



CITY CHECK LIST
PURCHASE OF PROPERTY
(must be fully completed)

SELLER(S): MOORES CREEK FARM LLC

PURCHASER: CITY OF CHARLOTTESVILLE

PROPERTY LOCATION:
(see Exhibit A for a location map of property)

ADDRESS: 410 Old Lynchburg Rd.

PARCEL NUMBER: County TMP# 07600-00-00-055E0

TOTAL ACRES: 8.6145

PURCHASE PRICE: \$350,000

PROPOSED CLOSING DATE:

City Manager/Deputy City Manager approval to proceed for City Council approval:


Signature


6/30/2023
Date

Proposed Use of Property: The Department of Parks and Recreation seeks to acquire land for general park uses, trail development, possible stream restoration and to support urban agriculture and community farm/garden use. The parcel to be acquired is an approximately 8.6145 acre property, located in Albemarle County, along Moores Creek adjacent to Azalea Park, north of I-64, at the south end of the City.

Funding Source(s) and amount:

State:

Virginia Land Conservation Fund (VLCF)	\$175,000
Land and Water Conservation Fund (LWCF)	\$175,000

Special Conditions Required by Funding Source for Acquisition:

VLCF requires: The property must be dedicated in perpetuity as open-space land under the Open-Space Land Act (Virginia Code §§ 10.1-1700 to 10.1-1705), specifying one or more of the purposes described in the Virginia Land Conservation Fund Act, Virginia Code § 10.1-1020 et seq.

LWCF requires the following deed restriction language:

"This property has been acquired or developed with Federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund act of 1965, as amended. Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the Interior. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

Special Conditions Required for Acquisition: Verbal agreement to work with the IRC urban community "farm" to identify framework for their continued use of portion of this property for garden/farm or relocation to adjacent City owned property that is higher up out of flood hazard zone.

Assessed Value (Insert Year): 2023 \$9,300

Appraised Value: 2015: \$540,000 2021: \$300,000 2022: \$130,000

There were three different appraisals done over the last 10 years, and \$350,000 is the average/median price of the three. This was discussed with both of the grant funding agencies to ensure they agreed to this price as well, and they confirmed it was reasonable. The most recent appraisal does not allow recent purchases of land for park use as a comparable value due to federal rules. In most cases land is worth less as parkland than developed, but in this case the park value is higher due to development constraints on the land.

Alternative(s) to Acquisition (i.e. easement): The trail can be created with an easement, but not the parkland expansion or community garden/farm preservation.

Background on Request for Property Acquisition:

The acquisition of this parcel is in line with the City Trails Plan and also is requested in the Azalea Park Master plan created in 2010 with community input and approved by City Council. Parks staff has been talking with the landowner for many years. The property was recently willed to the surviving heirs to George Cason and they have agreed to a price for the sale. Staff has acquired two grants so that the city only pays for the survey and legal costs of the acquisition. This acquisition allows the existing Rivanna Trail nature path and the proposed ADA complaint shared use paved trail to be located on the south side of Moores Creek. This will eliminate the need for a bicycle and pedestrian bridge, which would cost more than the land cost and require long term maintenance. The property also provides public ownership of both banks of Moores creek to allow future stream restoration work and buffer tree planting.

Requirements for City Department Prior to Action by City Council/Closing:

- ☒ Determine Assessed Value and if an Appraisal is needed **ASSESSED VALUE AND 3 APPRAISALS**
- ☒ Determine and identify funding source(s) **YES**
- ☒ Prepare and circulate memo for City Department(s): **see Exhibit E**
 - **Finance – funds are available**
 - **Utilities – no existing utilities**
 - **Public Works / Environmental**
 - **Parks & Rec – maintenance**
 - **Albemarle County Planning – zoning confirmation**
- ☒ Deputy City Manager approval – to continue with due diligence on purchase
Initial: ARM Date: 6/30/2023
- ☒ Order Environmental Review (if required) **PHASE 1 ESA REVIEWED. NO FURTHER ESA NEEDS.**
- ☒ Order Appraisal (if required) **3 APPRAISALS COMPLETED**
- ☒ Identify if seller has attorney – if yes, gather contact information **YES**
- ☒ Obtain any required language for deeds and approval(s) in writing from City departments or outside funding agencies for deed language and terms **See VLCF and LWCF requirements ABOVE**
- ☒ Obtain Legal Description of Property **YES**
- ☐ Obtain fully executed Purchase Agreement
- ☒ Title Search **YES**
 - Order search and pro forma title commitment
 - If survey plat available, send plat to them by e-mail
- ☒ Order Plat, if one is not available **PLAT – see Exhibit C**
- ☐ Continue Circulation of memo for City Department(s):
 - City Attorney's Office – no legal issues outstanding
 - Deputy City Manager of Operations – concur with department recommendations

☒ Prepare DRAFT Council Agenda Memorandum – draft review by Office of Community Solutions **DRAFT PREPARED**

- Finalize Council Agenda
 - Schedule City Council meeting date
- ☐ Council Resolution to Purchase Land (no PH required for Acquisition/Purchase §15.2-1800, except acquisition by condemnation) **DRAFT PREPARED**
- ☐ Title Insurance (not needed for Quitclaim) – needed for larger/more complex transactions
- ☐ Earnest money / deposit required – City Department making request to coordinate
- ☐ Schedule Closing – City Attorney's Office to coordinate and schedule
- ☐ Distribute final Closing Documents to:
 - City Attorney's Office
 - Office of Community Solutions
- ☐ Record Final Deed

Moores Creek Farm LLC
312 College Circle
Staunton, VA 24401

July 17, 2023

Mr. Chris Gensic
City of Charlottesville
Parks and Recreation
501 East Main Street
Charlottesville, VA 22902

Mr. Gensic,

As the representative of my family, which owns an 8.45 acre property on Old Lynchburg Road in Albemarle County under our Moores Creek Farm LLC, I am writing to confirm that we are still on board with the City of Charlottesville on the proposal to acquire the property for public park and trail uses. We have agreed to the price of \$350,000 and are awaiting a purchase agreement for our review and approval.

We look forward to taking the next steps to complete the transaction in the next two months.

I can be reached at casonrick@gmail.com or 540-294-1972 if you have need for further information.

Sincerely



Rick Cason, Manager

Exhibit A

Location Map and Aerial Map of Property

410 Old Lynchburg Road (aka Moores Creek Farm)

Owner(s): MOORES CREEK FARM LLC

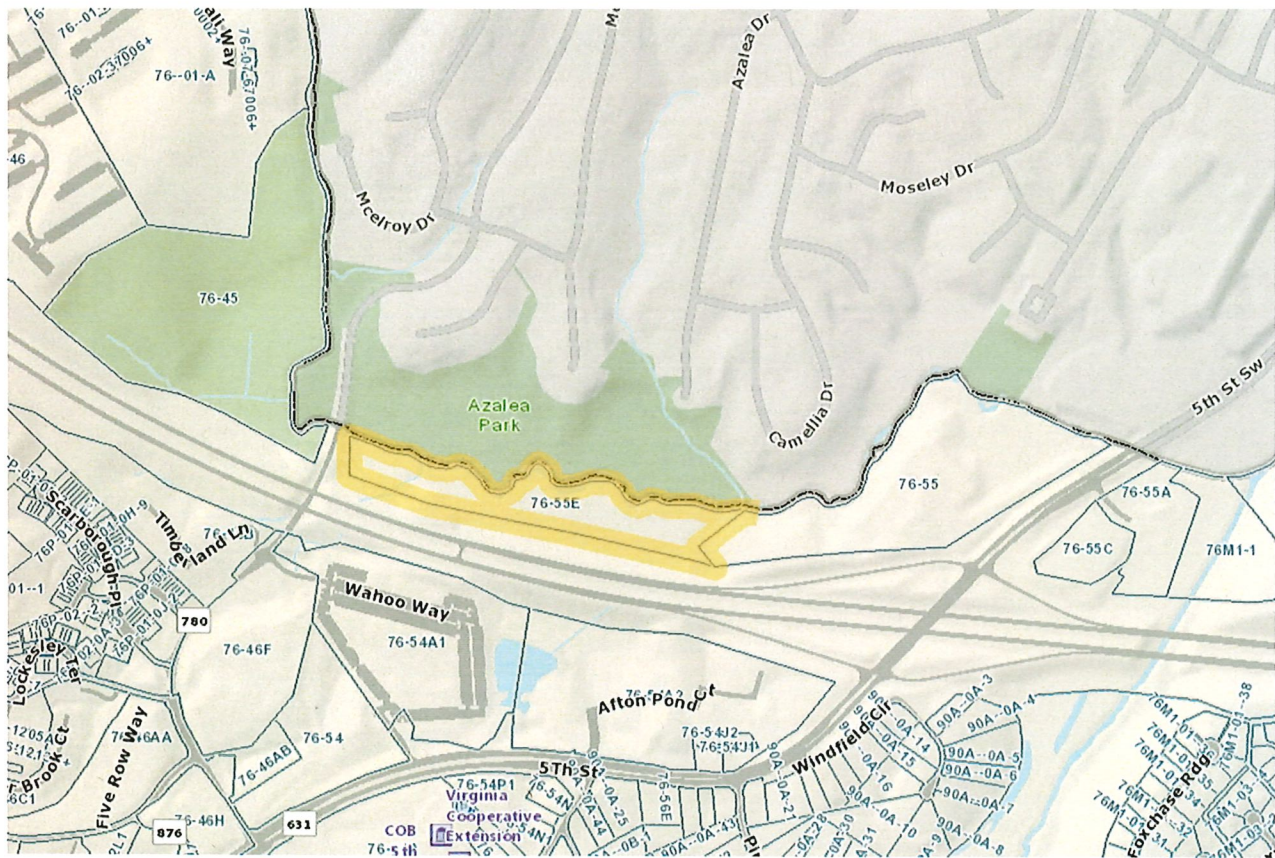


Exhibit A

Aerial Map of Property

410 Old Lynchburg Road



Exhibit B

Location Map of Property

Proposed acquisition of 8.45 acres of parkland property
Moore's Creek near Azalea Park - 410 Old Lynchburg Road
City of Charlottesville



Exhibit C - Plat

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	42°27'14"	80.00	59.28	31.07	57.93	S67°33'29"E
C2	96°01'59"	85.00	142.47	94.46	126.37	N85°39'22"E
C3	94°10'50"	95.00	111.78	73.15	99.61	N84°43'46"E
C4	77°24'50"	68.00	128.36	76.13	118.81	S86°53'10"E
C5	93°31'12"	78.00	127.31	82.95	113.64	S78°50'01"E
C6	84°20'49"	80.00	117.77	72.47	107.42	S74°14'39"E
C7	40°14'54"	90.00	63.22	32.98	61.93	N83°42'31"E

STATE ROUTE 780
OLD LYNCHBURG ROAD
VARIABLE WIDTH R/W

IRON FOUND AT
BROKEN MONUMENT

TIE LINE
N05°13'50"E
243.90'

OVERHEAD
UTILITY
LINES

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

POLE

Exhibit D - Previous City Council Approval(s)

#R-23-041

**RESOLUTION APPROPRIATING FUNDS for
Virginia Land Conservation Fund
Moore's Creek Land Acquisition
\$175,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded funding from the Virginia Land Conservation Fund to acquire land along Moore's Creek

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated in the following manner:

REVENUE

\$175,000 Fund: 426 WBS: PR-001 G/L Account: 430080

EXPENDITURES

\$175,000 Fund 426 WBS: PR-001 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$175,000 from the Virginia Land Conservation Fund.

	<u>Aye</u>	<u>No</u>
Payne	<u>x</u>	_____
Pinkston	<u>x</u>	_____
Purveyer	<u>x</u>	_____
Snook	<u>x</u>	_____
Wade	<u>x</u>	_____

Approved by Council
April 3, 2023

Kyna Thomas, MMC
Clerk of Council

#R-23-042

**RESOLUTION APPROPRIATING FUNDS from the
Land and Water Conservation Fund for
Moores Creek Land Acquisition
\$175,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded funding from the Land and Water Conservation Fund to acquire land along Moores Creek

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated in the following manner:

REVENUE

\$175,000 Fund:426 WBS: PR-001 G/L Account: 430080

EXPENDITURES

\$175,000 Fund 426 WBS: PR-001 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$175,000 from the Virginia Land Conservation Land and Water Conservation Fund.

Ratified 4/17/23 by a vote of 5-0

	<u>Aye</u>	<u>No</u>
Payne	<u>x</u>	_____
Pinkston	<u>x</u>	_____
Puryear	<u>x</u>	_____
Snook	<u>x</u>	_____
Wade	<u>x</u>	_____

Approved by Council
April 3, 2023



Kyna Thomas, MMC
Clerk of Council

Exhibit E - Input from City Departments (and County)

MEMORANDUM
Office of the City Attorney

TO: Sam Sanders, Deputy City Manager

FROM: Chris Gensic, Park and Trails Planner, Parks & Recreation Dept.

DATE: October 27, 2022

RE: Acquisition of Property for Greenbelt Trail

=====

I have been in contact with owners of the property at 410 Old Lynchburg Road, which is near the existing Moore's Creek greenbelt trail. Moore's Creek Farm LLC own property designated as Parcel 55E on County Tax Map 76, and has agreed to sell ~8.61 acres (~375,051 square feet), to the City for use as a greenbelt trail and/or additional park land, as shown on the attached drawing/plot.

The County Assessor values the portion of land at \$9,000. The property has been appraised at \$540,000 in 2015, \$300,000 in 2021, and has a 2022 UASFLA appraisal at \$130,000. The agreed upon sale price is \$350,000 and is being funded with a combination of LWCF and VLCF grant funds. The City is paying for appraisal, survey, and title work from the PR-001 Trail and Land Acquisition CIP account

Funds are Available:

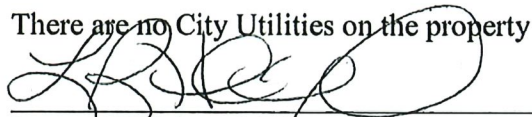

Comptroller **Gail Hassmer**
Chief Accountant

Date: 11-15-2022

Comments on the acquisition of the land regarding utilities, environmental liability, property maintenance, and Zoning have been received from Public Works/Environmental, NDS, Public Utilities, and Parks and Recreation.

PUBLIC UTILITIES:

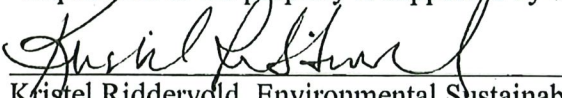
There are no City Utilities on the property to be acquired.


Lauren Hildebrand, Director

Date: 11/3/2022

PW/ENVIRONMENTAL:

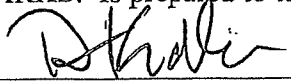
Based on a review of documents related to the grant application for this property acquisition, there are not environmental concerns noted. Staff is very familiar with this site, having visited it several times over the past years. A formal Phase I Environmental Site Assessment has been initiated. Upon review and determination that there are Recognized Environmental Concerns identified for this property, no further environmental investigation would be necessary at this time and the acquisition of the property is supported by this office.


Kristel Riddervold, Environmental Sustainability Division Manager

Date: 11/3/2022

11/15/22 - A Phase I ESA from 2014 has been reviewed. No recognized enviro. conditions were identified. No further ESA needs. KRR

PARKS: Is prepared to take on maintenance of the land for greenway and linear park purposes.



Dana Kasler, Director

Date: 11-15-22

Albemarle County Community Development: The current zoning of this parcel is *RA, Rural Area* (Section 10) and *Flood Hazard Overlay* (Section 30.3). The RA district allows Public Uses by-right (Section 10.2.1.9). The Flood Hazard Overlay allows by-right "*Recreational uses including, but not limited to, parks, swimming areas, golf courses and driving ranges, picnic areas, wildlife and nature preserves, game farms, fish hatcheries, hunting, fishing and hiking areas, athletic fields, and horse show grounds; provided that no primary or accessory structures are permitted under this classification*" (Section 30.3.11), subject to other provisions of the Flood Hazard Overlay District.)

The Comprehensive Plan's land use recommendation/designation for this property is *Parks and Green Systems*, and greenway/trail development is identified as a recommended improvement in this area. Establishment of a park in this location *may* require a review for compliance with the Comprehensive Plan as per 15.2 - 2232 of the Code of Virginia if the public use and scope and scale of activity is significantly different from that identified in the Comprehensive Plan.



David Benish, Chief of Planning, Albemarle County

Date: 12/13/17

CITY ATTORNEY'S OFFICE: No legal issues outstanding. The title work does not reveal any serious title issues. Our office will handle this real estate transaction in the event it is approved by the COO/CFO (or his designee) and City Council.

City Attorney

Date: _____

If you concur with the recommendations of the above-named departments, please indicate your approval of the land acquisition by signing below. If you do not agree, or have any questions about the conveyance, please note your objection or comments below.

Sam Sanders, Deputy City Manager

Date: _____

OBJECTION OR COMMENTS:

