

DESIGN AND CONSTRUCTION STANDARDS

SECTION 8 – LEGAL RELATIONS

8.1 Easements

A. General Easement Requirements

1. Whenever possible, utilities shall be constructed within the public right-of-way or on City owned property. Should the construction be outside the limits of the public right-of-way, recorded water or sewer easements shall be acquired, dedicated and recorded solely for the benefit of the Department. Easement boundaries shall be shown on the drawings and specifications as “Public Water and Sewer Easement”. All proposed Public Water and Sewer Easements must be reviewed and approved in writing by the City.
2. Easement surveys shall be made and easement plats prepared in all cases where proposed construction limits exceed the limits of public rights-of-way or properties under the ownership of the developer. These surveys shall tie the lines of proposed construction to existing property lines and property corners, where corners may identify the property. The surveyor shall exert maximum effort to tie the survey to boundaries as set forth on existing plats and in descriptions.
3. Permanent easements for single pipes shall be as follows:
 - a. A minimum of 30 feet wide, for 16-inch and larger diameter pipes.
 - b. A minimum of 25 feet wide, for pipes smaller than 16-inch diameter.
4. Permanent easements for two parallel pipes with less than 30 feet of horizontal separation between them shall be as follows:
 - a. A minimum of the distance between the centerline of two pipes plus 45 feet, or
 - b. A minimum of 60 feet wide, whichever is greater.
5. Permanent easements for two parallel pipes with more than 30 feet of horizontal separation between them shall be treated as single pipes.
6. Permanent easements shall be a minimum of 100 square feet.
7. All utilities shall be located at the $\frac{1}{4}$ point of the easement. If this is not possible, the utility shall be installed as close to the $\frac{1}{4}$ point as possible, but in no case can there be less than 5 feet of access on all sides for access to meters, hydrants, vaults, service connections, or any other utility appurtenance. New permanent easements for existing pipes shall be oriented so that the pipe is located at the $\frac{1}{4}$ point of the new permanent easement.

8. All public water and sewer easements shall be exclusively for the installation and maintenance of City water and sewer facilities and under the discretion and control of the Department. Ingress and egress shall always be available to the Department's crew. All plan sheets shall clearly identify the water or sewer easement and the location of all other proposed utilities. The horizontal and vertical plans shall identify all utilities proposed to cross the water or sewer easement.
9. Installation of trees, structures, buildings, stormwater BMP's, wetlands, berms or other obstruction which prevents the proper installation, maintenance, rehabilitation, operation, inspection or removal of water or sewer facilities shall not be allowed within any public water and sewer easement.
10. Proposed public utility easements shall be clearly delineated with dimensions on the site plan drawings. The Department will not approve the site plan drawings until this requirement has been satisfied. Until the associated deed of easement has been recorded, and proof of recordation has been received by the Department, provision of water and sewer services may be postponed.
11. Rights-of-Entry shall be acquired if necessary. Developers constructing facilities are not required to have construction easements where work is on the developer's property. Easements shall provide sufficient width for the temporary work and be wide enough to incorporate any permanent easements contained therein. Generally, it is desirable to provide more construction easement on one side than on the other to allow room for construction traffic and material storage

Temporary construction easements and Rights-of-Entry are generally less formal and may not require all the information delineated herein for permanent easements.

Temporary easement agreements shall be documented. Coordinate with the Department for submission requirements applicable to each project.

12. Street closures and other easements that contain one or more existing utility pipes require special consideration and shall be discussed with the Department for approval prior to any formal preparation and submittal. A full-width easement may be required on any street closure. The utilities may also be relocated or abandoned as appropriate if not required.
13. If the utilities are to be eventually relocated or abandoned, then conditional easement requirements may be identified so that once the requirements have been addressed, and accepted in writing by the Department, the easement can be vacated.

B. Easement Submission Requirements

The Norfolk City Code provides the requirements for site plans and plat submission. The following are general guidelines that are pertinent for the easement submittals to be approved.

1. LEGAL DESCRIPTION SHEETS

The following shall be provided:

- a. Parcel number;
- b. Project number;
- c. Project name;
- d. Identification as to permanent or temporary easement;
- e. Separate descriptions on separate sheets are required where both permanent and temporary easements are to be taken.
- f. Metes and bounds descriptions shall be clear, concise and complete with sufficient detail to positively establish from known and referenced points, monuments, lines, etc. Area of taking should be stated at end of description. No coordinates shall be included in the legal description. Areas should be given in acres;
- g. Descriptions of easements from platted subdivision lots, including strips off sides of lots should include name of subdivision and recording information for the subdivision as well as adjacent properties and affected lot number(s). NOTE: These are usually small areas; therefore, area should be stated in square feet;
- h. State of Virginia registered land surveyor's seal and signature.

2. PROPERTY PLATS

The following information shall be shown on the plat:

- a. Parcel number;
- b. Project number;
- c. Project name;
- d. Permanent or temporary easement areas;
- e. Total area of property out of which easement is to be taken;
- f. Drawn by;
- g. Directional north arrow;
- h. Scale;
- i. Unplatted properties: complete boundaries of property description out of which easements are to be taken, including properly identified referenced corners, points of beginning, monuments, roads, bearings, distances, etc.;
- j. Platted subdivisions: dimensions of lot(s) as well as the lot(s) as well as the lot number(s) and including the subdivision name and recording information;
- k. Easement boundaries including referenced bearings, distances, etc., and identified as shown in legend; and
- l. State of Virginia registered land surveyor's seal and signature.

B. Easement Submittal and Review Process

1. When public utility easements are necessary, the applicant shall work with the Department of Utilities, Department of Public Works, Division of Surveys and the

City Attorney's office for easement submittal and recordation. The applicant shall prepare an exhibit plat signed and sealed by a land surveyor registered in Virginia showing the easement and submit it to the Department of Utilities for review. This submittal shall include the purpose of the easement, potential impacts to property owner(s), and potential impacts to the project if the easement is not obtained. The easement shall also be clearly delineated on the associated site plan.

2. If the submittal is acceptable to the Department of Utilities, a City Attorney will be requested to assist in the deed preparation. The Division of Surveys will review the exhibit plat and generate the legal property description if no deficiencies are identified. If the plat is not acceptable, it will be returned to the applicant with the required corrections noted.
3. The appropriate City departments will review the plat and deed as necessary. For new developments or where easements may affect other City departments, additional easement descriptions and sketches may be required for review and approval by the affected departments.
4. All proposed easements require an Ordinance to be adopted by City Council prior to deed recordation. The City Attorney will facilitate the execution and recordation of the deed of easement. Applicants should expect the entire process to take 8 to 12 weeks from the date an acceptable exhibit plat is received.

8.2 Permits (Reserved)

All applicable federal, state, and local permits and approvals must be obtained prior to plan approval. This includes the requirement to formally obtain a construction permit through the Virginia Department of Health and the Virginia Department of Environmental Quality. If a waiver for formal permit issuance has been granted, proof of the waiver must be presented prior to plan approval.

8.3 Street Closures

A. General Procedures

The general procedures to apply for a street closure are described on the City of Norfolk website.

B. Review and Comment Procedures

1. Once a completed application is received, The Department of City Planning transmits the application request to the Department of Utilities and all other utility providers for review and comment. On receipt of the request, the Department of Utilities will evaluate the request based on the following actions:

2. Review the application and supporting documents and determine if the specific reason for the proposed closure is clearly identified and if additional information is needed,
3. Review existing water and wastewater records and infrastructure improvement plans to determine if any water facilities, wastewater facilities or both are currently located, or will be located, within the street right-of-way,
4. Confirm that existing water facilities, wastewater facilities or both are in service,
5. Evaluate compliance with Department of Utilities' standards,
6. Conduct a site inspection of the proposed closure area and
7. Arrange a closed-circuit television (CCTV) inspection of the existing sewers, if necessary.
8. On completion of the evaluation, the Department of Utilities will prepare a response of review comments, will note that these review comments expire after a period of one year and will transmit them to the Department of City Planning.

C. Requirements to Protect Water and Wastewater Facilities

The following requirements address the typical circumstances. Other circumstances shall be discussed with the Department of Utilities. All conditions of consent shall be in accordance with the Department of Utilities' standards.

1. If there are no existing or planned water or wastewater facilities within the right-of-way of the proposed street closure area, then the Department of Utilities may consent to the request.
2. For existing water or wastewater facilities that are present and not in service and no new planned water or wastewater facilities within the right-of-way of the proposed street closure area, then the Department of Utilities may consent to the request provided the applicant furnishes satisfactory evidence of abandonment of the existing water or wastewater facilities.
3. If the existing water or wastewater facilities present only serve the applicant's property and no new planned water or wastewater facilities within the right-of-way of the proposed street closure area, then the Department of Utilities may consent to the request provided the applicant furnishes satisfactory evidence of acceptance of ownership and responsibility for the existing water or wastewater facilities. The applicant must arrange for the construction of a new water meter box in a public right-of-way, relocation or replacement of the existing water meter as necessary, construction of a new property line sewer cleanout as necessary and provides "as-builts" or record drawings showing the location of the new facilities.

4. If the existing water or wastewater facilities present serve two or more properties and no new planned water or wastewater facilities are located within the right-of-way of the proposed street closure area, then the Department of Utilities may consent to the request provided the applicant furnishes written consent of the other property owners affected; furnishes drawings and specifications for the development of new water or wastewater facilities to be located in a public right-of-way, outside of the proposed street closure area and for the abandonment of the existing facilities; solicits and receives approval from the Department of Utilities for construction of the new facilities and abandonment of the existing facilities; constructs the new facilities; abandons the existing facilities and provides “as-builts” or record drawings locating the new facilities.
5. If there are planned water or wastewater facilities within the right-of-way of the proposed street closure area, then the Department of Utilities may not consent to the request.

D. Notification Procedures

The Department of City Planning notifies the applicant of the requirements that must be met to proceed with the street closure application. The Department of City Planning must receive written approval from all the applicable departments prior to granting a street closure.

E. Implementation Requirements

In addition to the preceding requirements for facilities protection, the following requirements apply to proceeding with the street closure application:

1. All costs associated with street closures will be borne by the Applicant.
2. Abandonment of water or wastewater facilities requires inspection by the Department of Utilities, Engineering Division, Field Engineering Office (FEO) and payment of all fees.
3. The instrument for conveyance of ownership of water or wastewater facilities will be determined by and prepared by the City Attorney’s Office.
4. Relocation or replacement of existing facilities and construction of new facilities requires inspection by the Department of Utilities, Engineering Division, Field Engineering Office (FEO) and payment of fees.
5. If an easement is determined to be necessary, then provision of a public utility easement requires preparation of:
 - a. A title search at the Applicant’s expense,
 - b. A boundary survey of the proposed street closure area and an easement plat of the public utility easement by a surveyor licensed in Virginia at the Applicant’s expense, approved by the Department of Public Works, Surveys Division,

- c. A legal description of the proposed street closure area by the Department of Public Works, Surveys Division and
- d. A deed of easement by the City Attorney's Office and recordation. Recordation fees will be paid for by the Applicant.
- e. Easements shall be prepared in accordance with Subsection 8.1 of these standards

8.4. Encroachments into the Right-of-Ways or Property of the City

A. General Procedures

The instructions for encroachment applications and application procedures are posted on the City of Norfolk website at the Department of Public Works / Director's Office / Forms, Reports & Requests.

B. Review and Comment Procedures

The completed application, supporting documentation and drawings are filed with the Department of Public Works, Division of Surveys, City Surveyor. The City Surveyor coordinates review of the application with other City departments, including the Department of Utilities and other agencies, such as franchise utility providers, and consolidates comments and reports. On receipt of the application, the Department of Utilities will evaluate the request based on the following actions:

1. Review the application and supporting documents and determine if the specific reason for the proposed encroachment is clearly identified and if additional information is needed,
2. Determine the nature of the proposed encroachment:
 - a. Aerial (i.e. awning or overhead wiring),
 - b. Surface features (i.e. outside dining or plantings), or
 - c. Underground or ground-penetrating (i.e. telecom lines or railings),
3. Review existing water and wastewater records and infrastructure improvement plans and discuss with the Water Distribution Division, Wastewater Collection Division or both to determine if any water facilities, wastewater facilities or both are currently located, or will be located, within the street right-of-way or on City property,
4. Conduct a site inspection of the encroachment area to confirm records review and field conditions,
5. Determine if subsurface utility engineering may be required for more accurate utility locations,
6. Evaluate compliance with the Department of Utilities' standards.

Upon completion of the evaluation, the Department of Utilities' designated representative will prepare a draft response of the review comments. The draft response will be reviewed with the representative's supervisor and the Engineering Manager if necessary. Thereafter the final response will be prepared, will note that the review comments expire after a period of one year, and will be transmitted to the City Surveyor.

C. Requirements to Protect Water and Wastewater Facilities

The following general criteria addresses the typical circumstances. Other circumstances shall be discussed with the Department of Utilities. All conditions of consent shall be in accordance with the Department of Utilities' standards.

1. If there are no existing or planned water or wastewater facilities within the encroachment area, then the Department of Utilities may consent to the request.

2. If there are existing, active water or wastewater facilities within the encroachment area, then the Department of Utilities may consent to the request and provide the following advisory comments:
“The following utility infrastructure exists within the proposed encroachment area: Water service/meter, sewer service/cleanout, water main, sewer main, or force main (*list applicable utility*).”
“Be advised, an odor may be present depending on the utility.”
“In the event the City should need to access the encroachment area to operate, repair, replace and/or maintain existing utility infrastructure, the City will only be responsible for restoring the right of way area to the condition which existed prior to the encroaching object(s). The applicant will be responsible for all costs and items related to replacing or restoring the encroaching object(s) to their original condition, including non-use of the encroachment area itself during the City’s repair and restoration time.”
3. If there are existing, active water or wastewater facilities within the encroachment area and the proposed encroachment is underground or ground-penetrating, then the Department of Utilities will require drawings and specifications, which detail the installation, to be submitted and reviewed prior to consent. The proposed installation shall not impair accessibility or the proper repair or maintenance of the water and/or sewer facility and shall be in accordance with the Department of Utilities’ standards.

8.5. Underground Management (Reserved)