

**CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA**



Agenda Date:	December 7 <sup>th</sup> , 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:	<b>Vacate Natural Gas Easement – Bond St. (Stonefield)</b>

**Background:**

In 2014 the City acquired a natural gas line easement from Albemarle Realty, LLC. The easement is located within Bond Street in the Stonefield Development in Albemarle County. The property owner has requested the gas line easement be partially vacated and recorded in another location outside the limits of disturbance for a future building. The proposed building was not a part of the initial site plan that was used to execute the original easement.

**Discussion:**

The ordinance requires the gas line easement to be partially vacated in order to avoid having the natural gas line and easement be in conflict with a proposed building. This gas line easement in the new location has been granted by the developer and recorded with Albemarle County. The natural gas line will be relocated prior to the construction of the new building and the developer will pay for the relocation.

**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:**

A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a public interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

**Alternatives:**

If the vacation of the natural gas easement is not approved, the easement will remain in conflict with the proposed building. This will prevent Albemarle County from approving the site plan.

**Budgetary Impact:**

None.

**Recommendation:**

Approval of the attached ordinance.

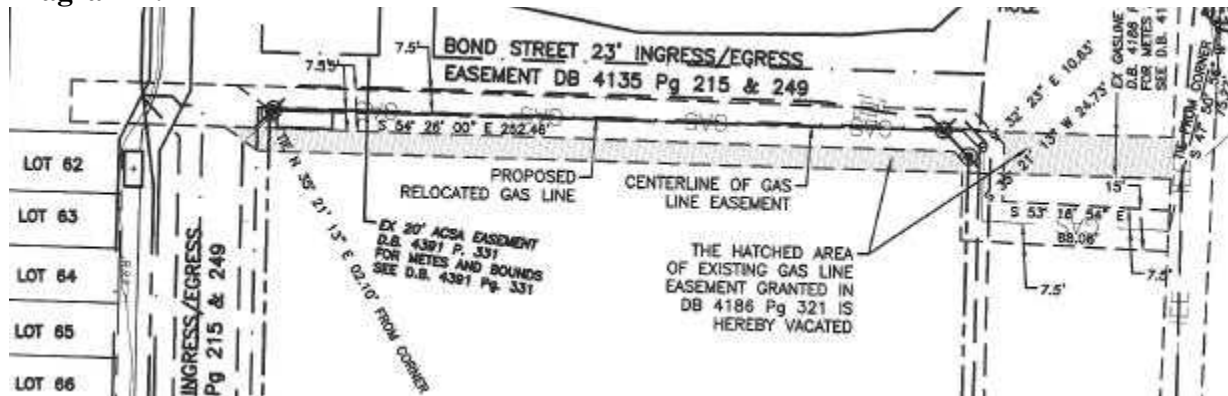
**Attachments:**

Ordinance and Easement Plat

**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
A PUBLIC GAS UTILITY LINE EASEMENTS  
WITHIN THE STONEFIELD SHOPPING CENTER  
LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the owner of land (“Landowner”) within the Stonefield Shopping Center (“Stonefield”) previously granted an easement for a public gas utility line easement to the City, over and across land within that shopping center, by deed recorded within the land records maintained by the Clerk of the Circuit Court of Albemarle County, Virginia, within Deed Book 4186 at Page 321 (“Existing Gas Line Easement”), the location of the Existing Gas Line Easement being generally illustrated as a hatched area within Diagram 1, following below:

**Diagram 1:**



And,

**WHEREAS**, Landowner and the City have mutually agreed to a relocation of the gas line constructed within the Existing Gas Line Easement, and the Landowner will dedicate and convey to the City a new easement for the relocated gas line, by a deed containing terms and conditions for the new easement; and

**WHEREAS**, the City’s Director of Utilities recommends that City Council should approve the proposed vacation of the Existing Gas Line Easement, in return for the Landowner’s agreement to convey a new easement upon terms satisfactory to the City for the relocated gas line;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Existing Gas Line Easement is hereby approved to be vacated, provided, however, that said vacation is hereby made conditionally, and expressly subject to the following conditions:

1. The City Attorney shall prepare a Deed releasing and quitclaiming the City’s interests in the Existing Gas Line Easement approved by this Ordinance to be vacated, and the City Attorney shall also prepare a Deed of Easement granting and conveying to the City a new easement for the relocated utility line.

2. Upon presentation of these instruments to the Landowner, the Landowner shall cause each instrument to be executed by a duly authorized officer, member or other agent, and shall deliver the fully-executed instruments to the City Attorney for recordation within the land records of the Jurisdiction in which the land is situated, consistent with this ordinance.
3. The City Attorney will cause the Deed of Vacation to be recorded within the land records of the jurisdiction in which the Existing Gas Line Easement is located, after a Deed of Easement for the new, relocated gas line has been recorded within said land records.

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  
Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Clerk of Council

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

Albemarle County – TMP: 61W-03-19A

**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** made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation (“City”), as **GRANTOR**, and the OCT STONEFIELD PROPERTY OWNER, LLC, a limited liability company organized under the laws of the state of Delaware, as **GRANTEE**, whose address is O’Connor Capital Partners, 535 Madison Avenue - 6th Floor, New York, NY 10022.

**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 remise, release, and forever QUITCLAIM to the GRANTEE all of its right, title and interest in or to that portion of GRANTEE’s lands, as described within a deed recorded among the land records maintained by the Clerk of the Charlottesville Circuit Court within Deed Book 4186 at Page 321, said right, title and interest having previously been conveyed to the GRANTOR as and for an easement and right-of-way for a public gas utility line (“Existing Gas Line Easement”) crossing the GRANTEE’s property. The Charlottesville City Council approved the vacation of the City’s interests in said property, by Ordinance approved \_\_\_\_\_, 2020.

**IN WITNESS WHEREOF**, the GRANTOR has caused its name to be assigned 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**

**BY:** \_\_\_\_\_ [seal]  
**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*