

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 20TH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-NINE, AT 1:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman (Absent)  
Jack D. Edwards, Vice-Chairman  
Perry M. DePue  
Thomas D. Mahone  
Stewart U. Taylor

David B. Norman, Secretary  
John E. McDonald, Treasurer  
Frank M. Morton, III, County Attorney  
Sanford B. Wanner, Business Manager

B. MINUTES - February 27, 1989

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Mahone made a motion to approve the minutes as presented.

The motion was approved by a unanimous voice vote.

C. CONSENT CALENDAR

Mr. Edwards asked if any member of the Board wished to remove the Consent Calendar item.

Mr. Taylor made a motion to approve the Consent Calendar.

The motion was approved by a unanimous voice vote.

1. Right-of-Way Conveyance for Centerville Road (Route 614) Improvements

R E S O L U T I O N

RIGHT-OF-WAY FOR CENTERVILLE ROAD IMPROVEMENTS

WHEREAS, the Virginia Department of Transportation is acquiring right-of-way for certain improvements to Centerville Road (Route 614); and

WHEREAS, the James City Service Authority is the owner of a well lot fronting on Centerville Road (Route 614) from which approximately 0.067 acres of right-of-way are required for the Centerville Road improvements, said right-of-way being southeast of survey centerline Station 137+60± to survey centerline Station 139+09± as shown on Sheet 11 of the Route 614, State Highway Project 0614-047-132, M501 plans; and

WHEREAS, the Virginia Department of Transportation has presented a deed for fee simple conveyance of approximately 0.067 acres of land to the Commonwealth of Virginia by the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Director of the James City Service Authority, James City County, Virginia, does hereby authorize and direct the Chairman and Secretary to execute the attached deed conveying 0.067 acres, more or less, of land to the Commonwealth of Virginia for Centerville Road (Route 614) improvements.

D. BOARD CONSIDERATIONS

1. Williamsburg Pottery Factory, Inc., Deed of Easement

Mr. Sanford Wanner, General Manager, James City Service Authority, stated that the Authority would be constructing the Richmond Road waterline connector this spring, in accordance with the Master Water Plan and the CIP. The Boards of Supervisors of James City County and York County have approved special use permits for the construction.

Discussion followed questioning the setting of a precedent with this case with the decision that any future applications for water service in York County would be considered individually.

The motion was approved by a unanimous voice vote.

R E S O L U T I O N

UTILITY EASEMENT FROM WILLIAMSBURG POTTERY FACTORY, INC.

WHEREAS, the James City Service Authority is constructing the Richmond Road waterline connector; and

WHEREAS, the waterline will cross a certain lot piece or parcel in York County owned by the Williamsburg Pottery, Inc.; and

WHEREAS, the Pottery is willing to grant the Authority a 10' permanent waterline easement and a 10' temporary construction easement; and

WHEREAS, in return for this easement, the Pottery is assigned the right to connect that certain lot, piece, or parcel to Authority water facilities upon proper authorization from York County Board of Supervisors and payment of applicable fees and charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the execution of a deed of easement conveying a 10' permanent easement and a 10' temporary construction easement to the James City Service Authority on and across Williamsburg Pottery, Inc., lands for the purposes of installation and maintenance of a waterline by the Authority.

2. Water Agreement - Ellen Properties

Mr. Wanner stated that Mr. James Ellen, partner of Ellen Properties and owner of the 100,000 gallon elevated storage tank located in Toano adjacent to the GSA Warehouse, offered to deed that tank to the Authority in exchange for certain considerations. Funds were budgeted in the FY 89 CIP for the rehabilitation of the tank and State Department of Health approval to use the tank as part of the Authority water system was received.

Mr. Wanner further stated that the agreement provides the Authority with the water tank, the well lot and a perpetual waterline easement to the tank. The agreement obligates the Authority to remove, upon written request, the existing well facility, provide an additional water connection at no cost to support the warehouse fire suppression system, landscape the tank site, and at such time the Authority no longer has need for the tank, convey the well lot back to Ellen Properties.

Mr. Taylor made a motion to approve the resolution.

The motion was approved by a unanimous voice vote.

R E S O L U T I O N

ACQUISITION ELLEN PROPERTIES WATER TANK AND EASEMENT

WHEREAS, the Board of Directors of the James City Service Authority desires to acquire from Ellen Properties a 100,000 gallon elevated steel water tank, a well lot and all easements that pertain there to; and

WHEREAS, Ellen Properties a partnership desire certain actions to be completed by the Authority as part of this acquisition.

NOW, THEREFORE, BE IT RESOLVED,

1) that the Board of Directors here by authorizes and directs the Chairman and Secretary of the Board to execute the attached agreement between Ellen Properties and the James City Service Authority transferring the 100,000 gallon elevated steel water tank, the well lot and easement to the Service Authority; and

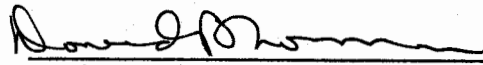
2) that the Chairman and Secretary be further authorized to execute all such documents that are necessary to finalize the acquisition of the elevated steel water tank.

E. BOARD REQUESTS AND DIRECTIVES - None

Mr. Taylor made a motion to adjourn.

The motion was approved by a unanimous voice vote.

The Board of Directors adjourned at 1:15 p.m.



David B. Norman  
Secretary

0951w

Exempted from recordation taxes  
under Sections 58.1-811(A) (3),  
58.1-811(C) (4) and 25-249.

This Deed, Made this 30<sup>th</sup> day of March, 1989, by and  
between JAMES CITY SERVICE AUTHORITY

hereinafter designated as Grantor (even though more than one), and the COMMONWEALTH  
OF VIRGINIA, Grantee:

Witnesseth; In consideration of the sum of \$ 1.00 paid by the grantee  
to the grantor, receipt of which is hereby acknowledged, the said grantor hereby  
grants and conveys unto said grantee in fee simple, with general warranty, the  
land located in Powhatan Magisterial District, in  
James City County, and described as follows:

*Being as shown on Sheet 11 of the plans for Route 614 State Highway Project 0614-047-132,  
M501, and lying on the southeast (right) side of and adjacent to the existing southeast right of  
way line of present Route 614 from the lands now or formerly belonging to James City County opposite  
approximate survey centerline Station 137+60, to the lands now or formerly belonging to County  
School Board of James City County, Virginia and The School Board of the City of Williamsburg,  
Virginia opposite approximate Station 139+09 and containing 0.067 acre, more or less, land; and  
being a part of the same land acquired by the grantor from James City County, by deed dated February  
1, 1988, and recorded in Deed Book 387, Page 831, in the office of the Clerk of the Circuit Court  
of James City County.*

*For a more particular description of the land herein conveyed, reference is made to photo  
copy of said sheet 11 showing outlined in RED the land conveyed in fee simple, which photo copy  
is hereto attached as a part of this conveyance and recorded simultaneously herewith in the State  
Highway Plat Book Number , Page .*

4736

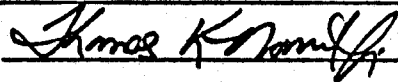
The grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

The said grantor covenants that it is seized of the land in fee simple herein conveyed; that it has the right to convey the said land to the grantee; that it has done no act to encumber the said land; that the grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

The said grantor covenants and agrees for itself, its successors and assigns, that the consideration hereinabove mentioned and paid to it shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the grantor which may result by reason of the use to which the grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

IN TESTIMONY WHEREOF, James City Service Authority, has caused this deed to be executed by Thomas K. Norment, Jr., its Chairman of the Board, said officer being thereunto duly authorized by resolution of its Board of Directors, copy of which is attached hereto, all as of the day, month and year first hereinabove written.

By



R/W-16 Corp.  
Revised 2-86

BOOK 435 PAGE 170

STATE OF VIRGINIA,

County of James City, To-wit:

I, Mari Luu Smith, a Notary Public in and for the State of Virginia, at large, do certify that Thomas K. Norment, Jr. and \_\_\_\_\_, whose names are signed to the foregoing writing, bearing date on the 30<sup>th</sup> day of March, 1989, have each acknowledged the same before me in the County aforesaid.

My term of office expires February 8, 1993.

Given under my hand this 30<sup>th</sup> day of March, 1989.

Mari Luu Smith  
Notary Public

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 23 day of May, 1989. This  deed  was presented with certificate annexed and admitted to record at 12:28 o'clock

Teste Helene S. Ward, Clerk  
By  Helene S. Ward   
Deputy Clerk

R/W-16 Corp.  
Revised 2-86

THIS DEED made this 3rd day of January, 1989, by and between ELLEN PROPERTIES, a Virginia general partnership, hereinafter referred to as "GRANTOR", and the JAMES CITY SERVICE AUTHORITY, created by the County of James City, Virginia, organized and existing under the laws of the Commonwealth of Virginia, hereinafter referred to as "GRANTEE",

WITNESSETH: that for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and for other good and valuable consideration, the receipt of which is hereby acknowledged at and before the signing, sealing and delivery of this Deed, the said GRANTOR does hereby GRANT, BARGAIN, and CONVEY, with SPECIAL WARRANTY TITLE, unto the said GRANTEE, the following described property, to wit:

All that certain lot, piece or parcel of land lying and situate in Stonehouse District, James City County, Virginia, shown and designated as: "Elevated Water Storage Tank," containing 0.138 acres on that certain plat entitled: "PLAT OF SURVEY, 0.138 ACRES & 20' EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA," dated December 12, 1988, made by: AES, a professional corporation, Williamsburg, Virginia, which said plat is attached hereto, to be recorded herewith for a more complete description of the property herein conveyed;

And the Grantor does further grant and convey unto the Grantee, a perpetual easement for drainage, utilities and ingress and egress over, upon, under and across the following described property, to wit:

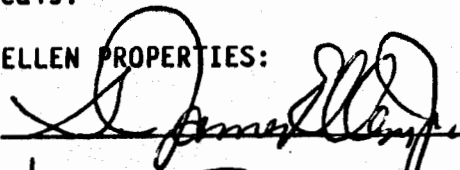
All that certain lot, piece or parcel of land lying and situate in Stonehouse District, James City County, Virginia, shown and designated as: "20' Easement for Drainage, Utilities, Ingress & Egress to Tank Site," on that certain plat heretofore described and recorded herewith.

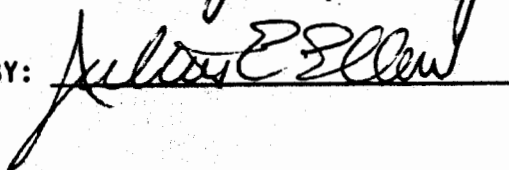


Being portions of the same property as that conveyed to the Grantor by Deed dated September 23, 1982 and recorded in Deed Book 226, Page 325.

WITNESS the following signatures and seals:

ELLEN PROPERTIES:

BY:  (SEAL)

BY:  (SEAL)

STATE OF VIRGINIA

CITY/COUNTY OF Henrico, to wit:

I, Natrel Griffin, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that S. James Ellen, Jr., whose name is signed to the foregoing writing bearing date on the 3rd day of January, 1989, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand this 2 day of March, 1989.

Natrel Griffin  
NOTARY PUBLIC

My commission expires on: August 1991.

STATE OF VIRGINIA

CITY/COUNTY OF Henrico, to wit:

I, Natrel Griffin, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Julius E. Elko, whose name is signed to the foregoing writing bearing date on the 3rd day of January, 1987, has acknowledged the same before me in the jurisdiction aforesaid.

GIVEN under my hand this 2 day of March, 1989.

Natrel Griffin  
NOTARY PUBLIC

My commission expires on: August 1991.

**SOURCE OF TITLE:**  
 THIS PROPERTY IS OWNED BY ELLEN PROPERTIES  
 PER DEED BOOK 226, PAGE 305

**OWNER'S CONSENT:**  
 THIS SUBDIVISION IS WITH THE FREE CONSENT OF  
 THE UNDERSIGNED OWNER/PROPRIETOR.  
 BY: [Signature] DATE: 2-28-89  
 BY: [Signature] DATE: 7-1-89  
 PARTNERS

**NOTARY:**  
 THE SIGNATURES ABOVE SHOWN &  
 SUBSCRIBED BEFORE ME ON THIS  
 DATE: 3-2-89  
 SIGNED: [Signature]  
 MY COMMISSION EXPIRES: 9/89

**SURVEYOR'S CERTIFICATE:**  
 TO BEST OF MY KNOWLEDGE & BELIEF THIS  
 PLAT IS COMPLETE & CORRECT.



[Signature]  
 G.T. WILSON

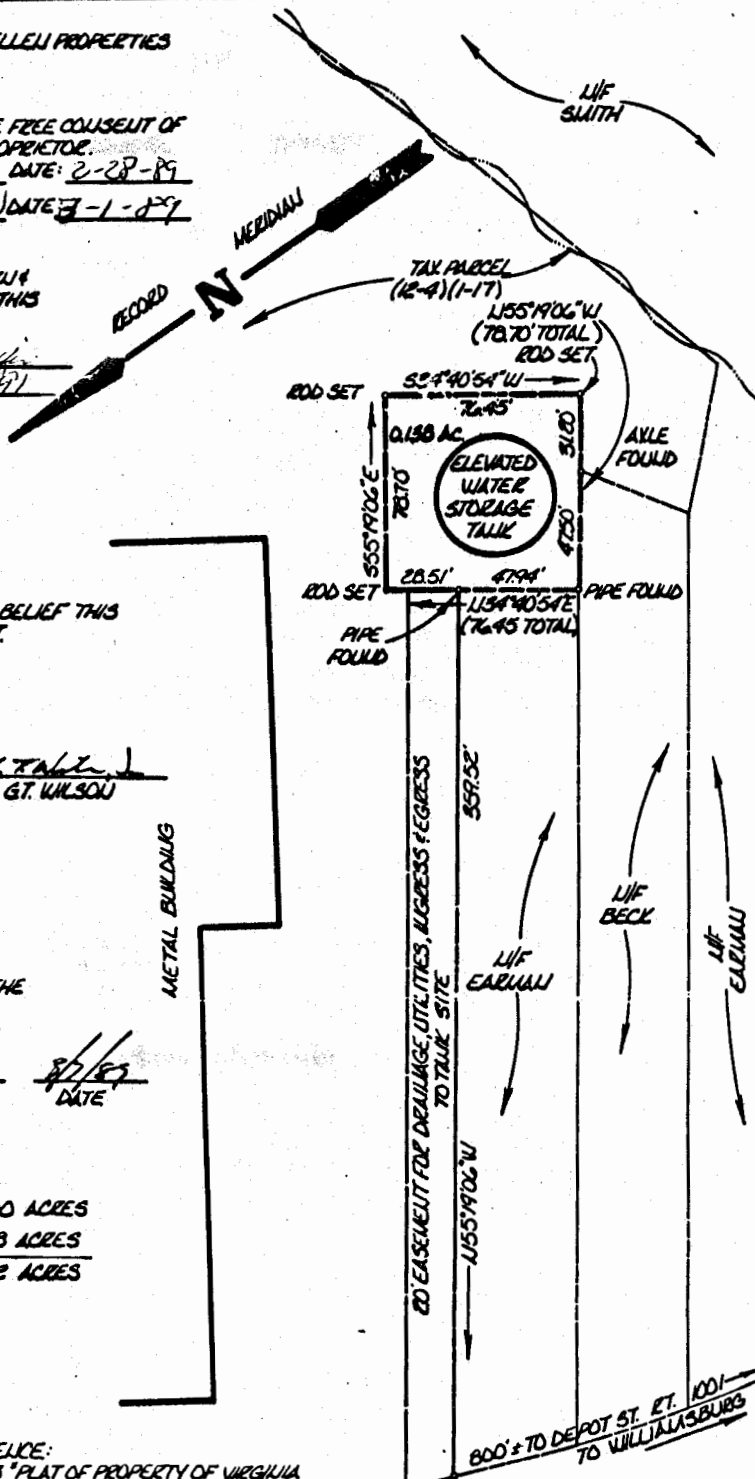
**APPROVAL:**  
 THIS PLAT IS APPROVED BY THE  
 UNDERSIGNED AGENT OF  
 JAMES CITY COUNTY.

[Signature] 8/1/89  
 AGENT DATE

TAX PARCEL (12-4)(1-17):	
CURRENT ACREAGE PER TAX RECORDS	6.100 ACRES
LESS THIS PARCEL	0.138 ACRES
REMAINDER	5.962 ACRES

**REFERENCE:**  
 AES "PLAT OF PROPERTY OF VIRGINIA  
 NATIONAL BANK", DATED AUG. 12, 1982,  
 JOB NO. 141-8.

TO RICHMOND  
**STATE ROUTE 90**



AES, a professional corporation engineers, surveyors, planners Williamsburg, Virginia

**PLAT OF SURVEY**  
**0.138 ACRES & 20' EASEMENT**  
**FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY**

JAMES CITY COUNTY VIRGINIA

Scale: 1" = 100'	Ref.: DEED BOOK 226, PAGE 325	Date: 12 / 12 / 88	Job No. 141-8
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