

MOTION:

**February 16, 2021
Regular Meeting**

SECOND:

Res. No. 21-

RE:

AUTHORIZE EXECUTION OF A DEED OF RESERVATION FOR A STORM WATER RESERVATION AREA FOR LOCUST SHADE PARK – POTOMAC MAGISTERIAL DISTRICT

ACTION:

WHEREAS, the Prince William Board of County Supervisors (Board) owns the parcel of land located at 4701 Locust Shade Drive, Triangle, Virginia, 22172, GPIN 8188-13-1748, known as Locust Shade Park; and

WHEREAS, in Fiscal Year (FY) 2018, by Resolution Number (Res. No.) 17-192, the Board approved the construction of Grounds Maintenance Shop at Locust Shade Park as part of the five (5)-Year Capital Improvement Program; and

WHEREAS, the project includes construction of a 3,000 square foot Grounds Maintenance Shop to replace the existing, aging structure, which is insufficiently sized to accommodate the expansion of the workforce; and

WHEREAS, the provision of adequate employee workspace is essential to the delivery of the level of service standards outlined in the Parks Chapter of the County's Comprehensive Plan; and

WHEREAS, a construction contract for \$944,000 was executed on December 10, 2020, and construction is slated to begin immediately; and

WHEREAS, the County's Design and Construction Standards Manual policy requires dedicated Storm Water Management (SWM) and Best Management Practice (BMP) infrastructure to be placed in Reservation Areas via deed, which are held and monitored by the Prince William County Department of Environmental Services; and

WHEREAS, the attached plat, as prepared by Rinker Design Associates, P.C., dated April 18, 2018, denotes the proposed Reservation Area; and

WHEREAS, the purpose of the plat and accompanying Deed of Reservation is to ensure that future development does not impinge on the components of the SWM and BMP infrastructure; and

WHEREAS, pursuant to Section 15.2-1800, Va. Code Ann., the Board has the authority to approve the Deed for a SWM Reservation Area within County-owned property;

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NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby authorizes the execution of a Deed of Reservation for a Storm Water Reservation Area for Locust Shade Park in accordance with the attached plat and authorizes the Department of Parks, Recreation, and Tourism Director to execute all documents necessary to effectuate the intent of such action, as reviewed and approved as to form by the County Attorney's Office.

ATTACHMENTS: Deed of Reservation
RDA, P.C. Plat dated April 18, 2018

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

ATTEST: _____
Clerk to the Board

DEED OF RESERVATION

THIS DEED OF DEDICATION, EASEMENT, RESERVATION, AND

VACATION made this _____ day of _____ 2021, by THE BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA, a body corporate and politic, as grantor and grantee (“Grantor,” “Grantee,” or “County”).

WITNESSETH:

WHEREAS, Grantor is the owner of a certain parcel of land situate in the Potomac Magisterial District of Prince William County, Virginia, commonly known as **GPIN 8188-13-1748** (“Property”), and more particularly shown on the attached plat; having acquired said Property by a Deed of Gift and Quitclaim recorded as Instrument Number 201206210058314 in the land records of Prince William County, Virginia.

WHEREAS, Grantor desires to grant and convey certain property to the County and to dedicate same for public street purposes, and to reserve certain areas to the County, all as more particularly described and shown on the attached plat entitled “PLAT SHOWING THE RESERVATION OF A BMP RESERVATION AREA ON THE LAND OF BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA POTOMAC MAGISTERIAL DISTRICT PRINCE WILLIAM COUNTY, VIRGINIA,” dated April 18, 2018, and prepared by Rinker Design Associates, P.C. (“Plat”) (SPR2018-00156S03).

WHEREAS, Grantor desires to reserve a certain area unto itself, all as more particularly described and shown on the attached Plat.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby reserve unto itself, the best management practices area set forth and labeled “BMP

RESERVATION AREA (HEREBY RESERVED)” and as more particularly shown on the Plat.

The area shall run with the land and is for the purpose of constructing, operating, maintaining, adding to, or altering present or future storm drainage lines, or other drainage facilities, plus necessary inlet structures including other appurtenant facilities for the transmission and distribution of storm waters through, upon, and across the property of the Grantor; said property and area being more particularly bounded and described on the Plat. The area shall grant to the appropriate Prince William County authorities the right to enter upon the property which is the subject of the reservation for the purpose of inspecting, maintaining or replacing any storm water management apparatus or facility which is installed upon or beneath the land which is the subject of the area.

Said areas being SUBJECT to the following conditions:

1. All sewers, manholes and appurtenant facilities which are installed in the areas reserved to the County shall be and remain the property of the Grantor, its successors and assigns; provided, however, that at such time as County shall implement a comprehensive maintenance program, Grantor shall, without further consideration, on request of County, execute such instruments as may be required to convey such improvements to County.
2. The County and its agents shall have full and free use of the said areas for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the areas including the right of access to and from the rights-of-way, and the right to use abutting land adjoining the areas where necessary; provided, however, that this right to use abutting land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction or maintenance, and further, this right shall not

be construed to allow the County erect any building or structure of a permanent nature on such abutting land.

3. The County and its agents shall have the right to trim, cut and remove trees, shrubbery, fences, structures or other obstructions or facilities in or near the areas being conveyed, deemed by it to interfere with the proper and efficient construction, operation and maintenance of said storm drainage facility; provided, however, that the County, at its own expense, shall restore as nearly as possible, the premises to their original condition; such restoration to include the backfilling of trenches, the replacement of fences and shrubbery, the reseeded and resodding of lawn and pasture areas, but not the replacement of structures, trees, or other obstructions.

4. The Grantor reserves the right to make any use of the areas herein granted, provided, this use does not interfere with the flows of the natural storm drainage or adversely affect other properties or interfere with the use of the storm area(s) by the County for the purposes named, or be inconsistent with any other right herein conveyed; also provided, that the Grantor, its successors and assigns, shall not erect any building, fence or other structure on the area(s) granted to the County without obtaining the prior written approval of the County.

5. The fee title owner shall be responsible for the maintenance of all drainage, storm water management, and best management practices facilities and systems in accordance with the maintenance agreement to ensure that they function properly.

Subject to other limitations, the fee title owner may landscape the area to include vegetation, signs, and fences provided that drainage and the County's or the owner's ability to access the area is not compromised and that the County is not in any way responsible for the repairs of these landscape items even if damaged by County forces.

The reservation is made with the Grantor's free consent and in accordance with its desires, and in accordance with the statutes of Virginia governing the platting of the land; the Plat having been duly approved by the proper authorities of Prince William County, Virginia, as evidenced by their endorsement thereon.

By their signatures hereto, all parties join in the execution of this Deed to acknowledge their free consent to the terms and conditions herein expressed and their acceptance to the reservations herein reserved.

(SIGNATURES ON FOLLOWING PAGES)

WITNESS the following signatures and seals:

RESERVED PER VIRGINIA CODE SECTION 15.2-1800
ACCEPTED PER VIRGINIA CODE SECTION 15.2-1803

BOARD OF COUNTY SUPERVISORS OF
PRINCE WILLIAM COUNTY

BY: _____
SETH HENDLER-VOSS,
Department of Parks, Recreation and Tourism Director
Authorized by Board Res. No. _____

COMMONWEALTH OF VIRGINIA
County of Prince William, to wit:

I, the undersigned Notary Public of and for the jurisdiction aforesaid, do hereby certify that SETH HENDLER-VOSS, Department of Parks, Recreation and Tourism Director, on behalf of the Board of County Supervisors of Prince William County, whose name is signed to the foregoing Deed dated _____, 2021, has this date appeared before me, and acknowledged the same.

Given under my hand and seal this ____ day of _____, 2021.

Notary Public

My commission expires _____
Registration Number: _____

FORM APPROVED PER VIRGINIA CODE SECTION 15.2-1803

Date (Assistant) County Attorney

OWNER'S CONSENT AND DEDICATION

THE PLATING OR RESERVATION OF THE BMP RESERVATION AREA AS SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S), AND TRUSTEE(S), IF ANY.

OWNER'S NAME _____ DATE _____
 PRINT NAME _____ TITLE _____

NOTARY CERTIFICATE

NOTARY PUBLIC _____
 MY COMMISSION EXPIRES _____
 NOTARY REGISTRATION NUMBER _____

SURVEYOR'S CERTIFICATE

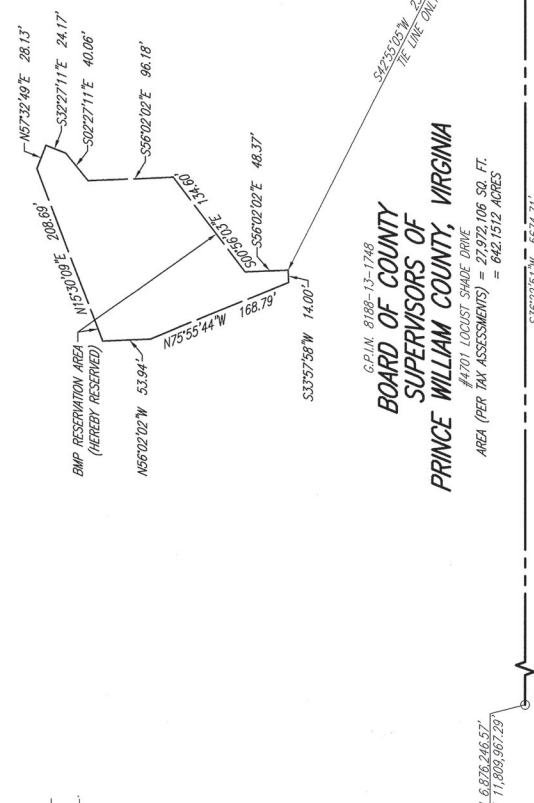
I, RYAN J. DREZIN, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTIES SHOWN HEREON ARE NOW IN THE NAME OF BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA AS RECORDED IN INSTRUMENT #201208210028314 AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.
 I FURTHER CERTIFY THAT THE BOUNDARIES OF THESE PROPERTIES ARE BASED UPON DEEDS AND PLATS OF RECORD BUT DOES NOT REPRESENT A BOUNDARY SURVEY BY THE UNDERSIGNED, CLOSES MATHEMATICALLY WITH A PRECISION RATIO GREATER THAN OR EQUAL TO 1:10,000 AND IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 PER A FIELD SURVEY WHICH TIES THIS BOUNDARY TO TO FMC-MONUMENT NO. 03 (SECOND).
 GIVEN UNDER MY HAND AND SEAL THIS 18TH DAY OF APRIL, 2018.



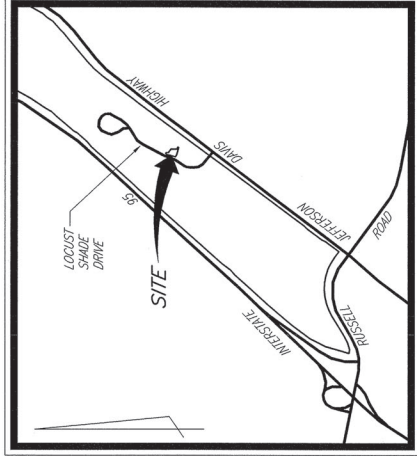
RYAN J. DREZIN
 LAND SURVEYOR
 9385 DISCOVERY BOULEVARD
 SUITE 200
 MANASSAS, VIRGINIA 20109

NOTES

- THE GEOGRAPHIC PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY SHOWN HEREON IS 8188-13-1748 AND IS ZONED A-1.
- NO TITLE REPORT FURNISHED. THIS PLAT IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY. ALL UNDERLYING EASEMENTS MAY NOT BE INDICATED ON THIS PLAT.
- THE PLAT OF THE PROPERTIES SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM (VCS 1983) AS COMPUTED FROM A FIELD SURVEY WHICH TIES THESE BOUNDARIES TO WHICH HAS BEEN APPLIED TO THE BOUNDARIES OF THE GRANTOR (CLEMENS FACTORY) COORDINATES IS 0.998933518. UNLESS OTHERWISE STATED, THE PLAT DISTANCES SHOWN ARE INTENDED TO BE HORIZONTAL DISTANCES MEASURED AT THE MEAN ELEVATION OF THESE PROPERTIES. THE BEARINGS SHOWN ARE REFERENCED TO THE VCS 1983 GRID NORTH. THE FOOT DEFINITION USED FOR THE CONVERSION OF THE MONUMENT IS THE U.S. SURVEY FOOT OR 1' = 0.3048006096 METERS.
- THE FEE TITLE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE AND BEST MANAGEMENT PRACTICES FACILITIES AND SYSTEMS IN ACCORDANCE WITH THE MAINTENANCE AGREEMENT TO ENSURE THAT THEY FUNCTION PROPERLY.
 SUBJECT TO OTHER LIMITATIONS, THE FEE TITLE OWNER MAY LANDSCAPE THE EASEMENT TO INCLUDE VEGETATION, SIGNS AND FENCES, PROVIDED THAT DRAINAGE AND THE COUNTY'S OR THE OWNER'S ABILITY TO ACCESS THE EASEMENT IS NOT COMPROMISED AND THAT THE COUNTY IS NOT IN ANY WAY RESPONSIBLE FOR THE REPAIRS OF THESE LANDSCAPE ITEMS, EVEN IF DAMAGED BY COUNTY FORCES.
- THE CONSTRUCTION OF FENCES AND OTHER PERMANENT STRUCTURES/OBSTACLES IS PROHIBITED WITHIN ANY BMP RESERVATION AREA WITHOUT SPECIFIC AUTHORIZATION FROM THE PRINCE WILLIAM COUNTY DEPARTMENT OF PUBLIC WORKS.
- THE COUNTY IS HEREBY GRANTED THE RIGHT TO ENTER THE PROPERTY OVER ALL PAVED AREAS ON THE PROPERTY FOR THE PURPOSE OF INSPECTING, MAINTAINING OR REPLACING ANY STORM DRAINAGE LINES OR OTHER STORMWATER MANAGEMENT OR DRAINAGE FACILITIES INSTALLED ON THE PROPERTY.



BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA
 AREA (PER TAX ASSESSMENTS) = 642.1512 ACRES
 JEFFERSON DAVIS HIGHWAY
 U.S. ROUTE NO. 1
 (80' WIDE)



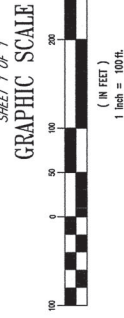
VICINITY MAP
 SCALE: 1"=2,000'

MATCH LINE

MATCH LINE

ATTACHMENT
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PLAT SHOWING
 THE RESERVATION OF A
 BMP RESERVATION AREA
 ON THE LAND OF
 BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA
 POTOMAC INDUSTRIAL DISTRICT
 PRINCE WILLIAM COUNTY, VIRGINIA
 SCALE: 1"=100' APRIL 18, 2018
 COUNTY TRACKING NO. SPR2018-00156303
 SHEET 1 OF 1





STAFF REPORT

Board Meeting Date:	February 16, 2021
Agenda Title:	Authorize Execution of a Deed of Reservation for a Storm Water Reservation Area for Locust Shade Park
District Impact:	Potomac Magisterial District
Requested Action:	Approve the resolution and authorize execution of the deed.
Department / Agency Lead:	Department of Parks, Recreation, and Tourism
Staff Lead:	Seth Hendler-Voss, Director

EXECUTIVE SUMMARY

The Department of Parks, Recreation, and Tourism (DPRT) is in the process of constructing a new Grounds Maintenance Facility at Locust Shade Park as part of the five (5)-Year Capital Improvement Program (17C13002). To proceed, County’s Design and Construction Standards Manual (DCSM) policy requires dedicated Storm Water Management (SWM) and Best Management Practices (BMP) infrastructure to be placed in Reservation Areas via deed.

The County Attorney’s Office will prepare the deed necessary to create the required Reservation Areas for signature by the Department Director of DPRT. Pursuant to Section 15.2-1800, Va. Code Ann., the Board of County Supervisors (Board) has the authority to approve the deed for a SWM Reservation Area on a County-owned property.

BACKGROUND

In Fiscal Year (FY) 2018, the Board approved the construction of a new Grounds Maintenance Shop at Locust Shade Park as part of the five (5)-Year Capital Improvement Program. The project entails construction of a new 3,000 square foot building to replace the existing, aging structure, which is insufficiently sized to accommodate the expansion of the workforce.

The project was bid on November 2, 2020. The construction contract for \$944,000 was executed on December 10, 2020, and construction is slated to begin immediately.

The County's DCSM policy requires dedicated SWM and BMP infrastructure to be placed in Reservation Areas via deed, which are held and monitored by the Prince William County Department of Environmental Services. Upon approval of the Deed of Reservation the project will be permitted and constructed.

STAFF RECOMMENDATION

Staff recommends that the Board authorize the execution of a Deed of Reservation for a Storm Water Reservation Area for Locust Shade Park and authorizes the DPRT Director to execute all documents necessary to effectuate the intent of such action as reviewed and approved as to form by the County Attorney's Office.

Service Level / Policy Impact

Authorizing this action will allow the DPRT to proceed with the construction of the Grounds Maintenance Shop at Locust Shade Park as part of the County's Capital Improvement Plan. The provision of adequate employee workspace is essential to the delivery of the level of service standards outlined in the Parks Chapter of the County's Comprehensive Plan.

Fiscal Impact

No costs will be incurred by the County by executing the Deed. The construction contract amount is \$944,000 and is fully funded.

Legal Impact

Pursuant to Section 15.2-1800, Va. Code Ann., the Board has the authority to approve the Deed for a SWM Reservation Area within a County-owned property.

STAFF CONTACT INFORMATION

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Ariat@pwcgov.org