


**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: May 19, 2009

TO: Board of Supervisors

FROM: Harry L. Critzer 
Director of Utilities


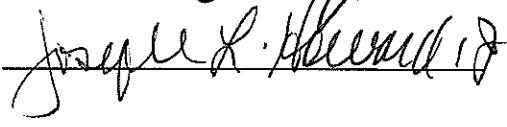
ISSUE: Authorize a Public Hearing to Grant an Easement to Verizon South Inc.

STAFF RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (5)

- [1] Background Report [5] Reso/Ord/Proc # R09-218
- [2] Right of Way Agreement [] Reso/Ord/Proc #
- [3] Easement Plat [] Reso/Ord/Proc #
- [4] Proposed Resolution R09-217

REVIEW: [X] County Administrator's Office 
 [X] Legal 
 [] _____

- [X] **Consent Agenda** [] **Other Business** [] **Public Hearing**
- [] **Discussion Item** [] **Presentation** [] **Unfinished Business**
- [] **New Business**

PRESENTATION BY: N/A

ELECTION DISTRICT: Rock Hill

BACKGROUND REPORT

The Virginia Department of Transportation (VDOT), on behalf of Verizon South Inc. has requested an easement to allow relocation of telephone lines. The telephone lines will be relocated outside the proposed right-of-way limits for a widening project on Garrisonville Road at Joshua Road. The property is the site of the Garrisonville sewage pumping station. The proposed telephone lines will be underground and outside the pumping station site. The relocated lines will not have any adverse effect on current or future operations of the Utilities Department.

Included in this package are copies of the proposed Right-of-Way Agreement, easement plat, and proposed Resolution R09-217 which, if approved subsequent to the public hearing, would grant the easement to Verizon South Inc.

Staff recommends that the Board authorize the County Administrator to advertise a public hearing to consider public comments regarding the granting of this easement to Verizon South Inc.

1053

Verizon W.O. No.: 8767 8POA0CK
VDOT Project No.: 0610-189-167, C506

Mapcom No.: 148-15-A1
Parcel No.:

After Recording Mail To:
VERIZON SOUTH INC.
9401 Peabody Street
Manassas, VA 20110



Document Prepared By:
VERIZON SOUTH INC.
9401 Peabody Street
Manassas, VA 20110

TM #19 42C

1009

DEED OF EASEMENT

THIS DEED OF EASEMENT made this 16th day of April, 2009, by and between The Board of Supervisors of Stafford County of Virginia, herein after called Grantor and **VERIZON SOUTH INC.**, a Virginia corporation, its successors, assigns lessees and agents, herein after called Grantee.

WITNESSETH:

For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") to install, construct, operate, maintain, inspect, improve, relocate, alter, replace and remove a communication system consisting of such poles, wires, crossarms, conduits, manholes, fixtures, marker poles, buried cables and other appurtenances (the "Facilities"), as Grantee may from time to time require, upon, under, across and over Grantor's real property being located in the Magisterial District of **GARRISONVILLE**, County of **Stafford**, Commonwealth of Virginia more particularly identified as **PARCEL #053** (the "Property") as shown and described as follows: **A PERMANENT UTILITIES EASEMENT AS SHOWN ON VDOT PROJECT #0610-089-167, C506 PLAN SHEET 8**

Said Easement is hereby granted and conveyed unto Grantee together with the following rights and covenants:

- (1) Grantee shall have the right of ingress and egress over, upon and across the Property, including Grantor's private roads, to and from the communications system and Easement, including the right to temporarily open and close fences, for the purposes of exercising the rights herein granted.
- (2) Grantee shall have the right to trim, cut and remove trees, shrubbery, undergrowth and other obstructions within the Easement Area which interfere with or threaten the efficient and safe operation, construction or maintenance of it facilities or impedes the access thereto.
- (3) The communications system constructed hereunder is and shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, remove and relocate its communications system, or any part thereof, within the Easement Area, and may make such changes, alterations, substitutions, additions in and to or extensions of its facilities as it deems advisable without the prior consent of the Grantor.
- (4) During periods of actual construction, Grantee shall have the temporary right to use Grantor's property lying adjacent to the Easement Area.
- (5) NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.
- (6) Grantee, its successors and assigns agree to relocate Grantee's facilities, at Grantor's expense, to a new easement, suitable to Grantee and provided or obtained by Grantor at Grantor's expense, at the request of the Grantor; provided, however, that the new easement is provided or obtained and Grantor provides Grantee notification of required relocation, in writing, at least ninety (90) days prior to required completion of relocation.
- (7) The Grantee, after constructing, inspecting or maintaining its facilities, shall restore the property as nearly as reasonably practicable to the condition of the property existing immediately prior to the commencement of the work to construct, inspect or maintain its facilities. Grantee shall be liable for all physical damages resulting from its own exercise of the rights granted hereunder, except where such damage is not attributable to the actions of the Grantee, including, but not limited to, those damages resulting from the forces of nature, and/or other causes beyond the control of Grantee;

provided, however, that Grantee is notified of any damage in writing by Grantor within thirty (30) days of completion of Grantee's activity within the Easement Area.

- (8) Grantor covenants that it is seized of the Property and has the right to convey the Easement, rights and privileges herein conveyed to Grantee and that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid Easement, rights and privileges hereby granted.

IN WITNESS WHEREOF, the following signature(s) and seal(s):

(Insert Name of Corporation, LLC, Partnership or Governmental Entity)

By: _____

Print Name: _____

Print Title: _____

- OR -

By: _____

(Insert Name of Individual Person(s))

COMMONWEALTH OF VIRGINIA:
County/City of _____ ; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that _____ (as _____ of _____ for Corp, LLC, LP, GP, Govt Entity) did personally appear before me and acknowledge the foregoing writing dated _____ in the jurisdiction aforesaid this ____ day of _____, 20__.

My Commission expires: _____

Notary Registration: # _____

Notary Public

By: _____

(Insert Name of Individual Person(s))

COMMONWEALTH OF VIRGINIA:
County/City of _____ ; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby certify that _____ (as _____ of _____ for Corp, LLC, LP, GP, Govt Entity) did personally appear before me and acknowledge the foregoing writing dated _____ in the jurisdiction aforesaid this ____ day of _____, 20__.

My Commission expires: _____

Notary Registration: # _____

Notary Public

L = 688.96'
R = 807.94'
PC = 139+03.45
PT = 145+92.41

L 0610-089-167, C506
A 138-25

C INC
93.63' / .9693
Prop. Perm. Utility Easement
for Verizon IS-Vor.
P180+81.71
A=918.21' RT

THE BOARD OF SUPERVISORS OF STAFFORD COUNTY VIRGINIA
DB 1055 PG 262
0.341 AC. 55.23' / .13.44
Tax* 19 42C 52.00' / .2493
Tel Ped 148-II-BI-3225

BEG. TRANS. STA. 138-25

93.41' / .0657
80.23' / .1358

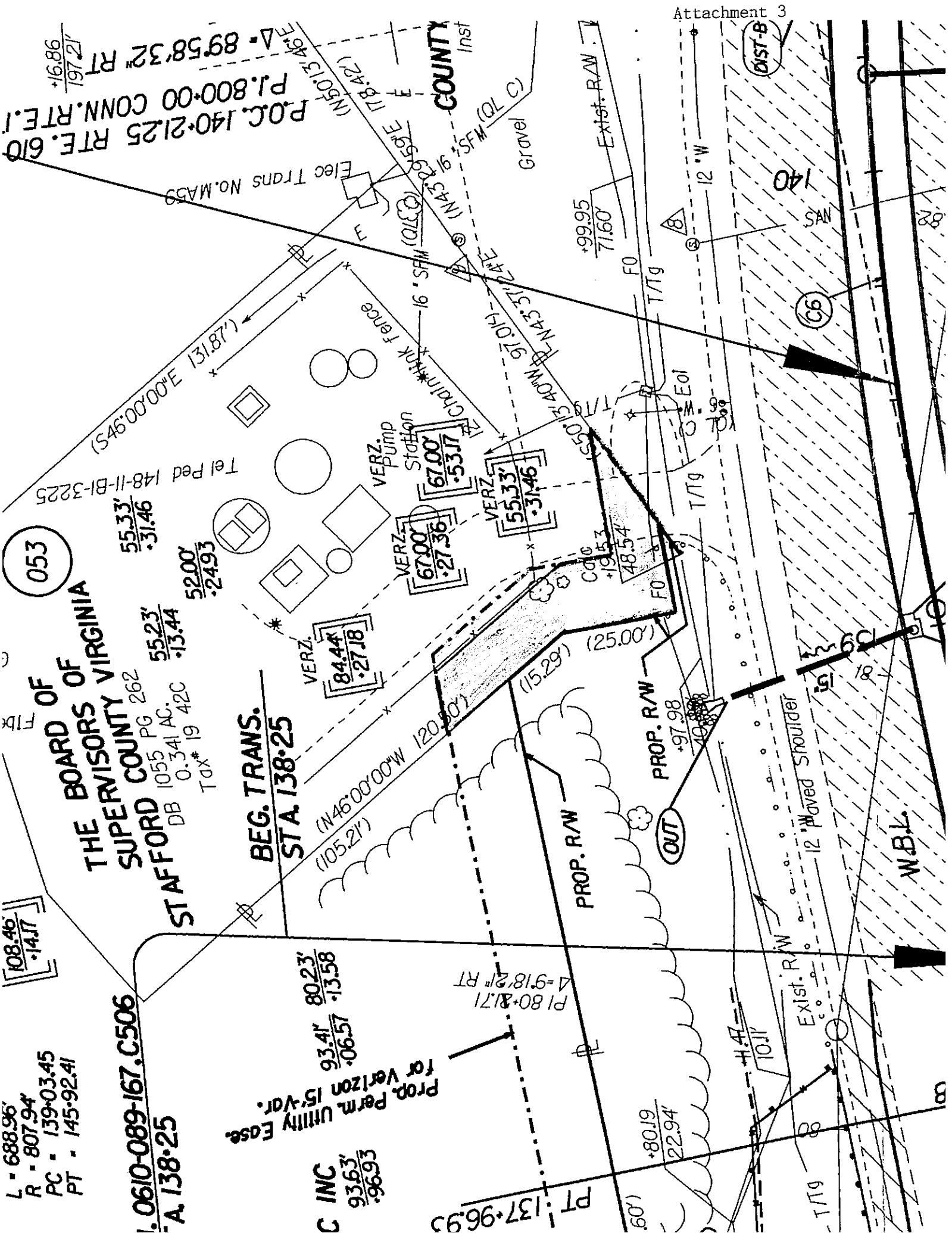
VERZ. [84.44' / .2718]

VERZ. [67.00' / .2736]

VERZ. [55.33' / .3146]

VERZ. [67.00' / .5317]

P.O.C. 140+21.25 RTE. 610
P.1.800+00 CONN. RTE. 1
+16.86 / 197.21'
Elev. 8958'32" RT



PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the day of 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp, II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN EASEMENT AGREEMENT WITH VERIZON SOUTH
INC.

WHEREAS, Verizon South Inc. has requested an easement across County property located at the Garrisonville sewage pumping station on Garrisonville Road for the purpose of relocating telephone lines outside of the proposed Virginia Department of Transportation (VDOT) road widening project; and

WHEREAS, the granting of this easement will have no known negative impact on current or future operations of the Department of Utilities; and

WHEREAS, the Board has carefully considered the recommendation of the staff and testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day of 2009, that the County Administrator be and he hereby is authorized to execute an easement agreement with Verizon South Inc. for the relocation of telephone lines on County property at the Garrisonville sewage pumping station and identified as Parcel 19-42C.

AR:HLC:cdg

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 19th day of May 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp, II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING REGARDING GRANTING AN EASEMENT TO VERIZON SOUTH INC.

WHEREAS, Verizon South Inc. has requested an easement across County property located at the Garrisonville sewage pumping station on Garrisonville Road for the purpose of relocating telephone lines outside of the proposed Virginia Department of Transportation (VDOT) road widening project; and

WHEREAS, the granting of this easement will have no known negative impact on current or future operations of the Department of Utilities; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of May 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider public comments regarding the granting of this easement to Verizon South Inc.

AR:HLC:cdg