



To the Honorable Council  
City of Norfolk, Virginia

April 11, 2023

**From:** Douglas J. Beaver  
Director of Utilities

**Subject:** Acceptance of Restrictive  
Easement in Suffolk

**Reviewed:**

A blue ink signature of Patrick Roberts, Deputy City Manager.

Patrick Roberts, Deputy City  
Manager

**Ward/Superward:**

**Approved:**

A black ink signature of Dr. Larry H. Filer II, City Manager.

Dr. Larry H. Filer II, City Manager

**Item Number:** C-08

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** City of Norfolk
- III. **Description:**  
This agenda item is an ordinance accepting the conveyance of a restrictive use utility easement from the City of Suffolk and authorizing the City Manager of Norfolk to accept the deed of easement on behalf of the City of Norfolk.
- IV. **Analysis:**  
This action will provide a protective buffer zone for a portion of the City of Norfolk's Western Branch raw water reservoir.
- V. **Financial Impact:**  
There is no financial impact associated with this docket item.
- VI. **Environmental:**  
This easement will have a positive impact on the natural resources. Neighborhood preservation and historic preservation impacts are not applicable.

**VII. Community Outreach/Notification:**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action:**

NA

**IX. Coordination/Outreach:**

This letter and ordinance have been coordinated with the City Attorney's Office and the Department of Utilities.

**Supporting Material:**

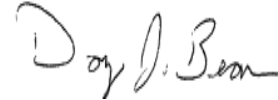
- Exhibit A to Ordinance (PDF)
- Exhibit B to Ordinance (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:



By: \_\_\_\_\_  
Office of the City Attorney



By: \_\_\_\_\_  
DEPT. Utilities

NORFOLK, VIRGINIA

---

## Ordinance No.

AN ORDINANCE ACCEPTING THE CONVEYANCE OF A RESTRICTIVE  
USE UTILITY EASEMENT FROM THE CITY OF SUFFOLK AND  
AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEED OF  
EASEMENT ON BEHALF OF THE CITY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the conveyance of a restrictive use  
utility easement, as shown on Exhibit A attached hereto, by the  
City of Suffolk, Virginia to the City of Norfolk, Virginia is  
hereby approved and accepted.

Section 2:- That the City Manager is authorized to accept a  
Deed of Easement, attached hereto as Exhibit B, in form approved  
by the City Attorney, and to do all things necessary and proper  
to effect the conveyance of the restrictive use easement to the  
City.

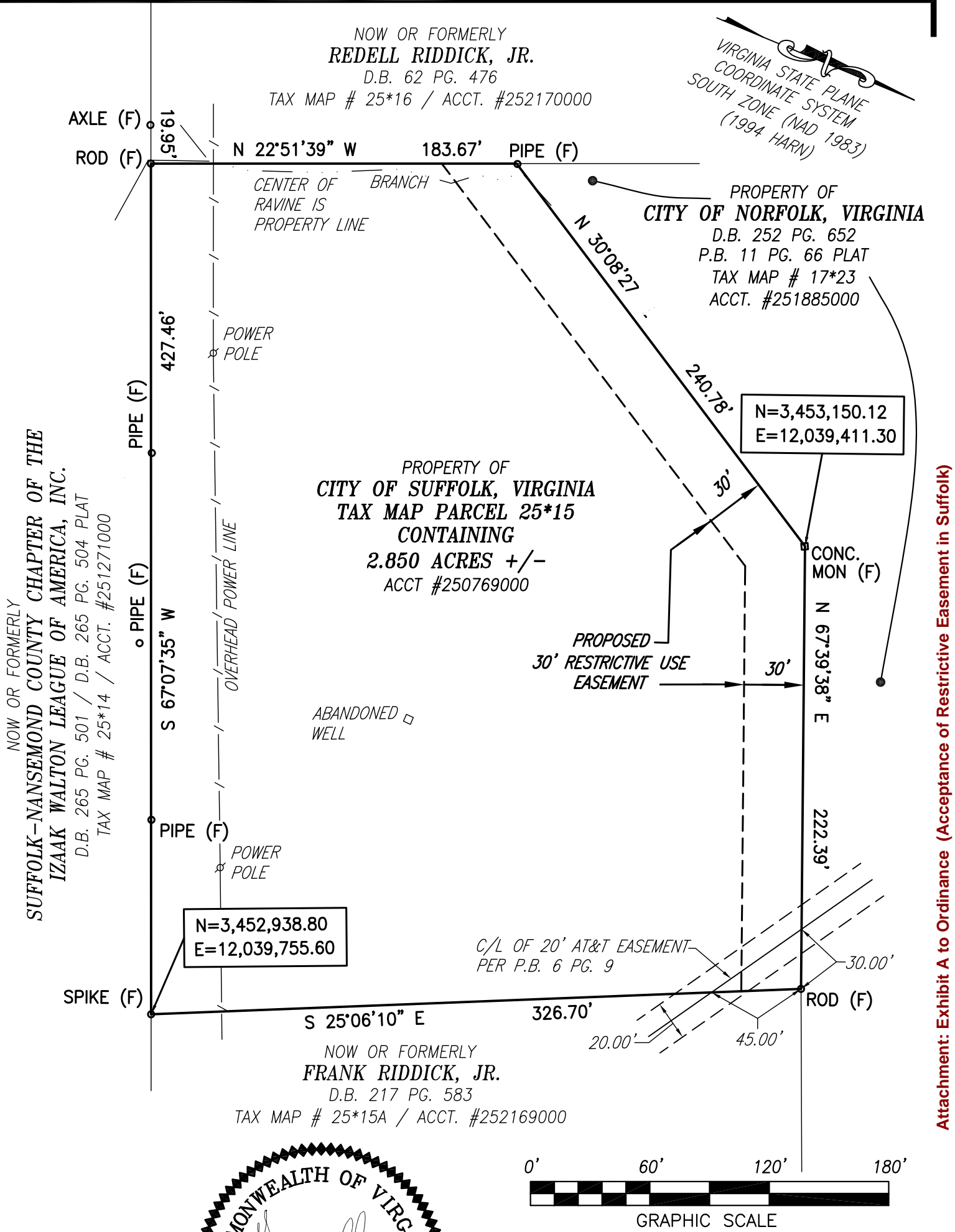
Section 3:- That this ordinance shall be in effect from and  
after its adoption.

### EXHIBITS:

Exhibit A - Exhibit (1 page)

Exhibit B - Deed of Easement (5 pages)

EXHIBIT A TO ORDINANCE



REFERENCES:

D.B. 89 PG. 755  
D.B. 227 PG. 459  
P.B. 6 PG. 9

NOTES:

1. THIS PLAT IS INTENDED FOR A DESCRIPTION AND LOCATION OF EASEMENT ONLY, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL EASEMENTS OR RESTRICTIONS THAT AFFECT THE PROPERTY.



PLAT SHOWING PROPOSED  
30' RESTRICTIVE USE EASEMENT  
TO BE CONVEYED TO THE  
**CITY OF NORFOLK, VIRGINIA,**  
FROM THE  
**CITY OF SUFFOLK, VIRGINIA**  
SUFFOLK, VIRGINIA

DATE: 10/19/2022 SCALE: 1" = 60'

**PRECISION MEASUREMENTS, INC.**  
SURVEYORS • GPS • 3-D SCANNING • GIS • MAPPERS  
VIRGINIA BEACH-RICHMOND-NEWPORT NEWS-CHANTILLY, VIRGINIA  
11835 CANON BLVD, SUITE B-103  
NEWPORT NEWS, VIRGINIA 23606  
TEL: (757) 595-7570

Attachment: Exhibit A to Ordinance (Acceptance of Restrictive Easement in Suffolk)

## EXHIBIT B TO ORDINANCE

Prepared by and return to: Office of the Norfolk City Attorney  
Alex H. Pincus, Assistant City Attorney (VSB#29180)  
Tax Map Reference No.: 25\*15  
Tax Account No. 250769000  
Consideration: None

This Deed is exempt from recordation taxes  
pursuant to Va. Code Section  
58.1-811(A)(3) & (C)(4).

### RESTRICTIVE USE EASEMENT

This Restrictive Use Easement (this "Easement") is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the **CITY OF SUFFOLK, VIRGINIA**, (Grantor), to and for the benefit of **CITY OF NORFOLK, VIRGINIA**, a municipal corporation of the State of Virginia, whose address is 810 Union Street, Suite 900, Norfolk, VA 23510 (Grantee) (hereinafter referred to as "City").

#### WITNESSETH:

That for in consideration of the sum of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey unto City, its successors or assigns, with General Warranty and English Covenants of Title, the following described easement, to-wit:

A restrictive use easement, under, in, over and upon that certain parcel of land, said easement designated as "Proposed 30' Restrictive Use Easement" (hereinafter referred to as "Easement Area") as shown on that plat entitled "Plat Showing Proposed 30' Restrictive Use Easement to be Conveyed to the City of Norfolk, Virginia, from the City of Suffolk, Virginia, Suffolk, Virginia", which plat is dated October 19, 2022, and made by Precision Measurements, Inc. (hereinafter referred to as the "Plat"), which said plat is attached hereto as Exhibit A, and made a part hereof.

It being a part of the same property as that conveyed to the Grantor herein by Deed dated March 29, 1981, from John T. Everett, and recorded April 27, 1984, in Deed Book 89 at Page 755, in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia.

It is agreed between the parties as follows:

1. Grantor shall not construct any new buildings, structures, fences, roads, or utilities within the Easement Area.

2. Grantor shall not burn, harvest timber or otherwise remove any vegetation except when necessary for safety purposes or for fire, pest or invasive species control within the Easement Area.

3. Grantor shall not mow, plow, cultivate or landscape within the Easement Area except the mowing of existing lawn areas adjacent to existing buildings and cemeteries.

4. Grantor shall not grade, blast, mine, or perform other earth-disturbing activities within the Easement Area.

5. Grantor shall not dam, impound, capture, or divert flowing water within the Easement Area.

6. Grantor shall not dump or deposit waste machinery, equipment, other waste materials, household refuse, lawn clippings, woody debris, leaves, or fill material within the Easement Area.

7. Grantor shall not erect or install any billboards, signs, towers, playground equipment or recreational fields within the Easement Area.

8. Grantor shall not erect or install any boat dock or boat ramp without a permit issued by the City of Norfolk, and any necessary permits from federal, state and local agencies.

9. Grantor shall not pasture or graze any livestock or poultry within the Easement Area except within an existing fenced or otherwise enclosed area that is already being used for such activity.

10. The Easement granted herein for the specific location described above is in addition to any easement or right of way now in existence or which may be acquired by the Grantee in the future.

11. The Grantor warrants that they are the owner of the interest hereby conveyed and that they have the right to make this conveyance, and covenants that the City, its successors and assigns, shall quietly enjoy the premises for the uses herein stated.

12. This deed covers all the agreements between the parties and no representations or statements, verbal or written, have been made which modify, add to, or change the terms of this deed.

13. This agreement shall be recorded among the land records of the Circuit Court Clerk's Office of the City of Suffolk, Virginia, and shall constitute a covenant running with the land, and shall be binding upon the Grantor, their administrators, executors, assigns, heirs and any other successors in interest, including any homeowner's associations.

IN WITNESS WHEREOF, the undersigned has caused this Easement to be executed on the date above first written.

**GRANTOR:**

**CITY OF SUFFOLK, VIRGINIA**

By: \_\_\_\_\_  
Albert S. Moor, II, City Manager

ATTEST:

\_\_\_\_\_  
Erika S. Dawley, City Clerk

COMMONWEALTH OF VIRGINIA,  
City of Suffolk, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Albert S. Moor, II and Erika S. Dawley, City Manager and City Clerk, respectively, of the City of Suffolk, Virginia.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_  
Notary Registration No. \_\_\_\_\_

\_\_\_\_\_  
Thomas H. Mueller, Deputy City Attorney  
City of Suffolk

Attachment: Exhibit B to Ordinance (Acceptance of Restrictive Easement in Suffolk)

The signature of Dr. Larry H. Filer II, City Manager is affixed hereto on behalf of the Council of the City of Norfolk, Virginia, pursuant to an ordinance duly adopted by the City Council, to evidence the acceptance of this Deed of Easement by the City, in accordance with Section 15.2-1803, Code of Virginia, 1950, as amended.

**CITY OF NORFOLK**

By: \_\_\_\_\_ (SEAL)  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

**COMMONWEALTH OF VIRGINIA  
CITY OF NORFOLK, to-wit:**

I, \_\_\_\_\_, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that Dr. Larry H. Filer II, City Manager, and Richard A. Bull, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Deed of Easement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public  
Registration No. \_\_\_\_\_

**Approved as to Form and Correctness:**

\_\_\_\_\_  
Alex H. Pincus, Deputy City Attorney  
City of Norfolk

Attachment: Exhibit B to Ordinance (Acceptance of Restrictive Easement in Suffolk)

