RESOLUTION FOR CORRECTIVE DEED EASEMENT FOR TOWN OF BLACKSBURG WATER LINE

As part of a residential housing project that is in support of the Virginia Tech Corporate Research Center, a water line easement to the Town of Blacksburg to connect with a main water line on Virginia Tech's property in the area of the Wood Processing Lab has been requested to be corrected.

RESOLUTION FOR CORRECTIVE DEED EASEMENT FOR TOWN OF BLACKSBURG WATER LINE

WHEREAS, Virginia Polytechnic Institute and State University ("Virginia Tech") is the fee simple title owner of approximately 2,600 acres in the Town of Blacksburg ("TOB"), Prices Fork Magisterial District, Montgomery County, Virginia, ("Main Campus"); and,

WHEREAS, the Virginia Tech Corporate Research Center ("VTCRC") is located on approximately 230 acres ("VTCRC Park") adjoining Virginia Tech's Main Campus; and,

WHEAREAS, John W. Olver sold his fee simple title of approximately 7.025 acres adjoining both Virginia Tech Main Campus and the VTCRC Park to Vista Holdings, LLC in 2019; and,

WHEREAS, the Vista Holdings, LLC parcel has since been developed for residential housing in support of the VTCRC Park which required two connections to a Town of Blacksburg ("TOB") main water line for the efficient distribution and reinforcement of public water on the Vista Holdings, LLC parcel; and,

WHEREAS, utilizing the granted easement recorded in 2020 among the public land records at the Montgomery County Circuit Court Clerk's Office under instrument number 20200001269, the TOB has since installed and made both water line connections; and,

WHEREAS, Virginia Tech has been requested by the TOB to correct its underground water line easement with the TOB to accurately reflect the aforementioned two main water line connections, which were installed slightly outside the original easement and now being within approximately thirteen feet (13.4') in length by ten feet (10.2') in width and located on Virginia Tech's Main Campus in the area of the Wood Processing Lab as more particularly shown on the attached drawing entitled "Deed of Easement Exhibit for Vista Holdings LLC Showing an Expanded Public Utility Easement" dated November 10, 2022, and made by Parker Design Group; and,

WHEREAS, Virginia Tech desires to correct the water line easement with the TOB in support of updating the records to accurately reflect the exact location of the installed water line;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Vice President and Chief Operating Officer, her successors and/or assigns, be authorized to execute a Corrective Deed of Easement for underground water lines to the Town of Blacksburg to accommodate and facilitate the efficient distribution and reinforcement of a public water system already installed on adjoining property in support of the Virginia Tech Corporate Research Center, in compliance with applicable policy and procedures for easements as permitted by the Higher Education Restructuring Act and Management Agreement with the Commonwealth of Virginia, and the <u>Code of Virginia</u>, 1950, as amended.

RECOMMENDATION:

That the above resolution authorizing the Executive Vice President and Chief Operating Officer, her successors and/or assigns, to execute a Corrective Deed of Easement for underground water lines to the Town of Blacksburg to accommodate and facilitate the efficient distribution and reinforcement of a public water system already installed on adjoining property in support of the Virginia Tech Corporate Research Center be approved.

March 20, 2023

Part of Tax Parcel No.070905 Part of Tax Map No. 256-A 1

Part of VT Tract No.208-00001-00086

PREPARED BY:	Virginia Polytechnic Institute and State University Attn: Real Estate Management (MC0163) 230 Sterrett Drive Blacksburg, VA 24061
RETURN TO:	Town of Blacksburg Attn: Town Clerk 300 South Main Street

Blacksburg, VA 24060

Exempted from recordation taxes under Sections 58.1-811(A) (3), and 58.1-811(C) (3), and exempted from recording fees under Sections 17.1-266 and 17.1-279 (E) of the <u>Code of Virginia</u>, 1950 as amended.

This Corrective Deed of Easement amends and corrects the length and width of the previous Easement dated February 3, 2020, which was admitted to record at the Montgomery County, Virginia Circuit Court Clerk's Office on February 21, 2020 as Instrument Number 2020001269.

CORRECTIVE DEED OF EASEMENT

This Corrective Deed of Easement ("Corrective Easement") is dated the 1st day of January, 2023, by and between <u>VIRGINIA POLYTECHNIC INSTITUTE AND STATE</u> <u>UNIVERSITY</u>, an institution of higher education and an agency of the Commonwealth of Virginia, hereinafter called Grantor, and the <u>TOWN OF BLACKSBURG</u>, an incorporated municipality of the Commonwealth of Virginia, hereinafter called Grantee.

WITNESSETH

On February 3, 2020, Grantor granted and conveyed to Grantee a Deed of Easement for the installation of a public water main across lands in Montgomery County, Virginia. That Deed of Easement ("Easement") is recorded in the Montgomery County Circuit Clerk's Office as Instrument Number 2020001269.

It has been determined that during construction, the water main was installed outside of the granted Easement.

The course, distance, and route of the easement needs to be corrected to reflect this change as described below.

For the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in accordance with Section 23.1-1000 *et seq.* of the <u>Code of Virginia</u> (1950), as amended, Grantor grants unto Grantee, its successors and assigns, the perpetual right, privilege, and easement of right-of-way, approximately thirteen (13.4') in length by ten (10.2') in width, being a new total of twenty-three feet (23.2') centered on the water line to be installed, containing approximately 0.0072 acre, to lay, erect, construct, operate, maintain and repair an underground water line and all related equipment, accessories and appurtenances necessary in connection therewith, hereinafter called facilities, for the purpose of providing public potable water service, under, upon and across the lands of the Grantor as more particularly shown and described on a drawing entitled "Deed of Easement Exhibit for Vista Holdings LLC Showing an Expanded Public Utility Easement" dated November 10, 2022, and made by Parker Design Group, which drawing is attached hereto and made a part hereof; and being part of that real estate acquired by Grantor by deed dated May 25, 1942 from John D. Shufflebarger and Mary L. Shufflebarger, his wife, which deed is recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, in Deed Book 126, Page 43.

Grantor hereby ratifies, adopts, and confirms this Corrective Easement, acknowledging that the easement covers the description set out above and attached hereto as if this description was originally set out in the Easement.

Grantee joins this Corrective Easement to acknowledge that the Easement being granted is limited to the course, distance, and route described herein and attached hereto.

All other terms of the Easement shall continue in full force and effect. The Easement and this Corrective Easement shall be construed as one and the same instrument.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.)

WITNESS the following signatures and seals.

Grantor:

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

By:

Amy Stoakley Sebring Executive Vice President and Chief Operating Officer

Commonwealth of Virginia, County of Montgomery, to-wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid, certify that the foregoing instrument was acknowledged before me this _____ day of ______, 2023, by Amy Stoakley Sebring, Executive Vice President and Chief Operating Officer, Virginia Polytechnic Institute and State University, an agency of the Commonwealth of Virginia and an institution of higher education, acting for and on behalf of the said agency.

Notary Public

My commission expires: _____

Notary registration number:

[Notary Seal]

Approved as to form and legal sufficiency:

By: Special Assistant Attorney General

Grantee:

TOWN OF BLACKSBURG, VIRGINIA

Ву: _____

Marc Verniel Town Manager, Town of Blacksburg Authorized to Accept this Easement by Town Council Resolution _____.

Commonwealth of Virginia, County of Montgomery, to-wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid, certify that the foregoing instrument was acknowledged before me this _____ day of _____, 2023, by Marc Verniel, Town Manager, Town of Blacksburg, Virginia, an incorporated municipality of the Commonwealth of Virginia, acting for and on behalf of the said municipality.

Notary Public

My commission expires:

Notary registration number: _____

[Notary Seal]

Approved as to form and legal sufficiency:

By: Town Attorney

020001266.001	ATTACHMENT M
VIRGINIA LAND RECORD COVER SHEET Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249 FORM A – COVER SHEET CONTENT Instrument Date: 1/27/2020 Instrument Type: OPM Number of Parcels: 5 Number of Parcels: 5 Instrument County 1 Image: County CIRCUIT COURT	RECORDED IN MONTGOMERY COUNTY, VA ERICA W. CONNER CLERK OF CIRCUIT COURT FILED Feb 21, 2020 AT 09:14 am INSTR # 2020001266
Tax Exempt? VIRGINIA/FEDERAL CODE SECTION	
[] Grantor:	
[] Grantee:	ТМС
Business/Name	
1 × Grantor: VISTA HOLDINGS, LLC L 2 × Grantor: VPI BUILDING AND LAND L 1 × Grantee: TOWN OF BLACKSBURG, VIRGIN Grantee:	(Area Above Reserved For Deed Stamp Only)
Grantee Address	
Name: TOWN OF BLACKSBURG, VIRGINIA	
Address: 300 S. MAIN STREET	
City: BLACKSBURG State: VA Zip Co	de:24060
Consideration: \$0.00 Existing Debt: \$0.00 PRIOR INSTRUMENT UNDER § 58.1-803(D): Original Principal: \$0.00 Fair Market Value Increase: \$ Original Book No.: Original Page No.: Original Page No.: \$	0.00
Prior Recording At: [] City [] County	Percentage In This Jurisdiction: 100%
Book Number: Page Number: Instrur	
Parcel Identification Number/Tax Map Number: 035228/317-9-4	
Short Property Description:	
Current Property Address: 1701 KRAFT DRIVE	
City: BLACKSBURG State: VA Zip Co	
Instrument Prepared By: PARKER DESIGN GROUP, INC. Reco	
Recording Returned To: CLINT E. PENDLETON	
Address: PARKER DESIGN GROUP, INC., 2122 CAROLINA	
City: ROANOKE State: VA Zip Co	ode:24014

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ATTACHMENT M

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM B – ADDITIONAL GRANTORS/GRANTEES

Instrument Date: 1/27/2020

Instrument Type: **OPM**

Number of Parcels: <u>5</u> Number of Pages: <u>1</u>

[] City [X] County MONTGOMERY CIRCUIT COURT

Grantor Business/Name

<u> 3 </u>	Grantor: VIRGINIA TECH CRC, INC.
×	Grantor: VIRGINIA TECH FOUNDATION
	Grantor:
Grantee Bu	siness/Name
	Grantee:
•••••	Grantee:

Grantee:



(Area Above Reserved For Deed Stamp Only)

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Instrument Date: 1/27/2020 Instrument Type: OPM Number of Parcels: 5MONTGOMERY CIRCUTT COURT Parcels Identification/Tax Map Prior Recording At: []City []County Procentage In This Jurisdiction: 100% Book Number: Page Number: 035217/317-9-5 Short Property Description: Current Property Address: 2001 KRAFT DRIVE City: BLACKSBURG State: VA Zip Code: 24060 Prior Recording At: []City []County Percentage In This Jurisdiction:100% Book Number: Page Number:	FORM C – ADDITIONAL PARCELS	
Instrument Type: OPM Number of Parcels: 5 Number of Pages: 1 [] City [] County	Instrument Date: 1/27/2020	
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FORM C – ADDITIONAL PARCELS	
Instrument Date: 1/27/2020	
Instrument Type: OPM	
Number of Parcels:	
[] City [X] County	
Parcels Identification/Tax Map	
Prior Recording At:	
[] City [] County	
Percentage In This Jurisdiction:100%	
Book Number: Page Number:	(Area Above Reserved For Deed Stamp Only)
Instrument Number:	
Parcel Identification Number (PIN)/Tax Map Number: 006527/	317-3-13
Short Property Description:	
Current Property Address: 1902 RESEARCH CENTER DRIVE	
City: BLACKSBURG State: VA Zip C	ode: 24060
Drier Decording Att	
Prior Recording At: [] City [] County Percentage In	This Inviscion, 100%
Book Number: Page Number: Instru	ment Number:
Parcel Identification Number/Tax Map Number: 070905/256-A	-1
Short Property Description:	
Current Property Address: 615 SOUTHGATE DRIVE	
City: BLACKSBURG State: VA Zip C	ode: 24060

ATTACHMENT M



