

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO ACCEPT DEEDS OF EASEMENT FOR
DRAINAGE AND STORMWATER MANAGEMENT FACILITIES**

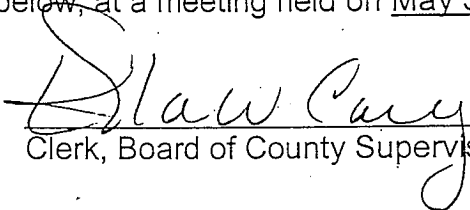
WHEREAS, the County of Albemarle requires Deeds of Easement from landowners for the installation and maintenance of drainage and stormwater facilities for site plans and subdivisions and for drainage improvement projects; and

WHEREAS, such Deeds set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the drainage easement; and

WHEREAS, the efficiency of government is improved by delegating the authority to the County Executive to accept such Deeds of Easement on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive to accept Deeds of Easement for drainage and stormwater management facilities on behalf of the County provided that such Deeds of Easement are approved as to form and content by the County Attorney.

I, Ella W. Carey, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of six to zero, as recorded below, at a meeting held on May 3, 2006.

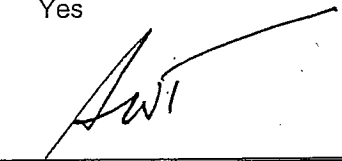


Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	<u>Y</u>	___
Mr. Dorrier	<u>Y</u>	___
Mr. Rooker	<u>Y</u>	___
Mr. Slutzky	<u>Y</u>	___
Ms. Thomas	<u>Y</u>	___
Mr. Wyant	<u>Y</u>	___

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Authorize the County Executive to Accept Deeds of Easement for Drainage and Stormwater Management Facilities	<u>AGENDA DATE:</u> May 3, 2005 2006
<u>SUBJECT/PROPOSAL/REQUEST:</u> Resolution authorizing the County Executive to accept easements for drainage and stormwater facilities	<u>ACTION:</u> <u>CONSENT AGENDA:</u> <u>ACTION:</u> X <u>ATTACHMENTS:</u> Yes <u>REVIEWED BY:</u> 
<u>STAFF CONTACT(S):</u> Tucker, Foley, Davis	<u>INFORMATION:</u> <u>INFORMATION:</u>
<u>LEGAL REVIEW:</u> Yes	

BACKGROUND:

The County of Albemarle requires easements from landowners for the installation and maintenance of drainage and stormwater facilities for site plans and subdivisions and for drainage improvement projects. The County has been acquiring easements in new subdivisions for drainage and stormwater control for several years, as established by Board policy at its April 5, 2000 meeting. The shift from privately to publicly maintained drainage systems was an acknowledgement that public maintenance of drainage systems serving public improvements was necessary in most situations. Experience has shown that private interests, including homeowners' associations, often do not possess the technical and financial capabilities to repair and maintain drainage systems.

The deeds of easement set forth the rights and responsibilities of the landowner and the County, including the County's rights and obligations to maintain the improvements within the drainage easement. Pursuant to Virginia Code Section 15.2-1803, the Board must authorize the County Executive to accept these deeds on behalf of the County. It has been the County's practice to create the easements by plat or to authorize these deeds on an individual basis. The Board is enabled to generally delegate the authority to the County Executive to accept deeds of easement.

STRATEGIC PLAN:

4.2 Fund County services in a fair, efficient manner and improve needed public facilities and infrastructure.

DISCUSSION:

The efficiency of government would be improved by generally delegating the authority to the County Executive to accept deeds of easement for drainage and stormwater facilities on behalf of the County. A proposed Resolution authorizing the County Executive to accept such easements is attached as Attachment A.

BUDGET IMPACT:

This authorization will streamline the process and minimize staff resource requirements. The authorization will also save applicants 3 to 6 weeks of possible delay that would otherwise be required for staff to schedule the authorization for a Board meeting, prepare an executive summary, and then wait for the Board of Supervisors to act on the authorization.

RECOMMENDATIONS:

Staff recommends that the Board adopt the attached Resolution (Attachment A) to authorize the County Executive to accept deeds of easement for drainage and stormwater facilities on behalf of the County, provided that such deeds of easement are approved as to form and content by the County Attorney.

ATTACHMENTS:

A - Resolution.

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I, Ella W. Carey, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of _____ to _____, as recorded below, at a meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	___	___
Mr. Dorrier	___	___
Mr. Rooker	___	___
Mr. Slutzky	___	___
Ms. Thomas	___	___
Mr. Wyant	___	___