



**CITY COUNCIL AGENDA  
June 4, 2012**

**6:00 p.m. – 7:00 p.m.**

Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Second Floor Conference Room)

**TYPE OF ITEM**

**SUBJECT**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**AWARDS/RECOGNITIONS  
ANNOUNCEMENTS**

Virginia Business Appreciation Week; CAT Marketing Award; Flag Day

**MATTERS BY THE PUBLIC**

Public comment will be permitted for the first 12 speakers to sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

**COUNCIL RESPONSES TO MATTERS BY THE PUBLIC**

1. **CONSENT AGENDA\*** (Items removed from the consent agenda will be considered at the end of the regular agenda.)
  - a. Minutes for May 21
  - b. **APPROPRIATION:** March Primary Reimbursement - \$16,000 (2<sup>nd</sup> of 2 readings)
  - c. **RESOLUTION:** 1719 Hydraulic Road Special Use Permit (1<sup>st</sup> of 1 reading)
  - d. **ORDINANCE:** Conservation / Open Space Easement on Jefferson Park Circle Land (2<sup>nd</sup> of 2 readings)
  - e. **ORDINANCE:** Restrictive Covenant on Azalea Park Land (2<sup>nd</sup> of 2 readings)
  - f. **ORDINANCE:** Design for Life Cville (2<sup>nd</sup> of 2 readings)
  - g. **ORDINANCE:** Homeowner Tax Relief Grant – 2012 (1<sup>st</sup> of 2 readings)
  - h. **ORDINANCE:** Personal Property Tax Assessment of Vehicles Used by Students (1<sup>st</sup> of 2 readings)
2. **RESOLUTION\*** Move to Amend – Citizens United (1<sup>st</sup> of 1 reading)
3. **PUBLIC HEARING/  
RESOLUTION\*** Authorizing Initiation of Condemnation Proceedings to Acquire Property from the Covenant School Located at 1000 Birdwood Road (1<sup>st</sup> of 1 reading)
4. **PUBLIC HEARING/  
RESOLUTION\*** Authorizing the Initiation of Condemnation Proceedings to Acquire Property from Middle Mountain LLC Located at McIntire Road and Hillcrest Road (1<sup>st</sup> of 1 reading)
5. **PUBLIC HEARING/  
ORDINANCE\*** Conveyance of Easement to Dominion Virginia Power for Route 250 Bypass Interchange at McIntire Road (1<sup>st</sup> of 2 readings)
6. **PUBLIC HEARING/  
ORDINANCE\*** Conveyance of Easement to CenturyLink for Route 250 Bypass Interchange at McIntire Road (1<sup>st</sup> of 2 readings)
7. **PUBLIC HEARING /  
ORDINANCE\*** Grant of Utility Easement Under 11th Street to the University of Virginia Foundation (1<sup>st</sup> of 2 readings)
8. **REPORT / ORDINANCE\*** Rezoning Property on Eton Road for Planned Unit Development
9. **REPORT / ORDINANCE\*** Utility Rates (2<sup>nd</sup> of 2 readings)
10. **REPORT\*** Cultural Arts Plan Funding Request
11. **REPORT** Update – Virginia Extension Service FY 2013 Funding Request
12. **REPORT / ORDINANCE\*** Council Access to Employee Medical and Dental Plans (1<sup>st</sup> of 2 readings)

**OTHER BUSINESS  
MATTERS BY THE PUBLIC  
\*ACTION NEEDED**

**APPROPRIATION**

**March Primary Reimbursement  
\$16,000**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that \$16,000 is hereby appropriated in the following manner:

**Revenue**

\$6,500      Fund: 105      Internal Order: 2000112      G/L Account: 430080

\$9,500      Fund: 105      Cost Center: 2301001000      G/L Account: 430080

**Expenditures**

\$6,500      Fund: 105      Internal Order: 2000112      G/L Account: 599999

\$9,500      Fund: 105      Cost Center: 2301001000      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$16,000 from the Virginia State Board of Elections; and

**BE IT FURTHER RESOLVED**, that unspent funds remaining in the Internal Order (2000112) will be hereby considered as a continuing appropriation.

**RESOLUTION GRANTING A SPECIAL USE PERMIT  
TO DOMINION VIRGINIA POWER  
TO ALLOW CONSTRUCTION OF AN ELECTRICAL SUBSTATION  
AT 1719 HYDRAULIC ROAD**

**WHEREAS**, Dominion Virginia Power, owner of the property at 1719 Hydraulic Road, has requested a special use permit with respect to the property designated on City Tax Map 40A as Parcel 3, consisting of approximately 9.11 acres or 396,831 square feet (“Subject Property”), to allow construction of an electrical substation; and

**WHEREAS**, the Subject Property is zoned “HW” (Mixed Use Corridor District) and, pursuant to §34-796 of the City Code, such modifications for use of the property are allowed by Special Use Permit; and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on May 8, 2012, this Council finds that such use is allowed under City Code Section 34-796 (specifically under the category “Non-residential: General and Misc. Commercial” – Utility Facilities – Highway Corridor) by special use permit, and will conform to the criteria applicable to special permits generally under Chapter 34 of the City Code; now, therefore

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a special use permit is hereby approved and granted to Dominion Virginia Power to allow construction and operation of an electrical substation at 1719 Hydraulic Road. Approval of this special use permit is conditioned upon the following:

Dominion Virginia Power will landscape the Hydraulic Road frontage (from Meadow Creek to the western property line) to current City landscaping standards (City Code Section 34-871) with an S-3 buffer, including large and medium canopy streetscape trees, understory trees, evergreen trees and shrubs.

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN OPEN SPACE EASEMENT  
ACROSS CITY-OWNED LAND  
ON JEFFERSON PARK CIRCLE TO THE  
THOMAS JEFFERSON SOIL AND WATER CONSERVATION DISTRICT**

**WHEREAS**, the Thomas Jefferson Soil and Water Conservation District (TJSWCD) wishes to acquire an open space easement across the entirety of three (3) City-owned parcels of land (City Tax Map Parcels 19-32.1, 19-32 and 19-33 – the “Property”), shown on the attached plat dated June 6, 2011, for preservation of the land as open space and to provide hiking paths and nature trails to the public; and

**WHEREAS**, in accordance with Virginia Code sections 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the proposed conveyance of the City’s property interest as requested by the Thomas Jefferson Soil and Water Conservation District; and,

**WHEREAS**, by Resolution approved on December 5, 2011, this Council authorized the purchase of the Property from Jefferson Park Circle Land Trust, the sale of which was conditioned upon Council’s approval of the conveyance of the open space easement to the TJSWCD; and

**WHEREAS**, the Director of the Department of Parks and Recreation has reviewed and supports the proposed conveyance;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is authorized to execute a Deed of Easement, in form approved by the City Attorney, from the City to the Thomas Jefferson Soil and Water Conservation District across the above-described Property. The City Attorney is hereby authorized to take whatever steps are necessary to effect the closing of said conveyance.

**AN ORDINANCE  
PLACING AZALEA PARK ON OLD LYNCHBURG ROAD  
UNDER A RESTRICTIVE COVENANT TO PERMANENTLY DESIGNATE  
THE LAND FOR PUBLIC OUTDOOR RECREATIONAL USE.**

**WHEREAS**, on January 18, 2011, City Council approved the application for a grant of \$50,000 from the Virginia Department of Conservation and Recreation to make certain improvements to Azalea Park, and said grant was awarded to the City; and

**WHEREAS**, on January 17, 2012, the City authorized appropriation of \$50,000 conditioned upon receipt of the funds from the state; and

**WHEREAS**, a condition of the grant award is the placement of Azalea Park in its entirety under a restrictive covenant that will permanently designate the land for public outdoor recreation use, and prevent use of the land for any other purpose, unless specifically approved by the Virginia Department of Conservation and Recreation and the National Park Service; now, therefore,

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that the lands designated on 2012 City Tax Map 19, Parcel 80 and 2012 City Tax Map 20, Parcel 247, commonly known as Azalea Park, shall be placed under a restrictive covenant to permanently ensure that the lands are used as public outdoor recreational space, by recordation of an instrument in the Charlottesville Circuit Court Clerk's Office; and

**BE IT FURTHER ORDAINED** that the Mayor is hereby authorized to execute a Restrictive Covenant instrument, in form approved by the City Attorney, to ensure that Azalea Park is used in perpetuity for public outdoor park, recreation and conservation purposes, and the City Attorney is hereby directed to record such instrument.

**AN ORDINANCE  
 AMENDING THE CITY’S SCHEDULE OF FEES  
 APPLICABLE TO VARIOUS SERVICES AND FUNCTIONS ADMINISTERED BY THE CITY’S  
 DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES  
 RELATED TO BUILDING PERMITS.**

**WHEREAS**, the Code of the City of Charlottesville (1990), as amended, provides in Sec. 5-56 for City Council’s approval from time to time of a schedule of fees associated with the issuance of building permits and building code enforcement costs; and

**WHEREAS**, the director of Neighborhood Development Services, after consultation with local homebuilders, has recommended a program (Design for Life) to provide incentives for building homes that are accessible to everyone, regardless of age or degree of mobility; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the current NDS fee schedule, as amended by the attached chart, is hereby approved and adopted, and shall take effect upon the date of enactment.

Type of Fee	Proposed Fee (\$)	Current Fee (\$)	Additional Costs/Comments
<b>BUILDING REGS (CHAPTER 5)</b>			
BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, FIRE PROTECTION PERMIT FEES			*In addition to the fees below, a surcharge of 2.00% of the total fee shall be imposed on all permits as required under state law  <u>**Refund of portion of building permit fee will be made for construction certified under Design for Life Program as Level I Visit-Ability (25% refund) or Level II Live-Ability (50% refund)</u>
Building Permit Fee \$2,001 to \$50,000		\$64	+ \$4 for each additional \$1,000 up to \$50,000
Building Permit Fee \$50,001 to \$100,000		\$255	+ \$3 for each additional \$1,000 up to \$100,000
Building Permit Fee over \$100,000		\$402	+ \$3 for each additional \$1,000

## **Resolution Regarding Corporate Influence in the Democratic Process and Amending the US Constitution**

WHEREAS, we the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations; and

WHEREAS, corporations are not people but instead are entities created by the law of states and nations; and

WHEREAS; for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people's laws; and

WHEREAS, *Citizens United v. Federal Election Commission*, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, *Citizens United* overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections; and

WHEREAS, *Citizens United* unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS, *Citizens United* purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections; and

WHEREAS, *Citizens United* presents a serious and direct threat to our republican democracy; and

WHEREAS, hundreds of municipalities across the nation are joining together to call for an Amendment to the United States Constitution to establish that political speech and spending by corporate entities to influence the political process must be regulated and made subservient to the people's interest in authentic democracy and self-governance; and

WHEREAS, the people of the United States previously have used the constitutional amendment process to correct decisions of the U.S. Supreme Court that are deemed to be egregious and wrongly decided and which go to the heart of our democracy and self-government;

NOW THEREFORE BE IT RESOLVED by the Charlottesville City Council that we call upon the Virginia state legislature and the United States Congress to support a constitutional amendment to reverse *Citizens United v. Federal Election Commission* and to restore constitutional rights and fair elections to the people.

Approved by Council  
June 4, 2012

A handwritten signature in cursive script, appearing to read "George Bayfield", written over a horizontal line.

Clerk of Council



**A RESOLUTION  
AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS  
TO ACQUIRE REAL PROPERTY AND EASEMENTS (BOTH PERMANENT AND  
TEMPORARY) AT 1000 BIRDWOOD ROAD (CITY REAL PROPERTY TAX MAP  
PARCEL 450007000), FOR THE CONSTRUCTION OF THE ROUTE 250 BYPASS  
INTERCHANGE AT McINTIRE ROAD PROJECT  
VDOT Project No. 0250-104-103, R201 (UPC 60234)  
Federal Project No. HPP-5104 (191)**

**WHEREAS**, the City Council of the City of Charlottesville, Virginia has made the construction of the Route 250 Bypass Interchange at McIntire Road (“Interchange”) project a high priority as a fully funded state and federal project in the current approved Virginia Department of Transportation’s 6-Year Improvement Program; and,

**WHEREAS**, the Congress’s Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (and amended in 1987) is being followed to make all right of way and easement offers necessary for construction of the Interchange project; and,

**WHEREAS**, the City has made a bona fide offer of the fair market value of the necessary right of way and permanent and temporary easements to the owner of the land, The Covenant School, Inc., as shown on the attached drawing dated January 20, 2012, and Easement Plan dated April 2012, which offer has not been accepted; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that this Council hereby approves the acquisition by condemnation proceedings of the following real property and easements from The Covenant School, Inc.:

- (1) Approximately 7,358 square feet of land to be used as public right of way;
- (2) Approximately 5,265 square feet of land for a permanent drainage easement;
- (3) Approximately 2,278 square feet of land for a permanent utility easement; and
- (4) Approximately 5,170 square feet of land for a utility easement overlapping with a drainage easement, all shown on the attached drawing dated January 20, 2012.

And

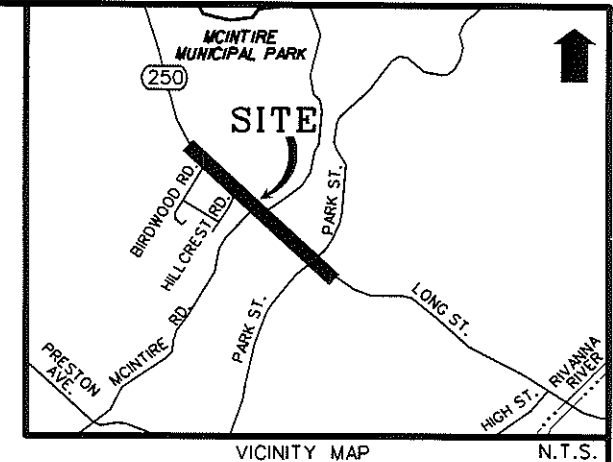
- (5) A temporary construction easement of 6,069 square feet of land, as shown on the attached Easement Plan dated April 2012.

**BE IT FURTHER RESOLVED** that the City Council hereby states that the real property acquired pursuant to this resolution shall be used as public right of way to be owned and maintained by the City of Charlottesville, and hereby finds that the acquisition of the property and easements as shown on the attached drawings is necessary for the purpose of constructing the Interchange project. Nothing herein shall be construed as prohibiting the voluntary acquisition of the necessary real property and easements through further negotiations with the landowner.

TAX MAP/PARCEL	LAND OWNER	DB/PG
45/7	THE COVENANT SCHOOL, INC.	533/235
RIGHT OF WAY ACQUISITION	PERM. DRAINAGE EASEMENT	PERM. UTILITY EASEMENT
7357 SQ. FT. (0.1689 AC.)	5265 SQ. FT. (0.1208 AC.)	7448 SQ. FT. (0.1710 AC.)

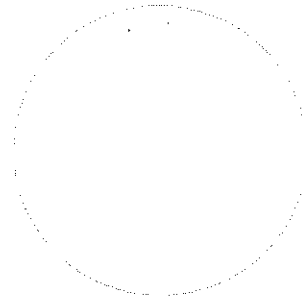
LINE DATA TABLE		
	BEARING	DIST.
L1	S57° 34'51"E	33.80
L2	S57° 22'32"E	23.12
L5	N21° 42'39"W	40.34
L6	S57° 58'41"E	32.58
L7	S33° 05'09"W	16.47
L8	S40° 19'42"E	60.33

CURVE DATA TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD BEARING	CHORD
C1	85° 47'48"	10.00	9.29	14.97	N75° 33'35"E	13.61
C2	05° 57'21"	71.20	3.70	7.40	S30° 06'28"W	7.40
C3	68° 33'40"	71.20	48.53	85.20	S08° 38'02"E	80.20
C4	00° 45'47"	71.20	0.47	0.95	S26° 44'54"W	0.95
C5	01° 29'03"	71.20	0.92	1.84	S26° 23'16"W	1.84
C6	57° 25'59"	71.50	39.17	71.67	N03° 06'32"W	68.71
C7	76° 00'23"	31.20	24.38	41.39	S04° 54'51"E	38.42



**NOTES**

1. THIS COMPILED PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
2. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY RKK, RECEIVED ON JAN. 16, 23, AND MAY 22, 2012.
3. THIS COMPILED PLAT WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
4. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
5. MERIDIAN SOURCE:  
VDOT PROJECT COORDINATES, VA STATE PLANE,  
SOUTH ZONE, GRID NORTH



PLAT SHOWING PROPOSED  
RIGHT OF WAY ACQUISITION AND  
EASEMENTS ON THE PROPERTY OF

THE COVENANT SCHOOL, INC.

CITY OF CHARLOTTESVILLE, VIRGINIA

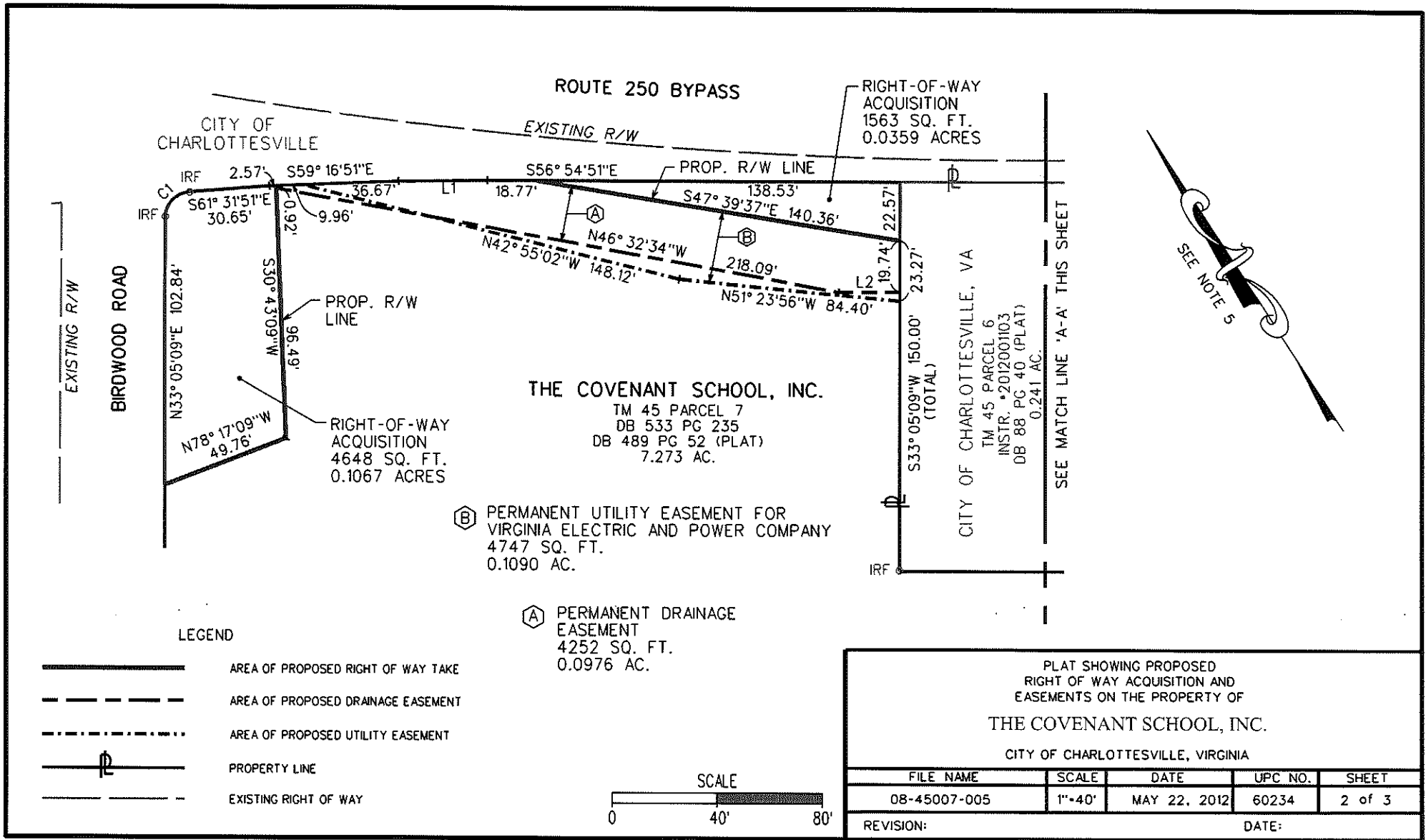
PREPARED BY:



**nxi** Engineers, Surveyors  
Construction Managers

114 east cary street, suite 200  
richmond, virginia 23219  
(804) 644-4600

FILE NAME	SCALE	DATE	UPC NO.	SHEET
08-45007-005	N.T.S.	MAY 22, 2012	60234	1 of 3
REVISION:			DATE:	

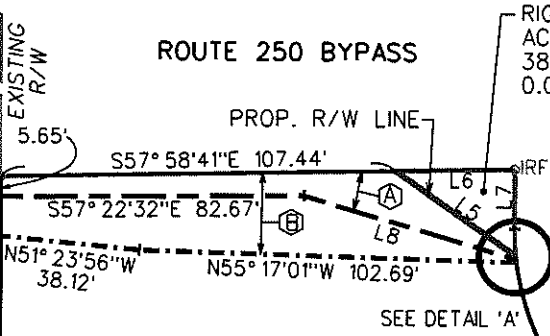


PLAT SHOWING PROPOSED  
 RIGHT OF WAY ACQUISITION AND  
 EASEMENTS ON THE PROPERTY OF  
**THE COVENANT SCHOOL, INC.**  
 CITY OF CHARLOTTESVILLE, VIRGINIA

FILE NAME	SCALE	DATE	UPC NO.	SHEET
08-45007-005	1"=40'	MAY 22, 2012	60234	2 of 3
REVISION:			DATE:	

SEE MATCH LINE 'A-A' THIS SHEET

**ROUTE 250 BYPASS**



RIGHT-OF-WAY ACQUISITION  
385 SQ. FT.  
0.0088 ACRES

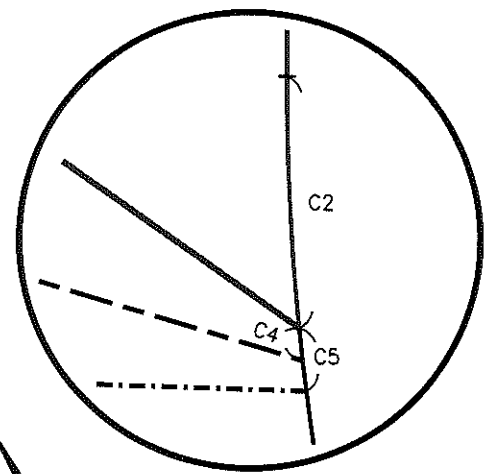
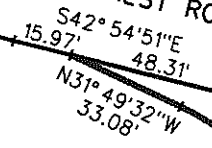
**THE COVENANT SCHOOL, INC.**

TM 45 PARCEL 7  
DB 533 PG 235  
DB 489 PG 52 (PLAT)  
7.273 AC.

- (A) PERMANENT DRAINAGE EASEMENT  
1013 SQ. FT.  
0.0232 AC.
- (B) PERMANENT UTILITY EASEMENT FOR VIRGINIA ELECTRIC AND POWER COMPANY  
2701 SQ. FT.  
0.0620 AC.

RIGHT-OF-WAY ACQUISITION  
761 SQ. FT.  
0.0175 ACRES

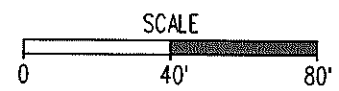
**HILLCREST ROAD**



SEE NOTE 5

**LEGEND**

- AREA OF PROPOSED RIGHT OF WAY TAKE
- AREA OF PROPOSED DRAINAGE EASEMENT
- AREA OF PROPOSED UTILITY EASEMENT
- PROPERTY LINE
- EXISTING RIGHT OF WAY



PLAT SHOWING PROPOSED RIGHT OF WAY ACQUISITION AND EASEMENTS ON THE PROPERTY OF <b>THE COVENANT SCHOOL, INC.</b> CITY OF CHARLOTTESVILLE, VIRGINIA				
FILE NAME	SCALE	DATE	UPC NO.	SHEET
08-45007-005	1"=40'	MAY 22, 2012	60234	3 of 3
REVISION:			DATE:	

**A RESOLUTION  
AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS  
TO ACQUIRE REAL PROPERTY AND EASEMENTS (BOTH PERMANENT AND  
TEMPORARY) LOCATED ON McINTIRE ROAD (1) and HILLCREST ROAD (2)  
(CITY REAL PROPERTY TAX MAP PARCELS 450003000, 450004000, and 450026000),  
FOR THE CONSTRUCTION OF THE ROUTE 250 BYPASS INTERCHANGE AT  
McINTIRE ROAD PROJECT  
VDOT Project No. 0250-104-103, R201 (UPC 60234)  
Federal Project No. HPP-5104 (191)**

**WHEREAS**, the City Council of the City of Charlottesville, Virginia has made the construction of the Route 250 Bypass Interchange at McIntire Road (“Interchange”) project a high priority as a fully funded state and federal project in the current approved Virginia Department of Transportation’s 6-Year Improvement Program; and,

**WHEREAS**, the Congress’s Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (and amended in 1987) is being followed to make all right of way and easement offers necessary for construction of the Interchange project; and,

**WHEREAS**, the City has made a bona fide offer of the fair market value of the necessary right of way and permanent and temporary easements to the owner of the land, Middle Mountain, LLC, as shown on the attached drawing dated January 20, 2012 and Easement Plan dated April 2012, which offer has not been accepted; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that this Council hereby approves the acquisition by condemnation proceedings of the following real property and easements from Middle Mountain, LLC:

- (1) Approximately 21,580 square feet of land to be used as public right of way; and
- (2) Approximately 5,956 square feet of land for a utility easement, both shown on the attached drawing dated January 20, 2012.

And

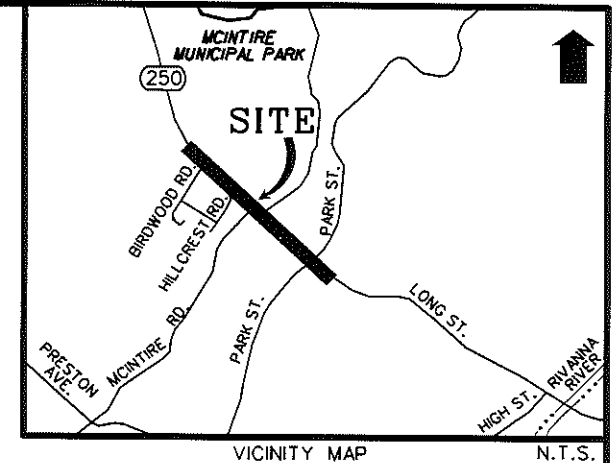
- (3) A temporary construction easement of 13,441 square feet of land, as shown on the attached Easement Plan dated April 2012.

**BE IT FURTHER RESOLVED** that the City Council hereby states that the real property acquired pursuant to this resolution shall be used as public right of way to be owned and maintained by the City of Charlottesville, and hereby finds that the acquisition of the property and easements as shown on the attached drawings is necessary for the purpose of constructing the Interchange project. Nothing herein shall be construed as prohibiting the voluntary acquisition of the necessary real property and easements through further negotiations with the landowner.

TAX MAP/PARCEL	LAND OWNER	DB/PG	RIGHT OF WAY ACQUISITION	PERM. UTILITY EASEMENT
45/4	MIDDLE MOUNTAIN, LLC	1091/618	10990 SQ. FT. (0.2524 AC.)	3433 SQ. FT. (0.079 AC.)
45/3	MIDDLE MOUNTAIN, LLC	1091/823	9312 SQ. FT. (0.214 AC.)	2523 SQ. FT. (0.058 AC.)
45/26	MIDDLE MOUNTAIN, LLC	1091/618	1278 SQ. FT. (0.029 AC.)	

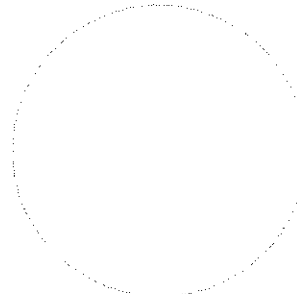
LINE DATA TABLE		
	BEARING	DIST.
L1	S55° 49'22"E	16.60'
L2	S41° 07'22"E	13.20'
L3	S33° 06'38"W	8.26'
L4	N56° 50'24"W	4.63'
L5	S03° 52'48"W	9.47'
L6	N56° 53'22"W	14.44'
L7	S56° 50'24"E	4.53'

CURVE DATA TABLE						
CURVE	DELTA	RADIUS	TANGENT	ARC	CHORD BEARING	CHORD
C1	01° 22'48"	561.50	6.76	13.52	N40° 21'20"W	13.52
C2	89° 23'15"	10.00	9.89	15.60	N77° 48'34"E	14.07



**NOTES**

1. THIS COMPILED PLAT WAS PREPARED TO SHOW THE ACQUISITIONS NOTED, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY HEREON.
2. ACQUISITIONS SHOWN ARE BASED ON FILES PROVIDED BY RKK, RECEIVED ON JAN. 16 AND 23, 2012.
3. THIS COMPILED PLAT WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY HEREON.
4. NO DESIGNATION OR LOCATION OF SUBSURFACE UTILITIES WAS PERFORMED DURING THE PREPARATION OF THIS PLAT.
5. MERIDIAN SOURCE:  
VDOT PROJECT COORDINATES, VA STATE PLANE,  
SOUTH ZONE, GRID NORTH



PLAT SHOWING PROPOSED RIGHT OF WAY ACQUISITION  
AND EASEMENTS ON THE PROPERTY OF

MIDDLE MOUNTAIN, LLC  
TM 45  
PARCELS 3, 4 AND 26

CITY OF CHARLOTTESVILLE, VIRGINIA

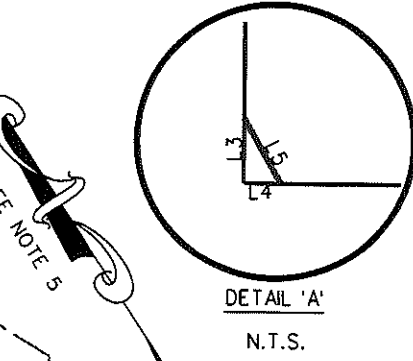
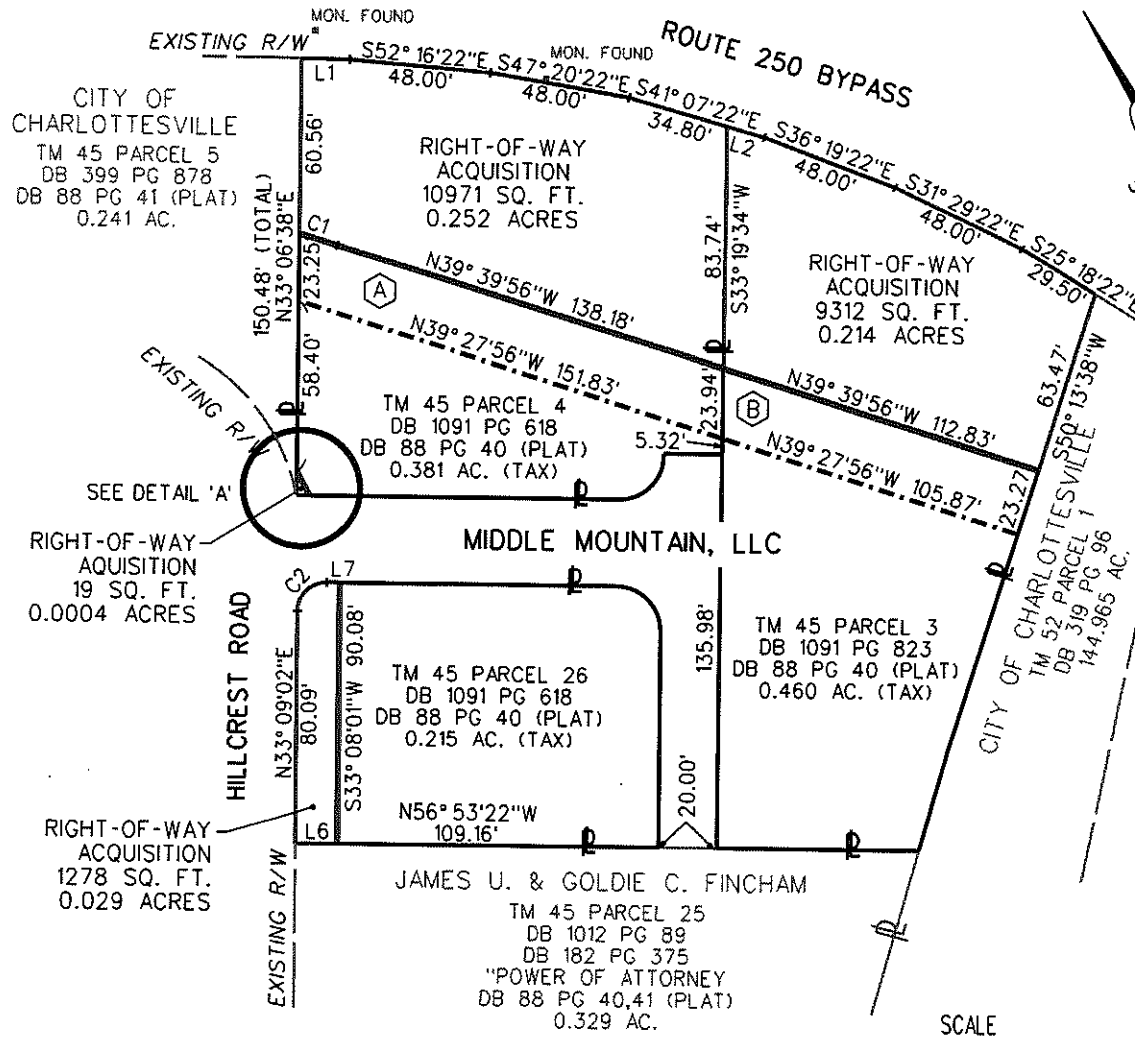
PREPARED BY:



**nxd** | Engineers, Surveyors  
Construction Managers

114 east cary street, suite 200  
richmond, virginia 23219  
(804) 644-4600

FILE NAME	SCALE	DATE	UPC NO.	SHEET
11-13-009-010-027	N.T.S.	JAN. 20, 2012	60234	1 of 2
REVISION:			DATE:	



**(A)**  
 PERMANENT UTILITY EASEMENT  
 FOR VIRGINIA ELECTRIC  
 AND POWER COMPANY  
 3433 SQ. FT. (0.079 AC.)

**(B)**  
 PERMANENT UTILITY EASEMENT  
 FOR VIRGINIA ELECTRIC  
 AND POWER COMPANY  
 2523 SQ. FT. (0.058 AC.)

DETAIL 'A'  
 N.T.S.

LEGEND

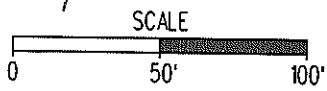
- AREA OF PROPOSED RIGHT OF WAY TAKE
- AREA OF PROPOSED UTILITY EASEMENT
- PROPERTY LINE
- EXISTING RIGHT OF WAY

PLAT SHOWING PROPOSED RIGHT OF WAY ACQUISITION  
 AND EASEMENTS ON THE PROPERTY OF

**MIDDLE MOUNTAIN, LLC**  
 TM 45  
 PARCELS 3, 4 AND 26

CITY OF CHARLOTTESVILLE, VIRGINIA

FILE NAME	SCALE	DATE	UPC NO.	SHEET
11-13-009-010-027	1"=50'	JAN. 20, 2012	60234	2 of 2
REVISION:		DATE:		



**AN ORDINANCE  
AMENDING AND REORDAINING  
CHAPTER 31 (UTILITIES) OF THE CODE  
OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED,  
TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES  
FOR CITY GAS, WATER AND SANITARY SEWER.**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that:

**1. Sections 31-56, 31-60, 31-61, 31-62, 31-102, 31-106, 31-153 and 31-156 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:**

**CHAPTER 31. UTILITIES**

**ARTICLE II. GAS**

DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES

**Sec. 31-56. Rates - Generally.**

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	\$ <del>12.6194</del>	<u>10.6424</u>
Next 3,000 cubic feet, per 1,000 cubic feet	\$ <del>11.8622</del>	<u>10.0039</u>
Next 144,000 cubic feet, per 1,000 cubic feet	\$ <del>10.6003</del>	<u>8.9396</u>
All over 150,000 cubic feet, per 1,000 cubic feet	\$ <del>10.3479</del>	<u>8.7268</u>

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**Sec. 31-60. Interruptible sales service.**

(a) *Conditions.* . . .

(b) *Customer's agreement as to discontinuance of service.* . . .

(c) *Basic monthly service charge.* The basic monthly charge for interruptible sales service shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$9.7949~~ \$8.0400 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic



feet, and ~~\$8.1533~~ \$6.4067 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$8.1533~~ \$6.4067 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required.* . . .

**Section 31-61. Interruptible Transportation Service.**

(a) *Generally.* ...

(b) *Rate.* The rate for transportation service shall be ~~\$4.2207~~ \$3.9257 per decatherm for a combined IS and TS customer and \$3.04 per decatherm for a customer receiving only TS gas.

(c) *Basic Monthly Service Charge.* Each combined IS and TS customer shall pay a monthly service charge of \$150.00 per meter for the right to receive TS service plus the basic monthly service charge of \$60.00 per meter for IS gas. TS only customers shall pay a monthly service charge of \$150 per meter.

- (d) . . .
- (e) . . .
- (f) . . .
- (g) . . .
- (h) . . .
- (i) . . .
- (j) . . .

**Section 31-62. Purchased gas adjustment.**

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed March 1, ~~2011~~ 2012.

(2) Such base unit costs are ~~\$6.0176~~ \$4.5416 per one thousand (1,000) cubic feet for firm gas service and ~~\$4.5362~~ \$2.999 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

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#### ARTICLE IV. WATER AND SEWERS GENERALLY

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#### **Sec. 31-102. Application for water service; water connection charges generally; installation of meters, etc.**

(a) Whenever any person owning or leasing property for which water service has been installed desires the initiation of water delivery, he shall make written application to the director of finance on forms prescribed by the director.

(b) Whenever any person owning or leasing property along an existing city water main desires to provide a service connection from such main to such property, he shall make application to the director of finance on forms prescribed by the director. The charge for a water connection for a meter provided, installed and set by the city under this subsection shall be as follows:

Meter Size	ERC	Water Meter Set Fee	Water Facility Fee
5/8"	1	\$200.00	<del>\$2,800.00</del> <u>3,100.00</u>
1"	2.5	370.00	<del>7,000.00</del> <u>7,750.00</u>
1-1/2"	5	390.00	<del>14,000.00</del> <u>15,500.00</u>
2"	8	410.00	<del>22,400.00</del> <u>24,800.00</u>
3"	15	500.00	<del>42,000.00</del> <u>46,500.00</u>
4"	25	540.00	<del>70,000.00</del> <u>77,500.00</u>
6"	50	620.00	<del>140,000.00</del> <u>155,000.00</u>

For purposes of this section an "equivalent residential connection" ("ERC") is defined as the ratio of a large use customer's anticipated water and sewer usage to a base customer, a single-family dwelling served by a 5/8-inch water meter. This ratio is based on the customer's water meter size as indicated above.

For the purposes of this section, the "water facility fee" is defined as a charge levied to offset existing or planned future capital costs necessary to meet the service needs of city water customers. The amount of the water facility fee is based on the customer's water meter size as indicated above.

The applicant for a service connection shall install all water service lines and install an approved meter box. The city will install all taps for meter sizes greater than 5/8-inch.

If the applicant desires a larger service and meter than listed in the foregoing table, he shall be furnished an estimate of the cost by the city engineer.

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**Sec. 31-106. Sewer connections generally.**

(a) All sanitary sewer connections shall be done by the applicant; extensions of all lines in city streets shall be performed by or approved in advance by the city. The cost of connecting to the city sewer shall be determined based on the water meter size or equivalent residential connections (ERC), whichever fee is greater, as follows:

Meter Size	ERC	Sewer Facility Fee
5/8"	1	<del>\$3,210.00</del> <u>5,350.00</u>
1"	2.5	<del>8,025.00</del> <u>13,375.00</u>
1-1/2"	5	<del>16,050.00</del> <u>26,750.00</u>
2"	8	<del>25,680.00</del> <u>42,800.00</u>
3"	15	<del>48,150.00</del> <u>80,250.00</u>
4"	25	<del>80,250.00</del> <u>133,750.00</u>
6"	50	<del>160,500.00</del> <u>267,500.00</u>

For the purposes of this subsection, multi-family housing shall equal 0.5 ERC per unit and hotels shall equal 0.33 ERC per room. "Multi-family housing" shall include all buildings or structures with three (3) or more dwelling units, regardless of whether the units are individually owned or leased.

As used herein, a "sewer facility fee" is defined as a charge levied to offset existing or planned future capital costs necessary to meet the service needs of city sanitary sewer customers. The amount of the sewer facility fee is based on the customer's water meter size or the number of equivalent residential connections as indicated above.

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## ARTICLE IV. WATER AND SEWER SERVICE CHARGES

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### Sec. 31-153. Water rates generally.

(a) Water rates shall be as follows:

	<u>May-September</u>	<u>October-April</u>
(1) Monthly service charge.	\$4.00	\$4.00
(2) Metered water consumption, per 1,000 cu. ft .	<del>\$50.10</del> <u>49.93</u>	<del>\$38.54</del> <u>38.41</u>

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

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### Sec. 31-156. Sewer service charges generally.

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) A basic monthly service charge of four dollars (\$4.00).

(2) An additional charge of ~~forty four dollars and seventy cents (\$44.70)~~ fifty dollars and twenty-five cents (\$50.25) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

**2. The foregoing amendments shall become effective July 1, 2012; provided, however, that the amendments to the amounts of the water and sewer connection fees in Sections 31-102 and 31-106 (the "facilities fees") shall not be applicable to any building or development for which a City building permit has been issued and on-site construction commenced on or before June 4, 2012.**