

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	August 17, 2020
Action Required:	Approval of Ordinance – First of Two Readings
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities John Blair, City Attorney
Title:	Rivanna Water and Sewer Authority Water Line Easement – Ragged Mountain Reservoir Property

Background:

The Community Water Supply Plan, developed with substantial community input, represents the program whereby Rivanna Water and Sewer Authority (RWSA) will provide adequate drinking water for future needs. The Community Water Supply Plan was approved in 2012 and one element of the plan includes the construction of a water supply line from the South Rivanna Reservoir to the Ragged Mountain Reservoir. This water line will replace the existing Upper Sugar Hollow Pipeline and increase raw water transfer in the urban water system. The water line is anticipated to be constructed between 2027 and 2040 for an estimated cost of \$80 million. The benefits of the raw water line include increasing the water supply for the community, improving both redundancy and operational flexibility for the drinking water system, and providing a better balance of environmental needs.

Discussion:

The City, as the owner of the Ragged Mountain Reservoir property, has been requested to approve an easement to allow construction of the South Rivanna Reservoir to the Ragged Mountain Reservoir water supply line. The Departments of Parks and Recreation and Utilities have reviewed the proposed deed of easement and plat and have no concerns.

Alignment with City Council’s Vision and Strategic Plan:

This request supports City Council’s “Green City” vision. It contributes to Goal 3 of the Strategic Plan: To be a beautiful and sustainable natural and built environment; Objective 3.2: To provide reliable and high-quality infrastructure; and Objective 3.4: To be responsible stewards of natural resources.

Community Engagement:

A community information meeting regarding the water line was held by RWSA in June 2018.

Budgetary Impact:

Approval of the easement will not have any budget impact on the City.

Recommendation:

Staff recommends approval of the easement to RWSA for the raw water line from the Ragged Mountain Reservoir to the South Rivanna Reservoir.

Alternatives:

If the easement is not approved, the community would not have sufficient water capacity in the future.

Attachments:

Proposed Ordinance, Deed of Easement and Plat

**AN ORDINANCE
GRANTING PERMANENT AND TEMPORARY EASEMENTS TO THE
RIVANNA WATER AND SEWER AUTHORITY
FOR THE INSTALLATION OF WATER LINE FACILITIES
IN RAGGED MOUNTAIN NATURAL AREA**

WHEREAS, the Rivanna Water and Sewer Authority (“RWSA”) has requested the City of Charlottesville (“City”) to grant permanent and temporary easements across a portion of Ragged Mountain Natural Area along Reservoir Road, located in the County of Albemarle, as shown on the attached plat dated July 22, 2019, last revised February 21, 2020; and,

WHEREAS, the proposed easement will allow construction of a water supply line from the South Rivanna Reservoir to the Ragged Mountain Reservoir; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on August 17, 2020 to give the public an opportunity to comment on the conveyance of these easements; and

WHEREAS, City staff have reviewed the request and have no objection to the conveyance of said easements to RWSA.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Easement and such other documents as may be requested by RWSA, in form approved by the City Attorney, to convey the above-described easements to the Rivanna Water and Sewer Authority.

This document was prepared by:
Rivanna Water and Sewer Authority
695 Moores Creek Lane
Charlottesville, Virginia 22902

Albemarle County Tax Map and Parcel Numbers:

07500-00-00-047B0
07500-00-00-047B1
07500-00-00-06200
07500-00-00-062A0

**EXEMPT FROM RECORDATION TAXES UNDER
THE CODE OF VIRGINIA (1950), AS AMENDED, SECTION 58.1-811.A.3 and SECTION 58.1-811.C.4.**

This **DEED OF EASEMENT**, made this ____ day of _____, 2020 by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia, Grantor (“Property Owner”) and **RIVANNA WATER AND SEWER AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act, whose address is 695 Moores Creek Lane, Charlottesville, Virginia 22902, Grantee (the “Authority”).

WITNESSETH:

WHEREAS, the Property Owner has agreed to grant the Authority the various easements shown on the four separate plats attached hereto and recorded herewith each entitled “Plat Showing a RWSA Permanent_Waterline Easements and Temporary Construction Easements to be Acquired by Rivanna Water and Sewer Authority on the Land of City of Charlottesville”, and each prepared by Rinker Design Associates, P.C., dated July 22, 2019, last revised February 21, 2020 (the “Plats”); and

WHEREAS, as shown on the Plats, the proposed easements cross a portion of the property conveyed to Property Owner by deed dated October 15, 2019, of record in the Albemarle County Circuit Court Clerk’s Office in Deed Book 5233, at pages 113-127, and Property Owner is the fee simple owner of the said property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Property Owner does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS of TITLE unto the Authority a perpetual right of way and easement to construct, install, operate, maintain, repair, replace, relocate and extend a water line consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of Property Owner located in the County of Albemarle, Virginia, and to access any other adjacent easement held by the Authority, the location and width of the easement hereby granted and the boundaries of the property being more particularly described and shown on the Plats as “RWSA Permanent Waterline Esmt. (Hereby Granted)” (the “Waterline Easement”). Reference is made to the Plats for the exact location and dimension of the Waterline Easement hereby granted and the property over which the same crosses.

Further, Property Owner does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS of TITLE unto the Authority a temporary construction easement for a term so long as necessary to construct and install those certain water lines comprising the South Fork Rivanna Reservoir (SFRR) to the Ragged Mountain Reservoir (RMR) Project of which the water line to be constructed in the Waterline Easement is a part and to do all things reasonably necessary and incident to such initial construction, the location and size of the temporary construction easement hereby granted and the boundaries of the property being more particularly described and shown on the Plats as “Temporary Construction Esmt. (Hereby Granted)” (the “Temporary Construction Easement”). Reference is made to the Plats for the exact location and dimension of the Temporary Construction Easement hereby granted and the property

over which the same crosses. The Temporary Construction Easement shall automatically terminate upon the expiration of the above-described term.

Easement Obstructions

Property Owner, its successors or assigns, agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions shall not be located within the Waterline Easement or the Temporary Construction Easement (during the term thereof); provided, however, that Property Owner may construct, install and maintain roads, walkways and paths, with prior written notice to the Authority, within the easements hereby granted. The Waterline Easement and the Temporary Construction Easement (during the term thereof) shall include the right of the Authority to cut any trees, brush and shrubbery, remove obstructions and take other similar action reasonably necessary to provide economical and safe water line construction, installation, operation, maintenance, repair, replacement, relocation and extension. The Authority shall have no responsibility to Property Owner, its successors or assigns, to replace or reimburse the cost of trees, brush, shrubbery, or other obstructions located in the Waterline Easement or the Temporary Construction Easement (during the term thereof), if cut or removed or otherwise damaged.

Easement Access and Maintenance

As part of the Waterline Easement and the Temporary Construction Easement (during the term thereof) the Authority shall have the right to enter upon the above-described property within the Waterline Easement and the Temporary Construction Easement (during the term thereof) for the purpose of installing, constructing, operating, maintaining, repairing, replacing, relocating and extending the above-described water line and appurtenances thereto, within the Waterline Easement and in addition, the Authority shall have the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, repair, replace, relocate and extend

such water lines. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of Property Owner adjacent to the right-of-way, and shall restore surface conditions of such property adjacent to the right-of-way as nearly as practical to the same condition as prior to the Authority's exercise of such right.

Excavation

Whenever it is necessary to excavate earth within the Waterline Easement or the Temporary Construction Easement (during the term thereof), the Authority agrees to backfill such excavation in a proper and careful manner so as to restore surface conditions as nearly as practical to the same condition as prior to excavation and consistent with the provisions of the section titled "Easement Obstructions" above, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation.

Ownership of Facilities

The facilities constructed within the Waterline Easement shall be the property of the Authority, its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations and connections to or extensions of its facilities within the boundaries of the Waterline Easement as are consistent with the purposes expressed herein.

IN WITNESS WHEREOF, the City of Charlottesville has caused this Deed of Easement to be executed by its Mayor, pursuant to an Ordinance adopted by City Council on _____, 20____.

SIGNATURES ON FOLLOWING PAGE

WITNESS the following signatures and seals:

PROPERTY OWNER:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____ (SEAL)

Name: _____

Title: Mayor

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as Mayor of the City of Charlottesville, Virginia.

Notary Public

My commission expires on: _____

My Registration No: _____

Approved as to form:

[Assistant] City Attorney

AUTHORITY:

RIVANNA WATER AND SEWER AUTHORITY

By: _____ (SEAL)
William I. Mawyer, Jr., P.E.
Executive Director

COMMONWEALTH OF VIRGINIA:

CITY/COUNTY of _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by William I. Mawyer, Jr., P.E., as the Executive Director of the Rivanna Water and Sewer Authority.

Notary Public

My commission expires on: _____
My Registration No.: _____