



## COUNTY of FREDERICK

Parks and Recreation Department

540/665-5678

Fax: 540/665-9687

E-mail: [fcprd@fcva.us](mailto:fcprd@fcva.us)

[www.fcprd.net](http://www.fcprd.net)

# MEMO

**To:** Jay Tibbs, Deputy County Administrator for Human Services  
**From:** Jason L. Robertson, Director, Parks & Recreation Dept.  
**Subject:** Parks and Recreation Commission Action  
**Date:** April 11, 2018

The Parks and Recreation Commission met on April 10, 2018. Members present were: Randy Carter, Christopher Fordney, Natalie Gerometta, Gary Longerbeam, Ronald Madagan, Guss Morrison, Charles Sandy, Jr., Amy Strosnider, and Robert Wells (Board of Supervisors' Non-Voting Liaison). Members absent: None

Items Requiring Board of Supervisors Action:

1. Buildings & Grounds Committee – Frederick Water Easement Sherando Park - The Buildings and Grounds Committee recommended approval of the Frederick Water easement request for the Sherando Park Fire Hydrant Line as submitted, second by Mr. Sandy, motion carried unanimously (8-0). Please find attached a copy of the Frederick Water Deed of Easement. Public hearing is needed to grant this easement.

Submitted for Board Information Only:

1. Buildings & Grounds Committee – Park Rules - Raffles – The Buildings and Grounds Committee recommended changing the park rules as follows “Gambling or betting is not permitted on park property. Bingo’s or raffles may be held at the discretion of the Director and are limited to the area secured by the renter. Solicitation to other park patrons will not be permitted. Contact 540-665-5678 for further details and to obtain a Vendor Permit Application.”, second by Mr. Sandy, motion carried unanimously (8-0).

cc: Randy Carter, Chairman  
Robert Wells, Board of Supervisors' Non-Voting Liaison



## BOARD OF SUPERVISORS

### RESOLUTION DEAD OF EASEMENT TO FREDERICK COUNTY SANITATION AUTHORITY (dba Frederick Water)

**WHEREAS**, Frederick County, VA hereby grant and convey unto the Frederick County Sanitation Authority (dba Frederick Water) a deed of easement across County of Frederick, VA property on the plat entitled "Plat Showing an Easement to be Conveyed to Frederick County Sanitation Authority Across the Land of The County of Frederick, Opequon Magisterial District, Frederick County, Virginia"; and

**WHEREAS**, said parcel is identified as:

- Frederick County, Virginia - Tax Parcel Number 86-A-143;

**WHEREAS**, Frederick County Sanitation Authority (dba Frederick Water) has requested a deed of easement on the above-referenced parcel for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing one or more present or future water mains and sanitary sewer lines; and

**WHEREAS**, the Board of Supervisors hereby grants and convey unto the Authority, its successors and assigns, and easement and right of way.

**NOW, THEREFORE, BE IT RESOLVED**, that the Frederick County Board of Supervisors hereby authorizes the County Administrator, Kris Tierney, to grant a deed of easement for the above described property to Frederick County Sanitation Authority (dba Frederick Water) on behalf of the County.

Adopted this \_\_\_\_\_ day of May, 2018.

Charles S. DeHaven, Jr., Chairman

Gary A. Lofton

J. Douglas McCarthy

Robert W. Wells

Blaine P. Dunn

Gene E. Fisher

Judith McCann-Slaughter

A COPY ATTEST

Kris C. Tierney  
Frederick County Administrator

FREDERICK COUNTY SANITATION AUTHORITY  
DEED OF EASEMENT

THIS DEED OF EASEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **FREDERICK COUNTY, VIRGINIA** ("Owner"), as grantor for indexing purposes, and **FREDERICK COUNTY SANITATION AUTHORITY d.b.a FREDERICK WATER**, a body politic and corporate (the "Authority"), as grantee for indexing purposes.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, Owner does hereby grant and convey unto the Authority, its successors and assigns, an easement and right of way (the "Easement") for the purpose of installing, constructing, operating, maintaining, repairing, adding to or altering and replacing one or more present or future water mains and sanitary sewer lines, including, without limitation, fire hydrants, valves, vaults, meters, building service connections and connection lines, sanitary lateral lines, manholes and other appurtenant facilities (collectively, the "Facilities"), for the transmission and distribution of water and the collection of sanitary sewer and its transmission through, upon and across the portion of the property of Owner bounded and described as "Proposed 20' FCSA Easement" (the "Easement Area") on the plat entitled "Plat Showing an Easement to be Conveyed to Frederick CO County Sanitation Authority Across the Land of the County of Frederick, Opequon Magisterial District, Frederick County, Virginia", dated April 6, 2017 and prepared by Elliott Ritchie, Jr. of Painter-Lewis, P.L.C. (the "Plat"), attached hereto and made a part hereof, subject to the following conditions:

1. All Facilities which are installed in the Easement Area shall be and remain the property of the Authority, its successors and assigns.
2. The Authority and its agents shall have full and free use of the Easement for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the Easement, including the right of access to and from the Easement and the right to use adjoining land when necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance; and further, this right shall not be construed to allow the Authority to erect any building or structure of a permanent nature on such adjoining land.
3. The Authority shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions in or reasonably near the Easement Area, including those existing at the time of execution of this Deed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of the Facilities; provided, however, that the Authority, at its own expense, shall restore, as nearly as possible, to their original condition all land or premises included within or adjoining the Easement Area which are disturbed in any manner by the construction, operation and maintenance of the Facilities. Such restoration shall include (i) the backfilling of trenches, (ii) repaving of asphalt, concrete, composite, and other impervious areas, (iii) the reseeded or resodding of lawns or pasture areas, and (iv) the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, and other obstructions located outside the Easement Area, but shall not include the replacement of trees, flowers, shrubbery, vegetable plants, porous/permeable paving, pavers, structures, or other obstructions located within the Easement Area.

Witness the following signature and seal:

FREDERICK COUNTY SANITATION AUTHORITY:  
d.b.a. FREDERICK WATER

BY: \_\_\_\_\_

STATE OF \_\_\_\_\_,

CITY/COUNTY OF \_\_\_\_\_, TO-WIT:

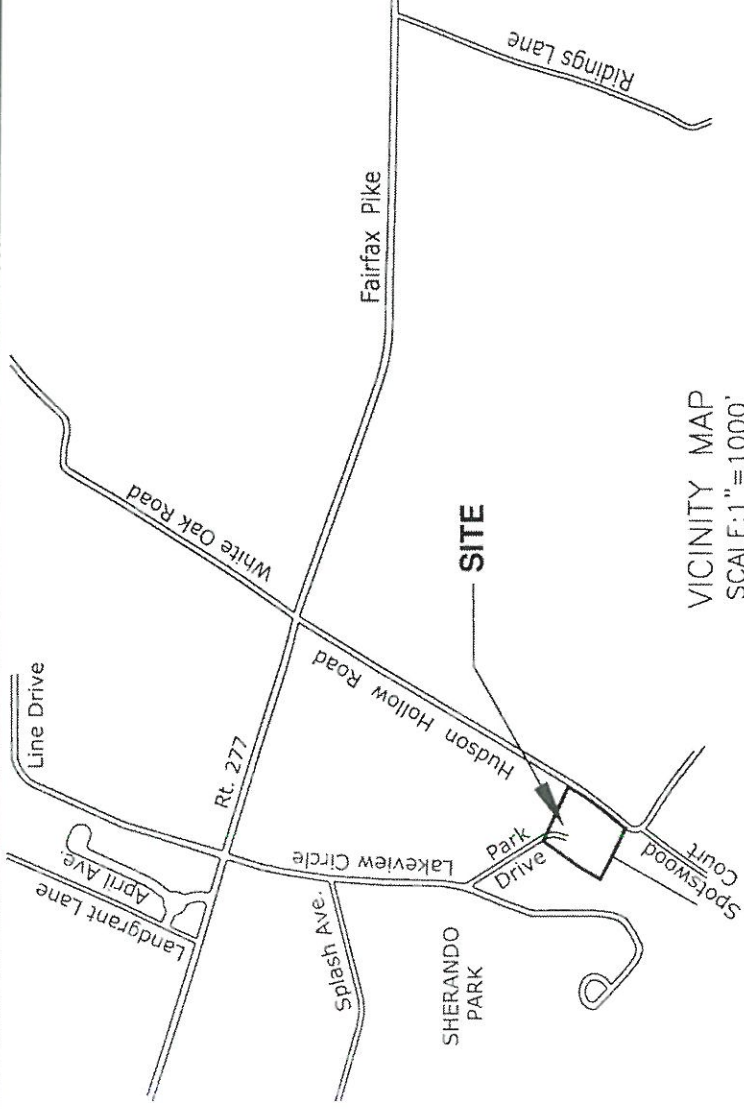
I, \_\_\_\_\_, a notary public in and for the State and County aforesaid, do  
certify that \_\_\_\_\_, whose name is signed to the foregoing instrument dated  
\_\_\_\_\_, 2018, has acknowledged the same before me.

GIVEN under my hand this \_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

Registration No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



VICINITY MAP  
SCALE: 1" = 1000'

APPROVED BY

BY: Michael Lewis  
FREDERICK COUNTY SANITATION AUTHORITY

10 Apr 2017

DATE

OWNER'S CONSENT

THE ABOVE AND FOREGOING FREDERICK COUNTY SANITATION AUTHORITY EASEMENT ACROSS THE LAND OF THE COUNTY OF FREDERICK, VIRGINIA, AS APPEARS ON THE ACCOMPANYING PLATS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES, IF ANY.

BY: \_\_\_\_\_  
COUNTY OF FREDERICK

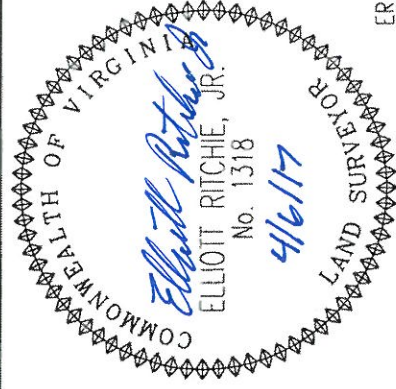
NOTARY PUBLIC

STATE OF \_\_\_\_\_  
CITY/COUNTY OF \_\_\_\_\_  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ ON BEHALF OF THE COUNTY OF FREDERICK, VIRGINIA

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

MY COMMISSION EXPIRES \_\_\_\_\_

PLAT SHOWING AN EASEMENT  
TO BE CONVEYED TO  
**FREDERICK COUNTY SANITATION AUTHORITY**  
ACROSS THE LAND OF THE  
**COUNTY OF FREDERICK**  
OPEQUON MAGISTERIAL DISTRICT  
FREDERICK COUNTY, VIRGINIA  
DATE: APRIL 6, 2017



1701009

SHEET 1 OF 2

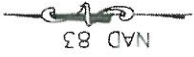
ER



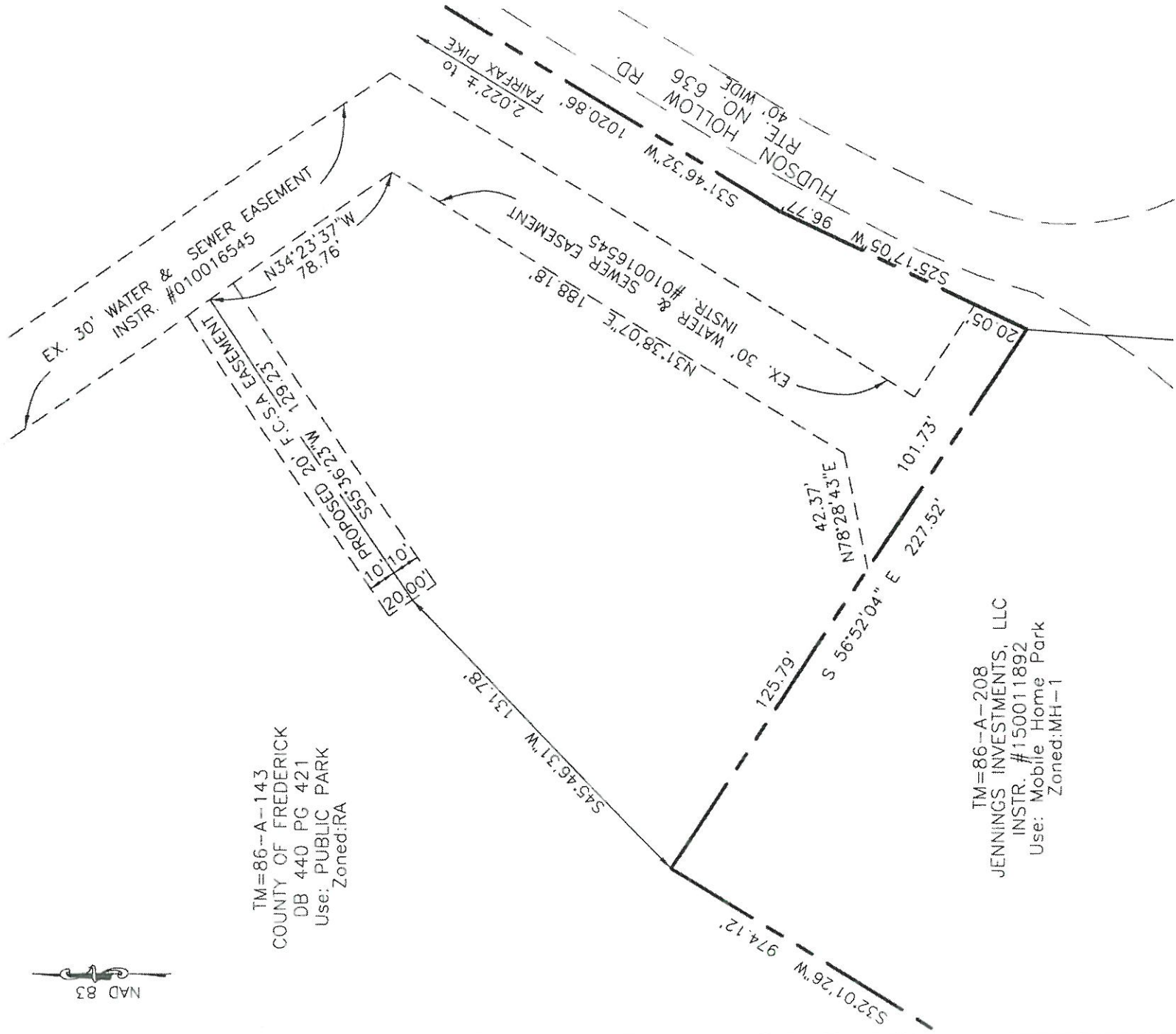
**PAINTER-LEWIS, P.L.C.**

817 CEDAR CREEK GRADE--SUITE 120  
Winchester, Virginia 22601  
Email: office@painterlewis.com

Telephone (540) 662-5792  
Facsimile (540) 662-5793



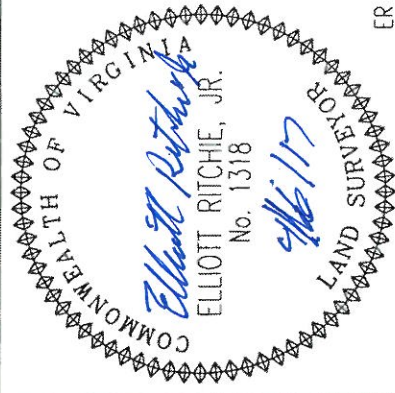
TM=86-A-143  
 COUNTY OF FREDERICK  
 DB 440 PG 421  
 Use: PUBLIC PARK  
 Zoned:RA



TM=86-A-208  
 JENNINGS INVESTMENTS, LLC  
 INSTR. #150011892  
 Use: Mobile Home Park  
 Zoned:MH-1

THIS PLAT HAS BEEN PREPARED WITHOUT THE  
 BENEFIT OF A TITLE REPORT THEREFORE THIS  
 PLAT MAY NOT SHOW ALL ENCUMBRANCES TO  
 THE PROPERTY.

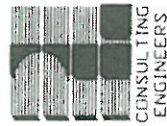
PLAT SHOWING AN EASEMENT  
 TO BE CONVEYED TO  
**FREDERICK COUNTY SANITATION AUTHORITY**  
 ACROSS THE LAND OF THE  
**COUNTY OF FREDERICK**  
 OPEQUON MAGISTERIAL DISTRICT  
 FREDERICK COUNTY, VIRGINIA  
 APRIL 6, 2017 SCALE:1"=50'



1701009

SHEET 2 OF 2

ER



**PAINTER-LEWIS, P.L.C.**

817 CEDAR CREEK GRADE-SUITE 120

Winchester, Virginia 22601

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