

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	January 19, 2021
Action Required:	Resolution
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Ryan Davidson, Office of Budget and Performance Management
Title:	Ragged Mountain Land Acquisition - \$65,000 (grant funded)

Background:

The City of Charlottesville, through Parks and Recreation, has received a grant from the Virginia Outdoors Foundation (VOF) to assist with the acquisition of five additional acres of forested land adjacent to the Ragged Mountain Reservoir property. The match for this project comes in the form of funds remaining from the previous US Department of Agriculture (USDA) grant through the Community Forest Program used to acquire the 144 acres adjacent to these five acres.

Discussion:

The City of Charlottesville became aware of property for sale adjacent to the Ragged Mountain Reservoir a few years ago. With assistance from the Piedmont Environmental Council (PEC) the landowner agreed to sell the property if the City is awarded the VOF grant. The USDA grant program is intended to preserve forest properties to be used for recreation and education. The forest management plan already developed for the previous acquisition will be amended slightly to include this land, and it will be developed to primarily include trail system layout and plans for how to provide access and interpretation for environmental education.

Community Engagement:

The master plan for Ragged Mountain has a primary element related to preservation of forest and water resources. This acquisition opportunity will further the preservation goal and expand recreation opportunities. This will also provide for environment education opportunities for City and County elementary, secondary, and college students due to the property's proximity to so many schools.

Alignment with City Council's Vision and Strategic Plan:

Preservation of the property will further the council vision statement of being a Green City with an extensive natural trail system, along with healthy rivers and streams, and further Strategic Plan objective 3.4 "Be responsible stewards of natural resources".

Budgetary Impact:

There is no impact to the General Fund. Funds will be received and expensed in the Capital Improvement Fund. The match is provided from remainder funds from a UDSA Community Forest grant and does not include local dollars. Local donors have contributed to cover the legal fees (survey/appraisal, etc.) and the grants provide the funding for purchase. Long term maintenance will be limited to trail maintenance performed by City staff that already manages the adjacent trail systems. The City paid only for the title report (\$350.00) from the existing trail and land acquisition CIP fund.

Recommendation:

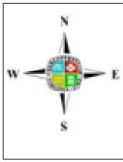
Staff recommends approval of the purchase of the property

Alternatives:

The property will not be acquired.

Attachments:

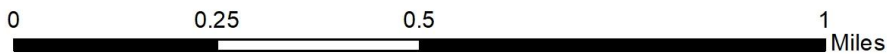
Map of property to be acquired.
Resolution to acquire property



5 acre parcel adjacent to Heyward Properties Charlottesville, VA Parcel 07500-00-00-047A0 Assessed Value \$52,100

Legend

- Roads
- County Park
- park_parcel
- RMNA Boundary
- HeywardProperties
- Property Lines



The geographic data layers produced by the City of Charlottesville are provided as a public resource. The City makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of this data, and it should not be construed or used as a legal description. The information displayed is a compilation of records, information, and data obtained from various sources, and the City is not responsible for its accuracy or how current it may be. Every reasonable effort is made to ensure the accuracy and completeness of the data.

Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification or construction of improvements to real property or for flood plain determination.

Prepared By: Allyson Manson-Davies (VSB#42996)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902
Albemarle County Tax Map No.: 75, Parcel 47A

Consideration: \$95,000.00

This deed is exempt from state recordation taxes imposed by Virginia Code Sec. 58.1-801 pursuant to Virginia Code Sec. 58.1-811(A)(3).

WARRANTY DEED OF SALE

THIS SPECIAL WARRANTY DEED is made this _____ day of January, 2021, by and between **STANISLAW J. MAKIELSKI and VALERIE JEAN CONNTER**, as Trustees of the **STANISLAW J. MAKIELSKI and VALERIE JEAN CONNER Family Trust**, under Trust agreement dated December 21, 2001, whose post office address is 534 Oakland Avenue, Tallahassee, Florida 32301, hereinafter called Grantors, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, whose address is 605 East Main Street, Charlottesville, Virginia 22902, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Trustees and/or Grantors proceeded to offer the property for sale for the sum of Ninety-Five Thousand Dollars (\$95,000.00), that being the price negotiated between the parties therefor; and

WHEREAS, the Trustees sold the property to the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia for the sum of Ninety-Five Thousand Dollars (\$95,000.00), and have now received the balance of the purchase price; and

WHEREAS, the U. S. Department of Agriculture Forest Service is providing federal funds in accordance with the Community Forest Program (36 CFR Part 230 Subpart A) (published 10/21/2011; 76 FR 65121) to Grantee for the partial purchase of the property described in Schedule A; and

WHEREAS, the Grantee has received a public access grant from the Virginia Outdoors Foundation (“VOF”) Open Space Preservation Trust Fund (PTF) for partial purchase of the property described in Schedule A below, in exchange for which funding Grantee has agreed to convey an open-space easement on the property to facilitate public access for outdoor recreation in accordance with the Open-Space Land Act (VA. Code §10.1-1700 et seq.) including Section 10.1-1701 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, in consideration of the premises and sum of Ninety-Five Thousand Dollars (\$95,000.00), cash in hand paid, the receipt of which is hereby acknowledged, the Grantors do hereby GRANT, BARGAIN and CONVEY with General Warranty and English Covenants of Title unto the Grantee, a political subdivision of the Commonwealth of Virginia, all that certain real property with the improvements thereon and appurtenances thereto pertaining situate in Albemarle County, Virginia, and more particularly described on Schedule A attached hereto and by this reference made a part hereof (the “Property”);

NOTICE OF GRANT REQUIREMENT

In accordance with the requirements of the monetary grant awarded to the Grantee by the U.S. Department of Agriculture for the purchase of the Property, a Notice of Grant Requirement signed by the City Manager for the City of Charlottesville is attached to this Deed as Exhibit A. Said Notice requires the City to ensure that the Property will be used in accordance with the Community Forest Plan and, if the Property is converted to non-forest uses or a use inconsistent with the purpose of the Community Forest Plan, the City will pay the United States an amount equal to the current sale price or the current appraised value of the Property, whichever is greater.

This conveyance is made subject to all recorded covenants, restrictions, agreements and rights of way, including any which may be described in this Deed, to the extent, but only to the extent, that the same are valid and subsisting and apply to the Property. Nothing herein contained, or in the Grantee's acceptance of this Deed or the Property described herein, shall be construed as a waiver of the Grantee's sovereign immunity.

IN WITNESS WHEREOF, Granters and Grantee have caused this Deed to be executed as of the date first above written.

[SIGNATURE PAGES FOLLOW]

CITY OF CHARLOTTESVILLE, VIRGINIA

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 _____, 2021, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2021.

Notary Public
Registration # _____

Approved as to Form:

Allyson Manson-Davies, Deputy City Attorney

WITNESS the following signatures and seals:

**GRANTORS:
STANISLAW J. MAKIELSKI and
VALERIE JEAN CONNER
FAMILY TRUST**

By: _____
STANISLAW J. MAKIELSKI

Name: Stanislaw J. Makielski
Title: Trustee

By: _____
VALERIE JEAN CONNER

Name: Valerie Jean Conner
Title: Trustee

STATE OF VIRGINIA
COUNTY/CITY OF CHARLOTTESVILLE to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared Stansislaw J. Makielski and Valerie Jean Conner, Trustees of the Stanislaw J. Makielski and Valerie Jean Conner Family Trust, who have proven on the basis of satisfactory evidence to be the persons named and subscribed to within the instrument, and that he/she, as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

My commission expires: _____
Registration No: _____

Notary Public

The City of Charlottesville, acting by and through its City Attorney, the City official designated by the City Manager pursuant to authority granted by resolution of the City Council of the City of Charlottesville, does hereby accept the conveyance of the Property, pursuant to Virginia Code Section 15.2-1803, as evidenced by the City Attorney's signature hereto and the City's recordation of this deed. As is further required by Sec. 15.2-1803 of the Virginia Code, the City Attorney's signature hereto constitutes her certification that this deed is in a form approved by her.

Accepted by:

CITY OF CHARLOTTESVILLE, VIRGINIA

Lisa A. Robertson, Acting City Attorney (SEAL)

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Lisa A. Robertson, Acting City Attorney, on behalf of the City of Charlottesville, Virginia.

My commission expires: _____
Registration No: _____

Notary Public

SCHEDULE A
PROPERTY DESCRIPTION

ALL THAT CERTAIN tract or parcel of land situate in the County of Albemarle, Virginia, containing approximately 5.00 acres, and described "The Makielski Property" on that certain plat entitled "Plat Showing Boundary Survey of Tax Map 75 Parcel 47A", prepared by P. Timothy Stanley, Jr., dated June 19, 2018, attached hereto and recorded in the Circuit Court Clerk's Office of Albemarle County, Virginia, simultaneously herewith.

EXHIBIT A

**Prepared By: Allyson Manson-Davies (VSB#42996)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, Virginia 22902
Albemarle County Tax Map No.: 75, Parcel 47A**

NOTICE OF GRANT REQUIREMENT

. The property described herein on Schedule A, attached (Property), was acquired pursuant to a monetary grant awarded to the City of Charlottesville, Virginia (Grant Recipient). The purpose of this acquisition is to effect the goals of the U.S. Department of Agriculture (USDA) Forest Service's *Community Forest and Open Space Conservation Program* (Community Forest Program or CFP) in accordance with the provisions of Section 7A of the *Cooperative Forestry Assistance Act* (CFAA) of 1978, as amended. Such purposes are to provide public benefits to communities including economic benefits through sustainable forest management, environmental benefits including clean air, water, and wildlife habitat; benefits from forest-based educational programs; benefits from serving as models of effective forest stewardship; recreational benefits secured with public access; and to acquire private forest lands that are threatened by conversion to non-forest uses. Program delivery is guided by the Community Forest Program regulations (36 CFR Part 230 Subpart A) (published 10/20/2011; 76 FR 65121). In accordance with these regulations the Grant Recipient acknowledges that:

1. This Property was purchased with Federal funds in accordance with the Community Forest Program (36 CFR Part 230 Subpart A) (published 10/20/2011; 76 FR 65121).
2. The legal description for the Property is as set forth below in Schedule 'A'.
3. The address of the Grant Recipient and authorized title holder listed above is 605 East Main Street, P.O. Box 911, Charlottesville, Virginia 22902.
4. This Property is designated as a 'Community Forest' pursuant to the requirements of the Community Forest Program (CFP).
5. The Grant Agreement with the USDA Forest Service is **agreement number 18-DG11083150-100** and it is kept on file at the Office of Charlottesville Parks & Recreation, 501 East Main Street, Charlottesville, Virginia 22902.
6. The Grant Recipient shall ensure that all land(s) acquired pursuant to this grant is held in perpetuity by an eligible entity as defined by 36 CFR Part 230 (published 10/20/2011; 76 FR 65121) and that the Community Forest will be (i) managed pursuant to the grant, the Community Forest Plan, and the purpose of the CFP; (ii) will not be conveyed or encumbered, in whole or in part, to another party without written permission and instructions from the awarding agency; and (iii) will be managed consistent with the purpose of the CFP.
7. In the event that the Community Forest is sold or converted to non-forest uses or a use inconsistent with the purpose of the CFP, the Grant Recipient or subsequent Community Forest landowner shall: (1) pay the United States an amount equal to the current sale price or the current appraised value of the parcel, whichever is greater; and (2) not be eligible for additional grants under the CFP.

IN WITNESS WHEREOF, the **City of Charlottesville, Virginia** has caused this **NOTICE OF GRANT REQUIREMENT** to be recorded on its behalf by its duly authorized representative:

GRANT RECIPIENT: CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
JOHN C. BLAIR, II, Acting City Manager

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing Notice of Grant Requirement was acknowledged before me this ____ day of _____, 2021, by John C. Blair, acting in his capacity as Acting City Manager, on behalf of the City of Charlottesville, Virginia.

My commission expires: _____
Registration No: _____

Notary Public

RESOLUTION
APPROVING THE ACQUISITION OF LAND AT
RAGGED MOUNTAIN RESERVOIR
(5.0 ACRES – TMP 75, PARCEL 47A)

WHEREAS, Stanislaw J. Makielski and Valerie Jean Conner, Trustees of the Stanislaw J. Makielski and Valerie Jean Conner Family Trust (“Owners”) are the owners of land designated on Albemarle County, Virginia Real Estate Tax Map 75 as Parcel 47A, and have indicated a willingness to convey a portion of the subject land to the City of Charlottesville for creation of parkland; and

WHEREAS, the land to be conveyed, hereinafter the “Property”, is described as follows:

All that certain tract or parcel of land situate in the County of Albemarle, Virginia containing approximately 5.00 acres, and described “The Makielski Property” on that certain plat entitled “Plat Showing Boundary Survey of Tax Map 75 Parcel 47A”, prepared by P. Timothy Stanley, Jr., dated June 19, 2018, attached hereto and recorded in the Circuit Court Clerk’s Office of Albemarle County, Virginia, simultaneously herewith.

WHEREAS, Owner has agreed to convey to the City the Property for the purchase price of \$95,000.00; and

WHEREAS, funds are available for the purchase of the Property from a grant award from the Virginia Outdoors Foundation in the amount of \$65,000.00; grant award funding from USDA in the amount of \$31,039.00, and approved USDA surplus grant funding to cover the remaining balance.

WHEREAS, the Department of Parks and Recreation seeks the endorsement of City Council to proceed with the purchase of above-described Property at a purchase price of \$95,000.00 with the funding supplied through the above-described grant funding sources; and

WHEREAS, the Warranty Deed of Sale which contains Exhibit A, Notice of Grant Agreement, for the conveyance of said land has been reviewed and approved by the City Attorney’s Office; now, therefore,

BE IT RESOLVED, by the Council of the City of Charlottesville that it hereby authorizes the purchase of the above-described Property for creation of parkland. The City Manager is hereby authorized to execute the above-referenced Exhibit A, Notice of Grant Agreement attached to the Warranty Deed of Sale, and the Mayor is hereby authorized to sign the Warranty Deed of Sale, both in form approved by the City Attorney or her designee. The City Attorney’s Office shall take whatever actions are necessary to effect the acquisition of the above-described Property.