

ORDINANCE
CONVEYING AIR SPACE OVER EMMET STREET TO THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA

WHEREAS the Rector and Visitors of the University of Virginia (the “University”) is the owner of certain land situated on both sides of the City-owned public street right-of-way for Emmet Street, within the City of Charlottesville; and

WHEREAS the University desires to construct a pedestrian walkway above Emmet Street, connecting the west side of University Grounds campus with Newcomb Hall and other parts of the east side of the campus, as an essential part of a University development project known as the “Contemplative Commons”, in the location as shown on a drawing prepared by Aidlin Darling Design and VMDO Architects dated August 26, 2022; and

WHEREAS pursuant to sections 15.2-2030 and 15.2-2204 of the Code of Virginia (1990), as amended, the City is authorized to convey rights in the airspace over any public street; following a public hearing after publication of newspaper notice; and

WHEREAS the University has represented that it will convey one or more easements to the City, to allow the use of lands owned by it adjacent to Emmet Street to be improved by the City in accordance with the construction plans for the Emmet Street Streetscape Project (UPC No. 109551); now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville that a conveyance of the airspace over the public street right of way for Emmet Street is hereby authorized, for the purpose of construction of a pedestrian walkway, in the location as shown on a drawing prepared by Aidlin Darling Design and VMDO Architects dated August 26, 2022, said conveyance expressly made subject to the following conditions:

(1) said air rights conveyed to the University shall begin at a height of sixteen feet six inches above the Emmet Street right of way and shall extend to a height of forty-five (45) feet above the said right of way;

(2) should the construction of any structure require relocation of any utility, the cost of the relocation shall be borne by the University;

(3) if a pedestrian bridge is not completed within five (5) years of the date of the approval of this ordinance, the University shall reconvey the airspace to the City, at no cost to the City; and

(4) neither this conveyance, or any provision within this ordinance, shall be construed to relieve the University of liability for negligence on their part, subject to any immunity that the University may enjoy under the laws of the Commonwealth of Virginia.

Ownership of the fee interest in the Emmet Street public street right of way and of all air rights other than those described within this ordinance shall be and remain with the City of Charlottesville.