

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



Agenda Date:	September 16, 2024
Action Required:	Approval of Ordinance
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
Title:	Ordinance for Stonehenge Avenue Encroachment Agreement (2nd reading)

Background

Stonehenge Park, LLC (the "Owner") is the owner of property identified as Tax Map 60 Parcel 120 (PIN 600120000) with an address of 0 Stonehenge Ave. Ext. and shown as Open Space E (the "Property"). The Owner is responsible for a retaining wall located in the City and constructed partially on the Property, partially on property identified as Tax Map 60 parcel 120.022 (PIN 600120022) with an address of 1302 Stonehenge Ave. Ext., and partially in the right-of-way of Stonehenge Ave. Ext. (the "Retaining Wall"). Prior to release of development bonds for the development known as Belmont Point, it was discovered that a portion of the Retaining Wall encroached into the public street right-of-way for Stonehenge Ave. Ext.

The Owner has requested City Council to approve this encroachment, to facilitate release of their development bonds and to cure any issues that might affect property owners within Belmont Point from using the Property as common space, or a subsequent purchaser's ability to obtain title insurance/clear title. Attached is a copy of the recent survey plat of the property showing the area of Stonehenge Ave. Ext. affected by the Retaining Wall's encroachment.

Discussion

Sections 15.2-2009 and 15.2-2011 of the Virginia Code permit the City Council to authorize encroachments upon public rights-of-way, subject to requirements of those statutory sections and such other terms and conditions as City Council may prescribe.

Alignment with City Council's Vision and Strategic Plan

Approval of the Retaining Wall encroachment is consistent with the Strategic Plan goal for Transportation.

Community Engagement

Not applicable

Budgetary Impact

There is no budgetary Impact for approval of this agreement

Recommendation

Staff recommends approval of the Ordinance

Alternatives

If Council decides not to approve the Ordinance, the Owner will be required to relocate the retaining wall outside of the public right-of-way. Currently, the roads in the affected development have not been formally accepted for maintenance by the City, and the time required to move the wall will increase the amount of time that the residents of the development will be living on an unaccepted, privately maintained road.

Attachments

1. Draft Ordinance
2. Request
3. Plat