

**CITY OF CHARLOTTESVILLE  
CITY COUNCIL AGENDA**



Agenda Date:	August 16 <sup>th</sup> , 2021
Action Required:	Public Hearing and Approval of Three Ordinances (One Reading)
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities Christian Chirico, Gas Utility Engineer
Title:	<b>Quitclaim Gas Easements to VDOT – Varick Street &amp; Marin Court (Dunlora Park Subdivision) Archer Avenue &amp; Stella Lane (Brookhill Subdivision) Glenleigh Road (Highland Park Subdivision)</b>

**Background:**

In 2017 the City acquired a natural gas line easement from Dunlora Investments, LLC. The easement is located within Varick Street and Marin Court in the Dunlora Park subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

In 2019 the City acquired a natural gas line easement from Brookhill Apartments, LLC. The easement is located within Archer Avenue and Stella Lane in the Brookhill subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

In 2019 the City acquired a natural gas line easement from Highland Park Investments, LLC. The easement is located within Glenleigh Road in the Highland Park Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system. The attached ordinance proposes to vacate the existing natural gas easement in order for VDOT to formally accept these roads into the highway maintenance system.

### **Discussion:**

Attached are three (3) proposed ordinances—one for each subdivision in which a gas line easement is proposed to be vacated. Each of the ordinances require the City’s gas lines to remain in their present location(s), and if any of the streets cease to be part of the state's highway system, the gas line easement in that street will revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Virginia Code §15.2-2100(A) requires City Council’s disposition of its interests in its gas works to be approved by an ordinance, upon a vote of three-fourths of all of the members elected to City Council (i.e., 4 of 5 councilors). Because these ordinances are enacted for a special purpose (disposition of the City’s interests in certain real estate), City Council may waive any requirement for the second reading.

### **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 pursuant to Va. Code §15.2-1800.

### **Alternatives:**

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

### **Budgetary Impact:**

None.

### **Recommendation:**

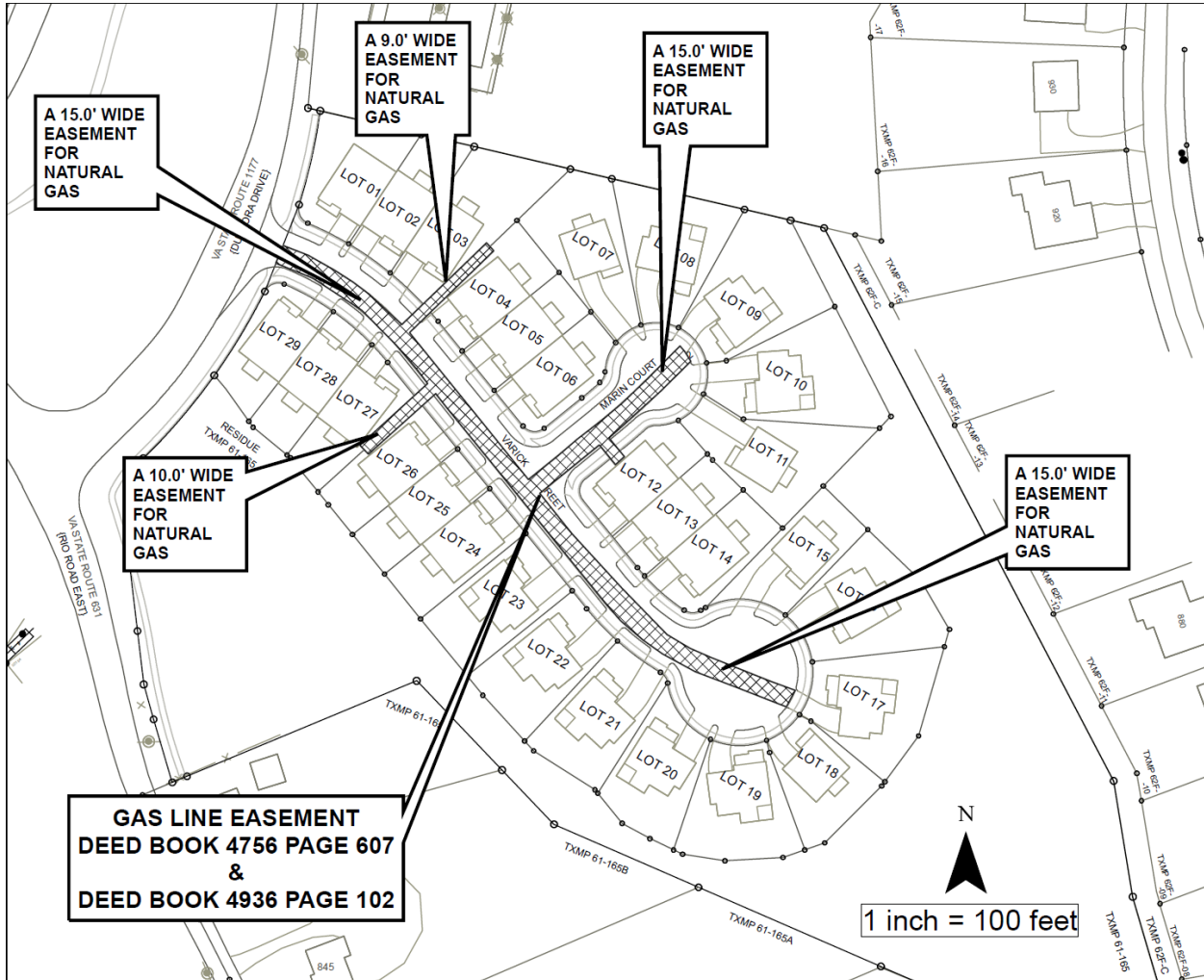
Approval of the attached ordinances

### **Attachments:**

- Proposed Ordinances (3)

**ORDINANCE**  
**CLOSING, VACATING AND DISCONTINUING**  
**CERTAIN UTILITY EASEMENTS**  
**WITHIN THE PUBLIC RIGHTS OF WAY FOR VARICK STREET**  
**AND MARIN COURT, PUBLIC STREETS WITHIN THE DUNLORA PARK**  
**SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Dunlora Park Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Varick Street and Marin Court, in the location(s) 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 line 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 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 Varick Street and Marin Court as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Varick Street and Marin Court 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.

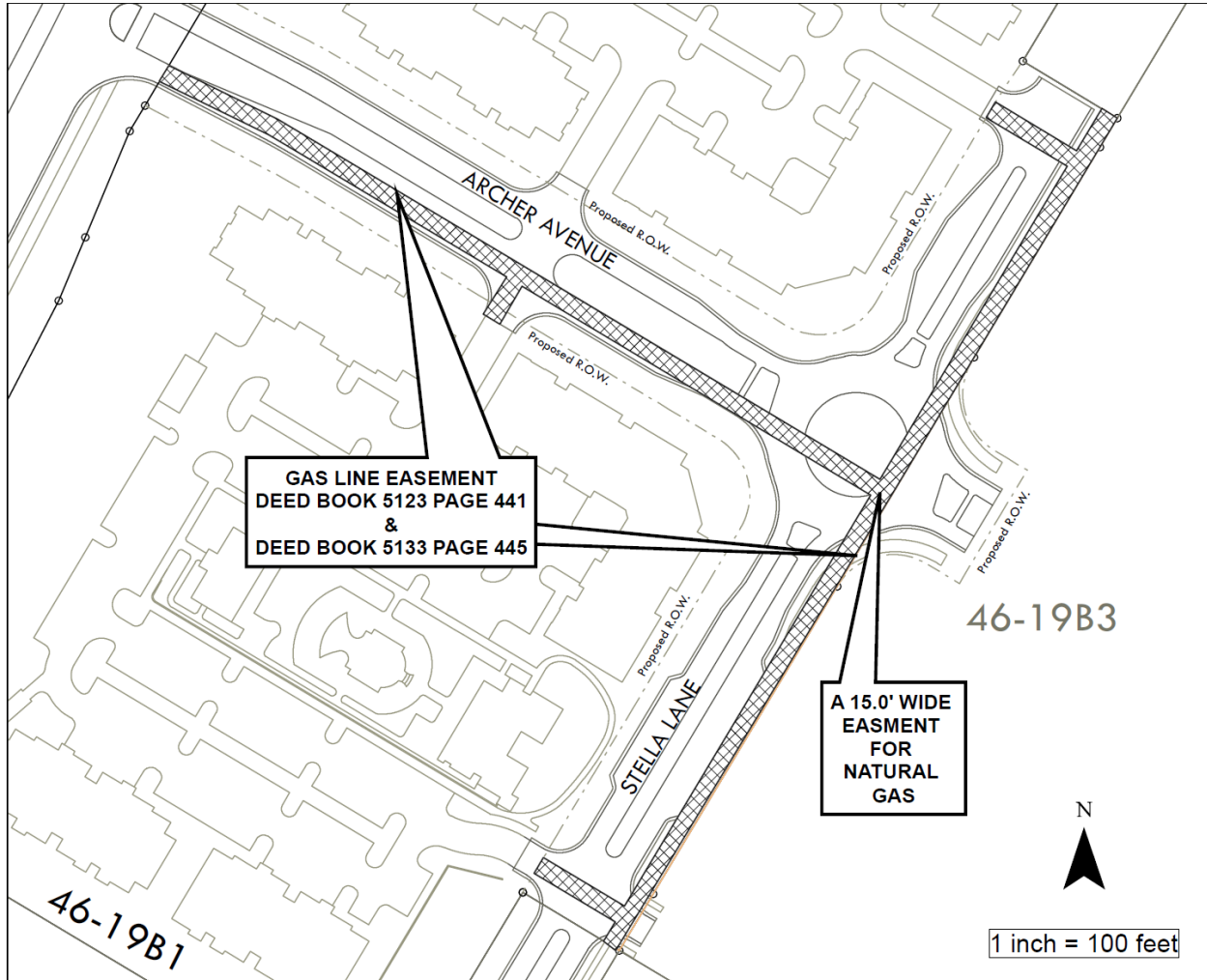
**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

Approved by Council  
\_\_\_\_\_, 2021

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Clerk of Council

**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE PUBLIC RIGHTS OF WAY FOR ARCHER AVENUE  
AND STELLA LANE, PUBLIC STREETS WITHIN THE BROOKHILL SUBDIVISION  
LOCATED IN ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Brookhill Subdivision (“Developers”) previously granted natural gas line easements to the City, over and across land within the public rights of way for Archer Avenue and Stella Lane, in the location(s) 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 line 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 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 Archer Avenue and Stella Lane as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Archer Avenue or Stella Lane 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.

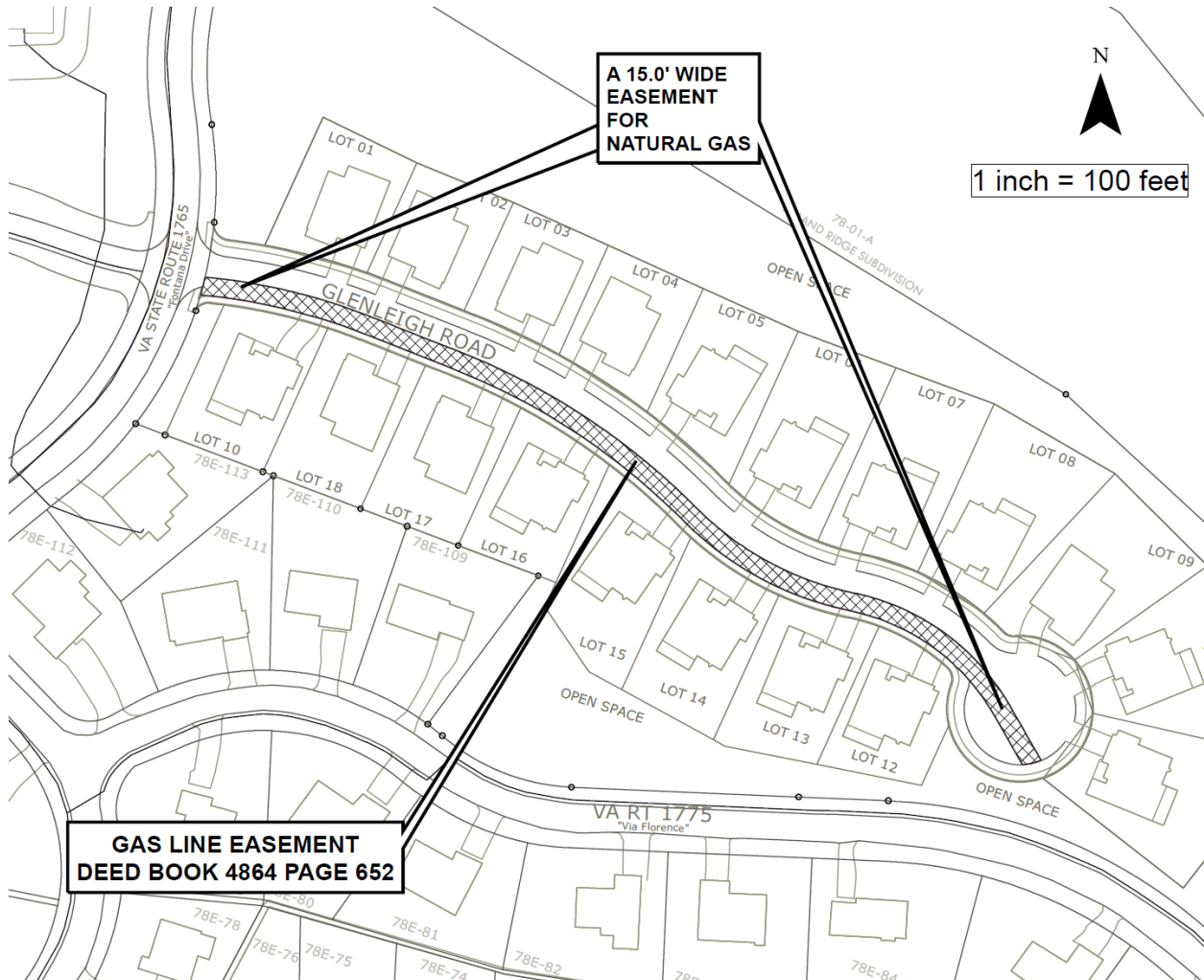
**AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.**

Approved by Council  
\_\_\_\_\_, 2021

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Clerk of Council

**ORDINANCE  
CLOSING, VACATING AND DISCONTINUING  
CERTAIN UTILITY EASEMENTS  
WITHIN THE PUBLIC RIGHTS OF WAY FOR GLENLEIGH ROAD,  
PUBLIC STREET WITHIN THE HIGHLAND PARK SUBDIVISION LOCATED IN  
ALBEMARLE COUNTY, VIRGINIA**

**WHEREAS**, the developers of the Highland Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Glenleigh Road, in the location(s) depicted as follows:



And,

**WHEREAS**, the public rights of way in which the City’s gas line easement is 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 easement 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 line will be allowed to remain;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the easement is hereby vacated, **PROVIDED, HOWEVER**, that the vacation of the foregoing easement 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 the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Glenleigh Road as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Glenleigh Road cease to be used or maintained as public streets or highways of the Commonwealth, the easement, 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 easement 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 easement vacated by this Ordinance was 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 line 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.**

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