



MEMORANDUM

To: Albemarle County Board of Supervisors

From: Nicole S. Cheuk, Esq. *MSC*
Jeffrey H. Geiger, Esq.
Counsel on Behalf of the Highway Commissioner of Virginia

Date: February 20, 2017

RE: Jarman's Gap Road Project (March Mountain, LLC) Eminent Domain Matter: Easement Explanation

The land involved in this acquisition consists of 0.101 acre in fee simple, 0.604 acre for permanent easements, 0.103 for a temporary construction easement and 0.197 acre for utility easements with a combined value of \$525.00 (which did not include landscaping or prior signage). The easement language for both permanent easements includes the ability of third party public service companies to install utilities within the respective easements for the easement holder's exclusive use.

Currently all of Dominion's power lines in the easement area are above ground. Additionally, third party equipment is already present on the aerial lines and there is some third party equipment serving the aerial lines, "pedestals", that are above ground but outside the easement area. Dominion agreed to a slight amendment to add the word "only" to the easement language to ensure the third party equipment would only be for Dominion's internal communications purposes. However, Dominion is not able to restrict the third party's use of the easement underground, because of its current use and because of its need to maintain their power facilities in the future.

Century Link provided amended easement language to require the County's review and approval prior to the installation of any electrical or other utility service for Century Link's use. (See Attachment).

It is requested respectfully that the Board of Supervisors approve the execution of the Special Warranty Deed and two amended utility easement agreements. This will obviate any additional legal expenses and finalize the project. Once executed, VDOT will insure the recordation of the deed and easement agreements and provide documentation of the same to the County.