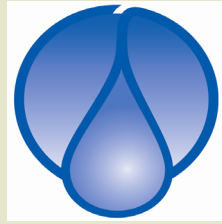


Loudoun County Sanitation Authority



**DEVELOPER'S GUIDE TO
LCSA EASEMENTS**

June 2007

Engineering Division

Department of Land Development Programs

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The Loudoun County Sanitation Authority will experience two major changes in the near future.

First, our operating name will be changing to "Loudoun Water". This name will be used for day-to-day operations. However, our legal name will remain "Loudoun County Sanitation Authority", and this name will continue to be used in all legal documents, such as easement deeds and plats. The new name will not affect easements in any way.

The second change is our forthcoming move to our new office building at our Ashburn facility, which should occur around the first part of 2008. At that time, our Leesburg office will be permanently closed.



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I. INTRODUCTION

Developers and/or individuals wishing to obtain public water and sanitary sewer service are responsible for construction of pipelines and appurtenances such as manholes, vaults, valves, and hydrants. The proposed construction plans must first be reviewed and approved by the Authority's Department of Land Development Programs. Where not located within the rights-of-way of public streets, water and sanitary sewer facilities are constructed within easements dedicated to the Authority or on land owned by the Authority. The approval process may include easement acquisitions. The project plans and profiles must be approved and all necessary off-site LCSA easements must be recorded prior to issuance of a construction permit for the project. *(Note: There are other requirements that must also be met prior to issuance of the construction permit. Please contact the Engineering Division's Administrative Section for construction permit information.)* Once constructed, ownership of the facilities is deeded to the LCSA.

II. RESPONSIBILITY

The Engineering Division's Department of Land Development Programs is responsible for approving and processing all LCSA easements associated with land development projects.

III. EASEMENT STANDARDS AND POLICIES

A. Standard Easement Widths. Water and sanitary sewer easement widths shall be a minimum of:

Condition	Pipe Diameter	Minimum Permanent Easement Width	Minimum Temporary Construction Easement Width
Within paved areas, including private streets	Less than 20 inches	10 feet	10 feet
Traversing unpaved areas	Less than 20 inches	15 feet	10 feet
All conditions for all pipes larger than 20 inches in diameter	20 inches or larger	20 feet	15 feet



- B. Location of Pipe.** All pipes shall be centered within easements, except where space is reserved for future pipelines.
- C. Exclusivity/Shared Easements.** All LCSA easements are exclusive. However, other utilities may cross LCSA easements at, or as nearly as possible, to a 90-degree angle. It is the Authority's policy not to share easements with other entities due to the safety and liability issues and inconveniences that are inherent with such practice.

Where overlapping of easements cannot be avoided, a License Agreement between the Authority and the owner of the other easement must be recorded in the Land Records of the Clerk of the Circuit Court prior to the start of any construction activities, including clearing and grading, within the easement.

- D. Extensions of Easements.** Whenever future extensions of the mains are deemed practical by the Authority, an easement shall be extended to the boundary of the site or subdivision.
- E. Fire Hydrant Easements.** All hydrants shall be placed within 10-foot-wide waterline easements.
- F. Meters and Water Service Lines.** Meters and water service lines (from the water main to the meter) shall be placed within 10-foot-wide waterline easements and shall extend to 5 feet beyond the meter on all sides. Where meters are located outside the LCSA water main easement, each individual meter easement (minimum 10 feet x 10 feet) shall be shown on the easement plat and shall be labeled with dimensions. Should individual meter locations be adjusted or moved outside the boundaries of the easement during construction, a Deed of Vacation and Dedication, with accompanying easement plat, vacating the original meter easement(s) and dedicating new easement(s) at the as-built location(s) shall be prepared and recorded among the land records of the Clerk of the Circuit Court.
 - 1. Outdoor Meters.** All water meters located outside the public right-of-way or the boundaries of an LCSA waterline easement will be contained within minimum 10-foot by 10-foot LCSA waterline easements.
 - 2. Indoor Meters.** No easement shall be placed on the service line nor on the meter.



- G. Fire Service Lines.** No easement shall be placed on a fire service line.
- H. Blanket Easements.** The use of “blanket” easements allows for the relocation of facilities within the easement boundaries without having to specify or show the actual locations of those facilities (e.g., meters and fire hydrants).
- I. Ownership vs. Easement.** It is the preference of the Authority that major facilities such as pumping stations and water storage tanks be located on lots for which ownership has been deeded to the Authority. The minimum lot size required by the Loudoun County Zoning Ordinance for this purpose is one-half (0.5) acre.

Perpetual easements in lieu of fee simple ownership must be specifically approved by the Authority prior to Utility Extension Request (UER) design review. The deed language to address the easement will be specified by LCSA at that time.

- J. Private Streets.** LCSA facilities located within private streets must be contained within appropriate water and sanitary sewer easements dedicated to the Authority.
- K. Community System Water and Wastewater Easements.** Easements to serve community water and wastewater systems will be addressed in separate guidelines.

IV. “LCSA ONLY” EASEMENTS

For LCSA easements proposed as part of a project (i.e., no County easements are being dedicated on the site), the “LCSA Only” process will be followed.

A. Deed of Easement

Developers have the option of submitting Deeds of Easement prepared by their attorneys or of completing the appropriate standard LCSA Deed of Easement (Appendix 1), which also are available on LCSA’s internet site—www.lcsa.org. Deeds prepared by attorneys must include the standard LCSA deed language, which may not be altered.



B. Notary Block

Effective July 1, 2007, the Commonwealth of Virginia notary public laws require notary blocks to be on the same page as the signature being notarized and that the notary's registration number appear on each notarial statement. All notary seals shall be reproducible.

C. Easement Plat Review Requirements

The developer, or his representative, shall submit an Easement Plat Review Request package containing the following:

1. A completed "LCSA Only" Easement Processing Request Form (Appendix 2).
2. Draft Deed of Easement. The deed must be prepared either using the appropriate standard LCSA Deed of Easement or by the applicant's legal counsel. Deeds prepared by legal counsel must contain all the Authority's standard deed language, which may not be altered.
3. One full-sized copy of the easement plat, prepared in accordance with LCSA's Easement Plat Checklist (Appendix 3).
4. Title Report for each property that is subject to the easement.

D. Easement Review and Approval

The easement plat and draft deed will be reviewed by the LCSA Project Engineer, who will advise the submitter of any revisions that may be required prior to plat or deed approval. Once approved, an approval letter will be sent to the submitter. The letter will advise the submitter that the Deed and plat have been approved and will advise the submitter to submit the original, executed Deed and a minimum of three (3) copies of the easement plat, showing the most recent revision date and with the surveyor's seal and signature.



E. Deed Execution

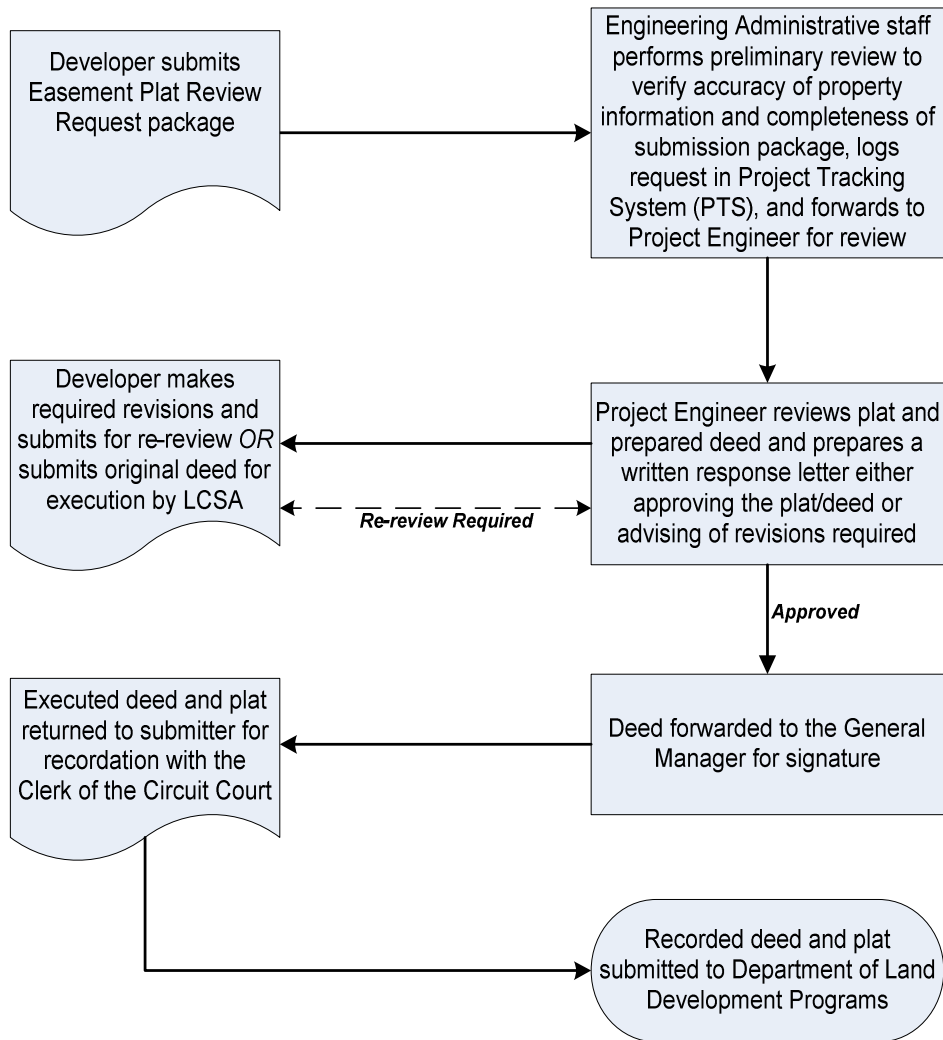
Prior to recordation all Deeds of Easement must be signed by:

- 1. Owner(s) of Title.** Owners of title include all parties who have an ownership interest in the property. In some situations, such as property titled in the name of an estate or the owner has provided power of attorney to another individual, someone other than the property owner may sign the deed. However, in those cases, copies of the legal documentation that authorize such signature must be submitted to LCSA with the easement package.
- 2. LCSA.** All Deeds of Easement must be signed by the General Manager or Deputy General Manager, particularly where vacations of previously recorded easements are involved. The original, executed Deed will then be returned to the submitter for recordation.

- F. Easement Recordation.** All “LCSA only” Deeds of Easement and their associated plats are recorded by the applicant in the Land Records of the Loudoun County Clerk of the Circuit Court. LCSA will not issue a construction permit for the project until the recorded Deed and plat are received by the Department of Land Development Programs.



"LCSA Only" Easement Process



V. LCSA/COUNTY OF LOUDOUN JOINT EASEMENTS (SIGNATURE DEEDS)

In August 1997, LCSA's Department of Land Development Programs (then Department of Engineering Development) and the Loudoun County Department of Building and Development entered into an agreement whereby a joint easement plat and deed would be utilized in acquiring easements for land development projects where both LCSA and County easements are being dedicated. This is referred to as the "Signature Deed" process.

A. Review and Approval of Draft Deed and Plat

The plat and draft deed documents are submitted to the Loudoun County Department of Building and Development in support of an active land development application, and a copy of the plat and deed are forwarded by the County's Project Manager for the project to LCSA for referral review at the same time they are being reviewed by the Office of the County Attorney. LCSA will not review plats and deeds dedicating LCSA easements until the Authority has approved the Utility Extension Request (LCSA construction plans) for the project, or until the LCSA Project Engineer is assured that the easement locations will not change. Once the plat and deed have been approved by LCSA and the Countys, a signature deed package is submitted by the applicant to LCSA for execution. Deeds and/or plats are not submitted directly to LCSA until they have been approved by all parties and are ready for execution.

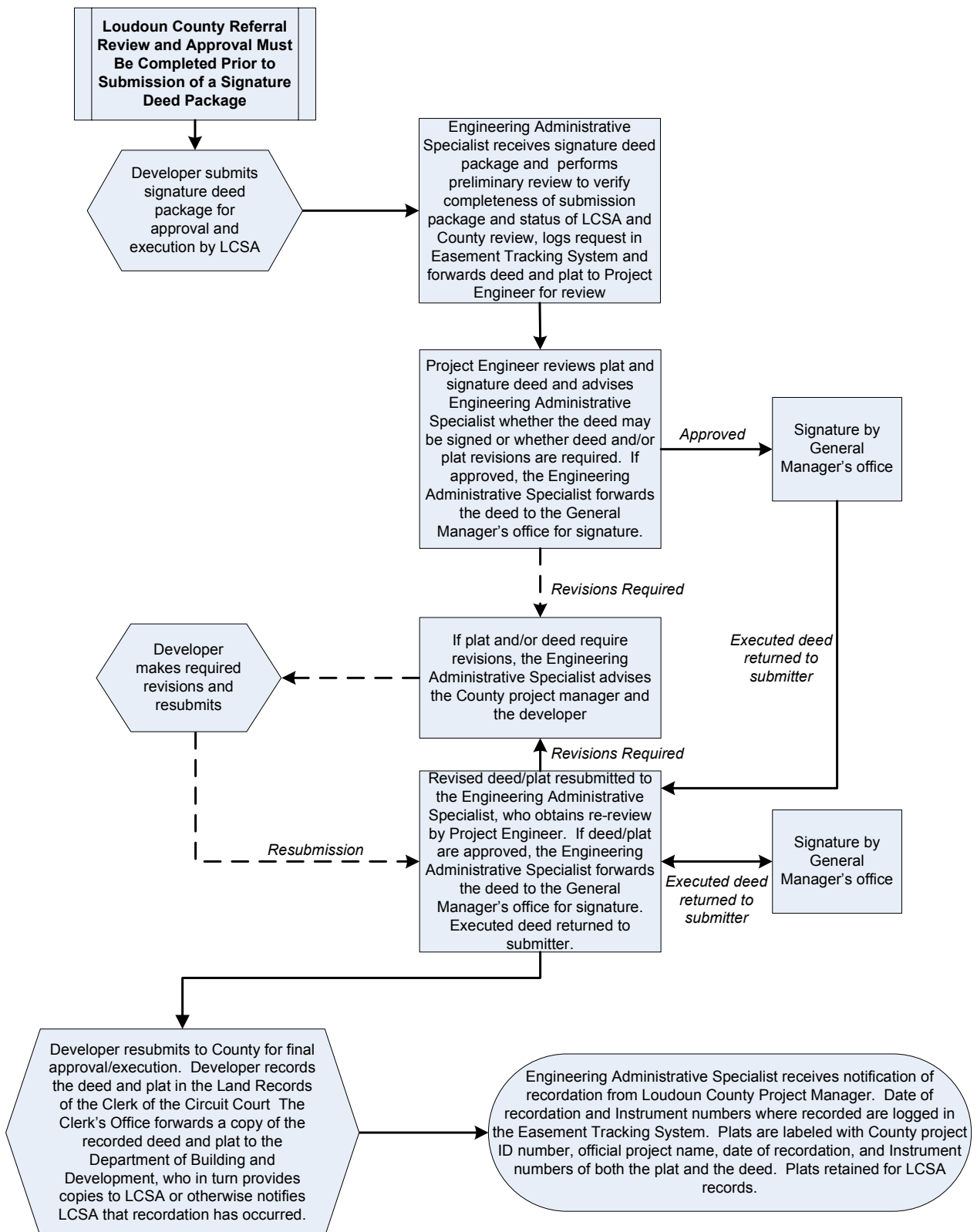
- **Residential Subdivisions.** For residential subdivisions, easements typically are dedicated as part of a subdivision record plat (SBRD), subdivision preliminary/record plat (SBPR), subdivision waiver (SBWV), or family subdivision (SBFM) application.
- **Non-Residential Site Plans.** For multi-family residential projects or non-residential projects, easements typically are dedicated as part of a site plan (STPL) application, an easement plat (ESMT), or a dedication plat (DEDI) in conjunction with an STPL application.

B. Deed Language for LCSA Easements

The required standard deed language that must be included in all deeds processed through the Signature Deed process may be found in Appendix 4.



LCSA Signature Deed Process



C. Notary Block

Effective July 1, 2007, the Commonwealth of Virginia notary public laws require notary blocks to be on the same page as the signature being notarized and that the notary's registration number appear on each notarial statement.

D. Signature Deed Process

1. Responsibility

All signature deeds for are submitted to the Engineering Administrative Specialist (EAS) in the Engineering Division's Department of Land Development Programs.

2. Signature Deed Package

The signature deed package should be submitted to the EAS in LCSA's Department of Land Development Programs and must contain the following items before it is accepted for processing by LCSA. **ONLY those items listed should be submitted. If additional items are included in the package, or if the package is incomplete, the entire package will be returned without processing.**

- ✓ A completed LCSA Signature Deed Request and Checklist form (Appendix 5), which is available on LCSA website—www.lcsa.org.
- ✓ The original deed, with original signatures of all parties except the County and LCSA.
- ✓ One copy of the approved version of the plat with the most recent revision date.
- ✓ One copy of the County Attorney's letter approving the deed and plat as to form.
- ✓ One copy of the County Project Manager's request for signature deeds. This must be may a printed copy of an e-mail, but it must be included in the deed package.

3. Final Review and Execution

Applicants should allow a minimum of 5 working days for LCSA to process signature deed requests. If inconsistencies are found during



final review of the deed and/or plat, the applicant and the County Project Manager will be notified, and the signature deed package will be returned for the necessary revisions. The County Project Manager and LCSA Engineering Administrative Specialist will determine whether additional referral review is required prior to resubmission of the signature deed package. The subsequent signature deed package will be considered a new submission.

Once the final review has been completed and the deed and plat determined to be accurate, the deed is forwarded to the General Manager's office for execution.

Only the original deed is returned to the applicant. The remaining package and plat are retained for LCSA's files until a copy of the recorded plat is received by the EAS from the County project manager.

The required standard deed language that must be included in all deeds, as well as standard easement paragraphs, may be found in Appendix 4.

