

CITY OF CHARLOTTESVILLE/COUNTY OF ALBEMARLE
MEMORANDUM OF AGREEMENT REGARDING THE
J&DR COURT PARKING FACILITIES

THIS AGREEMENT is entered into this ____ day of _____, 2017 by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a Virginia municipal corporation (the "City") and the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") (jointly the "parties").

WITNESS:

WHEREAS, the parties own certain property or properties utilized as parking facilities (the "Parking Facilities") in connection with the operation of Juvenile & Domestic Relations Court Facilities by the City and County and for other purposes which may be agreed to by the parties;

NOW, THEREFORE, in consideration of the mutual premises and covenants contained herein, and as authorized by the Juvenile and Domestic Relations Court Facilities Agreement effective May 5, 2004 (the "J&DR Court Agreement"), the parties hereby agree as follows:

1. Capital and operational costs of the Parking Facilities, including, without limitation: maintenance, insurance, utilities, property management services, etc. (individually and collectively, "Expenses") shall be allocated as provided in that certain "Court Cost Allocation Summary," dated February 21, 2008, attached hereto and incorporated herein by reference.
2. In accordance with the "J&DR Parking Allocation – Revised 1/31/08" worksheet (attached), the County will be allocated, and have sole use of 30 deck spaces and 7 surface spaces; the City will be allocated, and have sole use of, 11 deck spaces, 18 Circuit Court lot spaces and 3 on-street parking spaces. The balance of the available spaces (50 deck, 21 surface, 9 Circuit Court and 6 on-street spaces) shall be shared equally. Parking spaces licensed or otherwise allocated to R. Franklin Hardy, his successors and/or assigns shall not reduce the number of parking spaces allocated to either party individually, but shall be allocated equally from the parties' shared spaces. Parking spaces on the Property may be re-allocated only upon mutual agreement of the parties.
3. Pursuant to the J&DR Court Agreement, the City shall be responsible for the general management, operation and maintenance of the Parking Facilities. Said management shall be in accordance with a written garage operations program, approved in advance by the parties, that shall reflect the respective ownership and operational goals of the Parties.
4. Any use of the Parking Facilities shall be mutually agreed to by the parties. In the event of a dispute between the parties as to the appropriate uses of the Parking Facilities, the parties agree to use all reasonable efforts to resolve the dispute.

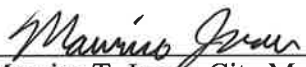
5. Liability for damages to third parties arising out of the parties' ownership, use, or occupancy of the Parking Facilities (except with respect to any portion of the Parking Facilities used or occupied solely by one of the parties, its officers, officials, employees, agencies, etc.) shall be shared jointly, to the extent not covered by insurance proceeds, and only to the extent that the City and County could each be held liable for such damages under the laws of the Commonwealth of Virginia.

WHEREFORE, the parties hereto have executed this Agreement, as of the day and year set forth above.

COUNTY OF ALBEMARLE

CITY OF CHARLOTTESVILLE

Thomas C. Foley, County Executive

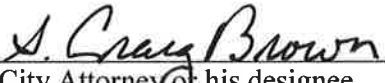


Maurice T. Jones, City Manager

Approved as to form:

Approved as to form:

County Attorney or his designee



City Attorney or his designee

**Court Cost Allocation Summary
February 21, 2008**

I. Allocation of Costs for J&DR Court Renovation/Expansion and Levy Renovation:

			<u>City Share</u>	<u>County Share</u>
Construction Costs:	\$ 13,628,062			
Soft Costs, including design fees & construction contingency	\$ 2,742,748			
Land Acquisition Costs	\$ 2,034,044			
Levy Project Costs	<u>\$ 1,337,429</u>			
Subtotal:	\$ 19,742,283			
2% Management Fee	<u>\$ 394,846</u>			
Total J&DR and Levy Costs	\$ 20,137,129			
Less: Parking Deck Costs - per Line 35	\$ (1,868,455)			
Less: Levy Rent subject to allocation - per Line 44	\$ (411,919)			
Less: 2% Management Fee	<u>\$ (394,846)</u>			
Subtotal	\$ 17,461,909			
Less: Estimated costs of Sheriff's Space (3,515 SF @ \$332.43/SF)	<u>\$ (1,168,491)</u>			
Subject to 50/50 allocation	\$ 16,293,418			
City Share - 50%	\$ 8,146,709	46.65%	\$ 8,146,709	
County Share - 50% + Sheriff's Space	\$ 9,315,200	53.35%		\$ 9,315,200

II. Allocation of Costs for Parking Deck and Surface Parking:

Total Parking Deck Cost	\$ 1,868,455			
City cost allocation	\$ 751,493	40.22%	\$ 751,493	
County cost allocation	\$ 1,116,962	59.78%		\$ 1,116,962

III. Allocation of Levy Rent:

Total Levy Rent (\$14,350/mo; 3% increase in 2nd and 3rd yrs)	\$411,919			
Less: 7 months credit to Alb associated w/ delay (Nov 03 thru May 04; 6 months @ \$14,780.50; 1 month @ \$10,149.33)	<u>\$ (98,832)</u>			
Subtotal - Subject to 50/50 Allocation	\$313,087			
City Share (50% + delay costs)	\$255,376		\$255,376	
County Share (50%)	\$156,544			\$156,544

IV. Summary Allocation of Costs: City and County

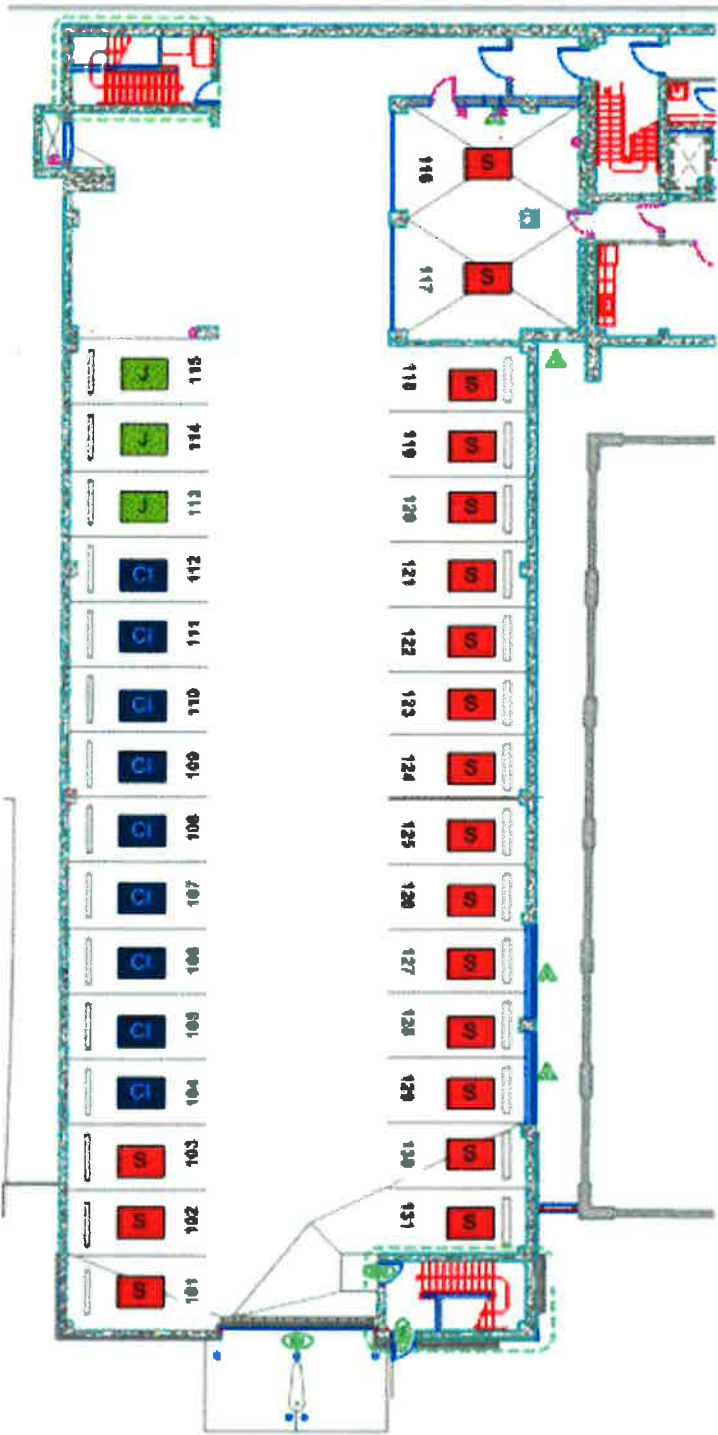
	Sub-Total:	\$19,742,283	\$9,153,577	\$10,588,706
	Sub-Total as a Percent:		46.37%	53.63%
2% Fiscal Agent / Management Fee		<u>\$ 394,846</u>	<u>\$183,090</u>	<u>\$211,756</u>
Final City & County Cost:		\$20,137,129	\$9,336,667	\$10,800,461

J&DR Parking Allocation - Revised 1/31/08				
Location	Shared	City	County	Total
Parking Deck				
Commonwealth Attorney			5	
County Sheriff			17	
County Sheriff in Sallyport			2	
FH - Frank Hardy	15			
JCC - J&DR Court Clerk	9			
JCS - J&DR Court Services	17			
JCSV - J&DR Court Services Vehicle	4			
J Judge - J&DR Judges	3			
JCP - J&DR Court probation	2			
County - TBD			6	
City - TBD		11		
Total	50	11	30	91
Surface Parking (on-site)				
P - Public Parking	10			
HC Spaces	5			
Com Atten/Group Home	6			
CoCA - County Common Atty			3	
County - TBD			2	
CoCC - County Circuit Court Clerk			2	
Total	21	0	7	28
Circuit Court				
City Only		18		
City/County Split	9			
Total	9	18	0	27
Alley				
CoSH - County Sheriff			0	
P - Public Parking	0			
Total	0	0	0	0
Alley North End				
FH - Frank Hardy	0			
Total	0	0	0	0
On Street Parking				
P - Public Parking	6			
AH - Attention Home		3		
Total	6	3	0	9
Total Parking	86	32	37	155
Total Percentage	55.5%	20.6%	23.9%	100.0%
	Shared	City	County	Total

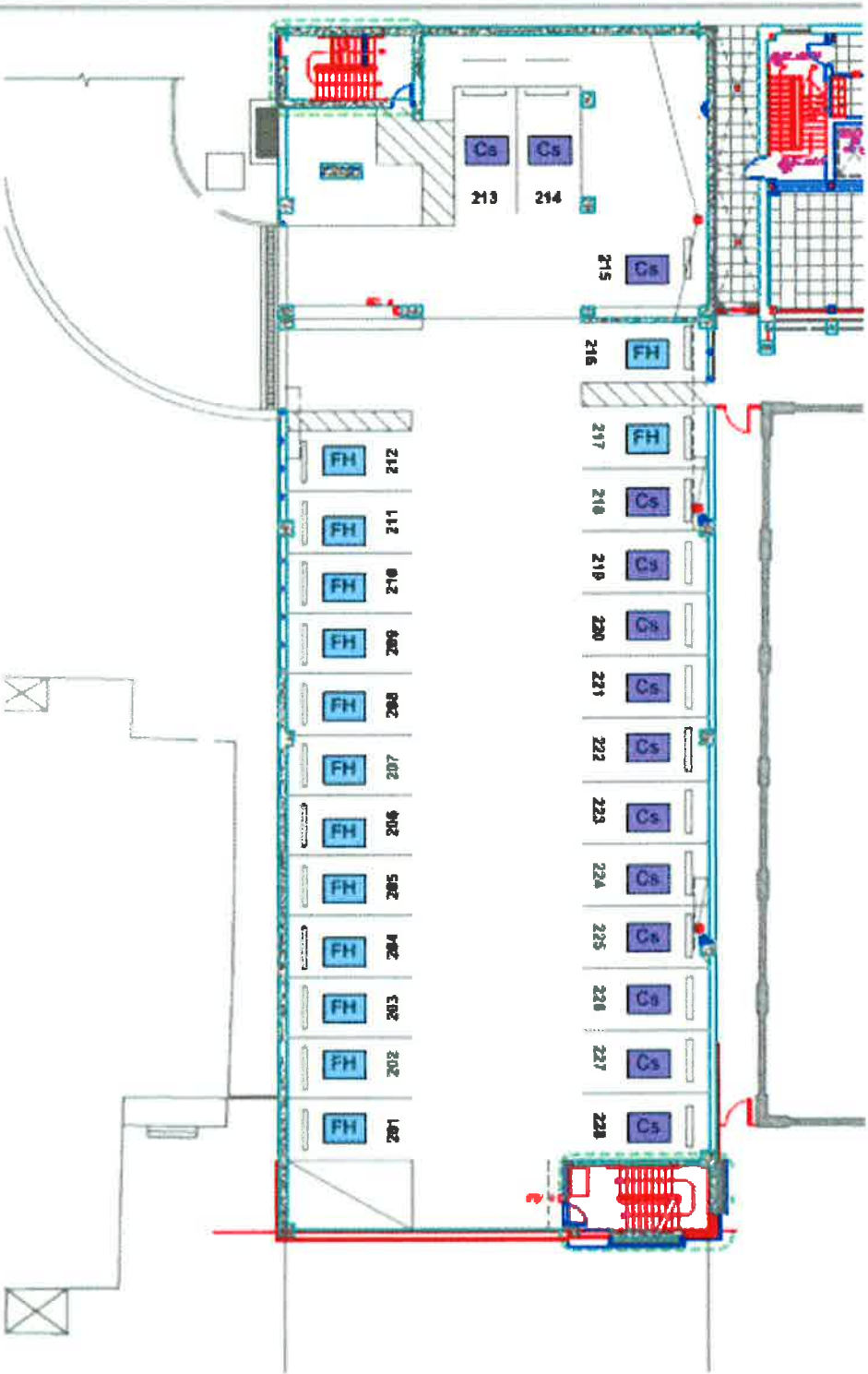
J&DR Parking Plan

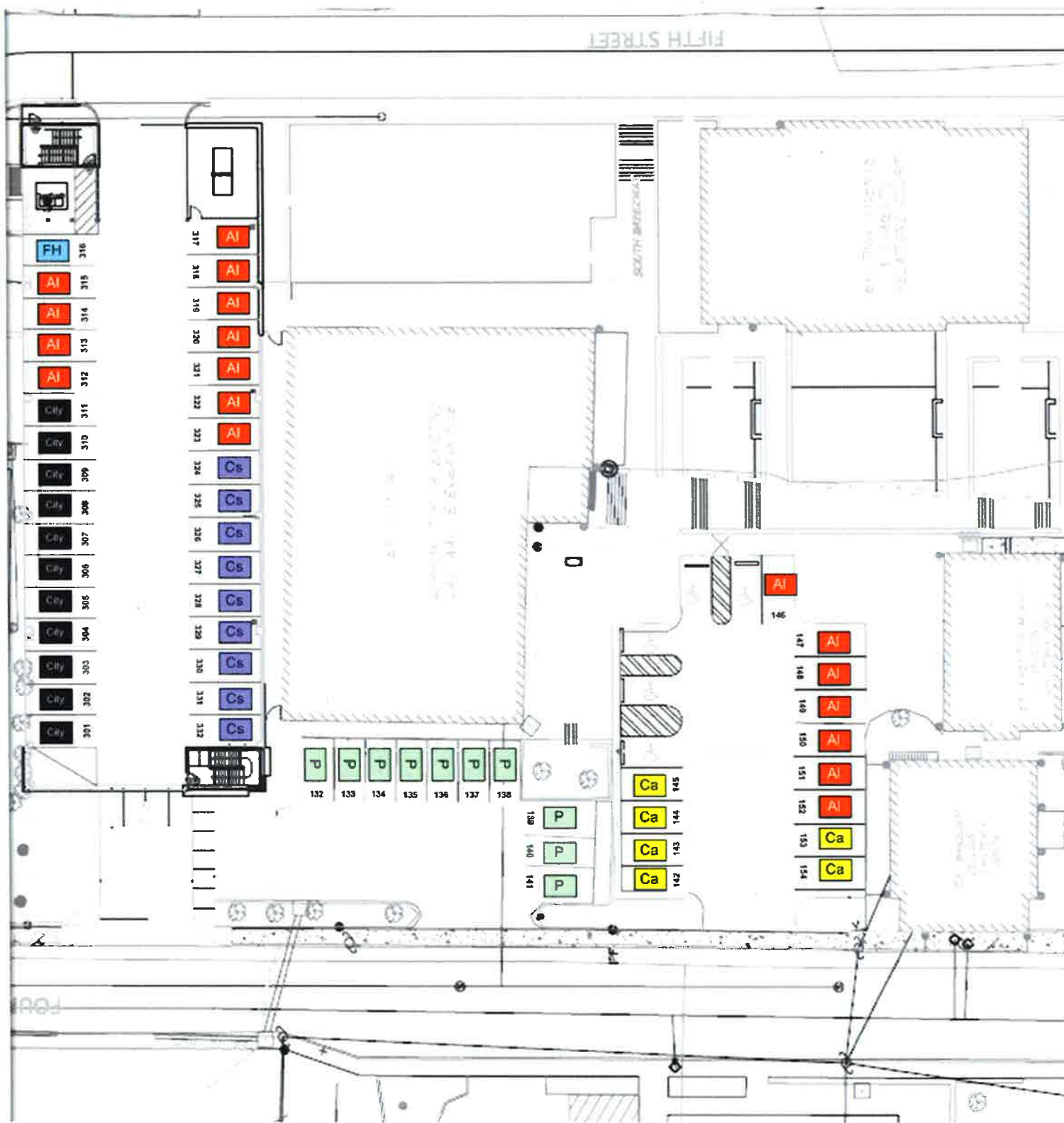
- S Sheriff
- Cl Court Clerk
- J Judge
- Ca Community Attention
- Cs Court Services
- FH Frank Hardy, Inc.
- P Public
- City - Use TBD
- AI County - Use TBD

FIRST FLOOR PARKING



SECOND FLOOR PARKING





J&DR Parking Plan

- S Sheriff
- Cl Court Clerk
- J Judge
- Ca Community Attention
- Cs Court Services
- FH Frank Hardy, Inc.
- P Public
- City City - Use TBD
- AI County - Use TBD