

RESOLUTION APPROVING A REQUESTED UTILITY EASEMENT ACROSS A COUNTY-OWNED OPEN-SPACE EASEMENT ON TAX MAP PARCEL 05000-00-00-04500

WHEREAS, by deed dated August 15, 2008, and recorded in the Albemarle County Circuit Court Clerk's Office in Deed Book 3658, pages 8-30, the County and the Virginia Outdoors Foundation (VOF) acquired an open-space (ACE) easement across Tax Map Parcel 05000-00-00-04500; and

WHEREAS, the Central Virginia Electric Cooperative (CVEC) has requested an additional utility easement across Tax Map Parcel 05000-00-00-04500 to upgrade its existing facilities on that parcel; and

WHEREAS, Section II(2)(iv) of the County's deed of open-space easement provides in part: "Public and private utilities that do not serve the Property shall not cross the Property unless Grantees [the County and VOF] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its prior written approval for such construction and maintenance;" and

WHEREAS, after reviewing CVEC's request for an additional utility easement, VOF staff has determined that the construction and maintenance of the proposed utilities would not impair the conservation values of the Property and is prepared to give its approval for such construction and maintenance; and

WHEREAS, after reviewing VOF staff's report at its March 12 meeting, the County's ACE Committee unanimously accepted VOF staff's determination and recommended approval of the requested utility easement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby determines, pursuant to Section II(2)(iv) of the County's deed of open-space easement, that the construction and maintenance of the utilities proposed by the Central Virginia Electric Cooperative on Tax Map Parcel 05000-00-00-04500 will not impair the conservation values of that Property; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby gives its prior written approval for the construction and maintenance of the proposed utilities, subject to the following conditions:

1. A proposed Deed of Amendment for the ROW to increase the height limitation from 55' to 75' and to add the required 0.106 acres shall be submitted to VOF Counsel for review and approval.
2. No above-ground structures or uses other than aerial electric transmission, distribution, and communication lines shall be permitted within the expanded ROW.
3. Additional screening (landscape buffer of evergreen trees) shall be required along the fencing of the southern side of the Cash's Corner Substation to better minimize the visual impacts of the substation from the open-space easement property and farmhouse.

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

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____