



Albemarle County

Legislation Text

File #: 17-213, **Version:** 1

AGENDA DATE: 3/1/2017

TITLE:

Virginia Electric and Power Company and Central Telephone Company Easements on County-Owned Parcel

SUBJECT/PROPOSAL/REQUEST: Reconsider decision to grant easements to Virginia Electric and Power Company and Central Telephone Company on County-owned property located at the intersection of Old Trail Drive and Jarmans Gap Road requiring that third-party equipment be underground

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Walker, Kamptner

PRESENTER (S): Greg Kamptner

LEGAL REVIEW: Yes

REVIEWED BY: Douglas C. Walker

BACKGROUND: On August 3, 2016, the Board held a public hearing and adopted two resolutions authorizing the conveyance of utility easements to Virginia Electric and Power Company ("Dominion") and Central Telephone Company ("Century Link") on County-owned property located at the intersection of Old Trail Drive and Jarmans Gap Road, identified as Tax Map Parcel 055E0-00-00-000A1 ("TMP 55E-1") (Attachment A). The Board's motion adopting the resolutions stated that the conveying deeds "require third-party equipment to not be allowed above ground." The relevant background of these easements is explained in the August 3, 2016 executive summary for the Dominion easement (Attachment B).

The condition requiring undergrounding was included in the Board's August 3, 2016 action to reduce the potential visual impacts of utility equipment along Jarmans Gap Road. The utilities' equipment and structures were relocated in 2012 or earlier as part of the Jarmans Gap Road project along the northern edge of TMP 55E-1. Maps showing their locations are included as Attachments C and D. The relocated utilities include above-ground utility lines, as shown in Attachment E.

STRATEGIC PLAN: Goal 2: Critical Infrastructure: Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs.

DISCUSSION: Attorneys from Sands Anderson, who represent the Virginia Department of Transportation in the Jarmans Gap Road project, have requested that the Board reconsider the condition requiring that third-party equipment not be located above ground. Their request is included as Attachment F and they will present additional information at the Board meeting.

Sands Anderson represents that third-party equipment already exists on Dominion's aerial lines, as well as "pedestals" outside of the proposed easement area that serve the aerial lines. Dominion has now proposed an amendment to its standard deed language that would restrict third-party equipment only to that serving

Dominion's internal communications. Century Link's equipment is currently underground, and it has proposed an amendment to its standard deed language that would require County approval before any third-party equipment, or electrical or other utility service for its own use is located within the easement (Attachment G).

The Board's condition is consistent with Strategy 10d of the Capital Facilities chapter of the Comprehensive Plan, which states: "Locate utilities to minimize impacts on the visual and natural environment." The supporting discussion states that properly locating utilities in the Development Areas is important, and further explains that: "Underground electric, telephone, and fiber optic lines can improve the visual environment and the requirement to locate these utilities underground should continue. Above ground apparatuses... should be located in a manner that minimizes the impact on the surrounding area and should be adequately screened when installed." However, there are mitigating factors in this case: (1) the utilities were relocated in conjunction with VDOT's Jarmans Gap Road project, rather than in conjunction with a private development; and (2) Dominion's utility lines were above-ground before being relocated. In addition, staff believes that the amendments that Dominion and Century Link have proposed will allow any visual impacts from third parties to be minimized or otherwise addressed.

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

If the Board decides to delete or amend the condition prohibiting third-party equipment from being located above ground, staff recommends that the Board direct staff to advertise a public hearing to be held on April 5, 2017 to consider granting the easements with the proposed revisions described in this executive summary.

ATTACHMENTS:

- A - GIS Map of TMP 55E-1
- B - Executive summary, dated August 3, 2016
- C - Map of Dominion easement
- D - Map of Century Link easement
- E - Photograph of easement area
- F - Request to reconsider from Sands Anderson
- G - Revised Century Link Easement