

1983 DEED – CONVEYANCE BY CITY
TO RWSA

BOOK 768 PAGE 277 => County
BOOK 438 PAGE 854 => City? 3573

This Deed and Bill of Sale made this 13th day of June, 1983, by and between the CITY OF CHARLOTTESVILLE (the "City"), a municipal corporation and the RIVANNA WATER AND SEWER AUTHORITY ("Rivanna"), a body corporate and politic created pursuant to the Virginia Water and Sewer Authorities Act (Va. Code §§15.1-1239, et seq.).

WITNESSETH:

I. That by an agreement dated June 12, 1973, the City, Rivanna, the County of Albemarle and the Albemarle County Service Authority made certain provisions for the financing, operation and maintenance of a public water supply system and wastewater collection, treatment and disposal system serving Charlottesville and Albemarle County. Among other matters that agreement provided for the eventual sale to Rivanna of certain water production, storage and transmission facilities and wastewater treatment and interceptor facilities owned by the City. Pursuant to the terms of that agreement, the City has, by ordinance adopted June 6, 1983, authorized its Mayor to execute this deed and bill of sale.

II. Now, therefore, in consideration of the sum of Four Million Five Hundred Ninety-three Thousand Nine Hundred Fifty-eight Dollars (\$4,593,958.00) paid by Rivanna, receipt of which is hereby acknowledged, the City hereby GRANTS, BARGAINS, SELLS and CONVEYS in fee simple with SPECIAL WARRANTY OF TITLE to Rivanna the following described real estate:

Shirley's address: P.O. Box 18, Charlottesville, Va. 22902

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2.

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A. Two parcels in the White Hall and Samuel Miller Magisterial Districts of Albemarle County comprising part of the site of the Mechum's River raw water pump station, and all improvements thereon, as follows:

1. That parcel acquired by the City from Sadie Dorsey, et al, under an Order Confirming a Report of Commissioners dated February, 1931, of record in the Clerk's Office of the Circuit Court of the County of Albemarle in Deed Book 218, page 211 including easements for ingress and egress and for an electric transmission line described therein.
2. That parcel of 0.53 acres, more or less, conveyed to the City by deed dated May 15, 1957 from J. C. and Ella P. Ballard, of record in such Clerk's Office in Deed Book 332, page 470. The conveyance of this parcel is expressly made subject to the right-of-way reserved by the grantors in that deed.

A third parcel of approximately 1.20 acres, the subject of condemnation proceedings instituted by the City in 1957 against Sadie Dorsey Bowles, et al, will be conveyed to Rivanna by separate deed at a later date, when the City has perfected its title to the property. Reference is made to the descriptions in the aforesaid order and deed, or plats recorded therewith for a more complete description of these parcels and appurtenances.

B. Parcels in the Charlottesville Magisterial District of Albemarle County comprising the site of the South Rivanna water filtration plant and storage tanks, and improvements thereon as follows:

1. A five acre parcel acquired by the City from J. Nathaniel Burnley, et al, under an Order

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3.

Confirming Report of Commissioners dated September 22, 1964, of record in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 401, page 230.

2. A portion of the property conveyed to the City by deed dated May 7, 1963, from Edward O. McCue, Jr., et al, of record in such Clerk's Office in Deed Book 388, page 66. The portion of such property hereby conveyed is the parcel lying east of State Route 659 (Old Rio Mills Road) as shown on a plat of Polglaze & Basenberg Engineers recorded with the McCue deed at Deed Book 388, page 69. The City expressly does not convey to Rivanna the parcel west of State Route 659 (Old Rio Mills Road) shown on a similar plat at Deed Book 388, page 73.
3. Two parcels described as Parcels 45-71 and 45-72 on the tax maps of Albemarle County conveyed to the City by deed dated April 26, 1963, from Raymond L. Bell, et al, of record in said Clerk's Office in Deed Book 387, page 506.

Reference is made to the aforesaid order and deeds and to plats recorded therewith for a more complete description of these parcels.

C. Parcels in the Rivanna Magisterial District of Albemarle County comprising the site of the Moore's Creek wastewater treatment plant, and improvements thereon, as follows:

1. A parcel conveyed to the City by deed dated April 23, 1957, from Charlottesville Woolen Mills, Inc., et al, of record in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 331, page 549, including as appurtenant thereto an easement and right-of-way for ingress and egress over adjacent lands, as described in such deed.
2. A parcel conveyed to the City by deed dated June 4, 1957, from the Chesapeake and Ohio Railway Company, of record in such Clerk's Office in Deed Book 333, page 142.

Reference is made to these deeds and the plats recorded there-
with for a more complete description of these properties.

All the foregoing conveyances are made subject to any existing
easements of record affecting the properties conveyed.

III. In further consideration of the sum paid by Rivanna, the
City GRANTS and CONVEYS to Rivanna the following water transmission
lines, together with the various easements, rights-of-way, licenses
and permits appurtenant to such lines:

- A. One 18-inch water transmission line from
Sugar Hollow Reservoir and Mechum's River
to the Ragged Mountain Reservoirs.
- B. One 18-inch raw water transmission line
from Ragged Mountain to the Observatory
Mountain filtration plant.
- C. One 18-inch raw water transmission line
from Ragged Mountain to Observatory Avenue
and the tracks of the Southern Railway
Company and the 16-inch raw water trans-
mission line from there to the Observatory
Mountain filtration plant.
- D. One 16-inch finished water transmission line
from the Observatory Mountain filtration plant
to the Lambeth Field station, but not including
the Lambeth Field pump station.
- E. One 24-inch finished water transmission line
from the South Rivanna filtration plant
generally paralleling U. S. Route 29 to Rio
Road.
- F. One 18-inch finished water transmission line
from U. S. Route 29 and Rio Road to Melbourne
Road.
- G. One 18-inch finished water transmission line
from U. S. Route 29 and Rio Road to Hydraulic
Road.

- H. One 30-inch interceptor sewer line extending from the existing Moore's Creek wastewater treatment plant to the site of the old Moore's Creek treatment plant.
- I. One interceptor sewer line varying in size from 21-inches to 36-inches, extending from Emmet Street to the Meadowcreek wastewater treatment plant.
- J. One interceptor sewer varying in size from 18-inches to 21-inches, extending from McIntire Road and Preston Avenue to the Meadowcreek interceptor line (I. above).

Such lines are located within the rights-of-way of various city streets or state public roads or within easements or rights-of-way acquired by the City from the University of Virginia and numerous private property owners. To the extent that these lines are on property owned in fee simple by the City, the City GRANTS to Rivanna perpetual easements for their continued operation and maintenance. To the extent the lines exist within state public roads by license or permit from the Virginia Department of Highways and Transportation, the City ASSIGNS such rights to Rivanna. All easements and rights-of-way across private property or property of the University of Virginia for such lines, recorded in the Clerk's Offices of the Circuit Courts of Charlottesville and Albemarle County are hereby GRANTED and CONVEYED to Rivanna with SPECIAL WARRANTY OF TITLE.

The City has furnished to Rivanna its plans and maps showing the location of these lines. These shall be kept on file at the principal office of Rivanna for public inspection.

IV. In further consideration of the sum paid by Rivanna the

City hereby GRANTS, BARGAINS, SELLS and CONVEYS to Rivanna with SPECIAL WARRANTY OF TITLE the buildings and other improvements comprising the Observatory Mountain filtration plant and the Royal and Stadium Road pump stations, and GRANTS and CONVEYS to Rivanna its rights and leasehold interests in and to the following parcels of land on which such buildings and improvements are located.

- A. Three parcels comprising the site of the Observatory Mountain filtration plant, in which the City acquired leasehold interests from the Rector and Visitors of the University of Virginia under the following instruments:
1. Agreement dated April 18, 1922, recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 179, page 385 granting City a leasehold interest for 99 years in a 3.5 acre parcel as shown on plat of Lee H. Williamson recorded therewith.
 2. Agreement dated April 1, 1944, recorded in such Clerk's Office in Deed Book 260, page 193 granting City a leasehold interest for 77 years in additional acreage adjacent to the 3.5 acre parcel leased in 1922, as shown on a plat of the City Engineering Department recorded therewith.
 3. Agreement dated August 23, 1949, recorded in such Clerk's Office in Deed Book 285, page 480, granting the City a leasehold interest in an additional triangular parcel adjacent to the parcels leased in 1922 and 1944, as shown on a plat of the City Engineering Department recorded therewith.
- B. A parcel fronting 100 feet on Stadium Road with a depth of 125 feet comprising the site of the Stadium Road pump station in which the City acquired a leasehold interest for a period of 77 years beginning April 1, 1944 under the aforesaid agreement of that date with the Rector and Visitors of the University of Virginia, of record in the Clerk's Office of

the Circuit Court of Albemarle County in Deed Book 260, page 193.

- C. A small parcel on the north side of Stadium Road extended, comprising the site of the Royal pump station, in which the City acquired a leasehold interest for a period of 99 years beginning September 10, 1948, under a deed of that date recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 280, page 311. This tract is more completely described on a plat of the City Engineering Department attached to that agreement and recorded therewith at Deed Book 280, page 315.

The agreements under which the City acquired the leasehold interests in the sites of the Observatory Mountain Plant and Stadium Road described in subparagraphs A and B above have been amended from time to time by mutual agreement of the City and the University. Under the most recent amended version dated November 18, 1981, the City has agreed to pay the University an annual rental equal to ten percent of the appraised value of land leased for the filtration plant site. By its acceptance and recordation of this instrument Rivanna assumes the obligation of the City to pay this rent; however the City shall continue to serve the University as a retail water and sewer customer, as provided by the November 18, 1981 amended agreement, a copy of which has been furnished to Rivanna.

V. Pursuant to the four-party agreement dated June 12, 1973, the City hereby leases to Rivanna, for as long as that agreement remains in effect, all water rights in and to the Sugar Hollow Reservoir, the two Ragged Mountain Reservoirs and the South Rivanna Reservoir, including the rights to maintain and operate all impound-

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ment and pumping facilities, and to withdraw all water that may be available. As specified in the agreement, Rivanna will maintain all dams and water production facilities at these reservoirs, but will not be required to maintain areas at the reservoirs used for other municipal purposes.

VI. In further consideration of the sum paid by Rivanna, the City hereby also SELLS, ASSIGNS, TRANSFERS, CONVEYS and DELIVERS to Rivanna all personal property, including but not limited to supplies, tools, fixtures, machinery and equipment, engineering plans and specifications and records, maintained on the premises of, or used in connection with the operation of, the facilities being transferred by this instrument.

VII. The City COVENANTS and AGREES that, in the event Rivanna hereafter encounters material defects in title to the facilities conveyed by this deed, it will take such actions as may be required to assist Rivanna in curing such defects, including but not limited to exercising the power of eminent domain, or at the City's option, will agree to reimburse Rivanna for its expenses reasonably incurred in curing such defects.

Witness the following signatures and seals.

CITY OF CHARLOTTESVILLE

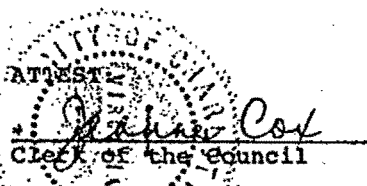
BY


Mayor

(SEAL)

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APPROVED AS TO FORM:

[Signature]
City Attorney

STATE OF VIRGINIA at LARGE, to-wit:

The foregoing deed was acknowledged before me this 10th day of June, 1983, by Francis L. Buck, Mayor, on behalf of the City of Charlottesville.

My commission expires: May 30, 1987

Cara J. Thomas
Notary Public

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AN ORDINANCE
AUTHORIZING THE CONVEYANCE
OF CERTAIN WATER AND SEWER FACILITIES

WHEREAS, on June 4, 1973, following a public hearing duly advertised, the Council of the City of Charlottesville, Virginia, approved and authorized the Mayor to execute a four-party agreement that was thereafter signed and dated June 12, 1973, setting forth the various terms of operation of the Rivanna Water and Sewer Authority and the relationships between and among that Authority and the City, the County of Albemarle and the Albemarle County Service Authority; and

WHEREAS, that agreement provided, among other matters, for the sale and transfer of certain City water and sewer facilities to the Rivanna Water and Sewer Authority; and

WHEREAS, it is now the appropriate time, under the terms of the June 12, 1973 agreement for the City to sell and transfer those facilities; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is authorized to execute a deed and bill of sale, in form approved by the City Attorney, conveying to the Rivanna Water and Sewer Authority those water and sewer facilities described in Exhibits 1 and 2 attached to the agreement of June 12, 1973.

Approved by Council
June 6, 1983

Atteste:

Jeanne Cox
Clerk of Council



VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE

This deed was presented, and with Certificate annexed,
admitted to record on July 8, 1983 at 9:16 o'clock AM.

STATE TAX	
LOCAL TAX	
TRANSFER FEE	<u>1.00</u>
CLERK'S FEE	<u>17.00</u>
PLAT	
GRANTOR'S TAX	
TOTAL	<u>18.00</u>

TESTE: SHELBY J. MARSHALL, CLERK

BY: *Teri M. Barnett*
DEPUTY CLERK