



Department of Public Utilities Policies and Procedures

NUMBER: 20.05
EFFECTIVE DATE: 11/21/05
SUPERCEDES: LandLocked Property Policy dated 2/10/1992
SUBJECT: LAND-LOCKED PROPERTY POLICY

I. PURPOSE:

This policy shall serve as a means for determining whether municipal water or sanitary sewer lines are "available for connection" to certain parcels of real property as contemplated in Section 78-52 of the Chesapeake City Code.

II. DEFINITION:

- A) A property shall be considered "land-locked," or unable to connect to municipal water or sanitary sewer lines, where the following criteria are satisfied:
1. The subject property does not border upon a street or alley owned and maintained by the City; and
 2. The subject property cannot be subdivided as defined in Section 70-1 of the City Code; and
 3. The adjacent properties cannot be subdivided in a manner which would result in the subject property bordering a street or alley owned and maintained by the City.

III. PROCEDURE:

- A) In order for a land-locked property owner to connect with municipal water or sewer lines, the owner must establish that the following conditions have been satisfied:

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1. The owner must have an existing access easement from a street or alley along which municipal water or sanitary sewer lines have been laid, or are intended to be laid, to the subject property. Access to a "paper street," as defined in Section 70-1 of the City Code, shall not be sufficient to satisfy this requirement; and
2. The owner must obtain an easement which will allow water or sanitary sewer service lines to run from the subject property to the municipal facilities; and
3. The easement obtained for the water or sanitary sewer service lines must be located within or immediately adjoining the access easement described in Paragraph 1 of this Article; and
4. The owner shall agree to be responsible for the installation of the private system from the subject property to the municipal facilities, and in no event will the City of Chesapeake be responsible for installation costs; and
5. The owner shall agree to be fully responsible for the maintenance and operation of the private system; and
6. The owner shall agree to be solely responsible for any and all liabilities, claims or damages arising out of the installation, operation or maintenance of the private system; and
7. The owner shall agree to pay all connection fees and other associated charges relating to the private system and/or its connection with municipal facilities.
8. The owner shall agree to disconnect the water and sewer connections through the private utility and ingress/egress easement in the event any adjacent property is subdivided such that the owner's property borders a street or alley owned and maintained by the City and in which city water and/or sewer exist.

- B) Where the foregoing conditions have been satisfied, the City may:
1. Permit the owner to connect the private system service lines to the municipal facilities.
 2. Initiate a tapping blank to establish the limits of City maintenance and to note that municipal service is being provided to a land-locked property.

IV. EXCEPTIONS

In the event that ingress/egress to and from a land-locked parcel are through a railroad or public utility right-of-way, and the railroad or public utility is not willing to grant the land-locked parcel owner the easements required under subparagraphs 1, 3 and 4 of Article III, paragraph A of this policy, then the requirements of such subparagraphs 1, 3 and 4 shall be deemed to have been satisfied if:

1. The owner has an existing access license to use the railroad or public utility right-of-way from a street or alley along which municipal water or sanitary lines have been laid, or are intended to be laid, to the subject property; and
2. The owner obtains a license allowing water and or sanitary sewer service lines to run from the subject property to the municipal facilities; and
3. The license obtained for the water or sanitary sewer service lines must be located within the access license described in Paragraph 1 of this Article; and
4. All other requirements of Article III are satisfied.

Original signed by
J.K. Walski

Director, Public Utilities

11-18-05

Date

Attachment 1

Land-Locked Property Agreement
For Water and/or Sewer Connection

(The City of Chesapeake is exempt from recordation and grantor taxes pursuant to Sections 58.1-811.A.3 and 58.1-811.C.4. of the 1950 Code of Virginia, as amended).

Prepared by:
Chesapeake City Attorney's Office
306 Cedar Road, 6th Floor
Chesapeake, VA. 23322
757-382-6586

Return to:
Utility Engineer.
306 Cedar Road, 2nd Floor
Chesapeake, VA 23322

Tax ID # _____

**LAND-LOCKED PROPERTY AGREEMENT
FOR WATER AND/OR SEWER CONNECTION**

This Agreement, made this ____ day of _____, 20____, by and between the Department of Public Utilities for the City of Chesapeake, Virginia, hereinafter referred to as Department of Public Utilities and _____ hereinafter referred to as the Owner.

WHEREAS, the Owner owns property located at _____ in Chesapeake, Virginia, identified as **Tax Map Parcel #** _____ (the "Property"); and

WHEREAS, the Owner desires to obtain connection for the Property to the City's water and/or sewer utility system, pursuant to the terms of the Land-Locked Property Policy.

NOW, THEREFORE, in exchange for the City allowing the Property to connect to City water and/or sewer through the Land-Locked Property Policy, the Owner agrees as follows:

1. The Owner agrees to comply with all conditions of the Department of Public Utilities' Land-Locked Property Policy.

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2. The Owner agrees that if in the future the Property becomes bordered by a street or alley owned and maintained by the City, and in which city water and/or sewer exist, the Owner shall disconnect the water and/or sewer connections allowed through the private utility easement by the Land-Locked Property Policy, and shall provide water and sewer to the Property, at the Owner's expense, in accordance with the requirements of the City's ordinances and policies in effect at such time.

WITNESS the following signature:

OWNER:

CITY OF CHESAPEAKE, VIRGINIA

Department of Public Utilities, Director

STATE OF VIRGINIA,
CITY OF _____, to wit:

I, _____, a Notary Public, in and for the City aforesaid, in the State of Virginia, do certify that _____ whose name is signed to the foregoing and annexed writing, bearing date on the _____ day of _____, 20____, has acknowledged the same before me in my city aforesaid.

Given under my hand this _____ day of _____, 20__.

Notary Public

My commission expires _____.

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STATE OF VIRGINIA,
CITY OF _____, to wit:

I, _____, a Notary Public, in and for the
City aforesaid, in the State of Virginia, do certify that _____
_____ whose name is signed to the foregoing and annexed writing, bearing date on the _____
day of _____, 20____, has acknowledged the same before me in my city
aforesaid.

Given under my hand this _____ day of _____, 20__.

Notary Public

My commission expires _____.

Approved as to form:

Assistant City Attorney