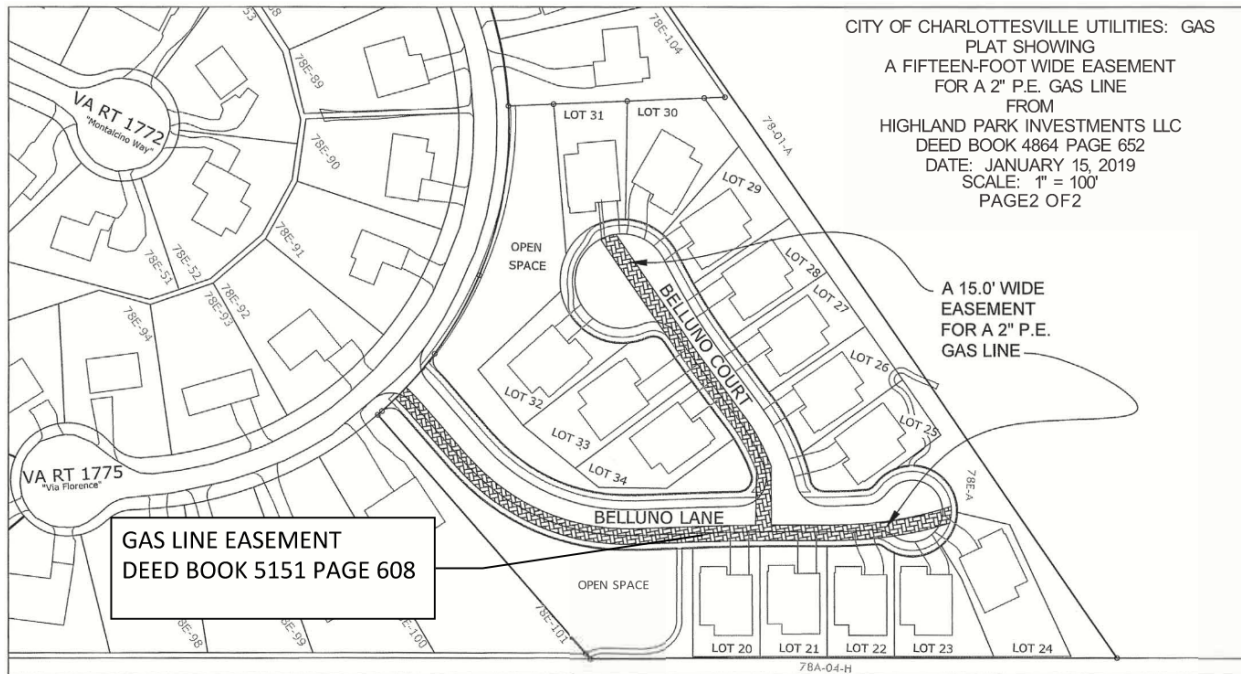


**ORDINANCE
QUITCLAIMING
CERTAIN UTILITY EASEMENTS
WITHIN THE PUBLIC RIGHTS OF WAY FOR BELLUNO LANE, BELLUNO COURT,
WITHIN THE HYLAND PARK SUBDIVISION LOCATED IN ALBEMARLE
COUNTY, VIRGINIA**

WHEREAS, the developers of the Hyland Park Subdivision (“Developers”) previously granted a gas line easement to the City, over and across land within the public rights of way for Belluno Lane and Belluno Court, in the location(s) depicted as follows:



WHEREAS, the public rights of way in which the City’s gas line easement is located will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to quitclaim the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City’s Director of Utilities has recommended that the Commonwealth’s request can be accommodated, so long as the City’s gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the easement is hereby quitclaimed, **PROVIDED, HOWEVER**, that the quitclaim of the foregoing easement is hereby made conditionally, subject to the following conditions:

1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Belluno Lane and Belluno Court as state-owned and maintained public streets or highways;
2. In the event that the rights-of-way for Belluno Lane or Belluno Court cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
3. The City Attorney has prepared a Deed of Quitclaim referencing the easement to be quitclaimed by this ordinance, and for recordation within the land records, consistent with this ordinance. Once signed, the City Attorney will cause the Deed of Quitclaim and this Ordinance to be recorded within the land records of the jurisdiction in which the easement quitclaimed by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

Approved by Council
_____, 2024

Clerk of Council