

MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU), is made by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County"), the CITY OF CHARLOTTESVILLE, VIRGINIA ("City"), and the City Sheriff, the City's Circuit Court Clerk, and the City's Circuit Court Judge (hereinafter, collectively referred to as the "Circuit Court Users").

WHEREAS, the City and County jointly own certain real estate, located within the City of Charlottesville, Virginia, at 350 Park Street, Charlottesville, Virginia, which is identified as Parcel 109 on City Real Property Tax Map 53, including a building containing approximately 23,565 square feet and land improved as paved parking (the "Levy House"); and

WHEREAS, the City and County desire to provide and allocate rights for the use and occupancy of the Levy House by the Circuit Court Users, as set forth herein, for their convenience, and during a period in which the City's Circuit Court building will be undergoing renovations;

NOW, THEREFORE, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for the use and occupancy of the Levy House:

A. TEMPORARY USE AND OCCUPANCY

1. **City Use and Occupancy Authorized.** The City and County hereby authorize the Circuit Court Users to temporarily use a portion of the Levy House and the improved land on which the Levy House sits (the "Premises") to the exclusion of the City and County's rights of possession, for occupancy and use by the City Circuit Court, City Sheriff, and City Circuit Court Clerk's as courtroom and related functions, during a period of time in which the City's Circuit Court building is undergoing renovation. For the purposes of this MOU, "Premises" shall not include (a) those areas shown as "out of scope/off limits" in Attachment X, or (b) those seventeen parking spaces depicted on page C100 of Attachment X and labeled "AlbCo".
2. **Duration of Use and Occupancy.** The Circuit Court Users may exercise their rights to use and occupy the Premises during a period that commences on April 1, 2018 ("Commencement Date") and that expires automatically at midnight on August 31, 2019 ("Expiration Date"). On or prior to the Expiration Date, the Circuit Court Users shall vacate the Premises, remove all of their personal property and equipment, and surrender the Premises in good order and condition, ordinary wear and tear excepted. This period may be extended upon request of the Circuit Court Users, if necessary for the completion of the Circuit Court renovation project, with the prior written agreement of the City and County; upon any such extension, the last day of the extended period shall be considered the date on which the Circuit Court Users will be required to vacate and surrender the Premises in accordance with this paragraph.

3. **Rent.** In the event that the Circuit Court Users fail to vacate the Levy House and surrender those premises on the Expiration Date, then the County shall have the rights to (a) evict the Circuit Court Users, and (b) recover holdover rent. Holdover rent, in the amount of \$4,500, shall be due and payable on the first month following the Expiration Date, and again on the first day of each subsequent calendar month, until the Circuit Court Users vacate the Levy House premises as required by this MOU. In seeking to exercise its rights to eviction and/or holdover rent, the County shall give thirty (30) days' advance written notice to the City.
4. **Utilities and Maintenance.** During the City's occupancy of the Levy House, the City shall be responsible for one hundred percent (100%) of the cost of utilities and public services (cable television, trash/waste removal, snow and ice removal, etc.) and any maintenance and repairs incurred for and in relation to the Premises. The cost of specific repairs may be shared equally only upon mutual written agreement of both parties. The parties shall continue to share equally in all other costs of building maintenance and repair. Throughout the term of the occupancy, the City shall provide regular, detailed reports of the costs of such exceptions, not less than once per quarter and not more than two months following the end of each fiscal year. Any data or fiber optics extended to the Levy House, for the sole use by the Circuit Court Users, shall be at the City's expense.
5. **Restricted Use.** The Premises shall be used by the Circuit Court Users only for the purposes contemplated within this MOU. If required by the City's Building Official, an updated certificate of occupancy for the Premises shall be obtained by the City. The Circuit Court Users shall use all electrical, plumbing, heating, ventilating and air conditioning facilities and appliances in a safe and reasonable manner. The Circuit Court Users shall not destroy, damage or remove any part of the Premises, or permit any other person to do so, and shall not change or add locks without notifying the City and providing the City with duplicate keys to such locks.
6. **Interior alterations.** The City may make, or cause to be made, interior non-structural alterations or improvements to the Premises, as necessary to facilitate operations of the Circuit Court Users.
 - a. The City will undertake, at its sole expense, minor interior alterations to the premises as indicated in **Attachment X**. The City shall obtain all required governmental permits and approvals for such alterations, additions or improvements, including, without limitation, those which may be required by the Virginia USBC and the VSFPC.
 - b. On or after the Expiration Date, the County may require the City to remove any alterations, improvements and fixtures made to the Premises, at the City's sole cost and expense. Upon receipt of a written notice from the County requiring such removal, (i) the City shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if the City fails to properly remove such alterations, improvements and fixtures or provide for the repair of the

Premises, the County may perform the same at the City's cost and expense. Alternatively, at the County's sole option, the County may elect to allow any or all alterations, improvements or fixtures installed by the City to remain on the Premises, without reimbursement or any other liability to the City for the cost or value thereof.

- c. Other than as detailed above, no other such alterations or improvements shall be commenced unless the County's consent shall have first been obtained in writing, and provided that the Party performing the alterations or improvements shall obtain all required governmental permits for such alterations, additions or improvements.
7. **No Waiver of Rights.** By agreeing to allow the Circuit Court Users to temporarily have exclusive use and occupancy of the Premises, neither the City nor the County waives its respective right to possession and occupancy of the Levy House, or any portion thereof, for or with respect to any period of time other than that specified within Paragraph A.2, preceding above.
8. **Insurance.** The City shall maintain the following insurance coverages for the property: General Liability, Excess Liability; and Property.

B. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:
 - a. if to the County, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as the County may designate by written notice; and
 - b. if to the City, at
City of Charlottesville
City Manager's Office
Post Office Box 911
Charlottesville, Virginia 22902
or at such other address as the City shall designate by written notice.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Jeffrey B. Richardson, County Executive

Approved as to form:

Albemarle County Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Maurice Jones, City Manager

CHARLOTTESVILLE CIRCUIT COURT

By: _____
Richard Moore, Circuit Court Judge

By: _____
Llezele Dugger, Circuit Court Clerk

CHARLOTTESVILLE CITY SHERIFF

By: _____
James Brown, Sheriff

Approved as to form:

Lisa Roberts
Charlottesville City Attorney

ATTACHMENT 'X'

CHARLOTTESVILLE CIRCUIT COURT COURTROOM SWING SPACE

LEVY BUILDING RESTORATION FOR TEMPORARY COURT SPACE
350 Park Street, Charlottesville, Virginia

DRAWING INDEX

C100 - Site Improvements
D200 - 2nd Floor Demolition Plan
A100 - 1st Floor Plan
A200 - 2nd Floor Plan
A200b - 2nd Floor Plan Details
A300 - 3rd Floor Plan
A400 - 2nd Floor Ceiling Plan
A500 - Window AC Details
E100 - 1st Floor Electrical Plan
E200 - 2nd Floor Electrical Plan
E300 - Third Floor Electrical Plan
M200 - 2nd Floor HVAC Plan



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THE CITY OF
CHARLOTTESVILLE

Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

Cover

Date: February 28, 2018

Revision:

Page

Cover

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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

C100-Site Plan

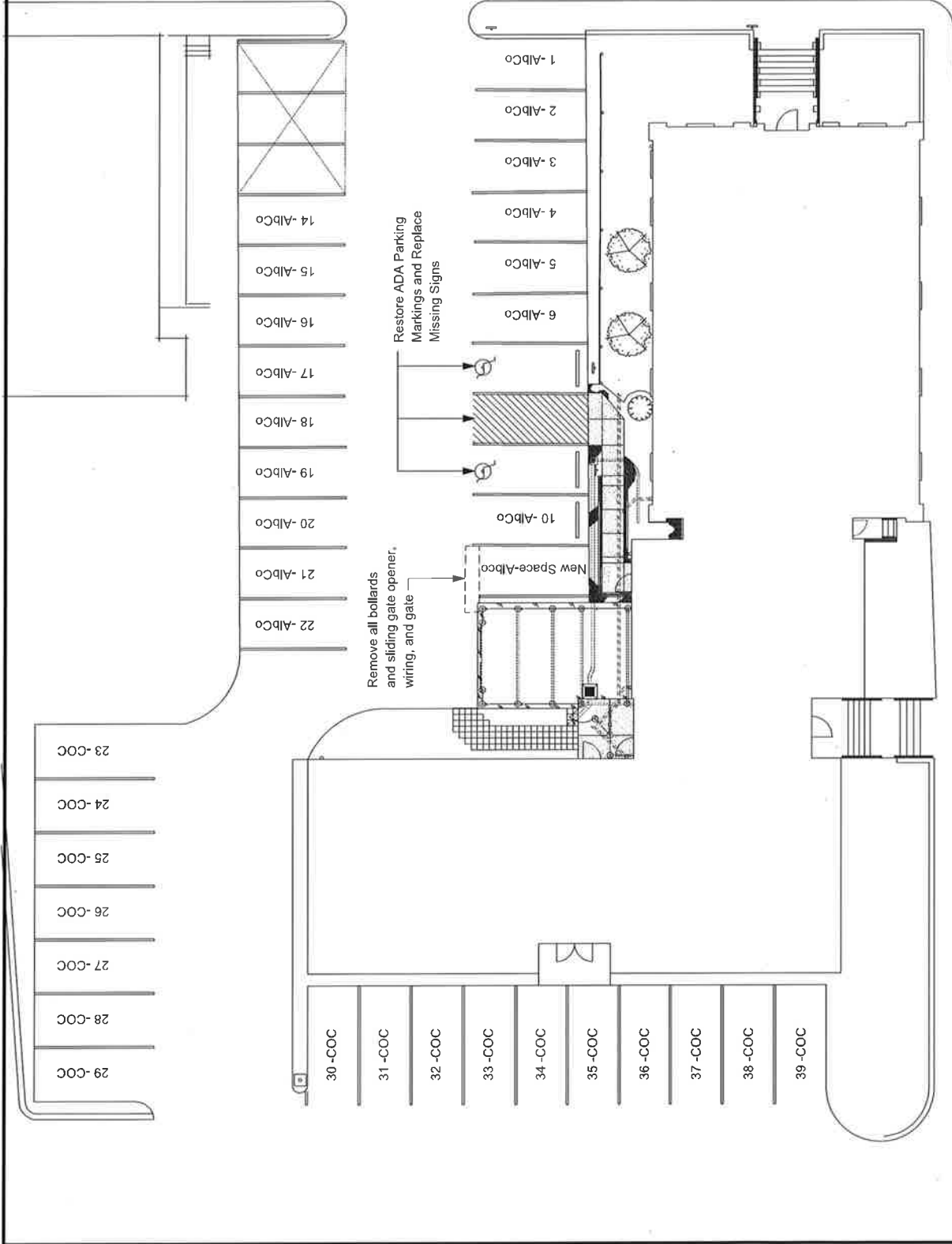
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C100

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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Levy - Circuit Court Swing Space

Drawing:
D200-2nd Floor Demo Floor Plan

Date: February 28, 2018

Revision:

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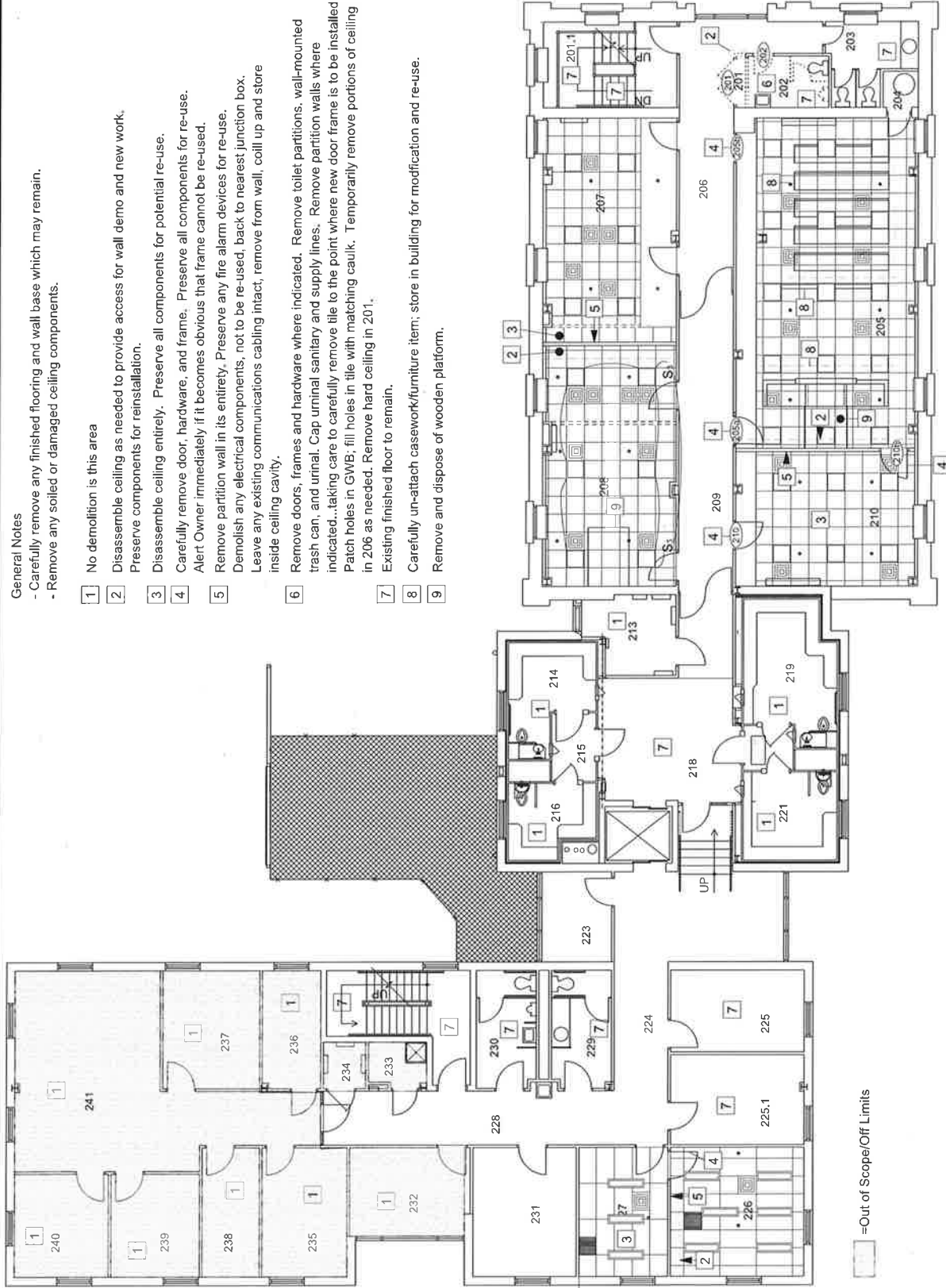
D200

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General Notes

- Carefully remove any finished flooring and wall base which may remain.
- Remove any soiled or damaged ceiling components.

- 1 No demolition is this area
- 2 Disassemble ceiling as needed to provide access for wall demo and new work. Preserve components for reinstallation.
- 3 Disassemble ceiling entirely. Preserve all components for potential re-use.
- 4 Carefully remove door, hardware, and frame. Preserve all components for re-use. Alert Owner immediately if it becomes obvious that frame cannot be re-used.
- 5 Remove partition wall in its entirety. Preserve any fire alarm devices for re-use. Demolish any electrical components, not to be re-used, back to nearest junction box. Leave any existing communications cabling intact; remove from wall, coil up and store inside ceiling cavity.
- 6 Remove doors, frames and hardware where indicated. Remove toilet partitions, wall-mounted trash can, and urinal. Cap urinal sanitary and supply lines. Remove partition walls where indicated...taking care to carefully remove tile to the point where new door frame is to be installed. Patch holes in GWB; fill holes in tile with matching caulk. Temporarily remove portions of ceiling in 206 as needed. Remove hard ceiling in 201.
- 7 Existing finished floor to remain.
- 8 Carefully un-attach casework/furniture item; store in building for modification and re-use.
- 9 Remove and dispose of wooden platform.





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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

A100-1st Floor Plan

Date: February 28, 2018

Revision:

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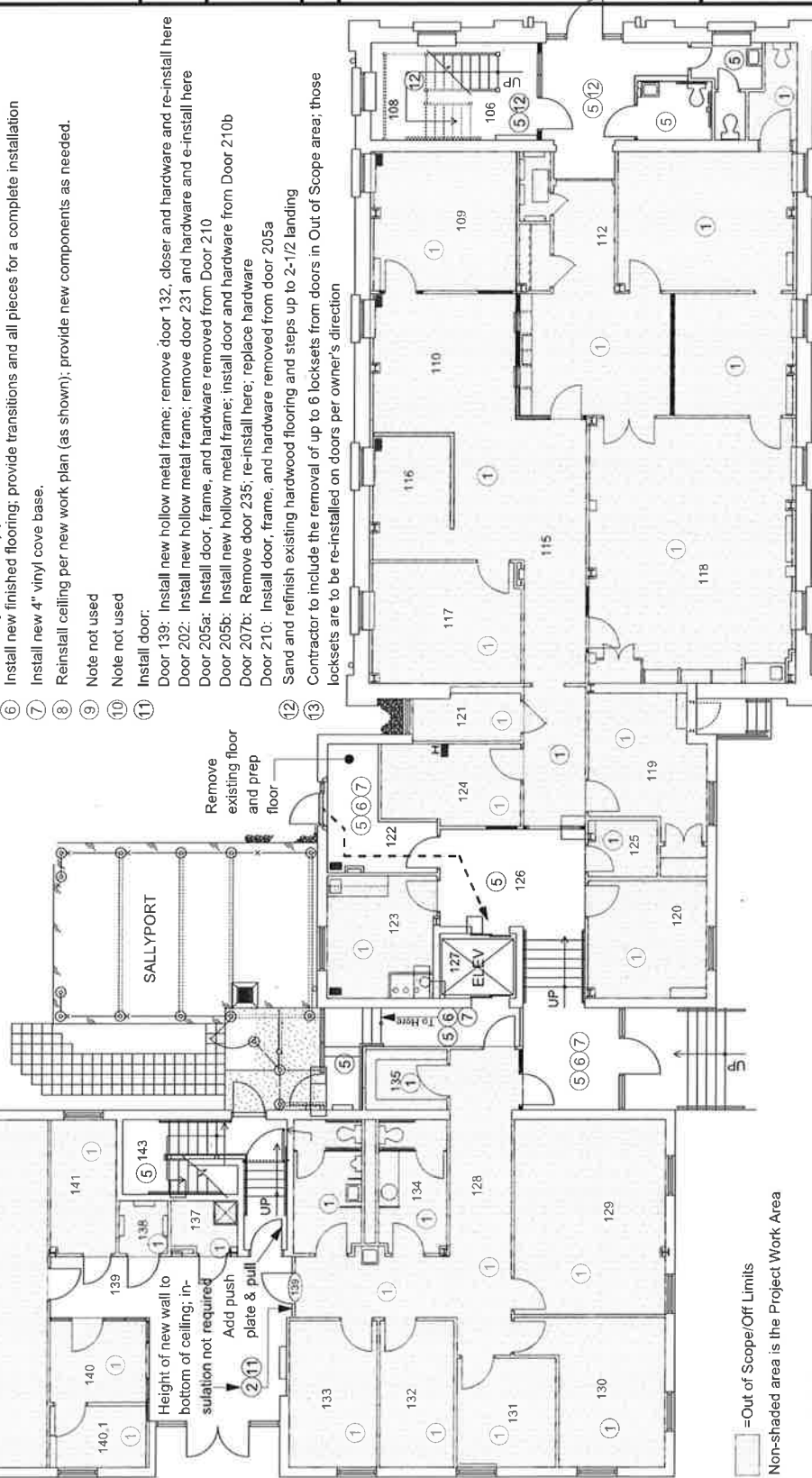
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KEY NOTES

- 1 No improvements in this area
- 2 Install new metal stud wall partition: 3.5" metal studs (or, match existing bulkhead if applicable) with finished and painted 5/8" GWB both sides (Level IV finish); height of wall just above ceiling; sound insulation bats in all cavities; see Electrical for any power, lighting, or data requirements. Carefully scrape and re-paint the interior of all window in this room (except for sashes which are scheduled for removal). Clean windows.
- 3 Remove lower-half window sash. Fabricate and install window A/C replacement sash panel (see Sheet A500).
- 4 Re-paint walls, soffits, and trim (including door frames & windows where applicable); paint doors where they are already painted
- 5 Install new finished flooring; provide transitions and all pieces for a complete installation
- 6 Install new 4" vinyl cove base.
- 7 Note not used
- 8 Note not used
- 9 Note not used
- 10 Note not used
- 11 Install door:
Door 139: Install new hollow metal frame; remove door 132, closer and hardware and re-install here
Door 202: Install new hollow metal frame; remove door 231 and hardware and e-install here
Door 205a: Install door, frame, and hardware removed from Door 210
Door 205b: Install new hollow metal frame; install door and hardware from Door 210b
Door 207b: Remove door 235; re-install here; replace hardware
Door 210: Install door, frame, and hardware removed from door 205a
Sand and refinish existing hardwood flooring and steps up to 2-1/2 landing
Contractor to include the removal of up to 6 locksets from doors in Out of Scope area; those locksets are to be re-installed on doors per owner's direction

GENERAL NOTES

- All framing is to be light gauge metal
- Blocking is to be Fire Treated wood
- In areas where work is to occur: repair all damage to gypsum wall board (level IV finish); replace missing, soiled, or damaged acoustic ceiling tiles.
- Where flooring is to be installed, prep and repair floor per manufacturer and industry standards.
- Thoroughly clean the entire project work area at the end of work.



□ = Out of Scope/Off Limits

Non-shaded area is the Project Work Area

Scale: 3/32"=1' (printed on 11x17)



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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Levy - Circuit Court Swing Space

Drawing:
A200-2nd Floor Plan

Date: February 28, 2018

Revision:

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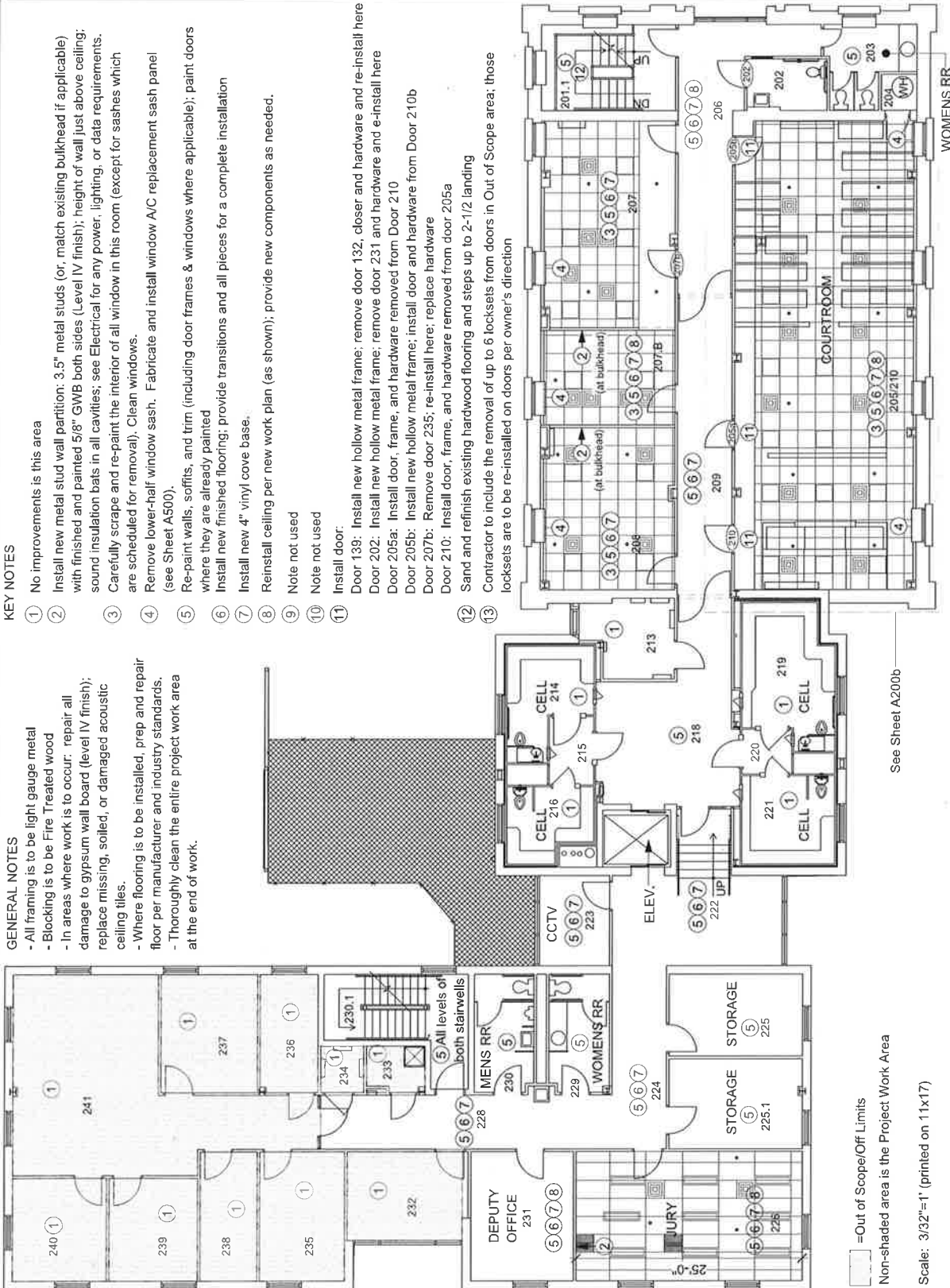
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KEY NOTES

- 1 No improvements in this area
- 2 Install new metal stud wall partition: 3.5" metal studs (or, match existing bulkhead if applicable) with finished and painted 5/8" GWB both sides (Level IV finish); height of wall just above ceiling; sound insulation bats in all cavities; see Electrical for any power, lighting, or data requirements. Carefully scrape and re-paint the interior of all window in this room (except for sashes which are scheduled for removal). Clean windows.
- 3 Remove lower-half window sash. Fabricate and install window A/C replacement sash panel (see Sheet A500).
- 4 Re-paint walls, soffits, and trim (including door frames & windows where applicable); paint doors where they are already painted
- 5 Install new finished flooring; provide transitions and all pieces for a complete installation
- 6 Install new 4" vinyl cove base.
- 7 Reinstall ceiling per new work plan (as shown); provide new components as needed.
- 8 Note not used
- 9 Note not used
- 10 Install door:
- 11 Door 139: Install new hollow metal frame; remove door 132, closer and hardware and re-install here
- 12 Door 202: Install new hollow metal frame; remove door 231 and hardware and e-install here
- 13 Door 205a: Install door, frame, and hardware removed from Door 210
- 14 Door 205b: Install new hollow metal frame; install door and hardware from Door 210b
- 15 Door 207b: Remove door 235; re-install here; replace hardware
- 16 Door 210: Install door, frame, and hardware removed from door 205a
- 17 Sand and refinish existing hardwood flooring and steps up to 2-1/2 landing
- 18 Contractor to include the removal of up to 6 locksets from doors in Out of Scope area; those locksets are to be re-installed on doors per owner's direction

GENERAL NOTES

- All framing is to be light gauge metal
- Blocking is to be Fire Treated wood
- In areas where work is to occur: repair all damage to gypsum wall board (level IV finish); replace missing, soiled, or damaged acoustic ceiling tiles.
- Where flooring is to be installed, prep and repair floor per manufacturer and industry standards.
- Thoroughly clean the entire project work area at the end of work.



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Non-shaded area is the Project Work Area

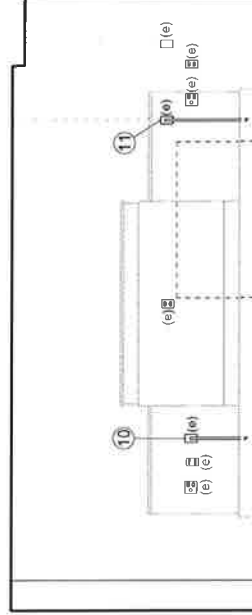
Scale: 3/32"=1' (printed on 11x17)

See Sheet A200b

KEY NOTES

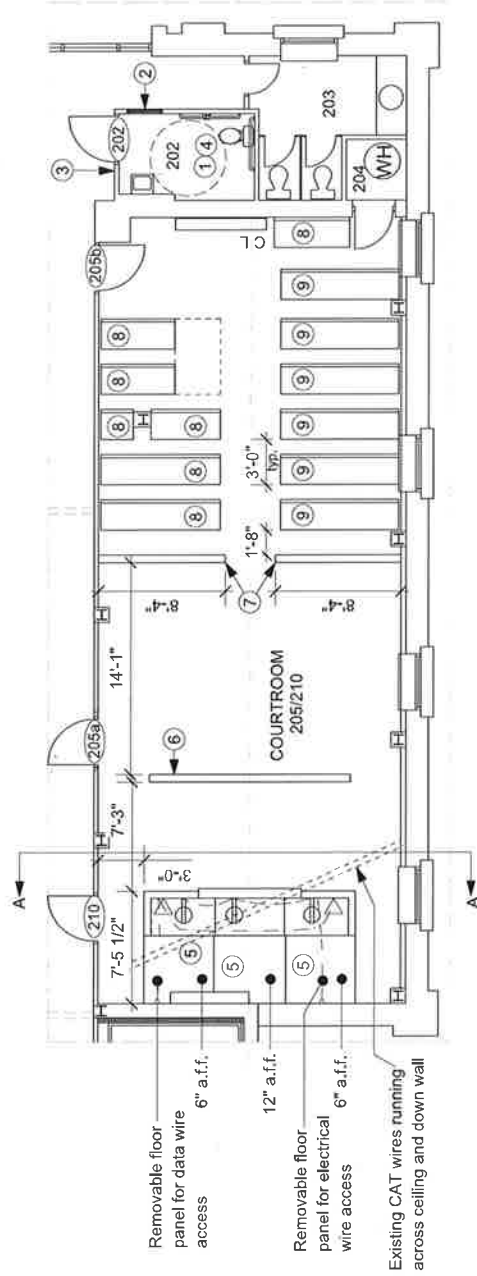
- ① At new ADA restroom: securely install new ADA compliant grab bars; install new ADA thermal pipe insulation under sink; replace existing faucet with new ADA compliant unit; replace existing toilet with new ADA compliant unit
- ② Remove existing door and frame; in-fill door opening and repair wall with new finished G&W & metal stud wall; install new ceramic bullnose at end of existing ceramic tile; paint both sides of wall; install 4" vinyl base on both sides of wall
- ③ Remove portions of this wall as needed to install new door frame (hold hinge-side frame tight to corner); remove ceramic tile entirely from this wall; patch all areas of this wall and affected adjacent areas; extend ceiling in 206 to this new wall; install door; paint both sides of wall; install 4" vinyl base on both sides of wall
- ④ Re-paint and thoroughly clean interior of restroom
- ⑤ Fabricate wooden platform and wrap in carpet; install salvaged judge's bench atop new platform; repair any damage to the bench or its finish
- ⑥ Securely install salvaged courtroom rail assembly; centered in room
- ⑦ Fabricate and install new courtroom rail assembly; match style and finish of the existing rail

- ⑧ Salvage and modify existing benches per new layout; anchor to floor
- ⑨ Provide new benches finished to match existing; Basis of Design = Model 720 by Quality Church Furniture, Natural Oak Finish; anchor to floor
- ⑩ Modify existing flush receptacle to J-box; connect EMT and wire to J-box and run down the surface of the wall, into raised floor cavity, across floor, and then up and onto the surface of the Judge's bench; install completed duplex receptacles as shown
- ⑪ There are two blue CAT crossing the room as indicated, pull those lines back and reroute them down through existing empty conduit to existing empty J-box; then neatly run the wires down the wall surface encased in wiremold to the wooden platform, across floor, and then up and onto the surface of the Judge's bench; install completed RJ45 data receptacles as shown



View AA

Scale: 1/4"=1'



Courtroom & Restroom Plan Details

Scale: 1/8"=1'

□ = Out of Scope/Off Limits

Non-shaded area is the Project Work Area



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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

A200b-2nd Floor Plan Details

Date: February 28, 2018

Revision:

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A200b

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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlotte, VA 22903

Project:
Levy - Circuit Court Swing Space

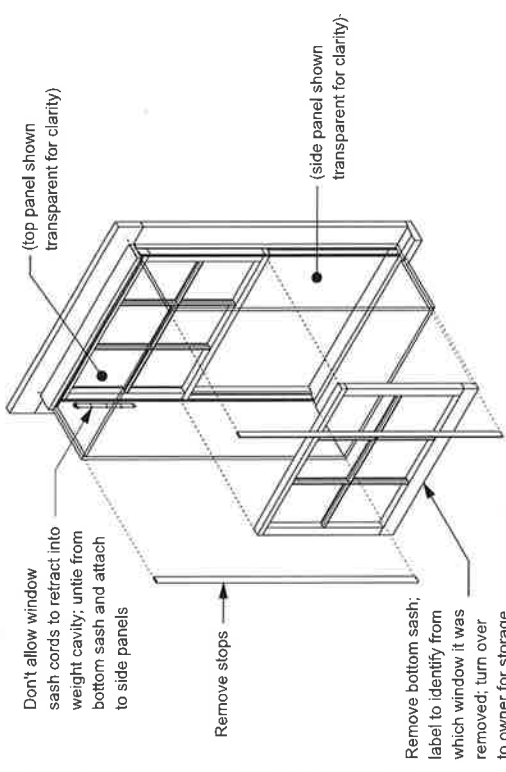
Drawing:
A500-Window AC Details

Date: February 28, 2018

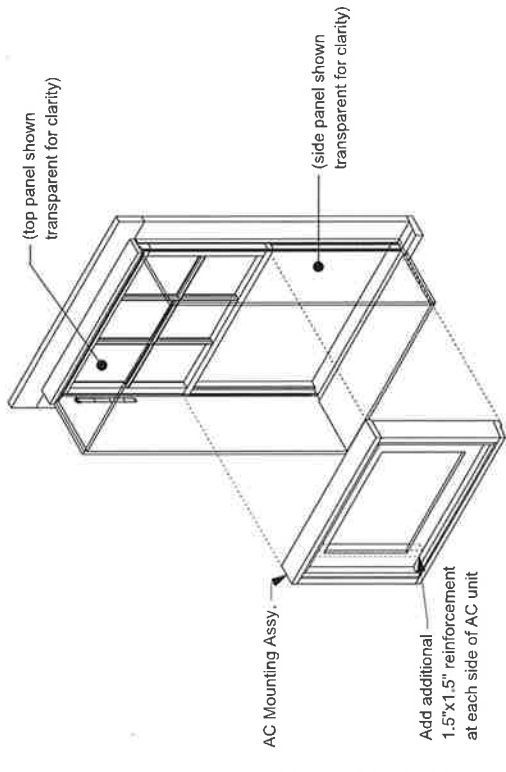
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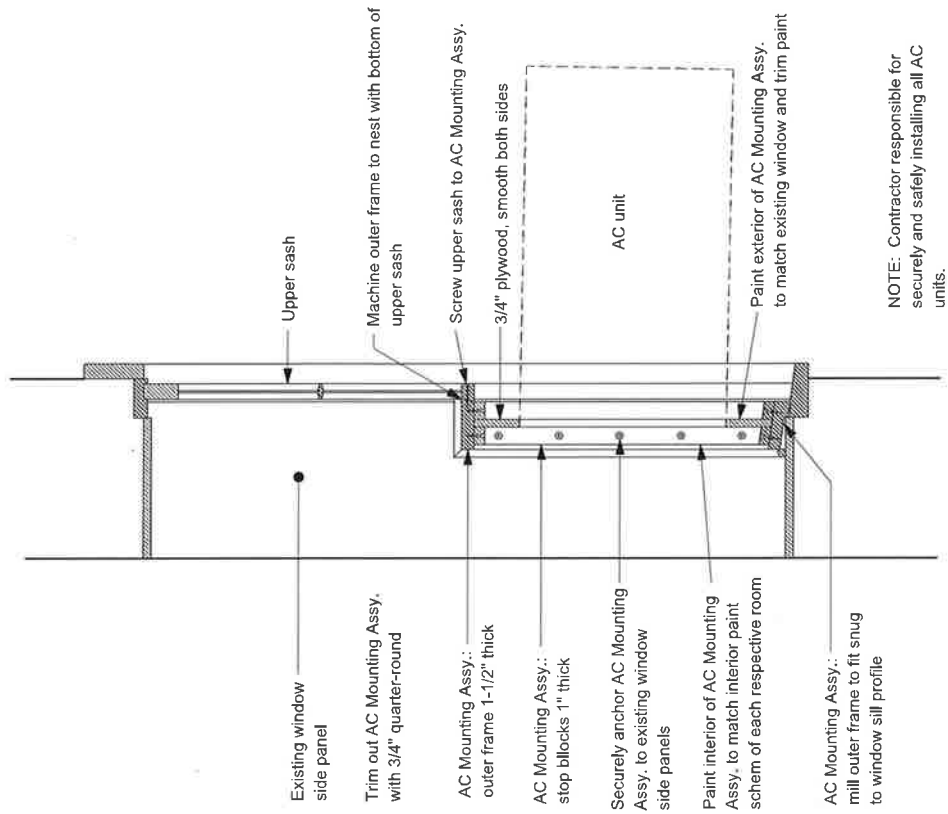
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2
A500 Window Dis-assembly Detail
Scale: nts



3
A500 Window Re-assembly Detail
Scale: nts



NOTE: Contractor responsible for securely and safely installing all AC units.

1
A500 Section Through Window and AC Mounting Assembly
Scale: 1"=1'



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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

E100-1st Floor Electrical Plan

Date: February 28, 2018

Revision:

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E100

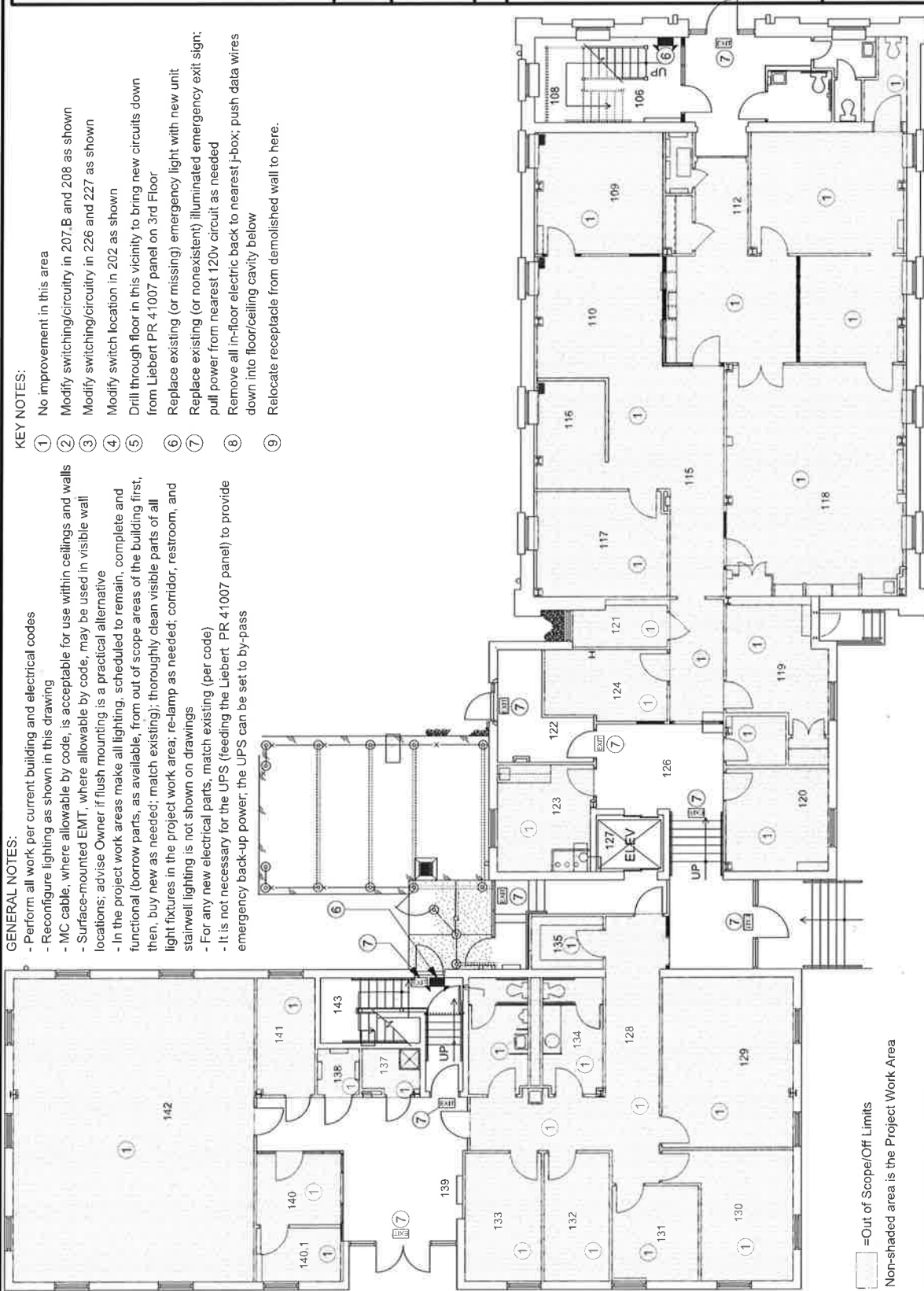
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GENERAL NOTES:

- Perform all work per current building and electrical codes
- Reconfigure lighting as shown in this drawing
- MC cable, where allowable by code, is acceptable for use within ceilings and walls
- Surface-mounted EMT, where allowable by code, may be used in visible wall locations; advise Owner if flush mounting is a practical alternative
- In the project work areas make all lighting, scheduled to remain, complete and functional (borrow parts, as available, from out of scope areas of the building first, then, buy new as needed; match existing); thoroughly clean visible parts of all light fixtures in the project work area; re-lamp as needed; corridor, restroom, and stairwell lighting is not shown on drawings
- For any new electrical parts, match existing (per code)
- It is not necessary for the UPS (feeding the Liebert PR 41007 panel) to provide emergency back-up power; the UPS can be set to by-pass

KEY NOTES:

- ① No improvement in this area
- ② Modify switching/circuitry in 207.B and 208 as shown
- ③ Modify switching/circuitry in 226 and 227 as shown
- ④ Modify switch location in 202 as shown
- ⑤ Drill through floor in this vicinity to bring new circuits down from Liebert PR 41007 panel on 3rd Floor
- ⑥ Replace existing (or missing) emergency light with new unit
- ⑦ Replace existing (or nonexistent) illuminated emergency exit sign; pull power from nearest 120v circuit as needed
- ⑧ Remove all in-floor electric back to nearest j-box; push data wires down into floor/ceiling cavity below
- ⑨ Relocate receptacle from demolished wall to here.



□ = Out of Scope/Off Limits

Non-shaded area is the Project Work Area

Scale: 3/32"=1' (printed on 11x17)



Scale: 3/32"=1' (printed on 11x17)



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Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Circuit Court Renov - Levy Swing

Drawing:
E300-3rd Floor Electrical Plan

Date: February 28, 2018

Revision:

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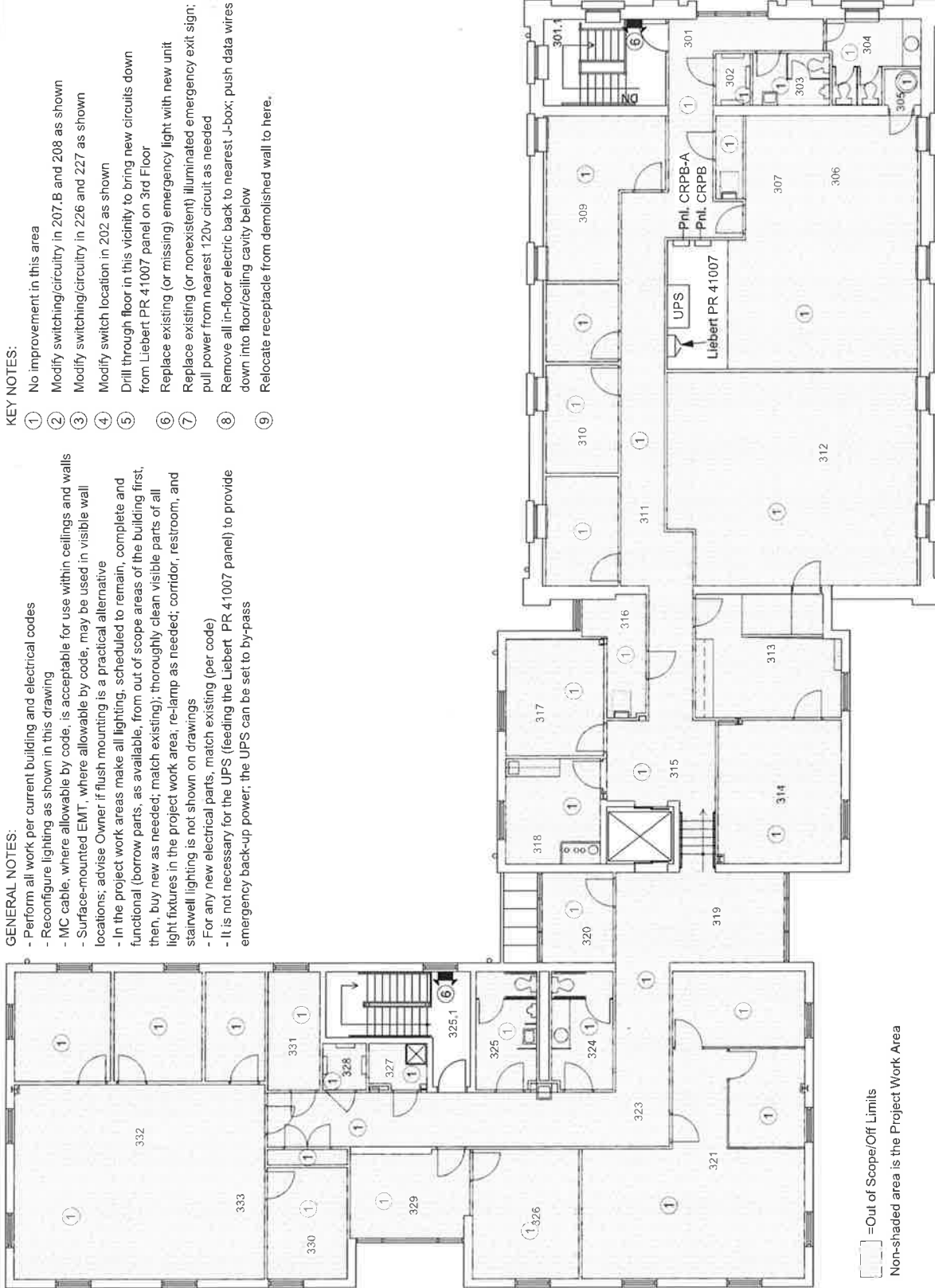
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GENERAL NOTES:

- Perform all work per current building and electrical codes
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- ⑦ Remove all in-floor electric back to nearest J-box; push data wires down into floor/ceiling cavity below
- ⑧ Relocate receptacle from demolished wall to here.



--- = Out of Scope/Off Limits
Non-shaded area is the Project Work Area

Scale: 3/32"=1' (printed on 11x17)



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THE CITY OF CHARLOTTESVILLE

Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:

Levy - Circuit Court Swing Space

Drawing:

M200-2nd Floor HVAC Plan

Date:

February 28, 2018

Revision:

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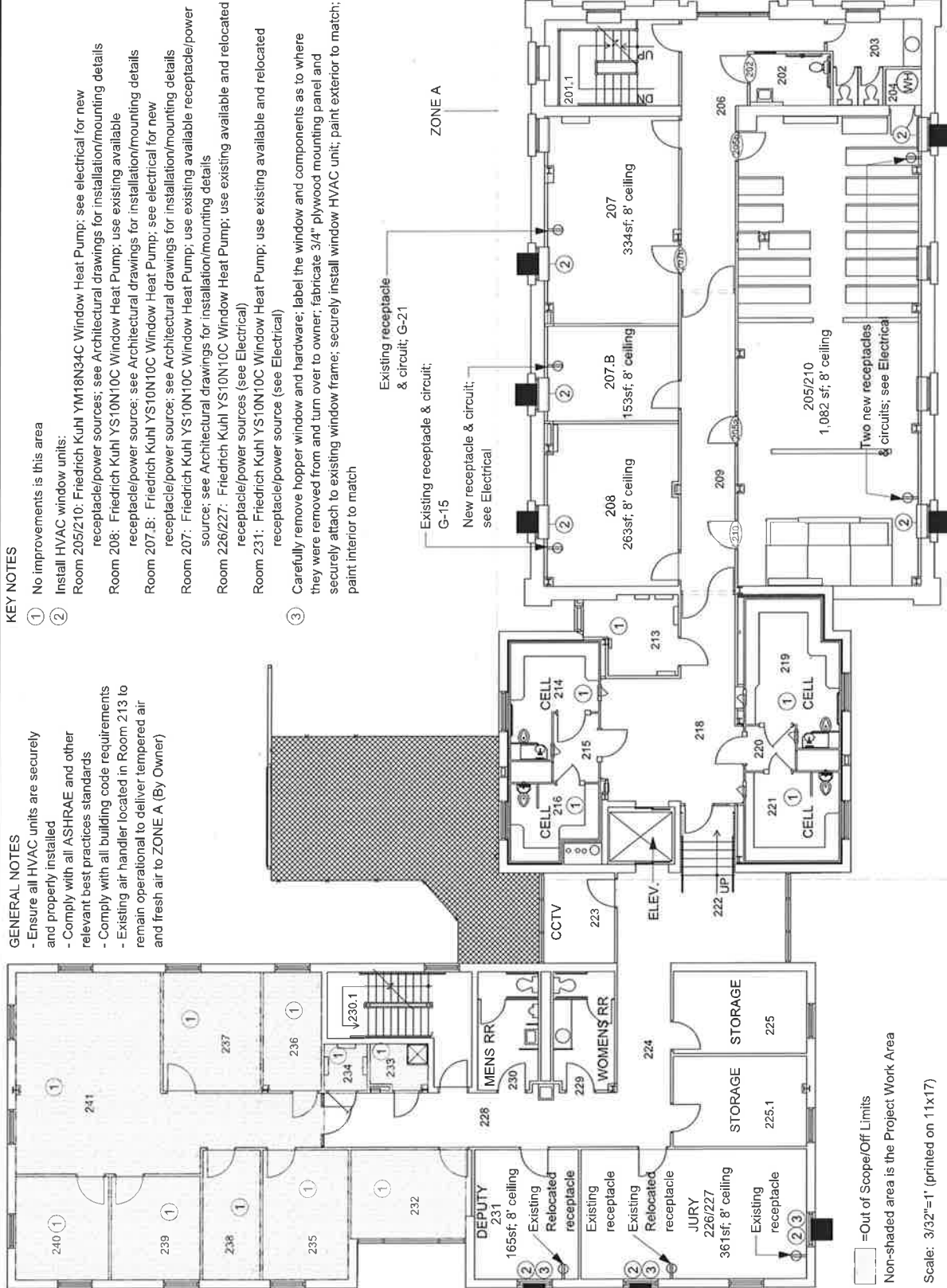
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KEY NOTES

- 1 No improvements in this area
- 2 Install HVAC window units:
Room 205/210: Friedrich Kuhl YM18N34C Window Heat Pump; see electrical for new receptacle/power source; see Architectural drawings for installation/mounting details
Room 208: Friedrich Kuhl YS10N10C Window Heat Pump; use existing available receptacle/power source; see Architectural drawings for installation/mounting details
Room 207.B: Friedrich Kuhl YS10N10C Window Heat Pump; see electrical for new receptacle/power source; see Architectural drawings for installation/mounting details
Room 207: Friedrich Kuhl YS10N10C Window Heat Pump; use existing available receptacle/power source; see Architectural drawings for installation/mounting details
Room 226/227: Friedrich Kuhl YS10N10C Window Heat Pump; use existing available and relocated receptacle/power source (see Electrical)
Room 231: Friedrich Kuhl YS10N10C Window Heat Pump; use existing available and relocated receptacle/power source (see Electrical)
Room 231: Friedrich Kuhl YS10N10C Window Heat Pump; use existing available and relocated receptacle/power source (see Electrical)
- 3 Carefully remove hopper window and hardware; label the window and components as to where they were removed from and turn over to owner; fabricate 3/4" plywood mounting panel and securely attach to existing window frame; securely install window HVAC unit; paint exterior to match; paint interior to match

GENERAL NOTES

- Ensure all HVAC units are securely and properly installed
- Comply with all ASHRAE and other relevant best practices standards
- Comply with all building code requirements
- Existing air handler located in Room 213 to remain operational to deliver tempered air and fresh air to ZONE A (By Owner)



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