

Agenda Item VIII. A.

Meeting Date: February 7, 2017

Department: Planning/Zoning

Issue: **Sight Distance Easement**

Board Action: The Board is being asked to authorize the County Administrator to sign a Deed of Dedication.

Attachment:

- Deed of Dedication
- Easement Plat, prepared by Acres of Virginia, dated 1/05/17

Summary: Marvin Coblentz applied for and was approved for a special exception request to construct a cabinet shop and a kennel on Blue Ledge Loop. After review by the Virginia Department of Transportation, it was determined that a traffic sight easement for the new entrance would be required. The easement is located on the adjacent parcel (Tax Map# 40-A-78) across Blue Ledge Loop. Both Mr. and Mrs. Coblentz and Michael Powell have agreed to the easement.

The deed also requires the County to sign, because it also has the right to:

“cut down, trim, retrim and/or otherwise control, and at their portion, remove from the premises any trees, overhanging branches, noxious weeds, brush, undergrowth, buildings or other obstructions which may limit sight distance, endanger the safety of, or interfere with the use and operation of State Highway Route No. 784 at the location of said proposed commercial entrance.”

By signing the deed, this action engages the County into potential enforcement of the sight distance easement that affects a State highway. It could also require that the County clean the easement if the property owner fails to meet the requirements set forth in the deed. In light of this, staff has requested review of the deed by the County Attorney.

Recommendation: That the Board authorize the Board Chair to sign the Deed of Dedication after it is put into correct form by the County Attorney.

Prepared by: John Randolph Nelson, P.C. – VSB #16137
Without the benefit of a title examination
TAX MAP NO. 40-A-49
Return to: John Randolph Nelson, P.C.

THIS DEED OF DEDICATION, made this 24th day of January, 2017, by and between **MARVIN COBLENTZ** and **KAREN COBLENTZ**, husband and wife; and **MICHAEL R. POWELL**, (Grantors); and **COUNTY OF AMHERST, VIRGINIA**, herein referred to as “County”, (Grantee);

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey, unto the Grantee, the following described real property, to-wit:

A perpetual sight distance easement over and across that certain parcel of real property shown and designated as **“TRAFFIC SIGHT EASEMENT FOR NEW ENTRANCE PROPOSED ON MARVIN AND KAREN COBLENTZ PROPERTY ON THE SOUTH SIDE OF BLUE LEDGE LOOP”** on a plat dated January 5, 2017, made by Thomas C. Brooks, Sr., Land Surveyor of Acres of Virginia, Inc., entitled, “Plat Showing Traffic Site Easement Serving A New Entrance On The Property Of Marvin And Karen Coblentz, property of Michael R. Powell, ...”, a copy of which is attached to, recorded with and made a part of this deed and to which reference is made for a more particular description thereof.

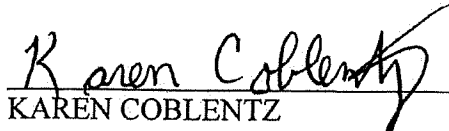
This is a portion of the lands conveyed unto Marvin Coblentz and Karen Coblentz by deed recorded on August 31, 2016 in Deed Book 1301, page 886 in the Circuit Court Clerk’s Office of the County of Amherst and a portion of the land conveyed unto Michael R., Powell by deed recorded on January 9, 2015 in Deed Book 1268, page 690 in the aforesaid Clerk’s Office.

The owners, their successors and assign, as owners of the land affected by the sight easement, shall keep the sight distance clear of all buildings, signs, structures, trees, roots, undergrowth and other obstructions which may endanger the safety or interfere with the use and operation of State Highway Route No. 784, and the proposed commercial entrance in the event that the owners, their successors and assigns, fail to do so, the County, its successors and assigns, shall have the right to cut down, trim, retrim and/or otherwise control, and at their portion, remove from the premises any trees, overhanging branches, noxious weeds, brush, undergrowth, buildings or other obstructions which may limit sight distance, endanger the safety of, or interfere with the use and operation of State Highway Route No. 784 at the location of said proposed commercial entrance. The County, its successors and assigns shall have the right of ingress and egress to and over said sight distance area and any of the property adjoining thereto at any and all times, as may be necessary for the purpose of exercising and enjoying the rights herein conveyed to the grantee.

This conveyance is made with the approval and consent of Amherst County as evidenced by its signature hereto.

WITNESS the following signatures and seals:

 (SEAL)
MARVIN COBLENTZ

 (SEAL)
KAREN COBLENTZ

 (SEAL)
MICHAEL R. POWELL

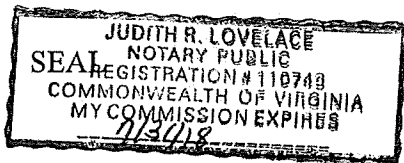
COUNTY OF AMHERST

By: _____ (SEAL)
Its _____

STATE OF VIRGINIA)
CITY/COUNTY OF Lynchburg) To-wit:

The foregoing instrument was acknowledged before me this 26th day of January, 2017, by Marvin Coblentz and Karen Coblentz, husband and wife.

My commission expires: 7/31/18
Notary Registration No. 110748



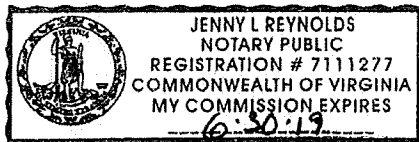
Judith R. Lovelace
Notary Public

STATE OF VIRGINIA)
CITY/COUNTY OF Amherst) To-wit:

The foregoing instrument was acknowledged before me this 26 day of January, 2017, by Michael R. Powell.

My commission expires: 6/30/19
Notary Registration No. 7111277

SEAL



Jenny L. Reynolds
Notary Public

STATE OF VIRGINIA)
) To-wit:
CITY/COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the _____ for the County of Amherst, Virginia.

My commission expires: _____.
Notary Registration No. _____.

SEAL

Notary Public

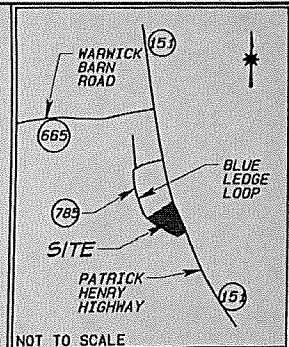
NOTES:

1. THIS TRAFFIC SITE EASEMENT PLAT WAS PREPARED AT THE REQUEST OF MARVIN & KAREN COBLENTZ.
2. NO DETERMINATION OF WETLANDS WAS MADE NOR DOES THIS PLAT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS PLAT. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
4. NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMERLY.
5. THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE 'X' A NON HAZARD FLOOD ZONE AS DETERMINED BY F.E.N.A. AND SHOWN ON THEIR MAP.
6. IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER, ACCORDINGLY, ANY GRAVE OR ANY OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAN PREPARATION OR AS DENOTED ON THIS PLAN, ACRES OF VIRGINIA, INC.
7. PRIOR TO THE IMPROVEMENT OF ANY PROPERTY IN THE COUNTY OF AMHERST, THE PLANNING DEPARTMENT SHALL BE CONTACTED CONCERNING, BUT NOT LIMITED TO, THE CURRENT ZONING, BUILDING SETBACK REQUIREMENTS, WATER OR SEWER SYSTEMS, HEALTH DEPARTMENT REQUIREMENTS, EROSION AND SEDIMENT CONTROL REQUIREMENTS, AND PRIVATE STREETS.
8. THIS PLAT WAS PREPARED FOR THE PURPOSE OF GRANTING TO THE COUNTY OF AMHERST A TRAFFIC SITE EASEMENT ACROSS THE SOUTHERN END OF THE PROPERTY OF MICHAEL R. POWELL. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY.

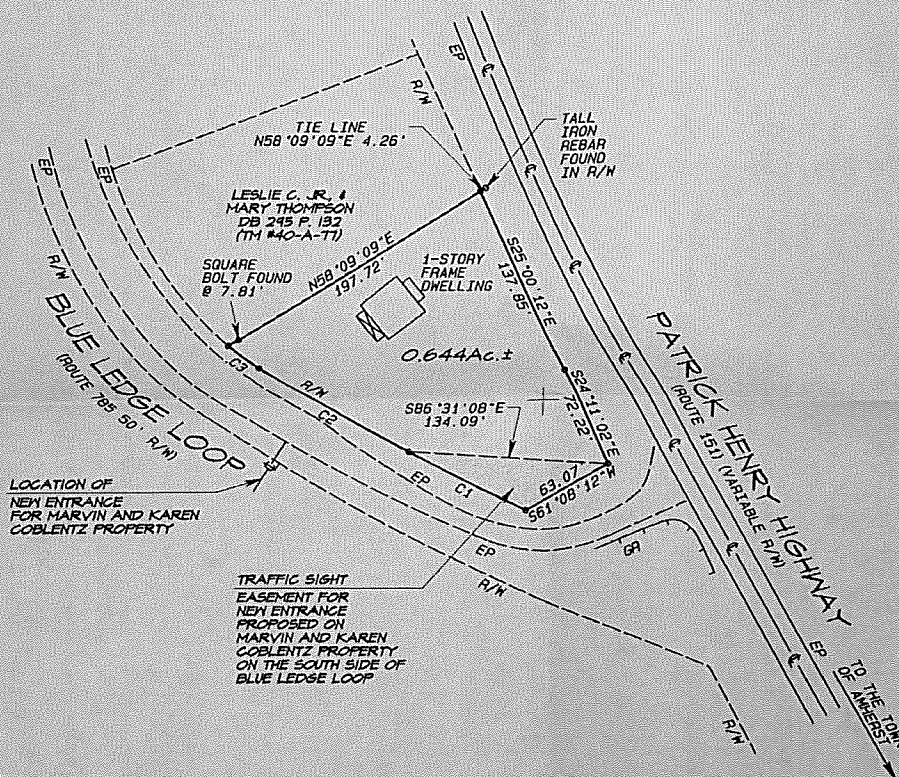
THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (SEE TITLE BLOCK AND NOTES) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DAILY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENT OF DEEDS.

THE UNDERSIGNED ACKNOWLEDGE BY THEIR SIGNATURES THAT THEY HAVE READ, REVIEWED AND UNDERSTAND THE NOTES AND CONTENTS SHOWN ON THIS PLAT AND THAT IT IS IN COMPLIANCE WITH THE SERVICES AS REQUESTED AND THAT THIS PLAT IS NOT VALID UNLESS SIGNED BY THEM. THE RECORDATION OF THIS PLAT IS NOT THE RESPONSIBILITY OF ACRES OF VIRGINIA, INC. OR THE SURVEYOR.

MICHAEL R. POWELL
STATE OF VA
CITY/COUNTY OF AMHERST
THE FOREGOING INSTRUMENT WAS
ACKNOWLEDGED BEFORE ME THIS
12/20/17 BY
MICHAEL R. POWELL
NOTARY PUBLIC
REGISTRATION NO. 111277
MY COMMISSION EXPIRES 6/30/19



VICINITY MAP



LEGEND:

- GR = GUARD RAIL
- P. = PAGE
- DB = DEED BOOK
- TM = TAX MAP
- EP = EDGE OF PAVEMENT
- R/N = RIGHT OF WAY
- + = TIC MARKS

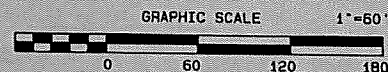
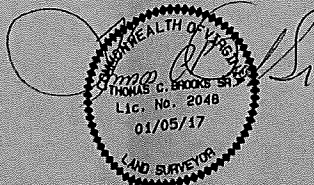
CURVE DATA:

LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	4°37'37"	1084.66'	87.59'	87.57'	N63°51'14"W
C2	6°13'40"	1084.66'	117.90'	117.84'	N58°25'35"W
C3	5°58'18"	261.50'	27.25'	27.24'	N52°19'36"W

SOURCE OF TITLE:

THIS PROPERTY WAS CONVEYED TO MICHAEL R. POWELL BY DEED RECORDED IN DEED BOOK 1268 PAGE 690 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF AMHERST COUNTY, VIRGINIA.

THIS TRAFFIC SITE EASEMENT PLAT WAS PREPARED (JANUARY 05, 2017) FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLETES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



ACRES OF VIRGINIA, INC.

SURVEYORS ENGINEERS PLANNERS
ENVIRONMENTAL SOIL CONSULTANTS GEOTECHNICAL
PH 111: 545-2001
www.acresofvirginia.com

404 CLAY STREET
LYNCHBURG, VA 24504

OFFICE (434) 528-4674
FAX (434) 845-1048

PLAT SHOWING TRAFFIC SITE EASEMENT
SERVING A NEW ENTRANCE ON THE PROPERTY OF
MARVIN AND KAREN COBLENTZ
PROPERTY OF

MICHAEL R. POWELL

TEMPERANCE DISTRICT
AMHERST COUNTY, VIRGINIA

PLAN SCALE: 1"=60'

DATE: JANUARY 05, 2017

COMM. NO. 17852/A17852-SERVER-NEWJOB82017

TAX MAP 40-A-78

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