

City of Virginia Beach
Development Services Center
DSC INFORMATION NOTICE #62 (Revised #47)
March 2, 1998

(New or revised sections shown in bold type)

TOPIC: *Dedications and Agreements - Development Plan Review*

DEFINITION: AGREEMENT - *For the purpose of this DSC Information Notice, an “agreement” is any document required by the City to be recorded against the title to real property in connection with development or site plan approval or where the City is a party to and/or the beneficiary entitled to enforce the terms of the document. Examples: North Beach Deferral Agreement, Right-of-Way Reservation Agreement, Land Management Agreement (not associated with a subdivision), Improvement Deferral Agreement, Stormwater Management Facility Maintenance Agreement.*

ITEM #1: *Dedication of property, easements and rights-of-way are often proffered or required during rezonings or development plan review. The property or easements being dedicated to the City must be free of liens, judgments, mortgages, environmental hazards, etc. before the deeds can be accepted by the City.*

ITEM #1A: *In the case of agreements, the status of the property must also be known by the City with respect to ownership, existing liens, judgments, mortgages, etc. In the case of churches, a copy of the court order appointing the trustees must be provided with the dedication/agreement package submittal. In addition, a copy of the court order authorizing the trustees to execute the dedication/agreement must also be included. (Reference Code of Virginia 57-8)*

ITEM #2: *When dedicating property, easements and rights-of-way to the City by deed, a current title report and an environmental assessment of the property must accompany the deed of dedication or deed of easement. The current title report must indicate whether there are encumbrances on the property, e.g. liens, judgments, mortgages, etc. The environmental assessment must certify that no environmental hazards exist on the property being dedicated in fee simple. In addition, a plat of the property is to be provided as an exhibit with the deed.*

ITEM #2A: *In the case of agreements, a current title report must accompany all agreements (with the exception of Encroachment Agreements, Subdivision Agreements, and Land Management Agreements associated with a subdivision). The current title report must indicate whether there are encumbrances on the property and identify the current owners.*

ITEM #3: *If encumbrances are present, a certificate of partial release from each noteholder,*

mortgage company, bank, etc. must also accompany the deed or the noteholder(s), trustee(s) and lienholder(s) must sign the dedication document.

ITEM #3A: *In the case of agreements, if encumbrances are present, the noteholder(s), trustee(s), and lienholder(s) must sign the agreement.*

ITEM #4: *Deed of Dedication/Deed of Easement submittal package:*
1. *Deed of dedication/deed of easement with a plat of the property (1 mylar original and 1 mylar copy) as an exhibit or attachment*
2. *Current title report*
3. *Release(s) from mortgage company, note holders, etc. (if applicable)*
4. *Environmental assessment*

ITEM #5: *Reference: DSC Notice #46. When subdividing, the subdivision plat may be used to convey easements and/or property to the City for public passage (rights-of-way), conveyance of stormwater, domestic water and sewage and the associated areas for the installation and maintenance of these facilities. These dedications do not require a title report or releases because the owner certifies whether encumbrances exist. If there are encumbrances, the trustees and/or note holders consent to the dedication by signing the subdivision plat.*

EFFECTIVE DATE:
All deeds of dedication and deeds of easement submitted on or after December 11, 1995, must provide a current title report and environmental assessment. All agreements currently under review may be required to provide a title report. All agreements submitted on or after March 2, 1998 must provide a current title report.

CONTACTS: Deed of Dedication/Deed of Easement Review and Agreements:
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Requirements Relating to Development Plans:
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