

ACTIONS		
Board of Supervisors Meeting of September 4, 2024		
September 5, 2024		
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. The Meeting was called to order at 1:00 p.m. by the Chair, Mr. Andrews. All BOS members were present except for Mr. Gallaway. Also present were Jeff Richardson, Andy Herrick, and Travis Morris.		
4. Adoption of Final Agenda. By a vote of 5:0 (Gallaway, absent), ADOPTED the final agenda.		
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> - Announced that the following fall festivals would be held at Claudius Crozet Park: - Dog Festival - September 7 - Crozet Fall Arts and Crafts Festival - October 12-13 - Crozet Trails Crew 5K Run - October 26 - Winter Brews Festival - December 7 - Announced that the annual <i>Seas the Day</i>, an outdoor event for veterans and their families, would be held on September 22 from 12:00 p.m.–3:00 p.m. at Walnut Creek Park. - Announced that the <i>Walk Out on Veteran & First Responder Suicide</i> would be held on September 26 from 5:30 p.m. to 7:30 p.m. <u>Diantha McKeel:</u> - Announced that JABA (Jefferson Area Board for Aging) would be offering their free <i>Wills for Seniors</i> program on October 9, from 9:00 a.m. to 3:00 p.m. She mentioned that community members could contact JABA to sign up for an appointment or visit their website. <u>Mike Pruitt:</u> - Announced that the Loop de'Ville, which celebrates the Rivanna Trail network, would be held in September, and would start at the Rivanna River Company and travel through the urban ring. - Announced that the Sabroso Festival, which celebrates Latino culture in the community, would be held on September 21 at the Ting Pavilion from 1:00 p.m. to 10 p.m. - Announced that the Charlottesville Pride festival would be held September 7 starting at 12:00 p.m. - Commented on the redevelopment in Cavalier Crossing, a naturally occurring affordable housing (NOAA), and the broader trends that it portended. <u>Jim Andrews:</u> - Reminded community member of the following hazardous household waste collection days and commented that advanced registration could be done at www.rivanna.org: - Household hazardous waste days - September 20 and 21		

[Link to Video](#)

	- Furniture and mattresses - September 28 and October 5 - Appliances - October 12	
6.	Proclamations and Recognitions. - Proclamation Recognizing September as National Suicide Prevention Awareness Month. - By a vote of 5:0, ADOPTED proclamation and presented it to Cathy Pales.	(Attachment 1)
7.	From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. <u>Neil Williamson</u>, President of the Free Enterprise Forum, commented on affordable housing and the rezoning of commercial space for residential uses.	
8.1	Fiscal Year 2024 Appropriations. ADOPTED resolution approving appropriations #2024048 for County government projects and programs.	<u>Clerk</u> : Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 2)
8.2	Schedule Public Hearing for a Proposed US Army Easement under Boulders Road. SCHEDULED future public hearing to consider this request from the U.S. Army for a cable easement under Boulders Road adjacent to Rivanna Station.	<u>Clerk</u> : Schedule on future agenda, advertise in Daily Progress and notify appropriate individuals.
8.3	Ragged Mountain Farm RPD. APPROVED the construction and installation of the shared driveway across lot A19 and B20 as proposed, and the construction and installation of a spur driveway to serve Lot A19's building site as proposed.	<u>Community Development</u> : Proceed as approved.
8.4	Broadway Blueprint Phase 2 Implementation Plan. ACCEPTED and ENDORSED the Broadway Blueprint Phase 2 Implementation Study, dated September 4, 2024, and referred the Study to the Economic Development Office and Community Development Department for implementation.	<u>Community Development and Economic Development</u> : Proceed as approved.
8.5	Proclamation Recognizing September 15, 2024, as International Day of Democracy. ADOPTED proclamation.	(Attachment 3)
9.	SE202400014 6316 Estes Lane Homestay. (White Hall Magisterial District) By a vote of 5:0, ADOPTED resolution to approve the special exception to authorize use of an accessory structure built after August 7, 2019, for a homestay use at 6316 Estes Lane.	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)
10.	Presentation : Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors. RECEIVED.	
11.	Presentation : United Way. RECEIVED.	
12.	Closed Meeting. - At 2:57 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: - under subsection (1), to discuss and consider appointments to various boards and	

commissions including, without limitation: the 5th & Avon Community Advisory Committee, the Agricultural and Forestal District Advisory Committee, the Historic Preservation Committee, the JAUNT Board, the Monticello Area Community Action Agency (MACAA), the Natural Heritage Committee, the Places 29 (Hydraulic) Community Advisory Committee, the Places 29 (Rio) Community Advisory Committee, the Crozet Community Advisory Committee, and the Social Services Advisory Board; • under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual or probable litigation concerning alleged overpricing of insulin medication, where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and • under subsection (8), to consult with legal counsel regarding specific legal matters requiring legal advice relating to the possible employment of an attorney to advise the Board of Equalization.		
13. Certify Closed Meeting. • At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting.		
Remote Participation Request. • By a vote of 5:0, APPROVED the request to allow Mr. Gallaway to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, stating that he was unable to attend the meeting in person due to a personal matter.		
14. Boards and Commissions: a. Vacancies and Appointments. • REAPPOINTED, Mr. Nathan Holland and Mr. Thomas Thorpe to the 5th & Avon Community Advisory Committee with said terms to expire on September 30, 2026. • APPOINTED, Mr. Peter Greenberg to the Agricultural and Forestal District Advisory Committee with said term to expire on April 17, 2028. • APPOINTED, Mr. Shawn Brydge to the Crozet Community Advisory Committee with said term to expire on March 31, 2025. • APPOINTED, Ms. Marcia Joseph to the Historic Preservation Committee with said term to expire on June 4, 2027. • APPOINTED, Mr. Joseph Rhames and Ms. Megan Sebasky to the Natural Heritage Committee with said terms to expire on September 30, 2025. • REAPPOINTED, Ms. Kendra Walston to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2026.	<u>Clerk:</u> Prepare appointment/ reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	

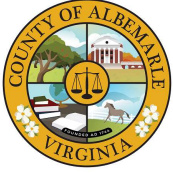
• REAPPOINTED, Ms. Audrey Kocher, Mr. Brian MacMillan, and Ms. Judy Schlusel to the Places 29 (Rio) Community Advisory Committee with said terms to expire on September 30, 2026. • APPOINTED, Ms. Elizabeth Emrey to the Social Services Advisory Board as the Scottsville District representative, with said term to expire on December 31, 2027.		
Non-Agenda: A Resolution of The Albemarle County Board of Supervisors Authorizing the Employment of an Attorney to Advise the Board of Equalization • By a vote of 5:0:1 (Gallaway, abstain), ADOPTED resolution.	<u>Clerk:</u> Forward copy of signed resolution to County Assessor and County Attorney's office. (Attachment 5)	
Non-Agenda: A Resolution of the Albemarle County Board of Supervisors Authorizing the County's Participation in Insulin Overpricing Lawsuit(s) • By a vote of 5:0:1 (Gallaway, abstain), ADOPTED resolution.	<u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 6)	
15. From the County Executive: Report on Matters Not Listed on the Agenda. • There were none.		
16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. • <u>The following individuals addressed the Board concerning Ranked Choice Voting:</u> • Doug Earle • Kent Schlusel • <u>Judy Schlusel</u>, Rio District resident and member of the Rio 29 CAC, asked the Board to enforce the no-through truck restrictions for drivers of construction vehicles traveling through Dunlora on route to the Belvedere construction site.		
17. Action: ZTA202300002 Personal Wireless Service Facilities. • By a vote of 6:0, ADOPTED ordinance attached to the staff report as Attachment B, as amended to provide that an "avoidance area" include "(i) any area within 1,500 feet of a parcel listed on the National Register of Historic Places as of September 4, 2024 except for those parcels listed only by virtue of a historic district;" and as amended by FOREST ALTERNATIVE B, with a score of 4.1 or greater, on Attachment C." • The following opposition was registered by Board members: <u>Ned Gallaway:</u> • Disagreed with the point regarding national landmarks versus historic places; however, it would not prevent him from voting for the ordinance because of the improvement it would be from their current situation.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 7)	

<u>Diantha McKeel:</u> - Noted that she preferred the first option but that she was willing to support this motion in the name of compromise. <u>Ann Mallek:</u> - Noted that she would prefer Map 9 and adoption of the mountain protection area description, she was willing to vote for this version.		
18. <u>Pb. Hrg.: ZMA202300015 1928 Scottsville Road.</u> By a vote of 6:0, ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 8)	
19. <u>Pb. Hrg.: SP202400016 Community Christian Academy Modulares.</u> By a vote of 6:0, ADOPTED resolution to approve SP202400016 Community Christian Academy Modulares with conditions.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)	
20. <u>Pb. Hrg.: ACSA202400001 Roach Jurisdictional Area Amendment.</u> By a vote of 6:0, ADOPTED resolution to amend the Albemarle County Service Authority Jurisdictional Area to designate 4874 Three Notched Road (Parcel 05600-00-00-07000) for "Water and Sewer" service.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)	
21. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Mike Pruitt:</u> - Remarked that the report received by Dr. Stacy Pethia on housing initiatives generated considerable excitement among the Pantops Community Advisory Committee members and that the sentiment of wanting to do more was a recurring theme in their discussions on housing. - Commented that emergency housing relief program needed more funding since the security deposit portion was already fully utilized. <u>Ned Galloway:</u> - Commented that he and Ms. Mallek had gathered some preliminary cost estimates for Smart Scale applications and that it was discouraging to see the inflated costs due to construction and easement acquisition. <u>Ann Mallek:</u> - Requested information on whether the County's non-displacement policy, which was adopted last year, was at the maximum of their authority.	<u>County Executive:</u> Follow up as requested.	
24. Adjourn to September 17, 2024, 6:00 p.m. Room 241. The meeting was adjourned at 9:08 p.m.		

ckb/tom

Attachment 1 – Proclamation Recognizing September as National Suicide Prevention Awareness Month
Attachment 2 – Resolution to Approve Additional FY 2024 Appropriations
Attachment 3 – Proclamation Recognizing September 15, 2024 as International Day of Democracy
Attachment 4 – Resolution to Approve SE2024-00014 6316 Estes Lane Homestay

Attachment 5 – Resolution Authorizing the Employment of an Attorney to Advise the Board of Equalization
Attachment 6 – Resolution Authorizing the County’s Participation in Insulin Overpricing Lawsuit(s)
Attachment 7 – Ordinance No. 24-18(3)
Attachment 8 – Ordinance No. 24-A(14) ZMA 2023-00015
Attachment 9 – ZMA 2023-00015 Proffers dated August 23, 2024
Attachment 10 – Resolution to Approve SP202400016 Community Christian Academy Modulares
Attachment 11 – Resolution to Approve ACSA202400001 4874 Three Notched Road



Albemarle County

Legislation Text

File #: 24-400, **Version:** 1

AGENDA DATE: 9/4/2024

TITLE:

Ragged Mountain Farm RPD

SUBJECT/PROPOSAL/REQUEST: Request for new driveway access for two RPD preservation tracts under conservation easements jointly held by the County and the Albemarle Conservation Easement Authority.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Wall, DeLoria, Filardo, Barnes, Maliszewski, Clark

PRESENTER (S): Scott Clark

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: In 2006, the County approved a subdivision plat for two adjacent Rural Preservation Developments (RPDs), known collectively as Ragged Mountain Farm. Each RPD had two preservation tracts, meaning that the County and the Albemarle Conservation Easement Authority (ACEA) co-hold four conservation easements in total for the preservation tracts in this subdivision (Attachment A). Two of the preservation tracts (lots A19 and B20) were expected to take access from the internal subdivision roads of Ragged Mountain Farm. A contract purchaser for lot B20 (Tax Map 74 Parcel 5D9) proposes to provide access to that lot from Taylors Gap Road instead, via a new, shared access easement over lot A19 (Tax Map 74 Parcel 5B8). A spur driveway from the new access easement would provide access to the building site on lot A19. As this new access easement would overlay existing conservation easements held by the County and by the ACEA, approval from both bodies is needed to verify that the proposed access is consistent with the conservation easements.

STRATEGIC PLAN: Safety & Well-Being - Nurture a safe and healthy community.

DISCUSSION: Accessing the required building sites from the internal roads would require the driveways to cross significant areas of critical slopes, as well as some stream buffers on lot B20. However, the proposed access would take advantage of existing terrain to provide access with fewer impacts to the conservation values. The applicant's engineer calculated that the proposed access would reduce impacts on critical slopes by 23,791 square feet (a 24.6% reduction over the internal access). Also, impacts to stream buffers would be eliminated by use of the proposed access, as this access route would avoid the stream buffers on lot B20.

The County Engineer has reviewed these plans and agrees with the applicant's analysis that the proposed access would reduce the physical impacts of the currently approved driveway construction plans for these two preservation tracts.

At its meeting on August 8th, 2024, the ACEA voted to approve a resolution (Attachment B) approving the

proposed access provided that the driveways, which are to be built as shown in Exhibit B of Attachment B, are limited in width to 12 feet, and that driveways from the internal subdivision roads not be built.

BUDGET IMPACT: There is no budget impact from this action.

RECOMMENDATION:

Staff recommends that the Board of Supervisors approve the construction and installation of the shared driveway across lot A19 and B20 as proposed, and the construction and installation of a spur driveway to serve Lot A19's building site as proposed.

ATTACHMENTS:

A: Ragged Mountain Farm Preservation Tracts Map

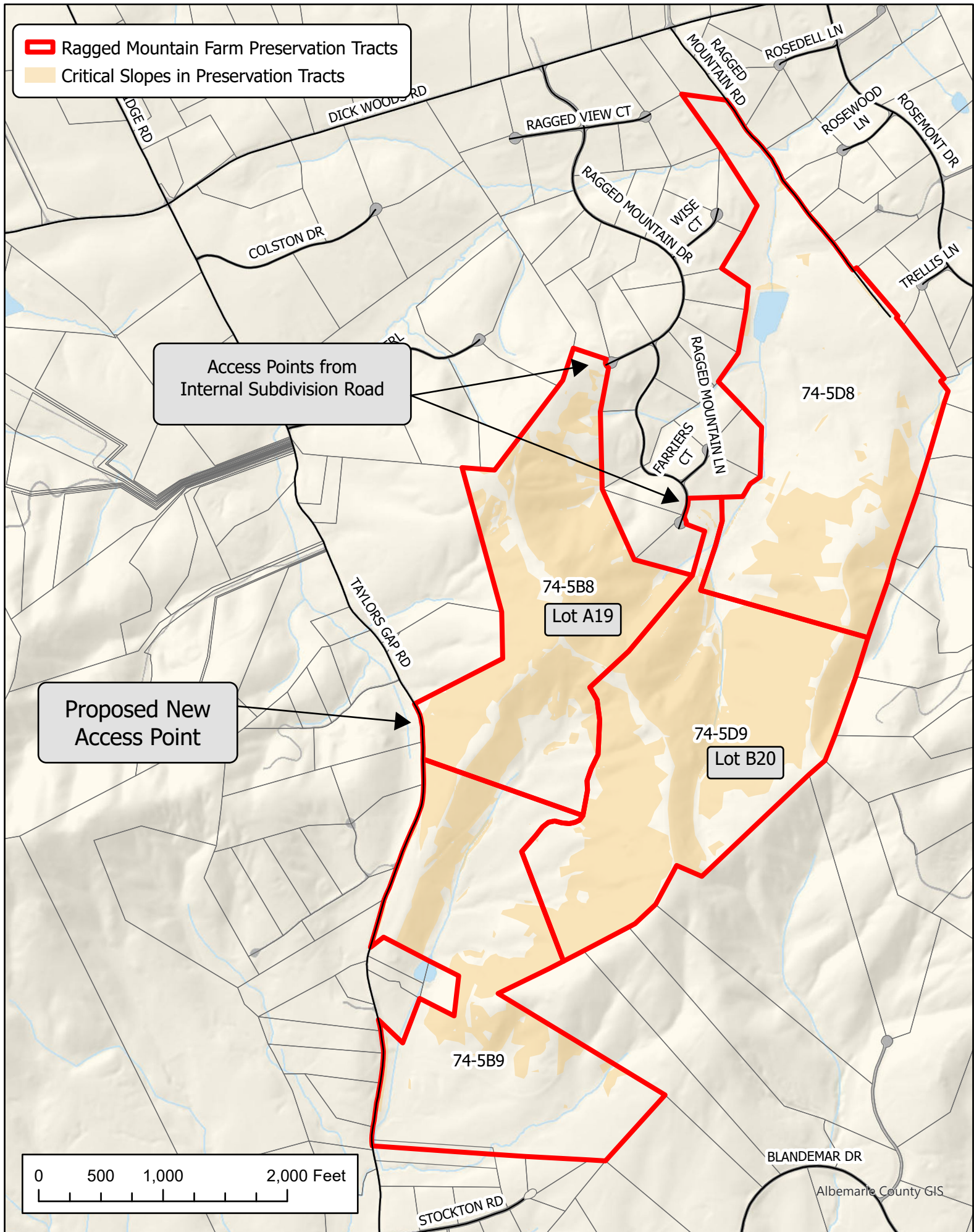
B: ACEA Resolution Approving Proposed Access

-  Ragged Mountain Farm Preservation Tracts
-  Critical Slopes in Preservation Tracts

Access Points from
Internal Subdivision Road

Proposed New
Access Point

0 500 1,000 2,000 Feet





**ALBEMARLE COUNTY
CONSERVATION EASEMENT AUTHORITY**

**RESOLUTION APPROVING DRIVEWAY PLAN FOR RAGGED MOUNTAIN
RURAL PRESERVATION DEVELOPMENT PRESERVATION TRACT A19**

WHEREAS, this Authority approved and accepted with the County of Albemarle, Virginia, open space Deeds of Easement over Lot A19 (Albemarle Tax Map Parcel ID 07400-00-00-005B8) and Lot B20 (Albemarle Tax Map Parcel ID 07400-00-00-005D9) of the Ragged Mountain Farm Rural Preservation Development, said deeds dated August 18, 2006, and recorded respectively in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 3278, page 319 (Instrument No. 2006-00014628) and in Deed Book 3278, page 307 (Instrument No. 2006-00014627)("the Deeds").

WHEREAS, the current owner proposes to build a shared driveway across Lot A19 from Taylors Gap Road in general accord with the attached draft Deed of Easement and Driveway Maintenance Agreement, including Exhibit A and B attached thereto, to serve Lot A19 and Lot B20, which is also a preservation tract under an open space easement, and a spur driveway from the shared driveway to serve the building site on Lot A19 also in general accord with Exhibit B attached hereto.

WHEREAS, Section 2(B)(4) of both Deeds permits the construction, installation, location, or placement of "driveways" on Lot A19 "provided they are consistent with this Easement."

WHEREAS, the current owner is willing to construct the driveways according to the conditions contained in the referenced and attached draft Deed of Easement and Driveway Maintenance Agreement.

WHEREAS, this Authority finds that the proposed driveways on Lot A19 and Lot B20 as described in the draft Deed of Easement and Driveway Maintenance Agreement with attached Exhibits are consistent with the provisions of the respective Deeds on the condition that the driveways approved in the original subdivision plats for Lots A19 and B20 are abandoned and not to be built.

NOW, THEREFORE, BE IT RESOLVED, on this date, August 8, 2024, that the Authority approves the construction and installation of the shared driveway across Lot A19 and Lot B20 as proposed and the construction and installation of a spur driveway to serve Lot A19's building site as proposed.

* * * * *

MOTION

I move the Albemarle Conservation Easement Authority to approve this Resolution as amended.

* * * *

[Vote Certification Follows]

I, Scott Clark, Secretary, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Conservation Easement Authority by a vote of 6 to 0 as recorded below, at a meeting held on August 8, 2024.



Scott Clark
Secretary

	<u>Yes</u>	<u>No</u>
Dir. Fennell	<u>_x_</u>	_____
Dir. Taylor	_____	_____ [Absent]
Dir. Buttrick	_____	_____ [Absent]
Dir. Emery	_____	_____ [Absent]
Dir. Emmitt	<u>_x_</u>	_____
Dir. Merrick	<u>_x_</u>	_____
Dir. Izard	<u>_x_</u>	_____
Dir. Moses	<u>_x_</u>	_____
Dir. Moore	<u>_x_</u>	_____

PREPARED BY BRIAN S. JOHNSON VSB #74484

WOODS ROGERS VANDEVENTER BLACK PLC

TAX MAP: T.M. 74-5B8; T.M. 74-5D9

TITLE UNDERWRITER: No title search was conducted in connection with this conveyance

THIS DEED OF EASEMENT AND DRIVEWAY MAINTENANCE AGREEMENT is made and entered into this ___ day of _____, 2024, by and between PORTOFINO, LLC, as Grantor, whose address is 819 Blue Crab Road, Newport News VA 23606, and PORTOFINO, LLC, as Grantee, whose address is 819 Blue Crab Road, Newport News VA 23606,

W I T N E S S E T H:

WHEREAS, Grantor is the owner of a 84.79 acre parcel of land, more or less, in Albemarle County, Virginia (the "Grantor Parcel"), being more particularly described as Lot A19 in that certain deed of contribution dated June 21, 2012 and recorded on July 6, 2012 in the records of the Albemarle County Circuit Court in Deed Book 4197, Page 548 (the "Vesting Deed"); and

WHEREAS, Grantee is the owner of a 100.22 acre parcel of land, more or less, situated in Albemarle County, Virginia (the "Grantee Parcel"), being more particular described as Lot B20 in the Vesting Deed; and

WHEREAS, the parties hereto wish to establish for the benefit of the Grantee Parcel a 30 foot wide non-exclusive right of way and private driveway easement for ingress and egress, over and across a portion of the Grantor Parcel (the "Easement Area"), as further shown on the schematic attached hereto as Exhibit A; and

WHEREAS, the parties hereto wish to contractually agree as to the manner in which any driveway constructed within Easement Area shall be constructed and thereafter maintained;

NOW THEREFORE, the Grantor does hereby GRANT and CONVEY unto the Grantee, and

to Grantee's successors and assigns, a 30 foot wide non-exclusive right of way and private driveway easement for ingress, egress, over and across a portion of the Grantor Parcel, all as further shown on the schematic attached hereto as Exhibit A. Grantee shall be permitted to construct a driveway within the Easement Area (together with related grading and tree removal within the Easement Area in order to construct such a driveway), and shall further be permitted to install a mailbox, residential signage, landscaping and decorative fencing within that portion of the Easement Area that is adjacent to Taylor's Gap Road. Use of the driveway for construction activities on the Grantee Parcel shall be permitted. The exact location of the Easement Area shall be subject to modification at the time of driveway construction as necessitated by topography, soil conditions and similar matters that would have a materially adverse effect on Grantee's ability to construct a driveway within the Easement Area at a commercially reasonable cost; provided, however, that the location of the Easement Area shall remain in general compliance with its location identified on the attached Exhibit A. Any such modification to the Easement Area shall be reflected in a recorded amendment to this Deed of Easement. No parking of vehicles shall be permitted in the Easement Area at any time. The use of any driveway constructed within the Easement Area shall be for the Grantee and the Grantee's guests and invitees.

The driveway built within the Easement Area shall not exceed the following minimum standards allowed under Section 4.6.6(b) of the Albemarle County Code, including the following requirements: (1) the driveway shall not exceed a 16 percent (16%) grade; (2) the driveway shall extend to within fifty (50) feet of each dwelling unit that is constructed on the Grantee Parcel; and (3) the driveway shall include a rectangular zone adjacent to the driveway that is clear of all obstructions, including any structures and vegetation, that is at least ten (10) feet in width and

fourteen (14) feet in height.

The surface of the driveway shall be a maximum of twelve (12) feet in width (which the parties hereto agree is in excess of the Albemarle County minimum requirement of ten (10) feet in width). The driveway surface shall be constructed with permeable materials within the hash-marked area shown on Exhibit B. With the exception that if a slope within the hash-marked area shown on Exhibit B is greater than ten percent (10%), impervious materials may be used in order to ensure safe vehicular travel. Any areas outside of the hash-marked area shown on Exhibit B may be constructed with impervious materials.

The initial cost to construct a driveway and any related improvements within the Easement Area shall be borne by the Grantee as the owner of the Grantee Parcel, and the commencement of construction shall be at Grantee's election. In the event that Grantor desires for a driveway to be built in the Easement Area for its own use prior to the election by Grantee to commence construction of a driveway, then Grantor shall bear the cost for such construction activities (absent a written agreement between Grantor and Grantee that apportions such costs between the parties).

Grantee shall bear all of the cost of maintenance, repairs or further improvements to the driveway within the Easement Area until such time as a building permit is issued by Albemarle County, Virginia for the construction of a residence (or similar structure) on the Grantor Parcel; thereafter, the cost of maintenance, repairs or further improvements to that portion of the driveway within the Easement Area that may be utilized by Grantor to reach the site upon which the Grantor's residence will be constructed shall be borne equally by Grantee (as the owner of the Grantee Parcel) and Grantor (as the owner of the Grantor Parcel), and Grantee shall remain solely responsible for the cost of maintenance, repairs or further improvements to the remaining portion of the driveway within

the Easement Area.

Any party causing damage to the driveway within the Easement Area through negligence on their part, or others for them, or on their own behalf, shall be wholly responsible for any damage resulting from such negligence.

Grantor and Grantee shall determine by mutual agreement, from time-to-time, the standards to which any driveway in the Easement Area shall be maintained or improved; provided, however, that the minimum standard shall be that the driveway is maintained in such condition that it is passable at all times for ordinary use by passenger vehicles, excepting only severe, temporary conditions such as snow or ice. Periodic removal of ice and snow shall be deemed to be maintenance. In making any decisions regarding maintenance for which Grantor and Grantee would share equally in the cost thereof, the party believing maintenance or improvements are required shall provide written notice to the other party of the desired work and the itemized costs for such work. Any such maintenance or improvements for which the cost thereof would be shared by Grantor and Grantee shall require the prior written approval of Grantor and Grantee. Each notice of a proposal for maintenance or improvements shall be presumed to have been delivered if it shall be mailed, by first class mail, postage prepaid, to the party to whom it is addressed at the address listed in the Office of the Commissioner of Revenue of Albemarle County for such party for real estate tax purposes. Failure of any party to respond to such notice within thirty (30) days shall be deemed consent to the requested work in the notice. If any party shall fail to pay its proportionate share of the costs of maintenance for which it is responsible, then the other party hereto may bring an action at law against the party who has failed to pay its proportionate share. The amount due by any delinquent party shall bear interest at the judgment rate provided by law from the date of completion of the

maintenance, and the delinquent party shall be liable for all costs of collection, including, but not limited to, reasonable attorney's fees.

The aforesaid easement shall run with the land, be of perpetual duration, and shall be binding on Grantor and Grantor's respective successors in title. The recitals contained herein are incorporated as a substantive part of this Deed of Easement.

NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO CERTIFICATION AS TO STATUS OF TITLE IS MADE BY ATTORNEY PREPARING THIS DEED OF EASEMENT.

WITNESS the following signature and seal:

Portofino, LLC

By: _____ (SEAL)

Name: James T. Fang

Title: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing Deed of Easement was acknowledged before me by James T. Fang in his capacity as the _____ of Portofino, LLC, a Virginia limited liability company, on this the _____ day of _____, 2024.

My commission expires: _____

Notary Public
ID No. _____



EXHIBIT B

