

125.00 CONVEYANCE OF REAL PROPERTY AND EASEMENTS IN GENERAL**125.01 Purpose:**

A. Conveyance of interest in real property, required by the County to be granted, shall be made by appropriate plat and deed showing the Board of County Supervisors as grantee. Conveyances to the County, intended for ultimate use by another public entity, such as the School Board, shall also be made to the Board of County Supervisors as grantee. The Board may then further convey the interest as it shall deem proper. All deeds shall be approved by the County Attorney or designee, which approval shall be evidenced by appropriate signature on the face of the instrument.

B. In order to ensure that the property rights dedicated to the County may be used for the purpose intended, all conveyances of fee simple title shall be free of conditions, restrictions, and encumbrances.

C. Conveyances of real property may be made subject to all easements, rights-of-way, and other restrictions which properly appear in the lawful chain of title to the property, but only if a title report has been provided to, and approved by, the County.

D. All dedications of property shall be made without any restriction on use, but where properties are conveyed in compliance with a proffered condition of a rezoning and such proffer, as accepted by the Board of County Supervisors, expressly limits the use of the property conveyed, the deed may contain a reverter clause in a form acceptable to the County Attorney.

E. Title to property shall ordinarily be conveyed in fee simple by general warranty deed with English covenants of title, provided that a special warranty deed shall be acceptable only when the grantor has received no better title to the subject property. Such lesser warranty of title may be accepted only upon the approval of the County Attorney.

F. Original and fully executed deeds shall be submitted to the Department of Development Services no later than when the plans and plats are submitted for pre-signature review. They shall be forwarded to the County Attorney, who shall note approval or disapproval of the documents.

G. Upon approval of deeds by the County Attorney, the director of the Department of Development Services or designee is authorized formally to accept the deed on behalf of the Board of County Supervisors, by appropriate notation on the plat or deed instrument, or both, without further action by the Board of County Supervisors. The signature of the Chairman of the Board of County Supervisors is hereby expressly authorized in the event that a deed has been approved requiring such signature, but the signature of the director of the Department of Development Services or designee, on an otherwise approved instrument, shall be sufficient to satisfy the requirements of this section, and to reflect legal approval and acceptance by Prince William County of all interests conveyed.

Proposed Revision January 29, 2016
Approved December 7, 2010
Effective February 5, 2011

H. The Director of the Department of Development Services or designee shall be responsible for assuring that deeds and plats are recorded in the land records of Prince William County prior to final release of permits, if applicable, and shall file a copy of the recordation receipt with the appropriate deed book and page numbers in the project records.

I. Site/subdivision plans shall show a common or shared easement of no less than fifteen (15) feet of width for conveyance to franchised cable television operators furnishing cable television, and public service corporations furnishing cable television, gas, telephone, and electric service. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators, which may be expected to occupy them, shall be conveyed by reference on the final plat. Preferably, such easements will be located along the right-of-ways providing continuous service to each property. All utilities will be placed underground in accordance with Section 250.71 of the Prince William County Zoning Ordinance.

The width of the easement may be reduced to ten (10) feet if at least one such cable television operator or public service corporation informs the County, in writing, that the company will not need an easement at this location. This letter must be received by the County prior to the submission of the final site development plan for the subdivision. The easement shall not be required if all cable television operators and public service corporations capable of serving the subdivision submit such a letter.

1. All on-site utility facilities serving new uses or installed after the effective date of this Chapter to serve any use, and not otherwise exempted by this subsection, and to include water, sewer, power, natural gas, telephone and cable, shall be installed underground. This requirement shall not apply to the following:

(a) Transmission power lines of thirty-four thousand five hundred (34,500) volts or greater;

(b) Water towers;

(c) Uses in the M-1 or M/T districts;

(d) Residential subdivisions of two (2) acres or larger lots;

(e) Uses established prior to the effective date of this Chapter. Such existing uses may expand within the limits provided by Section 32-601.33 of the Prince William County Zoning Ordinance without meeting the requirements of this section.

2. As-built plans showing location of underground facilities and easements shall be filed with the Planning Director of Development Services.

3. Any underground utility may be placed within any setback, but not within any required buffer, or as otherwise prohibited by the Design and Construction Standards Manual, except as allowed by Section 32-250.32.3 of the Prince William County Zoning Ordinance.
4. Requirements of this section can only be waived by the Director of the Department of Development Services.

J. The Code of Virginia contains special provisions relating to property held for religious purposes. These provisions include the requirement that property for most churches and religious societies be held by trustees on behalf of the church congregation. These trustees have mere legal title to the property with no power to manage or control the use of the land. The Code of Virginia requires an order from the Circuit Court authorizing or approving any dedication of land or other conveyance of easements, etc., to the County. This requirement will apply to all churches of religious societies where the property is held by trustees.

K. Some churches have property held by ecclesiastical officers. In this case, the Code of Virginia provides for the appropriate ecclesiastical officer to have the power to convey real estate. In this limited instance, an order from the Circuit Court approving the dedication of land for public purposes or the conveyance of easements to the County is not necessary.