

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 20, 2018
Action Required:	Adoption of Ordinance Vacating Brandon Avenue and Portion of Monroe Lane/15 th Street
Presenter:	Lisa A. Robertson, Acting City Attorney
Staff Contacts:	Lisa A. Robertson, Acting City Attorney Lauren Hildebrand, Director, Public Utilities
Title:	Ordinance Proposed for Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street

Background:

In 2016, the University of Virginia developed a Master Plan to redevelop several properties adjacent to Brandon Avenue to be a model green student community, including: academic spaces, student wellness facilities, student housing, and a central “green street”. Brandon Avenue is centrally located, being near the Health System, the South Lawn, and Jefferson Park Avenue. The redevelopment project envisions multi-functional green space, enhanced pedestrian connections, and a mix of uses for the student community. At its meeting on November 14, 2017, the Planning Commission voted to certify to City Council that the proposed street closing is in accordance with the Comprehensive Plan. The staff report and renderings presented for the Planning Commission’s review are available on the Planning Commission’s webpage (among the agenda materials for the November 14, 2017 meeting).

Currently, most of the land parcels adjacent to Brandon Avenue are owned by the University of Virginia. The parcels that are not owned by the UVA Foundation include The Monroe Building and the Baptist Student Center. The University is petitioning the City to vacate all of the City’s public interests in Brandon Avenue and a portion of Monroe Lane/15th Street, so that site work can be completed in preparation for UVA’s redevelopment project and then title to the land can be transferred to UVA for construction of buildings and other improvements. Ultimately, a University owned street which incorporates vegetation, soil and engineered systems (e.g., bioretention basins) in order to capture, slow, filter and cleanse rainwater at its source will be constructed and maintained by UVA (“Green Street”).

Discussion:

University officials have worked with staff from Neighborhood Development Services, Public Utilities and the City Attorney’s Office to examine the benefits and address possible drawbacks

of this application, from the City's perspective. In making its decision, City Council should consider whether the proposal is in the best interest of the public welfare, safety or convenience. One issue that almost always arises is: what will happen to City-owned utilities located within the area proposed to be vacated? Staff has engaged in an extensive review of the impact of the proposal on Utility Systems and on the City's transportation network. Staff and consultants for the University have been working to obtain utility construction/ relocation plans acceptable to the City's Director of Utilities; however, final approval of the plans has not yet been reached.

Utilities

1. *Utility lines to be relocated*—Brandon Avenue contains natural gas lines, water lines and stormwater drainage lines which will all have to be relocated. If City Council approves the attached Ordinance, it should condition the approval on:

(i) the City's receipt of easements (satisfactory to the City's Director of Utilities as to location and width) for all of the relocated lines, and

(ii) UVA or the UVA Foundation should be responsible for all costs and expenses of relocating the city-owned lines, and for re-installation of new lines of materials and sizes approved by the City's Director of Utilities, within the easements, in locations acceptable to the City's Utilities Director, all in accordance with utility construction plans and specifications acceptable to the Utilities Director.

The easements would need to be granted by appropriate deeds, drafted by or approved by the City Attorney's Office as to form. Within each easement, the City will retain ownership and maintenance responsibilities for existing/ relocated utility lines, so long as the Utilities Director agrees that the location of the lines is such that the lines will be protected during and after construction of buildings, and adequate access for city maintenance, repair or replacement is assured.

2. *Utility lines to remain in place*--There are utility lines in Monroe Lane that will remain in place, and easements for these lines will be reserved by the City. The University Foundation or UVA (whichever entity owns the land at the time of a deed of vacation) will provide a plat showing the actual location of these utility lines, suitable for recordation in the City's land records.

There is also an outstanding housekeeping matter from a prior street vacation approved by the City several years ago. The University Foundation or UVA will also execute a Utility Maintenance Agreement for sewer and storm drains located under the South Parking Garage, in a form suitable for recordation in the City's land records, upon being presented with a document approved by the City Attorney's Office.

Transportation Networks

3. *Bus transportation*—with the increased density of people and buildings that will be present upon completion of UVA's Project, the City's Traffic Engineer is of the opinion that an improved bus stop will be necessary, due to likely traffic backups on JPA attributable to bus

queuing. UVA's construction and development plans should incorporate an improved bus stop located within the redevelopment area, with the location and plans and specifications for the bus stop to be approved in advance by the City Traffic Engineer. The Project is not sufficiently far along in construction design, at this time, to be able to identify a specific location, with specific dimensions.

4. *Bicycle and Pedestrian Plan*—the City's Bicycle and Pedestrian Master Plan Vision Network envisions the current area of Brandon Avenue as a Bicycle Arterial Route (a route intended to carry the highest number of bicyclists and to operate as a "spine" of the network). A shared use path or protected/ separated bicycle lanes are the preferred treatment for this corridor. UVA's Project would not necessarily preclude the achievement of the goals of the Vision Network, if the vacation of Brandon Avenue were to include the following conditions:
 - a. UVA's construction and development plans shall incorporate a shared use path or protected/ separated bicycle lanes, in locations that will provide the necessary connectivity for the planned Bicycle Arterial Route. Recorded easements authorizing public use of these paths should be provided.
 - b. UVA's construction and development plans shall not preclude a future connection over/under the railroad tracks to connect the Green Street Project area and Valley Road.
 - c. UVA's construction and development plans shall provide an east/ west bicycle/ pedestrian connection through its redevelopment site, and improved pedestrian crossings at the intersections of JPA, Hospital Drive and the end of the new Green Street to be constructed by UVA.
 - d. The Project is not sufficiently far along in the construction design phase that the location and dimension of specific buildings (other than the Upper Class Housing building, which will be the first to be constructed) can be known. Because of this, the City Attorney's Office recommends that the timing for satisfaction of the above-referenced conditions be tied to the phasing of construction (currently, three buildings are planned; the location of the easements/ connections/ bus stop should all be established prior to commencement of construction of any third building within the area of this redevelopment project).
5. *Generally*—the City's determination that UVA's Project (i.e., the redevelopment of the properties adjacent to Brandon Avenue, and the vacation of Brandon Avenue/ Monroe/15th Street for construction of a Green Street) is consistent with the Comprehensive Plan and the public welfare, safety and convenience, is based on a very specific development proposal which has been presented to the City by the UVA Foundation and UVA. The City's approval of the vacation of Brandon Avenue should be conditioned upon that specific project coming to fruition: in other words, the area within the Brandon Avenue right-of-way should be used and developed only as a Green Street.

Alignment with City Council's Vision and Strategic Plan:

The project supports City Council's "Green City" and "A Center for Lifelong Learning" vision. It contributes to Goal 3: A Beautiful and Sustainable Natural and Built Environment, and Objective 3.1 Engage in robust and context sensitive urban planning and implementation. This project also aligns with the Streets That Work initiative.

Community Engagement:

On November 14, 2017 an advertised joint public hearing of the Planning Commission and City Council was held to discuss the proposed street closing request, in accordance with Va. Code Sec. 15.2-2006. Previously, the UVA Master Plan was discussed at several meetings of the Master Planning Council (open public meetings) and with the Jefferson Park Avenue Neighborhood Association in May, 2017. The Rector and Board of Visitors of UVA voted at a public meeting to approve the Schematic Design for the Redevelopment Area, on September 16, 2017.

Budgetary Impact:

The City will no longer bear the expense of maintaining Brandon Avenue, to include sidewalks and the streetscape and this will have a positive budget impact.

Recommendation:

If City Council determines that the proposed vacation should be approved, staff recommends that the vacation of the street be approved conditionally, consistent with the matters set forth within the "Discussion" section, above. We have drafted the attached Ordinance to include the recommended conditions, and the ordinance directs the Clerk of Council to provide a certified copy of the approved ordinance of vacation suitable for filing in the Clerk's Office, only upon being instructed to do so by the City Attorney.

Alternatives:

Council can amend the proposed Ordinance to insert additional conditions, or deny the request altogether.

Attachments:

UVA Request Letter with Drawings and Maps attached
Proposed Ordinance



One Boar's Head Pointe • P.O. Box 400884
Charlottesville, VA 22904-4884
434-982-5914

*The Office of The Senior Vice President
For Operations*

Real Estate & Leasing Services

September 8, 2017

Ms. Lisa Robinson
Deputy City Attorney
City of Charlottesville
P.O. Box 911
Charlottesville, Virginia 22902

Re: Petition to close Brandon Avenue
Petition to close a portion of Monroe Lane
Request for easement along a portion of Monroe Lane

Dear Ms. Robinson:

The University of Virginia requests the closure of Brandon Avenue and a portion of Monroe Avenue as well as the grant of an easement along a portion of Monroe Lane. The closings are a first step in reconfiguring the Brandon Avenue area into a model green mixed-use community. The University plans to construct a number of buildings, along a newly designed street, to include housing and student wellness, along with others that complement a vibrant student community. Our goal is to create a sustainable streetscape which enhances the student experience.

We have support to close Brandon Avenue from the three adjacent property owners which include Monroe Brandon LLC, the Virginia Baptist Board, and the University of Virginia Foundation. Similarly, we have the support of the University of Virginia Foundation, to close the proposed portion of Monroe Lane. The support of the adjacent property owners are evidence that no inconvenience to them will result.

A street closing request, and support materials are attached. Please let me know if additional information is required, and I look forward to working with your office on this initiative.

Sincerely,

A handwritten signature in blue ink, appearing to read "CH", is placed above the printed name.

Charles Hurt, Jr.
Director
Real Estate and Leasing Services

Enclosures:

Petition to close Brandon Avenue and a portion of Monroe Lane
Narrative
City Tax Map delineating square footage of Brandon Avenue / Monroe Lane
Plats and ownership list of adjacent owners
Title Synopsis
Brandon Monroe, LLC support letter

PETITION TO CLOSE A STREET OR ALLEY

Please Return To: Department of Neighborhood Development Services
PO Box 911, City Hall, Charlottesville, Virginia 22902
Telephone (434) 970-3182 Fax (434) 970-3359

FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.



A. PETITIONER INFORMATION

Petitioner Name: The Rector and Visitors of the University of Virginia

Petitioner Mailing Address: Real Estate and Leasing Services, P.O. Box 400884, Charlottesville, VA 22904-4884

Does Petitioner currently own property adjacent to the area requested to be closed? Yes If no, please explain _____

Petitioner Phone Number(s): _____

Work: 434 982-5914

Home: _____

Fax _____

Email: cwh4cm@virginia.edu

B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

Property Owner Name

Mailing Address

City Tax Map and Parcel #

University of Virginia Foundation, P.O. Box 400218, Charlottesville, VA 22904

see additional sheet for properties

Virginia Baptist Board, 2828 Emerywood Pkwy, Richmond, VA 23294

110088000

Brandon-Monroe, L.L.C., 201 15th Street NW Suite 1A, Charlottesville, VA 22903

110104000

The Rector and Visitors of the University of Virginia, P.O. 400884, Charlottesville, VA 22904-4884

see additional sheet for properties

C. PETITIONER'S REQUEST

1. That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)
Brandon Avenue, 50' ROW, approximately 879'
Monroe Lane, 30' ROW, approximately 451'
2. Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative. Confirmed, all three adjacent owners support the closure.
3. That land owners along and adjacent to said street or alley desire and request the street or alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners. Letters will be provided.
4. Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
5. Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
6. Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted,

Charles Hurt, Jr. Rector & Visitors
Signature of Petitioner(s) Real Estate Services

Charles Hurt, Jr. Director, Real Estate and Leasing Services, University of Virginia
Print

The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

FOR OFFICE USE ONLY (Sign Posting)

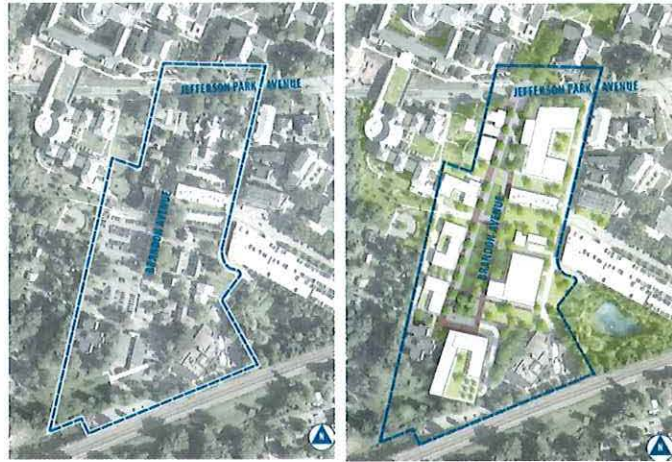
I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date:

Signature _____

Date Paid: _____ Amt. Paid: _____ Check #: _____ Recorded by: _____

Brandon Avenue Green Street Narrative

The University is petitioning to close Brandon Avenue and a small portion of Monroe and to facilitate the redevelopment of Brandon Avenue area. Brandon Avenue is centrally located - adjacent to the Health System and South Lawn and just across Jefferson Park Avenue from The Lawn within the Central Grounds. The redevelopment will transform the Brandon area into a model green community where students will live and learn in a distinctive student experience. Building street fronts will include teaching and academic spaces, student wellness facilities and housing. The redeveloped street will incorporate:



- A landscaped bio-retention area which will be the centerpiece of a multi-functional green space
- A system of enhanced pedestrian connections to South Lawn, the Academical Village, the Health System, and adjacent neighborhoods.
- A mix of uses to include student wellness, academics, and housing all curated to activate the street and foster a heightened student experience.

Aligned with the City zoning code and Streets That Work program, the redevelopment vision includes a distribution of academic, research, and residential uses.



The improved intersection of Brandon and Jefferson Park Avenue will include 1) reducing the curb radius to minimize pedestrian street crossing distances, 2) visible crosswalks, 3) enhancing the eastbound bus stop and 4) reconstructing the ADA ramps at the corners, based on the recommendations of our transportation consultant.



Charlottesville
GIS Viewer

Legend

Parcels

Addresses

City Limits

N

E

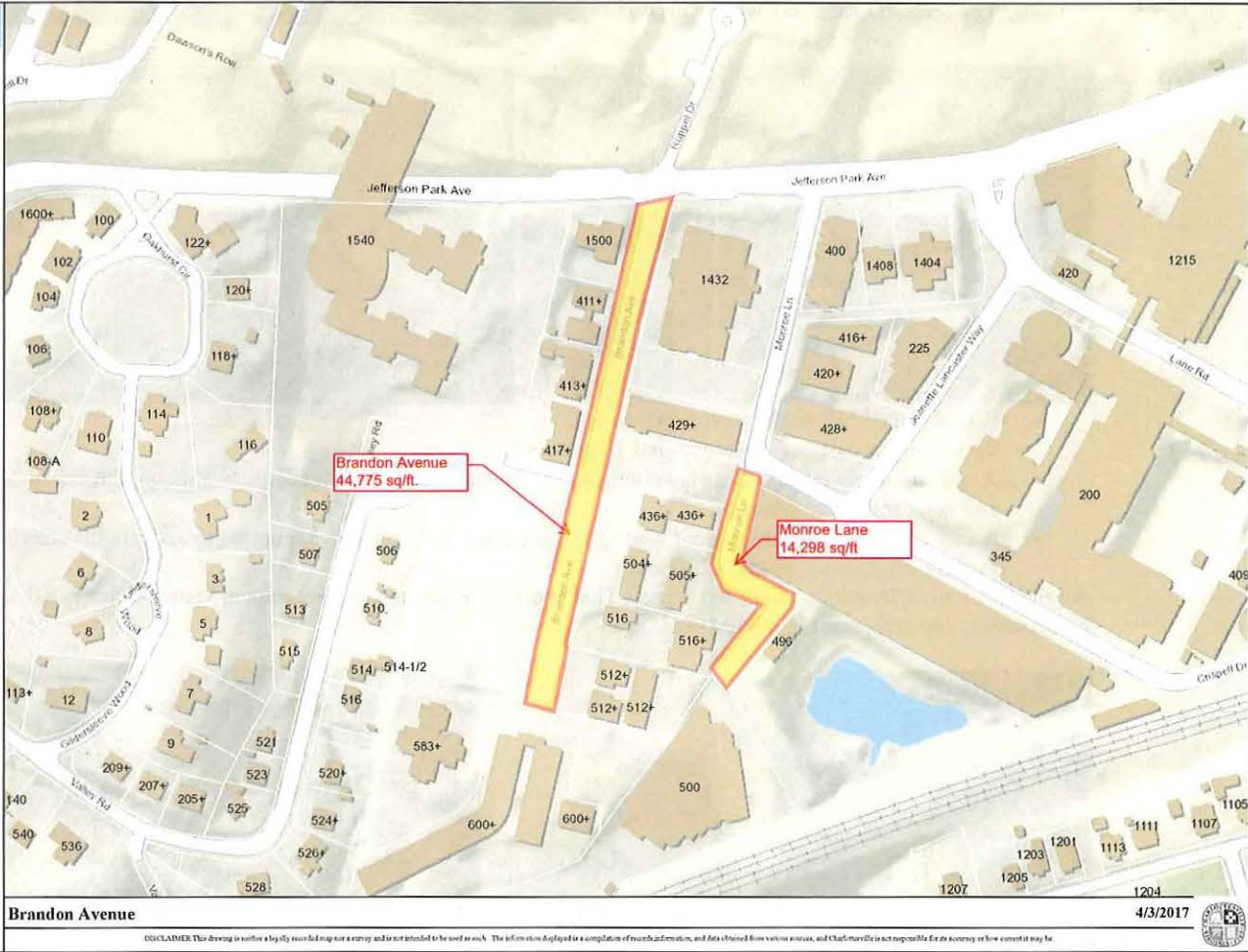
S

W

Feet

0 50 100 150 200

1:2,257 / 1"=188 Feet



Brandon Avenue

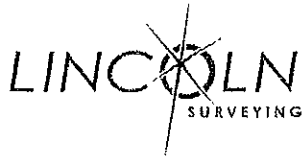
4/3/2017

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.



BRANDON AVENUE AND MONROE LANE ADJACENT PROPERTY OWNERS

Address	Owner	Parcel ID
Brandon Avenue Street Adjacent Property Owners		
411 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110089000
413-415 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110090000
417-419 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110091000
503 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110092000
501 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110092100
583 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110093000
581 BRANDON AVE	RECTOR & VISITORS OF U OF VA	110094000
514 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110097000
600 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110097100
512 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110099000
516-518 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110100000
504 BRANDON AVE	UNIVERSITY OF VIRGINIA FOUNDATION	110101000
436 BRANDON AVE 1	UNIVERSITY OF VIRGINIA FOUNDATION	110102100
436 BRANDON AVE 2	UNIVERSITY OF VIRGINIA FOUNDATION	110102200
436 BRANDON AVE 3	UNIVERSITY OF VIRGINIA FOUNDATION	110102300
436 BRANDON AVE 4	UNIVERSITY OF VIRGINIA FOUNDATION	110102400
436 BRANDON AVE 5	UNIVERSITY OF VIRGINIA FOUNDATION	110102500
436 BRANDON AVE 6	UNIVERSITY OF VIRGINIA FOUNDATION	110102600
436 BRANDON AVE 7	UNIVERSITY OF VIRGINIA FOUNDATION	110102700
0 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110103000
414 BRANDON AVE	RECTOR & VISITORS OF THE U OF VA	110105000
1500 JEFFERSON PARK AVENUE	VA BAPTIST BOARD OF MISSIONS & ED	110088000
Monroe Lane Adjacent Property Owners		
500 MONROE LN	RECTOR & VISITORS OF THE U OF VA	500
400-412 MONROE LN	RECTOR & VISITORS OF THE U OF VA	400-412
435 MONROE LN	RECTOR & VISITORS OF THE U OF VA	435



632 Berkmar Circle
Charlottesville, VA 22901
434.974.1417 / Fax 434.974.1776
www.lincolnsurveying.com

Thomas B. Lincoln, LS / Christopher B. Kean, LS

August 10, 2017

Charles Hurt
University of Virginia FP & C
P.O. Box 400884
Charlottesville, VA 22904

RE: Monroe Ln. / 15th Street / Brandon Ave. Right of Way Research
Charlottesville, Virginia

Dear Mr. Hurt:

We have completed our research on the right of ways for Monroe Ln. / 15th Street / Brandon Ave. After researching the streets, it appears that each street has a different width. Each street's width was established as follows:

15th Street:

The origin of 15th Street (Jeanette Lancaster) dates back to the 1870s. Around 1870, the land was owned by Theodore A. Michie. At this time, Michie divided the land into several lots, which were sold off. This land presently is a part of Tax Map 11, Parcels 131 and 98. Former, these lots also included Tax Map 11, Parcels 125, 126, 127, 128, and 129, however these parcels are now a part of Parcel 131. (See attached Tax Map from 1992). When Michie conveyed off the lots, each lot was assigned a number according to plat. This plat does not appear to have ever been recorded, however metes and bound descriptions of each lot is given. Of interest, lots 5-10 were sold in the following deeds:

Lot 5: Albemarle DB 65 p.98*
Lot 6: Albemarle DB 65 p.98*
Lot 7: Albemarle DB 65 p.87*
Lot 8: Albemarle DB 65 p.399
Lot 9: Albemarle DB 65 p.152
Lot 10: Albemarle DB 65 p.401

Some of these deeds (those marked with an *) contain the following reservation: *"It is expressly understood that a street twenty feet wide is to be kept open on the side of said lot No. * adjoining Jas. Widderfield's land as a public street and to be common to all the lots embraced in Dolin's Plat leading to the Lynchburg Road."*

Innovation. Integrity. Vision.

Thus, this appears to be the origins of 15th Street. It was originally created as a 20' road serving the lots created by Theodore Michie.

This 20' Road is shown on a plat of the adjoining parcels, which was the land previously stated as belonging to Jas. Widderfield. In Albemarle DB 104 p.388 a subdivision plat is recorded which includes the area adjoining this road. The road is mentioned in the deed and is shown on the plat. Though, no width is given to the road. A 15' Alley is shown connecting this road to a new 30' road created by the plat. (That road is presently Monroe Ln.)

15th Street appears to have been a 20' road until 1951 when it was expanded to 30'. In DB 163 p.106, an omnibus deed is recorded where 15th Street, S.W. is dedicated as a 30' Street. Additionally, some of the property owners dedicated land via individual deeds to the City, including Ora E. Landes whose interest was conveyed via DB 163 p.103. According to the deeds, the owners on BOTH sides of the street were to dedicate 5 additional feet to take the road from 20' to 30'. Thus, 5' would be coming off the lots created by Michie and 5' would be coming off the lots created from the former Widderfield land.

Also in 1951, a 35' wide connection road between Monroe Ln. and 15th St., S.W. was created. The land was conveyed to the City of Charlottesville by a deed recorded in DB 161 p.298, with a plat on p.300. The location of this connector road is in the vicinity of the original 15' alley that connected the two roads. The result of this construction essentially extended Monroe Ln. to 15th Street, S.W.

Since 1951 there have been several changes affecting 15th Street, S.W. Two alleys were closed and an access easement was opened. In 1998, a 12' alley at the end of 15th Street, S.W. was closed in Street Closing Book 2 p.16. In 2002, the previously mentioned 15' alley that connected Monroe Ln. and 15th Street, S.W. was closed. This was recorded in Street Closing Book 2 p.36. In 2011 a new access easement connecting 15th Street and Monroe Ln. was created. This easement is Crispell Drive and it was recorded in Inst. # 2011001615.

There is a portion of 15th Street, S.W. which has been physically closed, but which for there is no official street closing recorded. That portion of 15th Street between Crispell Dr. and where the previously mentioned connector road created in 1951 connects to 15th Street is physically closed and there is a building where it formerly was. There was an ordinance approved by the City to close this portion of the road. However, the proceedings were never finalized as all of the conditions of the agreement were not met. Therefore, the street closing was never recorded in the Clerk's Office.

In conclusion, 15th Street S.W. is a 30' street, created over the course of several years and deeds. It appears to technically be open from Lane Road to its terminus at Tax Map 11 Parcel 98.

Monroe Lane:

The origin of Monroe Ln. dates back to a plat dated 1893, and recorded in Albemarle DB 104 p.390. This plat is a division of the property of the Dawson Investment Co., which is also the land formerly belonging to J. Widderfield. This plat shows an unlabeled 30' road. This road later becomes Monroe Ln. This plat shows a parcel along the eastern boundary of this 30' road, which the plat labels as the "Dr. P.B. Barringer's Property." This parcel was sold to P.B. Barringer by deed dated 1895, and recorded in DB 104 p.447, with a plat on p.449.

In 1930, the Barringer parcel was subdivided into 16 lots. The plat subdividing the parcel was recorded in DB 69 p.377. This parcel shows Monroe Ln. as a 35' Street. Thus, the width of the street was increased from 30' to 35'. This 5 additional feet comes from the former Barringer lot and NOT from the previously mentioned lots created in Albemarle DB 104 p.390. Thus, the width of Monroe Ln. is 35'.

In 1951, a 35' wide connection road between Monroe Ln. and 15th St., S.W. was created. The land was conveyed to the City of Charlottesville by a deed recorded in DB 161 p.298, with a plat on p.300. The location of this connector road is in the vicinity of the original 15' alley that connected the two roads, which was shown on plat in Albemarle DB 104 p.388. The result of this construction essentially extended Monroe Ln. to 15th Street, S.W.

In 2002, the previously mentioned 15' alley that connected Monroe Ln. and 15th Street, S.W. was closed. This was recorded in Street Closing Book 2 p.36. In 2011 a new access easement connecting 15th Street and Monroe Ln. was created. This easement is Crispell Drive and it was recorded in Inst. # 2011001615.

There is a portion of 15th Street, S.W. which has been physically closed, but which for there is no official street closing recorded. That portion of 15th Street between Crispell Dr. and where the previously mentioned connector road created in 1951 connects to 15th Street is physically closed and there is a building where it formerly was. There was an ordinance approved by the City to close this portion of the road. However, the proceedings were never finalized as all of the conditions of the agreement were not met. Therefore, the street closing was never recorded in the Clerk's Office.

This street closing cut off the end of 15th Street at Monroe Ln. It appears that the end of 15th Street is now considered to be part of Monroe Ln. It is labeled on the City GIS as Monroe Ln. As previously stated, 15th Street is 30' wide. Thus, IF this is considered Monroe Ln., then it would change in width from 35' to 30' at the point where the connector created in 1951 connects to what was formerly considered 15th Street. Though, it appears that this portion of 15th Street was never official closed, thus confusing the name of this portion of the road.

In conclusion, Monroe Ln. is a 35' street, created over the course of several years and deeds. It appears to technically be open from Jefferson Park Ave. to its terminus at Tax Map 11 Parcel 98.

Brandon Ave.:

The origin of Monroe Ln. dates back to the land formerly belonging to J. Widderfield, which is acquired by the Dawson Investment Co. in 1893 by Albemarle DB 98 p.439. There is a plat recorded with this deed, which shows a division of this land and a 30' wide street in the general location of present Brandon Ave. However, the deed specifically states the following:

The original plat of said land made by said Barnett as aforesaid is hereto attached, which shows a division of said land into lots and a street. This deed, however, is made with no reference to said division and no division is hereby recognized either by this deed or by the recordation of said plat. The said land being bought in a body & said plat being recorded in order to show the location of the land in a body & not in any subdivisions.

Thus, it appears that this subdivision did not happen and that the shown road was not created.

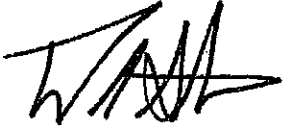
In 1895, the Dawson Investment Co. records a plat dated 1893, and recorded in Albemarle DB 104 p.390, which officially divides of the property of the Dawson Investment Co. This plat shows an 50' road, labeled Brandon Ave., which begins at Old Lynchburg Rd. (present JPA) and terminates at the property of W.M. Fontaine. W.M. Fontaine is a party to this deed and by the deed agrees that Brandon Ave. (and other streets) is to be as it is shown on said plat. Though this plat shows the lot as belonging to W.M. Fontaine, he officially purchased the property by deed dated 7 days after the deed with the plat. His deed is recorded in Albemarle DB 105 p.51 and there is a plat recorded with this deed that shows his parcel. Brandon Ave. is shown on this plat as a 50' street.

In 1922, Dawson Investment Co. re-divides lots 16-19 from the plat recorded in Albemarle DB 104 p.390. This plat is recorded in DB 40 p.5. Again, Brandon Ave. is shown as a 50' street.

No alterations to Brandon Ave. were found since its creation. Thus, it was created as a 50' road and still is a 50' road, which begins at Jefferson Park Ave. and ends at current Tax Map 11 Parcel 97.1.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Sexton', with a stylized, sweeping flourish at the end.

David Sexton, Survey Research Technician
Lincoln Surveying



BRANDON MONROE LLC

201 1-A 15th Street NW
Charlottesville, VA 22903
Office hours M-F 8:30am-4:30pm

Phone (434)-293-5358
Fax (434)-293-5783
office@velikyrentals.com

August 30, 2017

Ms. Alice J. Raucher

The Honorable Mike Signer, Mayor

Office of the University Architect

City of Charlottesville

The University of Virginia

P. O. Box 911, City Hall

P. O. Box 400304

Charlottesville, VA 22092

Charlottesville, VA 22904

Re: Closing of Brandon Avenue

Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for Brandon Monroe, LLC, owner Tax Map Parcel 11-104, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,

Timothy D Veliky

Brandon Monroe, LLC



September 11, 2017

Ms. Alice J. Raucher
Office of the University Architect
The University of Virginia
P. O. Box 400304
Charlottesville, VA 22904

The Honorable Mike Signer, Mayor
City of Charlottesville
P. O. Box 911, City Hall
Charlottesville, VA 22902

Re: Closing of Brandon Avenue
Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for the University of Virginia Foundation, owner of Tax Map Parcels 11-89, 11-90, 11-91, 11-97, 11-971, 11-99, 11-1021, 11-102, and 11-101, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,

A handwritten signature in black ink that reads "Tim R. Rose". The signature is written in a cursive, flowing style.

Tim R. Rose
Chief Executive Officer

BC

BAPTIST GENERAL ASSOCIATION OF VIRGINIA

2828 Emerywood Parkway
Richmond, VA 23294
BGAV.org
800.255.2428

October 9, 2017

Ms. Alice J. Raucher
Office of the University Architect
The University of Virginia
P. O. Box 400304
Charlottesville, VA 22904

The Honorable Mike Signer, Mayor
City of Charlottesville
P. O. Box 911, City Hall
Charlottesville, VA 22092

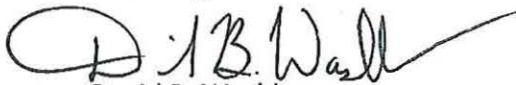
Re: Closing of Brandon Avenue
Charlottesville, VA

Dear Ms. Raucher & Mr. Signer:

As the authorized representative for the Baptist General Association of Virginia, owner of Tax Map Parcel 11-88, this letter shall serve as documentation that we support the closure and the vacation of the public Right of Way of Brandon Avenue.

The vacation of Brandon Avenue will not create an inconvenience for our property.

Sincerely,



David B. Washburn
Treasurer

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
BRANDON AVENUE AND A PORTION OF THE MONROE LANE/15TH STREET
RIGHTS-OF-WAY**

WHEREAS, as permitted by Virginia Code Sec. 15.2-2006, the University of Virginia and the University of Virginia Foundation have petitioned the City to vacate the following City-owned public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet);

(together, hereinafter, the “Subject Rights-of-Way”); and,

WHEREAS, landowners who own property adjacent to the Subject Rights-of-Way have been duly notified of the Petition; and,

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2006, a joint public hearing by the City Council and Planning Commission was held on November 14, 2017, and comments from City staff and representatives for UVA were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the Petition should be conditionally granted;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the following public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet).

PROVIDED, HOWEVER, that the vacation of the Subject Rights-of-Way is hereby made conditionally, and neither this Ordinance nor any related deed, shall be recorded within the land records of the City, until all of the following conditions precedent have been satisfied:

1. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA shall provide the City Attorney’s Office with a final plat showing the location and dimensions of: **(i)** a bus stop to be constructed by UVA or the UVA Foundation on property adjacent to JPA, in a location approved by the City’s Traffic Engineer; and **(ii)** dedication of public easements for bicycle

and pedestrian travel through property of UVA or the UVA Foundation, providing a bicycle arterial route, an east/ west bicycle and pedestrian connection, and an access point reserved for a future connection to Valley Road [across the railroad tracks], each in locations consistent with the City's Bicycle and Pedestrian Master Plan Vision Network, as verified in writing to the City Attorney by the City's Director of NDS;

2. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA or the UVA Foundation shall provide the City's Traffic Engineer with 100% construction plans for improved pedestrian crossings at the intersections of JPA, Hospital Drive and the end of the new Green Street, along with a written agreement to construct the improvements, and the Traffic Engineer shall verify in writing to the City Attorney that the plans for those crossings is consistent with provisions of the City's Standards and Design Manual;
3. UVA or the UVA Foundation shall provide the City Attorney with a final plat showing the location and dimensions of all easements required for and in connection with the relocation of City-owned utility lines onto land owned by UVA or the UVA Foundation, and the City's Director of Utilities must confirm in writing to the City Attorney that the matters depicted within the plat are acceptable;
4. The City's Director of Utilities shall provide written verification to the City Attorney that 100% utility construction plans depicting the location, size, connections and specifications for the relocated City-owned utility lines have been approved by the Director as being in accordance with City standards;

Upon receipt of evidence that Conditions 3 and 4, above, have been met, the City Attorney will prepare a Deed of Vacation suitable for recordation among the land records of the Charlottesville Circuit Court, vacating the Subject Rights-of-Way and conveying all of the City's right, title and interest therein to the UVA Foundation or UVA, subject to a restriction that the vacated right-of-way for Brandon Avenue shall be held and used by the UVA Foundation or UVA in perpetuity as a "Green Street" (consistent with the definition of that term found within U.S. Environmental Protection Agency publications) and no buildings shall be erected thereon.

The Clerk of City Council shall provide the City Attorney with a certified copy of this Ordinance, as adopted by City Council, and the certified copy shall be held in Escrow by the City Attorney until the City Attorney has received evidence confirming that all conditions presented have been satisfied; thereafter, the City Attorney shall cause the Ordinance and the Deed of Vacation referenced in the preceding paragraph to be recorded within the land records of the Circuit Court of the City of Charlottesville.

In the event that the Ordinance and Deed of Vacation have 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.