

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of August 5, 2015</b></p>		
		August 10, 2015
<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>	<u><b>PODCAST</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:03 p.m., by the Chair, Ms. Dittmar. All BOS members were present. Also present were Tom Foley, Larry Davis and Ella Jordan.</li> </ul>		<a href="#">Listen</a>
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, the Board <b>ADOPTED</b> the final agenda.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Brad Sheffield:</u></p> <ul style="list-style-type: none"> <li>Provided an update on the Carrsbrook stormwater improvement project.</li> <li>Suggested that a link to VDOT's paving plan be added to the County's website</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Suggested a "Do not Pave list" be added to the County's website so that residents know which roads are not being paved and they do not have to come and defend their position to the Board.</li> </ul> <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> <li>Commented on VDOT's arrangement with the Jail Authority to use inmates for litter cleanup. Suggested phone number be posted on the County's website where citizens can call to get that service.</li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Reiterated need to not leave pets in parked vehicles during the summer heat.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>Provided information on the National Night Out event at Dorrier Park in Scottsville held the previous evening.</li> <li>She and Supervisor Mallek attended recent Courts meeting – no new update to report.</li> <li>Provided update on broadband project which she and Supervisor Palmer are working on, and hope to provide an update in September.</li> </ul>		
<p>6. Proclamations and Recognitions:</p> <p>a. Proclamation recognizing August 26, 2015 as Women's Equality Day.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Proclamation.</li> </ul>	(Attachment 1)	<a href="#">Listen</a>
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li><u>Robert Walters</u>, resident of Forest Lakes Subdivision in Rivanna District, asked for Board's support of resolution to support legislation for the Commonwealth of Virginia to participate in the Regional Greenhouse Gas Initiative (RGGI). Expressed support for adopting separate classification for personal property for small businesses (Agenda Item No. 21).</li> </ul>		<a href="#">Listen</a>

	<ul style="list-style-type: none"> <li>• <u>Jessica Maslaney</u>, resident of the White Hall District and representing the Piedmont Family YMCA, provided an update on the program of the YMCA facility at McIntire Park.</li> <li>• <u>John Martin</u>, resident of Free Union, spoke about the Ragged Mountain Reservoir fill progression, Moorman's River instream release thresholds and Sugar Hollow Reservoir pool status.</li> <li>• <u>Muriel Grim, Nancy Hunt and Hansir Haier</u>, residents of Rio District, spoke about traffic signal at intersection of Greenbier Drive and Hillsdale Drive.</li> </ul>		
8.2	FY 2016 Appropriations. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, resolution to approve appropriations #2016009, #2016010, #2016011, #2016012, #2016013, #2016014, #2016015, #2016016, #2016017, and #2016018 for local government and school division projects and programs.</li> </ul>	<u>Clerk</u> : Notify OMB, Finance and appropriate individuals. Forward copy of adopted resolution to OMB and County Attorney's office. (Attachment 2)	<a href="#">Listen</a>
8.3	FY 2015 Appropriations. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b>, resolution to approve appropriation #2015110.</li> </ul>	<u>Clerk</u> : Notify OMB, Finance and appropriate individuals. Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 3)	
8.4	Amendments to the Albemarle County Purchasing Manual. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to amend and re-adopt the Albemarle County Purchasing Manual by amending: Chapter 4 (Determining Which Procedure Applies); Chapter 11 (Competitive Negotiation Procedure); Chapter 13 (Competitive Negotiation: Evaluation Criteria); Chapter 22 (Small Purchases); Chapter 23 (Qualification of a Vendor); and Chapter 26 (The Contract).</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 4)	
8.5	Resolution requesting discontinuance of maintenance for portion of Sugar Hollow Road (Route 614). <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution.</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Gerald Gatobu and County Attorney's office. <u>Gerald Gatubuo</u> : Proceed as approved. Forward to VDOT. (Attachment 5)	
8.6	Enhanced Speeding Fines on Northfield Road, Old Brooke Road and Huntington Road. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution requesting that VDOT install signs to establish an additional maximum \$200 fine for exceeding the established speed limit on Northfield Road, Old Brooke Road, and Huntington Road, pursuant to Virginia Code § 46.2-878.2</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 6)	
8.7	Amendment of the 1973 Four Party Agreement Between the City of Charlottesville, Albemarle County, the Rivanna Water and Sewer Authority and the Albemarle County Service Authority ( <i>deferred from July 8, 2015</i> ). <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution to approve Amendment No. 1 to Agreement to amend the Four Party Agreement dated June 12, 1973 and <b>AUTHORIZED</b> Chair to execute it on behalf of</li> </ul>	<u>Clerk</u> : Forward copy of signed resolution to County Attorney's office. (Attachment 7) <u>County Attorney</u> : Provide Clerk with fully executed copy of Agreement.	

	the County in a form approved by the County Attorney.		
8.8	Resolution to accept Brock's Mill Road into the State Secondary System of Highways. • <b>ADOPTED</b> resolution.	<u>Clerk</u> : Forward copy of signed resolution to Frank Pohl and County Attorney's office. (Attachment 8)	
9.	Albemarle County Debt Financing - 2015B. • By a vote of 6:0, <b>ADOPTED</b> resolution authorizing the proposed plan of financing through the EDA.	<u>Clerk</u> : Forward copy of signed resolution to Finance and County Attorney's office. (Attachment 9)	<a href="#">Listen</a>
10.	Pantops Fire Rescue Station ( <i>deferred from July 1, 2015</i> ). • By a vote of 6:0, <b>SUPPORTED</b> proceeding with the design of the Pantops Fire Rescue Station in FY2016.	<u>Fire and Rescue/County Executive's office</u> : Proceed as approved.	<a href="#">Listen</a>
11.	Community Effort to Address Pre-K Needs. • By a vote of 6:0, <b>ENDORSED</b> the County's participation in and support of the Charlottesville-Albemarle Early Education Task Force.	<u>County Executive's office</u> : Proceed as approved.	<a href="#">Listen</a>
12.	Fiscal Impact Advisory Committee Recommendation on Cash Proffer Policy. • <b>RECEIVED</b> .		<a href="#">Listen</a>
13.	Proposed 2016 Legislative Priorities. • By a vote of 6:0, <b>ADOPTED</b> proposed 2016 Legislative Priorities.	<u>County Attorney's office</u> : Proceed as approved. (Attachment 10)	<a href="#">Listen</a>
	The Board recessed at 3:27 p.m., and reconvened at 3:42 p.m.		
14.	Board-to-Board, August 2015, <b><i>A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.</i></b> • <b>RECEIVED</b> .		<a href="#">Listen</a>
15a.	<b>Route 29 Solutions</b> : Monthly Update. • <b>RECEIVED</b> .		<a href="#">Listen</a>
15b.	Neighborhood Impact Mitigation Plan Followup. • <b>RECEIVED</b>		<a href="#">Listen</a>
15c.	Update and Position on Greenbrier Drive/Hillsdale Drive Signal. • By a vote of 6:0, <b>AUTHORIZED</b> Chair to send letter to VDOT requesting support of installation of signal at intersection of Hillsdale Drive and greenbrier Drive.	<u>Clerk</u> : Proceed as approved with letter sent to Commissioner Kilpatrick, Secretary of Transportation, local VDOT administration and City Council	<a href="#">Listen</a>
16.	Closed Meeting. • At 4:42 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions in which there are pending vacancies or requests for reappointments; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal advice relating to the negotiation of easements on the County Office Building property.		<a href="#">Listen</a>
17.	Certify Closed Meeting. • At 6:22 p.m., the Board reconvened into open		

	meeting and certified the closed meeting.		
18.	<p>Boards and Commissions: Vacancies and Appointments.</p> <ul style="list-style-type: none"> <li>• <b>APPOINTED</b> Ms. Cynthia Neff, Ms. Kimberly Swanson, Mr. Saunders Midyette, Mr. John Lewis and Mr. Steven Teets to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2017.</li> <li>• <b>APPOINTED</b> Ms. Jane Fogleman, Mr. Scott VandePol, Mr. John Neal, Mr. Vito Cetta and Ms. Robyn Bolling to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2018.</li> <li>• <b>APPOINTED</b> Mr. Robert Eastman, Mr. Fred Hudson, Ms. Heather Stokes and Mr. Craig Kotarski to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2017.</li> <li>• <b>APPOINTED</b> Mr. Steven Janes, Mr. Ron Morse, Ms. Nena Harrell and Mr. David Mitchell to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2018.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
19.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• There were none.</li> </ul>		<a href="#">Listen</a>
20.	<p><b><u>Pb. Hrg: Old Trail Greenway Boundary Line Adjustment:</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution approving the proposed real property exchange and <b>AUTHORIZED</b> the County Executive to execute a Deed and any other associated documents necessary for the exchange, once they have been approved as to substance and form by the County Attorney.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to Parks and Recreation, and the County Attorney's office.  <u>County Attorney's office:</u> Provide Clerk with fully executed copy of agreement. (Attachment 11)</p>	<a href="#">Listen</a>
21.	<p><b><u>Pb. Hrg: Ordinance to Establish Separate Classification of Personal Property for (1) Business Personal Property with Original Cost of Less than \$250.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Ordinance 15-15(2).</li> </ul>	<p><u>Clerk:</u> Forward copy of signed ordinance to Finance and County Attorney's office. (Attachment 12)</p>	<a href="#">Listen</a>
22.	<p><b><u>Pb. Hrg: Transfer of property to the Rivanna Water and Sewer Authority (RWSA) pursuant to Four-Party Agreement.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution approving the conveyance of the subject properties to the RWSA and <b>AUTHORIZED</b> the Chair to execute a Bill of Sale, a Deed, and any other associated documents necessary for the conveyance of the subject properties, after they have been approved in substance and form by the County Attorney.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office.  <u>County Attorney's office:</u> Provide Clerk with fully executed copy of agreement. (Attachment 13)</p>	<a href="#">Listen</a>
23.	<p><b><u>Pb. Hrg: SP-2014-00002. Montessori Community School of Charlottesville (Signs #57&amp;59).</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> resolution to approve SP-2014-00002 subject to attached conditions.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed resolution and conditions to Planning and County Attorney's office. (Attachment 14)</p>	<a href="#">Listen</a>
24.	<p><b><u>Pb. Hrg: SP-2015-00008. King Family Polo (Signs #49&amp;51).</u></b></p>	<p><u>Clerk:</u> Forward copy of signed resolution and conditions to</p>	<a href="#">Listen</a>

	<ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve SP-2015-00008 subject to attached conditions.</li> </ul>	Planning and County Attorney's office. (Attachment 15)	
25.	<p><b>Pb. Hrg: SP-2015-00012 Mechum's Trestle (Signs #12&amp;15).</b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve SP-2015-00012 subject to attached conditions.</li> </ul>	Clerk: Forward copy of signed resolution and conditions to Planning and County Attorney's office. (Attachment 16)	<a href="#">Listen</a>
26.	<p>FY 2015 Annual Grant Report.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
27.	<p>Long Range Solid Waste Solutions Advisory Committee Draft Final Report.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>		<a href="#">Listen</a>
28.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Mandates Project. <ul style="list-style-type: none"> <li>Discussed.</li> </ul> </li> <li>Board Procedures. <ul style="list-style-type: none"> <li>Discussed.</li> </ul> </li> </ul> <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> <li>Ad hoc committee working on Dark Skies; would like to look at some staff assistance.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Expressed concern about recent RWSA change with limiting hours at Moore's Creek septage.</li> <li>Expressed concern about lack of education with new revalidation forms.</li> <li>Expressed concern about information going out about using agricultural/forestal system to qualify to land use.</li> </ul> <p><u>Jane Dittmar:</u></p> <ul style="list-style-type: none"> <li>Discussed form for Board assessment.</li> <li>Mentioned annual report from the FEMS Board.</li> <li>Suggested Board reconsider appointing liaison to FEMS Board.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Mentioned annual report from boards and commissions.</li> </ul>		<a href="#">Listen</a>
29.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley:</u></p> <ul style="list-style-type: none"> <li>Gave an overview of the County Executive's Monthly report.</li> </ul>		
	<p><b>NonAgenda.</b> Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 8:05 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring relating to the negotiation of easements on the County Office Building property.</li> </ul>		
	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 8:30 p.m., the Board reconvened into open meeting and certified the Closed Meeting.</li> </ul>		
30.	<p>Adjourn.</p> <ul style="list-style-type: none"> <li>The meeting was adjourned at 8:31 p.m.</li> </ul>		

ewj/tom

- Attachment 1 – Proclamation – Women’s Equality Day
- Attachment 2 – Resolution to Approve Additional FY 16
- Attachment 3 – Resolution to Approve Additional FY 15
- Attachment 4 – Resolution - Albemarle County Purchasing Manual
- Attachment 5 – Resolution requesting discontinuance of maintenance for portion of Sugar Hollow Road (Route 614)
- Attachment 6 – Resolution requesting enhanced Speeding Fines on Northfield Road, Old Brooke Road and Huntington Road
- Attachment 7 – Resolution – Four Party Agreement
- Attachment 8 – Resolution – Brock’s Mill Road
- Attachment 9 – Resolution – Debt Financing
- Attachment 10 – 2016 Legislative Priorities
- Attachment 11 – Resolution and Deed – Old Trail Village Greenway
- Attachment 12 – Ordinance 15-15(2)
- Attachment 13 – Resolution, Bill of Sale and Deed - RWSA
- Attachment 14 – Resolution with conditions – SP-2014-00002 Montessori Community School
- Attachment 15 – Resolution with conditions - SP-2015-00008 King Family Polo
- Attachment 16 – Resolution with conditions – SP-2015-00012 Mechum’s Trestle

**PROCLAMATION**

**WHEREAS**, this is the **95th Anniversary** of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

**WHEREAS**, in 1848, 166 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still more work to be done to ensure reliable protection in the U.S. Constitution for women against sex discrimination in general; and

**WHEREAS**, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Albemarle County, Virginia, does hereby proclaim

**August 26, 2015,**  
as  
**WOMEN'S EQUALITY DAY**

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all; and

Signed and sealed this 5<sup>th</sup> day of August 2015.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 16 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2016009, #2016010, #2016011, #2016012, #2016013, #2016014, #2016015, #2016016, #2016017, and #2016018 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.



**RESOLUTION TO APPROVE  
ADDITIONAL FY 15 APPROPRIATION**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2015110 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2015.

**RESOLUTION TO AMEND AND RE-ADOPT  
THE ALBEMARLE COUNTY PURCHASING MANUAL**

**WHEREAS**, the County of Albemarle Purchasing Manual ("Manual") delineates not only the requirements of the Virginia Public Procurement Act, but also the methods and procedures that best enable the County to procure the highest quality goods and services at a reasonable cost and in an efficient, fair, and competitive manner; and

**WHEREAS**, the Manual was last amended on April 2, 2014; and

**WHEREAS**, the Board finds it is in the best interests of the County to amend the County's procedures for small purchases and competitive negotiation in accordance with the Virginia Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby amends and re-adopts the Albemarle County Purchasing Manual by amending Chapter 4, Determining Which Procedure Applies, Chapter 11, Competitive Negotiation: Procedure, Chapter 13, Competitive Negotiation: Evaluation Criteria; Chapter 22, Small Purchases, Chapter 23, Qualification of a Vendor and Chapter 26, The Contract.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of August, 2015, adopted the following resolution:

**R E S O L U T I O N**

**WHEREAS**, Sugar Hollow Road (State Route 614) from End of State Maintenance east for a distance of 0.71 miles appears to no longer serve public convenience warranting its maintenance at public expense and should be discontinued as a part of the Secondary System of State Highways.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to take the necessary action to discontinue aforesaid portion of Sugar Hollow Road (State Route 614) as part of the Secondary System of State Highways, pursuant to § 33.2-908, Code of Virginia, 1950, as amended.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION TO REQUEST ADDITIONAL MAXIMUM \$200 FINE  
FOR SPEEDING ON NORTHFIELD ROAD, OLD BROOK ROAD,  
AND HUNTINGTON ROAD**

**WHEREAS**, Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428) are local residential streets as defined by the Virginia Department of Transportation ("VDOT") with a posted speed limit of 30 miles per hour; and

**WHEREAS**, the County of Albemarle has received a request from the residents of the Carrsbrook Subdivision to request that VDOT install signs on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428) and to establish pursuant to Virginia Code § 46.2-878.2 an additional maximum fine of \$200.00 for exceeding the speed limit, in addition to other penalties provided by law; and

**WHEREAS**, VDOT collected speed data on Northfield Road (Route 854), Old Brook Road (Route 652), and Huntington Road (Route 1428), and has concluded that there is a speeding problem and acknowledges that it is impacting safety and quality of life for Carrsbrook Subdivision residents; and

**WHEREAS**, the Albemarle County Board of Supervisors finds that a speeding problem exists on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428), and that it creates a potential hazard for residents in the Carrsbrook Subdivision.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby requests that the Virginia Department of Transportation install sign(s) to establish an additional maximum \$200 fine for exceeding the speed limit on Northfield Road (Route 854), Old Brook Road (Route 652) and Huntington Road (Route 1428).

**RESOLUTION APPROVING AMENDMENT NO. 1  
TO THE FOUR PARTY AGREEMENT DATED JUNE 12, 1973**

**BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Amendment No. 1 to Agreement to amend the Four Party Agreement dated June 12, 1973 and authorizes the Chair to execute it on behalf of the County in a form approved by the County Attorney.

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**AMENDMENT NO. 1 TO AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT (this "Amendment No. 1") is made and entered into as of \_\_\_\_\_, 2015, by and among the CITY OF CHARLOTTESVILLE, a municipal corporation (the "City"), the ALBEMARLE COUNTY SERVICE AUTHORITY, a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act (the "Service Authority"), the BOARD OF SUPERVISORS OF ALBEMARLE COUNTY, acting for and on behalf of Albemarle County (the "County"), and RIVANNA WATER AND SEWER AUTHORITY, a public body politic and corporate duly created pursuant to the Virginia Water and Waste Authorities Act ("Rivanna"), parties to the Agreement dated as of June 12, 1973 (the "Service Agreement").

RECITALS:

The Service Agreement provides a method by which Rivanna is required to determine monthly rates for water produced and wastewater treated by Rivanna for the City and the Service Authority. The parties hereto desire to modify such method as set forth below.

AGREEMENT:

NOW, THEREFORE, the parties hereto agree to amend the Service Agreement as follows:

1. Amendment of Section 1.1. Section 1.1 of the Service Agreement is hereby amended by adding the following definition to such section:

"Debt Service Charges" with respect to a facility or project shall mean the charges for work performed and debt service owed with respect to such facility or project, including the budgeted costs of engineering, construction, legal and land costs, administrative costs, permit fees, debt service (including anticipated debt service in the period before bonds are issued or loans are obtained to finance such facility or project), and establishment of reserves and related expenses.

2. Amendment of Section 7.1. Section 7.1 of the Service Agreement is hereby amended to add the words "and charges" after the word "rates" in the heading and in the first and second sentences of such section, and to add the words "or provided" after the word "acquired" in the second sentence of such section.

3. Amendment of Section 7.2. Section 7.2 of the Service Agreement is hereby amended to add the words "and charges" after the word "rates" in the heading and in the third sentence of such section.

4. Amendment of Section of 7.2(a). Section 7.2 (a) of the Service Agreement is hereby amended to delete the words ", except as provided in subsection (c) below" in the first sentence thereof and to delete the third and fourth sentences in their entirety, and to substitute, in lieu thereof, the following:

Rivanna shall compute the Debt Service Charges as an aggregate monthly fixed charge for the existing water facilities that were acquired pursuant to Sections 3.2 and 3.4, and new water facilities or projects that either have been or are to be constructed pursuant to Section 4.1, Section 4.3 or otherwise (including projects for upgrade, rehabilitation, replacement and repair of such facilities). The Debt

Service Charges for each facility or project requested solely by the City or the Service Authority and undertaken pursuant to Section 4.3 shall be determined and allocated to the requesting party. The Debt Service Charges for each facility or project undertaken pursuant to Section 4.1 or otherwise shall be determined and allocated to the City and the Service Authority as provided under any applicable cost allocation agreement, and in the absence of any such cost allocation agreement, shall be determined and allocated based on proportional usage estimated as a part of Rivanna's normal annual budget process until such time as a cost allocation agreement between the City and the Service Authority is executed. The water rate per 1000 gallons shall be determined on the basis of the sum of the operational costs. A separate monthly fixed charge shall be determined as provided above based on the aggregate Debt Service Charges allocated to the City and the Service Authority.

5. Amendment of Section 7.2(b). Section 7.2(b) of the Service Agreement is hereby amended and restated in its entirety as follows:

(b) Wastewater treatment rates for the urban area shall be uniform. Rivanna shall compute the cost per 1000 gallons for the operation and maintenance of facilities for the interception and treatment of wastewater, which rate shall be the same for the City and the Service Authority. Rivanna shall compute the Debt Service Charges as an aggregate monthly fixed charge for the existing wastewater facilities that were acquired pursuant to Sections 3.3 and 3.5 and new wastewater facilities or projects that either have been or are to be constructed pursuant to Section 4.1, Section 4.3 or otherwise (including projects for upgrade, rehabilitation, replacement and repair of such facilities). The Debt Service Charges for existing facilities (as defined by Sections 3.3 and 3.5) and additional wastewater facilities described on Exhibit 6, shall be determined and allocated to the City and the Service Authority on a basis whereby the City pays a percentage of the Debt Service Charges equal to the City's proportional share of Rivanna's wastewater flow for the most recently completed and audited fiscal year divided by the sum of (i) the City's proportional share of Rivanna's wastewater flow plus (ii) two times the Service Authority's proportional share of Rivanna's wastewater flow for the same period, and the Service Authority pays the remaining percentage balance. The Debt Service Charges for each new or additional facility or project requested solely by the City or the Service Authority and undertaken pursuant to Section 4.3 shall be determined and allocated to the requesting party. The Debt Service Charges for each new or additional facility or project undertaken pursuant to Section 4.1 or otherwise shall be determined and allocated to the City and the Service Authority as provided under any applicable cost allocation agreement and in the absence of any such cost allocation agreement shall be determined and allocated based on proportional usage estimated as a part of Rivanna's normal annual budget process until such time as a cost allocation agreement between the City and the Service Authority is executed. The wastewater treatment rate per 1000 gallons shall be determined on the basis of the sum of the operational costs. A separate monthly fixed charge shall be determined as provided above based on the aggregate Debt Service Charges allocated to the City and the Service Authority.

6. Amendment of Section 7.2(c). Section 7.2(c) of the Service Agreement is hereby deleted in its entirety.

7. Amendment of Section 7.3. Section 7.3 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.3. Rates and Charges in Other Areas. Rivanna shall establish separate rates and/or charges, as may be agreed between Rivanna and the Service Authority from time to time, for service to areas in the County outside of and not connected to Rivanna facilities in the urban area to which Rivanna provides or in the future may provide water or from which it treats or may in the future treat wastewater. Such areas include Crozet, Red Hill and Scottsville for the

provision of water and include Scottsville, the Village of Rivanna and Stone Robinson School for the treatment of wastewater.

8. Amendment of Section 7.4. Section 7.4 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.4. Uniformity in Debt Service Charges. The parties recognize that there will be variances from year to year in the cost for both water and wastewater treatment capital improvements on both existing facilities and new facilities. In an effort to maintain reasonable uniformity in adjustments to Debt Service Charges from year to year, the parties agree that Rivanna will, to the best of its ability, compute such Debt Service Charges using uniform adjustments to such charges throughout five to ten year periods. The parties understand and agree that this procedure will result in excess collections compared to actual expenditures in certain periods but in other periods the amount collected will be less than actual expenditures for such capital improvements. Rivanna agrees to apply the excess collections to make up deficiencies during periods where actual expenditures for such capital improvements exceed Debt Service Charges.

9. Amendment of Section 7.5. Section 7.5 of the Service Agreement is hereby amended and restated in its entirety as follows:

Section 7.5. Determination of Rates and Charges. Water and wastewater treatment rates per 1000 gallons within the urban area shall be determined by applying the rates determined pursuant to Sections 7.2(a) and 7.2(b) to the total estimated amount of water delivered to, or wastewater treated from, the City and the Service Authority as obtained by their respective customer meter readings and applied pursuant to the provisions of the 1983 Working Agreement on Urban Area Wholesale Flow Allocation and Billing Methodology between Rivanna, the Service Authority and the City. Water and wastewater treatment Debt Service Charges within the urban area shall be determined, allocated and aggregated pursuant to Sections 7.2(a) and 7.2(b) and the applicable cost allocation agreement, if any, with respect to such charges. Water and wastewater rates and/or charges for service to areas in the County outside of and not connected to Rivanna facilities in the urban area shall be determined pursuant to Section 7.3.

10. Effective Date. This Amendment No. 1 shall be effective upon the approval and execution by all parties hereto.

11. Miscellaneous. Except as expressly amended hereby, the Service Agreement shall remain in full force and effect in accordance with its terms. Bank of New York Mellon Trust Company, N.A., a New York banking corporation, executes this Amendment No. 1 solely in its capacity as successor Trustee (the "Trustee") to NationsBank, National Association under the Agreement of Trust dated as of October 1, 1979 between Rivanna and the Trustee, as amended and supplemented, pursuant to Section 8.1 of the Agreement of Trust.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 1 as of the date first above written.

Date: \_\_\_\_\_ CITY OF CHARLOTTESVILLE  
By \_\_\_\_\_  
Mayor

(SEAL)  
ATTEST:

\_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_ ALBEMARLE COUNTY SERVICE AUTHORITY  
By \_\_\_\_\_  
Chair

(SEAL)  
ATTEST:

\_\_\_\_\_  
Secretary

Date:\_\_\_\_\_

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk

Date:\_\_\_\_\_

(SEAL)  
ATTEST:

\_\_\_\_\_  
Secretary

BOARD OF COUNTY SUPERVISORS OF  
ALBEMARLE COUNTY

By \_\_\_\_\_  
Chair

RIVANNA WATER AND SEWER AUTHORITY

By \_\_\_\_\_  
Chair



The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of August, 2015, adopted the following resolution:

**R E S O L U T I O N**

**WHEREAS**, the street described below was established and currently serves at least three families per mile; and

**WHEREAS**, the Virginia Department of Transportation has deemed this County's current subdivision control ordinance meets all necessary requirements to qualify this County to recommend additions to the secondary system of state highways, pursuant to § 33.2-335(D), Code of Virginia; and

**WHEREAS**, after examining the ownership of all property abutting this street, the Albemarle Board of County Supervisors finds that speculative interest does not exist.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to §33.2-335(D), Code of Virginia:

**Brock's Mill Road** from Gilbert Station Road (State Route 640) to the end of Brock's Mill Road; Length: 0.48 miles; Right-of-Way Width: 40 feet; Nine (9) Plats Recorded with Deeds: Date: July 27, 2015; Deed Book 4653, Pages: 526, 536, 548, 566, 578, 591, 604, 616, and 630; and

**BE IT FURTHER RESOLVED** that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

**BE IT FURTHER RESOLVED** that the Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to § 33.2-335(C)(2), Code of Virginia; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE  
COUNTY, VIRGINIA, APPROVING A PLAN TO FINANCE PUBLIC FACILITIES  
PROJECTS THROUGH THE ISSUANCE OF REVENUE BONDS IN AN AGGREGATE  
PRINCIPAL AMOUNT NOT TO EXCEED \$45,750,000**

**WHEREAS**, the Economic Development Authority of Albemarle County, Virginia (formerly the Industrial Development Authority of Albemarle County, Virginia) (the "Authority"), pursuant to the Industrial Development and Revenue Bond Act (the "Act"), under which it was created, is authorized to exercise all the powers set forth in the Act, which include, among other things, the power to make loans to, among others, a county in furtherance of the Act, to finance or refinance and lease facilities for use by, among others, a county, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations;

**WHEREAS**, the Board of Supervisors (the "County Board") of Albemarle County, Virginia (the "County"), desires to finance, in conjunction with the Authority, the costs of certain projects in the County's Capital Improvement Plan including (without limitation) capital expenditures related to the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) public safety, (e) public works, (f) schools, (g) technology and geographic information system and (h) water resources (collectively, the "Series 2015B Project");

**WHEREAS**, on August 5, 2015, the County Board adopted a resolution requesting the Authority to issue its Public Facility Revenue Bonds (Albemarle County Projects), Series 2015B (the "Bonds"), and use the proceeds to (a) finance or reimburse the costs of the Series 2015B Project, (b) pay as desired interest on the Bonds up to one year following completion of the Series 2015B Project, (c) fund as desired a reserve fund for the Bonds and (d) pay the related costs of issuing the Bonds;

**WHEREAS**, the Bonds will be secured by payments appropriated from time to time by the County Board and payable to the Authority in accordance with the terms of the Financing Agreement (as defined herein);

**WHEREAS**, the County administration has recommended that Hunton & Williams LLP, Richmond, Virginia, be approved as bond counsel;

**WHEREAS**, there have been circulated prior to this meeting drafts of the following documents (collectively, the "Documents"), proposed in connection with the issuance and sale of the Bonds:

- (a) a Fourth Supplemental Agreement of Trust, supplementing the Agreement of Trust dated as of March 1, 2003, as previously supplemented (collectively, the "Trust Agreement"), all between the Authority and U.S. Bank National Association, as successor trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (b) a form of the Bonds (attached as Exhibit A to the Fourth Supplemental Agreement of Trust);
- (c) a Third Supplemental Financing Agreement, (the "Supplemental Financing Agreement"), supplementing a Financing Agreement dated as of March 1, 2003, as previously supplemented (collectively, the "Financing Agreement"), all between the Authority and the County, pursuant to which the Authority will loan the proceeds of the Bonds to the County and the County will undertake, subject to appropriation, to make payments to the Authority in amounts sufficient to pay the principal of and premium, if any, and interest on the Bonds and certain other related costs;
- (d) a Preliminary Official Statement relating to the public offering of the Bonds (the "Preliminary Official Statement");
- (e) a Notice of Sale (attached as Appendix H to the Preliminary Official Statement) (the "Notice of Sale") (applicable only if the Bonds are sold through a competitive sale);

**NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA:**

1. The following plan for the Bonds and the financing of the Series 2015B Project is hereby approved. The Authority will issue the Bonds in an aggregate principal amount not to exceed \$45,750,000. The Authority will use the proceeds of the Bonds to finance or reimburse the costs of the Series 2015B Project, to pay as desired interest on the Bonds up to one year following completion of the Series 2015B Project, to fund as desired a reserve fund for the Bonds and to pay the costs of issuing the Bonds. Pursuant to the Financing Agreement, the County will undertake to make certain Basic Payments and Additional Payments (each as defined in the Financing Agreement) to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority and the Trustee and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to Basic Payments and Additional Payments received from the County. The Bonds will be secured by an assignment of the Basic Payments and certain Additional Payments due under the Financing Agreement, all for the benefit of the holders of the Bonds. The undertaking by the County to make Basic Payments and Additional Payments will be subject to the appropriation by the County Board from time to time of sufficient amounts for such purposes. The plan of financing for the Series 2015B Project shall contain such additional requirements and provisions as may be approved by the County Executive and the Chairman or Vice-Chairman of the Authority.

2. Subject to Section 3, the Authority hereby authorizes the issuance of the Bonds pursuant to the Trust Agreement; provided that (a) the principal amount shall not exceed \$45,750,000, (b) the "true" or "Canadian" interest cost of the Bonds shall not exceed 5.0% (taking into account any original issue discount or premium), (c) the Bonds shall mature in installments or be subject to mandatory sinking fund redemption installments ending not later than December 31, 2036, (d) the Bonds shall be sold to the purchaser(s) thereof at a price not less than 98% of the aggregate principal amount thereof (without taking into account any original issue discount or premium) and (e) the Bonds shall be subject to optional redemption, if at all, at a redemption price not to exceed 102% of their principal amount. The Chairman and Vice-Chairman of the Authority, either of whom may act, are also authorized to approve, in collaboration with the County Executive, a lesser principal amount for the Bonds, a maturity schedule (including serial maturities and term maturities for the Bonds) and redemption provisions of the Bonds, all as such officer shall determine to be in the best interests of the Authority and the County.

3. The Authority approves the following terms of the sale of the Bonds:

- (a) The Bonds shall be sold through a competitive sale or a negotiated sale, as requested by the County Executive.
- (b) If the County Executive determines that the Bonds shall be sold by competitive sale, the County Executive is authorized, on behalf of the Authority, to receive bids for such Bonds and award such Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following a competitive sale, the Chairman or Vice-Chairman of the Authority shall, in collaboration with the County Executive, file a certificate with the Authority and the County Board setting forth the final terms of the Bonds. The actions of the Chairman or Vice-Chairman of the Authority, in collaboration with the County Executive, in selling the Bonds by competitive sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Authority.
- (c) If the Bonds are sold by competitive bid, the County Executive is authorized and directed, on behalf of the Authority and in collaboration with Davenport & Company LLC, the City's financial advisor (the "Financial Advisor"), to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of the Notice of Sale, which is hereby approved; provided that the County Executive, on behalf of the Authority and in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interests of the County and the Authority.
- (d) If the County Executive determines that the Bonds shall be sold by negotiated sale, the County Executive is authorized, on behalf of the Authority and in collaboration with the Financial Advisor, to choose one or more investment banks or firms to serve as underwriter(s) for the Bonds and to negotiate and finalize the terms of such sale pursuant to a bond purchase agreement (the "Bond Purchase Agreement"). The Chairman and Vice-Chairman of the Authority, either of whom may act, are authorized to execute and deliver the final Bond Purchase Agreement, which shall be in a form

approved by the Chairman or Vice-Chairman of the Authority, whose approval shall be evidenced by such officer's execution thereof. Following a negotiated sale, the Chairman or Vice-Chairman of the Authority shall file a copy of the Bond Purchase Agreement with the records of the Authority. No further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Authority.

4. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to execute the Documents (excluding the Preliminary Official Statement and the Notice of Sale), which shall be in substantially the forms circulated prior to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing them, his or her execution thereof to constitute conclusive evidence of such officer's approval of any such completions, omissions, insertions and changes.

5. The Authority authorizes the distribution of the Preliminary Official Statement in form deemed "near final" as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), to prospective purchasers of the Bonds, with such completions, omissions, insertions and changes as may be approved by the Chairman or Vice-Chairman of the Authority, in collaboration with the County and the Financial Advisor. Such distribution shall constitute conclusive evidence of the approval of the Chairman or Vice-Chairman as to any such completions, omissions, inserts and changes and that the Authority has deemed the Preliminary Official Statement to be "near final," within the meaning of the Rule, as of its date.

6. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement as may be necessary to reflect the terms of the sale of the Bonds and the details thereof appropriate and to complete it as an official statement in final form (the "Official Statement") and to execute and deliver the Official Statement when the same has been approved by the County. The County Executive is hereby authorized, on behalf of the Authority, to distribute the Official Statement to the purchaser(s) of the Bonds. Execution of the Official Statement by the Chairman or Vice-Chairman shall constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes and that the Official Statement has been deemed "final" by the Authority as of its date within the meaning of the Rule.

7. The Chairman and Vice-Chairman of the Authority, either of whom may act, are hereby authorized and directed to execute the Bonds by manual or facsimile signature, the Secretary-Treasurer of the Authority is hereby authorized and directed to affix the seal of the Authority to or print a facsimile thereof on the Bonds and to attest the same by manual or facsimile signature, and the officers of the Authority are hereby authorized and directed to deliver the Bonds to the Trustee for authentication and delivery to the purchaser(s) thereof upon payment therefor.

8. All costs and expenses in connection with the financing of the Series 2015B Project and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel, counsel for the Authority, and the Financial Advisor for the sale of the Bonds, shall be paid from the proceeds of the Bonds or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

9. The officers of the Authority are hereby authorized and directed to execute, deliver and file all certificates and documents and to take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Bonds, including without limitation (a) executing and delivering a certificate setting forth the expected use and investment of the proceeds of the Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations thereunder, applicable to "arbitrage bonds," (b) making any elections, at the request of the County, that such officers deem desirable regarding any provision requiring rebate to the United States of "arbitrage profits" earned on investment of proceeds of the Bonds, (c) providing for the County to pay any such rebate amount and (d) filing Internal Revenue Service Form 8038-G. The foregoing shall be subject to the advice, approval and direction of bond counsel.

10. The Authority consents to the recommendation by the County that Hunton & Williams LLP serve as bond counsel for the issuance and sale of the Bonds.

11. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto.

12. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby approved and ratified.

13. This Resolution shall take effect immediately.

## **Albemarle County's Proposed 2016 Legislative Priorities**

### **Growth Management, Land Use and Transportation**

**Transportation Funding** - Support legislation to 1) establish a new dedicated funding source for a Charlottesville-Albemarle Regional Transit Authority; 2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and 4) fund maintenance of rural road systems. The County also strongly opposes any legislation or regulations that would require the transfer of responsibility to counties for construction, maintenance or operation of new and existing secondary roads.

**Biosolids** - Support legislation enabling localities, as part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding land application of biosolids that protect the environment, public health and safety.

**Local Authority** - Support legislation to strengthen localities' authority by enabling them to utilize adequate public facilities ordinances, and encourage the General Assembly to refrain from passing legislation that preempts or circumvents existing local authority to regulate land use.

**Impact Fee Authority** - Support impact fee legislation that allows for 1) effective implementation through simple locally-based formulae and reasonable administrative requirements; 2) does not cap or limit localities' impact fee updates; and 3) does not diminish the existing proffer system.

**Conservation Easements** - Support legislation that augments local efforts in natural resource protection through 1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increased incentives for citizens to create conservation easements.

**Scenic Protection and Tourist Enhancement** - Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. Such legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

### **Health and Human Services**

**Comprehensive Services Act (CSA)** - Request that the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA, and 2) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

**Child Care for Low Income Working Families** - Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

**Local Department of Social Services (LDSS)** - Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

### **Local Government Administration and Finance**

**Taxation** - Support legislation granting counties taxing powers equal to those granted cities and towns, without decreasing, limiting or changing city and town taxing authority.

**School Bus Video-Monitoring Systems** - Request the General Assembly to amend Virginia Code Section § 45.2-844 to allow for service of summonses by mail for violations of passing stopped school buses recorded

by school bus video monitoring systems similar to the authority in Virginia Code Section § 15.2-968.1, for the service of summonses for running red lights recorded by a traffic signal enforcement program.

**Virginia Retirement System** - The County supports restoration of funds to the Virginia Retirement System to maintain the long-term solvency of the plan without further devolving the funding responsibility to localities.

**June Primary Elections** – Support legislation to move the annual date for June primary elections in the Commonwealth from the second Tuesday in June to the third Tuesday in June to avoid conflicts between local election administration and local school systems, where schools serve as voting precinct polling places.

**Composite Index** - Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program

**Community College Capital Costs** - Request the state to fund 100% of public funding required for community college costs. Currently, localities are required to fund a portion of operating and capital costs.

**Public Defender funding** - Request the state to adequately fund compensation for public defenders in Commonwealth jurisdictions.

**Full Funding of State Mandates** - Request full funding for state mandates in all areas of local government including the Standards of Quality (SOQs) and other mandates imposed on local school divisions, positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

**Drug Court Funding** - Request full funding for the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

**RESOLUTION APPROVING A DEED OF EXCHANGE AND DEED OF DEDICATION  
BEETWEEN THE COUNTY OF ALBEMARLE  
AND MARCH MOUNTAIN PROPERTIES, L.L.C.**

**WHEREAS**, the County of Albemarle owns Parcel 055E0-01-00-000H0 ("TMP 55E-01-H") and March Mountain Properties, L.L.C. owns Parcel 055E0-01-00-000A1 ("TMP 55E-01-A1"); and

**WHEREAS**, because of a change in the Old Trail Village development plans, a boundary line adjustment in which the County conveys a .232-acre portion of TMP 55E-01-H to March Mountain Properties, L.L.C. and March Mountain Properties, L.L.C. conveys a .277-acre portion of TMP 55E-01-A1 to the County is necessary in order to best provide a greenway trail between the Old Trail Village subdivision and three County schools in Crozet.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the boundary line adjustment, and authorizes the County Executive to sign a Deed of Easement and Deed of Dedication in which the County conveys a .232-acre portion of TMP 55E-01-H to March Mountain Properties, L.L.C. and March Mountain Properties, L.L.C. conveys a .277-acre portion of TMP 55E-01-A1 to the County after the Deed is approved in substance and form by the County Attorney.

\*\*\*\*\*

**This document prepared by:**

J. Alden English, Esq. (VSB No. 48262)  
Woods Rogers PLC  
123 East Main Street, 5<sup>th</sup> Floor  
Charlottesville, Virginia 22902

Exempt from recordation taxes pursuant to Virginia  
Code Sections 58.1-811(A)(3) and 58.1-811 (C) (4)

**Albemarle County**

Portions of  
TMP # 055E0-01-00-000A1  
TMP # 055E0-01-00-000H0

This **DEED OF EXCHANGE AND DEED OF DEDICATION** made this \_\_\_\_ day of July 2015, by and between **MARCH MOUNTAIN PROPERTIES, L.L.C.**, a Virginia limited liability company ("March Mountain"), a Grantor and Grantee, party of the first part, whose address is 1005 Heathercroft Circle, Suite 100, Crozet, Virginia 22932; and the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia ("Albemarle County"), a Grantor and Grantee, party of the second part whose address is 401 McIntire Road, Charlottesville, Virginia 22902.

**W I T N E S S E T H:**

**WHEREAS**, March Mountain is the owner in fee simple of that certain tract of land containing 0.277 acres, more or less, shown as Parcel B on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc., which plat is more particularly described below (the "Boundary Line Adjustment Plat");

**WHEREAS**, Albemarle County is the owner in fee simple of that certain tract of land containing 0.232 acre, shown as Parcel A on the Boundary Line Adjustment Plat, which parcel is a portion of Old Trail Park, a publically dedicated greenway;

**WHEREAS**, March Mountain and Albemarle County desire to exchange the aforesaid parcels;

**WHEREAS**, March Mountain offers to grant, convey and dedicate Parcel B to Albemarle County in fee simple for public use, namely as a greenway, open space, storm water management and related improvements; and

**WHEREAS**, Albemarle County is willing to accept March Mountain's offer of dedication.



**NOW, THEREFORE**, in consideration of the exchange of the hereinafter described property, March Mountain Properties, L.L.C. does hereby GRANT, CONVEY and DEDICATE for public use to the County of Albemarle, a political subdivision of the Commonwealth of Virginia, its successors and assigns, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the following described real property ("Parcel B"):

All that certain parcel of land, shown and designated as "Parcel B, A Portion of TMP 055E0-01-00-000A1" containing 0.277 of an acre, on a plat dated May 6, 2015, last revised June 22, 2015, prepared by Roudabush, Gale & Associates, Inc. entitled "Boundary Line Adjustment Plat Old Trail Village Greenway Area #3 and Tax Map 055E0-01-00-000A1, White Hall Magisterial District, Albemarle County, Virginia," which plat is attached hereto and recorded herewith **TO BE ADDED TO AND COMBINED WITH** Greenway Area #3 as shown on the aforesaid plat; **BEING** a portion of the same property conveyed to March Mountain Properties, L.L.C. by deed dated June 3, 2002, from March Mountain, L.L.C. of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 2233, page 389.

March Mountain reserves for itself, its successors and assigns an easement over, under and across the entirety of Parcel B to grade, construct, maintain, repair, replace and extend trails comprising the County of Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

Albemarle County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of Parcel B pursuant to Virginia Code Section 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this deed.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C., the following described real property:

All that certain parcel of land, shown and designated as "Parcel A, A Portion of Greenway Area #3 TMP 055E0-01-00-000H0" containing 0.232 of an acre, on the aforesaid Boundary Line Adjustment Plat; **TO BE ADDED TO AND COMBINED WITH** March Mountain's existing property as shown on the Boundary Line Adjustment Plat; **BEING** a portion of the same property conveyed to the County of Albemarle by deed of dedication from March Mountain Properties, L.L.C., dated September 10, 2010, which deed is of record in Deed Book 3955, page 1.

This conveyance is subject to any easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective and any lien, inchoate or otherwise for real estate taxes and assessments not yet due and payable.

And further for and in consideration of the foregoing conveyances, the County of Albemarle, a political subdivision of the Commonwealth of Virginia, does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto March Mountain Properties, L.L.C. an easement over, under and across the entirety of that certain parcel of land, shown and designated on the Boundary Line Adjustment Plat as a "Portion of TMP 055E0-01-00-000H0 Greenway Area #3 County of Albemarle" containing 6.438 acres, to grade, construct, maintain, repair, replace and extend trails comprising the County of Albemarle, Virginia greenway trail system, as well as stormwater management facilities in accordance with ZMA-2004-024, as proffered and amended.

WITNESS the following signatures and seals:

**MARCH MOUNTAIN PROPERTIES, L.L.C.,**  
a Virginia limited liability company

By: \_\_\_\_\_

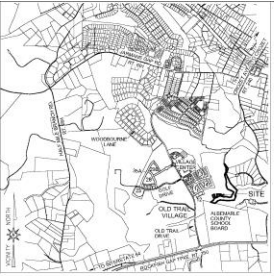
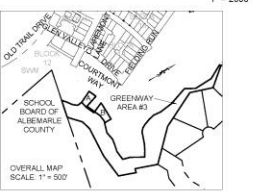
Name: \_\_\_\_\_

Title: \_\_\_\_\_ Manager

**COUNTY OF ALBEMARLE**

By: \_\_\_\_\_ (SEAL)

Thomas C. Foley, County Executive

APPROVED FOR RECORDATION	NOTARY PUBLIC	NOTES	AREA SUMMARIES
<p>AGENT BOARD OF SUPERVISORS DATE</p> <p><b>PARCEL DATA:</b> TMP 055E0-01-00-000A1</p> <p><b>OWNER</b> MARCH MOUNTAIN PROPERTIES LLC P.O. BOX 370 CROCKETT, VIRGINIA 22902</p> <p><b>SOURCE OF TITLE/PLAT REFERENCES:</b> DB 4592 PG 379, 380 PLAT DB 4598 PG 173, 176 PLAT DB 4482 PG 149, 150 PLAT DB 4349 PG 571, 579 PLAT DB 4257 PG 377, 388 PLAT DB 4215 PG 254, 261 PLAT DB 4195 PG 185, 186 PLAT DB 4069 PG 315, 324 PLAT DB 3925 PG 6, 9 PLAT DB 3841 PG 475, 487 PLAT DB 2233 PG 389 DB 2025 PG 726-737 PLAT</p> <p><b>PARCEL DATA:</b> PORTION OF TMP 055E0-01-00-000H3 GREENWAY #3</p> <p><b>SOURCE OF TITLE/PLAT REFERENCES:</b> DB 4349 PG 571-579 (PLAT) DB 3865 PG 6, 9 (PLAT) DB 2025 PG 726-737 (PLAT)</p> <p><b>OWNER</b> COUNTY OF ALBEMARLE 401 MONTICELLO ROAD CHARLOTTESVILLE, VIRGINIA 22902</p> <p><b>MAGISTERIAL DISTRICT</b> WHITE HALL MAGISTERIAL DISTRICT</p> <p><b>ZONING</b> NEIGHBORHOOD MODEL DISTRICT (NMD) IN ACCORDANCE WITH THE PROVISIONS OF ZMA-04-024 THIS PROPERTY LIES IN AN ENTRANCE CORRIDOR OVERLAY DISTRICT</p> <p><b>RESERVOIR WATERSHED</b> THIS SITE LIES WITHIN A WATER SUPPLY PROTECTION AREA AND SPECIFICALLY IS WITHIN THE SOUTH FORK RIVANNA RESERVOIR WATER SUPPLY WATERSHED.</p> <p><b>AGRICULTURAL-FORESTAL DISTRICT</b> THIS SITE DOES NOT LIE WITHIN AN AGRICULTURAL-FORESTAL DISTRICT.</p> <p><b>FLOOD HAZARD OVERLAY DISTRICT</b> PORTIONS OF TMP 055E0-01-00-000A1 AND GREENWAY #3 LIES WITHIN THE FLOOD HAZARD OVERLAY DISTRICT AS DESIGNATED BY ALBEMARLE COUNTY.</p> <p><b>OWNERS APPROVAL</b> TMP 055E0-01-00-000A1</p> <p>THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, "BOUNDARY LINE ADJUSTMENT PLAT OLD TRAIL VILLAGE GREENWAY AREA #3 AND TAX MAP 055E0-01-00-000A1," IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.</p> <p>MARCH MOUNTAIN PROPERTIES, LLC DATE</p>	<p>CITY/COUNTY OF _____ COMMONWEALTH OF VIRGINIA THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON BEHALF OF MARCH MOUNTAIN PROPERTIES</p> <p>THIS _____ DAY OF _____, 20____</p> <p>NOTARY PUBLIC'S SIGNATURE _____</p> <p>NOTARY REGISTRATION NUMBER _____</p> <p>MY COMMISSION EXPIRES _____</p> <p><b>OWNERS APPROVAL</b> TMP 055E0-01-00-000H3</p> <p>THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, "BOUNDARY LINE ADJUSTMENT PLAT OLD TRAIL VILLAGE GREENWAY AREA #3 AND TAX MAP 055E0-01-00-000A1," IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY.</p> <p>COUNTY OF ALBEMARLE DATE _____</p> <p><b>NOTARY PUBLIC</b></p> <p>CITY/COUNTY OF _____ COMMONWEALTH OF VIRGINIA THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON BEHALF OF THE COUNTY OF ALBEMARLE</p> <p>THIS _____ DAY OF _____, 20____</p> <p>NOTARY PUBLIC'S SIGNATURE _____</p> <p>NOTARY REGISTRATION NUMBER _____</p> <p>MY COMMISSION EXPIRES _____</p>	<p>1. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM TWO INSTRUMENTS OF RECORD. THE FIRST INSTRUMENT WAS A PLAT ENTITLED "BOUNDARY SURVEY OF PREMDONT VIRGINIA LAND TRUST CONTAINING 485.08 ACRES &amp; 0.529 ACRES," DATED SEPTEMBER 20, 2000 AND PREPARED BY KIRK KADEN &amp; ASSOCIATES AND WAS RECORDED IN DEED BOOK 2035 AT PAGE 726. THE SECOND INSTRUMENT WAS A PLAT ENTITLED "SUBDIVISION PLAT SHOWING OLD TRAIL PARK AND GREENWAY AREAS - OLD TRAIL LOCATED ON OLD TRAIL DRIVE," DATED JUNE 28, 2010 AND LAST REVISED SEPTEMBER 13, 2010 AND PREPARED BY LINCOLN SURVEYING AND WAS RECORDED IN DEED BOOK 3055 AT PAGE 1 AND IS BASED ON A FIELD SURVEY CONDUCTED APRIL 10, 2013.</p> <p>2. THE DEVELOPER RESERVES ALL THOSE WATER AND SEWER EASEMENTS THAT WILL BE REQUIRED BY A C.O.A. IN ORDER TO ASSUME THE MAINTENANCE RESPONSIBILITY FOR THESE UTILITIES.</p> <p>3. THE DEVELOPER RESERVES THE RIGHT TO CREATE REVISE, RELOCATE OR VACATE ANY EASEMENT AS NECESSARY, SO LONG AS THE PROPER AUTHORITY AGREES, REGARDLESS OF THE SALE OF ANY LOT.</p> <p>4. PORTIONS OF TMP 055E0-01-00-000A1 AND GREENWAY #3 APPEAR TO LIE IN BOTH FLOOD INSURANCE RATE MAP ZONE X-UNSHADED (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND FLOODPLAIN ZONE X-SHADED (AREAS OF 0.2% ANNUAL CHANCE FLOODING SHOWN ON COMMUNITY PANEL NUMBER 510006 0237 D WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2005).</p> <p>5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.</p> <p>6. UTILITIES AND EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.</p> <p>7. UNLESS OTHERWISE NOTED, IRON PINS WILL BE SET AT ALL NEW PROPERTY CORNERS.</p> <p>8. ANY STREAM BUFFERS SHOWN HEREON SHALL BE MANAGED IN ACCORDANCE WITH THE ALBEMARLE COUNTY WATER PROTECTION ORDINANCE.</p> <p>9. THE DEVELOPER RESERVES AN EASEMENT OVER, UNDER AND ACROSS THE ENTIRETY OF PARCEL B (0.277 AC) TO GRADE, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND EXTEND TRAILS COMPRISING THE COUNTY OF ALBEMARLE, VIRGINIA GREENWAY TRAIL SYSTEM, AS WELL AS STORM WATER MANAGEMENT FACILITIES, IN ACCORDANCE WITH ZMA-04-024, AS PROFFERED AND AMENDED. AN EASEMENT OVER, UNDER AND ACROSS THE ENTIRETY OF GREENWAY AREA #3, A PORTION OF TAX MAP PARCEL 055E0-01-00-000A1, TO GRADE, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND EXTEND TRAILS COMPRISING THE COUNTY OF ALBEMARLE, VIRGINIA GREENWAY TRAIL SYSTEM, AS WELL AS STORM WATER MANAGEMENT FACILITIES, IN ACCORDANCE WITH ZMA-04-024, AS PROFFERED AND AMENDED.</p>	<p><b>GREENWAY AREA #3</b> ORIGINAL AREA 6.438 ACRES -PARCEL A 0.232 ACRES -PARCEL B 0.377 ACRES NEW GREENWAY AREA #3 6.483 ACRES</p> <p><b>TMP 055E0-01-00-000A1</b> RESIDUE PARCEL (0.38 DATA) 238.000 ACRES -PARCEL A 0.277 ACRES -PARCEL B 0.375 ACRES NEW TMP 055E0-01-00-000A1 238.950 ACRES</p> <p><b>SHEET INDEX</b> SHEET 1 - COVER SHEET SHEET 2 - BOUNDARY LINE ADJUSTMENT</p>  

**BOUNDARY LINE  
ADJUSTMENT PLAT  
OLD TRAIL VILLAGE  
GREENWAY AREA #3 AND  
TAX MAP 055E0-01-00-000A1**

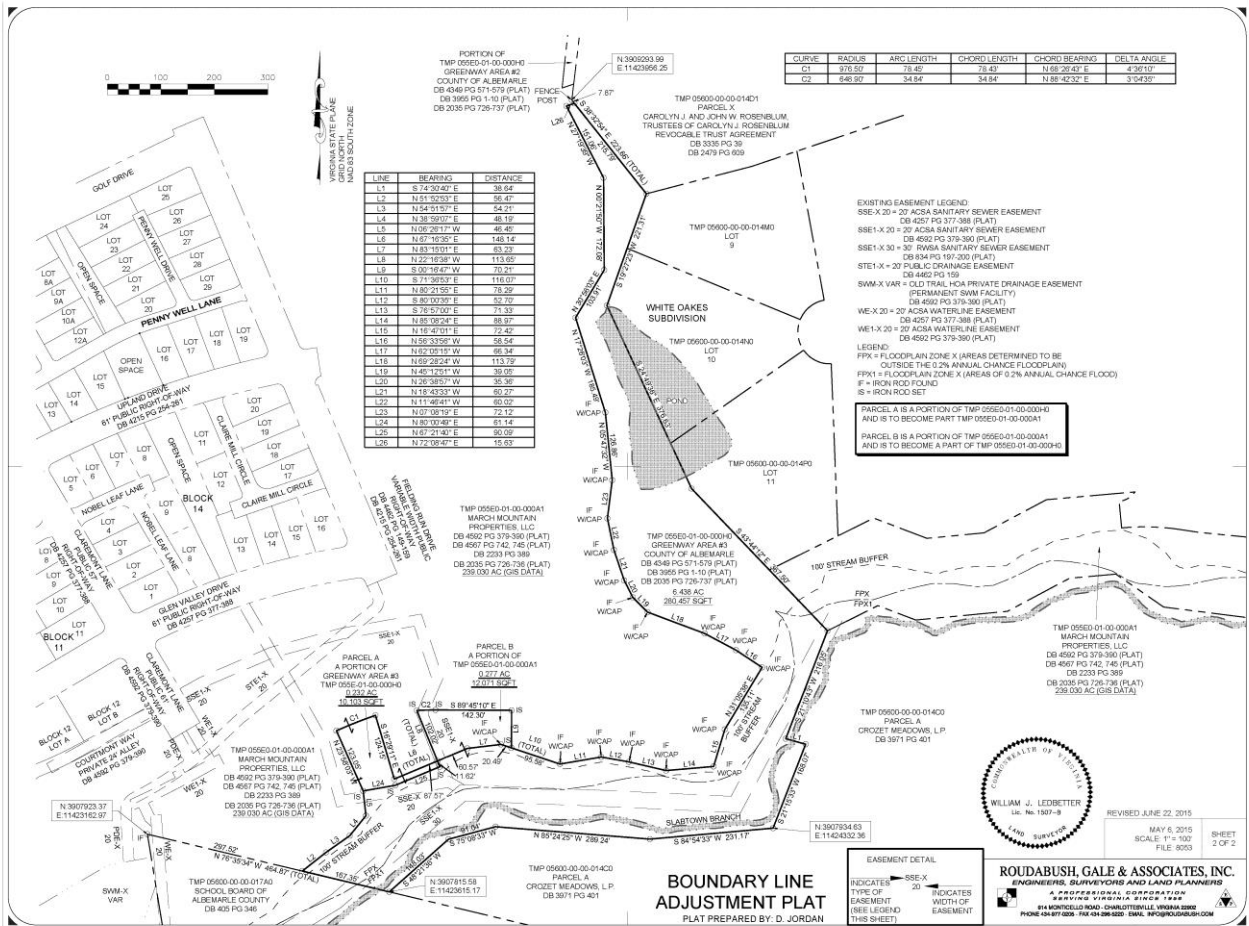
WHITE HALL MAGISTERIAL DISTRICT  
ALBEMARLE COUNTY, VIRGINIA

**COVER SHEET**

PLAT PREPARED BY: D. JORDAN

RECEIVED JUNE 22, 2015  
MAY 6, 2015  
FILE: 8003

**ROUDABUSH, GALE & ASSOCIATES, INC.**  
ENGINEERS, SURVEYORS AND LAND PLANNERS  
A PROFESSIONAL CORPORATION  
SERVING VIRGINIA SINCE 1957  
814 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902  
PHONE: (434) 977-0200 FAX: (434) 988-0200 EMAIL: INFO@ROUDABUSH.COM





**ORDINANCE NO. 15-15(2)**

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, is hereby amended as follows:

**By Adding:**

**Sec. 15-1101.2 Separate classification of certain tangible personal property employed in a trade or business.**

**CHAPTER 15**

**TAXATION**

**ARTICLE XI. PERSONAL PROPERTY—IN GENERAL**

**Sec. 15-1101.2 Separate classification of certain tangible personal property employed in a trade or business.**

Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Virginia Code § [58.1-3507](#) et seq., merchants' capital pursuant to Virginia Code § [58.1-3509](#) et seq., or short-term rental property pursuant to Virginia Code § [58.1-3510.4](#) et seq., and that has an original cost of less than \$250, is declared to be a separate class of property and shall constitute a classification for taxation separate from other classifications of tangible personal property provided in this chapter. A taxpayer may provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subsection, in lieu of a specific, itemized list.

**State law reference** – Va. Code § 58.1-3506

**RESOLUTION APPROVING THE CONVEYANCE OF PROPERTIES TO  
THE RIVANNA WATER AND SEWER AUTHORITY**

**WHEREAS**, under the June 12, 1973 Four-Party Agreement between the County, the City of Charlottesville, the Albemarle County Service Authority (ACSA), and the Rivanna Water and Sewer Authority (RWSA), the ACSA agreed to sell and the RWSA agreed to purchase certain listed water and sewer facilities within ten years of June 12, 1973, or when the debts attributable to the construction of each of the listed facilities, and the County agreed to join in the sale to the extent of its interest in the listed facilities; and

**WHEREAS**, By Deeds and Bills of Sale dated June 30, 1983 and May 9, 1989, the ACSA and the County transferred to the RWSA some, but not all, of the assets and facilities designated for transfer in the Agreement; and

**WHEREAS**, the debts attributable to the construction of those facilities not yet transferred by the ACSA and the County to the RWSA have been paid.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves (1) the County's conveyance to the RWSA by quitclaim all rights, title and interest that the County may have in the parcels listed in Attachment A of the Deed, excluding any fee simple interest in the Beaver Creek Reservoir and the Totter Creek Reservoir, and (2) the County's leasing of the County's water rights in the parcels listed under section 2 of the Deed to the RWSA; and authorizes the Chair to sign a Bill of Sale, a Deed, and any other associated documents necessary for the conveyance and leasing of the properties after they have been approved in substance and form by the County Attorney.

\*\*\*\*\*

**THIS BILL OF SALE**, made this \_\_\_\_ day of August, 2015, by and between **ALBEMARLE COUNTY SERVICE AUTHORITY** (the "Authority") and the **COUNTY OF ALBEMARLE, VIRGINIA** (the "County"), Grantors, and **RIVANNA WATER AND SEWER AUTHORITY** ("Rivanna"), Grantee;

**WITNESSETH:**

**WHEREAS**, pursuant to a Four-Party Agreement, dated June 12, 1973, by and between the City of Charlottesville, Virginia, the Authority, the County, and Rivanna (the "Four-Party Agreement"), the Authority agreed to sell and Rivanna agreed to purchase certain water and sewer facilities as set forth in Exhibits 3 and 4 to the Four-Party Agreement within ten (10) years from June 12, 1973, or at such time as the debts attributable to the construction of each of such facilities shall have been paid; and

**WHEREAS**, pursuant to the Four-Party Agreement, the County agreed to join in such sale to the extent of its interest therein; and

**WHEREAS**, the purchase price for the facilities was determined, pursuant to Section 3.7 of the Four-Party Agreement, in a report of John McNair and Associates and Paul B. Krebs and Associates, both consulting engineers, dated January, 1975, and entitled "Report on Valuation of Water and Sewer Facilities to be Purchased by Rivanna Water and Sewer Authority from City of Charlottesville and Albemarle County Service Authority"; and

**WHEREAS**, by Deed dated June 30, 1983, recorded in the Albemarle County Circuit Court Clerk's Office (the "Clerk's Office") in Deed Book 768, at page 272, and a separate unrecorded Bill of Sale of the same date, and by Deed dated May 9, 1989, recorded in the Clerk's Office in Deed Book 1049, at page 98, and a separate unrecorded Bill of Sale of the same date, the Authority and the County transferred to Rivanna some, but not all, of the assets and facilities designated for transfer in the 1973 Four-Party Agreement; and

**WHEREAS**, the debts attributable to the construction of those facilities not yet transferred by the Authority and the County to Rivanna have been paid; and

**WHEREAS**, the Authority has agreed to transfer the remaining assets and facilities without additional consideration from Rivanna consistent with the resolution adopted by the Authority at a meeting of its Board of Directors on August 19, 2004.

NOW, THEREFORE, for and in consideration of Ten Dollars and No/100 (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by the Authority, the County and the Authority do hereby BARGAIN, SELL, ASSIGN, SET-OVER, TRANSFER AND DELIVER unto Rivanna all rights, title and interest they may have in the personal property consisting of the following-described facilities:

6. Project No. 64-2, Beaver Creek Pumping Station.
7. Project No. 64-3, 12-inch Raw Water Transmission main from Beaver Creek Pumping Station to Crozet Filter Plant and 12-inch Finished Water Transmission main from Crozet Filter Plant.
8. Project No. 65-1, Crozet Filter Plant [including the right to use the wells at Mint Springs].
9. Project No. 64-1, 500,000-Gallon Ground Storage Reservoir at the Crozet Filter Plant.
10. Stand-by Pumps at Crozet Filter Plant.
11. Project No. 65-2, 12-inch Finished Water Transmission main at Crozet (Extension of Project 64-3).
12. 10-inch Raw Water Line from Scottsville Reservoir to Scottsville Filter Plant.
13. Scottsville Raw Water Pump Station.
14. Project No. 67-1, Scottsville Filter Plant.
15. Project No. 67-2, 10-inch Finished Water Transmission Line from the Scottsville Filter Plant to 250,000-Gallon Storage Tank.
16. Project No. 67-3, 250,000-Gallon Storage Tank at Scottsville.

WITNESS the following signatures and seals:

ALBEMARLE COUNTY SERVICE AUTHORITY  
By \_\_\_\_\_(Seal)  
Clarence Roberts, Chairman

COUNTY OF ALBEMARLE, VIRGINIA  
By \_\_\_\_\_(Seal)  
Jane D. Dittmar, Chair,  
Board of Supervisors

\*\*\*\*\*

Prepared by:

Kurt J. Krueger, Esq. (VSB No. 24136)  
McGuireWoods LLP  
310 4<sup>th</sup> Street, N.E., Suite 300  
Charlottesville, VA 22902

County of Albemarle  
Unknown

The Existence of Title Insurance is

TMP# See Attachment A and Paragraph 2 below

**EXEMPT FROM RECORDATION TAXES UNDER  
THE CODE OF VIRGINIA (1950), AS AMENDED, SECTION 58.1-811(A)(3)**

THIS **DEED**, made this \_\_\_\_\_ day of August, 2015, by and between the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act (the "Authority"), and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), Grantors, and the **RIVANNA WATER AND SEWER AUTHORITY**,

body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act ("Rivanna"), Grantee, whose address is 695 Moores Creek Lane, Charlottesville, VA 22902.

WITNESSETH:

WHEREAS, pursuant to a Four-Party Agreement, dated June 12, 1973, by and between the City of Charlottesville, Virginia, the Authority, the County, and Rivanna (the "Four-Party Agreement"), the Authority agreed to sell and Rivanna agreed to purchase certain water and sewer facilities as set forth in Exhibits 3 and 4 to the Four-Party Agreement within ten (10) years from June 12, 1973, or at such time as the debts attributable to the construction of each of such facilities shall have been paid; and

WHEREAS, pursuant to the Four-Party Agreement, the County agreed to join in such sale to the extent of its interest therein; and

WHEREAS, the purchase price for the facilities was determined, pursuant to Section 3.7 of the Four-Party Agreement, in a report of John McNair and Associates and Paul B. Krebs and Associates, both consulting engineers, dated January, 1975, and entitled "Report on Valuation of Water and Sewer Facilities to be Purchased by Rivanna Water and Sewer Authority from City of Charlottesville and Albemarle County Service Authority"; and

WHEREAS, by Deed dated June 30, 1983, recorded in the Albemarle County Circuit Court Clerk's Office (the "Clerk's Office") in Deed Book 768, at page 272, and a separate unrecorded Bill of Sale of the same date, and by Deed dated May 9, 1989, recorded in the Clerk's Office in Deed Book 1049, at page 98, and a separate unrecorded Bill of Sale of the same date, the Authority and the County transferred to Rivanna some, but not all, of the assets and facilities designated for transfer in the 1973 Four-Party Agreement; and

WHEREAS, the debts attributable to the construction of those facilities not yet transferred by the Authority and the County to Rivanna have been paid; and,

WHEREAS, the Authority has agreed to transfer the remaining assets and facilities without additional consideration from Rivanna consistent with the resolution adopted by the Authority at a meeting of its Board of Directors on August 19, 2004; and,

WHEREAS, on the parcel upon which is located one such facility, the 250,000 gallon Scottsville standpipe, the Authority has also constructed a pump station which is part of the Authority's retail water distribution system; and,

WHEREAS, consideration is being given by the Authority and Rivanna for modifications to the Scottsville Water Filtration Plant property (conveyed by the Authority to Rivanna hereunder) which may result in both the 250,000 gallon Scottsville standpipe and the pump station to be unnecessary; and,

WHEREAS the parties have agreed, notwithstanding the original intent of the Four-Party Agreement, to exclude the parcel upon which is located the 250,000 gallon Scottsville standpipe (Project No. 67-2) from this Deed but to include it in the unrecorded Bill of Sale from the Authority to Rivanna to accompany this Deed, and to continue to grant unlimited access to Rivanna to operate and maintain the standpipe and transmission line from the Scottsville Filtration Plant to such standpipe until such time as a decision with respect to its continued use can be made;

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. The Authority hereby GRANTS and CONVEYS with Special Warranty of Title unto Rivanna all rights, title and interest it may have in realty, including fee simple interests, easements and rights-of-way, associated with the water and sewer facilities described on Attachment A attached hereto, being a portion of the assets and facilities described on Exhibit A attached to the June 30, 1983 Deed, recorded in the Clerk's Office in Deed Book 768, pages 275 and 276. Portions of the above referenced assets and facilities described on Attachment A hereto were acquired by the Authority pursuant to the following:

(i) Deed dated November 2, 1972 from the County to the Authority recorded in the Clerk's Office in Deed Book 519, at page 341;



(ii) Deed dated October 22, 1969 from the Town of Scottsville to the Authority recorded in the Clerk's Office in Deed Book 465, at page 551;

(iii) Deed of Gift dated January 2, 1968 from Forrest E. Paulett and Lillian M. Paulett recorded in the Clerk's Office in Deed Book 440, at page 305; and

(iv) Deed dated February 1, 1968 from Samuel G. Spangler and Charlotte R. Spangler, husband and wife, and Samuel G. Spangler, III and Grace Bates Spangler, husband and wife, recorded in the Clerk's Office in Deed Book 440, at page 315.

2. The Authority hereby GRANTS and CONVEYS unto Rivanna all rights, title and interest it may have as lessee or tenant under any and all leases from the County as owner, lessor or landlord in and to:

(i) the Beaver Creek Reservoir consisting of approximately:

(a) 182.55 acres (TMP 05700-00-00-00400), conveyed to the County by instruments recorded in the Clerk's Office as follows:

Deed Book 376, Page 585	74.76 acres
Deed Book 377, Page 73	1.31, 1.02, .13, .44 and .46 acres
Deed Book 377, Page 483	49.66 acres
Deed Book 377, Page 487	5.33 acres
Deed Book 377, Page 489	43.20 acres
Deed Book 380, Page 324	4.39 acres
Deed Book 380, Page 343	.73 acres
Deed Book 385, Page 315	.39 acres
Deed Book 392, Page 516	.73 acres;

(b) 26.27 acres (TMP 05600-00-00-069A0) conveyed to the County by Deed recorded in the Clerk's Office in Deed Book 386, Page 199; and

(c) 9.89 acres (TMP 04100-00-00-010A0) conveyed to the County by instrument recorded in the Clerk's Office in Deed Book 380, Page 345; and

(d) a flooding easement (TMP 04000-00-00-048D0) conveyed to the County by instrument recorded in the Clerk's Office in Deed Book 386, Page 386; and

(ii) the Totier Creek Reservoir (formerly known as the Scottsville Reservoir) (TMP 13600-00-00-02900) consisting of approximately 209.55 acres, conveyed to the County by instruments recorded in the Clerk's Office as follows:

Deed Book 473, Page 200	22.94 acres
Deed Book 473, Page 205	148.14 acres (147.5 acres and .64 acres)
Deed Book 474, Page 390	21.50 acres, (5.24, 4.04, 9.97 and 2.25 acres)
Deed Book 476, Page 565	.45 acres
Deed Book 493, Page 129	8.37 acres
Deed Book 523, Page 289	33.69 acres;

less and except 25.54 acres transferred from the County pursuant to the Deed recorded in the Clerk's Office in Deed Book 474, Page 390 being a portion of the 147.5 acres conveyed to the County pursuant to the Deed recorded in the Clerk's Office in Deed Book 473, Page 205.

3. The County hereby QUITCLAIMS, RELEASES, GRANTS and CONVEYS unto Rivanna all rights, title and interest it may have in the parcels conveyed by the Authority to Rivanna pursuant to paragraph 1 above and described on Attachment A attached, including easements and/or rights-of-way it may have associated with the water and sewer facilities on such parcels, but EXCLUDING any fee simple interests in and to the Beaver Creek Reservoir and the Totier Creek Reservoir more particularly described in paragraph 2 above.

4. The County, to the extent not otherwise leased to the Authority pursuant to the leases described and conveyed to Rivanna by the Authority as set forth in paragraph 2 above, hereby LEASES to

Rivanna, for so long as the Four-Party Agreement remains in effect, all water rights in and to the Beavercreek Reservoir and the Totier Creek Reservoir, including the rights to maintain and operate all impoundment and pumping facilities, and to withdraw all water that may be available.

5. The Authority hereby grants to Rivanna unlimited access to the 250,000 gallon Scottsville standpipe (Project No. 67-2) included in the unrecorded Bill of Sale from the Authority to Rivanna to accompany this Deed to permit Rivanna to operate and maintain the standpipe and transmission line from the Scottsville Filtration Plant to such standpipe.

WITNESS the following signatures and seals:

ALBEMARLE COUNTY SERVICE AUTHORITY

By: \_\_\_\_\_ (Seal)

Clarence Roberts, Chairman

COUNTY OF ALBEMARLE, VIRGINIA

By: \_\_\_\_\_ (Seal)

Jane D. Dittmar, Chair, Board of Supervisors

#### ATTACHMENT A

#### WATER AND SEWER FACILITIES

(Item numbers below correspond to the item numbers in the "Summary of Facilities to be Acquired" attached to the June 30, 1983 Deed referenced in the fourth Recital of this Deed)

6. Project No. 64-2, Beaver Creek Pumping Station.  
TMP: 05700-00-00-00400 (fee simple interest owned by County)  
05600-00-00-069A0 (fee simple interest owned by County)
7. Project No. 64-3, 12-inch Raw Water Transmission main from Beaver Creek Pumping Station to Crozet Filter Plant and 12-inch Finished Water Transmission main from Crozet Filter Plant.  
TMP: 05700-00-00-00400 (fee simple interest owned by County)  
05700-00-00-02400  
05700-00-00-02500  
05700-00-00-024A0  
05700-00-00-02300  
05700-00-00-023A0  
05700-00-00-02200  
05700-00-00-02000  
05700-00-00-01800  
05700-00-00-018C0  
05700-00-00-018B0  
05700-00-00-015A0  
05700-00-00-01600  
05700-00-00-01400  
05700-00-00-013A0  
05700-00-00-01300  
05700-00-00-01200  
05700-00-00-01100  
05700-00-00-029B0 (fee simple interest owned by Authority)
8. Project No. 65-1, Crozet Filter Plant [including the right to use the wells at Mint Springs].  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)
9. Project No. 64-1, 500,000-Gallon Ground Storage Reservoir at the Crozet Filter Plant.  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)
10. Stand-by Pumps at Crozet Filter Plant.  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)

11. Project No. 65-2, 12-inch Finished Water Transmission main at Crozet (Extension of Project 64-3).  
TMP: 05700-00-00-029B0 (fee simple interest owned by Authority)  
05700-00-00-010A0 (fee simple interest owned by Rivanna)  
05700-00-00-01100  
05700-00-00-01000  
05700-00-00-09000  
05700-00-00-009D0  
05700-00-00-009B0  
05700-00-00-08000  
05700-00-00-008A0  
05600-00-00-069B0  
05600-00-00-07000  
05600-00-00-06900  
05600-00-00-08200  
05600-00-00-08100  
05600-00-00-080B0  
05600-00-00-080C0  
05600-00-00-07600  
05600-00-00-07800  
05600-00-00-07700  
05600-00-00-07500  
05600-00-00-07400  
05600-00-00-074A0  
05600-00-00-067B0  
05600-00-00-06700  
056A3-00-00-00900  
056A3-00-00-01000  
056A3-00-00-00800  
056A2-01-00-06100  
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056A2-01-00-06200  
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056A2-04-00-07100  
056A2-04-00-06400  
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056A2-04-00-05500  
056A2-04-00-05100  
056A2-04-00-05000  
056A2-04-00-04900  
056A2-04-00-04800  
056A2-04-00-000A3  
056A2-04-00-02300  
056A2-04-00-02200  
056A2-04-00-02100  
056A2-01-00-071B0  
056A2-02-0A-01500  
056A2-01-00-010A0  
056A2-01-00-01000  
056A2-01-00-00900  
056A2-01-00-01100  
056A2-01-00-01700  
056A1-01-00-05000  
056A1-01-00-04500  
056A1-01-00-045A4  
05600-00-00-006A0  
05600-00-00-006D0  
05600-00-00-006B0

05600-00-00-006C0

056A1-01-00-03200  
056A1-01-00-033A0  
056A1-01-00-03400  
056A1-01-00-035A0  
056A1-01-00-036C0

056A1-01-00-02700  
056A1-01-00-026A0  
056A1-01-00-02500  
055C0-03-00-000A0  
055C0-03-00-03000  
055C0-03-00-01600  
055C0-03-00-01500  
055C0-03-00-01400  
055C0-03-00-01300

056A1-01-00-01500  
056A1-01-00-01400  
05500-00-00-051A0  
05500-00-00-05000  
05500-00-00-046B0

12. 10-inch Raw Water Line from Scottsville Reservoir to Scottsville Filter Plant.  
TMP: 13600-00-00-02900 (fee simple interest owned by County)  
13600-00-00-050A0  
13600-00-00-05000  
13600-00-00-06000  
13600-00-00-059A0  
13600-00-00-04900  
13600-00-00-027C1  
13600-00-00-04200  
13600-00-00-04100  
13600-00-00-027C0  
13600-00-00-03600  
13600-00-00-027A0 (fee simple interest owned by Authority)  
13600-00-00-027B0 (fee simple interest owned by Authority)
13. Scottsville Raw Water Pump Station.  
TMP: 13600-00-00-02900 (fee simple interest owned by County)
14. Project No. 67-1, Scottsville Filter Plant.  
TMP: 13600-00-00-027B0 (fee simple interest owned by Authority)
15. Project No. 67-2, 10-inch Finished Water Transmission Line from the Scottsville Filter Plant to 250,000-Gallon Storage Tank.  
TMP: 13600-00-00-027B0 (fee simple interest owned by Authority)  
13600-00-00-027A0 (fee simple interest owned by Authority)  
13600-00-00-03600  
13600-00-00-027C0  
13600-00-00-04100  
13600-00-00-05300  
13600-00-00-027E0  
13600-00-00-027D0  
13600-00-00-02800  
13600-00-00-02700  
13600-00-00-027P0  
13000-00-00-05300  
13000-00-00-05200  
13000-00-00-052A0

13000-00-00-038C0 (fee simple interest owned by Authority)

NOT BEING TRANSFERRED HEREUNDER, BUT GRANT OF ACCESS FROM AUTHORITY TO RIVANNA CONFIRMED PURSUANT TO PARAGRAPH 5 OF THIS DEED:

16. Project No. 67-3, 250,000-Gallon Storage Tank at Scottsville.  
TMP: 13000-00-00-038C0 (fee simple interest owned by Authority)

**RESOLUTION TO APPROVE  
SP 2014-02 MONTESSORI COMMUNITY SCHOOL**

**WHEREAS**, the Montessori Community School of Charlottesville (the “Owner”) is the owner of Tax Map and Parcel Number 07800-00-00-012A0 (the “Property”); and

**WHEREAS**, the County approved a special use permit application (“SP 2006 – 38”) on March 14, 2007 for new buildings and campus improvements at the school with conditions that included the installation of fencing around a central lawn and play area which was previously to be located near a steep drop in grade on the site; and

**WHEREAS**, at the time SP 2006-38 was reviewed, a zoning violation existed on the site because a fence was installed without a site plan or ARB approval and was visible from the Entrance Corridor; and

**WHEREAS**, the County approved a special use permit application (“SP 2009-01”) on March 11, 2009 to extend the expiration date for SP 2006-38 with conditions that included the replacement of the chain link fence and an expiration date extension of forty-eight months for SP-2009-01; and

**WHEREAS**, the Owner has now filed an application for a special use permit to eliminate the requirement of fencing around the play area previously to be located near a steep drop in grade on the site and to eliminate the requirement of the replacement of the chain link fence that was previously visible from the Entrance Corridor and which has been removed, and the application is identified as Special Use Permit 2014-00002 Montessori Community School (“SP 2014-02”); and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2014-02 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2014-2.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2014-02 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2014-02, subject to the conditions attached hereto.

\* \* \*

**SP-2014-00002 Montessori Community School Conditions**

1. Maximum enrollment shall be three hundred (300) students;
2. Development of the use shall be in general accord with the “Montessori Pantops Mountain Community School Sheets SP01-SP-03”, prepared by Neal R. Deputy, Architecture & Master Planning, last revised January 16, 2007, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the plan, development shall reflect the general size, arrangement, and location of proposed Buildings A, B, C, D, and E, Central Lawn, Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance; and
3. Construction of proposed buildings as shown on the concept plan shall commence on or before March 11, 2015 or this special use permit shall expire.

**RESOLUTION TO APPROVE  
SP 2015-08 KING FAMILY POLO**

**WHEREAS**, Roseland Farm LLC (the “Owner”) is the owner of Tax Map and Parcel Number 05500-00-00-08000 (the “Property”); and

**WHEREAS**, the Owner filed an application for a special use permit to allow up to 1,000 spectators at polo events on Sundays from May through October and the application is identified as Special Use Permit 2015-00008 King Family Polo (“SP 2015-08”); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code §§ 18-5.1.25(c) and 18-10.2.2(53); and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-08 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-08.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-08 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-08, subject to the conditions attached hereto.

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**SP-2015-00008 King Family Polo Conditions**

1. Polo events may be held only on Sundays in May through October.
2. No polo event shall exceed a maximum of one thousand (1,000) attendees at any time.
3. Polo events may be open to the public no earlier than 10:00 am and shall close no later than 5:30 pm.
4. There shall be no announcer, no amplified music, and no public address system associated with polo events except as permitted under County Code 18.4.18.5.
5. There shall be no outdoor lighting associated with polo events.
6. No new permanent structures shall be constructed for polo events.
7. For each polo event, beginning at 11:00 am, a VDOT-certified traffic controller shall be stationed at the farm entrance on Half Mile Branch Road to direct traffic. The applicant shall maintain a Land Use Permit from VDOT for traffic control.
8. Polo events shall be managed in accordance with the King Family Vineyards Polo Public Safety Plan dated June 6, 2015.

**RESOLUTION TO APPROVE  
SP 2015-12 MECHUM'S TRESTLE**

**WHEREAS**, Mechum's Trestle LLC (the "Owner") is the owner of Tax Map and Parcel Number 05700-00-00-031A0 (the "Property"); and

**WHEREAS**, the Owner filed an application for a special use permit to use more than 400 gallons of water per day on the property for a restaurant, and the application is identified as Special Use Permit 2015-00012 Mechum's Trestle ("SP 2015-12"); and

**WHEREAS**, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-22.2.2; and

**WHEREAS**, on June 16, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-12 with the conditions recommended by staff; and

**WHEREAS**, on August 5, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-12.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-12 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-12, subject to the conditions attached hereto.

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**SP-2015-00015 Mechum's Trestle Conditions**

1. The applicant shall install a meter on the well head to monitor water consumption. Results of daily water consumption monitoring will be made available within forty-eight (48) hours of a request from the Zoning Administrator.
2. Water consumption shall be restricted to a maximum of five thousand (5,000) gallons per day.