

**AN ORDINANCE  
GRANTING PERMANENT AND TEMPORARY EASEMENTS  
ACROSS CITY-OWNED PROPERTY  
IN ALBEMARLE COUNTY (MELBOURNE ROAD AREA)  
TO THE COMMONWEALTH OF VIRGINIA (VDOT)  
FOR CONSTRUCTION OF THE MEADOW CREEK PARKWAY.**

**WHEREAS**, the Virginia Department of Transportation (VDOT), has asked the City of Charlottesville to grant permanent and temporary easements across City-owned property on or near Melbourne Road in the County of Albemarle (Tax Map 61, Parcel 193), described as follows:

- (i) Permanent easement of approximately 1.796 acres for road right-of-way;
- (ii) Permanent easement of approximately 2.561 acres for drainage, stormwater management and slopes;
- (iii) Approximately 0.504 acres for utility easements; and
- (iv) Temporary construction easement of approximately 3.722 acres to facilitate construction of the Meadow Creek Parkway and a public walking trail;

and shown on the attached highway plan sheets for VDOT Project No. 0631-002-128, C502,

**WHEREAS**, in accordance with Virginia Code ' 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the conveyance of this easement; and

**WHEREAS**, City staff have reviewed the request and have no objection to the conveyance of said easements to VDOT; and

**WHEREAS**, the Charlottesville City School Board has considered the proposed conveyances and by Resolution adopted on May 1, 2008 expressed their consent to the granting of the easements, subject to certain conditions.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute one or more Deeds of Easement and such other documents as may be requested by VDOT, in form approved by the City Attorney, to convey the above-described easements to the Commonwealth of Virginia, Virginia Department of Transportation.

**BE IT FURTHER ORDAINED** that the Council's consent to the conveyances of easements as described herein is contingent on the following conditions:

(1) that no part of the Meadow Creek Parkway project (i.e., the Albemarle County Meadow Creek Parkway section, the City McIntire Road Extended section, or the Interchange/Intersection project at the 250 Bypass and McIntire) will be open for public use until the entire project is complete and ready for opening;

(2) that safe and efficient means of passage for bicycles and pedestrians will be created and maintained at the intersection of the Parkway and Melbourne Road, as well as around Charlottesville High School property generally and around CATEC property (At a minimum there will be, well-marked crosswalks with pedestrian-activated, timed crossing lights at the Melbourne intersection and the entrance to CATEC);

(3) that appropriate landscaping and planting will be done to screen the Parkway from the playing fields;

(4) that the speed limit will be 25 miles per hour on the Parkway approaching the intersection in both directions at Melbourne Road and approaching in both directions the entrance to CATEC, marked by standard school zone signs with flashing lights; and,

(5) that the deed of easement conveying the permanent easement for construction of the road right-of-way will specifically provide that the duly constituted authorities of the City of Charlottesville shall have and retain exclusive control, jurisdiction and dominion over the intersection of the Meadow Creek Parkway / McIntire Road Extended and Melbourne Road for purposes of maintenance and the control and regulation of motor vehicle, pedestrian and bicycle traffic.

**BE IT FURTHER ORDAINED** that the Council's consent to the conveyances as described herein is with the further expectations that:

(1) if other practicable pedestrian-bicycle connections are identified, the City of Charlottesville, the County of Albemarle, and VDOT will earnestly commit to working together to secure funds as required either through VDOT contingencies, state "enhancement grants," and/or other local public (and private) sources as necessary;

(2) suitable replacement athletic field space will be created and made available to meet the needs of Charlottesville High School athletic programs or suitable existing athletic field space will be made available;

(3) truck traffic will be prohibited along the entire length of the Parkway;

(4) public transportation opportunities and/or carpooling will be encouraged to thereby cut down on the number of vehicles using the Parkway;

(5) the replacement park land being acquired for the City, as part of the Meadow Creek Parkway project, and the land designated for the linear park on land already owned by the City,

will be placed in a Conservation Easement or will be otherwise similarly protected against development into the future; and

(6) that the City School Board will be afforded ongoing and timely input into the design, location and funding of the intermediate bicycle-pedestrian connection(s) as well as the final design of the intersections of Melbourne Road, Rio Road and the Parkway will be ensured.