

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 21, 2022
Action Requested:	Approval of Ordinance (1 reading only, no public hearing)
Presenter:	Lisa Robertson, City Attorney
Staff Contacts:	Lisa A. Robertson, City Attorney
Title:	Approval of Encroachment Agreement (301 7th Street S.W.)

Background: R & J Enterprises, LLC (“Owner”) owns two buildings and parcels which, together, are referred to as 301 7th Street S.W. within the City. A building has been constructed on one of the lots (i.e., the lot bounded by Delevan Street to the west, and a paper alley to the north); according to the City’s real estate records, this Building was constructed in 1961 (“Building”). A recent survey has revealed portions of the Building encroach into a 12-foot alley that adjoins the lot, and the Building also encroaches into the City-owned public street right-of-way for Delevan Street. Attached is a copy of the recent survey plat (“Plat”) prepared by Roudabush Gale & Associates, Inc., dated 10-18-2021, titled “Physical Survey Tax Map 30 Parcel 24 Lots 1 & 10 City of Charlottesville, Virginia”. At its widest point, approximately 2.4 feet of the public alley right-of-way is affected and 0.5 feet of Delevan Street. The Owner has requested City Council to approve these encroachments, to facilitate a future sale of the property and to cure any issues that might affect a purchaser’s ability to obtain title insurance/clear title.

Discussion: Sections 15.2-2009 and 15.2-2011 of the Virginia Code permit the City Council to authorize encroachments upon public rights-of-way, subject to requirements of those statutory sections and such other terms and conditions as City Council may prescribe.

Alignment with City Council’s Vision and Strategic Plan: Approval of the Encroachment Agreement is consistent with Goal 3.1 of the Strategic Plan (Engage in Robust and Context Sensitive Urban Planning and Implementation).

Community Engagement: Not applicable.

Budgetary Impact: There is no budgetary impact for approval of this agreement.

Attachments (3):

- Proposed Ordinance
Suggested Motion: “I move the ORDINANCE authorizing encroachment of a building constructed on property identified on City Tax Map 30 as Parcel 24, at the corner of Delevan Street and an unnamed 12-foot alley
- Survey Plat
- Email Request from the Owner

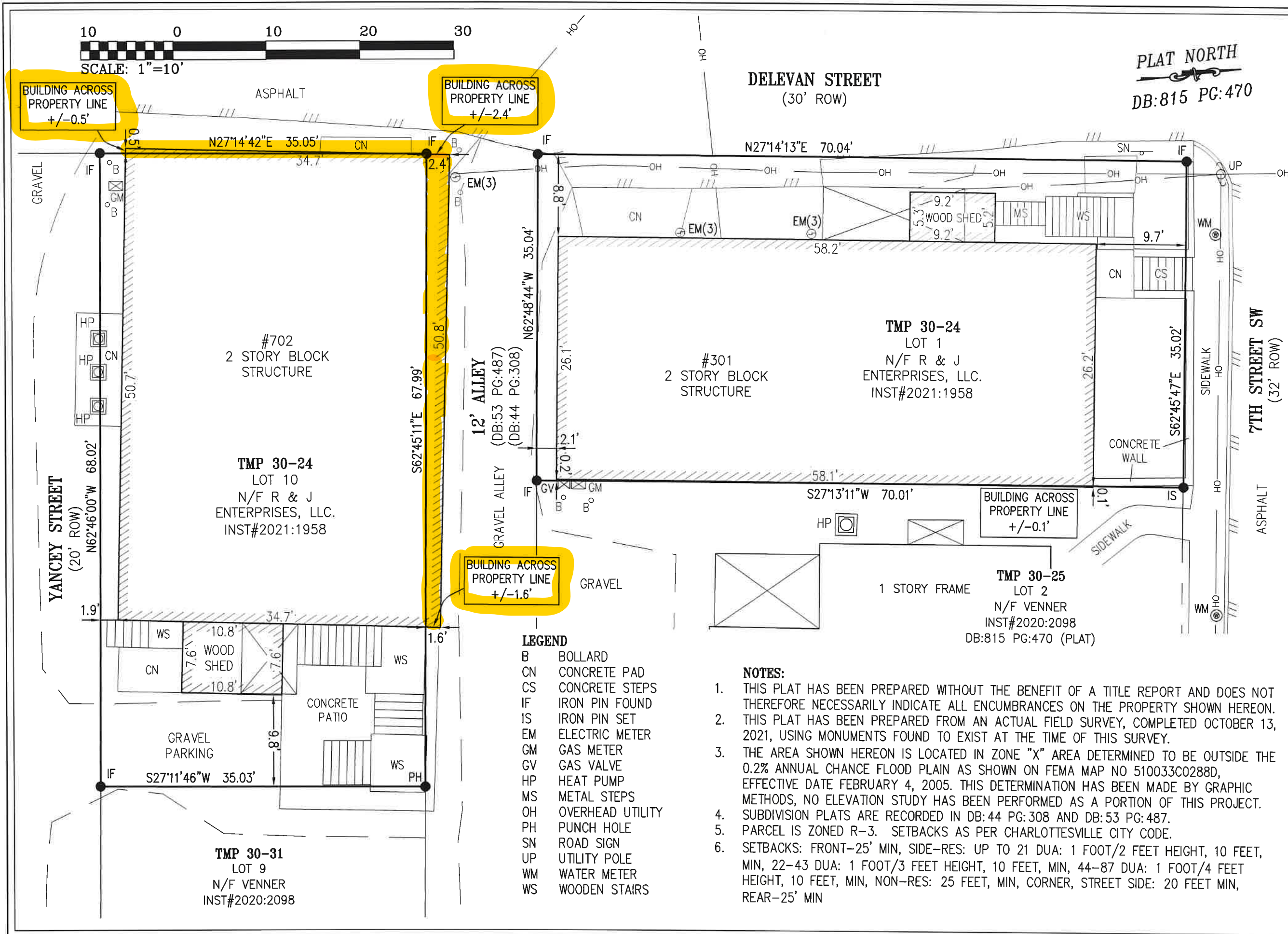
ORDINANCE
AUTHORIZING ENCROACHMENT OF A BUILDING
CONSTRUCTED ON PROPERTY IDENTIFIED ON CITY TAX MAP 30 AS PARCEL 24
AT THE CORNER OF DELEVAN STREET AND AN UNNAMED 12-FOOT ALLEY

WHEREAS R&J ENTERPRISES, LLC, the owner of certain property identified on City Tax Map 30 as Parcel 24 (City Real Estate Parcel Identification No. 300024000), bounded to the west by Delevan Street and bounded to the north by an alley (together, the “Property”) has requested City Council to authorize an existing encroachment of a building constructed on the Property in 1961 (“Building”) (i) into the public right-of-way of Delevan Street and (ii) into an alley that serves as the northern boundary of the Property, as to which alley ownership has not been determined (each, an “Encroachment”); and

WHEREAS the City Engineer has reviewed a physical survey plat prepared by Roudabush Gale & Associates, Inc., dated October 18, 2021, titled “Physical Survey Tax Map 30 Parcel 24 Lots 1 & 10 City of Charlottesville, Virginia” (“Plat”), showing the areas of Encroachment. Seeing no apparent detrimental effect of City Council agreeing to either Encroachment, the City Engineer has confirmed that he has no objection to the request; and

WHEREAS Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved permit the City Council to authorize encroachments upon public rights-of-way, subject to the requirement that the Property owner shall not be relieved of negligence on account of the Encroachment(s), and further subject to other terms and conditions as City Council may prescribe;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a deed or other instrument(s), in a form approved by the City Attorney and suitable for recording among the land records of the City of Charlottesville, to authorize the Encroachment of the Building within the Delevan Street right-of-way, and—to the extent of the City’s right, title or interest in the adjacent alley, if any—to authorize the Encroachment of the Building within the alley, both authorizations being subject to the provisions of Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved.



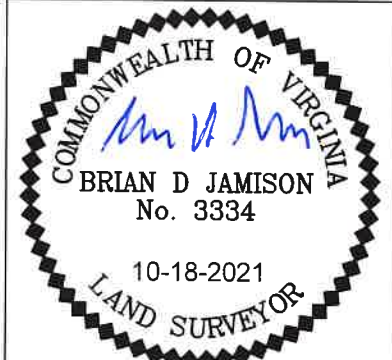
ROUDABUSH, GALE & ASSOC., INC.
 A PROFESSIONAL CORPORATION
 SERVING VIRGINIA SINCE 1956

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DATE:	10-18-2021
REV.:	
SCALE:	1"=10'
JOB:	21.2741
FILE:	TMPROJ



PHYSICAL SURVEY
 TAX MAP 30 PARCEL 24
 LOTS 1 & 10
 CITY OF CHARLOTTESVILLE, VA

SHEET: **V1** OF V1

- LEGEND**
- B BOLLARD
 - CN CONCRETE PAD
 - CS CONCRETE STEPS
 - IF IRON PIN FOUND
 - IS IRON PIN SET
 - EM ELECTRIC METER
 - GM GAS METER
 - GV GAS VALVE
 - HP HEAT PUMP
 - MS METAL STEPS
 - OH OVERHEAD UTILITY
 - PH PUNCH HOLE
 - SN ROAD SIGN
 - UP UTILITY POLE
 - WM WATER METER
 - WS WOODEN STAIRS

- NOTES:**
1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY SHOWN HEREON.
 2. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY, COMPLETED OCTOBER 13, 2021, USING MONUMENTS FOUND TO EXIST AT THE TIME OF THIS SURVEY.
 3. THE AREA SHOWN HEREON IS LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN AS SHOWN ON FEMA MAP NO 510033C0288D, EFFECTIVE DATE FEBRUARY 4, 2005. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS, NO ELEVATION STUDY HAS BEEN PERFORMED AS A PORTION OF THIS PROJECT.
 4. SUBDIVISION PLATS ARE RECORDED IN DB: 44 PG: 308 AND DB: 53 PG: 487.
 5. PARCEL IS ZONED R-3. SETBACKS AS PER CHARLOTTESVILLE CITY CODE.
 6. SETBACKS: FRONT-25' MIN, SIDE-RES: UP TO 21 DUA: 1 FOOT/2 FEET HEIGHT, 10 FEET, MIN, 22-43 DUA: 1 FOOT/3 FEET HEIGHT, 10 FEET, MIN, 44-87 DUA: 1 FOOT/4 FEET HEIGHT, 10 FEET, MIN, NON-RES: 25 FEET, MIN, CORNER, STREET SIDE: 20 FEET MIN, REAR-25' MIN

Robertson, Lisa

Subject: FW: 301 7th St SW - building encroachment

From: Taylor Odom <taylor@odomesq.com>
Sent: Monday, March 28, 2022 3:20 PM
To: Willard, Deborah D <willardd@charlottesville.gov>
Subject: 301 7th St SW - building encroachment

WARNING: This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Deborah,

Thank you for speaking with me today regarding my client's property encroachment. My client's name is R & J Enterprises LLC and owns 301 7th St SW.

My client is currently attempting to sell this property. My client had an interested buyer but after the property was surveyed the surveyor found a few building encroachments onto a public alley and onto Delevan Street. The buyer decided not to purchase the property because of the existing encroachments. My client would like to obtain an encroachment easement from the City and put it to record so there is some sort of official acknowledgement that the encroachments are OK and not an issue for the City.

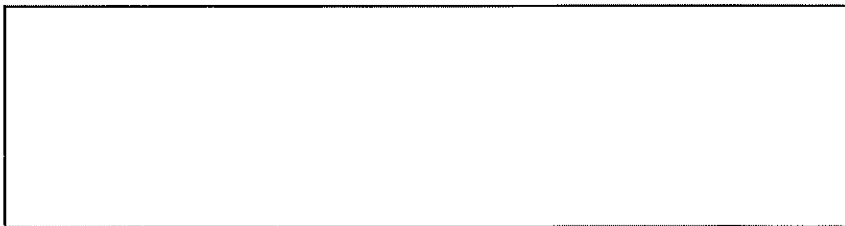
I have attached a copy of the survey of the property, and another copy with highlights showing the encroaching area, and the GIS info for reference.

The encroachment onto Delevan Street is around half a foot and the encroachment into the alley ranges from 2.4 feet and tapers down to 1.6 feet.

Could you tell me what the process is for obtaining an encroachment easement with the City and whether you need any more information from me?

I am happy to provide a copy of a proposed encroachment easement for your review if you would like me to draft one.

Kind regards,
Taylor



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