

Issue Analysis Form



Date: April 26, 2022
Item: Acceptance of Deed of Right-of-Way
Lead Department(s): County Attorney
Contact Person(s): Dan Whitten

Description and Current Status

Nancy B. Phillingane owns 100.8 acres of land on State Route 646/Middle Road described as Tax Map Number 230(0A)00-014-0. The County is improving State Route 646/Middle Road in anticipation of the new Elementary School being constructed on Middle Road. The work requires .323 acres of the property for the right-of-way for the road improvements on Middle Road.

Attached for the Board's review and acceptance is a Deed of Dedication of Right-of-Way between Nancy B. Phillingane and the County of Prince George.

Sample Motion: I move that the Board authorize the County Administrator to sign the Deed of Dedication of the right-of-way for Nancy B. Phillingane.

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 work session 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 26th day of April, 2022:

Present:

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

Vote:

A-6

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

RESOLUTION: DEED OF DEDICATION OF RIGHT-OF-WAY
LOCATED ON PARCEL ID: 230(0A)00-014-0 FOR STATE ROUTE
646/MIDDLE ROAD IMPROVEMENTS AND THE CONSTRUCTION
OF THE NEW 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 for the construction of the new Elementary School; and

WHEREAS, the County needs a right-of-way for the project on land owned by Nancy B. Phillingane, Tax Map Parcel: #230(0A)00-014-0; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 26th day of April, 2022, does hereby authorize the County Administrator to sign the Deed of Dedication of Right-of-Way.

A Copy Teste:

Jeffrey D. Stoke
County Administrator

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

Consideration: \$500.00

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.: 230(0A)00-014-0 (Portion)

DEED OF DEDICATION OF RIGHT-OF-WAY

THIS DEED OF DEDICATION OF RIGHT-OF-WAY is made and entered into this ____ day of April, 2022, by and between **NANCY B. PHILLINGANE**, (**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 230(0A)00-014-0, as shown and designated as “100.8 ± ACRES HERBERT A. & NANCY B. PHILLINGANE T.M. #230(0A)00-014-0 INST. #000002078 (100.48 ± ACRES)” on a plat and survey entitled “PLAT SHOWING RIGHT OF WAY DEDICATION ACROSS THE PROPERTY OF HERBERT A. & NANCY B. PHILLINGANE LOCATED ON THE SOUTH SIDE OF STATE ROUTE 646, MIDDLE ROAD BLAND DISTRICT PRINCE GEORGE COUNTY, VIRGINIA” prepared by Gregory G. McGlothlin, Land Surveyor, dated March 10, 2021, and revised August 11, 2021, a copy of which is attached hereto and to which reference is made for a more particular description.

WHEREAS the Grantor now desires to dedicate and convey to the Grantee a portion of the property for right-of-way for the improvement of State Route 646, Middle Road; and

WHEREAS the Grantee desires to accept the dedication of the right-of-way; and

WHEREAS Herbert A. Phillingane died on April 8, 2021, and the Property was held by Herbert A. Phillingane and Nancy B. Phillingane, husband and wife, as tenants by the entireties with the right of survivorship as at common law, vesting title in fee simple in Nancy B. Phillingane.

NOW, THEREFORE for and in consideration of FIVE HUNDRED DOLLARS (\$500.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor hereby dedicates, grants, and conveys to the public use with SPECIAL WARRANTY OF TITLE unto the Grantee, in fee simple, a right-of-way over and across the following described property situated in the **BLAND DISTRICT**, Prince George County, Virginia, to-wit:

PORTION OF TAX MAP # 230(0A)00-014-0

All that right-of-way for public use over and across Tax Map Parcel 230(0A)00-014-0, said right-of-way comprising an area of 0.323 acres, and being situated on a plat entitled "PLAT SHOWING RIGHT OF WAY DEDICATION ACROSS THE PROPERTY OF HERBERT A. & NANCY B. PHILLINGANE LOCATED ON THE SOUTH SIDE OF STATE ROUTE 646, MIDDLE ROAD BLAND DISTRICT PRINCE GEORGE COUNTY, VIRGINIA" prepared by Gregory G. McGlothlin, Land Surveyor, dated March 10, 2021 and revised August 11, 2021, a copy of which is attached hereto and to which reference is made for a more particular description.

IT BEING a portion of the same property conveyed to Herbert A. & Nancy B. Phillingane by Deed dated May 15, 2000 and recorded May 22, 2000, of record as Instrument # 000002078, in the Clerk's Office in the Prince George County Circuit Court.

Grantor covenants that it has the right to convey the property; that the Grantee shall have quiet and peaceful enjoyment and possession of said property, and that the Grantor will execute such further assurances of the said grant herein contained as may be requisite.

This conveyance is subject to all easements, restrictions, covenants and conditions of record insofar as they legally affect the property herein conveyed.

WITNESS the following signature(s):

NANCY B. PHILLINGANE

BY: *Nancy B. Phillingane* (SEAL)

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

I, *Vickie Turner*, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Nancy B. Phillingane, whose name is signed to the foregoing Deed of Dedication of Right-of-Way, personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this 6 day of April, 2022.

Vickie L. Turner
NOTARY PUBLIC

My commission expires 6/30/2025

Notary certificate number 203973



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 April 26, 2022; 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: _____
Jeffrey D. Stoke, 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 Jeffrey D. Stoke whose name is signed on behalf of the County of Prince George, Virginia to the foregoing Deed of Dedication of Right-of-Way, personally appeared and acknowledged the same before me in my State and in the City/County aforesaid.

Given under my hand this ____ day of _____, 2022.

NOTARY PUBLIC

My commission expires _____.

Notary certificate number _____.

APPROVED AS TO FORM:

Dan N. Whitten, County Attorney