

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
October 20th 2010
7:00 p.m.

MEMBERS PRESENT: Gene F. Ott, Chairman
Shaun V. Kenney, Vice-Chair [arrived at 7:04 p.m.]
Mozell H. Booker
Joseph C. Chesser
John Y. Gooch
Donald W. Weaver

ALSO PRESENT: Frank A. Pleva, Interim County Administrator
Frederick W. Payne, County Attorney
Darren Coffey, Planning Director
Barbara Wall-Magee, Human Resource Manager
Pat Groot, Grants Administrator
John Robins, Public Works Director
Amy Hall, Building Permits Clerk
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Ott called the regular meeting of October 20th 2010 to order at 7:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited after which, Chairman Ott called for a moment of silence.

REPORTS

Mr. Frank A. Pleva, Interim County Administrator, reported on the following items:

- Chesapeake Bay Plan; Federal stop gap measures regarding pollution
- Line of Duty Act; State funding for localities; State will not be picking up their local shares which are going to be mandated next fiscal year
- Governor's Jobs Commission
- American with Disabilities Act; regarding changes in regulations
- the EMS/Fire Committee which includes Garland Nuckols, Facilities Director and fire and rescue members regarding volunteer issues have been meeting; will be providing a presentation to the Board at a future BOS meeting
- provided an update on the Economic Development Director position
- the TJPDC is holding a legislative reception and will be going over their legislative program and talk about the Chesapeake Bay pollution
- thanked the Board for the opportunity to work with them along with staff, the citizens and wished Mr. Scudder the best

Chairman Ott thanked Mr. Pleva for filling in as the Interim County Administrator. Supervisors Gooch and Weaver commended Mr. Pleva for his work during the time in which the County was searching for a permanent County Administrator. Supervisor Booker wished Mr. Pleva the best as he moves on and hopes only good things will come his way. Supervisor Kenney thanked Mr. Pleva for his help with the water pipeline and appreciated his openness and willingness to work with staff. Supervisor Chesser echoed what the others had said and indicated that feedback from the staff was good.

Mr. Pleva thanked the Board for their very kind comments and he wished everyone the very best in the future. Mr. Pleva also wanted to express his thanks to staff for their support, their cooperativeness; and their assistance during his time here in Fluvanna County as the Interim County Administrator.

PUBLIC COMMENTS #1

Chairman Ott opened the floor for the first round of public comments. The following citizens addressed the Board with their concerns:

- Mr. Jay Sherrill, Fork Union District, addressed the Board regarding zoning ordinances and asked if Fork Union or Fluvanna County was ready for business; indicated that infrastructure was needed
- Mr. Denny Avers, Rivanna District, addressed the Board and indicated he had toured the County sponsored by the Leadership Class and he also learned a lot about the County from Mrs. Booker

With no one else wishing to speak, Chairman Ott closed the first round of public comments.

CONSENT AGENDA

The following item was deferred under the consent agenda:

- Grant/COPS [this item was pulled by the originating staff due to anticipated contract documents not received in time for inclusion in the Board's packet]

The following items were approved under the consent agenda:

MOTION:

Mr. Kenney moved to approve the consent agenda which consisted of:

- Resolution Reaffirming Fluvanna County's Support of the Virginia Cooperative Extension Service [attached hereto]
- Resolution to Adopt a Road Name: Stonehurst Lane [attached hereto]
- Resolution/Sycamore Landing [attached hereto]

Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None. ABSENT: None.

OLD BUSINESS

Restoration of FY11 JABA Funding

Ms. Cheryl Cooper, Chief Operating Officer for JABA provided a PowerPoint presentation. Ms. Cooper indicated that JABA's mission is to promote, establish and preserve sustainable communities for healthy aging that benefit individuals and families of all ages. She provided a brief summary of everything that JABA provides. Ms. Cooper also explained exactly how the 5% reduction from the FY10 level funding affected JABA. Ms. Cooper indicated that JABA was respectfully asking the Board of Supervisors to reconsider their decision to reduce JABA's funding and fully restore the \$6,250 to allow JABA to serve Fluvanna residents at the FY10 service level.

After Board discussion, the Board took no action on this request.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

ZTA 10:05/Amended Uses and Definitions Phase II

This is an ordinance to amend and reenact portions of Chapter 22 of the Fluvanna County Code with respect to permitted uses and definitions for such uses. The purpose of these proposed amendments is to expand the number of uses allowed, further provide clarity and uniformity between the uses permitted in each of the different zoning districts and their respective definitions.

Mr. Darren Coffey, Planning Director, addressed the Board regarding this issue.

Chairman Ott opened the public hearing.

The following citizens addressed the Board regarding this issue:

- Mr. Frank Persico, Palmyra District, addressed the Board regarding his concerns about allowing shooting ranges on two (2) acre lots in subdivisions
- Ms. Barbara Lowe, Fork Union District, addressed the Board with concerns about the definition of "shooting ranges"
- Lieutenant Colonel David Tatman, Columbia District, addressed the Board with concerns regarding with some of the definitions listed; specifically the right to farm; agricultural operations; greenhouse operations; and outdoor gatherings
- Mr. Channing Snoddy, Palmyra District, addressed the Board regarding the selling of grain wholesale; retail sales regarding farming; the selling of cows off of a farm; questioned definitions of wholesale and retail

- Mr. George Goin, Cunningham District, addressed the Board regarding his concerns with the proposed zoning text amendments
- Mr. Jay Sherrill, Fork Union District, addressed the Board with his concurrence of what the previous speakers had to say and asked that additional burdens not be placed on the citizens in the County

With no one else wishing to speak, Chairman Ott closed the public hearing.

After discussion among the Board members, the following motion was offered:

MOTION:

Mr. Kenney moved to defer action to Old Business at the Board of Supervisors meeting of November 3rd 2010 in order to further clarify some of the definitions. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

ZMP 10:01/Proffer Amendment

This is an ordinance to amend two (2) proffers associated with ZMP 04:02 of the Fluvanna County Zoning Map with respect to 44.217 acres of Tax Map 9, Section A, parcels 13, 14, and 14C zone R-3, Residential, Planned Community. The property is located in the Rivanna Election District and is within the Rivanna Community Planning Area.

Mr. Darren Coffey, Planning Director, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

Supervisor Gooch recused himself from any participation regarding this item due to a conflict of interest.

The following citizens addressed the Board with their concerns regarding this request:

- Mr. Charlie Armstrong, applicant, addressed the Board providing some history about the project and indicated he is asking for two (2) changes to the proffers wording
- Mr. Marvin Moss, Columbia District, addressed the Board in opposition to the changed request
- Mr. Denny Avers, Rivanna District, addressed the Board in opposition to the changed request

With no one else wishing to speak, Chairman Ott closed the public hearing.

After Board discussion, the following motions were offered:

MOTION #1: Proffer 8 Amendment at 80%

Mr. Chesser moved to deny the ordinance to amend proffer eight (8) for ZMP 10:01, a request to amend ZMP 04:02 with respect to Tax Map 9, Section A, Parcels 13, 14, and 14C to allow at least eighty percent (80%) of the occupied dwelling units on the property to be occupied by at least one resident who is at least fifty-five (55) years of age or older. Mr. Weaver seconded. The motion carried with a vote of 4-1-1. AYES: Booker, Chesser, Weaver and Ott. NAYS: Kenney. ABSTAIN: Gooch.

MOTION #2: Proffer 8 Amendment at 90%

Mr. Chesser moved to deny the ordinance to amend proffer eight (8) for ZMP 10:01, a request to amend ZMP 04:02 with respect to Tax Map 9, Section A, Parcels 13, 14, and 14C to allow at least ninety percent (90%) of the occupied dwelling units on the property to be occupied by at least one resident who is at least fifty-five (55) years of age or older. Mrs. Booker seconded. The motion carried with a vote of 4-1-1. AYES: Booker, Chesser, Weaver and Ott. NAYS: Kenney. ABSTAIN: Gooch.

MOTION #3: Proffer 15 Amendment

Mr. Chesser moved to deny the ordinance to amend proffer fifteen (15) for ZMP 10:01, a request to amend ZMP 04:02 with respect to Tax Map 9, Section A, Parcels 13, 14, and 14C that allows the sale, construction, and occupancy of up to 24 residential units in the Monticello Village Community prior to the completion of the Crofton

Plaza transportation improvements. Mr. Weaver seconded. The motion carried with a vote of 4-1-1. AYES: Booker, Chesser, Weaver and Ott. NAYS: Kenney. ABSTAIN: Gooch.

PRESENTATIONS:

LMOA Property Exchange Proposal

Mr. Darren Coffey, Planning Director, provided the Board with a PowerPoint presentation and explained what it was that was being asked of the Board in regards to swapping land between Lake Monticello and the County. He provided information on location of the properties in question; the assessed value of the properties; relevant chapters included in the Comprehensive Plan; Pleasant Grove and Heritage Trail connectivity; usability and operational issues; funding potential; legal issues; advantages and disadvantages of the land swap; implementation steps and concluded that the Board needs to weigh benefits versus costs.

After Board discussion, it was the consensus of the Board to proceed with the proposal.

Financial Report

Ms. Renee Hoover, Finance Director, provided the Board with a PowerPoint presentation regarding the financial reports for fiscal year ending June 30th 2010. Items discussed were the bottom line at June 30th 2010; the fund balance; the annual trend for FY10; the cash five (5) year trend; summary of outstanding debt service; debt service ratios; FY10 governmental general fund revenues; general property taxes collection rates; the top five (5) local revenue at June 30th 2010; the annual trend for local sales tax; explained why the FY10 expenditures exceeded the budget [due to care of prisoners]; and the unemployment rate.

RECESS

The Board recessed at 10:21 p.m.

RECONVENE

The Board reconvened at 10:29 p.m.

PRESENTATIONS continued

PPEA Fork Union Fire Station

Mr. John Robins, Public Works Director, provided the Board with a PowerPoint presentation including an update on approvals and design of the Fork Union Firehouse provided by the Fork Union Building Committee. Mr. Robins provided information on the status of grant approvals; the status of design; methods of procurement; and direction by the Board of Supervisors. He also provided information on the cemetery location and provided a close-up slide of the graves. Mr. Robins indicated that the methods of procurement were the traditional design-bid-build; the design-build; and the public private partnership (PPEA). He explained each of these procurement methods. After discussion between the Board and Mr. Robins, it was the concurrence of the Board to use the traditional design-bid-build method.

EXTEND MEETING

MOTION:

At 10:51 p.m. Mr. Weaver moved to extend the Board meeting until 12:00 midnight. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

ACTION MATTERS

Landfill Budget

For FY11, the landfill budget for the Convenience Center was modified so that no income from the tipping fees was included in the budget and all expenses for the operations for the center were removed. The only money shown in the budget was the general fund money. This proposed action is intended to reinstitute the budget to complete the fiscal year.

Mr. John Robins, Public Works Director, addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved to supplement the convenience center budget with additional general funds by transfer from the County Contingency Fund in an amount of \$13,191 to #130-15020-0001 (revenue for convenience center), and furthermore; moved to supplement the convenience center and landfill budget with the following:

Revenue: 130-15020-0001 \$ 99,000 for revenue from tipping fees and recycling fees
Expenses: 130-42040-3202 \$112,191 for operation expense

Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Cost Control Association Contract – Utility Bills Savings

Cost Control Associates (CCA) provides utility billing review and cost recovery and reduction services to both public and private sector entitled. CCA's compensation is a flat gee of 45% of any one-time refunds and also 45% of any on-going cost reductions for the first 36 months (3 years) that such cost reductions are in effect. There are no additional fees or charges.

Mr. Frank A. Pleva, Interim County Administrator addressed the Board regarding this issue.

After Board discussion, it was the consensus of the Board that the County Attorney review the contract and return to the Board at a future date for action.

Authorization for Request for Proposal on Refinancing \$2.67 Million Note

Fluvanna County has a \$2.67 million Public Facility Revenue Note issued by the Industrial Development authority that is coming due on January 15th 2011. The amount of the original note was \$7.5 million and was intended to be retired with proceeds from the Literary Loan program at a subsidized interest rate of 3%. In 2009, the County was able to defease \$4.83 from VPSA bond sale proceeds. However, a balance of \$2.67 million remains and the status of the Literary Loan program is uncertain at this time. Mr. Frank A. Pleva, Interim County Administrator, addressed the Board regarding this issue.

MOTION #1:

Mr. Gooch moved that in the case of the "Request for Proposal for Public Facility Revenue Note", competitive sealed bidding is neither practicable nor fiscally advantageous to the public due to the fact that demonstrated relevant experience, knowledge, skills, and ability are key components to choosing the most appropriate vendor. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

MOTION #2:

Mr. Gooch moved to authorize the issuance of the "Request for Proposal for Public Facility Revenue Note" [in the amount of \$2.67 million] as reviewed by Bond Counsel and the County Attorney. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

VACo Voting Credential

MOTION:

Mr. Chesser moved to authorize Mr. Jay Scudder as the proxy and Mr. John Gooch as the voting supervisor to cast Fluvanna County's vote at the 2010 Annual Meeting of the Virginia Association of Counties November 9th 2010. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Smart Beginnings Grant

This request reaffirms use of funds already appropriated for the Smart Beginnings project. No new funds are being requested. The United Way is pursuing acting as the fiscal agent for the grant application referenced herein.

Ms. Pat Groot, Grants Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved the Board of Supervisors approve the letter expressing support for the next Smart Beginnings Getting Ready Grant application, endorse the participation of the County Administrator serving on the Leadership Council and reaffirm use of County funds in the amount of \$5,715 already appropriated for Smart Beginnings. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Purchase Agreement Rt. 15 Residual Property

The property is sold “as is” and conveyed by quitclaim deed with the understanding that the property will be used for public purposes. If and when the property is no longer used for public purposes, all right, title and interest to said lands shall immediately terminate and the land shall revert to the Commonwealth of Virginia (VDOT) without demand or action.

Ms. Pat Groot, Grants Administrator, addressed the Board regarding this issue.

MOTION:

Mr. Kenney moved to agree to acquire the residual property left by the construction of the new Route 15 located at the northeast quadrant of the intersection of Route 15, Route 1001, and Route 1007 in accordance with the attached purchase agreement [amended version] provided by the Virginia Department of Transportation (VDOT) subject to approval as to form by the County Attorney and further moved to authorize the County Administrator and/or the Chair of the Board of Supervisors to execute any documents necessary to complete the transaction. Mr. Chesser seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

NEW BUSINESS

Items discussed under new business consisted of:

- the procedure for replacement of Chairman Ott when he resigns at the end of the year prior to his term ending
- Supervisor Gooch commented on the County having some really good employees
- Supervisor Kenney indicated he will not be present at the November 3rd 2010 BOS meeting
- Supervisor Chesser brought up the fact that an invoice from McGuire Woods need to be paid [legal fees]

Invoice from McGuire Woods

MOTION:

Mr. Chesser moved that payment of legal fees in the amount of \$2,313.24 for the James River Water Authority (JRWA) [amount to be appropriated from the BOS Contingency Fund #10-091070-5850]. Mr. Weaver seconded. The motion carried with a vote of 6-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

PUBLIC COMMENTS #2

Chairman Ott opened the floor for the second round of public comments.

With no one wishing to speak, Chairman Ott closed the second segment of public comments.

CLOSED MEETING

None scheduled.

ADJOURN

MOTION:

At 11:28 p.m., Mr. Weaver moved to adjourn the meeting of Wednesday, October 20th 2010. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Gooch, Kenney, Weaver and Ott. NAYS: None.

Gene F. Ott, Chairman

**RESOLUTION REAFFIRMING
FLUVANNA COUNTY'S
SUPPORT OF
THE VIRGINIA COOPERATIVE EXTENSION SERVICE**

WHEREAS, the Virginia Cooperative Extension Service (“VCE”), a Federal, State and local partnership, with strong volunteer support, makes research-based knowledge from Virginia’s land grant universities available to all Virginia residents; and

WHEREAS, VCE aims to address high-priority community issues and improve quality of life and environmental well-being; and

WHEREAS, the Code of Virginia §23-132.3 (A) states that, “The Virginia Cooperative Extension Service shall provide the people of the Commonwealth with information and knowledge on subjects related to agriculture, including horticulture and silviculture, . . .community resource development, 4-H Clubs, and subjects relating thereto, through instruction and the dissemination of useful and practical information through demonstrations, conferences, courses, workshops, publications, meetings, and mass media”; and

WHEREAS,

- VCE Agriculture and Natural Resources trains volunteers who provide outreach education and thousands of volunteer hours in Fluvanna County.
- VCE 4-H Youth Development enables Fluvanna County youth to learn leadership, good citizenship and life skills through hands-on experiences in science, engineering and technology, healthy living, and community projects, joining generations of County leaders who have “learned by doing”.
- VCE Family and Consumer Sciences helps individuals and families develop competencies to become healthy, productive, financially secure, and environmentally responsible.
- VCE Family Nutrition Program helps low-income individuals and families maintain healthy diets, thereby preventing diet-related chronic diseases and reducing obesity.
- VCE Community Viability partners with Virginia communities in five major areas: entrepreneurial communities and agribusinesses; community-based food systems and farm enterprises; civic leadership and community-capacity building; community planning; and emerging issues such as farm-to-table, bio-energy, job creation, economic recovery and resiliency; and

WHEREAS, Fluvanna County contributes local match funding annually to VCE for salaries, benefits, office space, phone service, clerical support and other operating funds,

NOW THEREFORE, BE IT RESOLVED, as VCE’s local partner in the Cooperative Extension program, the Fluvanna County Board reaffirms its commitment to VCE, and

BE IT RESOLVED, despite the State’s need to temporarily reduce services, we strongly desire that the VCE office in Fluvanna County remain open and that it continue to receive service from Extension Agents in ALL program areas specified in the Code of Virginia.

Adopted this 20th day of October 2010
by the Fluvanna County Board of Supervisors

ATTEST:

Gene F. Ott, Chairman

**RESOLUTION TO ADOPT A ROAD NAME:
Stonehurst Lane**

WHEREAS, the establishment of an Enhanced 9-1-1 emergency telephone system in Fluvanna County has become effective; and

WHEREAS, such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

WHEREAS, County staff has recommended this road name for consideration; and,

WHEREAS, the Board of Supervisors is empowered to name streets, roads and alleys within the County in accordance with Section 18-2 of the Fluvanna County Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fluvanna County pursuant to Section 18-2 of the Fluvanna County Code that the road located off of Lake Monticello Road just East of Needham Lane, be named Stonehurst Lane.

Adopted this 20th day of October, 2010.

Alice F. Jones
Clerk to the Board of Supervisors



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, October 20th 2010, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Gene F. Ott, Chairman	YEA
Shaun V. Kenney, Vice Chairman	YEA
Mozell H. Booker	YEA
Joseph C. Chesser	YEA
John Y. Gooch	YEA
Donald W. Weaver	YEA

On a motion by Mr. Kenney seconded by Mr. Gooch and carried by a vote of 6-0 the following resolution was adopted.

RESOLUTION
Secondary Road Addition – Sycamore Landing Subdivision

WHEREAS, the following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed.

NOW, THEREFORE BE IT RESOLVED this Board request the Virginia Department of Transportation to add the street(s) described on the attached form AM-4.3 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street requirements, after receiving a copy of this resolution.

- Larkspur Road, Route 1016, from Rte 633 North Boston Road south 0.46 miles to Indigo Lane; continuing from Indigo Lane for a distance of 0.10 miles to the end of the cul de sac; this street has been constructed in accordance with approved plans and specifications, has been properly maintained and qualifies for acceptance
- Indigo Lane, Route 1017, from the intersection of Larkspur Road, east for a distance of 0.15 miles to the end of the cul de sac. Indigo Lane, from the intersection of Larkspur Road, west for a distance of 0.19 miles to Partridge Berry Lane; continuing west for a distance of 0.05 miles to Trillium Lane; continuing west for a distance of 0.25 miles to the end of the cul de sac.; this street has been constructed in accordance with approved plans and specifications, has been properly maintained and qualifies for acceptance
- Partridge Berry Lane, Route 1018, from Indigo Lane, north for a distance of 0.10 miles to the end of the cul de sac.; this street has been constructed in accordance with approved plans and specifications, has been properly maintained and qualifies for acceptance
- Trillium Lane, Route 1019, south for a distance of 0.15 miles to the end of the cul de sac.; this street has been constructed in accordance with approved plans and specifications, has been properly maintained and qualifies for acceptance

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Adopted this 20th day of October 2010
by the Fluvanna County Board of Supervisors

ATTEST:

Frank A. Pleva, Interim County Administrator

OFFER TO PURCHASE

Route: 0015
Project: 0015-032-V04, RW-201
County: Fluvanna
Former Property of W. W. Wills, et al., S. F. Harland, et al., L.E. Minter, et al., George W. Waddill, et al., Alice H. Clifford Revocable Trust, Parcel 006 and John C. Zehler, et al. – Parcel 010
PMI #: 1000477
Date: October 20, 2010

Brief legal description of Virginia Department of Transportation property:
Being as shown on Sheet 5 of the plans for Route 15, State Highway Project 0015-32-V04, RW-201 and lying in the northeast quadrant of the intersection of Route 15, Route 1001 and Route 1007 adjacent to the west revised existing right of way line of Route 15 and the east revised proposed right of way line of Route 1001, from a point approximately 25 feet opposite approximate Station 30+20 (Route 1001 construction centerline) to a point approximately 40 feet opposite approximate Station 103+24 (15 construction centerline) containing 0.536 acre, more or less, and also being a part of the same lands acquired from W. W. Wills, et al. by Deed dated May 16, 1928; S. F. Harland, et al., by Deed dated December 10, 1928; L.E. Minter, et al., by Deed dated March 14, 1930; George W. Waddill, et al., by Deed dated October 7, 1963; Alice H. Clifford, Trustee of Alice H. Clifford Revocable Trust via, by Instrument dated November 18, 2003 concluded by Order dated February 2, 2006; and John C. Zehler, Jr., et al., by Instrument dated March 8, 2004 concluded by Order Confirming Juror's Report dated October 15, 2007; all recorded in the office of the Clerk of the Circuit Court of the County of Fluvanna, Virginia.

IN ORDER TO GRANT, unto the use of the Commonwealth of Virginia, Department of Transportation, its successors or assigns, the permanent right and easement to use the areas outlined in GREEN for drainage purposes as shown on Sheet 5 of the plans of said project and said drainage easement being of variable width.

IN WITNESS WHEREOF, I, the State Director of Right of Way or the District Right of Way Manager,

do hereby accept, in writing, by the State Director of Right of Way or the District Right of Way Manager,

that the property is sold "as is" and will be conveyed by quitclaim deed. We further understand that should the lands conveyed for public purposes no longer be used for public purposes, all right, title and interest to said lands, shall immediately terminate and the lands shall revert to the Commonwealth of Virginia, Department of Transportation without demand or action. For the purposes of the public notice in the event of reversion, the purchaser shall quit claim and release by deed to the Commonwealth of Virginia, Department of Transportation immediately upon written request. If the purchaser, its successors or assigns, fails to immediately comply with the terms hereof, the Commonwealth of Virginia, Department of Transportation may petition any court of competent jurisdiction to enforce the re-conveyance of said property.

A formal closing will take place at which the purchaser will be required to pay for the recording of the deed, plot and any tax or fee associated with the recording.

The deed for the property being conveyed is to be filed in the exact manner the adjoining land is filed in the local courthouse records and should be as follows (please print or type):

Board of Supervisors of Fluvanna County, Virginia, a
political subdivision of the Commonwealth of Virginia

Offer To Purchase
Route: 0016
Project: 0016-032-V04, RW-201
County: Fluvanna
Former Property of W. W. Wilts, et al., S. F. Harland, et al., L.E. Minter, et al., George W. Weddill, et al., Alice H. Clifford Revocable Trust, Parcel 006 and John C. Zehler, et al. - Parcel 010
PMI #: 1000477
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Signature of Purchaser:
Fluvanna County, Virginia
By: Gene F. Oit

State of Virginia
City/County of Fluvanna

The foregoing instrument was acknowledged before me this 20th day of October
_____ 2010, by Gene F. Oit

My commission expires 31 May 2014

Alice F. Jones
Notary Public #262538

Approved as to form:

Alice F. Jones
Fluvanna County Attorney

