

**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	October 5, 2020
Action Required:	Approve (First Reading of Ordinance)
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities Christian Chirico, Gas Utility Engineer
Title:	Quitclaim Gas Easements to VDOT – Sunset Drive & Jersey Pine Ridge

Background:

In 2011 the City acquired a natural gas line easement from Woodbriar Associates. The easement is located within Sunset Drive and Jersey Pine Ridge in the Briarwood subdivision in Albemarle County. The Virginia Department of Transportation is prepared to accept these roads into the state highway system. An ordinance and quitclaim deed have been drafted quitclaiming to VDOT the City's natural gas easements within these rights of way.

Discussion:

The quitclaim deed requires the gas lines to remain in their present location, and if any of the streets cease to be part of the state's highway system, the easement in that street will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easements are quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan:

This contributes to Objective 3.2 of the Strategic Plan, to provide reliable and high quality infrastructure.

Community Engagement:

Not applicable.

Alternatives:

If the ordinance is not approved, VDOT will not accept the roadways into its road maintenance system

Budgetary Impact:

None.

Recommendation:

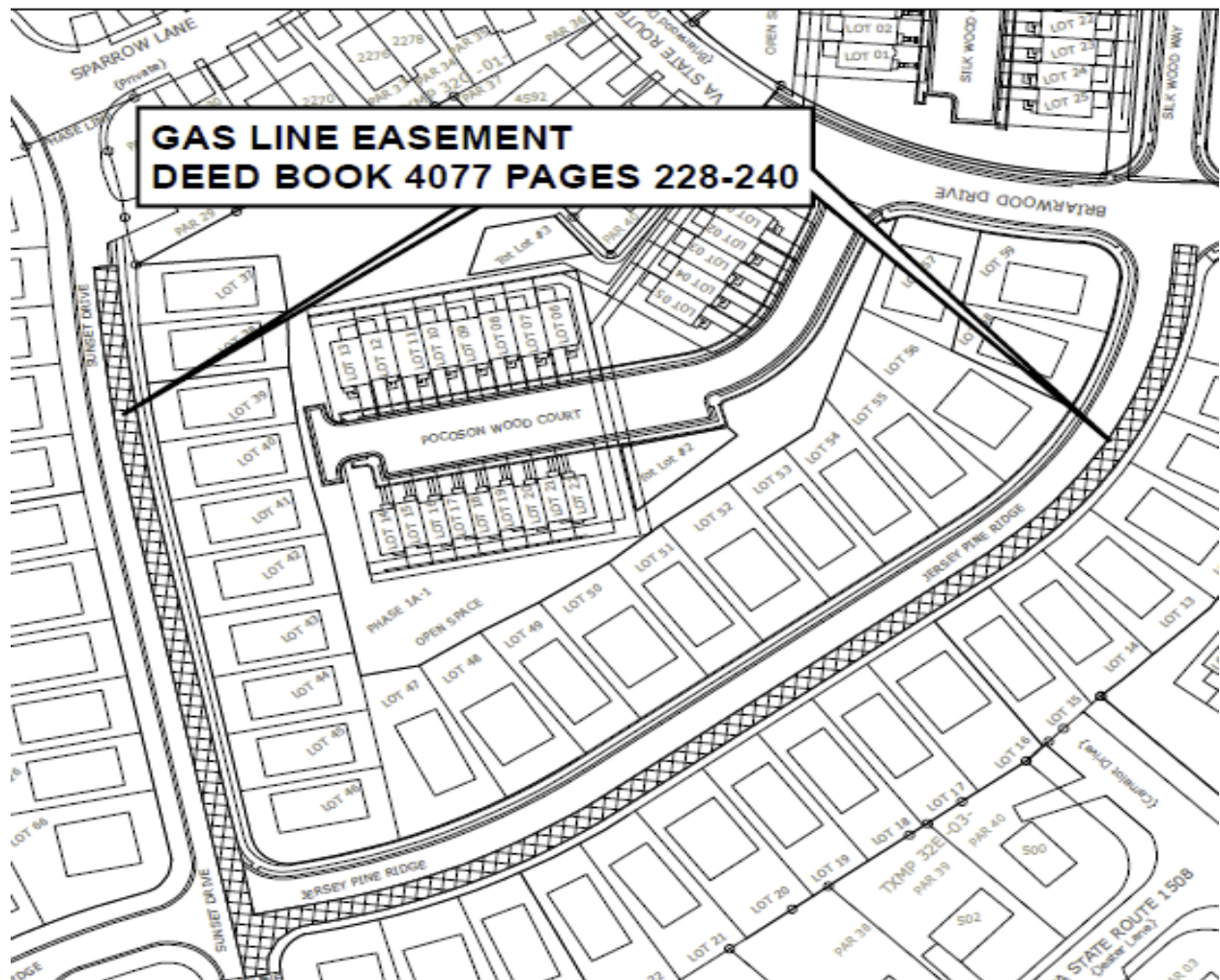
Approval of the attached ordinance and quitclaim deed.

Attachments:

Ordinance and Deed of Quitclaim (with plats attached).

ORDINANCE
CLOSING, VACATING AND DISCONTINUING
CERTAIN UTILITY EASEMENTS
WITHIN THE PUBLIC RIGHTS OF WAY FOR JERSEY PINE RIDGE
AND SUNSET DRIVE, PUBLIC STREETS WITHIN THE BRIARWOOD SUBDIVISION
LOCATED IN ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the developers of the Briarwood Subdivision (“Developers”) previously granted two gas line easements to the City, over and across land within the public rights of way for Jersey Pine Ridge and Sunset Drive, in the locations depicted as follows:



And,

WHEREAS, the public rights of way in which the City’s gas line easements are located have been or will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to vacate the

easements previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas lines will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Easements are hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing Easements is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for each of the City’s natural gas lines, and related facilities (collectively, “gas lines”) located within the rights of way that are the subject of this Ordinance; however, the gas lines shall remain within their current locations, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas lines for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Jersey Pine Ridge and Sunset Drive as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Jersey Pine Ridge or Sunset Drive cease to be used or maintained as public streets or highways of the Commonwealth, the Easements, and the City’s rights, title and interests thereunder shall revert back to the City.
3. The City Attorney shall prepare a Deed of Quitclaim referencing the easements to be vacated by this ordinance, and for recordation within the land records, consistent with this ordinance. The City Attorney will cause the Deed of Vacation and this Ordinance to be recorded within the land records of the jurisdiction in which the Easements vacated by this Ordinance were previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City’s exercise of rights or privileges to operate its gas lines within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City’s land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

Approved by Council
December 2, 2019

Clerk of Council

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902

Albemarle County – Tax Map Parcel#32G, Parcel 1 (Briarwood Subdivision)

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2020, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, all of its claims upon the land of the GRANTEE for and in connection with certain easements and rights of way, each for a natural gas line and related facilities (collectively, “gas line”), **as shown on the attached drawing/plat made by the City of Charlottesville Department of Utilities, dated August 13, 2020**. Said gas line easements were **conveyed to the GRANTOR by Deed of Easement dated September 7, 2011 from Woodbriar Associates**, of record in the Clerk’s Office for the Circuit Court for the County of Albemarle in Deed Book 4077, Page 228.

The GRANTOR reserves unto itself, its successors and assigns, the right and privilege for each gas line to remain in place, subject to any administrative permit which may be issued by the Virginia Department of Transportation to the GRANTOR containing the following two conditions:

1. That the above described gas lines of the GRANTOR may continue to occupy such streets or highways in their existing location, and the GRANTOR shall have the right, at its sole discretion, to operate, maintain, alter, repair, inspect, protect, remove or replace said gas lines; and

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

The GRANTEE shall have and hold the above-described property for so long as said property is owned by the GRANTEE and used as a public street or highway maintained by the GRANTEE. All right, title, claim and interest of the GRANTOR to the property conveyed herein shall revert to GRANTOR in the event the property is no longer used and maintained by the Commonwealth of Virginia, Department of Transportation as a public street or highway and, thereafter, GRANTEE shall have no further right, title, claim or interest in such property.

Notwithstanding other language contained herein which might be construed to the contrary, the parties agree that GRANTOR shall be and remain the fee simple owner of each gas line .

IN WITNESS WHEREOF, the GRANTOR has caused its name to be signed hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA[seal]

BY: _____
Nikuyah Walker, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Nikuyah Walker, Mayor of the City of Charlottesville, Virginia, and Kyna Thomas, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2020, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2020.

Notary Public
Registration # _____

Approved as to Form:

Lisa A. Robertson, Acting City Attorney

**GAS LINE EASEMENT
DEED BOOK 4077 PAGES 228-240**

**CITY OF CHARLOTTESVILLE
DEPARTMENT OF UTILITIES: GAS
PLAT SHOWING
EXISTING GAS LINE EASEMENT(S)
LOCATED WITHIN THE
RIGHT OF WAY OF:
"JERSEY PINE RIDGE"
AND
"SUNSET DRIVE"
BRIARWOOD SUBDIVISION
TO BE QUIT CLAIMED
TO THE
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
GAS LINE EASEMENT RECORDED AT:
DEED BOOK: 4077 PAGES 228-240
DATED: AUGUST 13, 2020
SCALE: 1" = 100'**

**The M.A.O.P. of 2" P.E. pipe is
90 P.S.I., which is <20% S.M.Y.S.
When installed, the minimum depth
in grassy areas was 36" and
42" below paved surfaces.**

