

# Issue Analysis Form



**Date:** September 14, 2021  
Deed of Utility & Access  
Easement and Temporary  
Construction Easement

**Item:**

**Lead Department(s):** County Attorney

**Contact Person(s):** Dan Whitten

## Description and Current Status

Spirit Life Church owns 5.551 acres of land on State Route 646/Middle Road described as Tax Map Number 120(07)00-00A-1. The County will be improving Romans Road in anticipation of the construction of the new elementary school. The construction will require a variable width utility & access easement and a variable width temporary construction easement.

Attached for the Board's review and consideration are the Deed of Utility & Access Easement and a Temporary Construction Easement and plat.

Sample Motion: I move that the Board authorize the County Administrator to sign the Deed of Utility & Access Easement and Temporary Construction Easement for Spirit Life Church.

## Government Path

Does this require IDA action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this require BZA action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does This require Planning Commission Action?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this require Board of Supervisors action?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does this require a public hearing?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If so, before what date?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Fiscal Impact Statement

## County Impact

## Notes

Board of Supervisors  
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 14<sup>th</sup> day of September, 2021:

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Present:

Floyd M. Brown, Jr., Chairman  
Marlene J. Waymack, Vice Chair  
Alan R. Carmichael  
Donald Hunter  
T. J. Webb

Vote:

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On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried unanimously, the following Resolution was adopted:

RESOLUTION: DEED OF UTILITY & ACCESS EASEMENT AND A  
TEMPORARY CONSTRUCTION EASEMENT LOCATED ON  
PARCEL ID: 120(07)00-00A-1 FOR ROMANS ROAD  
IMPROVEMENTS AND THE CONSTRUCTION OF THE NEW  
WALTON ELEMENTARY SCHOOL

WHEREAS, the Prince George County Board of Supervisors has determined that it is in the best interest of the County and its citizens to improve State Route 646/Middle Road and Romans Road for the construction of the new elementary school; and

WHEREAS, the County needs a variable width utility & access easement and a variable width temporary construction easement for the project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 14<sup>th</sup> day of September, 2021, does hereby authorize the County Administrator to sign the Deed of Utility & Access Easement and Temporary Construction Easement.

A Copy Teste:

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Percy C. Ashcraft  
County Administrator

This deed is exempt from the recordation taxes pursuant to § 58.1-811(A)(3) and § 58.1-811(C)(5).

Consideration: \$10.00

Prepared by:

Dan N. Whitten  
County Attorney  
6602 Courts Drive, Third Floor  
Prince George, Virginia 22630  
Telephone: (804) 722-8685  
Fax: (804) 733-2539

Assessment: \$0.00

Tax Map No.: 120(07)00-00A-1 (Portion)

### DEED OF DEDICATION OF EASEMENT

**THIS DEED OF DEDICATION OF EASEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between **SPIRIT LIFE CHURCH**, a Virginia Corporation (**GRANTOR**) and **THE COUNTY OF PRINCE GEORGE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (**GRANTEE**).

#### **WITNESSETH:**

**WHEREAS**, the Grantor is the owner of a parcel of real estate described as Tax Map Number 120(07)00-00A-1, as shown and designated as “N/F SPIRIT LIFE CHURCH T.M #120(07)00-00A-1 INST. #190002411 INST. #080003480 D.B. 21, PAGE 132” on a plat and survey entitled “PLAT SHOWING A VARIABLE WIDTH UTILITY & ACCESS EASEMENT AND A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT LOCATED ON THE NORTH SIDE OF STATE ROUTE 646, MIDDLE ROAD BLAND DISTRICT PRINCE GEORGE COUNTY, VIRGINIA” prepared by Gregory G. McGlothlin, Land Surveyor, dated March 9, 20201 and revised August 16, 2021, a copy of which is attached hereto and to which reference is made for a more particular description.

**WHEREAS**, the Grantor desires to dedicate and convey to the Grantee a variable width utility and access easement (hereinafter "Utility Easement") and a temporary construction easement (hereinafter "Construction Easement"); and

**WHEREAS**, the Grantee desires to accept the dedication of the Utility Easement and Construction Easement.

**NOW, THEREFORE**, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee the following described easements, to wit:

A Utility Easement for the purpose of ingress and egress and for installing, constructing, maintaining, inspecting, operating, repairing, rebuilding, altering, improving, replacing, substituting, relocating and removing one or more underground water lines, and accessories and appurtenances relating thereto, for the distribution and transmission of water within the Easement across property of Grantor located in Bland District, Prince George County, Virginia, together with all rights and privileges hereinafter enumerated pertaining to said property.

A Construction Easement for the purpose of construction, repair, alteration, replacement, or other improvements to Romans Road, together with all rights and privileges hereinafter enumerated pertaining to said property.

The easements are identified as "VARIABLE WIDTH UTILITY & ACCESS EASEMENT" and "VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT" on the plat entitled "PLAT SHOWING A VARIABLE WIDTH UTILITY & ACCESS EASEMENT AND A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT LOCATED ON THE NORTH SIDE OF STATE

ROUTE 646, MIDDLE ROAD BLAND DISTRICT PRINCE GEORGE COUNTY, VIRGINIA” prepared by Gregory G. McGlothlin, Land Surveyor, dated March 9, 2021 and revised August 16, 2021, a copy of which plat is attached hereto and made a part hereof.

This conveyance is made subject to the restrictions, conditions, rights of way and easements, if any, contained in the instruments forming the chain of title to this property.

Further, the Utility Easement and Construction Easement are granted subject to the following conditions:

1. All water mains and appurtenant facilities which are installed in the Utility Easement shall be and remain the property of Grantee.
2. At no time shall Grantor charge Grantee for the use of the Utility Easement or Construction Easement or for the privilege of exercising the rights granted under this Deed.
3. Grantee, its agents and employees, for the purpose of inspecting, maintaining, or operating its facilities, shall have the right of ingress and egress over the Utility Easement and Construction Easement, and the right of ingress to and egress from the Utility Easement and Construction Easement over the property of Grantor adjacent to the Utility Easement and Construction Easement and lying between public or private roads and the Utility Easement and Construction Easement, in such manner as shall occasion the least practicable damage and inconvenience to Grantor. Grantee shall repair damage to roads, fences or other improvements caused by it, its agents or employees, while exercising this right of ingress and egress or shall pay Grantor for any damage done in the exercise of its right of ingress and egress, provided Grantor notice thereof to Grantee within sixty days after such damage occurs.

4. Grantee, its agents and employees, shall have the right to inspect, rebuild, repair, improve, relocate, replace, remove, make additions or extensions, thereto, and make changes, alterations, and substitutions therein, including the right to install additional lines, within the said Utility Easement, as Grantee may from time to time deem advisable or expedient, and shall have rights and privileges as may be reasonably necessary for the full enjoyment or use, for any of the aforesaid purposes of the Utility Easement herein granted.

5. Grantee, its agents and employees, shall have the right to alter, trim, cut, and remove all trees, limbs, undergrowth, shrubbery, landscape plantings of any kind, fences, buildings, structures or other obstructions or facilities, natural or artificial, on or in the said Utility Easement and Construction Easement; provided, however, that unless hereinafter otherwise agreed, except for trees, limbs, and undergrowth removed, Grantee shall repair, restore, or replace any and all facilities currently located on or in the Utility Easement and Construction Easement which may be disturbed, damaged or removed to as nearly as possible to their original condition, and shall remove all trash and other debris generated by its work from the Utility Easement and Construction Easement and shall restore the surface thereof to as nearly as possible to its original condition.

6. Grantor reserves the right to make use of the Utility Easement and Construction Easement herein granted in a manner which may not be inconsistent with the rights herein conveyed or which does not interfere with the use of the Utility Easement and Construction Easement by Grantee for the purposes aforesaid; provided, however, that unless hereinafter otherwise agreed, Grantor shall not erect any building or other structure, except a fence, on the Utility Easement and Construction Easement without obtaining the prior written approval of Grantee.

7. Upon completion of any construction, repair, alteration, replacement, or other improvements to Romans Road, the Construction Easement granted hereby shall be inoperative and of no further force and effect.

It is agreed among the parties hereto, that this grant covers all the agreements between the parties and no representation or statements, verbal or written, have been made, modifying, adding to or changing the terms of this Deed. This Deed contains the entire understanding of the parties and may not be modified except by subsequent writing signed on behalf of the party or parties to be bound thereby.

Grantor covenants that they have the right to convey the aforesaid property unto Grantee; that the Grantee shall have quiet possession thereof; that Grantor have done no act to encumber such property that would affect its use for a public purpose and it will execute such further assurances in the future as may be requisite to allow public use for utility purposes or related uses within the property hereby conveyed.

Grantor, by the execution of this instrument, acknowledges that the plans for the aforesaid project as they affect her property have been fully explained to her.

**WITNESS** the following signature(s):

**SPIRIT LIFE CHURCH**

**BY:** \_\_\_\_\_  
**Gary McReynolds, President**

**COMMONWEALTH OF VIRGINIA  
COUNTY OF PRINCE GEORGE, TO-WIT:**

I, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Gary McReynolds, President of Sprit Life Church whose name is signed to the foregoing Deed of Dedication of Easement, personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_.

Notary certificate number \_\_\_\_\_.



**SPIRIT LIFE CHURCH**

**BY:** \_\_\_\_\_  
**Robert Rightmyer, Trustee**

**COMMONWEALTH OF VIRGINIA  
COUNTY OF PRINCE GEORGE, TO-WIT:**

I, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Robert Rightmyer, Trustee of Sprit Life Church whose name is signed to the foregoing Deed of Dedication of Easement, personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_.

Notary certificate number \_\_\_\_\_.

The foregoing conveyance is hereby accepted by the County of Prince George, Virginia in accordance with Virginia Code § 15.2-1803 (1950) as amended, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the County of Prince George, as evidenced by a resolution authorizing the same adopted by the Prince George County Board of Supervisors on \_\_\_\_\_; and is approved as to form as evidenced by the signature of the County Attorney for the County of Prince George.

**WITNESS** the following signature:

**COUNTY OF PRINCE GEORGE, VIRGINIA**

**BY:** \_\_\_\_\_  
**Percy Ashcraft, County Administrator**

COMMONWEALTH OF VIRGINIA  
COUNTY OF PRINCE GEORGE, TO-WIT:

I, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Percy Ashcraft whose name is signed on behalf of the County of Prince George, Virginia to the foregoing Deed of Dedication of Easement, personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

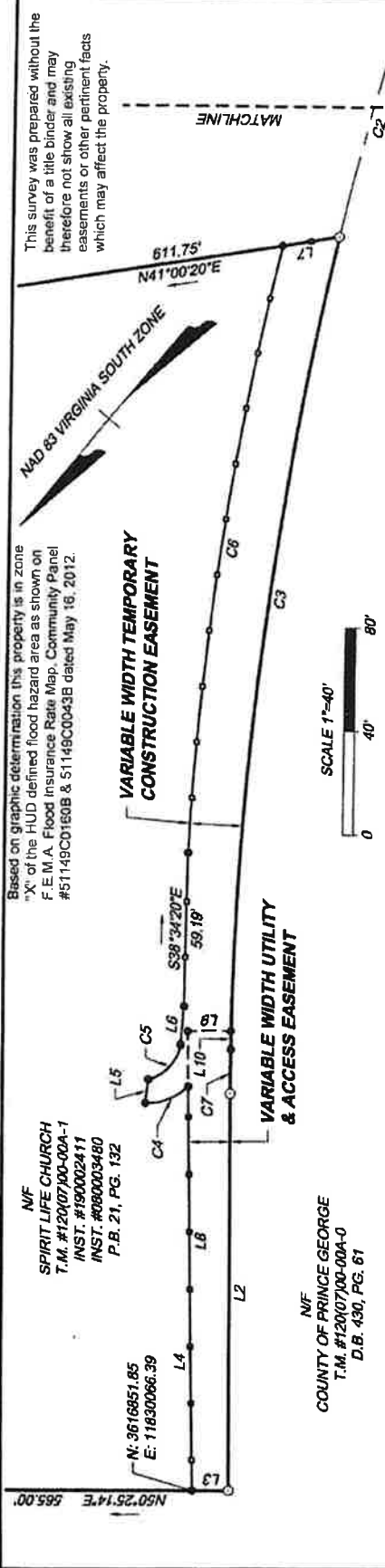
My commission expires \_\_\_\_\_.

Notary certificate number \_\_\_\_\_.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Dan N. Whitten, County Attorney**

THIS DRAWING PREPARED AT THE  
 TIMMONS GROUP OFFICE  
 4701 Orange Way, Suite 2001, Prince George, VA 23923  
 TEL: 804.541.6000 FAX: 804.541.1511 WWW.TIMMONSGROUP.COM



Based on graphic determination this property is in zone "X" of the HUD defined flood hazard area as shown on F.E.M.A. Flood Insurance Rate Map, Community Panel #51149C0160B & 51149C0043B dated May 16, 2012.

N: 3616851.85  
 E: 11830066.39  
 N50°25'14"E 565.00'

SPRIT LIFE CHURCH  
 T.M. #1200700-00A-1  
 INST. #190002411  
 INST. #080003480  
 P.B. 21, PG. 132

COUNTY OF PRINCE GEORGE  
 T.M. #1200700-00A-0  
 D.B. 430, PG. 61

SUPER KIDS MINISTRIES INC  
 T.M. #1200700-00A-2  
 INST. #080003480  
 INST. #080002887  
 P.B. 24, PG. 157

COUNTY OF PRINCE GEORGE  
 T.M. #1200700-00A-0  
 D.B. 430, PG. 61

**CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	50.00'	70.78'	42.78'	81°06'22"	S63°04'50"E	65.01'
C2	1433.70'	88.52'	44.27'	3°32'15"	N24°30'01"W	88.50'

**TEMPORARY CONSTRUCTION EASEMENT**

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C3	1433.70'	333.06'	167.28'	13°18'37"	N32°55'27"W	332.31'
C4	21.09'	17.82'	9.48'	48°23'57"	N28°53'28"E	17.28'
C5	16.52'	19.24'	10.88'	66°43'15"	S1°57'14"W	18.17'
C6	1212.56'	236.66'	118.71'	11°10'58"	S31°36'30"E	236.28'

**VARIABLE WIDTH UTILITY & ACCESS EASEMENT**

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C7	1433.70'	17.03'	8.51'	0°40'50"	N39°14'21"W	17.03'

**LINE TABLE**

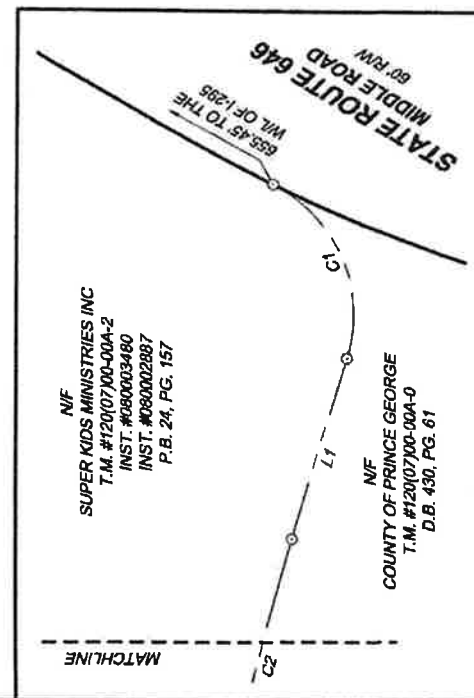
LINE	BEARING	LENGTH
L1	N22°43'54"W	65.32'

**TEMPORARY CONSTRUCTION EASEMENT**

LINE	BEARING	LENGTH
L2	N39°34'46"W	150.00'
L3	N50°25'14"E	13.63'
L4	S40°21'25"E	152.60'
L5	S32°57'40"E	8.89'
L6	S34°51'12"E	14.58'
L7	S41°00'20"W	22.52'

**VARIABLE WIDTH UTILITY & ACCESS EASEMENT**

LINE	BEARING	LENGTH
L8	S40°21'25"E	173.88'
L9	S49°38'35"W	18.00'



PLAT SHOWING  
**A VARIABLE WIDTH UTILITY & ACCESS EASEMENT & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT LOCATED ON THE NORTH SIDE OF STATE ROUTE 646, MIDDLE ROAD**  
 BLAND DISTRICT  
 PRINCE GEORGE COUNTY, VIRGINIA

**DATE: March 9, 2021**  
**SCALE: 1"=40'**  
**SHEET 1 OF 1**  
**J.N.: 95407-903**  
**DRAWN BY: JHL**  
**CHECK BY: GGM**  
**REVISSED: August 11, 2021**

SUBDIVISION AGENT \_\_\_\_\_ DATE \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
 8-11-2021  
 GREGORY G. MCGLOTHLIN  
 Lic. No. 2557  
 LAND SURVEYOR