



# Albemarle County

## Legislation Details (With Text)

**File #:** 22-503      **Version:** 1      **Name:**  
**Type:** Agreement/Contracts      **Status:** Consent Agenda  
**File created:** 11/10/2022      **In control:** Board of Supervisors  
**On agenda:** 12/7/2022      **Final action:**  
**Title:** Proposed Amendment to the 2018 Albemarle/Charlottesville Memorandum of Agreement for the Courts Project and Lease of Parking Lot to Serve Albemarle County Courts Users.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Att.A - 2018 Memorandum of Agreement, 2. Att.B - Proposed Amendment to the 2018 Memorandum of Agreement, 3. Att.C - Proposed Market Street Parking Lot Lease, 4. Att.D - Resolution

Date	Ver.	Action By	Action	Result
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**AGENDA DATE:** 12/7/2022

**TITLE:**

Proposed Amendment to the 2018 Albemarle/Charlottesville Memorandum of Agreement for the Courts Project and Lease of Parking Lot to Serve Albemarle County Courts Users

**SUBJECT/PROPOSAL/REQUEST:** Proposed amendment to the 2018 County/City Memorandum of Agreement for the Courts Project, and proposed limited-hours lease of a parking lot owned by the City of Charlottesville to serve Albemarle County Courts users.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Rosenberg, Herrick, Stewart

**PRESENTER (S):** Lance Stewart

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** In 2018, the County of Albemarle and the City of Charlottesville entered into a Memorandum of Agreement (MOA) (Attachment A) related to the localities' courts facilities. The MOA anticipated the construction of a new General District Court facility to serve both the City and the County; as well as renovation of the historic Albemarle County Courts complex and the City/County-owned Levy Opera House. The MOA further included provisions to ensure availability of convenient parking for Albemarle County Courts facilities, to include the construction by the City of a parking structure, with 90 parking spaces allocated to the exclusive use of County Courts staff and users.

**STRATEGIC PLAN:** Quality Government Operations - Ensure County government's capacity to provide high quality service that achieves community priorities.

**DISCUSSION:** On June 7, 2021, Charlottesville City Council passed a resolution that directed the City Manager to “cancel all pending procurement transactions and to cease all other activities previously commenced to facilitate development of the Parking Structure.” The 2018 MOA anticipated the possibility that the City might elect not to construct the Parking Structure and detailed two County options: that “the City must provide 100 parking spaces in the Market Street Garage at or below Level 2; or, that the City must re-convey to the County a one-half interest in the East Market Street Parcel for either its current appraised value or \$1.28M, whichever is less, and allow the County to use it for parking with the County having exclusive access.”

Following this Council resolution, staff of the County and City considered the County options detailed in the MOA and other alternatives that might better serve the needs of both the localities and the community. Following these discussions, County and City staff developed a proposed Addendum (Attachment B) to the original MOA. If approved by the Board of Supervisors and City Council, this proposed Addendum would provide for a total of 100 parking spaces for County Courts users. It would provide the County full use of the 63-space City-owned parking lot at 701 East Market Street on weekdays from 7 am to 6 pm. The County would have the option to install parking controls to ensure exclusive use. The Addendum further would require that the City provide the equivalent of an additional 27 parking spaces in the Market Street Garage, in the form of free parking validations to County Courts users, up to 11 hours per day. Spaces in the Market Street Garage would not be reserved, but Courts users would have the opportunity to choose from all available spaces. If the County later chose to install parking control equipment that reduced the number of available spaces in the Market Street parking lot, the City would provide additional free parking validations in the Market Street Garage to accommodate the number of parking spaces lost.

The proposed Addendum would also retain the County’s options from the original MOA if the City were unable to meet its obligations to provide parking for County Courts users. The addendum includes a third County option, requiring the City to convey to the County ownership of the Market Street parking lot parcel at a price based on its appraised value.

The proposed Market Street Parking Lot Lease (Attachment C) is anticipated in the Addendum. It reflects the parking provisions detailed in the proposed Addendum, as well as the rights and the responsibilities of each party. It also defines the duration of the County’s exclusive use of the parking lot to an initial term of 20 years, with a County option to renew for an additional 20-year lease term.

**BUDGET IMPACT:** No Fiscal Year 2023 budgetary impact is anticipated. If the County later elected to install parking controls in the Market Street Parking Lot, funding for installation and associated maintenance costs would be identified as part of future operating budgets.

**RECOMMENDATION:**

Staff recommends that, contingent on approval of the addendum by the Charlottesville City Council as scheduled for December 5, 2022, the Board approve both the proposed Addendum and proposed Lease, and authorize the County Executive to execute both documents in a form acceptable to the County Attorney.

**ATTACHMENTS:**

- A - 2018 Memorandum of Agreement
- B - Proposed Amendment to the 2018 Memorandum of Agreement
- C - Proposed Market Street Parking Lot Lease
- D - Resolution