Albemarle County

Legislation Details (With Text)

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File created:	7/21/2021	**In control:**	Board of Supervisors
On agenda:	8/18/2021	**Final action:**	
Title:	VDOT Roadway Construction & Maintenance and Utility Easements on Parcel ID 04700-00-00-016A0.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Att.A - GIS The Riggory TMP 47-16A, 2. Att.B - 1992 Deed of Gift of Easement for Open Space, 3. Att.C - VDOT Route 20-649 Overall Project Plat, 4. Att.D - VDOT Routes 20 649 Roundabout Pamphlet, 5. Att.E - Deed of Easement Signed by Conniff, ACEA, 6. Att.F - Resolution		

Date	Ver.	Action By	Action	Result

AGENDA DATE: 8/18/2021

TITLE:
VDOT Roadway Construction & Maintenance and Utility Easements on Parcel ID 04700-00-00-016A0

SUBJECT/PROPOSAL/REQUEST: Resolution to approve granting a roadway construction & maintenance easement and a utility easement to VDOT on Parcel ID 04700-00-00-016A0

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Richardson, Clark

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: VDOT began development on a grouping of six Albemarle County Smart Scale road improvement projects in 2017 that included the construction of a roundabout and turn lanes at the Stony Point Road (Route 20), Proffit Road (Route 649), and Riggory Ridge Road (Route 1494) intersection (Attachment C). The roundabout design needed to account for and be sensitive to several parcels in the County's rural area under perpetual conservation/open space land easements. Albemarle County received approval for $4 million in Fiscal Year 2018 (FY 18) Smart Scale funding for these Intersection Improvements. The project is in the design and right of way acquisition phase, both of which need to consider and accommodate parcels subject to conservation easements.

STRATEGIC PLAN: Rural Area Character - preserve the character of rural life with protected scenic areas and historic sites.

DISCUSSION: The Riggory (Parcel ID 04700-00-00-016A0), a 30.72-acre parcel fronting on Stony Point Road close to The Riggory Ridge Road intersection, is one of those properties under conservation easement that VDOT needs for the project (Attachment A). The Riggory is subject to a 1992 conservation easement jointly held by the Albemarle Conservation Easement Authority (ACEA) and Albemarle County (Attachment B). A VDOT right of way for Stony Point Road, preexisting the 1992 conservation easement, already runs over the property's edge. A utility easement also crosses the property. To construct the roundabout, VDOT needs to improve the shoulder of Stony Point Road as it runs next to The Riggory. Improvements will not include the application of asphalt, hardscaping, or any structures other than single-post, regulatory road signs. The design will only raise the roadbed and, consequently, the shoulder grade on The Riggory. The land will be returned entirely to a vegetative cover as it now exists. The design requires relocating the CenturyLink utility easement. The project designer, as agent for VDOT, requested The Riggory's owners and the ACEA to convey a roadside strip of the property in fee simple for roadway use and to permit the relocation of a CenturyLink utility easement. Through much discussion, negotiation, and two public meetings, the landowners and the ACEA agreed to convey and VDOT agreed to accept a highly restrictive, non-exclusive, perpetual easement that will allow roadway improvements and maintenance of the road shoulder essentially in the same condition as it exists now (Attachments D and E). The ACEA found via motion on June 10, 2021, by unanimous vote and with the landowners' consent that the "conveyance under the stated terms and conditions will preserve the open space use of the subject land," consented to the proposed easement terms, and authorized the ACEA Chair to endorse the Deed of Easement.

The landowners and the ACEA Chair have executed the proposed Deed of Easement. Although this Board authorized the County Executive to accept conservation easements under the Virginia Open Use Land Act (the Act), this Board has not delegated authority to convey any interest it has acquired under the Act. Virginia Code §10.1-1704(B) permits the Board to "convey or lease any real property it has acquired" under the Act so long as "[t]he conveyance or lease [is] subject to contractual arrangements that will preserve the property as open-space land." This arrangement accomplishes that charge. The Act also empowers this Board "to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any … agency … of services, privileges, works, streets, roads, public utilities or other facilities or structures that may be necessary to the provision, preservation, maintenance and management of the property as open-space land." Virginia Code §10.1-1702(A)(5). A locality may "[e]xercise its powers under [the Act] … through such office or officers as its governing body by resolution determines." Virginia Code §10.1-1702(B)(3). The road design is sensitive to the open-space nature of the land. The easement preserves that condition and allows the project to proceed without necessitating a substantive redesign. Relocation of the utility easement will have no net impact.

BUDGET IMPACT: No impact on the budget is anticipated.

RECOMMENDATION:
Staff recommends the Board adopt the attached Resolution (Attachment F) authorizing the County Executive to sign the attached Deed of Easement and to sign any related easements relocating utilities currently existing on Parcel ID 04700-00-00-016A0.

ATTACHMENTS:
A - GIS Image of The Riggory Parcel ID 04700-00-00-016A0
B - 1992 Deed of Gift Easement to the County and PRFA
C - Bowman/VDOT Construction Plat
D - VDOT Project Pamphlet
E - Deed of Easement
F - Resolution