

A G E N D A

JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS

County Government Center Board Room

October 22, 2013

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. CONSENT CALENDAR

1. Minutes –
 - a. September 24, 2013, Regular Meeting
2. Irrevocable Election Not to Participate in Virginia Local Disability Program
3. Bid Award/Budget Amendment – Williamsburg Landing Emergency Waterline Replacement – \$255,760

D. PUBLIC HEARING

1. Authorization for James City Service Authority (JCSA) General Manager to Sign a Quit Claim Deed for 1001 Penniman Road

E. BOARD CONSIDERATIONS

F. BOARD REQUESTS AND DIRECTIVES

G. ADJOURNMENT – to 7 p.m. on November 26, 2013

102213bod_age

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

OCT 22 2013

James G. Kennedy, Chairman - Absent
James O. Icenhour, Jr., Vice Chairman
Mary K. Jones
John J. McGlennon
M. Anderson Bradshaw

**Board of Supervisors
James City County, VA**

M. Doug Powell, Assistant Secretary to the Board
Leo P. Rogers, County Attorney
Larry Foster, General Manager

Mr. Larry Foster, General Manager of the James City Service Authority, stated that Mr. Icenhour would be conducting the meeting due to Mr. Kennedy's absence.

C. CONSENT CALENDAR

Ms. Jones made a motion to approve the Consent Calendar.

The motion passed by a unanimous voice vote of the members present.

1. Minutes –
 - a. August 13, 2013, Regular Meeting
2. Mirror Lakes Dam Safety Grant Awards – Virginia Department of Conservation and Recreation \$1,000 and \$4,000

RESOLUTION

**MIRROR LAKES DAM SAFETY GRANT AWARDS – VIRGINIA DEPARTMENT OF
CONSERVATION AND RECREATION - \$1,000 AND \$4,000**

WHEREAS, the James City Service Authority (JCSA) has been awarded two Dam Safety Grants by the Virginia Department of Conservation and Recreation in the amounts of \$1,000 and \$4,000; and

WHEREAS, the funds are to be used to reimburse the JCSA for nine percent of the cost of an Alternative Analysis engineering study and seven percent of the cost of Renovation Engineering Design Services required to meet the Commonwealth's Impounding Structure Regulations; and

WHEREAS, the grants require a 50 percent match that was provided in the JCSA's Capital Improvements Program (CIP) budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the following appropriation to the CIP budget:

Revenue:

Dam Safety Grants – FY 2014 \$5,000

Expense:

Mirror Lakes Dam – FY 2014 \$5,000

D. PUBLIC HEARINGS

1. Transfer of .288-Acre Parcel – Located at 7855 Church Lane – to James City County

Mr. Larry Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4). NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

TRANSFER OF .288-ACRE PARCEL – LOCATED AT 7855 CHURCH LANE –

TO JAMES CITY COUNTY

WHEREAS, the James City Service Authority (JCSA) owns a .288-acre parcel identified as Parcel No. 1230100048 located at 7855 Church Lane; and

WHEREAS, an unused well facility is located on the parcel with no plans to use the well facility for water production in the future; use as a water quality monitoring station is planned; and

WHEREAS, it has been identified that the parcel will complement plans to build a new Bruton Fire Station which is located on the adjacent parcel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, after conducting a public hearing at its regular meeting on September 24, 2013, hereby authorizes the General Manager to sign the appropriate documents to transfer James City County Tax Map Parcel No. 1230100048 to James City County at no costs. Said transfer will include an agreement to allow the JCSA access to the existing well facility for the purpose of operating a water quality monitoring station.

2. Abandonment of Easement at 161 John Jefferson Road

Mr. Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Bradshaw asked if money was exchanged for the easement.

Mr. Foster stated no.

As there were no other questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. Bradshaw made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4).
NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

ABANDONMENT OF EASEMENT AT 161 JOHN JEFFERSON ROAD

WHEREAS, a 50-foot-wide James City Service Authority (JCSA) easement was created by a recorded plat, dated August 22, 1978, prepared by Langley McDonald, Consulting Engineers, and located at 161 John Jefferson Road; and

WHEREAS, the easement has never been used nor does the JCSA have plans to use the easement in the future.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, after conducting a public hearing at its regular meeting on September 24, 2013, authorizes the General Manager to sign the appropriate documents abandoning the easement located on James City County Tax Map/Parcel No. 5020900022 and referenced above.

3. Authorization to Enter into a Lease Agreement with the Hampton Roads Sanitation District ("HRSD") for a Pressure Reducing Station

Mr. Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4).
NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH THE HAMPTON ROADS

SANITATION DISTRICT (“HRSD”) FOR A PRESSURE REDUCING STATION

WHEREAS, the James City Service Authority (JCSA) is the owner of certain real property identified as 6735 Route 199, further identified as Parcel No. 4920100006A on the James City County Real Estate Tax Map (the “Property”); and

WHEREAS, the Hampton Roads Sanitation District (HRSD) wishes to install infrastructure for a proposed pressure reducing station on the Property; and

WHEREAS, the pressure reducing station will relieve pressure on the JCSA sewer system during periods of heavy rains helping to prevent sewer spills; and

WHEREAS, the JCSA must enter into a lease agreement in order to protect its interests in the Property;

WHEREAS, the Board of Directors of the JCSA, following a public hearing, is of the opinion that it is in the public interest to execute the lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes and directs the General Manager to execute any and all documents necessary to amend the deed restrictions and enter into the lease agreement with HRSD.

E. BOARD CONSIDERATIONS – None

F. BOARD REQUESTS AND DIRECTIVES – None

G. ADJOURNMENT – to 7 p.m. on September 24, 2013

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4). NAY: (0). ABSENT: Mr. Kennedy (1).

At 7:50 p.m., Mr. Icenhour adjourned the Board of Directors.


Robert C. Mindaugh
Secretary to the Board

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman - Absent
 James O. Icenhour, Jr., Vice Chairman
 Mary K. Jones
 John J. McGlennon
 M. Anderson Bradshaw

M. Doug Powell, Assistant Secretary to the Board
 Leo P. Rogers, County Attorney
 Larry Foster, General Manager

Mr. Larry Foster, General Manager of the James City Service Authority, stated that Mr. Icenhour would be conducting the meeting due to Mr. Kennedy's absence.

C. CONSENT CALENDAR

Ms. Jones made a motion to approve the Consent Calendar.

The motion passed by a unanimous voice vote of the members present.

1. Minutes –
 - a. August 13, 2013, Regular Meeting
2. Mirror Lakes Dam Safety Grant Awards – Virginia Department of Conservation and Recreation \$1,000 and \$4,000

RESOLUTION

MIRROR LAKES DAM SAFETY GRANT AWARDS – VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION - \$1,000 AND \$4,000

WHEREAS, the James City Service Authority (JCSA) has been awarded two Dam Safety Grants by the Virginia Department of Conservation and Recreation in the amounts of \$1,000 and \$4,000; and

WHEREAS, the funds are to be used to reimburse the JCSA for nine percent of the cost of an Alternative Analysis engineering study and seven percent of the cost of Renovation Engineering Design Services required to meet the Commonwealth's Impounding Structure Regulations; and

WHEREAS, the grants require a 50 percent match that was provided in the JCSA's Capital Improvements Program (CIP) budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the following appropriation to the CIP budget:

Revenue:

Dam Safety Grants – FY 2014	<u>\$5,000</u>
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Expense:

Mirror Lakes Dam – FY 2014	<u>\$5,000</u>
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D. PUBLIC HEARINGS

1. Transfer of .288-Acre Parcel – Located at 7855 Church Lane – to James City County

Mr. Larry Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4). NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

**TRANSFER OF .288-ACRE PARCEL – LOCATED AT 7855 CHURCH LANE –
TO JAMES CITY COUNTY**

WHEREAS, the James City Service Authority (JCSA) owns a .288-acre parcel identified as Parcel No. 1230100048 located at 7855 Church Lane; and

WHEREAS, an unused well facility is located on the parcel with no plans to use the well facility for water production in the future; use as a water quality monitoring station is planned; and

WHEREAS, it has been identified that the parcel will complement plans to build a new Bruton Fire Station which is located on the adjacent parcel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, after conducting a public hearing at its regular meeting on September 24, 2013, hereby authorizes the General Manager to sign the appropriate documents to transfer James City County Tax Map Parcel No. 1230100048 to James City County at no costs. Said transfer will include an agreement to allow the JCSA access to the existing well facility for the purpose of operating a water quality monitoring station.

2. Abandonment of Easement at 161 John Jefferson Road

Mr. Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Bradshaw asked if money was exchanged for the easement.

Mr. Foster stated no.

As there were no other questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. Bradshaw made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4).
NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

ABANDONMENT OF EASEMENT AT 161 JOHN JEFFERSON ROAD

WHEREAS, a 50-foot-wide James City Service Authority (JCSA) easement was created by a recorded plat, dated August 22, 1978, prepared by Langley McDonald, Consulting Engineers, and located at 161 John Jefferson Road; and

WHEREAS, the easement has never been used nor does the JCSA have plans to use the easement in the future.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, after conducting a public hearing at its regular meeting on September 24, 2013, authorizes the General Manager to sign the appropriate documents abandoning the easement located on James City County Tax Map/Parcel No. 5020900022 and referenced above.

3. Authorization to Enter into a Lease Agreement with the Hampton Roads Sanitation District ("HRSD") for a Pressure Reducing Station

Mr. Foster addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. Icenhour opened the Public Hearing.

As no one wished to speak, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4).
NAY: (0). ABSENT: Mr. Kennedy (1).

RESOLUTION

AUTHORIZATION TO ENTER INTO A LEASE AGREEMENT WITH THE HAMPTON ROADS

SANITATION DISTRICT (“HRSD”) FOR A PRESSURE REDUCING STATION

WHEREAS, the James City Service Authority (JCSA) is the owner of certain real property identified as 6735 Route 199, further identified as Parcel No. 4920100006A on the James City County Real Estate Tax Map (the “Property”); and

WHEREAS, the Hampton Roads Sanitation District (HRSD) wishes to install infrastructure for a proposed pressure reducing station on the Property; and

WHEREAS, the pressure reducing station will relieve pressure on the JCSA sewer system during periods of heavy rains helping to prevent sewer spills; and

WHEREAS, the JCSA must enter into a lease agreement in order to protect its interests in the Property;

WHEREAS, the Board of Directors of the JCSA, following a public hearing, is of the opinion that it is in the public interest to execute the lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes and directs the General Manager to execute any and all documents necessary to amend the deed restrictions and enter into the lease agreement with HRSD.

E. BOARD CONSIDERATIONS – None

F. BOARD REQUESTS AND DIRECTIVES – None

G. ADJOURNMENT – to 7 p.m. on September 24, 2013

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Ms. Jones, Mr. McGlennon, (4). NAY: (0). ABSENT: Mr. Kennedy (1).

At 7:50 p.m., Mr. Icenhour adjourned the Board of Directors.

Doug Powell
Assistant Secretary to the Board

MEMORANDUM COVER

Subject: Irrevocable Election Not to Participate in Virginia Local Disability Program

Action Requested: Shall the Board approve the resolution to “opt-out” of the Virginia Local Disability Program (VLDP) and offer a comparable employer-paid plan instead?

Summary: The General Assembly enacted legislation requiring a disability benefit for those employees who will be covered under the new hybrid retirement plan that goes into effect on January 1, 2014.

Each governing body may choose to provide this mandated benefit by either “opting in” to the Virginia Retirement System’s Virginia Local Disability Program (VLDP) or by “opting out” and offering a comparable employer-paid plan that meets or exceeds the VLDP coverage. The decision is irrevocable.

After reviewing plans, staff found that the rates offered by other plans are more competitive than the VLDP and are guaranteed for a longer period.

Staff recommends approval of the attached resolution that elects not to participate in the VLDP.

Fiscal Impact: Since coverage is mandatory, either through VLDP or a comparable plan, lower rates will have a positive fiscal impact.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh [Signature]

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: C-2

Date: October 22, 2013

VLDPelect-bod_cvr

MEMORANDUM

DATE: October 22, 2013
TO: The Board of Directors
FROM: Larry M. Foster, General Manager of James City Service Authority
SUBJECT: Irrevocable Election Not to Participate in Virginia Local Disability Program

The General Assembly enacted legislation requiring a disability benefit for those employees who will be covered under the new hybrid retirement plan that goes into effect on January 1, 2014.

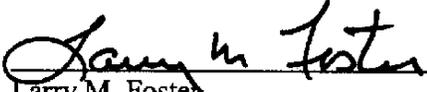
Each governing body may choose to provide this mandated benefit either by participating in the Virginia Retirement System's Virginia Local Disability Program (VLDP) or by offering a comparable employer-paid plan that meets or exceeds the VLDP coverage. James City County and the James City Service Authority will automatically be enrolled in the VLDP unless the JCSA submits the attached Irrevocable Election Not to Participate in Virginia Local Disability Program Resolution to the Virginia Retirement System by November 1, 2013. The Board of Supervisors will have taken similar action for James City County employees at its meeting earlier in the evening.

While it is necessary to decide whether to "opt in" or "opt out" at this time, it is not necessary to select a comparable plan.

After reviewing disability plans, staff found that the rates offered by other providers are more competitive than the VLDP and are guaranteed for a longer period. For example, the current cost of the VLDP is .91 percent of the hybrid employee's compensable pay and rates are guaranteed for six months while the cost of plans endorsed by the Virginia Association of Counties Risk Pool (VACORP) and the Virginia Municipal League Insurance Programs (VMLIP) range from .75 percent to .79 percent and are guaranteed for a longer period of time.

In addition, the decision to "opt in" or "opt out" of the VLDP is irrevocable.

Staff recommends approval of the attached resolution.


Larry M. Foster

LMF/nb
VLDPelect-bod_mem

Attachments:

1. Resolution
2. VLDP-at-a-Glance
3. Presentation

RESOLUTION

IRREVOCABLE ELECTION NOT TO PARTICIPATE IN

VIRGINIA LOCAL DISABILITY PROGRAM

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long-term care coverage, by January 1, 2014 ; and

WHEREAS, it is the intent of the James City Service Authority (55455) to make this irrevocable election to request that its eligible employees not participate in VLDP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, that James City Service Authority irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

BE IT FURTHER RESOLVED that as an integral part of making this irrevocable election, James City Service Authority certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

James G. Kennedy
Chairman, Board of Directors

ATTEST:

Robert C. Middaugh
Secretary to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 22nd day of October, 2013.

MEMORANDUM COVER

Subject: Bid Award/Budget Amendment – Williamsburg Landing Emergency Waterline Replacement – \$255,760

Action Requested: Shall the Board approve a resolution awarding a construction contract for a waterline replacement in Williamsburg Landing and making a budget appropriation from reserve funds to cover the costs of the project?

Summary: A major waterline failed in Williamsburg Landing causing extensive damage to the street on September 13, 2013. Emergency purchasing procedures were employed and a contract was awarded to Toano Contractors Inc. in the amount of \$255,760 to replace approximately 500 feet of waterline and repair the street. The project was unexpected and therefore was not included in the FY 14 budget.

Staff recommends approval of the attached resolution, formally awarding the contract, and making an appropriation from Reserve Funds.

Fiscal Impact: No funds included in budget – requested Board action will appropriate funds from reserves.

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: C-3

Date: October 22, 2013

MEMORANDUM

DATE: October 22, 2013

TO: The Board of Directors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Bid Award/Budget Amendment – Williamsburg Landing Emergency Waterline Replacement – \$255,760

On September 13, 2013, a 12-inch waterline that traverses the Williamsburg Landing Community failed and caused extensive damage to approximately 300 feet of street. Repairs to the street alone would have costs in the \$30,000-\$40,000 range. Because the waterline had failed in the same area several times in the past few years, it was determined prudent to proceed with replacing approximately 500 feet of waterline in hopes of preventing future failures.

Because the street damages created a safety hazard, emergency purchasing procedures were employed. Contractors were invited to an on-site prebid meeting for an overview of the project and to review the project schedule and expectations. Because of the safety and convenience to residents and issues associated with the project, a 21-day construction period was allowed.

On September 30, 2013, bids were publicly opened for the project. Two contractors submitted competitive bids as follows:

<u>Bidder</u>	<u>Amount</u>
Henry S. Branscome	\$319,162
Toano Contractors, Inc.	255,760

Contracts over \$100,000 require Board approval. Due to the urgency, the James City Service Authority (JCSA) entered into a contract with Toano Contractors, Inc. prior to Board approval.

This project was not anticipated in the Fiscal Year 14 budget. Appropriations from the JCSA Fund Reserve are needed because of the amount of the contract. There is currently approximately \$30 million in the JCSA Fund Reserve.

Approval of the attached resolution awarding the Williamsburg Landing Emergency Waterline Replacement project and budget appropriation is recommended.



 Larry M. Foster

LMF/nb
 WburgLnding_mem

Attachment

RESOLUTION**BID AWARD/BUDGET AMENDMENT – WILLIAMSBURG LANDING EMERGENCY****WATERLINE REPLACEMENT – \$255,760**

WHEREAS, on September 13, 2013, a major waterline traversing the Williamsburg Landing Community failed, causing extensive damage to approximately 300 feet of street; and

WHEREAS, because of multiple failures over the recent past, it was decided to replace approximately 500 feet of the waterline in the area of the failure; and

WHEREAS, it was determined prudent to address safety and convenience issues for residents by replacing approximately 500 feet of waterline in the area using emergency purchasing procedures; and

WHEREAS, the Fiscal Year 2014 budget did not include funding to cover the costs of addressing the Williamsburg Landing Waterline Replacement project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby awards the Williamsburg Landing Waterline Replacement Project to Toano Contractors, Inc. in the amount of \$255,760.

BE IT FURTHER RESOLVED that the Board of Directors hereby amends the Fiscal Year 2014 budget as follows:

<u>Revenue:</u>	
Reserve Funds	<u>\$255,760</u>
<u>Expenditures:</u>	
Williamsburg Landing Waterline	<u>\$255,760</u>

James G. Kennedy
Chairman, Board of Directors

ATTEST:

Robert C. Middaugh
Secretary to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 22nd day of October, 2013.

WburgLnding_res

MEMORANDUM COVER

Subject: Authorization for James City Service Authority (JCSA) General Manager to Sign a Quit Claim Deed for 1001 Penniman Road

Action Requested: Shall the Board approve a resolution that authorizes the General Manager to sign a Quit Claim Deed waiving any residual rights to 1001 Penniman Road?

Summary: Approval of the associated resolution will authorize a quit claim deed for any residual rights to 1001 Penniman Road which may have been aquired in 1985 when the James City Service Authority (JCSA) condemnend a private water system serving the James Terrace area.

The property was sold to James and Mae Sherwood in 1954 by the developer of James Terrace. Mr. And Mrs. Sherwood have owned the property and lived in a home they built on the parcel since 1954. Mr. Sherwood died in 1986. The potential cloud on the property's title was identified in a title search for Mrs. Sherwood, who has requested that the JCSA quit claim any right that may have been untentionally transferred.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Assistant County Administrator

Doug Powell DP

County Administrator

Robert C. Middaugh 

Attachments:

1. Memorandum
2. Resolution
3. Map

Agenda Item No.: D-1

Date: October 22, 2013

MEMORANDUM

DATE: October 22, 2013

TO: The Board of Directors

FROM: Larry M. Foster, General Manager, James City Service Authority

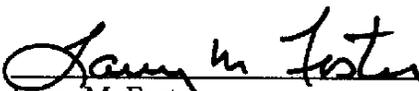
SUBJECT: Authorization for James City Service Authority (JCSA) General Manager to Sign a Quit Claim Deed for 1001 Penniman Road

In the early 1950s Benel Corporation developed the James Terrace Community. In doing so Benel partnered with Sydnor Pump and Well for the development of a water system to serve the neighborhood. The original plat for the development showed a well site located at 1001 Penniman Road which was transferred to Sydnor Pump and Well by deed dated August 27, 1953. At some point, prior to recording the subdivision plat, Bethel and Sydnor agreed that the property would not be needed for a well lot, the subdivision plat was revised and recorded with this property shown as a regular building lot. Unfortunately, the agreement establishing the relationship and the transfer of the property was never revised leaving a cloud on the title to the property.

On December 3, 1954, a deed was recorded in Deed Book 53, page 239 transferring the property from Benel Corporation to Mr. and Mrs. James Sherwood who built a home on the property and have lived in the residence until recently. Mr. Sherwood is deceased and Mrs. Sherwood desires to sell the property. Before selling the property the deed needs to be freed of any possible claims.

In 1985 the James City Service Authority (JCSA) acquired the water system from Sydnor Pump and Well. All residual rights held by Sydnor in the water system transferred to the JCSA in the acquisition. The JCSA was not aware of any potential property rights associated with 1001 Penniman Road nor did it intend to use the parcel. Mrs. Sherwood, through her attorney, has asked that the JCSA quit claim any rights to the property. Aqua Virginia, Inc., the successor to Sydnor Pump and Well, has also agreed to quit claim to Mrs. Sherwood any interest it may have in the lot.

Since the JCSA never had any intentions of using the property and because the Sherwood's have had ownership in the property since 1954, it is recommended that the Board approve the attached resolution authorizing the General Manager to sign a Quit Claim Deed waving any rights that may have transferred during any property transfers.


Larry M. Foster

LMF/nb
PennRdDeed_mem

Attachment

RESOLUTION**AUTHORIZATION FOR JAMES CITY SERVICE AUTHORITY (JCSA) GENERAL MANAGER****TO SIGN A QUIT CLAIM DEED FOR 1001 PENNIMAN ROAD**

WHEREAS, the James City Service Authority (JCSA) acquired the James Terrace Water System from Sydnor Pump and Well in 1985; and

WHEREAS, it has been determined that the JCSA may have residual rights to property at 1001 Penniman Road (James City County Tax Map Parcel No. 4140300015) resulting from oversights in ownership transfers between Bethel Corporation, the original developer and Sydnor Well and Pump, original owner of the water system serving the neighborhood; and

WHEREAS, Mr. and Mrs. James Sherwood purchased 1001 Penniman Road from Benel Corporation on December 3, 1954, built a home on the parcel and lived there until recently; and

WHEREAS, Mr. Sherwood died in 1986 and Mrs. Sherwood, through her attorney, identified in a title search that the JCSA may have potential rights to the property and has asked that the JCSA quit claim these rights to remove any claim; and

WHEREAS, the JCSA had no knowledge of any property rights associated with the parcel nor did it have any intention to use the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, after conducting a public hearing, hereby authorizes its General Manager to sign a Quit Claim Deed relinquishing any rights that it may have to the to 1001 Penniman Road (Parcel No. 4140300015).

James G. Kennedy
Chairman, Board of Directors

ATTEST:

Robert C. Middaugh
Secretary to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCLENNON	___	___	___
JONES	___	___	___
KENNEDY	___	___	___
ICENHOUR	___	___	___
BRADSHAW	___	___	___

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 22nd day of October, 2013.

PennRdDeed_res



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. James City Service Authority is not responsible for its accuracy or how current it may be.

1001 Penniman Rd

