

ORDINANCE FOR AMENDMENT OF DEED OF EASEMENT (TMP: 48A-41AA)

WHEREAS, the City of Charlottesville, Virginia (“City”), is the holder/owner of a Temporary Construction Easement and a Bicycle and Pedestrian Access Easement (hereinafter the “Easements”) in Charlottesville, Virginia, depicted on the plat attached hereto as Exhibit “A,” and made a part fully hereof; and

WHEREAS, the City has completed the engineering for the Project and has determined that the alignment of the trail at the northern end, including a bridge across a wetland outfall, will need to shift ten (10) to fifteen (15) feet from where the City first anticipated the alignment; and

WHEREAS, to re-align the Easements to the better trail and bridge location, the City will need to update the Easement by abandoning a section of the existing Easements, which requires City Council action; and

WHEREAS, Locust Meadow Owners Association, has requested the Council of the City of Charlottesville, Virginia (“City Council”), to Amend a Deed of Easement, as identified on the plat attached as Exhibit “A,” and as further described in a Deed recorded with the Charlottesville Circuit Court Clerk’s Office as Instrument No. 201900002947, and

WHEREAS, since the proposed abandonment of a section of the existing Easements is for site development purposes, no Public Hearing is required under Virginia Code § 15.2-1800(B) is legally required; and

NOW THEREFORE BE IT ORDAINED, by City Council that the Amendment of the Deed of Easements abandoning the sections of the existing Easements are hereby approved. The City Attorney, or his designee, has prepared an Amendment to Deed of Easement to effectuate the amending of the Deed of Easement as approved by this Ordinance; and

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

Approved by Council _____

Clerk of Council