

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE November 20, 2008

TO Board of Supervisors

FROM Ron Billingsley *R.B.*
Director of Public Services

ISSUE: Authorize a Public Hearing to Convey an Easement to Verizon South, Inc
To Provide Service to Fire Station #2

STAFF RECOMMENDATION Approval

BUDGET IMPACT N/A

ATTACHMENTS (4)

[1] Background Report [4] Reso/Ord/Proc # R08-395

[2] Proposed Easement and Plat [] Reso/Ord/Proc #

[3] Proposed R08-396 [] Reso/Ord/Proc #

REVIEW [X] County Administrator's Office *[Signature]*
[X] Legal *Joseph L. Howard, Jr.*
[] _____

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

PRESENTATION BY N/A

ELECTION DISTRICT Aquia

BACKGROUND REPORT

Verizon South, Inc is requesting a fifteen (15') foot easement in order to provide service to the new Fire Station #2 on TM 30, Parcel 43H on Courthouse Road

A public hearing must be held on the conveyance of property easements pursuant to Section 15 2-1800 of the Code of Virginia (1950), as amended

Staff recommends approval of proposed Resolution R08-395

Verizon WO No 8767-3P0A0KB
VDOT Project No N/A

ROW Tracking No I64-04-C1
Parcel No TM 30 43H

After Recording Mail To
VERIZON SOUTH INC
43 BELLS HILL RD
STAFFORD, VA 22554



Document Prepared By
VERIZON SOUTH INC
43 BELLS HILL RD
STAFFORD, VA 22554

TAX MAP PARCEL I D NO
TM 30-43H

DEED OF EASEMENT

THIS DEED OF EASEMENT made this ____ day of _____, 2008 by and between THE COUNTY OF STAFFORD 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 buried cable, terminals and related above-ground facilities, including but not limited to terminals, location markers 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 District of AQUIA, County of STAFFORD, Commonwealth of Virginia more particularly identified as FIRESTATION #2 1170 COURTHOUSE RD and TM 30-43H (the "Property") as shown and described on a plat identified as Exhibit "A" Sheet 3, numbered attached hereto and made a part hereof (the "Easement Area")

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

- (i) Grantee shall have the right of ingress and egress over, upon and across the easement, and 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
- (ii) 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 its facilities or impedes the access thereto
- (iii) 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
- (iv) The Verizon Easement shall be fifteen feet (15') in width, within which shall be the communications system facilities shown in Exhibit "A" sheet 3 of 3
- (v) During periods of actual construction, Grantee shall have the temporary right to use Grantor's property lying adjacent to the Easement Area with prior consent by the owner
- (vi) 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
- (vii) 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
- (viii) 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 ninety (90) days of completion of Grantee's activity within the Easement Area
 - (ix) 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)

THE COUNTY OF STAFFORD VIRGINIA

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

By _____

Name _____

Print

Title _____

- OR

By _____

(Insert Name of Individual Person(s))

Name _____

(Print)

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 _____, 2008

My Commission expires _____

Notary Public

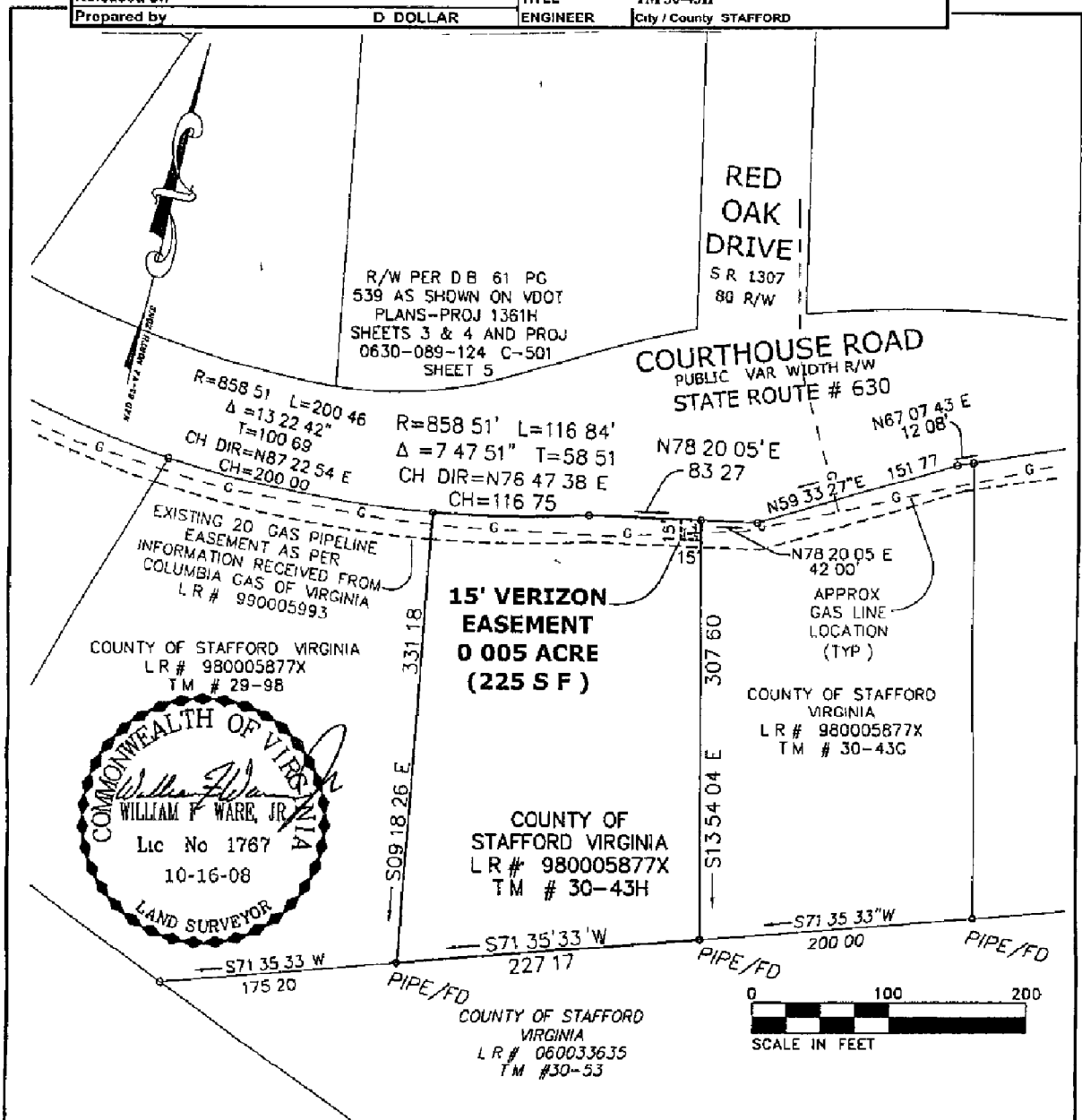
REGISTRATION NO _____

NOTE Document must remain on legal size paper. Do not reduce the size of this document.

All signatures and printed names should be legible. Notary stamp cannot be over any printed information. Thank you.

NOTE REFER TO SHEETS 3 of 3 FOR DRAWING AND TITLE BLOCK

VERIZON SOUTH INC		RIGHT OF WAY PLAT EXHIBIT A SHEET 3	
Exchange	STAFFORD	8767	
OWNER THE COUNTY OF STAFFORD VIRGINIA			
Verizon 15 Utility Easement Back of VDOT R O W			
SITE ADDR FIRESTATION #2 1170 COURTHOUSE RD			
Work Order 18767 3P0A0KB		MAPCOM	LR# 980005877X
Sheet 3 OF 3		164 04 C1	District ROCK HILL
Released on		TITLE	Tax Map Number
Prepared by D DOLLAR		ENGINEER	TM 30-43H
			City / County STAFFORD



- NOTES
- 1 THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THEREFORE MAY NOT SHOW ALL EASEMENTS OR ENCUMBRANCES ASSOCIATED WITH THE PARCELS SHOWN HEREON THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR ENCUMBRANCES OF RECORD
 - 2 THIS PLAT DOES NOT REPRESENT A CURRENT FIELD RUN BOUNDARY SURVEY OF THE PARCEL SHOWN HEREON AND SHOULD NOT BE RELIED UPON AS SUCH CORNERS INDICATED AS FOUND WERE FIELD LOCATED THOSE WITH NO DESIGNATION WERE NOT FOUND NO CORNERS WERE SET IN THE PREPARATION OF THIS PLAT
 - 3 THE INTENT OF THIS PLAT IS TO SHOW THE 15 UTILITY EASEMENT RUNNING CONTIGUOUS WITH AND SOUTH OF THE SOUTHERN RIGHT-OF-WAY LINE OF COURTHOUSE ROAD ON THE PARCEL SHOWN HEREON

THIS DRAWING PREPARED AT THE CORPORATE OFFICE 1001 Boulders Parkway Suite 300 Richmond VA 23225 TEL 804 209 6500 FAX 804 560 1016 www.timmons.com	YOUR VISION ACHIEVED THROUGH OURS	ROCK HILL DISTRICT * STAFFORD COUNTY, VIRGINIA	
		DATE OCTOBER 16 2008	SCALE 1"=100'
		REV	J N 23701
Site Development	Residential	Infrastructure	Technology
		DRAWN BY WFW	CHECK BY WFW



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 16th day of December, 2008

MEMBERS

VOTE

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

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

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF AN
EASEMENT ON COUNTY-OWNED PROPERTY TO VERIZON
SOUTH, INC

WHEREAS, Verizon South, Inc has requested a fifteen (15') foot easement on County-owned property at TM 30, Parcel 43H on Courthouse Road, and

WHEREAS, this easement is necessary for Verizon South, Inc to provide service to the new Fire Station No 2, and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of December, 2008, that the County Administrator be and he hereby is authorized to convey a fifteen (15') easement on County-owned property located at TM 30, Parcel 43H on Courthouse Road to Verizon South, Inc for the purpose of providing service to Fire Station No 2

AR RB wb

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STAFFORD, VIRGINIA

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Harry E Crisp II
Mark Dudenhefer
Paul V Milde III
Cord A Sterling
Robert "Bob" Woodson

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 TO GRANT CONVEYANCE OF AN
EASEMENT TO VERIZON SOUTH, INC

WHEREAS, Verizon South, Inc has requested a fifteen (15') foot easement across TM 30, Parcel 43H on Courthouse Road, and

WHEREAS, the granting of this easement will allow Verizon South, Inc to provide service to the new Fire Station No 2 on the County's real property located on Courthouse Road , 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 20th day of November, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing the granting of an easement to Verizon South, Inc

JLHjr EGL ce