



RIVANNA WATER & SEWER AUTHORITY

695 MOORES CREEK LANE • CHARLOTTESVILLE, VIRGINIA 22902-9016
 (434) 977-2970 • FAX: (434) 293-8858 • WEBSITE: WWW.RIVANNA.ORG

October 21, 2005

Mr. Michael Caplin
 317 Rivanwood Place
 Charlottesville, VA 22901

Dear Mr. Caplin:

Your Boat Dock Permit Application for construction of a dock on the South Fork Rivanna Reservoir is complete and is in accordance with the adopted policies of the Rivanna Water & Sewer Authority (RWSA).

I am pleased to issue you the required RWSA permit for construction of the boat dock. Your assigned dock number is 31. I have enclosed two signed copies of the approved permit. Please sign and return one copy to us.

By signing the Boat Dock Permit and Agreement, you are agreeing to adhere to the provisions of the Board adopted (August 2005) Boat Dock Policy Statement, Boat Dock Construction Requirements, and provisions of the enclosed Permit and Agreement. Please note that item 8) of the Construction Requirements describes the use of an anchoring system to stabilize the dock within the reservoir. We ask that you use this type of system instead of the pole stabilizers you described in your application. Please note that the Authority will be inspecting the dock once all necessary permits are obtained, to assure compliance with the RWSA requirements.

As you know, a Special Use Permit and Building Permit from Albemarle County are required in addition to the RWSA permit. The next steps of the permitting process are defined in the application procedure memo dated August 26, 2005 which was provided to you previously.

Please do hesitate to contact me, or our Watershed Manager, Andrea Terry, if you have any further questions.

Sincerely,

Thomas L. Frederick
 Executive Director

Enclosures

cc: Andrea Terry, RWSA Watershed Manager
 Kristel Riddervold, City of Charlottesville, Environmental Administrator
 Tamara Ambler, Albemarle County, Natural Resources Manager

**RIVANNA WATER & SEWER AUTHORITY
695 MOORES CREEK LANE
CHARLOTTESVILLE, VA 22902**

BOAT DOCK USE PERMIT AND AGREEMENT

The undersigned applicants (the "Applicants") request that the Rivanna Water & Sewer Authority (the "Authority") issue a permit to allow construction and maintenance of a boat dock on the South Fork Rivanna Reservoir (the "Reservoir"). The Authority hereby issues such permit, subject to the following conditions:

1. The boat dock shall be constructed substantially in accordance with the Construction Requirements of the Authority in effect at the time the Special Use Permit and the building permit are issued by the County of Albemarle.
2. The Applicants agree to purchase and affix 2-inch brass or aluminum numerals assigned by the Authority to the boat dock for purposes of identification. Numerals shall be visible from the water side.
3. The Applicants agree to indemnify and save harmless the Authority, the City of Charlottesville, their officers, agents and employees from any and all claims, demands, actions, causes of action, injury or death to persons or damages to property, cost and expenses, including attorney's fees, arising out of or resulting directly or indirectly from any action taken by the Applicants, or their guests, invitees, agents, employees or contractors (including presence upon Reservoir property) or by reason of the Applicants' dock. The Applicants further agree to obtain from an insurance company licensed to do business in Virginia, and maintain at all times, a policy of general liability insurance which covers the boat dock in an amount of at least \$1,000,000 combined single limit, and in such greater amounts as the Authority may determine from time to time. The Authority and the City of Charlottesville must each be named as additional insureds on the policy, and the policy or the certificate of insurance must provide that the policy may not be terminated or cancelled without 30 days prior written notice to the named insureds ("endeavor" clauses are not acceptable). Proof of coverage meeting these requirements must be provided to the Authority and the City of Charlottesville by a copy of the policy of insurance or a certificate of insurance from the issuer of the policy, to be submitted to the Authority and the City prior to construction of the boat dock and annually thereafter.
4. The Applicants agree to pay an annual inspection fee as established by the Authority, to monitor compliance with the provisions of this permit and the policies of the Authority with respect to management of the Reservoir. This fee shall become due April 1 of each year and is delinquent after June 1. Failure of the Applicants to pay the annual fee will be grounds for revoking this permit. The Applicants understand and agree that the Authority may increase the amount of the inspection fee from time to time.

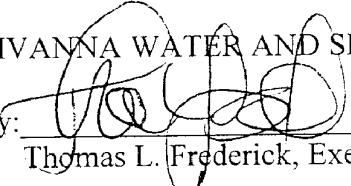
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5. Construction and maintenance of the boat dock shall comply with all applicable Federal, State or local laws, ordinances, or regulations. Specifically, the Applicants shall obtain all necessary permits for any work performed pursuant to this permit, including a Special Use Permit and building permit from the County of Albemarle. In the event that the Applicants are not issued the necessary permits from Albemarle County within 9 months of the date of issuance of this permit, this Boat Dock Use Permit and Agreement is void. No construction may be initiated without these permits. After all permits have been obtained, the Authority shall be notified at least one week prior to the start of construction.
6. All work to be performed on Reservoir property under this permit shall be at the sole cost and expense of the Applicants.
7. This permit shall not constitute an interest in Reservoir property and the activity herein agreed to shall not in any way interfere with the Authority's lawful operation of the Reservoir and South Fork Rivanna Reservoir Water Treatment Plant, including flooding City of Charlottesville land managed by the Authority and maintaining the Reservoir in a manner consistent with all rights and privileges conferred upon the Authority. The Authority reserves the right to prohibit use of the dock at such times as deemed necessary for the protection of public health and welfare. To the extent that any alteration of Reservoir property, including the erection of the boat dock thereon, is determined by the Authority to be inconsistent with the safe and efficient operation of the Reservoir and Water Treatment Plant, the Applicants shall restore such property to its original condition, or remove such structures when requested to do so, at the Applicants' sole cost and expense.
8. This permit may not be transferred separately from the real property adjacent to the Reservoir owned by the Applicants. In the event such property is sold by the Applicants, the purchaser shall be bound by all of the terms, conditions and obligations of this permit and on or before the next annual inspection of the boat dock, shall execute a new permit with the Authority. In the event a purchaser should not accept the terms of this permit, the Authority may require the Applicant or the new owner, at their sole cost and expense, to remove any structure erected pursuant to this permit and/or restore Reservoir property to its approximate original condition.
9. The Applicants shall not disturb the vegetative buffer around the Reservoir except as expressly allowed in the Special Use Permit issued by Albemarle County. Applicants shall not place earth or debris on Reservoir land and remove from Reservoir land all trees, limbs, stumps, brush or other debris which may be cut, removed or transported to the site in connection with work to be performed with no direct or consequent expense to the Authority.
10. No activities may be conducted, or materials stored, on the boat dock which could potentially damage public health and welfare or negatively impact the Reservoir as a public water supply.
11. This permit is issued pursuant to and in accordance with the Boat Dock Policy Statement of the Authority adopted August 22, 2005. The Applicants hereby agree to abide by all of the terms and conditions set forth in the Boat Dock Policy Statement.

12. The Applicants understand and agree that violation of any provision of this permit shall be grounds for revocation of this permit by the Authority unless the violation is corrected to the satisfaction of the Authority within 30 days of notice of such violation from the Authority to the Applicants. Applicants agree that if this permit is revoked, the applicant will remove the Boat Dock within 60 days of the date of revocation. If the applicant fails to do so, the Authority may remove the structure at the sole cost and expense of the Applicants. Any violation that immediately threatens public health and welfare or negatively impacts the Reservoir as a public water supply, or repeated violations by the Applicants are grounds for immediate revocation of this permit with no notice and removal of the dock at the Applicants' sole cost and expense.
13. If any provision of this permit, or the application of any provision of this permit to any person or circumstance, is held unenforceable for any reason, the application of such provision to any other person or circumstance, and the remainder of this permit, shall not be affected thereby.
14. If legal action should become necessary to enforce the terms and conditions of this permit, the Applicants agree to pay the Authority's court cost and reasonable attorney's fees.

To evidence acceptance of this permit upon the terms and conditions stated above, please sign and return both copies of this permit to the Authority. Once this permit is approved a signed copy will be returned to the Applicants by the Authority.

RIVANNA WATER AND SEWER AUTHORITY

By: 
 Thomas L. Frederick, Executive Director

Date: 11/8/05

We, the undersigned owners of riparian property adjacent to the South Fork Rivanna Reservoir and the applicants for this permit, hereby agree to and accept the conditions set forth in this permit.

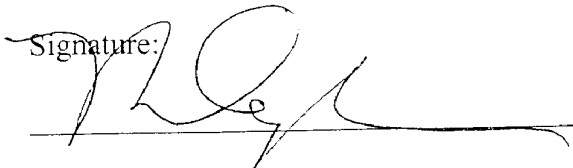
Address of Property Adjacent to Reservoir:

317 Riverview Pl.
Cville, VA 22901

Printed Name:

Michael A. Caplan

Signature:



Tax Map and Parcel Number of Property:

64500-00-00-18700

Date:

11/2/5

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