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At a special called meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 7th day of September 2010 at the Circuit Courtroom of the Cumberland Courthouse, Cumberland, Virginia:

Present: William F. Osl, Jr., District 1
Timothy Kennell, Chairman, District 2
Van H. Petty, District 3
Elbert R. Womack, Vice-Chairman, District 4
Robert J. Oertel, District 5
Judy Ownby, County Administrator
Michael Cooper, Assistant County Administrator
Stephany Johnson, Deputy Clerk

Absent: Jill Matthews, Assistant County Administrator

1. Call to order

Chairman Kennell called the meeting to order and the County Administrator called the roll.

2. Approval of Agenda

On a motion by Supervisor Womack and carried, the Board adopted the agenda as presented:

VOTE: Mr. Osl – aye Mr. Kennell – aye
Mr. Petty – aye Mr. Womack – aye
Mr. Oertel – aye

3. Resolution approving and consenting to the construction and operation of the Cobbs Creek Reservoir by Henrico County

On a motion by Supervisor Oertel and carried, the Board adopted the Resolution approving and consenting to the construction and operation of the Cobbs Creek Reservoir by Henrico County:

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

RESOLUTION

**CONSENT FOR CONSTRUCTION AND OPERATION
OF THE
COBBS CREEK RESERVOIR PROJECT**

September 7, 2010

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at the Cumberland Courthouse, Virginia commencing at 7:00 p.m., September 7, 2010, the following action was taken during the meeting of the Board at which time County staff provided input with regard to the above-referenced matter:

On a motion made by Supervisor Oertel, it was moved that the Board of Supervisors of Cumberland County approve and consent to, in accordance with the following Resolution, the construction and operation of the Cobbs Creek Reservoir project by Henrico County;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

Present:

Vote:

Timothy M. Kennell, Chairman

aye

Robert J. Oertel

aye

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| William F. Osl, Jr. | nay |
| Van H. Petty | aye |
| Elbert R. Womack | aye |

WHEREAS, since 2002, Cumberland County has been working with Henrico and Powhatan Counties to site a reservoir in Cumberland for storage of river water and for releases to the James River under certain low flow conditions to meet the current and future needs of the various jurisdictions as well as to enhance the James River environment (the "Project"); and

WHEREAS, such a reservoir has been proposed to be sited along the Cobbs Creek basin, is expected to have a safe yield of approximately 47 million gallons of water per day, and is to be sited wholly within Cumberland County (the "Project"); and

WHEREAS, Henrico and Cumberland Counties agreed upon and entered into a Memorandum of Understanding (the "MOU") on August 10, 2010 in furtherance of the Project; and

WHEREAS, the Cumberland County Board of Supervisors believes that construction of the Project pursuant to the terms of the MOU is in the best interest of the County; and

WHEREAS, Item # 12 of the MOU provides that Cumberland County shall consent to the construction and operation of the Project by Henrico pursuant to Va. Code § 15.2-5122; and

WHEREAS, after discussion, staff presentation and due deliberation with respect to such information, the Board of Supervisors of Cumberland County desires to affirmatively provide its consent consistent therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:

a. The foregoing recitals are hereby incorporated by this reference.

b. Upon consideration of the proposed Project, compliance with the MOU and pursuant to Va. Code § 15.2-5122, Cumberland County does hereby approve and grant its consent to Henrico County for the construction and operation of the Project by Henrico County.

c. Further, the Chairman of the Board of Supervisors and County staff are authorized and directed to take all steps necessary to communicate to Henrico County the consent set forth herein and to execute such documents necessary and consistent with the intent of this Resolution:

d. This Resolution is effective immediately.

4. Adjourn

The Chairman adjourned the meeting until the next regular meeting of the Board on September 14, 2010 at 7:00 p.m. in the Circuit Courtroom of the Cumberland Courthouse.

Chairman

County Administrator