



RESOLUTION #R-__ -__
AUTHORIZING AGREEMENT TO SETTLE *WHITE V. CHARLOTTESVILLE CITY COUNCIL*

WHEREAS, on January 17, 2024, G. Edward White, Susan D. White, Roy Van Doorn, Kristi Van Doorn, Thomas J. Hill, as trustee of the Thomas J. Hill Trust, Kemp Hill, as trustee of the Kemp P. Hill Trust, Jenny Clay, Michael Bevier and Lillian Bevier (“Plaintiffs”) filed suit in Circuit Court for the City of Charlottesville arguing, in relevant part, that the City’s Comprehensive Plan, adopted January 17, 2023, and New Zoning Ordinance (“NZO”), adopted December 18, 2023, should be declared void based on allegations that the City failed to fulfill certain procedural requirements, specifically, certain requirements Plaintiffs alleged were required by Virginia Code §§ 15.2-2222.1, 15.2-2223(B)(1), and 15.2-2284; and

WHEREAS, on December 11, 2024, the Court, upon the City’s motion, dismissed Plaintiffs’ claims to the extent they challenged the validity of the Comprehensive Plan, but allowed Plaintiffs’ claims with respect to the NZO to proceed; and

WHEREAS, on or about December 30, 2024, Plaintiffs filed an Amended Complaint alleging the NZO should be declared void based on allegations that the City failed to comply with alleged procedural requirements contained in Virginia Code § 15.2-2222.1 regarding the submission of information to the Virginia Department of Transportation (“VDOT”) and § 15.2-2284 alleging the City failed to give adequate consideration to certain statutory factors; and

WHEREAS, on June 30, 2025 the Court ruled in favor of granting Plaintiffs a Default Judgment with respect to the Amended Complaint after the City’s outside counsel failed to timely file a required responsive pleading; and

WHEREAS, on September 2, 2025, the Court entered an Order granting the City’s Motion to Reconsider the Court’s decision to enter a Default Judgment, and further granted the City’s Motion for Relief from Default and for Leave to File a Late Answer; and

WHEREAS, following discussions between the parties and their counsel, Plaintiffs have agreed to file a Motion to Non-Suit the case if the City will agree to submit information to VDOT that Plaintiffs allege is required by Virginia. Code § 15.2-2222.1; and

WHEREAS, while the City continues to believe that such submission to VDOT is not required by Virginia law, and that it complied with all substantive and procedural requirements when it adopted the NZO, it is, nevertheless, willing to make the agreed upon submission to VDOT to settle this matter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the City Manager is hereby authorized to enter into a Settlement Agreement obligating the City to submit certain information to VDOT in exchange for the Plaintiffs’ agreement to file a motion to non-suit *White v. Charlottesville City Council*, Case No. CL24-25, within ten (10) days of the Settlement Agreement’s execution.



Date Adopted:

Certified: _____
Clerk of Council