent Evangelical Lutheran Church of Arlington, Virginia, Grantor.**

Notary Public: Betsy M. Herbst

My Commission expires: 12/31/2014



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

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	10.00'	88°58'30"	15.53'	9.82'	14.02'	N42°43'57"E

LINE TABLE

LINE	BEARING	DISTANCE
1	S 08°17'21" W	18.40'
2	N 09°17'52" E	9.55'
3	N 19°34'52" E	14.06'



RPC 37038001 -
 OWNER: TRUSTEES OF THE ADVENT EVANGELICAL
 LUTHERAN CHURCH OF ARLINGTON, VIRGINIA
 D.B. 1074, PG. 125
 ADDRESS: 2222 S. ARLINGTON RIDGE RD.

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

FLAT SHOWING

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

LOT 1
 BLOCK D - SECTION 1

GREEN VALLEY

D.B. 288, PG. 34
 ARLINGTON COUNTY, VIRGINIA

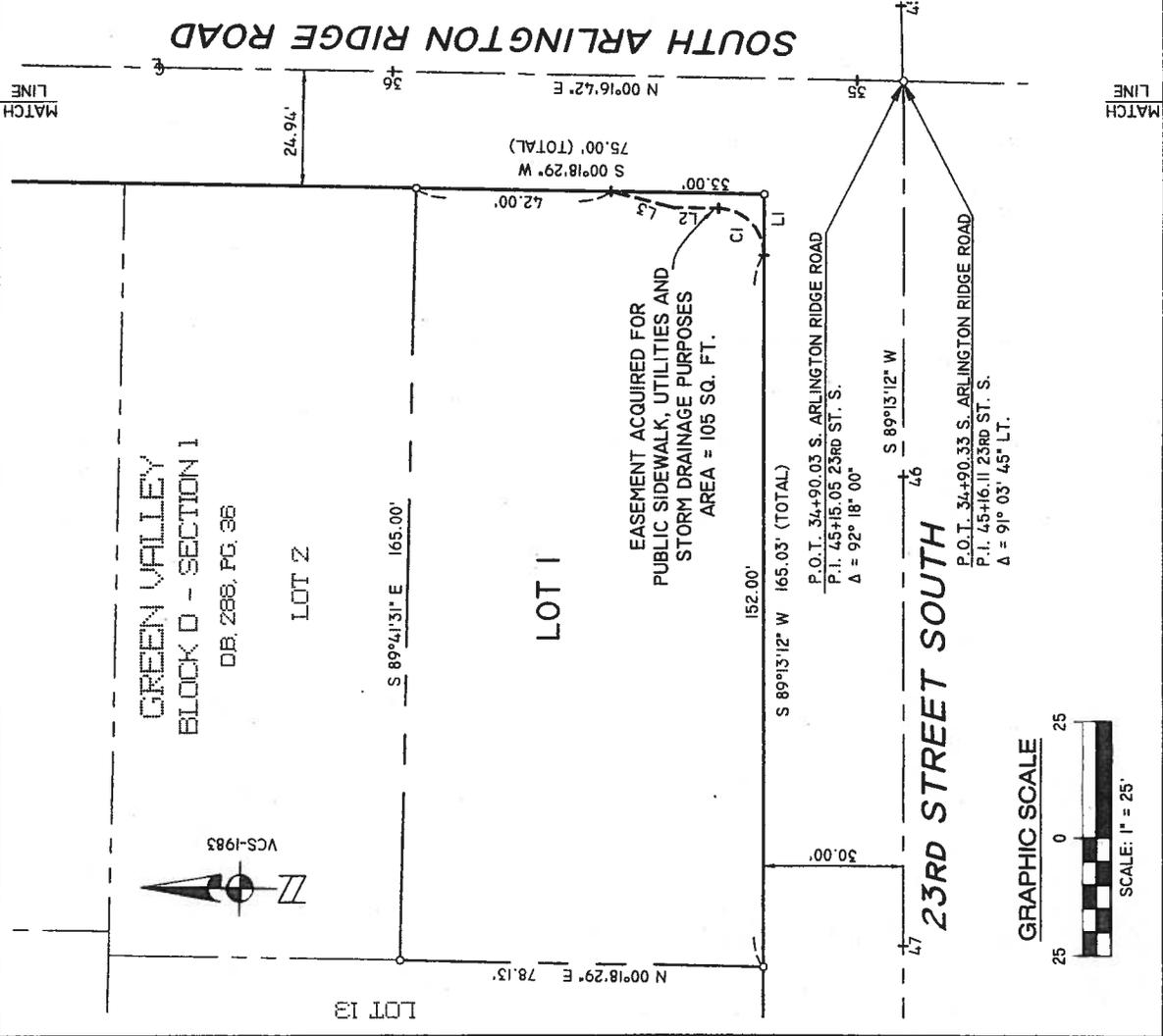
SCALE: 1" = 25'
 DRAWN BY: SWR
 CHECKED BY: RLF
 CADD FILE: G:\DATA\PLATS\MAP84\ARPC37038001.DWG

APPROVED: 6-3-11

County Surveyor Signature

COUNTY SURVEYOR

APPROVED: 6-7-2011
 SUBDIVISION & BONDS ADMINISTRATOR



Vicinity Map

2222 S Arlington Ridge Road

RPC # 37038001



37038001

Easement Acquired for
Public Sidewalk, Utilities, & Storm Drainage Purposes

0 100 Feet



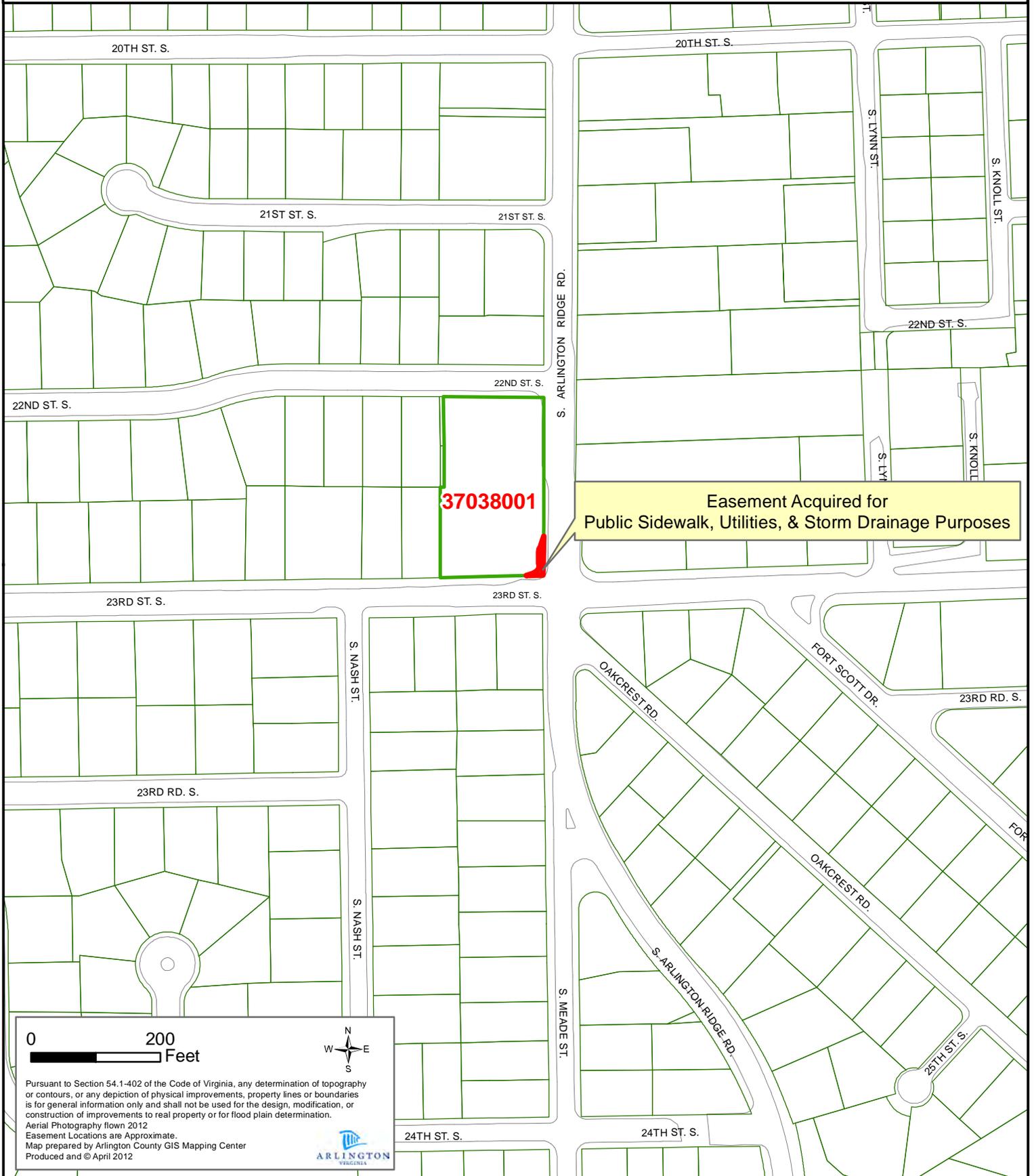
Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.
Aerial Photography flown 2012
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © April 2012



Vicinity Map

2222 S Arlington Ridge Road

RPC # 37038001



Easement Acquired for
Public Sidewalk, Utilities, & Storm Drainage Purposes

37038001

0 200 Feet



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