

ORDINANCE
AUTHORIZING ENCROACHMENT OF A RETAINING WALL
CONSTRUCTED PARTIALLY ON PROPERTY IDENTIFIED ON CITY TAX MAP 60 AS
PARCEL 120 AND HAVING THE ADDRESS OF 0 STONEHENGE AVENUE EXT.

WHEREAS Stonehenge Park, LLC, the owner of certain property with an address of 0 Stonehenge Avenue Ext., identified on City Tax Map 60 as Parcel 120 (City Real Estate Parcel Identification No. 600120000) (the “Property”), has requested City Council to authorize the encroachment of a retaining wall constructed on and adjacent to the Property into the public right-of-way of Stonehenge Avenue Ext. (the “Retaining Wall”); and

WHEREAS the City Engineer has reviewed a physical survey plat prepared by Roger W. Ray & Assoc., Inc. entitled “PLAT SHOWING RETAINING WALL AND MAINTENANCE AREA LOCATED WITHIN THE PUBLIC R/W OF STONEHENGE AVENUE EXTENDED, BELMONT POINT, CITY OF CHARLOTTESVILLE, VIRGINIA,” dated May 26, 2023 and revised July 1, 2024 (the “Plat”), which shows the encroachment of the Retaining Wall identified as “APPROXIMATE LOCATION OF RETAINING WALL (LINEWORK PROVIDED BY SHIMP ENGINEERING, P.C.)” (the “Encroachment”). Seeing no apparent detrimental effect of City Council agreeing to the Encroachment, the City Engineer has confirmed that he has no objection to the request; and

WHEREAS Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950), in effect as of the date this Ordinance is approved, permit the City Council to authorize encroachments upon public rights-of-way, subject to the requirement that the Property owner shall not be relieved of negligence on account of the Encroachment, and further subject to other terms and conditions as City Council may prescribe.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the Mayor is hereby authorized to execute a deed or other instrument, in a form approved by the City Attorney and suitable for recording among the land records of the City of Charlottesville, to authorize and license the Encroachment within the Stonehenge Avenue Extended right-of-way as shown on the Plat, subject to the provisions of Sections 15.2-2009 and 15.2-2011 of the Code of Virginia (1950) in effect as of the date this Ordinance is approved.

BE IT FURTHER ORDAINED by the Council of the City of Charlottesville, Virginia, that a term and condition of such approval be that any maintenance on the Retaining Wall shall be conducted within the area on the Plat identified as “RETAINING WALL MAINTENANCE AREA.”