

*City of Virginia Beach*  
*Development Services Center*  
**DSC INFORMATION NOTICE #60**  
***December 11, 1997***

**TOPIC:** Changes to Real Estate Transactions Involving the City of Virginia Beach

**BACKGROUND:** On December 1, 1997, Virginia Code Title 15.1 (Counties, Cities and Towns), Volume 3A was replaced by Title 15.2. In addition, to the restructure or recodification of Volume 3A, amendments to several subsections also became affective on this date.

**ITEM #1:** All deeds conveying property or an interest in property (easements) to the City must be reviewed and approved by the City Attorney or his designee. This has been done for several years and is reflected by the use of an approval line or box provided on the deed for the City Attorney's signature.

**ITEM #2:** All property or an interest in property (easements) must be accepted by the City before the deed is recorded. Typically, there are two situations where deeds conveying property or an interest in property are submitted to the City for approval and acceptance:

A) *City Council has enacted an ordinance authorizing the acquisition* - In this case, the City Attorney's Office will accept the property or interest in property for the City by signing the approved/acceptance box on the deed.

<p><b>APPROVED AS TO FORM AND ACCEPTED ON BEHALF OF THE CITY OF VIRGINIA BEACH</b></p> <hr/> <p><b>CITY ATTORNEY</b></p>
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B) *The acquisition is not related to a City Council enacted ordinance* - **Most development generated deeds fall in this category.** These deeds must also be accepted by the City before recordation. An acceptance signature will be needed from either the City Manager, his designee or the City Real Estate Agent. The acceptance box on the following page will be used on these deeds.

**ACCEPTED ON BEHALF OF  
THE CITY OF VIRGINIA BEACH**

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**CITY MANAGER OR HIS DESIGNEE  
OR CITY REAL ESTATE AGENT**

**Item #3:** Deeds conveying property or an interest in property to the City that have not been properly accepted by the City and were recorded on or after December 1, 1997, are considered to be void under the statute.

**Item #4:** **Will there be a change in process?**  
There will be a slight change in the process for development related deeds. The deed will be routed to one additional agency for signature. This process is internal and should not affect the review of the deeds.

**Item #5:** **Where should the signature line or box be located?**  
A page from a sample deed is attached showing the location of the signature box or line for deeds not resulting from City Council authorized acquisition. A similar location for deeds requiring the City Attorney's acceptance should be used.

**Item #6:** **EFFECTIVE DATE: December 1, 1997**

**CONTACTS:**

- City Attorney's Office:
  - Diane M. Greene ..... 427-4531
  
- Development Services Center:
  - James Pearce ..... 427-8757
  
- Public Works Real Estate:
  - James Lawson (City Real Estate Agent) ..... 427-4161

that in an emergency or failure to remove after written notice Grantee will remove, or have removed by others, any impediment to access, maintenance or operation and Grantor agrees he is responsible for replacement of said fence(s), structure(s), landscaping, vehicle parking or other obstruction at its sole expense.

The Grantor covenants and agrees for himself, his assigns and successors, that the consideration aforementioned shall be in lieu of any and all claims of compensation and damages by reason of the location, construction, reconstruction, alteration or maintenance of the said facility.

IN WITNESS WHEREOF, \_\_\_\_\_, a \_\_\_\_\_  
\_\_\_\_\_, has caused this Declaration of Easement

Va Corporation/Va Partnership/Individual  
to be executed pursuant to due authority.

\_\_\_\_\_  
Name of Corporate Officer/Partner/Individual

\_\_\_\_\_  
Name of Bank or Mortgage Company

By \_\_\_\_\_ (SEAL)

By \_\_\_\_\_ (SEAL)

**APPROVED AS TO CONTENT:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Signature - Development Services Center

\_\_\_\_\_  
Signature - City Attorney

**ACCEPTED ON BEHALF OF  
THE CITY OF VIRGINIA BEACH:**

\_\_\_\_\_  
City Manager or his Designee or City Real Estate Agent