

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

**BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA,**

and

**COUNTY OF ALBEMARLE, VIRGINIA,
a political subdivision of the Commonwealth
of Virginia,**

Plaintiffs,

v.

Case No. CL17000203-00

**CITY COUNCIL OF THE CITY OF
CHARLOTTESVILLE, VIRGINIA,**

and

**CITY OF CHARLOTTESVILLE,
VIRGINIA,**

and

MAURICE JONES,

Defendants.

PLEA IN BAR AND DEMURRER

COME NOW, Plaintiffs the Board of Supervisors of the County of Albemarle, Virginia (hereinafter, "Board of Supervisors") and the County of Albemarle, Virginia (hereinafter "County") , by counsel, and pursuant to Virginia Code § 8.01-273 and Rule 3:8 of the Rules of the Supreme Court of Virginia, and in response to the Defendants' Counterclaim (hereinafter "Counterclaim"), both Counts I and II, make their Demurrer as follows:

FILED
July 14, 2017 3:40pm
(Date & Time)
City of Charlottesville
Circuit Court Clerk's Office
Lezelle A. Dugger, Clerk
By *[Signature]*
Deputy Clerk

PLEA IN BAR

A. The Counterclaim alleges that Albemarle County Code §11-303 is a zoning regulation, it is time-barred pursuant to Virginia Code § 15.2-2285.

1. Paragraph 3 of the Counterclaim's prayer for relief asks this Court to declare that the ordinance now codified as Albemarle County Code §11-303 is "...arbitrary, capricious, unreasonable, and not rationally related to the prevention of pollution in the reservoir...".

2. Paragraph 44 of the Defendants' Answer and Affirmative Defenses, as incorporated and reaverred in the Counterclaim, states that Albemarle County Code §11-303 is a land use restriction which was not adopted in accordance with the procedures specified by Virginia Code §§15.2-2286(A)(7) and 15.2-2285.

3. The Albemarle County Board of Supervisors enacted Albemarle County Code §11-303 in 1981 which enabled specific permissible uses that did not include bicycling.

4. Virginia Code §15.2-2285(F) requires that every action contesting a local governing body adoption of a zoning ordinance amendment must be "...filed within thirty days of the decision with the circuit court having jurisdiction of the land affected by the decision."

5. The Defendants filed this Counterclaim in June 2017. The Defendants assert that Virginia Code §§15.2-2285 and 15.2-2286 are the applicable statutes to evaluate Albemarle County Code §11-303. The Defendants filed the Counterclaim approximately thirty-six years after adoption of the enactment of Albemarle County Code §11-303, thus their claim that the ordinance in question is "arbitrary, capricious, unreasonable, and not rationally related to the prevention of pollution in the reservoir" is time barred pursuant to Virginia Code §15.2-2285.

B. The Counterclaim alleges that Albemarle County Code §11-303 inversely condemns the City of Charlottesville's property. It is time-barred by Virginia Code § 8.01-246.

6. Paragraphs 5 and 6 of the Counterclaim's prayer for relief ask that this Court find the Plaintiffs violated Article I, §11 of the Constitution of Virginia by inversely condemning the City's property and to award the City and City Council reasonable costs and attorneys' fees.

7. "Inverse condemnation permits recovery only when 'property is taken or damaged for public use' — thereby bestowing on the owner a right to 'sue upon an implied contract that he will be paid therefor such amount as would have been awarded if the property had been condemned under the eminent domain statute.'" AGCS Marine Insurance Company v. Arlington County, 2017 Va. Lexis 91, 8 (2017) (quoting Burns v. Board of Supervisors, 218 Va. 625, 627 (1977)).

8. The Virginia Supreme Court has found that the statute of limitations for an inverse condemnation is the three-year period found in Virginia Code §8.01-246(4) for implied contracts, "Accordingly, we concluded that the trial court did not err in applying the three-year limitations period of Code §8.01-246(4) to this inverse compensation (sic) action and we will affirm the judgment of the trial court." Richmeade, L.P. v. City of Richmond, 267 Va. 598, 604 (2004).

9. Pursuant to Virginia Code §8.01-246, the statute of limitations for breach of contract begins to run after the cause of action accrues. The Albemarle County Board of Supervisors enacted Albemarle County Code §11-303 on December 9, 1981. The 1981 enactment permitted specific uses that did not include bicycling. Assuming arguendo, that the Plaintiffs enacted an ordinance that inversely condemned the City's property, the City's applicable time period for commencing this suit expired on December 9, 1984. Therefore, the City's request for this Court

to declare Albemarle County Code §11-303 an inverse condemnation of the City's property and to award attorneys' fees is time-barred.

DEMURRER

A. The Counterclaim fails to allege facts sufficient to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 is arbitrary, capricious, unreasonable, and not rationally related to the prevention of pollution in the reservoir

1. The Defendants ask this Court to declare that Albemarle County Code §11-303 is “arbitrary, capricious, unreasonable, and not rationally related to the prevention of pollution in the reservoir”.

2. A county's legislative action is presumed to be reasonable. Narrows v. Clear-View Cable TV, Inc., 227 Va. 272, 280 (1984). A demurrer challenging the legislative action must contain factual allegations that state a cause of action, conclusions of law do not state a cause of action that a legislative body acted arbitrarily or unreasonably. Concerned Taxpayers v. County of Brunswick, 249 Va. 320, 328 (1995). A litigant attacking a county's ordinance must present probative evidence of the legislative action's unreasonableness. Eagle Harbor L.L.C. v. Isle of Wight County, 271 Va. 603, 615-616 (2006).

3. Courts must consider the legislative record and any evidence presented to the governing body during its deliberations to determine if the governing body's actions were unreasonable and not fairly debatable. Narrows v. Clear-View Cable TV, Inc., 227 Va, 272, 281-282 (1984).

4. The Counterclaim is required to provide factual allegations about the Albemarle County Board of Supervisors' decision making process to establish that a legislative action by that body is arbitrary, capricious, unreasonable, and not rationally related to its objective.

5. The Counterclaim does not contain any factual allegations about the Albemarle County Board of Supervisors' consideration, deliberation, or enactment of Albemarle County Code §11-303, including any evidence the Board of Supervisors considered or relied upon in enacting the ordinance.

6. The Counterclaim's lack of allegations about the Albemarle County Board of Supervisors' consideration and deliberation of evidence before enacting Albemarle County Code §11-303 in December of 1981 fails to state sufficient facts to state a claim for declaratory relief on the theory that Albemarle County Code §11-303 is arbitrary, capricious, unreasonable, and not rationally related to the prevention of pollution in the Ragged Mountain Reservoir.

B. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 denies the City equal protection under the law.

7. The Counterclaim requests that this Court declare that Albemarle County Code §11-303 denies the City of Charlottesville (hereinafter "City") due process and equal protection of the law.

8. In paragraph 58, the Counterclaim specifically states that Albemarle County Code §11-303 is overbroad, vague, both facially and as applied, and denies the City of Charlottesville due process and equal protection.

9. There is no specific equal protection clause in the Constitution of Virginia. Buchanan v. Chesapeake, 237 Va. 50, 53 (1989).¹ Therefore, the Defendants' equal protection deprivation

¹ Article I, §11 of the Constitution of Virginia prohibits governmental discrimination on the basis of race, color, sex, or national origin similar to the Equal Protection Clause in the Fourteenth Amendment of the U.S. Constitution. However, the Constitution of Virginia's governmental discriminatory prohibitions do not apply to any other class of people or activities including bicyclists or bicycling. Therefore, the provisions of Article I, §11 of the Constitution of Virginia are inapplicable to any equal protection argument advanced by the Defendants' Counterclaim.

claim must be examined pursuant to the Fourteenth Amendment of the United States Constitution.

10. Municipal corporations may not avail themselves of the equal protection clause of the Fourteenth Amendment of the United States Constitution. “The City cannot invoke the protection of the Fourteenth Amendment against the State.” Newark v. New Jersey, 292 U.S. 192, 196 (1923). “For the same reasons a political subdivision of a state cannot challenge the constitutionality of another political subdivision's ordinance on due process and equal protection grounds. Therefore, the Fourteenth Amendment simply does not prescribe guidelines and impose restrictions upon one political subdivision vis-a-vis another political subdivision. The relationship between the entities is a matter of state concern; the Fourteenth Amendment protections and limitations do not apply.” South Macomb Disposal Authority v. Washington, 790 F.2d 500, 505 (6th Cir. 1996)

11. The local political subdivisions of the Commonwealth of Virginia are her counties, cities, and towns, which are created by general law and special acts of the General Assembly. 1977-78 Op. Atty. Gen. Va. 131.

12. The City of Charlottesville is a political subdivision of the Commonwealth of Virginia. It may not avail itself of the equal protection clause of the Fourteenth Amendment of the United States Constitution. Therefore, the Defendants' equal protection claim against the Plaintiffs fails to state a claim upon which relief may be granted.

13. Assuming arguendo that the Defendants may avail themselves of the equal protection clause of the Fourteenth Amendment of the United States Constitution, the Defendants still do not provide sufficient factual allegations to state a claim for relief.

14. Classifications based on race, national origin, and alienage are suspect and subject to strict judicial scrutiny. Arlington County v. Richards, 217 Va. 645, 648 (1977). When the classification is not suspect it is permissible if the governmental objective is "legitimate" and the classification bears a "reasonable" or "substantial" relation thereto. Duke v. County of Pulaski, 219 Va. 428, 432 (1978). The party challenging a non-suspect governmental classification must, "...negative every conceivable basis which might support it". FCC v. Beach Communications, 508 U.S. 307, 315 (1993) (quoting Lehnhausen v. Lake Shore Auto Parts Co., 410 U.S. 356, 364, (1973). "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it." Sheek v. Newport News, 214 Va. 282, 291 (1973) (quoting Dandridge v. Williams, 397 U.S. 471, 485, 25 L. Ed. 2d 491, 90 S. Ct. 1153 (1970)).

15. The Counterclaim does not allege who or what is the specific classification that is the subject of the equal protection claim. Assuming arguendo that the specific classification is the use of bicycles at reservoirs, the Counterclaim does not present sufficient factual allegations to establish an equal protection violation.

16. In order to demonstrate an equal protection violation, the Defendants must prove that they have been intentionally treated differently from others who are similarly situated and that no rational basis exists for the different treatment. Sunrise Corporation v. City of Myrtle Beach, 420 F.3d 322, 328 (4th Cir. 2005).

17. Article III of Chapter 11 of the Albemarle County Code regulates five public water supply reservoirs within the boundaries of Albemarle County, including the Ragged Mountain Reservoir. Bicycling is not permitted at any of the five reservoirs.

18. Therefore, neither the specific use of bicycling nor the specific Ragged Mountain Reservoir property owned by the City of Charlottesville is classified differently than any of the other five public water supply reservoirs located in Albemarle County.

19. Additionally, Albemarle County provides the same justification to regulate the Ragged Mountain Reservoir that the City of Charlottesville provides in its own ordinance to justify its regulation of recreational uses at the Ragged Mountain Reservoir.

20. Albemarle County Code §11-300 states, “In order to prevent the pollution of the public water supply, water supply reservoirs utilized by the Rivanna Water and Sewer Authority identified in this article may be used for limited recreational purposes only as authorized herein.”

21. Charlottesville City Code §18-22 states, “The purpose of this Article is to establish reasonable rules and regulations that permit certain recreational uses and activities at the Ragged Mountain Natural Area, while insuring the preservation and protection of the Ragged Mountain Reservoir public water supply and the surrounding habitat.”

22. Albemarle County and the City of Charlottesville both provide more than adequate justification for regulating uses at Ragged Mountain Reservoir: the protection of the public water supply. The Defendants have not disproved every basis that supports the County’s not permitting bicycling at Ragged Mountain Reservoir. To the contrary, the Defendants parrot the exact same basis to justify their own use restrictions at Ragged Mountain Reservoir.

23. The Counterclaim fails to allege sufficient facts to demonstrate that the City of Charlottesville’s property at Ragged Mountain Reservoir is treated differently than any other public water supply reservoir in Albemarle County concerning the prohibition of bicycling. The Counterclaim also fails to allege sufficient facts to state a claim that Albemarle County Code §11-303 lacks a rational basis for its bicycling prohibition at Ragged Mountain Reservoir.

Therefore, the Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the theory that the Plaintiffs violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

C. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 denies the City due process of law.

24. The Counterclaim requests that the Court find that Albemarle County Code §11-303 denies the City “due process.”

25. The Constitution of Virginia does not contain a “substantive” due process clause. Palmer v. Atlantic Coast Pipeline, LLC, 2017 Va. LEXIS 101, 14-19 (2017) (McCullough, J., concurring). In order to state a substantive due process claim, the Defendants must demonstrate that they possess “a cognizable property interest rooted in state law.” Biser v. Town of Bel Air, 991 F.2d 100, 103 (1993). The Defendants must also prove that the Plaintiffs deprived them of that property interest, and that the Plaintiffs’ actions were so far beyond the outer limits of governmental action that no process could cure the deficiency. Sylvia Development Corp. v. Calvert County, Maryland, 48 F.3d 810, 827 (4th Cir. 1995).

26. The Counterclaim does not state any factual allegation concerning a cognizable property interest rooted in Virginia law that prohibits Albemarle County Code §11-303 from not permitting bicycling at Ragged Mountain Reservoir to protect the public water supply when it enacted the ordinance in 1981.

27. Virginia Code §15.2-2144 enables the Plaintiffs to regulate public water supplies and prevent the pollution of public water supplies.

28. The Counterclaim fails to allege specific Virginia authority recognizing a cognizable property interest in bicycling around a public water supply. In fact, Virginia Code §15.2-2144 enables the regulation of uses which may pollute the public water supply. The Defendants fail to

allege specific facts to support a claim of declaratory relief on the theory that the Plaintiffs deprived the Defendants of a substantive due process right.

D. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 inversely condemned the City of Charlottesville's property.

1. Private Property Allegation Deficiency

29. The Counterclaim requests that the Court find that Albemarle County Code §11-303 is an inverse condemnation pursuant to Article I, §11 of the Constitution of Virginia.

30. Article I, Section 11 of the Constitution of Virginia states, "No private property shall be damaged or taken for public use without just compensation to the owner thereof."

31. Counterclaim Paragraph 62 states, "The City owns the entire parcel of land...referred to as the Ragged Mountain Natural Area ("RMNA") (980 acres).

32. "The takings clause of article I, §11 of the Virginia Constitution applies on its face only to private property." Continental Casualty Co. v. Town of Blacksburg, 848 F.Supp. 486, 487 (1994).

33. The only property identified in the Counterclaim is the Ragged Mountain Natural Area, a property owned by a public entity, the City of Charlottesville.

34. The Counterclaim does not allege any damage to a property owned by a private entity; therefore, the Counterclaim fails to state sufficient facts to state a claim for inverse condemnation pursuant to Article I, §11 of the Constitution of Virginia.

2. No Diminution in Value

35. Assuming arguendo that the Counterclaim does contain sufficient factual allegations to establish that the City has a private property interest in the Ragged Mountain Natural Area, the

Counterclaim still fails to allege sufficient factual allegation to state a cause of action for inverse condemnation pursuant to Article I, §11 of the Constitution of Virginia.

36. “Property is considered taken for constitutional purposes if the government's action deprives the property of all economic use.” City of Virginia Beach v. Virginia Land Inv. Ass'n No. 1, 239 Va. 412, 416-17, 389 S.E.2d 312, 314 (1990). Any inverse condemnation claim pursuant to Article I, §11 of the Constitution of Virginia must “...depreciate the value of the owner’s property.” Lynchburg v. Peters, 156 Va. 40, 49 (1931).

37. The Counterclaim does not allege any facts about a diminution in the value of the property. The Counterclaim only includes a conclusory statement in Paragraph 50 which states that Albemarle County Code §11-303 “deprives the City of all economically viable use of its property.”

38. The absence of any specific claim of diminution in the value of the City’s property fails to state sufficient facts to state a claim for inverse condemnation pursuant to Article I, §11 of the Constitution of Virginia.

E. The Counterclaim fails to allege sufficient facts to state a claim for relief on the ground that Albemarle County Code §11-303 does not describe and apply to the Ragged Mountain Reservoir.

39. Paragraph 52 of the Counterclaim states that Albemarle County Code §11-303 expressly applies to a “former upper and lower reservoir which no longer exist.” The Counterclaim states that Albemarle County has not adopted an ordinance attempting to regulate uses at the current Ragged Mountain Reservoir.

40. Albemarle County Code §11-303 (A) states that the boundaries of the upper and lower reservoir are shown on file in the office of the clerk of the board of supervisors entitled “Ragged Mountain Reservoir, Tax Maps 59, 74, 75.”

41. Charlottesville City Code §18-23 states, “As used herein the term ‘Ragged Mountain Natural Area’ or ‘Natural Area’ includes the Ragged Mountain Reservoir and the surrounding City-owned real property identified in County of Albemarle Real Property Tax Assessment records as Parcel ID: 07500-00-00-00100, which parcel is shown on County Tax Maps 59, 74 and 75.”

42. Albemarle County Code §11-303 and Charlottesville City Code §18-23 describe and apply to the exact same piece of property when the map on file in the Albemarle County Clerk’s Office is compared to Parcel ID 07500-00-00-00100.

43. Therefore, Albemarle County Code §11-303, in concord with Charlottesville City Code §18-23, accurately describes the applicable tax map parcels that encompass the property known as the Ragged Mountain Reservoir. The Defendants’ allegations that Albemarle County Code §11-303 does not apply to the current Ragged Mountain Reservoir fail to state factual allegations upon which the Court may find that Albemarle County Code §11-303 does not apply to the Ragged Mountain Reservoir.

F. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 is an unlawful water protection ordinance.

44. Paragraph 45 of the Counterclaim states that Albemarle County Code §11-303 is an unlawful water protection ordinance that was not adopted in accordance with the requirements of Virginia Code §§62.1-44.15:33 and 62.1-44.15:65. Paragraph 60 of the Counterclaim states that if Albemarle County Code §11-303 is a measure of protection of water quality, then it exceeds state enabling legislation in Virginia Code §§62.1-44.15:33 and 62.1-44.15:65 because it has not been adopted in accordance with those statutes and equal protection.

45. Virginia Code §§62.1-44.15:34 and 62.1-44.15:51 exempt land disturbing activities of less than ten thousand (10,000) square feet. Albemarle County Code §§ 17-300 and 17-302 mirror the 10,000 square feet land disturbance exemptions in the Code of Virginia.

46. The Defendants have not alleged any land disturbing activity occurring at Ragged Mountain Reservoir that equals or exceeds 10,000 square feet.

47. The Counterclaim fails to state sufficient facts to demonstrate that Virginia Code §§62.1-44.15:33 and 62.1-44.15:65 or Albemarle County Code §§17-300 and 17-302 are applicable to Albemarle County Code §11-303's failure to permit bicycling at the Ragged Mountain Reservoir.

48. Assuming arguendo that Virginia Code §§62.1-44.15:33 and 62.1-44.15:65 are applicable to Albemarle County Code §11-303, the Counterclaim fails to allege sufficient facts to state a claim that Albemarle County's ordinance was not adopted in accordance with those state code provisions.

49. Albemarle County Code §11-303 was adopted on December 9, 1981.

50. Virginia Code §62.1-44.15:33 was adopted in 1989, eight years after the adoption of Albemarle County Code §11-303. Therefore, Albemarle County Code §11-303 was not required to be adopted in accordance with Virginia Code §62.1-44.15:33.

51. Virginia Code §62.1-44.15:65, originally codified as Virginia Code §21-89.12, stated the following on December 9, 1981, "A district, county, city or town is hereby authorized to adopt more stringent soil erosion and siltation standards than those necessary to ensure compliance with the State's minimum standards, guidelines, and criteria. However, nothing in this section shall be construed to authorize any district, county, city or town to impose any more

stringent regulations for plan approval or permit issuance than those specified in §§21-89.6 and 21-89.7. “ (Underlining added for emphasis.)

52. Albemarle County Code §11-303 does not address erosion and sediment control plan approval or permit issuance.

53. The Counterclaim fails to allege sufficient facts to state a claim that Albemarle County Code §11-303 was not adopted in accordance with Virginia Code §§62.1-44.15.33 and 62.1-44.15:65.

54. The Counterclaim states that Albemarle County Code §11-303 violates the “equal protection” in paragraph 60.

55. The Plaintiffs incorporate and reaver Paragraphs 7 through 23 of this Demurrer.

56. The Counterclaim fails to allege sufficient facts to demonstrate that Albemarle County Code §11-303 treats the City of Charlottesville’s property at Ragged Mountain Reservoir differently than any other public water supply in Albemarle County by not permitting bicycling at Ragged Mountain Reservoir for purposes of erosion.

G. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Charlottesville City Code §§18-21 through 18-27 does not violate Virginia Code §15.2-1725. Charlottesville City Code §§18 21 through 18-27 conflict with Albemarle County Code §11-303.

57. The Counterclaim asks this Court to declare Charlottesville City Code §§18-21 through 18-27 are valid pursuant to Virginia Code §15.2-1725 and are consistent with Albemarle County Code §11-303.

58. The Defendants have not plead any facts to demonstrate that Charlottesville City Code §18-24’s authorization of bicycling at the Ragged Mountain Reservoir does not conflict with Albemarle County Code §11-303’s failure to grant authorization for bicycling at Ragged Mountain Reservoir. Virginia Code §15.2-1725 prohibits enactment of any locality’s ordinance

that conflicts with the ordinance of the jurisdiction in which the property is located. In effect, Virginia Code §15.2-1725 merely enables the City of Charlottesville to enforce Albemarle County Code §11-303 at the Ragged Mountain Reservoir.

59. The Counterclaim fails to allege sufficient facts to demonstrate that Charlottesville City Code §18-24 does not conflict with Albemarle County Code §11-303 concerning the authorization of bicycling at Ragged Mountain Reservoir, a property located in Albemarle County. Any portion of Charlottesville City Code §§18-21 through 18-27 that conflict with Albemarle County Code §11-303 are void *ab initio*.

H. The Counterclaim fails to allege sufficient facts to state a claim for declaratory relief on the ground that Albemarle County Code §11-303 is unconstitutionally vague.

60. Paragraph 58 of the Counterclaim states that Albemarle County Code §11-303 is vague, both facially and as applied.

61. An ordinance is unconstitutionally vague if it fails to give a person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. County of Fairfax v. Southern Iron Works, Inc., 242 Va. 435, 444-445 (1991).

62. The Counterclaim's own statements clearly indicate that the Defendants are aware of and know that bicycling is not permitted at Ragged Mountain Reservoir. Paragraphs 47 and 71 of the Defendants' Counterclaim state that the Defendants are aware that Albemarle County Code §11-303 does not permit bicycling at the Ragged Mountain Reservoir.

63. The Counterclaim fails to allege sufficient facts to state a claim that Albemarle County Code §11-303 is unconstitutionally vague.

WHEREFORE, the Plaintiffs hereby request that the Defendants' Counterclaim be dismissed with prejudice, and that the Plaintiffs be awarded costs incurred in connection with the Defendants' Counterclaim.

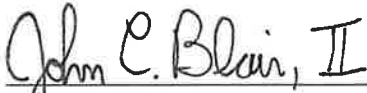
Respectfully Submitted,

The County of Albemarle, Virginia and the Board
of Supervisors of the County of Albemarle, Virginia

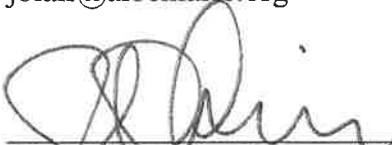
By Counsel



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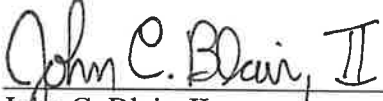
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Plea in Bar and Demurrer was mailed this 14th day of June, 2017, to:

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ANDREW H. HERRICK
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SENIOR ASSISTANT
COUNTY ATTORNEYS

July 14, 2017

Via Hand Delivery

Llezelle Agustin Dugger, Clerk
City of Charlottesville Circuit Court
315 E. High Street
Charlottesville, Virginia 22902

Re: *Board of Supervisors of the County of Albemarle, Virginia, et al. v. City Council
of the City of Charlottesville, Virginia, et al.*
Case No.: CL17000203-00

Dear Llezelle:

Enclosed for filing please find Plaintiffs' Plea in Bar and Demurrer in the above referenced matter.

Thank you for your assistance. Please do not hesitate to contact me if you have any questions.

With best regards, I remain

Sincerely,

Richard A. DeLoria

Enclosure

cc: John W. Zunka, Esquire
Richard H. Milnor, Esquire
Ashleigh M. Pivonka, Esquire
Craig Brown, Esquire