

**15. CONSIDERATION OF ACCEPTANCE OF DRAINAGE EASEMENT
COUNTRY ROADS SUBDIVISION**

In May of 2008, the developers of Phase 2 of the Country Roads subdivision (north of Story's Station) recorded a revised plat which relocated the property line between lot(s) 6 and 7 and centered a 20' drainage easement along the revised lot line. A copy is attached herewith for your reference.

However, the final grading did not direct the flow of stormwater to the easement between the lots, but allowed it to continue to follow its natural path along the eastern edge of lot 6.

To resolve this situation, the owner of lot 6 has agreed to set aside an additional 40' for a public drainage easement; the total area within the easement is 0.214 acres. Attached herewith please find a copy of the proposed deed of easement and an exhibit illustrating the easement.

If the Board is agreeable, a motion is required authorizing the County Administrator to accept the Deed of Easement, subject to Approval as to Form by the County Attorney.

MOTION REQUIRED: A motion is required authorizing the County Administrator to accept the attached Deed of Easement, subject to approval as to form by the County Attorney.

ORIGINAL PLAT

NOTES:

- OWNERS: KCSC, INC.
4685 SOUTH BOULEVARD, SUITE A
VIRGINIA BEACH, VIRGINIA 23452

FRED L. AND DAVIDA FENNER
19050 IVOR ROAD
COURTLAND, VIRGINIA, 23837
- "•" PIN OR PIPE FOUND (AS NOTED)
"o" PIN SET
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT THEREFORE ALL EASEMENTS OR RESTRICTIONS WHICH AFFECT THE SUBJECT PROPERTY MAY NOT BE SHOWN.
- SOURCE OF TITLE AND LAST PLACE OF RECORD:

LOT 6
INSTRUMENT #070003406
CLERK OF THE CIRCUIT COURT, SOUTHAMPTON COUNTY
GRANTOR: STORY STATION, L.L.C.
GRANTEE: KCSC, INC.
DATED: AUGUST 9, 2007

LOT 6 - DEED OF TRUST
INSTRUMENT #070003407
CLERK OF THE CIRCUIT COURT, SOUTHAMPTON COUNTY
GRANTOR: KCSC, INC.
GRANTEE: ROBERT E. RULOFF AND K. DWAYNE LOUK - TRUSTEES
DATED: AUGUST 9, 2007

LOT 7
INSTRUMENT #070004116
CLERK OF THE CIRCUIT COURT, SOUTHAMPTON COUNTY
GRANTOR: KCSC, INC.
GRANTEE: FRED L. FENNER AND DAVIDA FENNER
DATED: AUGUST 14, 2007
- THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE "C" AS SHOWN ON THE F.E.M.A. BOUNDARY MAP FOR THE COUNTY OF SOUTHAMPTON, VIRGINIA
PANEL NO. 510315 0150 B
EFFECTIVE DATE: DECEMBER 15, 1982.
(BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY)
- TOTAL AREA OF LOT 6: 41,492 SQ.FT. OR 0.953 ACRES
TOTAL AREA OF LOT 7: 49,374 SQ.FT. OR 1.133 ACRES
- THIS PROPERTY IS CURRENTLY ZONED A-1:

SETBACK REQUIREMENTS
FRONT YARD: 50' MIN. (75' MIN. ON STATE HIGHWAY)
SIDE YARD: 15' MIN. 35' TOTAL.
REAR YARD: 35' MIN.
MINIMUM LOT AREA: 40,000 SQ.FT.
- ALL LOTS ARE TO BE SERVED BY INDIVIDUAL WATER WELLS & SEPTIC TANKS.

OWNERS CONSENT AND DEDICATION

THE SUBDIVISION OF PROPERTY, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, WHO ALSO DEDICATE THE STREETS TO THE COUNTY OF SOUTHAMPTON AND AGREE TO COMPLY WITH ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE PRIOR TO THEIR ACCEPTANCE BY THE COUNTY OR THE VIRGINIA DEPARTMENT OF TRANSPORTATION.

LOT 6 - OWNER
KCSC, INC., A VIRGINIA CORPORATION

[Signature]
I. REESE SMITH, SR., PRESIDENT

5/14/08
DATE

STATE OF Virginia
CITY OF Virginia Beach, TO WIT:

I, Betty M. Silver, A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT I. Reese Smith Sr. WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME ON THIS 14th DAY OF May 2008.

MY COMMISSION EXPIRES ON: October 31 2010

NOTARY PUBLIC: Betty M. Silver
VA Reg ID #192556

LOT 6 - TRUSTEE

[Signature]
ROBERT E. RULOFF - TRUSTEE

05-14-2008
DATE

STATE OF Virginia
CITY OF Virginia Beach, TO WIT:

I, Betty M. Silver, A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Robert E. Ruloff WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME ON THIS 14th DAY OF May 2008.

MY COMMISSION EXPIRES ON: October 31 2010

NOTARY PUBLIC: Betty M. Silver
VA Reg ID #192556

LOT 7 - OWNERS
FRED L. FENNER AND DAVIDA FENNER

[Signature]
FRED L. FENNER - OWNER

5-16-08
DATE

[Signature]
DAVIDA FENNER - OWNER

5-16-08
DATE

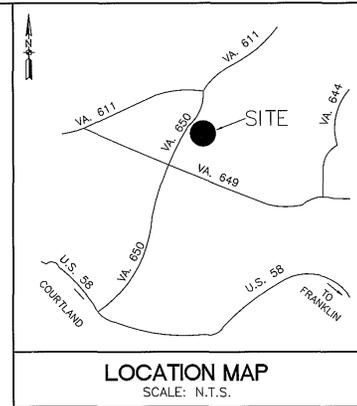
STATE OF Virginia
CITY OF Franklin, TO WIT:

I, Jo Anne Wersaner, A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Fred L. Fenner and Davida Fenner WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME ON THIS 16th DAY OF May 2008.

MY COMMISSION EXPIRES ON: June 30 2008

NOTARY PUBLIC: Jo Anne Wersaner

348901



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNER AND THAT THE SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THEM AND THAT STEEL PINS, AS SHOWN ON THIS PLAT BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN AND THAT THE PLAT DETAILS MEET THE STANDARDS FOR PLATS AS ADOPTED UNDER V.C.S.42.1-82 OF THE VIRGINIA PUBLIC RECORDS ACT (S.42.1-76, ET. SEQ.).

[Signature] 5/13/08
J. STEPHEN FERGOUSON



THIS PLAT IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

5/19/08
DATE
APPROVED FOR RECORDATION
5-19-08
DATE
[Signature]
V.D.O.T. HIGHWAY ENGINEER
[Signature]
PLANNING/ZONING ADMINISTRATOR
SOUTHAMPTON COUNTY

Instrument # 08-56
Recorded in the Clerk's Office of
Southampton County on
5-19-08 at
Richard L. Francis, Clerk
By: [Signature] DC

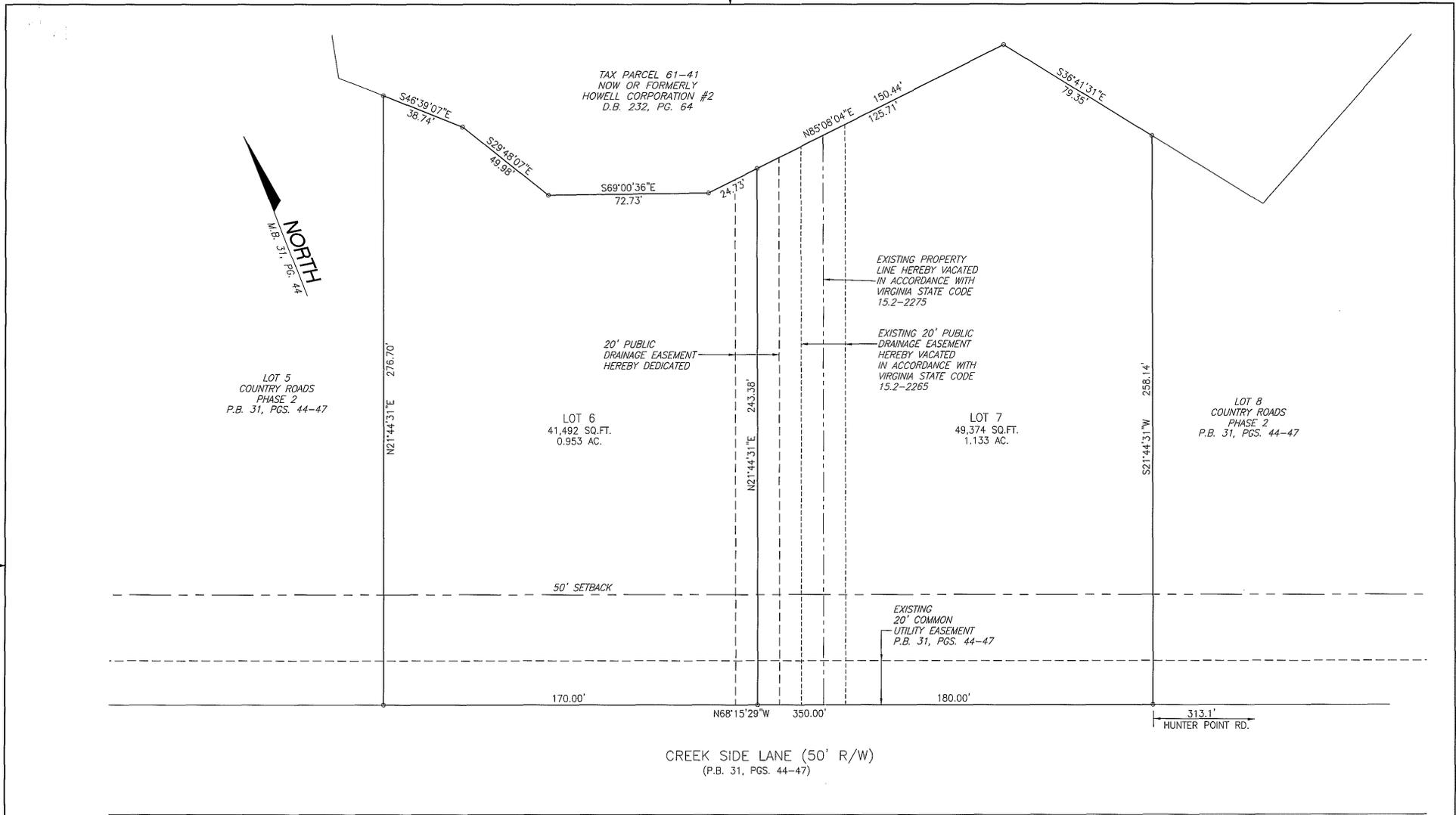
VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SUFFOLK, VIRGINIA ON THE _____ DAY OF _____, 2008, THIS PLAT WAS RECEIVED AND ADMITTED TO RECORD IN PLAT CABINET _____ AT PAGE _____.

TESTE: _____, CLERK



CORRECTED RESUBDIVISION OF LOTS 6 AND 7 COUNTRY ROADS - PHASE 2 PLAT BOOK 31, Pg. 151 FRANKLIN MAGISTERIAL DISTRICT SOUTHAMPTON COUNTY, VIRGINIA		DRAWN BY: SPR
		COMP. BY: SPR
		CHECKED BY: JSF
		SCALE: AS NOTED
		DATE: 5/13/08
		REV.:
		SHEET NO. 1 OF 2
HOGGARD-EURE ASSOCIATES, P.C. Engineers • Surveyors • Planners 901 PortCentre Parkway, Suite 5 (757)484-9670 Portsmouth, Virginia 23704		CORRECTED RESUB LOTS 6-7.DWG PROJECT No. 11900304

ORIGINAL PLAT



Instrument # 08-56
 Recorded in the Clerk's Office of
 Southampton County on
5-19-08 at
 Richard L. Francis, Clerk
 By: [Signature] DC



CORRECTED RESUBDIVISION OF LOTS 6 AND 7 COUNTRY ROADS - PHASE 2 PLAT BOOK 31, PG. 151		DRAWN BY: SPR COMP. BY: SPR CHECKED BY: JSF SCALE: 1"=30' DATE: 5/13/08 REV.: SHEET NO. 2 OF 2
FRANKLIN MAGISTERIAL DISTRICT SOUTHAMPTON COUNTY, VIRGINIA		HOGGARD-EURE ASSOCIATES, P.C. Engineers • Surveyors • Planners 901 PortCentre Parkway, Suite 5 (757)484-9670 Portsmouth, Virginia 23704
CORRECTED RESUB LOTS 6-7.DWG		

Letter of Transmittal

To: County Administrator	DATE: 09/26/2014 Job #: 1190.03.
26022 Administration Center Drive Courtland, VA 23837	RE: Drainage Easement, Lot 6 Country Roads
ATTN: Michael W. Johnson	

We are sending you attached under separate cover via Delivery the following items:

- | | | | |
|---|--|--------------------------------|------------------------------------|
| <input type="checkbox"/> Shop Drawings | <input checked="" type="checkbox"/> Prints | <input type="checkbox"/> Plans | <input type="checkbox"/> Diskettes |
| <input type="checkbox"/> Specifications | <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Forms | |

Copies	Description
1	Original Deed of Easement with Exhibit for recordation

These are transmitted as checked below:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> For Review and Comment | <input type="checkbox"/> Prints Returned after Loans to us |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> For Bids Due |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Approved as Noted | |

Signature:



Stefanie F. Snow

(Southampton County is exempt from recordation taxes pursuant to Section 58.1-811.A.3 and Grantors are exempt under 58.1-811.C.5 of the 1950 Code of Virginia, as amended.)

THIS DEED OF EASEMENT, made this 23rd day of September, 2014, by and between KCSC, Inc., a Virginia Corporation, Grantor, and SOUTHAMPTON COUNTY, VIRGINIA, Grantee, whose address is 26022 Administration Center Drive, Courtland, Virginia 23837.

WITNESSETH: That for and in consideration of the sum of One and no/100 (\$1.00) Dollar, cash in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, the Grantors grant unto Grantee, its successors and assigns, a permanent easement for drainage purposes described as follows, to-wit:

An easement for drainage purposes containing 9,324 square feet or 0.214 acres, more or less, situate in the Franklin Magisterial District of Southampton County, Virginia, which is designated as "40' Public Drainage Easement 9,324 Sq. Ft. or 0.214 Ac." as shown on the attached exhibit entitled "Plat Showing Drainage Easement for Southampton County Through Lot 6, Corrected Resubdivision of Country Roads, Phase 2 (Plat Book 31, Page 190 & 191), Owned by KCSC, Inc., Southampton County, Virginia, Franklin Magisterial District," dated September 23, 2014, and made by Hoggard-Eure Associates, P.C., which plat is marked "Exhibit A" and will be recorded simultaneously herewith.

The easement is located on the same property recorded in the Clerk's Office of the Circuit Court of Southampton County, Virginia, in Plat Book 31, at pages 44-47.

The Grantors grant to the Grantee, its successors and assigns the perpetual right to construct, operate, and maintain the drainage ditch or structure upon and across the land and property of the Grantors, including the right of egress and ingress to same. Said drainage ditch or structure follows or is to follow the courses located and marked on the aforesaid plat.

It is agreed between the parties that the Grantee shall have the right to inspect the said drainage ditch or structure and to cut and clear all undergrowth and other structures in and along

or adjacent to the said drainage ditch that may in any way endanger or interfere with the proper use of same.

This conveyance is made expressly subject to all unexpired restrictions, reservations, and easements of record, if any, constituting constructive notice.

WITNESS the following signatures and seals:

[Signature] (SEAL)
PRESIDENT, KCSC, INC. (SEAL)

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to-wit:

The foregoing instrument bearing date of 9/23/2014 was
acknowledged before me this 23 day of September, 2014, by
L. Reese Smith

[Signature]
Notary Public

ROSALIE PALMER CHILTON
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7525758
My Commission Expires April 30, 2016

My commission expires: April 30, 2016, Registration No: 7525758

APPROVED AS TO FORM:

ACCEPTED BY:
SOUTHAMPTON COUNTY

BY: _____
County Attorney

County Administrator

REVISED PLAT

TAX PARCEL 61-41
NOW OR FORMERLY
HOWELL CORPORATION #2
D.B. 232, PG. 64



LOT 5
COUNTRY ROADS, PHASE 2
P.B. 31, PGS. 44-47

LOT 6
CORRECTED RESUBDIVISION OF
COUNTRY ROADS, PHASE 2
P.B. 31, PG. 190 & 191

40' PUBLIC
DRAINAGE EASEMENT
9,324 SQ.FT. OR
0.214 AC.

LOT 7
CORRECTED RESUBDIVISION OF
COUNTRY ROADS, PHASE 2
P.B. 31, PG. 190 & 191

EXISTING 20' PUBLIC
DRAINAGE EASEMENT
P.B. 31, PGS. 44-47

50' SETBACK

EXISTING
20' COMMON
UTILITY EASEMENT
P.B. 31, PGS. 44-47

N 68°15'29" W 170.00'

CREEK SIDE LANE (50' R/W)
(P.B. 31, PGS. 44-47)

S46°39'07"E
38.74'

S29°48'07"E
49.98'

S69°00'36"E
72.73'

N85°08'04"E
24.73'

27.89'

13.55'

11.18'

276.70'

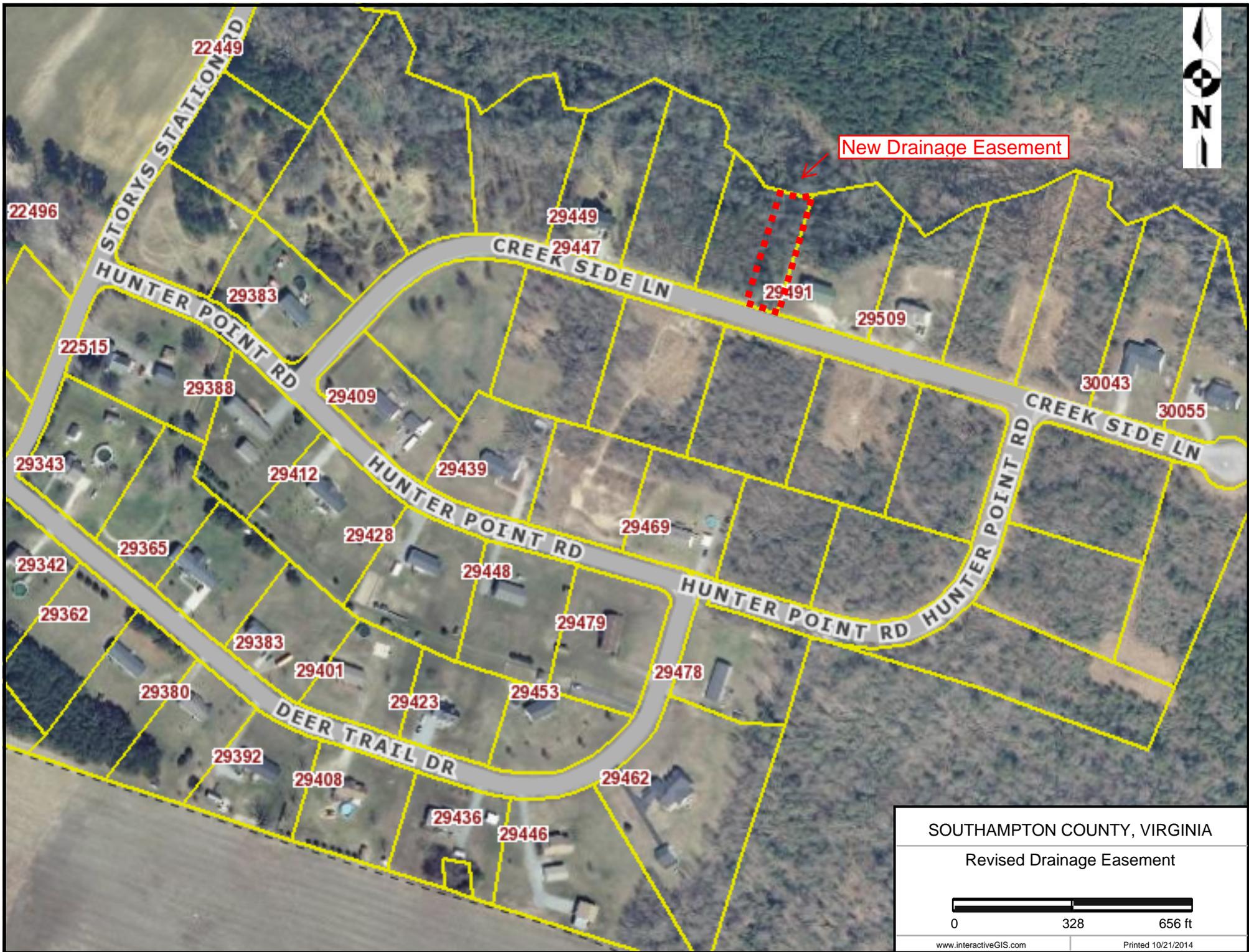
N21°44'31"E

243.38'

N21°44'31"E

10.00'

40.00'



SOUTHAMPTON COUNTY, VIRGINIA

Revised Drainage Easement

