



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 15, 2012**

DATE: August 16, 2012

SUBJECT: Approval and Authorization to Accept: a Deed of Easement of Five Feet in Width for Public Storm Sewer on Lot 1219, Section 12, Lee Heights and Part of the Original Property of William & Agnes J. Arnold, located at 4100 23rd Street N. (RPC #05-042-008); and a Deed(s) of Easement for Public Storm Sewer and Public Sanitary Sewer, each Easement of Variable Width, on Lot 1218, Section 12, Lee Heights and Part of the Original Property of William & Agnes J. Arnold, located at 4110 23rd Street N. (RPC #05-042-007).

C. M. RECOMMENDATION:

1. Approve the attached Deed of Easement from John R. Undeland and Yasmin H. Undeland to the County Board of Arlington County, Virginia (“Exhibit A”), granting to the County a permanent public storm sewer easement within a portion of the property located at 4100 23rd Street N., RPC # 05-042-008; and
2. Approve the attached Deed of Easement from Richard E. Undeland and Joan M. Undeland to the County Board of Arlington County, Virginia (“Exhibit B”), granting to the County a permanent public storm sewer easement and a permanent public sanitary sewer easement within portions of the property located at 4110 23rd Street N., RPC # 05--042-007; 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 the Deeds of Easement as to form by the County Attorney.

ISSUES: This is a request for the County Board to approve the attached Deed of Easement for public storm sewer purposes and the attached Deed of Easement for public storm sewer purposes and public sanitary sewer purposes within portions of properties located at 4100 23rd Street N. and 4110 23rd Street N., and to authorize the Deeds to be accepted on behalf of the Board. No outstanding issues have been identified.

County Manager:

BMD/GA

County Attorney:

GA *BAK*

17.

Staff: Lynne T. Porfiri – DES, Real Estate Bureau

SUMMARY: The Department of Environmental Services Office of Sustainability and Environmental Management (OSEM) has requested the conveyance of the attached public storm sewer easements to allow proper County access to, and maintenance of, a portion of an existing twenty-one (21) inch diameter storm sewer pipe that currently is not located within a County easement. This storm sewer pipe carries water from existing structures in the public right of way to a wet weather stream on Arlington County School Board property. County Staff research on the storm pipe revealed that the eight (8) inch diameter sanitary sewer pipe located along the western property line of Lot 1218 is not located within a County sanitary sewer easement. The County Water, Sewer and Streets Bureau has requested the conveyance of public sanitary sewer easement to the County so as to allow the County staff and its contractors proper access to, and maintenance of, the existing eight (8) inch diameter sanitary sewer pipe. The pipe presently collects flow from the upstream neighborhood via the sewer main in the 23rd Street North right of way.

BACKGROUND: The subject properties are in the Donaldson Run Civic Association near the intersection of North Randolph Street and 23rd Street North. The easements to be conveyed to the County are more particularly shown on the Vicinity Maps attached to this report as Exhibits “1”, “2”, and “3”.

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 twenty-one (21) inch diameter pipe connected to an eighteen (18) inch pipe straddling the property line between Lots 1218 and 1219, Section 12, Lee Heights. The northern end of the pipe connects to a County owned drainage facility in the public right of way and the southern end flows into a wet weather stream located on the adjacent Arlington County School Board property. In order to have access for maintenance and repair to this portion of the public storm sewer system, the County needs an easement for existing drainage facilities located within the two lots.

The permanent sanitary sewer easement, which the property owner has agreed to convey to the County, will authorize the County to enter and use the easement area to repair and maintain the existing sanitary sewer facilities. The existing sanitary sewer facility consists of an eight (8) inch diameter pipe along the western property line of Lot 1218. This portion of the pipe carries sewage from the sewer main in 23rd Street North through to the facilities on adjacent Arlington County School Board property. 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.

**PREPARED 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 _____, 2012, by **JOHN R. UNDELAND** and **YASMIN H. UNDELAND**, husband and wife ("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 storm sewer purposes over, under, upon and across **Eight Hundred Eighty-seven (887)** 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 1219, Section Twelve, Lee Heights, D.B. 309, PG. 146 and Part of the Original Property of William & Agnes J. Arnold, D.B. 886, PG. 364, Arlington County, Virginia**" which plat was approved on **August 20, 2012** 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 **August 18, 2004**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **3746** at Page **1360**, and more particularly described therein as "**PARCEL NO. 1: All of Lot Twelve Hundred Nineteen (1219), Section Twelve (12), Lee Heights, as the same is duly platted and recorded among the land records of Arlington County, Virginia in Deed Book 309 at Page 146. PARCEL NO. 2: Beginning at a pipe marking the northwest corner of the property being described, said point of beginning being also the northwest corner of the 2.05029 acres; thence with the north line of the property being described and the south line of Section 12 Lee Heights, N. 85° 17' 50" E. 40.00 feet to a pipe; thence through the 2.05029 acres, S. 5° 20' 16" W. 50 feet to a pipe; thence continuing through the 2.05029 acres, S. 6° 04' W. 70.10 feet to a pipe in the west line of the 2.05029 acres; thence N. 15° 30' W. 47.75 feet to a pipe and angle point in the westerly line of the 2.05029 acres; thence N. 12° 06' W. 71.80 feet to a pipe and place of beginning, containing 2.486 square feet and shown upon a plat prepared by P. R. Rupert, Certified Surveyor, dated February 16, 1949; LESS AND EXCEPT that**

parcel of land described as follows: Beginning at a pipe marking the southernmost corner of Lot 1218, Section 12, Lee Heights; thence with the easterly line of said Lot to a point which is the southernmost corner common to Lots 1218 and 1219 of aforesaid Section 12, Lee Heights; thence with an extension of the line common to Lots 1218 at 1217 approximately 37.60 feet to a point of intersection with the easterly line of the land conveyed by deed recorded in Deed Book 886 at Page 364; thence with said line to the place of beginning, containing approximately 473 square feet of land” (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace and/or remove public storm sewer 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 storm sewer 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 storm sewer facilities 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 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):

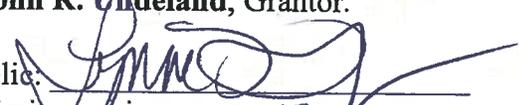
GRANTOR:



JOHN R. UNDELAND

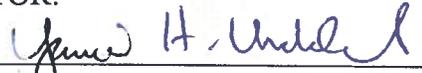
State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 24th day of August, 2012, by **John R. Undeland**, Grantor.

Notary Public: 
My Commission expires: 1-31-15



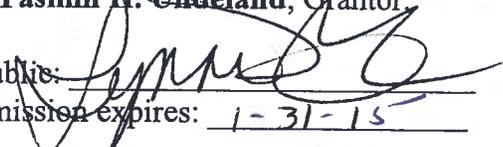
GRANTOR:



YASMIN H. UNDELAND

State: Virginia
County: Arlington

The foregoing instrument was acknowledged before me on this 24th day of August, 2012, by **Yasmin H. Undeland**, Grantor.

Notary Public: 
My Commission expires: 1-31-15



GRANTEE:

Accepted this _____ day of _____, 2012, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 2012.

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

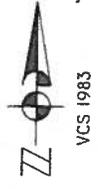
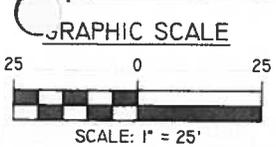
COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

The foregoing instrument was acknowledged before me by _____, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this _____ day of _____, 2012.

Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	84.89'	60° 50' 23"	90.14'	49.84'	85.97'	N79° 01' 26"E



NORTH
RANDOLPH
STREET

11+49.56 P.O.C. 23RD STREET N.
3+99.46 P.I. N. RANDOLPH ST.
Δ = 97°21'50"

23RD STREET
NORTH
(NOT BUILT)
12+09.17 P.T.

23RD STREET
NORTH
ARLINGTON CO. CENTERLINE
10+97.49 P.C. II

A=90.14', R=84.89'

N70° 33' 22"W
IPF 19.85'

PUBLIC STORM
SEWER EASEMENT
HEREBY GRANTED
AREA = 887 SQ. FT.

OUTLOT A
LORCOM RIDGE
D.B. 3623, PG. 964

COUNTY BOARD OF
ARLINGTON COUNTY

1219

1218

VACATION LANE

MATCH
LINE

MATCH
LINE

PT. ARNOLD

ST. ANDREW'S
EPISCOPAL
CHURCH

FT. ARNOLD

NOTES:
RPC 05042008

ADDRESS: 4100 23RD STREET N.

OWNERS: JOHN R. UNDELAND &
YASMIN H. UNDELAND
D.B. 3746, PG. 1360

PROPERTY DIMENSIONS BASED ON
A BOUNDARY SURVEY PREPARED BY
ARLINGTON COUNTY DATED 7/2012.

IPF = IRON PIPE FOUND.



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

PLAT SHOWING
PUBLIC STORM SEWER EASEMENT
ON LOT 1219
SECTION TWELVE
LEE HEIGHTS

D.B. 309, PG. 146
AND PART OF THE ORIGINAL PROPERTY OF
WILLIAM & AGNES J. ARNOLD
D.B. 886, PG. 364
ARLINGTON COUNTY, VIRGINIA



SCALE : 1" = 25'	DRAWN BY : RLF	CHECKED BY : JMB
CADD FILE : PLATS\MAP 32\16\RPC05042008-ESMT.DWG		
APPROVED : <i>Robert L. Franca</i> 8-20-12 COUNTY SURVEYOR	APPROVED : <i>Stephan Schulz</i> 8-20-2012 SUBDIVISION & BONDS ADMINISTRATOR	

Exhibit B

**PREPARED 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 _____, 2012, by **RICHARD E. UNDELAND** and **JOAN M. UNDELAND**, his wife ("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 perpetual easements for public storm sewer and public sanitary sewer purposes over, under, upon and across **One Thousand Eight Hundred Fourteen (1,814)** 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 and Public Sanitary Sewer Easement on Lot 1218, Section Twelve, Lee Heights, D.B. 309, PG. 146 and Part of the Original Property of William & Agnes J. Arnold, D.B. 886, PG. 364, Arlington County, Virginia**" which plat was approved on **August 20, 2012** 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 **November 3, 1967**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **1661** at Page **93**, and more particularly described therein as "**Lot 1218, Section 12, LEE HEIGHTS, as the same appears duly platted and recorded in Deed Book 309 at page 146, among the land records of Arlington County, Virginia; AND The following described parcel containing approximately 473 square feet of land, being more particularly described by metes and bounds as follows: BEGINNING at a pipe marking the southernmost corner of Lot 1218, Section 12, Lee Heights; thence with the easterly line of said lot to a point which is the southernmost corner common to Lots 1218 and 1219 of aforesaid Section 12, Lee Heights; thence with an extension of the line common to Lots 1218 and 1219 approximately 37.60 feet to a point of intersection with the easterly line of the land conveyed in Deed Book 886 at page 364; thence with said line to the place of beginning, containing approximately 473 square feet of land.**" (the "Property"), together with the right of Grantee to construct, maintain, repair, reconstruct, replace

and/or remove public storm sewer and/or public sanitary sewer 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 storm sewer and/or public sanitary sewer 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 storm sewer and/or public sanitary sewer facilities 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 storm sewer and/or public sanitary 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):

GRANTOR:

Richard E. Undeland

RICHARD E. UNDELAND

State: Virginia

County: Arlington

The foregoing instrument was acknowledged before me on this 20th day of August, 2012, by **Richard E. Undeland**, Grantor.

Notary Public: *Lynne T. Porfiri*
My Commission expires: 1/31/15



GRANTOR:

Joan M. Undeland

JOAN M. UNDELAND

State: Virginia

County: Arlington

The foregoing instrument was acknowledged before me on this 20th day of August, 2012, by **Joan M. Undeland**, Grantor.

Notary Public: *Lynne T. Porfiri*
My Commission expires: 1/31/15



GRANTEE:

Accepted this _____ day of _____, 2012, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 2012.

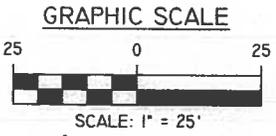
By: _____
For the County Board of Arlington County, Virginia

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 _____, 2012.

Notary Public: _____
My Commission expires: _____

APPROVED AS TO FORM: _____
COUNTY ATTORNEY



NORTH
RANDOLPH
STREET

11+49.56 P.O.C. 23RD STREET N.
3+99.46 P.I. N. RANDOLPH ST.
 $\Delta = 97^{\circ}21'50''$

23RD STREET
NORTH
(NOT BUILT)
12+09.17 P.T.

23RD STREET
NORTH
ARLINGTON CO. CENTERLINE
10+97.49 P.C. II

1219
PUBLIC STORM
SEWER EASEMENT
HEREBY GRANTED
AREA = 2,341 SQ. FT.

OUTLOT A
LORCOM RIDGE
OB. 3623, PG. 964
COUNTY BOARD OF
ARLINGTON COUNTY

VACATION LANE

MATCH
LINE

MATCH
LINE

NOTES:
RPC 05042007

ADDRESS: 4110 23RD STREET N.

OWNERS: RICHARD E. UNDELAND &
JOAN M. UNDELAND
D.B. 1661, PG. 93

PROPERTY DIMENSIONS BASED ON
A BOUNDARY SURVEY PREPARED BY
ARLINGTON COUNTY DATED 7/2012.

IPF = IRON PIPE FOUND.

PUBLIC SANITARY
SEWER EASEMENT
HEREBY GRANTED
AREA = 1,814 SQ. FT.

PT. ARNOLD

ST. ANDREW'S
EPISCOPAL
CHURCH

PT. ARNOLD

COUNTY SCHOOL BOARD
OF ARLINGTON COUNTY



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

PLAT SHOWING
PUBLIC STORM SEWER EASEMENT AND
PUBLIC SANITARY SEWER EASEMENT
ON LOT 1218
SECTION TWELVE

LEE HEIGHTS

D.B. 309, PG. 146
AND PART OF THE ORIGINAL PROPERTY OF

WILLIAM & AGNES J. ARNOLD

D.B. 886, PG. 364
ARLINGTON COUNTY, VIRGINIA

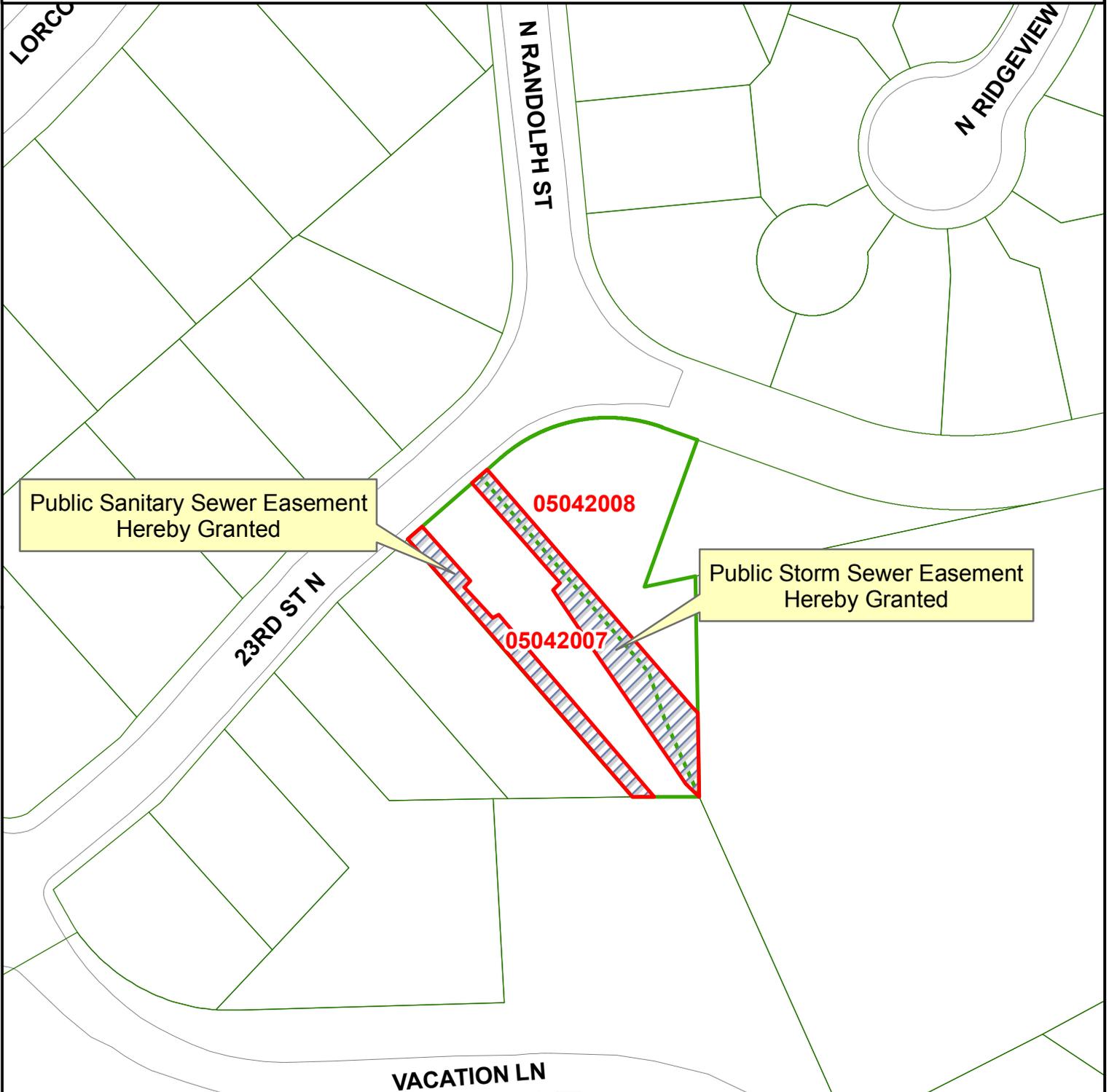
SCALE : 1" = 25'	DRAWN BY : RLF	CHECKED BY : JMB
CADD FILE : PLATS\MAP 32\16\RPC05042007-ESMT.DWG		
APPROVED : 8-20-12	APPROVED : 8-20-2012	
<i>Robert L. Franca</i> COUNTY SURVEYOR	<i>Stephane</i> SUBDIVISION & BONDS ADMINISTRATOR	



Vicinity Map

Exhibit 1

RPC # 05042007 & 05042008



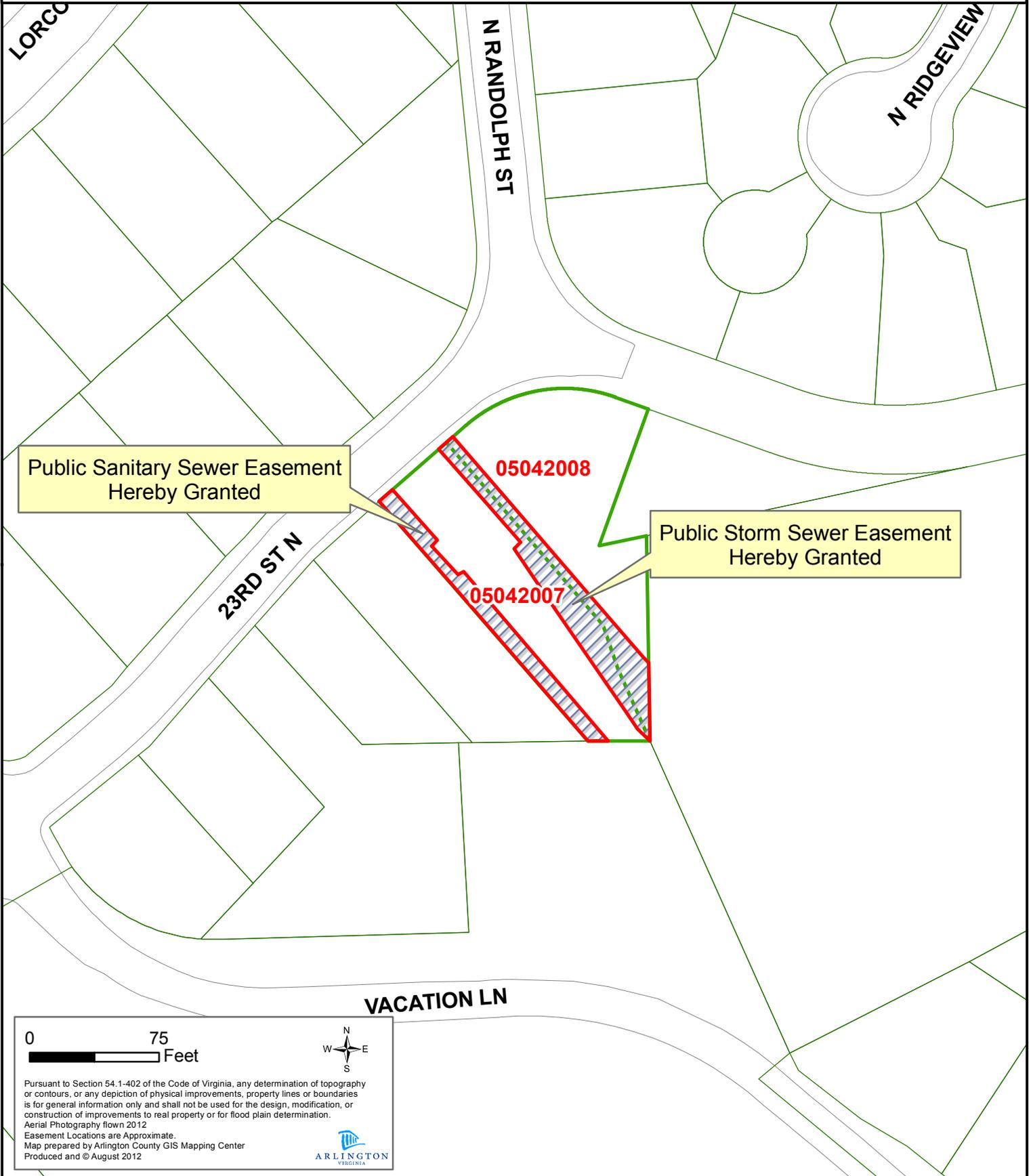
0 75 Feet

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 2012
Easement Locations are Approximate.
Map prepared by Arlington County GIS Mapping Center
Produced and © August 2012

Vicinity Map

Exhibit 2

RPC # 05042007 & 05042008



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 2012

Easement Locations are Approximate.

Map prepared by Arlington County GIS Mapping Center

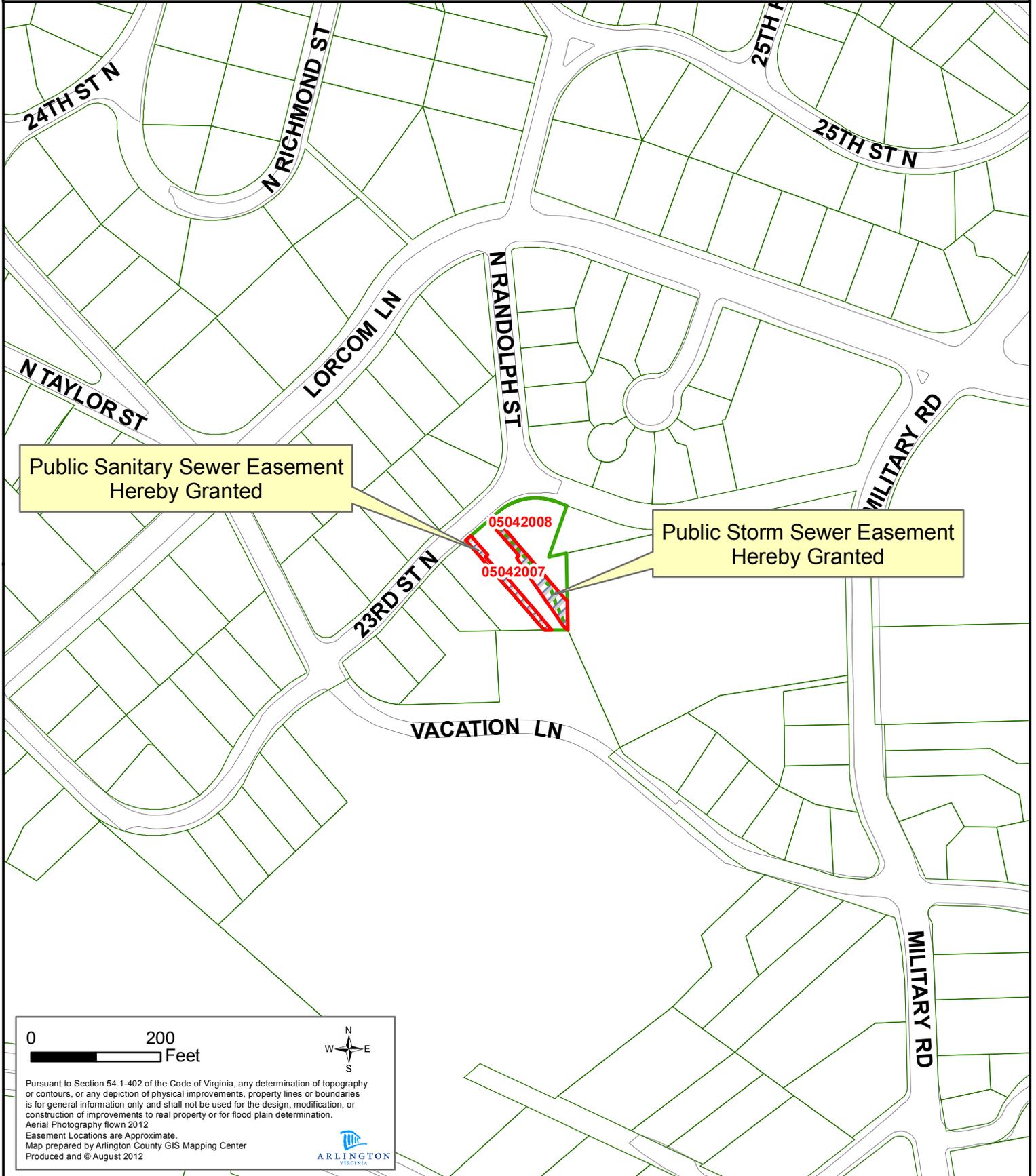
Produced and © August 2012



Vicinity Map

Exhibit 3

RPC # 05042007 & 05042008



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 2012. Easement Locations are Approximate. Map prepared by Arlington County GIS Mapping Center. Produced and © August 2012.

