



**CITY COUNCIL AGENDA
June 18, 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**

Cville Bike Community Partner Award; Better Business Challenge

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 June 4

b. APPROPRIATION:

Amendments to FY 2013 Adopted City Schools General Fund & Other Governmental Funds Budget - \$615,174 (1st of 2 readings)

c. APPROPRIATION:

Housing Rehabilitation Loan Repayment - \$18,884.36 (1st of 2 readings)

d. APPROPRIATION:

Housing Rehabilitation Small Repair Loan Repayment - \$743.60 (1st of 1 reading)

e. RESOLUTION:

School Resolutions Regarding Virginia Retirement System Rates and Employee Contributions for FY 2013 (1st of 1 reading)

f. RESOLUTION:

City Contribution to Charlottesville Area Cultural Art Plan - \$25,000 (1st of 1 reading)

g. RESOLUTION:

MACAA Matching Funds for DHCD Housing Solution Grant (HSG) - \$48,000 (1st of 1 reading)

h. RESOLUTION:

PHAR Matching Funds for Bama Works Grant - \$25,000 (1st of 1 reading)

i. RESOLUTION:

FY13 Supplemental Contribution to Virginia Cooperative Extension - \$7,355 (1st of 1 readings)

j. ORDINANCE:

Council Access to Employee Medical and Dental Plans (2nd of 2 readings)

k. ORDINANCE:

Homeowner Tax Relief Grant – 2012 (2nd of 2 readings)

l. ORDINANCE:

Personal Property Tax Assessment of Vehicles Used by Students (2nd of 2 readings)

m. ORDINANCE:

Grant of Utility Easement Under 11th Street to UVA Foundation (2nd of 2 readings)

n. ORDINANCE:

Conveyance of easement to Dominion VA Power – McIntire Rd Interchange (2nd of 2 readings)

o. ORDINANCE:

Conveyance of easement to Century link – McIntire Rd Interchange (2nd of 2 readings)

p. ORDINANCE:

Eton Road Planned Unit Development (2nd of 2 readings)

2. PUBLIC HEARING / RESOLUTION*

Route 250 Bypass Interchange at McIntire Road - Acquisition of MACAA Property (1st of 1 reading)

3. REPORT

Community Investment Collaborative Update

4. REPORT

Promise Neighborhood Grant Update

**OTHER BUSINESS
MATTERS BY THE PUBLIC**

*ACTION NEEDED

APPROPRIATION
Housing Rehabilitation Small Repair Loan Repayment
\$743.60

WHEREAS, the City of Charlottesville has received prior payments in the amount of \$743.60 and anticipates receiving future payment of \$67.60 per month from the payoff of a small repair loan associated with the property located at 708 Concord Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that all funds from the loan payoff are hereby appropriated in the following manner:

Revenues- \$743.60

Fund: 426 Funded Program: CP-084 G/L Account: 451090

Expenditures- \$743.60

Fund: 426 Funded Program: CP-084 G/L Account: 599999

BE IT FURTHER RESOLVED that future funds received from for this purpose will be considered as a continuing appropriation and immediately available unless further altered by Council.

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the City of Charlottesville does hereby acknowledge that the Charlottesville City Schools 55503 has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities; and

BE IT ALSO RESOLVED, that the City of Charlottesville does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Charlottesville City Schools to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of the City of Charlottesville are hereby authorized and directed in the name of the City of Charlottesville to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the City of Charlottesville, as appropriate, shall be affixed and attested by the Clerk.



Satyendra Singh Huja, Mayor

CERTIFICATE

I, Paige Barfield, Clerk of the City of Charlottesville certify that the foregoing is a true and correct copy of a resolution passed by the City of Charlottesville and ratified by the City of Charlottesville at a lawfully organized meeting of the City of Charlottesville held at Charlottesville, Virginia at 7 o'clock on June 18, 2012. Given under my hand and seal of the City of Charlottesville this 18th day of June, 2012.



Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate

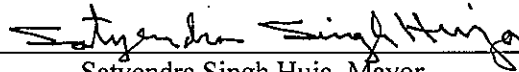
(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the City of Charlottesville does hereby acknowledge that the Charlottesville City Schools 40203 has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities; and

BE IT ALSO RESOLVED, that the City of Charlottesville does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Charlottesville City Schools to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of the City of Charlottesville are hereby authorized and directed in the name of the City of Charlottesville to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the City of Charlottesville, as appropriate, shall be affixed and attested by the Clerk.



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I, Paige Barfield, Clerk of the City of Charlottesville certify that the foregoing is a true and correct copy of a resolution passed by the City of Charlottesville and ratified by the City of Charlottesville at a lawfully organized meeting of the City of Charlottesville held at Charlottesville, Virginia at 7 o'clock on JUNE 18 June, 2012. Given under my hand and seal of the City of Charlottesville this 18th day of June, 2012.



Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

RESOLUTION
City Contribution to Charlottesville Area Cultural Art Plan
\$25,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$25,000 is hereby paid from currently appropriated funds in the Public Arts Fund in the Capital Improvement Program Fund to the Piedmont Council for the Arts:

\$25,000

Fund: 425

Project: P-00180

RESOLUTION
MACAA Matching Funds for DHCD Housing Solution Grant (HSG)
\$48,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$48,000 be paid to MACAA to match a DHCD Housing Solution Grant, from funds that will come out of Fiscal Year 12 - 13 Charlottesville Housing Funds upon its availability after July 1, 2012.

Fund: 426

Project: CP-084

G/L Account: 599999

RESOLUTION
PHAR Bama Works Grant Match
\$25,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$25,000 be paid to the Charlottesville Redevelopment and Housing Authority for PHAR's outreach program from funds that will come out of Fiscal Year 12 - 13 Charlottesville Housing Funds upon its availability after July 1, 2012.

Fund: 426

Project: CP-084

G/L Account: 599999

RESOLUTION
FY 2013 Supplemental Contribution to Virginia Cooperative Extension
\$7,355

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Charlottesville that funds is transferred within the General Fund as follows:

Transfer From

Fund: 105 Cost Center: 1631001000 G/L Code: 599999

Transfer To

Fund: 105 Cost Center: 9743001000 G/L Code: 540100

BE IT FURTHER RESOLVED, that this transfer will not occur until after July 1, 2012.

**AN ORDINANCE
AMENDING AND REORDAINING
SECTIONS 19-136, 19-137, 19-138 AND 19-139 OF ARTICLE V
OF CHAPTER 19 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS
AMENDED, RELATING TO THE ELIGIBILITY OF MEMBERS OF CITY COUNCIL
TO PARTICIPATE IN THE CITY'S GROUP HEALTH INSURANCE PLAN**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Sections 19-136, 19-137, 19-138, and 19-139 of Article V of Chapter 19 of the Code of the City of Charlottesville are hereby amended and reordained as follows:

ARTICLE V. GROUP HEALTH INSURANCE PLAN

Sec. 19-136. Eligibility

City employees who work at least twenty (20) hours per week, other than temporary or seasonal employees, and members of City Council during their service in office, are eligible to participate in the city's group insurance plan for health care coverage.

Sec. 19-137. Employee cost.

Full-time eligible employees and members of City Council are eligible to receive basic health care coverage at city expense, but the city reserves the right to offer extra coverage at employee expense.

- (1) Eligible employees who work thirty (30) to thirty-nine (39) hours per week are eligible to receive basic health care coverage if they pay twenty-five (25) percent of the cost; the city will pay the remainder.
- (2) Eligible employees who work twenty (20) to twenty-nine (29) hours per week are eligible to receive basic health care coverage if they pay fifty (50) percent of the cost; the city will pay the remainder.

Sec. 19-138. Enrollment of family members.

Those employees and members of City Council eligible for health care coverage are also eligible to enroll family members in the plan at employee or City Councilor expense and subject to certain age, residence and other restrictions which may vary from time to time.

Sec. 19-139. Termination of coverage; termination of service; retirement.

(a) . . .

(b) . . .

(i) City contributions to the cost of health care coverage for any member of City Council shall cease as of the last day of the month in which service as a member of City Council ends; provided, however, that coverage may continue during the period that coverage is required to be available on a continuation basis pursuant to the Public Health Services Act, if the former Councilor or other qualified beneficiary pays one hundred percent (100%) of the cost plus a two percent (2%) administrative fee, if charged by the city.

AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS WITHIN THE CITY OF CHARLOTTESVILLE

WHEREAS, effective July 1, 2006, §50.7 of the Charter of the City of Charlottesville authorizes City Council to make grants and loans of funds to low- or moderate-income persons to aid in the purchase of a dwelling within the City; and

WHEREAS, this City Council desires to offer a monetary grant for Fiscal Year 2012, to aid low- and moderate-income citizens with one of the ongoing expenses associated with the purchase of a dwelling, *i.e.* real estate taxes; and

WHEREAS, public funding is available for the proposed grant;

NOW, THEREFORE, effective July 1, 2012 and for calendar year 2012, the Charlottesville City Council hereby ordains:

Grant—provided.

(a) There is hereby provided to any natural person, at such person's election, a grant in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided within this section shall be subject to the restrictions, limitations and conditions prescribed herein following.

(b) If, after audit and investigation, the commissioner of revenue determines that an applicant is eligible for a grant, the commissioner of revenue shall so certify to the city treasurer, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on December 5, 2012.

(c) The amount of each grant made pursuant to this ordinance shall be \$525 for taxpayers with a household income of \$0-25,000, and shall be \$375 for taxpayers with a household income from \$25,001-\$50,000, to be applied against the amount of the real estate tax bill due on December 5, 2012.

Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant* means any natural person who applies for a grant authorized by this ordinance.

(2) *Dwelling* means a residential building, or portion such building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this ordinance.

(3) *Grant* means a monetary grant in aid of payment of taxes owed for the taxable year, as provided by this ordinance.

(4)*Spouse* means the husband or wife of any applicant who resides in the applicant's dwelling.

(5)*Real estate* means a city tax map parcel containing a dwelling that is the subject of an grant application made pursuant to this ordinance.

(6)*Taxes owed for the current tax year* refers to the amount of real estate taxes levied on the dwelling for the taxable year.

(7)*Taxable year* means the calendar year beginning January 1, 2012.

(8)*Household income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant, of the applicant's spouse, and of any other person who is an owner of and resides in the applicant's dwelling. The commissioner of revenue shall establish the household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Eligibility and restrictions, generally.

A grant awarded pursuant to this ordinance shall be subject to the following restrictions and conditions:

(1)The household income of the applicant shall not exceed \$50,000.

(2)The assessed value of the real estate owned by the applicant shall not exceed \$365,000.

(3)The applicant shall own an interest in the real estate that is the subject of the application (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset) and the applicant shall not own an interest in any other real estate (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset).

(4)As of January 1 of the taxable year and on the date a grant application is submitted, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must intend to occupy the real estate throughout the remainder of the taxable year. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(5)An applicant for a grant provided under this ordinance shall not participate in the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) for the taxable year, and no grant shall be applied to real estate taxes on property subject to such program.

(6)An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

(7)Only one grant shall be made per household.

Procedure for application.

(a) Between July 1 and September 1 of the taxable year, an applicant for a grant under this ordinance shall file with the commissioner of revenue, in such manner as the commissioner shall prescribe and on forms to be supplied by the city, the following information:

(1) the name of the applicant, the name of the applicant's spouse, and the name of any other person who is an owner of and resides in the dwelling.

(2) the address of the real estate for which the grant is sought;

(3) the household income;

(4) such additional information as the commissioner of revenue reasonably determines to be necessary to determine eligibility for a grant pursuant to this ordinance.

(b) Changes in household income, ownership of property or other eligibility factors occurring after September 1, but before the end of the taxable year, shall not affect a grant once it has been certified by the commissioner of the revenue, in which case such certified grant shall be applied to the subject real estate.

(c) Any person who willfully makes any false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

**AN ORDINANCE
AMENDING AND REORDAINING SEC. 30-34 OF ARTICLE I, CHAPTER 30
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO SITUS OF VEHICLES WITH RESPECT TO
PERSONAL PROPERTY TAX ASSESSMENT**

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

1. Section 30-34 of Article I of Chapter 30 (Taxation) of the Code of the City of Charlottesville, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 30-34. Tax date; situs.

(a) All tangible personal property, machinery and tools subject to city taxation, except as provided under section 30-38, shall be returned for taxation and assessed as of January first of each year, and the status of all such taxpayers fixed as of that date.

(b) Tangible personal property, and machinery and tools shall be taxable by the city in any year if they are physically present within the corporate limits as of January first.

(c) The situs for purposes of assessment of motor vehicles, travel trailers, boats and aircraft shall be the city, if they are normally garaged, parked or otherwise physically kept in the city as of January first, or other appropriate situs date as provided under section 30-38; however, (i) the situs for vehicles with a weight of ten thousand (10,000) pounds or less registered in Virginia but normally garaged, docked or parked in another state shall be the locality in Virginia where registered; ~~and~~ (ii) if the owner of a business files a return pursuant to § 58.1-3518 of the Virginia Code for any vehicle with a weight of ten thousand (10,000) pounds or less registered in Virginia and used in the business with the locality from which the use of such vehicle is directed or controlled and in which the owner's business has a definite place of business, as defined in §58.1-3700.1, the situs for such vehicles shall be such locality, provided the owner has sufficient evidence that he has paid the personal property tax on the business vehicles to such locality; and (iii) in the event that a motor vehicle is used by a full-time student attending an institution of higher education, and such use establishes that the motor vehicle is normally garaged in the location of the institution of higher education, the situs shall be the domicile of the owner of the motor vehicle, provided the owner, upon request of the City, presents sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

(1) In the event it cannot be determined where a motor vehicle, travel trailer, boat or aircraft is normally parked, garaged or kept, the situs for taxation shall be the domicile of the owner. Any person domiciled in another state, whose motor vehicle is principally garaged or parked in the City of Charlottesville during the tax year, shall not be subject to a personal property tax on such vehicle upon a showing of sufficient evidence that such person has paid a personal property tax on the vehicle in the state in which he is domiciled. In the event the owner of a motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

- (2) Any person who shall pay a personal property tax on a motor vehicle to the City of Charlottesville and a similar tax on the same vehicle in the state of his domicile, or in the state where such motor vehicle is normally garaged, docked, or parked, may apply to the city for a refund of such tax payment. Upon a showing by the taxpayer of sufficient evidence that he has paid the tax for the same year in the state in which he is domiciled, the city will refund the amount of such payment.

2. This ordinance shall take effect on July 1, 2012.

**AN ORDINANCE
AUTHORIZING THE GRANT OF A 40 YEAR
UTILITY EASEMENT FOR WATER LINES UNDER 11TH STREET
TO THE UNIVERSITY OF VIRGINIA FOUNDATION**

WHEREAS, the University of Virginia Foundation desires an easement for repair and maintenance of underground water line facilities which are located within the 11th Street right-of-way in the City; and

WHEREAS, the City Engineer has reviewed and approved the request for the easement pursuant to the terms contained in the attached Deed of Easement; and,

WHEREAS, in accordance with Virginia Code section 15.2-1800, a public hearing was held before City Council to give the public an opportunity to comment on the grant of said easement; now, therefore

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Deed of Easement, in form approved by the City Attorney, to grant the University of Virginia Foundation the easement shown on the attached plat made by Timmons Group, dated December 6, 2011.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF AN EASEMENT
TO DOMINION VIRGINIA POWER
IN CONNECTION WITH 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, Dominion Virginia Power has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia along the Route 250 Bypass and McIntire Road, as shown on the attached Easement Plan dated April 2012, for the installation of underground and above-ground electric lines and equipment; and

WHEREAS, relocation of certain existing overhead electrical lines to underground locations will minimize maintenance of the lines and protect major transmission lines for Dominion Virginia Power, and create a more attractive view along the Route 250 Bypass; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Right of Way Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF AN EASEMENT
TO CENTRAL TELEPHONE COMPANY OF VIRGINIA d/b/a CenturyLink
IN CONNECTION WITH 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, Central Telephone Company of Virginia d/b/a CenturyLink (CL) has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia along the Route 250 Bypass and McIntire Road, as shown on the attached Easement Plan dated April 2012, for the relocation, installation and maintenance of underground and above-ground telecommunications equipment; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Communication System Easement agreement, in form approved by the City Attorney, granting the above-described easement to Central Telephone Company of Virginia d/b/a CenturyLink.

**AN ORDINANCE
DENYING A REQUEST TO REZONE PROPERTY LOCATED AT
2712 ETON ROAD (CITY TAX MAP 19, PARCEL 10)
FROM R-1 (RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, Alex Hancock (“Applicant”), the Owner of property located at 2712 Eton Road, identified on City Tax Map 19 as Parcel 10, submitted an application seeking a rezoning of such property from R-1 Residential to Planned Unit Development (PUD), hereinafter the “Proposed Rezoning”; and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on May 8, 2012, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on May 8, 2012, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council because it would not serve the interests of general public welfare or good zoning practice. Specifically, the Planning Commission found that the current R-1 Residential zoning classification of the parcel is reasonable; that a rezoning to PUD could cause problems related to traffic and parking in the surrounding neighborhood; and the proposed concept plan does not differ significantly from a by-right plan. The Planning Commission found that the proposed rezoning did not meet the standard that there should be a need and justification for the change in zoning; and

WHEREAS, this Council finds that the existing “R-1” Residential district zoning is reasonable and that the Proposed Rezoning does not serve the interests of general public welfare or good zoning practice; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the request to rezone the property at 2712 Eton Road is hereby denied.

**A RESOLUTION
AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS
TO ACQUIRE PROPERTY LOCATED AT 1025 PARK STREET
(CITY REAL PROPERTY TMP 470007100) 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, Monticello Area Community Action Agency (“MACAA”), 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 MACAA:

- (1) Approximately 18,734 square feet of land to be used as public right of way; and
- (2) Approximately 1,700 square feet of land for a permanent utility easement, both shown on the attached drawing dated January 20, 2012.

And

- (3) A temporary construction easement of approximately 17,496 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.