AGENDA ITEM ACTION REQUEST

	Meeting Date: July 26, 2011 **Meeting Type**: Regular _×_ Special ___
Requestor: ___ Manager _×_ City Attorney ___ Department ___ Other	**Item**: Consider an ordinance closing a 7,000 square foot portion of Dealton Avenue and a Deed of Easement for an additional 15 feet of access right of way for Valley Blox, Inc.. This is a first reading.
Reviewed: ___ Manager _×_ City Attorney ___ Department ___ Other **Recommend**: _×_ Yes ___ No ___ Manager _×_ City Attorney ___ Department ___ Other	**Review:** In acquiring the right of way for the Stone Spring Road and Erickson Avenue Project, the City and Valley Blox were unable to reach agreement. The City condemned the property and a suit was filed in the Circuit Court to establish a value on the taking. The suit has been settled and as part of the settlement offer the City is to convey a 7,000 square foot undeveloped portion of Dealton Avenue that adjoins Valley Blox and in addition give them an addition 15 feet of a private access easement across City property that lies in between two parcels owned by Valley Blox and Americast, Inc. which already have an existing 15 foot access easement across the City property. These conveyances are part of the existing final order of the Circuit Court.
	Attachments: 1. Ordinance and Deed of Easement.

ORDINANCE CLOSING AN UNDEVELOPED PORTION OF DEALTON AVENUE

CONTAINING APPROXIMATELY 7,000 SQUARE FEET

LOCATED IN THE SOUTHEAST PORTION

OF THE

CITY OF HARRISONBURG

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That an undeveloped portion of Dealton Avenue, containing approximately 7,000 square feet, more or less, located in the southeastern section of the CITY OF HARRISONBURG, to be indexed as Grantor, be closed and vacated. A plat showing the undeveloped portion of the street to be closed, prepared by Charles E. Wingard, L.S., City Surveyor dated June 14, 2011, is attached hereto and made a part hereof. The street being closed and vacated is shown on City Block Map number 5.

That upon passage of this ordinance, the title to the 7,000 square foot parcel shall be vested in VALLEY BLOX, INC., a Virginia corporation, owner of the adjoining parcel to the south, to be indexed as Grantee.

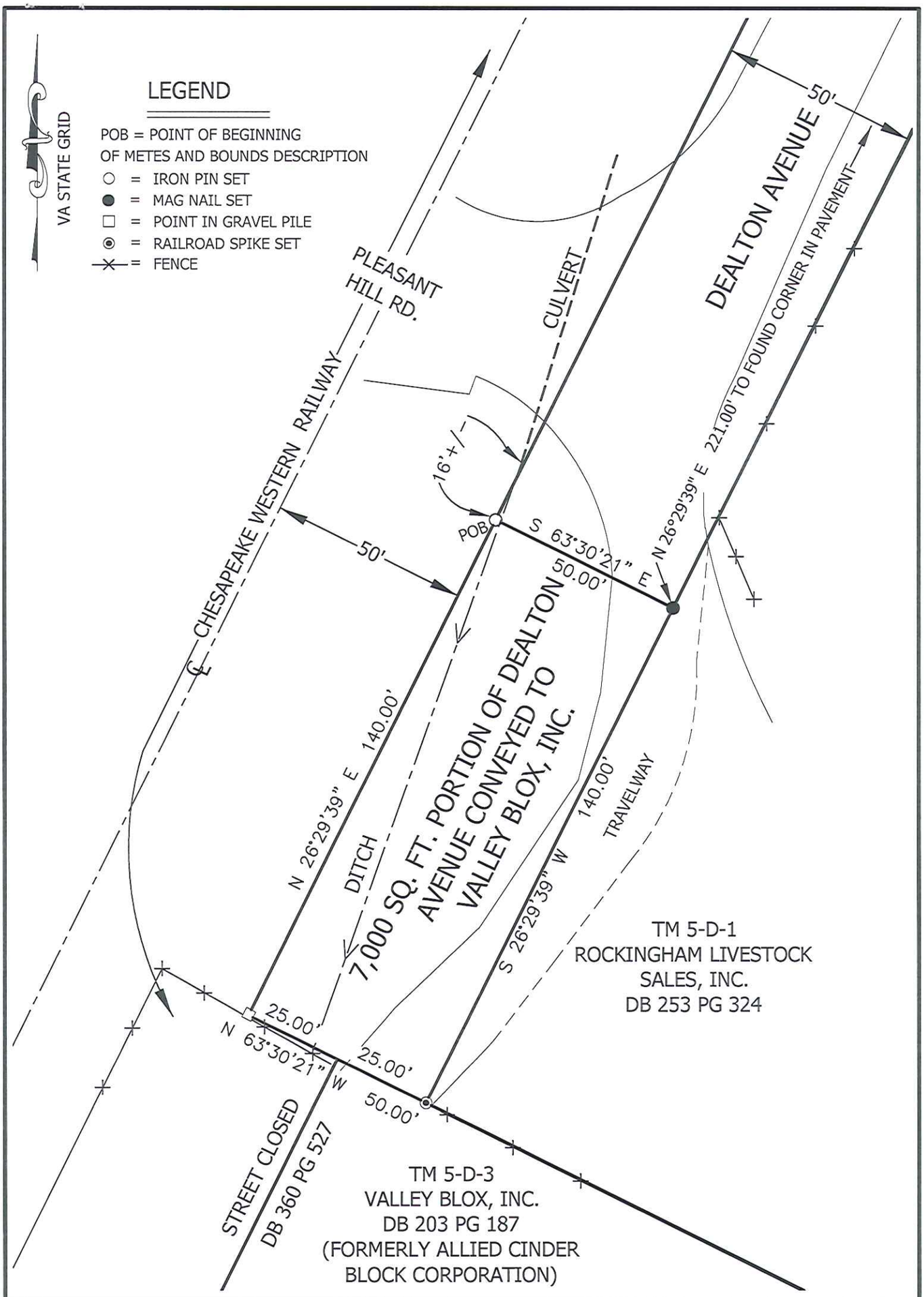
This ordinance shall be effective from the date of its passage.

ADOPTED and APPROVED this _____ day of _____, 2011.

_____
MAYOR

ATTESTE:

_____
Clerk of the Council



COMMONWEALTH OF VIRGINIA
6-14-11
CHARLES E. WINGARD
Lic. No. 1768
LAND SURVEYOR

7,000 SQ. FT. PORTION OF DEALTON AVENUE CONVEYED TO VALLEY BLOX, INC. BY CITY OF HARRISONBURG

CITY OF HARRISONBURG, VA

SCALE: 1" = 30'		
DRAWN BY	DATE	
JRS	JUNE 14 2011	
SHEET	BLOCK	LOT

DEALTON AVENUE AT VALLEY BLOX

PROJECT # 0913

DIVISION OF ENGINEERING
CITY OF HARRISONBURG
409 SOUTH MAIN STREET
HARRISONBURG, VA 22801

CITY OF HARRISONBURG VIRGINIA
Department of Planning and Community Development

Metes and bounds description of the southwestern portion of Dealton Avenue to be conveyed to Valley Blox, Inc. by the City of Harrisonburg, Virginia.

Beginning at an iron pin set in a ditch on the southeastern side of the Chesapeake Western Railway approximately 16 feet south of the southern end of a culvert passing under Pleasant Hill Road; thence making a new line through Dealton Avenue

S 63° 30' 21" E 50.00 feet

to a mag nail set in pavement in the northwestern line of the land of Rockingham Livestock Sales, Inc., said nail lying S 26° 29' 39" W 221.00 feet from a found corner in pavement; thence with said Livestock Sales line

S 26° 29' 39" W 140.00 feet

to a railroad spike set in the northeastern line of the land of Valley Blox, Inc.; thence with said Valley Blox line and continuing with a Chesapeake Western Railway line, passing their common corner at 25.00 feet

N 63° 30' 21" W 50.00 feet

to a point in a gravel pile; thence continuing with the southeastern side of the Chesapeake Western Railway

N 26° 29' 39" E 140.00 feet

to the beginning and enclosing an area of 7,000 square feet.

THIS DEED OF EASEMENT, made this 7th day of July, 2011, by and between **CITY OF HARRISONBURG**, a Virginia municipal corporation, Grantor, and **VALLEY BLOX, INC.**, a Virginia corporation, and **AMERICAST, INC.**, a Virginia corporation, Grantees.

W I T N E S S E T H :

WHEREAS, the Grantees have a fifteen foot (15') wide permanent access road easement across the Grantor's property, which said property is more particularly described in the Grantor's deed duly of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia in Deed Book 2142, Page 375; and

WHEREAS, the Grantees reserved a fifteen foot (15') wide permanent access road easement across property condemned by the Grantor, which said Certificate of Take is duly of record in the aforesaid Clerk's Office in Deed Book 3571, Page 246; and

WHEREAS, the Grantor and Grantees have agreed to increase the fifteen foot (15') wide permanent access road easement to thirty feet (30') in width and to establish its location by metes and bounds description; and

WHEREAS, the Grantor and Grantees wish to correct a typographic error in the original plat recorded with the Certificate of Take duly of record in the aforesaid Clerk's Office in Deed Book 3571, Page 246;

THIS DEED PREPARED BY: EARL Q. THUMMA, JR., CITY ATTORNEY
Tax Map ID No. – a portion of 5-E-2.

NOW, THEREFORE, THAT for and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid by the Grantees to the Grantor, before the execution and delivery hereof, and of other good and valuable consideration given, the receipt of all of which is hereby acknowledged, CITY OF HARRISONBURG, a Virginia municipal corporation, the said Grantor, does hereby grant unto the said VALLEY BLOX, INC., a Virginia corporation and AMERICAST, INC., a Virginia corporation, Grantees, an additional fifteen foot (15") wide permanent access road easement, containing 3,855 square feet, more or less, which will make the total access road easement thirty feet (30') in width, and contain 7,755 square feet, more or less, located in City of Harrisonburg, Virginia, as shown on two plats, dated May 25, 2011, by Charles E. Wingard, L.S., City Surveyor, which said plats and metes and bounds descriptions are attached hereto and made a part hereof.

This easement affects a portion of the real estate acquired by the Grantor, by deed duly recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2142, Page 375 and by Certificate of Take duly of record in the aforesaid Clerk's Office in Deed Book 3571, Page 246.

A plat of correction, dated May 27, 2011, by Philip H. Mundy, L.S. is attached hereto and made a part hereof to correct the typographical error on distance as set forth in the plat attached to the Certificate of Take recorded in Deed Book 3571 Page 246.

Reference is hereby made to the aforesaid deed and plat for further description and derivation of title to the property herein conveyed.

WITNESS the following signature and seal:

CITY OF HARRISONBURG,
a Virginia municipal corporation

By:_____
Kurt D. Hodgen

Its: City Manager

STATE OF VIRGINIA,
COMMONWEALTH AT LARGE,
COUNTY/CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this _____ day of _____, 2011, by Kurt D. Hodgen, City Manager of the City of Harrisonburg, a Virginia municipal corporation, on behalf of said city.

My commission expires: _____.
My registration number is: _____.

_____
Notary Public

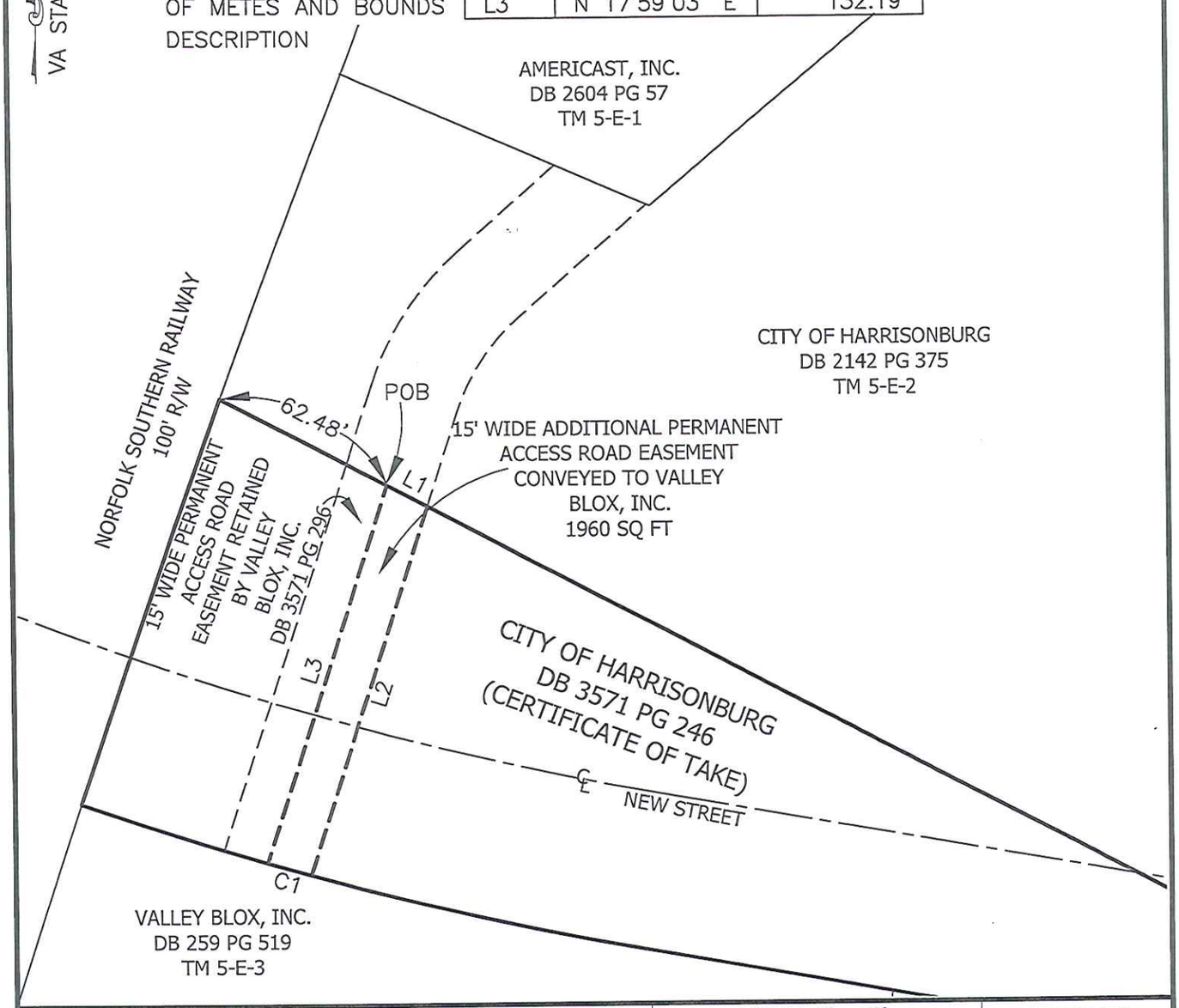
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1197.92'	15.01'	15.01'	N 74°00'47" W	00°43'04"

LINE	BEARING	DISTANCE
L1	S 62°06'15" E	15.23'
L2	S 17°59'03" W	129.05'
L3	N 17°59'03" E	132.19'

VA STATE GRID

LEGEND

POB = POINT OF BEGINNING OF METES AND BOUNDS DESCRIPTION



COMMONWEALTH OF VIRGINIA
5/25/11
CHARLES E. WINGARD
Lic. No. 1768
Charles E. Wingard
LAND SURVEYOR

PLAT SHOWING ADDITIONAL PERMANENT ACCESS ROAD EASEMENT CONVEYED TO VALLEY BLOX, INC.

BY
CITY OF HARRISONBURG

CITY OF HARRISONBURG, VA

SCALE: 1" = 50'		
DRAWN BY	DATE	
JRS	MAY 25 2011	
SHEET	BLOCK	LOT
5	E	-

ERICKSON AVE.
STONE SPRING ROAD
CONNECTION
PROJECT #
0736

DIVISION OF ENGINEERING
CITY OF HARRISONBURG
409 SOUTH MAIN STREET
HARRISONBURG, VA 22801

CITY OF HARRISONBURG VIRGINIA
Department of Planning and Community Development

15' WIDE ADDITIONAL PERMANENT ACCESS ROAD EASEMENT
CONVEYED TO VALLEY BLOX, INC. BY THE CITY OF HARRISONBURG

Beginning at a point in the southwestern line of the land of City of Harrisonburg (TM 5-E-2), said point lying S 62° 06' 15" E 62.48 feet from the eastern line of Norfolk Southern Railway and at the northeastern corner of an existing 15 foot wide permanent access road easement retained by Valley Blox, Inc.; thence

S 62° 06' 15" E 15.23 feet

to a point; thence through the area covered in a Certificate of Take by the City of Harrisonburg

S 17° 59' 03" W 129.05 feet

to a point in the northern line of the land of Valley Blox, Inc.; thence with a curve to the right having a delta angle of 00° 43' 04", a radius of 1197.92 feet and an arc length of 15.01 feet

Long Chord N 74° 00° 47" W 15.01 feet

to a point; thence through the area covered by the aforementioned Certificate

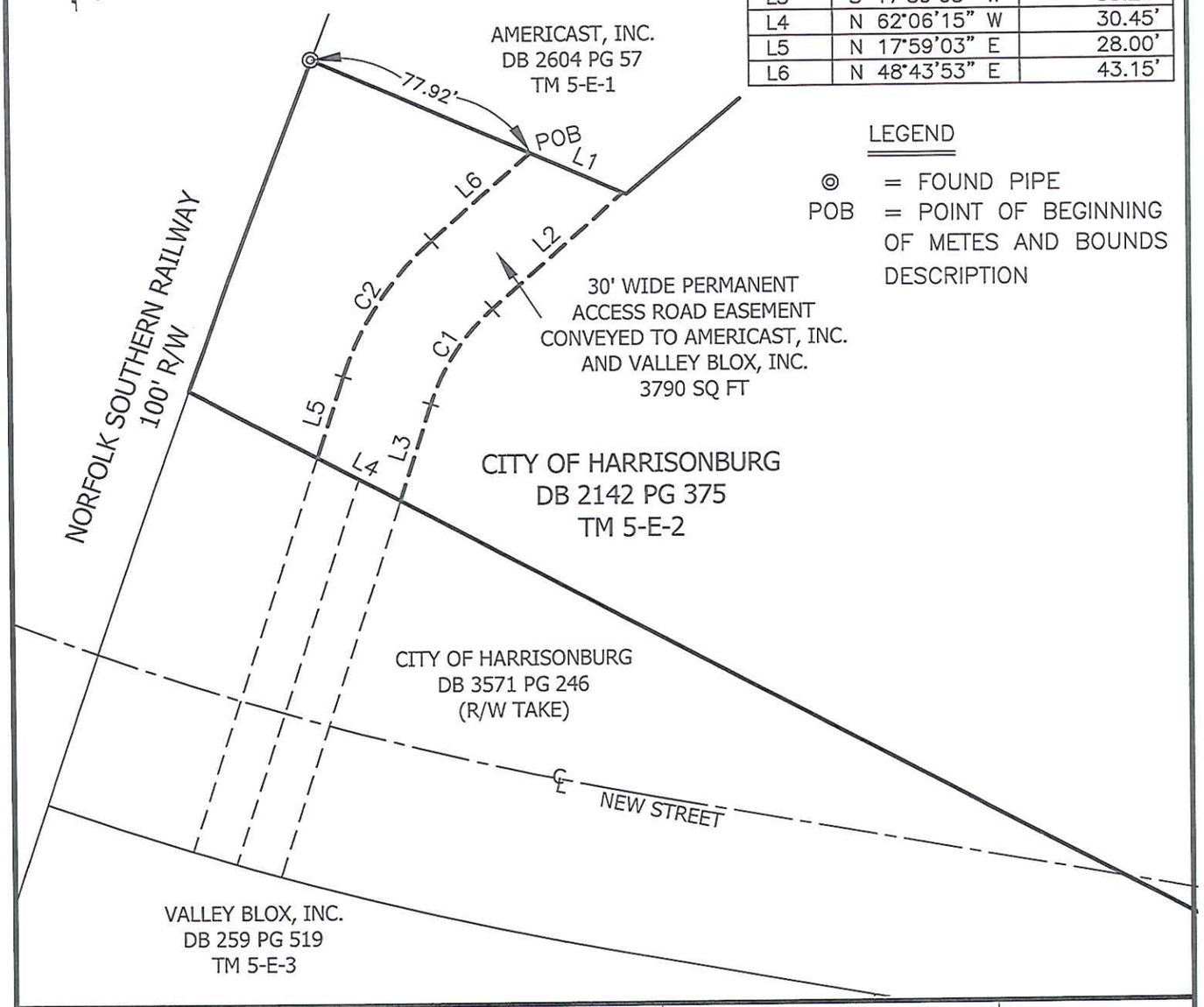
N 17° 59° 03" E 132.19 feet

to the beginning and enclosing an area of 1,960 square feet.

VA STATE GRID

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	70.00'	37.56'	37.12'	S 33°21'28" W	30°44'50"
C2	100.00'	53.66'	53.02'	N 33°21'28" E	30°44'50"

LINE	BEARING	DISTANCE
L1	S 66°10'41" E	33.08'
L2	S 48°43'53" W	57.08'
L3	S 17°59'03" W	33.24'
L4	N 62°06'15" W	30.45'
L5	N 17°59'03" E	28.00'
L6	N 48°43'53" E	43.15'



LEGEND

◎ = FOUND PIPE
POB = POINT OF BEGINNING OF METES AND BOUNDS DESCRIPTION

COMMONWEALTH OF VIRGINIA
5/25/11
CHARLES E. WINGARD
Lic. No. 1768
LAND SURVEYOR

PLAT SHOWING PERMANENT ACCESS ROAD EASEMENT CONVEYED TO AMERICAST, INC. AND VALLEY BLOX, INC.

BY
CITY OF HARRISONBURG

CITY OF HARRISONBURG, VA

SCALE: 1" = 50'		
DRAWN BY	DATE	
JRS	MAY 25 2011	
SHEET	BLOCK	LOT
5	E	3

ERICKSON AVE.
STONE SPRING ROAD
CONNECTION
PROJECT #
0736

DIVISION OF ENGINEERING
CITY OF HARRISONBURG
409 SOUTH MAIN STREET
HARRISONBURG, VA 22801

CITY OF HARRISONBURG VIRGINIA
Department of Planning and Community Development

30' WIDE PERMANENT ACCESS ROAD EASEMENT
CONVEYED TO AMERICAST, INC. AND VALLEY BLOX, INC.
BY THE CITY OF HARRISONBURG

Beginning at a point in the southern line of the land of Americast, Inc., said point lying S 66° 10' 41" E 77.92 feet from a found pipe at the eastern line of Norfolk Southern Railway; thence

S 66° 10' 41" E 33.08 feet

to a point; thence through the lot

S 48° 43' 53" W 57.08 feet

to a point; thence with a curve to the left having a delta angle of 30° 44' 50", a radius of 70.00 feet and an arc length of 37.56 feet

Long Chord S 33° 21' 28" W 37.12 feet

to a point; thence

S 17° 59' 03" W 33.24 feet

to a point in the northeastern line of the City of Harrisonburg right of way take (DB 3571, Pg 246); thence

N 62° 06' 15" W 30.45 feet

to a point; thence through the lot

N 17° 59' 03" E 28.00 feet

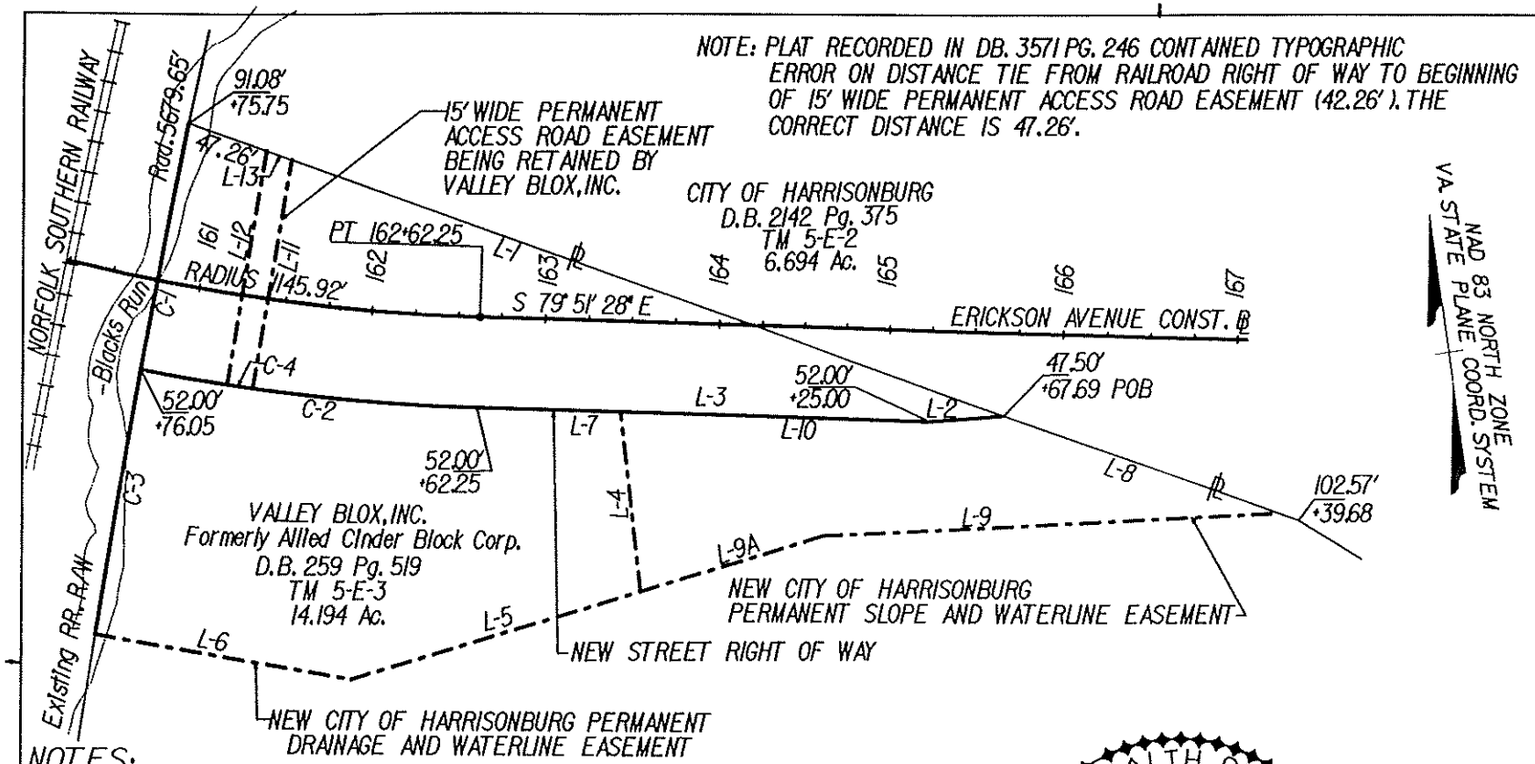
to a point; thence with a curve to the right having a delta angle of 30° 44' 50", a radius of 100.00 feet and an arc length of 53.66 feet

Long Chord N 33° 21' 28" E 53.02 feet

to a point; thence

N 48° 43' 53" E 43.15 feet

to the beginning and enclosing an area of 3,790 square feet.



NEW STREET RIGHT OF WAY 39,376 Sq. Ft. 0.904 Ac.		
LINE	LENGTH	BEARING
C-1		
L-1	500.18'	S62°06'15"E
L-2	42.94'	N85°52'24"W
L-3	262.73'	N79°51'28"W
C-2		

NEW CITY OF HARRISONBURG PERMANENT DRAINAGE AND WATERLINE EASEMENT 42,241 Sq. Ft. 0.970Ac.		
LINE	LENGTH	BEARING
L-4	103.73'	S01°49'38"W
L-5	174.32'	S81°38'23"W
L-6	148.37'	N71°41'26"W
C-3		
C-2		
L-7	82.75'	S79°51'28"E

NEW CITY OF HARRISONBURG PERMANENT SLOPE AND WATERLINE EASEMENT 21,440 Sq. Ft. 0.492 Ac.		
LINE	LENGTH	BEARING
L-8	168.24'	S62°06'15"E
L-9	263.91'	N84°22'09"W
L-9A	110.53'	S81°38'23"W
L-4	103.73'	N01°49'38"E
L-10	179.98'	S79°51'28"E
L-2	42.94'	S85°52'24"E

NEW 15' WIDE PERMANENT ACCESS ROAD EASEMENT 2,005 Sq. Ft. 0.046 Ac.		
LINE	LENGTH	BEARING
L-13	15.23'	S62°06'15"E
L-11	132.18'	S17°59'03"W
C-4		
L-12	135.14'	N17°59'03"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C-1	143.08'	5679.65'	143.08'	N19°20'19"E
C-2	194.64'	1197.92'	194.43'	N75°12'19"W
C-3	154.05'	5679.65'	154.044'	N17°50'24"E
C-4	15.00'	1197.92'	15.00'	N73°17'45"W

NOTES:

1. CITY MONUMENTS WILL BE SET IN THE CONSTRUCTION BASELINE AT ALL BASELINE CONTROL POINTS BY OTHERS.
2. A BOUNDARY SURVEY WAS NOT PERFORMED ON THIS PROPERTY THEREFORE PROPERTY LINES ARE SUBJECT TO CHANGE.
3. LEGAL REFERENCE: DB. 3571 PG. 246

LEGEND:

- DENOTES AREA ACQUIRED FOR NEW STREET RIGHT OF WAY Area 39,376 Sq. Ft. 0.904 Ac.
- DENOTES AREA ACQUIRED FOR NEW CITY OF HARRISONBURG PERMANENT DRAINAGE AND WATERLINE EASEMENT. Area 42,241 Sq. Ft. 0.970 Ac.
- DENOTES AREA ACQUIRED FOR NEW CITY OF HARRISONBURG PERMANENT SLOPE AND WATERLINE EASEMENT. Area 21,440 Sq. Ft. 0.492 Ac.
- DENOTES AREA FOR 15' WIDE PERMANENT ACCESS ROAD EASEMENT BEING RETAINED BY VALLEY BLOX, INC. Area 2005 Sq. Ft. 0.046 Ac.

COMMONWEALTH OF VIRGINIA
PHILIP H. MUNDY
Lic. No. 1760
5/27/2011
LAND SURVEYOR

Mattern & Craig
CONSULTING ENGINEERS • SURVEYORS
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 345-9342
FAX (540) 345-7691

PLAT OF CORRECTION SHOWING 15' WIDE PERMANENT ACCESS EASEMENT RETAINED BY VALLEY BLOX, INC.

PREPARED FOR
CITY OF HARRISONBURG

SCALE: 1" = 100'
DATE: MAY 27, 2011
TAX PARCEL NO.: 5 - E - 3

ERICKSON AVENUE
IMPROVEMENT PROJECT

METES AND BOUNDS DESCRIPTION
NEW 15 FOOT PERMANENT ACCESS ROAD EASEMENT
BEING RETAINED BY VALLEY BLOX, INC.
CROSSING THE LAND OF
VALLEY BLOX, INC
(Deed Book 259 Page 519)
Tax Map Parcel 5-E-2
City of Harrisonburg, Virginia

BEGINNING at a point in the existing Norfolk Southern Railway Right of Way and common corner of Valley Blox, Inc. and City of Harrisonburg, said point being 91.08 feet left of station 160+75.75 Erickson Avenue Construction Baseline; thence leaving aforesaid right of way with the property line of Valley Blox, Inc. and City of Harrisonburg S62°06'15"E 47.26 feet to the ACTUAL POINT OF BEGINNING: Thence continuing with the aforesaid property line S62°06'15"E 15.23 feet to a point; thence leaving the property line of Valley Blox, Inc. and City of Harrisonburg with a New 15 foot Wide Permanent Access Road Easement through the property of Valley Blox, Inc the following three (3) courses, S17°59'03"W 132.18 feet to a point in the New Right of Way line; thence with the New Street Right of Way line a curve to the right having a radius of 1197.92 feet, an arc of 15.00 feet and a chord of N73°17'45"W 15.00 feet to a point; thence leaving aforesaid right of way line N17°59'03"E 135.14 feet to the POINT OF BEGINNING. Containing 2,005 Square Feet or 0.046 Acre, more or less.