

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: December 19, 2022
Action Required: Approval of Ordinance
Presenter: Lisa Robertson, City Attorney
Staff Contacts: Allyson Davies, Senior Deputy City Attorney
Title: **Private drainage easements (2) 2100 Avon Court (1 of 2 readings)**

Background

Avon Court Holdings, LLC (“ACH”) is preparing to construct a 79,000 square foot industrial building in Albemarle County. Construction of the proposed building requires two variable width drainage easements from the City. The location of the requested easements will be situated on City owned property located in Albemarle County at 2100 Avon Court, near Moore’s Creek (TMP 77-7). The proposed easements will allow for the construction and appropriate conveyance of drainage from the property. This easement will not impact City services or operations. The proposed easement is for a period of forty years in accordance with the requirements of Va. Const. Art. VII, § 9.

Discussion

The City Council may "dispose" of its interests in City-owned real property, in whole or in part (e.g., by granting an easement to a third party), following a public hearing. See Virginia Code 15.2-1800 (B). In addition to the provisions set forth in that Code section, municipalities are subject to additional legal and procedural requirements, as set forth in Virginia Code 15.2-2100 (B), when a private entity seeks the right to use City property in a manner not permitted to the general public. If the proposed term of an easement is more than five years, the City Council must publicly received bids therefor, in the manner provided in 15.2-2102.

City Council should open a public hearing for this matter, and invite any person(s) who have comment, and any persons who wish to offer bids, to present them during the public hearing. Once the public hearing is closed, the Mayor should declare the bidding closed, and then ask for staff recommendations on any bids presented during the public hearing. If no other bids are received, City Council may proceed to make a decision on the requested easement. If other bids are received, City Council would follow the procedures in Va. Code 15.2-2102 as they pertain to making decisions between competing bids.

Alignment with City Council's Vision and Strategic Plan

Yes

Community Engagement

A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of the drainage easement (Va. Code Section 15.2-1800(B))

Budgetary Impact

None

Recommendation

Staff recommends approval.

Suggested Motion: "I move the ORDINANCE Granting Private Drainage Easements to Avon Court Holdings, LLC, at 2100 Avon Court, in Albemarle County, Virginia."

Alternatives

Council could decline to grant the easements

Attachments

1. ORD - Drainage easements to Avon Ct. Holdings_
2. Final plat - Avon Court (signed)