



ARLINGTON COUNTY, VIRGINIA

<p style="text-align: center;">County Board Agenda Item Meeting of September 13, 2008</p>
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DATE: August 19, 2008.

SUBJECT: Authorization to Accept Deed of Easement for the Department of Environmental Services Project on Property Located at 4834 24th St. North, Arlington, Virginia (RPC No. 05011007).

C. M. RECOMMENDATION:

1. Approve the attached Deed of Easement for Public Sidewalk, Utilities and Storm Drainage Purposes on property at 4834 24th St. North, Arlington, Virginia (RPC No. 05011007).
2. Authorize the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services, to execute, on behalf of the County Board, the Deed of Easement ("Deed"), subject to approval as to Form by the County Attorney.

ISSUE: Deeds conveying permanent easements to the County Board must be accepted by, or on behalf of, the County Board in order to be valid.

SUMMARY: This is a request for authorization of a permanent easement for public sidewalk, utilities and storm drainage purposes at 4834 24th St. North, Arlington, Virginia.

BACKGROUND: This Deed is necessitated by a Neighborhood Conservation street improvement project in the Old Dominion neighborhood. The project proposes to narrow the current roadway and upgrade the existing sidewalk. A stamped gateway treatment will be provided at the N. 24th Street and N. Glebe Road intersection. At the N. Columbus Street and N. Buchanan Street intersections, corner nubs will be added. With approval and acceptance of the Deed, a permanent easement would be conveyed to the County. The permanent easement would provide an area for the construction of public sidewalk on private property. This sidewalk would be compliant with the standards of the Americans with Disabilities Act ("ADA"). Because the sidewalk is to be constructed on private property, it will allow for the proposed realignment and construction of the corner of 24th Street North and North Columbus Street, complete with nub out and sidewalk ramp.

County Manager: _____
County Attorney: _____
Staff: Troy Harris, Lynne Porfiri, DES, Real Estate Bureau

DISCUSSION: The Deed necessary for the construction of this Department of Environmental Services project has been received in the office of the Department of Environmental Services and is attached hereto as Exhibit “1”. In order to expedite the acceptance process and allow construction to move forward, the County Board’s authorization for the Real Estate Bureau Chief, Engineering and Capital Projects Division, Department of Environmental Services to execute the deed, indicating acceptance thereof, is being requested for this project.

The attached vicinity map shows the location of the property. The location, real property codes, type of deed, project number, the area to which the easement relates, and any further discussion of the significance of the easement requested is more fully described below:

- Plat Entitled “Plat Showing Easement Acquired for Public Sidewalk, Utilities and Storm Drainage Purposes on Lot 8, Block 9, LIVINGSTONE HEIGHTS, D.B. 133, PG. 39, Arlington County, Virginia” approved January 29, 2008 – Project Nos. 316.72301.CJD.0000/N452 – RPC No. 05011007 – 4834 24th St. North. The area of the permanent easement is 310 square feet. A vicinity map for this parcel is located on Exhibit “2”.

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

DEED OF EASEMENT

This DEED OF EASEMENT is made this ____day of _____, 200__, by **GENEVIEVE HOLM**, unmarried ("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 sidewalk, utilities and drainage purposes over, under, upon and across **Three Hundred Ten (310)** 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 8, Block 9, LIVINGSTONE HEIGHTS, D.B. 133, PG. 39, Arlington County, Virginia**" which plat was approved on **January 29, 2008**, 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 **July 24, 1990**, recorded in the Land Records of the Arlington County Circuit Court in Deed Book **2451** at Page **788**, and more particularly described therein as "**Lot 8, Block 9, Section 1, LIVINGSTON HEIGHTS, as the same appears duly dedicated, platted, and recorded in Deed Book 133, at page 39, 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").

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 sidewalk, utilities, and storm drainage system 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 option of the Grantee) all damaged grass areas adjacent to the Easement Area; (3) reset, or replace with nursery stock, all damaged or destroyed trees, plants, shrubbery, and hedges adjacent to the

Project: 24th Street North from North Columbus Street to Glebe Road - Project # N452 (the "Project")
RPC: 05011007
Address: 4834 24th Street North, Arlington, Virginia

Easement Area; and 4) guarantee reset plants for one year against damage from the construction, and nursery stock for one year 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: *Genevieve Holm*
GENEVIEVE HOLM

State: VA
County: Arlington

The foregoing instrument was acknowledged before me on this 15th day of August, 2008, by **Genevieve Holm**, Grantor.

Notary Public: *Lynne T. Porfiri*
My Commission expires: 1/31/2011



Project: 24th Street North from North Columbus Street to Glebe Road - Project # N452 (the "Project")
RPC: 05011007
Address: 4834 24th Street North, Arlington, Virginia

GRANTEE:

Accepted this ____ day of _____, 200__, on behalf of the County Board of Arlington County, Virginia, pursuant to a resolution, motion, or action of the said Board duly adopted on _____, 200__.

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

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON, to-wit:

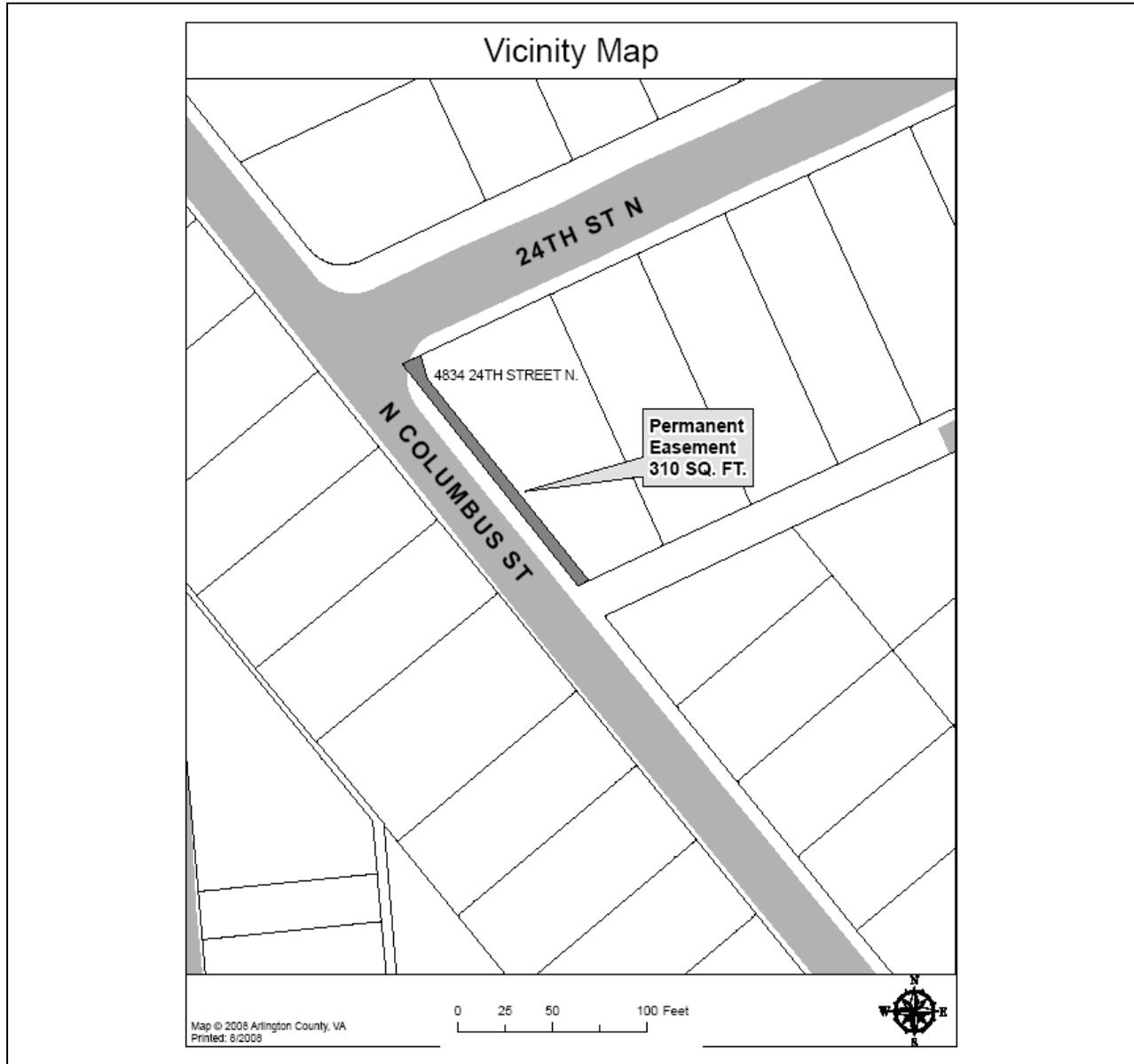
The foregoing instrument was acknowledged before me by _____, on behalf of THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA, a body corporate, this ____ day of _____, 200__.

Notary Public _____
My Commission expires: _____

APPROVED AS TO FORM: _____
COUNTY ATTORNEY

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RPC: 05011007
Address: 4834 24th Street North, Arlington, Virginia

Vicinity Map



24th St. North from North Columbus Street to North Glebe Street
Project 316.72301.CJD/N452
Public Sidewalk, Utilities and Storm Drainage Purposes
Labels on this schematic indicate the location of the local improvements
Deed of Easement

September 13, 2008

Approval of
Deed of Easement