

Board of Supervisors

Claudia D. Tucker, Chair
District 2
David W. Pugh, Jr., Vice-Chair
District 4
L. J. Ayers III, Supervisor
District 3
Kenneth M. Campbell, Supervisor
District 1
John A. Marks, Jr., Supervisor
District 5



County Administrator
Dean C. Rodgers

County Attorney
Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

April 4, 2017

Administration Building - 153 Washington Street - Public Meeting Room
1:00 p.m.

Informal Luncheon - 12:00 p.m.
Meeting Convened - 1:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Consent Agenda**
 - A. Minutes - March 7, 2017
 - B. Finance - FY17 Appropriation of Revenue:
1) Public Safety; 2) Social Services; 3) Maintenance; 4) Finance/IT; and 5) Sheriff Office
 - C. County Attorney - Resolution 2017-0011-R, a resolution, designating Route 602, Park Lane, as extended, as a Rural Rustic Road.
 - D. County Attorney - Resolution 2017-0013-R, a resolution, finding and determining that it is in the best interests of Amherst County to proceed with the financing of a landfill construction project and the refinancing of certain prior projects, including an addition to the County administration building, and requesting the Economic Development Authority of Amherst County to assist in said financing and refinancing.
 - E. County Attorney - Resolution 2017-0014-R, a resolution expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of certain easements in and across real property, which easements are necessary to the improvement of Learning Lane in Madison Heights, Virginia.
- VI. New Business**
 - A. Planning/Zoning - Amendment to the Private Subdivision Street requirement
- VII. County Administrator's Report**

- A. Boards/Committees/Commissions - Building Appeals Board Vacancy
- B. Projects Status Report

VIII. Liaison and Committee Reports

- A. Local Government Council - Representative Report - March 16, 2017

IX. Departmental Reports

- A. Treasurer - February 2017 Report

X. Citizen Comment

XI. Matters from Members of the Board of Supervisors

XII. Closed Session

Pursuant to § 2.2-3711 (A)(3) of the Code of Virginia, regarding the acquisition of real property, where discussion in open session would adversely affect the County's negotiating strategy.

XIII. Adjournment

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 4th day of April, 2017, at 1:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Claudia D. Tucker, Chair
David W. Pugh, Jr., Vice-Chair
Kenneth M. Campbell, Supervisor
L. J. Ayers, III, Supervisor
John A. Marks, Jr., Supervisor

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; County Attorney Ellen Bowyer; and Executive Administrative Assistant Regina Rice

OTHERS PRESENT: Planning/Zoning Director Jeremy S. Bryant
Assistant Director of Public Utilities Robert Hopkins

I. Call to Order

Chair Tucker called the meeting to order at 1:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Ayers and with the following vote, the Board approved the Agenda for April 4, 2017.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

IV. Citizen Comment

There was no public comment.

V. Consent Agenda

A. Minutes - March 7, 2017

Mr. Rodgers read into the record two corrections to the March 7, 2017, Minutes at Book 35, page 280, Item IV. Citizen Comment, first and second paragraph:

- 1) Mr. Andy Mays of Amherst, Virginia, addressed the Board regarding Winton Country Club and a proposal by Runk & Pratt to purchase all or part of the country club. Mr. Mays directed a several question to Board members.
- 2) The County Attorney advised the Board that the Board's Rules of Procedure provide that Board members are to refrain from responding to citizens commenting before the Board. ~~Chair Tucker advised Mr. Mays that during the citizen comment session, Board members are not allowed to answer questions directed to them as per the Board's Rules of Procedure.~~

Chair Tucker suggested that Mr. Mays contact the County Administrator to schedule a time to address his matter and have it placed on the Board's Agenda.

B. Finance - FY17 Appropriation of Revenue:

- 1) Public Safety; 2) Social Services; 3) Maintenance; 4) Finance/IT; and 5) Sheriff Office

C. County Attorney - Resolution 2017-0011-R, a resolution, designating Route 602, Park Lane, as extended, as a Rural Rustic Road. **(See Attachment 1)**

D. County Attorney - Resolution 2017-0013-R, a resolution, finding and determining that it is in the best interests of Amherst County to proceed with the financing of a landfill construction project and the refinancing of certain prior projects, including an addition to the County administration building, and requesting the Economic Development Authority of Amherst County to assist in said financing and refinancing. **(See Attachment 2)**

E. County Attorney - Resolution 2017-0014-R, a resolution expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of certain easements in and across real property, which easements are necessary to the improvement of Learning Lane in Madison Heights, Virginia. **(See Attachment 3)**

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda with the edits announced by Mr. Rodgers.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

VI. New Business

A. Planning/Zoning - Amendment to the Private Subdivision Street requirement

Planning/Zoning Director Jeremy S. Bryant presented his report to the Board asking that the Board consider an amendment to the Private Subdivision Street requirements.

Mr. Bryant said he received a request by a homeowner in a private subdivision asking to subdivide a lot for a neighborhood pool. Mr. Bryant stated the current ordinance does not allow another lot to be subdivided because this particular subdivision has reached its maximum number of lots allowed on a private street. Mr. Bryant advised the draft text would allow an additional lot to be subdivided if it would be used as a private club.

Mr. Bryant stated the Planning Commission voted on March 16, 2017, to move the proposed text forward, which would require an amendment to the current ordinance.

Supervisor Marks asked why this request was not a special exception. Mr. Bryant said special exceptions are for use and not for subdividing a lot, therefore, would require making a change to the ordinance.

County Attorney Bowyer remarked that it is expensive to codify County code with Municode, and there is less cost when changes are batched. She advised the Board she does publish all ordinances on the County Attorney's webpage.

Mr. Rodgers said he understood changes are submitted on a quarterly basis to Municode.

Vice-Chair Pugh suggested submitting any changes to Municode once a year.

Chair Tucker said she wanted the community to benefit from this amendment to the ordinance allowing their neighborhood to have a pool and she recommended that the County Attorney draft the text into the ordinance.

By motion of Chair Tucker and with the following vote, the Board directed the County Attorney to prepare the draft text into an ordinance.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

VII. County Administrator's Report

A. Boards/Committees/Commissions - Building Appeals Board Vacancy

Mr. Rodgers advised there is an opening on the Building Appeals Board, which was advertised, however, his office did not receive any letters of interest. Mr. Rodgers said he made an effort to contact another person, however, did not receive a reply.

Supervisor Campbell said he knows of several people who are interested in this vacancy.

Mr. Rodgers asked Supervisor Campbell if they would send in a letter of interest and/or résumé.

Vice-Chair Pugh said he did not want to re-advertise this position and Chair Tucker agreed.

It was the consensus of the Board not to re-advertise the Building Appeals Board vacancy and ask Building Official Young to provide the County Administrator contact information on possible candidates.

B. Projects Status Report

Mr. Rodgers asked if the Board had any questions regarding the Projects Status Report.

Supervisor Marks asked about the Learning Lane documents sent to River James.

Mr. Rodgers advised he has received the return receipt card and will follow up in a couple of weeks. He said we are on the brink of beginning construction.

VIII. Liaison and Committee Reports

A. Local Government Council - Representative Report - March 16, 2017

For Board information only.

IX. Departmental Reports

A. Treasurer - February 2017 Report

For Board information only.

X. Citizen Comment

There was no public comment.

XI. Matters from Members of the Board of Supervisors

Supervisor Marks had no matter to discuss.

Supervisor Campbell had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Vice-Chair Pugh inquired about two items listed on the CIP; the John Lynch Pedestrian Walkway (\$750,000) and Mill Creek campground (\$100,000). Vice-Chair Pugh said he would like the funding for those two items removed.

Mr. Rodgers explained these two items are not in the current year, but merely assignments of funds the Board can change at any time. He said that no expenses would be devoted to those two items.

Vice-Chair Pugh asked about repairs to the Graham Creek Reservoir in the next couple of years that could cost approximately \$2M and wanted to know where the money for those repairs would come from.

Assistant Director Robert Hopkins of the Amherst County Service Authority advised this would be a part of a bond issue coming up in the next two to three years by the Service Authority. Mr. Hopkins said money could be used from the general fund and the Board could also make a donation at any time.

Chair Tucker had no matter to discuss.

XII. Closed Session

Pursuant to § 2.2-3711 (A)(3) of the Code of Virginia, regarding the acquisition of real property, where discussion in open session would adversely affect the County's negotiating strategy.

Supervisor Marks moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711 (A)(3) regarding the acquisition of real property, where discussion in open session would adversely affect the County's negotiating strategy.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

Supervisor Marks motioned to come out of closed session and was approved with the following vote:

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

CERTIFICATION OF CLOSED MEETING

Supervisor Marks moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

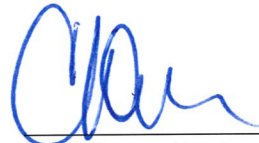
Mrs. Tucker	AYE
Mr. Pugh	AYE
Mr. Ayers	AYE
Mr. Campbell	AYE
Mr. Marks	AYE

I move that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

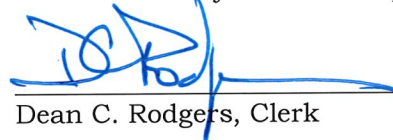
XIII. Adjournment

By motion of Chair Tucker and with the following vote, the Board adjourned.

AYE:	Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY:	None
ABSTAIN:	None
ABSENT	None



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Meeting Date:

April 4, 2017

ATTACHMENTS



Amherst County Board of Supervisors
County Resolution No. 2017-0011-R

For consideration on April 4, 2017

A RESOLUTION, NO. 2017-0011-R

A resolution, designating Route 602, Park Lane, as extended, as a Rural Rustic Road.

Approved as to form by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby designates Route 602, Park Lane, as extended herein, as a Rural Rustic Road, and hereby requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation, as follows:

WHEREAS, Virginia Code Section 33.2-332 of the *Code of Virginia* permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and be traversed by no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors (“Board”) wishes to have Route 602, Park Lane, From: Route 60 To: 0.39 Mile East Route 60 to Dead End (“Road”), designated a Rural Rustic Road; and

WHEREAS, the Board previously adopted Resolution 2014-0015-R on June 17, 2014, designating the Road as a Rural Rustic Road; and

WHEREAS, the Department’s Residency Administrator now is seeking a change on the distance of its surfacing, specifically seeking to extend the distance of the Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect current traffic levels on the Road; and

WHEREAS, the Board believes that the Road, as extended, should be so designated a Rural Rustic Road due to its qualifying characteristics; and

WHEREAS, the Road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

That the Amherst County Board of Supervisors, having consulted with the Virginia Department of Transportation ("Department") hereby designates Route 602, Park Lane, as extended, as a Rural Rustic Road, and requests that the Residency Administrator for the Department concur in this designation.

BE IT FURTHER RESOLVED:


That the Amherst County Board of Supervisors requests that the Road be hard surfaced and, to the fullest extent feasible, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the Road in their current state.

BE IT FURTHER RESOLVED:

That a copy of this Resolution 2017-0011-R certified by the office of the Amherst County Attorney be supplied to the Clerk for transmittal to the Department.

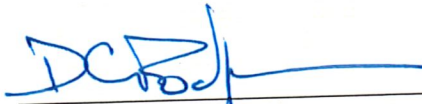
II. That this resolution shall be in force and effect upon adoption.

Adopted this 4th day of April, 2017.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Recorded Vote

Moved By: Chair Tucker

Seconded By: SUPERVISOR AYLES

Ayes 5

Nays 0

Abstentions 0


ADOPTED

4 / 4 / 17

County of Amherst
Commonwealth of Virginia

I certify the foregoing to be a complete, full, true, and exact reproduction of the original Resolution 2017-0011-R, adopted by the Amherst County Board of Supervisors on April 4, 2017.

Certified this 5th day of April, 2017.



Rachel A. Carton, Notary Public

Notary registration number: 7662206
My commission expires: March 31, 2019





Amherst County Board of Supervisors
County Resolution No. 2017-0013-R

For consideration on April 4, 2017

A RESOLUTION, NO. 2017-0013-R

A resolution, finding and determining that it is in the best interests of Amherst County to proceed with the financing of a landfill construction project and the refinancing of certain prior projects, including an addition to the County administration building, and requesting the Economic Development Authority of Amherst County to assist in said financing and refinancing.

Approved as to form by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby finds and determines that it is in the best interests of Amherst County to proceed with the financing of a landfill construction project and the refinancing of certain prior projects, including an addition to the County administration building, and requests that the Economic Development Authority of Amherst County assist in said financing and refinancing, as follows:

WHEREAS, the County of Amherst, Virginia (the "County") proposes to (i) finance a landfill construction project (the "Landfill Project") and the costs of issuance related thereto through the issuance by the Economic Development Authority of Amherst County, Virginia (the "Authority") of the Authority's Lease Revenue Bond (Landfill Project), Series 2017A (the "Series 2017A Bond"), and (ii) refund the Authority's \$5,350,000 Public Facility Lease Revenue Bond, Series 2007 and \$2,373,000 Public Facility Lease Revenue Bond, Series 2008 (collectively, the "Prior Bonds") and pay the costs of issuance related thereto through the issuance by the Authority of its Lease Revenue Refunding Bond (County Government Projects), Series 2017B (the "Series 2017B Bond" and, together with the Series 2017A Bond, the "Bonds"); and

WHEREAS, the proceeds of the Prior Bonds were used to finance numerous County projects (the "Prior Projects"), including an addition to the County administration building, which County administration building with the addition (the "County Administration Building") is serving as collateral for the Bonds; and

WHEREAS, the County will lease the real estate upon which the County Administration Building is located and the improvements thereon to the Authority pursuant to a Ground Lease, dated as of April 1, 2017 (the "Ground Lease"), between the County and the Authority; and

WHEREAS, the Authority will lease the real estate and the County Administration Building back to the County pursuant to a Lease Agreement, dated as of April 1, 2017 (the "Lease"), between the Authority and the County; and

WHEREAS, the Bonds will be payable from revenues derived by the Authority from the "Basic Rent" to be paid by the County pursuant to the Lease, which has been calculated to be sufficient to pay the principal of and interest on the Bonds, and from certain "Additional Rent" to be paid by the County pursuant to the Lease for any prepayment premium; and

WHEREAS, the Bonds will be issued pursuant to the Financing Agreement, to be dated the date of the issuance of the Bonds (the "Financing Agreement"), among the Authority, the County and Branch Banking and Trust Company, as the initial holder of the Bonds (the "Bank"); and

WHEREAS, the obligations of the Authority to the Bank will be secured by the Assignment of Rents and Leases, dated as of April 1, 2017 (the "Assignment"), between the Authority and the Bank, and by the Leasehold Deed of Trust, dated as of April 1, 2017 (the "Leasehold Deed of Trust"), from the Authority to the deed of trust trustees named therein for the benefit of the Bank; and

WHEREAS, the obligation of the County to pay Basic Rent and Additional Rent will be subject to appropriation by the County's Board of Supervisors (the "Board"); and

WHEREAS, the Ground Lease, the Lease, the Financing Agreement, the Assignment and the Leasehold Deed of Trust are referred to in this Resolution 2017-0013-R as the "Basic Documents".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

1. Request for and Approval of Financing. The Board finds and determines that it is in the best interests of the County to proceed with the financing of the Landfill Project and refinancing of the Prior Projects. The Board hereby requests the Authority to assist in the financing of the Landfill Project and refinancing of the Prior Projects by issuing the Bonds. The Board considers the Landfill Project and the Prior Projects to be essential public projects for the County. The Board approves the issuance of the Series 2017A Bond to the Bank in a principal amount not to exceed \$4,000,000, bearing interest at the rate of 2.57 percent per year, and maturing on August 1, 2032. The Board approves the issuance of the Series 2017B Bond to the Bank in a principal amount not to exceed \$5,500,000, bearing interest at the rate of 2.32 percent per year and maturing on August 1, 2027. The prepayment provisions and other terms of the Bonds shall be as provided for in the forms of the Bonds.

2. Authorization of Basic Documents. The forms of the Bonds and the Basic Documents were made available to the members of the Board prior to the adoption of this Resolution. The Bonds and the Basic Documents are approved in substantially the forms made available, with such changes, insertions or omissions (including, without limitation, changes of the dates therein and thereof) as may be approved by the Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery by the County of, and the performance by the County of its obligations under, the Basic Documents to which it is a party are authorized.

3. Execution of Documents. The Chairman and Vice Chairman of the Board, the County Administrator and such other officers, employees and agents of the County as the Chairman and Vice Chairman of the Board and the County Administrator (any of whom may act) may designate, are

authorized and directed to execute and deliver the Basic Documents to which the County is a party and, if required, the Clerk or any Deputy Clerk of the Board is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents to which the County is a party and to attest such seal. Further, the Chairman and Vice Chairman of the Board, the County Administrator and such other officers, employees and agents of the County as the Chairman or Vice Chairman of the Board or the County Administrator may designate, are authorized and directed (A) to execute and deliver and any and all other instruments, certificates and documents required to carry out the purposes of this Resolution, and (B) to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the purposes of this Resolution or contemplated by the Basic Documents, and all of the foregoing, previously done or performed by such officers, employees or agents of the County are in all respects approved, ratified and confirmed.

4. **Nature of Obligations.** The Board hereby agrees, on behalf of the County, to pay to the Authority amounts sufficient to pay the Rental Payments, as defined in the Lease, and any other amounts owed by the County to the Authority pursuant to the Lease, subject to annual appropriation by the Board. The County Administrator is directed to submit for each fiscal year a request to the Board for an appropriation to the Authority separate from all other appropriations to the Authority for an amount equal to the Rental Payments and all other payments coming due under the Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to the Lease shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purpose. Nothing in this Resolution, the Bonds or the Lease shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for Rental Payments under the Lease, the Bank may terminate the Lease or otherwise exclude the County from possession of the County Administration Building in accordance with the provisions of the Basic Documents.

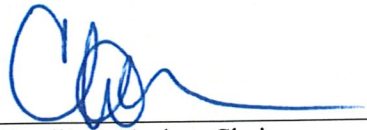
5. **Appointment of Bond Counsel.** The Board hereby selects and designates Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.

6. **Qualified Tax-Exempt Obligation.** The Board requests the Authority's designation of the Series 2017A Bond and that portion of the Series 2017B Bond in excess of the outstanding amount of the Prior Bonds as "qualified tax-exempt obligations" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The Board does not reasonably anticipate that the County and any "subordinate entities," together with the Authority, will issue more than \$10,000,000 in qualified tax-exempt obligations during calendar year 2017, and the Board agrees that it will not designate more than \$10,000,000 (including the Bonds to the extent designated by the Authority) of qualified tax-exempt obligations in calendar year 2017, all as determined in accordance with Section 265(b) of the Code.

7. **Tax Covenants.** The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, including regulations issued pursuant thereto, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the Bank under existing law.

II. That this resolution shall be in force and effect upon adoption.

Adopted this 4th day of April, 2017.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

ADOPTED


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CERTIFICATE

The undersigned Clerk of the Board of Supervisors of the County of Amherst, Virginia, does hereby certify that the foregoing meeting of the Board held on April 4, 2017, was a regularly scheduled meeting and that, during the consideration of the foregoing Resolution 2017-0013-R, a quorum was present. The vote of the members of the Board upon the foregoing Resolution 2017-0013-R was as follows:

<u>Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Claudia D. Tucker	Present	Aye
David W. Pugh, Jr.	Present	Aye
Lemuel J. Ayers, III	Present	Aye
Kenneth M. Campbell	Present	Aye
John A. Marks, Jr.	Present	Aye

WITNESS MY HAND and the seal of the County of Amherst, Virginia, this 4th day of April, 2017.



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors



Amherst County Board of Supervisors
County Resolution No. 2017-0014-R

For consideration on April 4, 2017

A RESOLUTION, NO. 2017-0014-R

A resolution, expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of certain easements in and across real property, which easements are necessary to the improvement of Learning Lane in Madison Heights, Virginia.

Approved as to form by the County Attorney

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

I. That the Board of Supervisors of Amherst County hereby expresses its acceptance, on behalf of Amherst County, of certain easements in and across real property, which easements are necessary to the improvement of Learning Lane in Madison Heights, Virginia, as follows:

WHEREAS, Curtis Corinna (“Connie”) W. Cunningham as owner, and Samuel D. Cunningham and Connie W. Cunningham as successor trustees under the Sue W. Sprouse Declaration of Trust dated April 17, 2007, (who are, collectively, "Grantors") hold title to certain land lying along Learning Lane near its intersection with Route 29 in Madison Heights, Virginia, denominated as Tax Map number 155-A-201; and

WHEREAS, Grantors wish to convey certain property interests in that land to Amherst County, as depicted on the Plat dated February 9, 2017, (“Plat”), which Plat is attached hereto as Exhibit A; and

WHEREAS, the Amherst County Board of Supervisors (“Board”) is desirous of accepting said property interests, for the purposes of improving Learning Lane so that it may be accepted into the secondary system of State highways; and

WHEREAS, the Amherst County Attorney has prepared a deed providing for such conveyance ("Deed"), and hereby confirms that it is in proper form for acceptance by the County; and

WHEREAS, a copy of the Deed is attached hereto as Exhibit B; and

WHEREAS, Grantors have signed the Deed; and

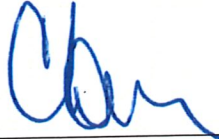
WHEREAS, the Board wishes to direct its Chairman to sign the Deed so as to effect the conveyance of the property interests necessary to the improvement of Learning Lane.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:

That the Board does hereby accept on behalf of Amherst County the interests in real property from the Grantors subject to the terms of the Deed, and authorizes and directs Claudia D. Tucker, in her capacity as Chair of the Board, to execute the Deed.


II. That this resolution shall be in force and effect upon adoption.

Adopted this 4th day of April, 2017.



Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

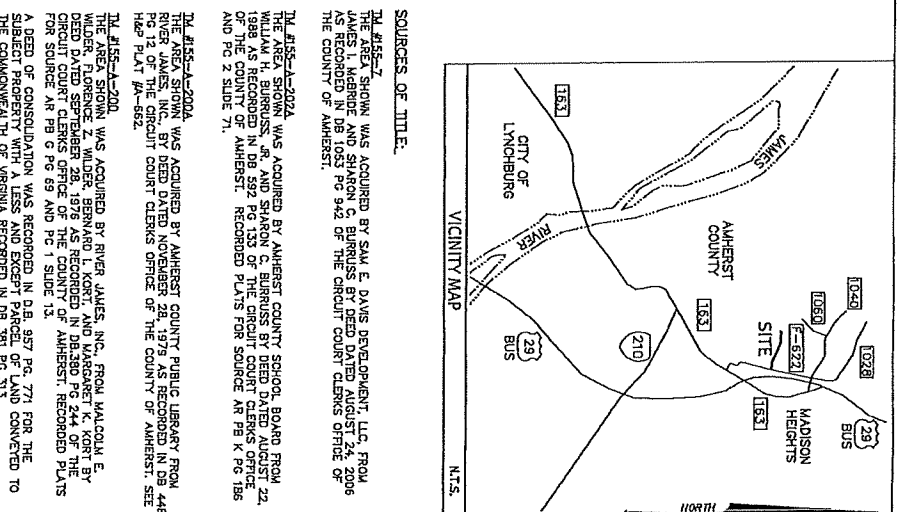
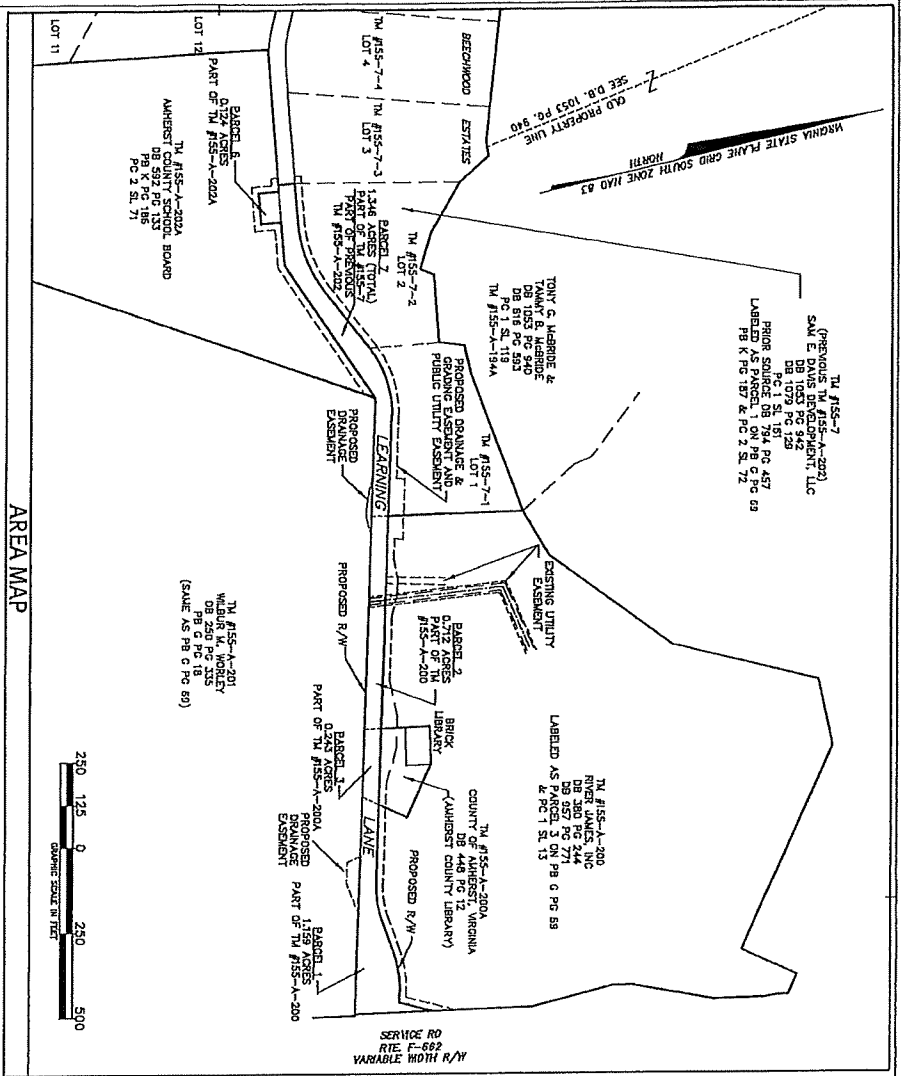
Ayes 5

Nays 0

Abstentions 0

ADOPTED

4 / 4 / 17



1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY ORIGINALLY COMPLETED IN JANUARY 2006 AND THERE WERE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN. FINAL EXCEPTS AND OWNERSHIP HAVE BEEN RECORDED AND REFERRED AS OF THE CURRENT DATE OF THIS PLAT. NO ADDITIONAL FIELD SURVEY HAS BEEN COMPLETED AT THIS TIME.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS LOCATED IN R-100 ZONE 'Y' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'X' FOR A 100 YEAR FLOOD. AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5109030398 DATED SEPTEMBER 18, 2007.
4. THE AREA SHOWN HEREON TO BE DEDICATED TO AMHERST COUNTY FOR PUBLIC USE WAS ESTABLISHED FROM A SURVEY DATED FEBRUARY 10, 1968 AND RECORDED IN DE 1079 PG 129 AND 147, P.C. 2, SLIDE 109, PG 146, AND D.B. 380, PG 248 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY. THIS DEDICATION/EASEMENT PLAT SUPERSEDES ANY PREVIOUS EGRESS/EASEMENT ALIGNMENTS.
5. THE ORIGINALE GRADING AND UTILITY EASEMENT SHOWN HEREON TO BE DEDICATED TO AMHERST COUNTY FOR PUBLIC USE IS BASED ON A STANDARD 20' WIDE 14.54 ACRES PLAT SUPERSEDES ALL EXISTING EASEMENT INFORMATION SHOWN IN P.C. 2, SLIDE 110, PGS. 146 AND 147, P.C. 2, SLIDE 109, PG 146, D.B. 822 PG. 541 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY. THIS AREA IS HEREBY DESIGNATED AS A 20' WIDE PUBLIC UTILITY EASEMENT.

SUBJECT PLATS/PLANS OF REFERENCE:

PLAT BY ABRAHAM OVERSTREET, S.C.S., ENTITLED "PLAT OF PROPERTY OF MRS. MARY ANN WOODRUM, TRACT DATED FEBRUARY 10, 1968 AND RECORDED IN PG 69 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY."

PLAT BY ABRAHAM OVERSTREET, S.C.S., ENTITLED "PLAT OF PROPERTY OF LRS. CORNELL M. WOODLEY (PART OF WILLIAM L. JOHNSON, TRACT) DATED NOVEMBER 22, 1987 AND RECORDED IN PG 2 SLIDE 72 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY."

PLAT BY JAMES C. HAY & ASSOCIATES, P.C. ENTITLED "PLAT OF SURVEY OF 20.648 ACRES PARCEL OUT OF OF WORTHLEY HILL, 1988, 1.159 ACRES, RECORDED IN PG 2 SLIDE 71 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY."

PLANS BY SMITH & BOYNTON ENTITLED "ACCESS ROAD PLAN & PROFILE, MADISON HEIGHTS ELEMENTARY SCHOOL, FOR AMHERST COUNTY SCHOOL BOARD, STATE PROJECT NO. 5-50N", DATED APRIL 5, 1990 WITH A REVISION DATE OF JUNE 04, 1990 AND RECORDED IN PG 2 SLIDE 110 AND PG 2 SLIDE 109 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY."

PLAT BY BLUE RIDGE SURVEYORS ENTITLED "PLAT SHOWING RECONFIGURATION SURVEY FOR TONEY G. MERRINE & TANYA B. MERRINE" AND DATED JAN 21, 2007 AS CALLED FOR IN DB 1053 PG 940 AND FOUND IN PC 1 SL 119.

PLAT BY HURT & PROFFITT, INC. ENTITLED "PLAT SHOWING RECONFIGURATION SURVEY AND DATED 3/10/06" AND RELEASED "MAP 0, 2007" AS CALLED FOR IN DB 1079 PG 129 SOURCE STATE.

PARCEL 7 (1.346 ACRES) IS PART OF PREVIOUS TM #155-A-2022. SEE PC 1 SL. 161 FOR DETAILS.

SOURCES OF TITLE:

TM #155-7
THE AREA SHOWN WAS ACQUIRED BY SAU E. DAVIS DEVELOPMENT, LLC, FROM JAMES L. MERRINE AND SHARON C. BURRIS BY DEED DATED AUGUST 24, 2006 AS RECORDED IN DB 1053 PG 943 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY.

TM #155-A-2024
THE AREA SHOWN WAS ACQUIRED BY AMHERST COUNTY SCHOOL BOARD FROM JAMES L. MERRINE AND SHARON C. BURRIS BY DEED DATED AUGUST 24, 2006 AS RECORDED IN DB 1053 PG 943 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY.

TM #155-A-2004
THE AREA SHOWN WAS ACQUIRED BY RIVER JAMES, INC. FROM MALCOLM E. HURT, JR. AND SHERI L. HURT, JR. BY DEED DATED SEPTEMBER 18, 2007 AS RECORDED IN DB 391 PG 313 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY.

TM #155-A-2000
THE AREA SHOWN WAS ACQUIRED BY RIVER JAMES, INC. FROM MALCOLM E. HURT, JR. AND SHERI L. HURT, JR. BY DEED DATED SEPTEMBER 18, 2007 AS RECORDED IN DB 391 PG 313 OF THE CIRCUIT COURT CLERKS OFFICE OF AMHERST COUNTY.

A DEED OF CONSOLIDATION WAS RECORDED IN DB 957 PG 771 FOR THE SUBJECT PROPERTY WITH A LESS AND EXCEPT PARCEL OF LAND CONVERTED TO THE COMMONWEALTH OF VIRGINIA RECORDED IN DB 391 PG 313.

DEDICATION APPROVED	DATE
CHAIRMAN — AMHERST COUNTY BOARD OF SUPERVISORS	DATE
RECOMMENDED FOR APPROVAL:	DATE
VOOT REPRESENTATIVE	DATE
VOOT SIGNATURE IS NOT AN ENDORSEMENT OF THE ADOPTION OF THE SURVEY	

REVISIONS: 2/9/17

PROJECT NO. 2006042

CL. NO. 20-15-A13

FILE NO. SA-3335

DATE 10/9/14

DRAWN BY: JAB


CHECKED BY: JAB

PLAT SHOWING RIGHT-OF-WAY AND EASEMENT DEDICATION FOR LEARNING LANE ELON MAGISTERIAL DISTRICT, AMHERST COUNTY, VIRGINIA

ENGINEERING || SURVEYING || PLANNING

HURT & PROFFITT
INCORPORATED

2534 LAUGHORNE ROAD
LYNCHBURG VA 24501
800.242.5905 TOLL FREE
434.847.7195 FAX
434.847.0047 FAX



HURT & PROFFITT

SHEET NO. 1 OF 3

PL 4155-1-201
 THE PROPOSED DRAINAGE EASEMENTS SHOWN HEREON ARE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES AND ARE TO BE DEDICATED TO AMHERST COUNTY FOR PUBLIC USE.

CONNIE CORRINA CUNNINGHAM, _____ DATE
 INDIVIDUALLY AND AS TRUSTEE
 COMMONWEALTH AT LARGE TO WIT:
 STATE OF VIRGINIA
 COUNTY/CITY OF _____

I, A NOTARY PUBLIC IN
 AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE
 OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE
 ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
 OF _____ 19____ NY COMMISSION
 EXPIRES _____

NOTARY PUBLIC _____



PLAT SHOWING
 RIGHT-OF-WAY AND EASEMENT DEDICATION FOR
LEARNING LANE
 ELON MAGISTERIAL DISTRICT, AMHERST COUNTY, VIRGINIA

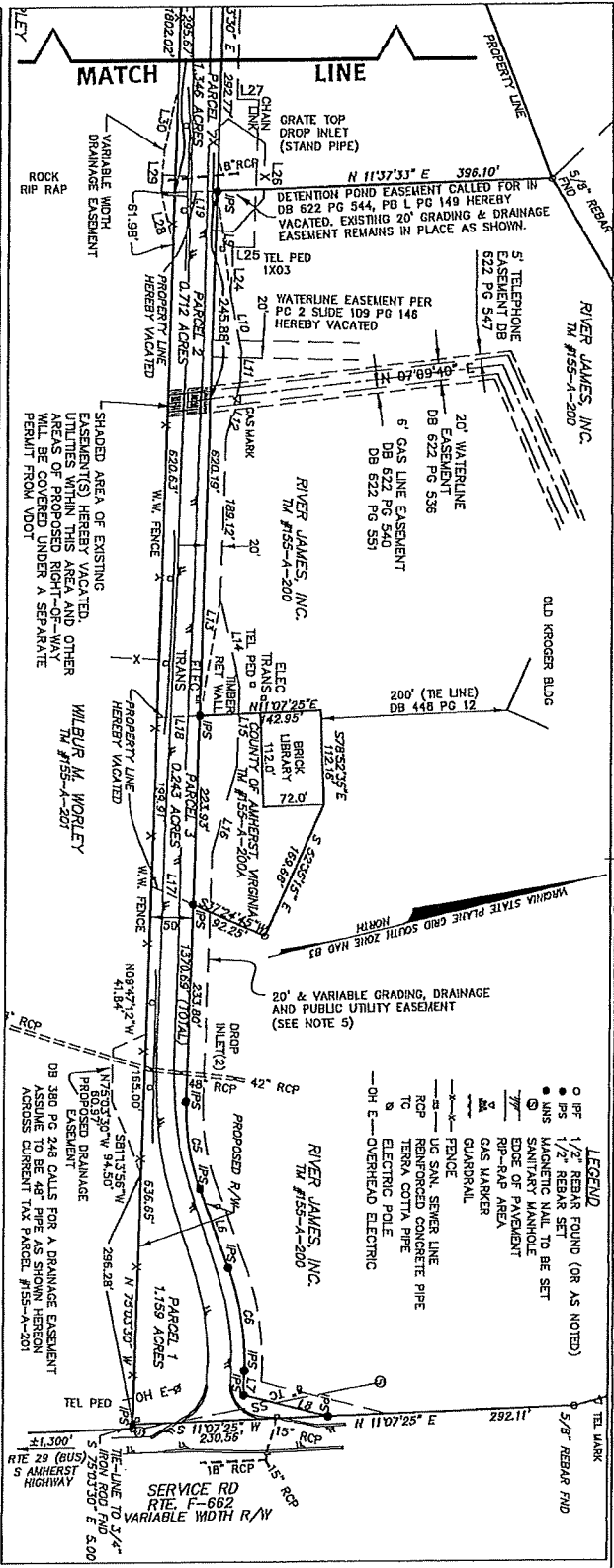
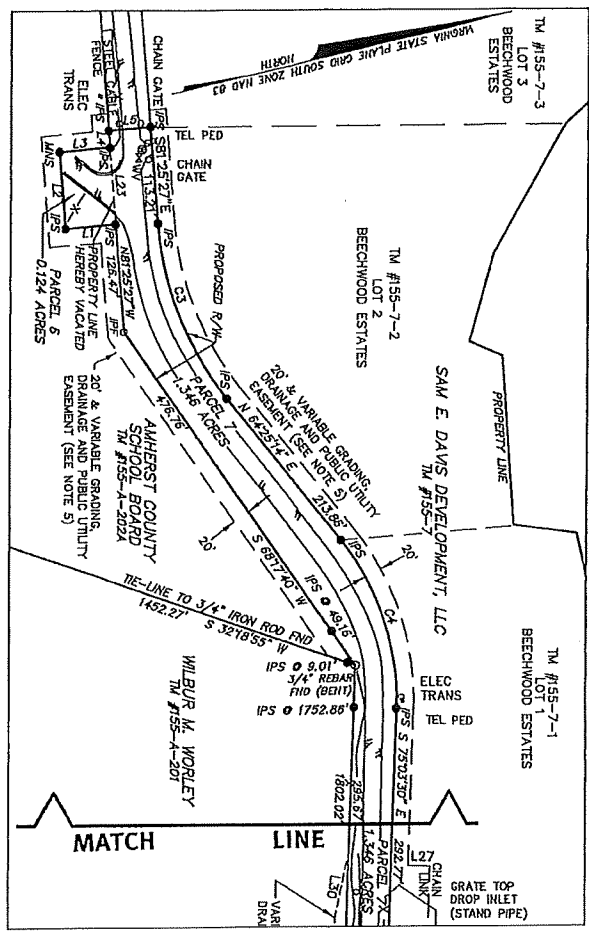
ENGINEERING » SURVEYING » PLANNING
HURT & PROFFITT
 INCORPORATED
 2524 LANGHORNE ROAD
 LYCHBURG VA 24501
 800.242.4996 TOLL FREE
 534.847.7796 AMH
 534.847.6047 FAX



REVISED: 2/9/17
 PROJECT NO. 20060042
 G.L. NO. 29-15-64.3
 FILE NO. SA-1315
 DATE 10/9/14
 DRAWN BY: JAB
 CHECKED BY: JAB

HURT & PROFFITT

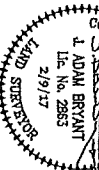
SHEET NO.
 2 OF 3



LINE	BEARING	LENGTH
L1	S 89°42'33" W	80.00
L2	N 81°26'37" E	80.00
L3	N 08°42'33" E	80.00
L4	N 08°42'33" E	80.00
L5	N 08°42'33" E	80.00
L6	N 83°09'25" E	88.88
L7	S 75°03'50" E	28.71
L8	N 27°28'56" E	102.55
L9	S 84°01'58" E	126.13
L10	S 87°28'27" E	67.25
L11	N 75°03'50" W	36.01
L12	S 82°28'33" E	87.25
L13	S 65°29'09" W	140.41
L14	S 69°10'59" E	107.35
L15	N 75°03'50" W	94.10
L16	S 60°58'01" E	107.35
L17	S 37°24'45" W	54.11
L18	S 11°07'25" W	50.13
L19	S 11°07'25" W	50.08
L20	S 75°03'50" E	49.18
L21	N 68°17'40" E	48.18
L22	S 32°18'55" W	93.00
L23	S 81°28'27" E	80.00
L24	N 75°03'50" W	88.88
L25	N 14°28'30" E	28.71
L26	N 27°28'56" E	102.55
L27	S 14°28'30" W	28.71
L28	S 14°28'30" W	28.71
L29	N 27°28'56" E	102.55
L30	N 65°10'05" W	80.51

ACREAGE TABLE
R/W DEDICATED TO AMHERST COUNTY
+1.159 AC. (PART OF TM #155-A-200)
+0.712 AC. (PART OF TM #155-A-200)
+0.243 AC. (PART OF TM #155-A-200A)
+1.316 AC. (PART OF TM #155-A-200A)
3.594 AC. (TOTAL R/W DEDICATION)
TM #155-A-200
34.525 AC. (RECORD)
-1.272 AC. (PART OF R/W TO AMHERST COUNTY)
32.662 AC. (RESIDUE)
TM #155-A-200A
0.9928 AC. (RECORD)
-0.750 AC. (PART OF R/W TO AMHERST COUNTY)
0.2428 AC. (RESIDUE)
TM #155-A-200A
20.646 AC. (RECORD)
-20.124 AC. (PART OF R/W TO AMHERST COUNTY)
0.522 AC. (RESIDUE)
TM #155-A-200A
54.17 AC. (RECORD)
-52.88 AC. (PART OF R/W TO AMHERST COUNTY)
1.29 AC. (RESIDUE)

CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C3	34°09'19"	223.551	375.00	220.25	N 81°29'53" E
C4	40°31'15"	212.17	300.00	207.77	S 84°40'52" W
C5	21°48'05"	104.84	275.00	104.01	S 85°57'33" W
C6	21°48'05"	123.67	325.00	122.92	N 85°57'33" W



PLAT SHOWING RIGHT-OF-WAY AND EASEMENT DEDICATION FOR LEARNING LANE ELON MAGISTERIAL DISTRICT, AMHERST COUNTY, VIRGINIA

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.8906 TOLL FREE
434.847.7396 MAIN
434.847.0047 FAX

REVISIONS: 2/19/17
PROJECT NO. 2006002
G.L. NO. 225-15-413
FILE NO. SA-1335
DRAWN BY: JMB
CHECKED BY: JMB
HURT & PROFFITT
SHEET NO. 3 OF 3

This deed was prepared by
Ellen Bowyer, County Attorney
County of Amherst
P.O. Box 390
Amherst, Virginia 24521
Tax Map No. 155-A-201

Consideration: \$1.00
Assessed Value: N/A

Title Insurance: Existence is unknown to preparer.

This deed is exempt from recordation taxes imposed by § 58.1-802 of the Code of Virginia, 1950 (as amended), pursuant to § 58.1-811 (A) (3).

Accepted pursuant to Virginia Code § 15.2-1803 by Resolution 2017-0014-R.

THIS DEED OF EASEMENT, made and entered into this 4th day of April, 2017, by and between **CURTIS CORINNA (“Connie”) W. CUNNINGHAM**, party of the first part, **GRANTOR, SAMUEL D. CUNNINGHAM and CONNIE W. CUNNINGHAM, Successor Trustees Under the Sue W. Sprouse, Declaration of Trust dated April 17, 2007**, parties of the second part, **GRANTORS**, and the **BOARD OF SUPERVISORS FOR THE COUNTY OF AMHERST, VIRGINIA**, party of the third part, **GRANTEE**;

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged by the parties of the first part and second part, the parties of the first part and the second part, do hereby give, grant and convey unto said **BOARD OF SUPERVISORS FOR THE COUNTY OF AMHERST, VIRGINIA**, their successors and assigns, the following described easement, to-wit:

Two (2) variable width maintenance and access drainage easements as shown on a plat entitled “Plat Showing Right-of-Way and Easement Dedication for Learning Lane, Elon Magisterial District, Amherst County, Virginia,” dated February 9, 2017, by Hurt & Proffitt, Incorporated, J. Adam Bryant, L.S., a copy of which plat is attached hereto and incorporated herein by reference.

The easements hereby conveyed are over real estate devised under the Last Will and Testament of Wilbur Worley, recorded in the Amherst County Circuit Court Clerk's Office in Will Book 164, at page 54, unto Ella Worley for life, with a vested remainder to Curtis Corinna ("Connie") W. Cunningham and Sue W. Sprouse. Ella W. Worley is now deceased, and her interest in the property is therefore extinguished. Sue W. Sprouse is also deceased, and pursuant to the terms of her Last Will and Testament, of record in the aforesaid Clerk's Office in Will Book 211, at page 1, her interest in the aforesaid real estate passed to Wachovia Bank, n/k/a Wells Fargo Bank, as initial trustee, and Samuel D. Cunningham and Connie W. Cunningham as successor trustees of the Sue W. Sprouse Declaration of Trust dated April 17, 2007. Wells Fargo Bank is no longer the initial trustee, and Samuel D. Cunningham and Connie W. Cunningham are the current trustees.

The parties of the first and second parts also agree to vacate and abandon all their right, title, and interest whether by deed, prescription, or otherwise, in and to any easements shown on the portion of the land shown on the aforesaid plat as '48" RCP', 42" RCP, and '18" RCP,' and that they agree to cooperate in the acquisition of the necessary Virginia Department of Transportation's licenses and permits for these pipes in the event they are to be continued in use.

The parties of the first and second parts also agree to vacate and abandon any interest they may have, whether by deed, prescription or otherwise, to the detention pond easement referred to in Deed Book 622, page 544, and as shown in Plat Book L, at page 149, and as the same is also shown on the attached plat.

This Deed is exempt from the recordation taxes imposed by Virginia Code §§ 58.1-801 and 58.1-803, pursuant to Virginia Code § 58.1-811.

In compliance with Virginia Code § 15.2-1803, this deed is in the form approved by Ellen Bowyer, Amherst County Attorney.

The Chair of the Board of Supervisors of Amherst County has affixed her signature hereto on behalf of the Board of Supervisors, thereby accepting the deed on behalf of the County of Amherst, Virginia, her having been authorized to so act on behalf of said County by Resolution 2017-0014-R, duly adopted by the Board of Supervisors of said County at the meeting held on

April 4, 2017, which acceptance is evidenced by the execution of this deed by the said Chair, in accordance with Virginia Code §15.2-1803.

The successor trustees, by the signatures hereto, certify that they have been properly appointed as successor trustees under the trust identified in this deed, and they are fully vested with all the title, estate, rights, powers, and duties of their office, and they have the power and authority to make this conveyance.

WITNESS the following signatures and seals:



(SEAL)

Claudia D. Tucker
Chair of the Amherst County Board of Supervisors

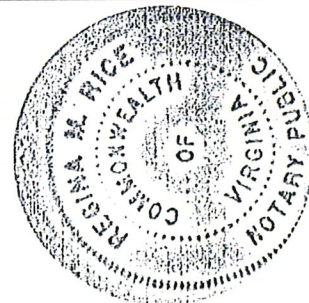
STATE OF VIRGINIA
COUNTY OF AMHERST, to-wit:

I, Regina M. Rice, a Notary Public in and for the State and County aforesaid, do hereby certify that **Claudia D. Tucker, Chair of the Amherst County Board of Supervisors** did personally appear before me and did execute and acknowledge her signature to the foregoing Deed of Easement bearing date on the 4th day of April, 2017.

Given under my hand this 4th day of April, 2017.

My commission expires: November 30, 2018

Registration No.: 2052067 Regina M. Rice
Notary Public



Connie W. Cunningham (SEAL)
CURTIS CORINNA ("Connie") W. CUNNINGHAM

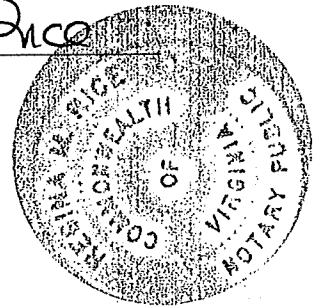
STATE OF VIRGINIA
~~CITY~~/COUNTY OF Amherst, to-wit:

I, Pegina M. Rice a Notary Public in and for the State and City or County aforesaid, do hereby certify that **CURTIS CORINNA ("Connie") W. CUNNINGHAM** did personally appear before me and did execute and acknowledge her signature to the foregoing Deed of Easement bearing date on the 29th day of March, 2017.

Given under my hand this 29th day of March, 2017.

My commission expires: November 30, 2018.

Registration No.: 2052007 Pegina M. Rice
Notary Public



Samuel D. Cunningham (SEAL)
SAMUEL D. CUNNINGHAM, Trustee
Under the Sue W. Sprouse, Declaration of
Trust dated April 17, 2007

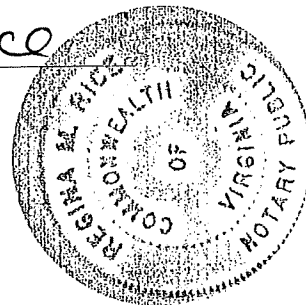
STATE OF VIRGINIA
~~CITY~~/COUNTY OF Amherst, to-wit:

I, Regina M. Rice, a Notary Public in and for the State and City or County
aforesaid, do hereby certify that **SAMUEL D. CUNNINGHAM, Trustees Under the Sue W.
Sprouse, Declaration of Trust dated April 17, 2007**, did personally appear before me and did
execute and acknowledge his signature to the foregoing Deed of Easement bearing date on the
20th day of March, 2017.

Given under my hand this 20th day of March, 2017.

My commission expires: November 30, 2018

Registration No.: 2052067 Regina M. Rice
Notary Public



Connie W. Cunningham (SEAL)
CONNIE W. CUNNINGHAM, Trustee
Under the Sue W. Sprouse, Declaration of
Trust dated April 17, 2007

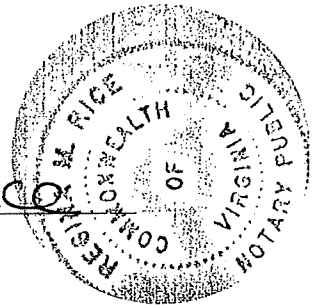
STATE OF VIRGINIA
~~CITY~~/COUNTY OF Amherst, to-wit:

I, Pegina M. Rice, a Notary Public in and for the State and City or County
aforesaid, do hereby certify that **CONNIE W. CUNNINGHAM Trustee Under the Sue W.
Sprouse, Declaration of Trust dated April 17, 2007** did personally appear before me and did
execute and acknowledge her signature to the foregoing Deed of Easement bearing date on the
29th day of March, 2017.

Given under my hand this 29th day of March, 2017.

My commission expires: November 30, 2018

Registration No.: 205267 Pegina M. Rice
Notary Public



Approved as to form:

Ellen Bowyer
Ellen Bowyer
Amherst County Attorney