



# Albemarle County

## Legislation Text

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**File #:** 24-188, **Version:** 1

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**AGENDA DATE:** 3/20/2024

**TITLE:**

Brookhill License Agreements for Improvements on County Property

**SUBJECT/PROPOSAL/REQUEST:** Authorize County Executive to sign three revocable license agreements to allow construct the Ashwood Boulevard Connector Road and associated improvements on County-owned Parcel ID 046B5-00-00-01C0, as proffered in ZMA201800011.

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Wall, Rosenberg, Herrick, Filardo, Svoboda, Pohl

**PRESENTER (S):** Frank Pohl

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The Ashwood Boulevard Connection (future Archer Avenue) was proffered (Attachment A) with the approved ZMA201800011 Brookhill property rezoning on July 17, 2019. There have been various other approvals for this project, including a Special Use Permit (SP201500025), Site Plans, Subdivisions, and Water Protection Ordinance applications. This connector road is shown as an optional roadway network addition included in the Comprehensive Plan and is proposed to provide connectivity parallel to US 29 from Polo Grounds Road to Ashwood Boulevard.

Portions of the proposed roadway connection, grading, stormwater management, and landscaping improvements are located on County-owned Parcel ID 046B5-00-00-001C0. Non-exclusive revocable license agreements would grant legal access to the developer to construct and maintain the improvements, as proffered. This action is to request that the Board authorize the County Executive to sign three revocable license agreements on behalf of the County.

**STRATEGIC PLAN:** Infrastructure & Placemaking - Invest in infrastructure and amenities that create connection, opportunity, and well-being.

**DISCUSSION:** The developer of the Brookhill development proffered to construct this connection, which is designed as a two-lane, divided roadway that would be parallel to US 29 and provide connectivity between Polo Grounds Road and Ashwood Boulevard, both of which are signalized. Extension of Ashwood Boulevard to the Berkmar Drive Extension is included in the Comprehensive Plan.

Construction of the connector road would require clearing and grading of the site and construction of the roadway, including sidewalks, drainage pipes and structures, stormwater management facilities, and planting of new landscaping to buffer the adjacent Forest Lakes neighborhood. Once the road is completed, the Virginia Department of Transportation (VDOT) would assume long-term maintenance responsibilities of the roadway and improvements located within the public right of way. However, long-term maintenance of

improvements located outside the right of way would need to be maintained by the developer or Brookhill Master Association. All improvements will be bonded by the developer as required by County Code § 18-32.7.

Proposed improvements are shown on the Landscaping Plan (Attachment B) and the proposed license areas are shown on the Subdivision Plat (Attachment C).

Rather than encumbering County property with permanent easements, staff determined that license agreements would provide the developer with sufficient access to complete and (as applicable) maintain the required improvements. The proposed licenses may be revoked by the County at any time, for any reason, with a 60-day notice.

Three separate license agreements were drafted to address the different types of improvements: grading and roadway, stormwater management, and landscaping.

1. Non-Exclusive Revocable Grading and Road Construction License (Attachment D): This license would grant access to the developer to establish, install, maintain, and repair the roadway improvements, including fill, grading, pavement sections, sidewalks, curb and gutter, drainage pipes and structures, striping and signage, street trees, and other improvements within the license area. All improvements must be constructed to VDOT standards and must be accepted by VDOT into the State Secondary Road System before the developer's bonds are released. This license would terminate upon VDOT acceptance of the road.
2. Non-Exclusive Revocable Stormwater Facility License (Attachment E): This license would grant access to the developer to establish, install, construct, maintain, and repair all grading, drainage and stormwater management facilities, including a stormwater management basin, level spreader, pipes, riprap, drainage structures, a vegetated filter strip, and other improvements within the license area. All improvements must be constructed to County and Department of Environmental Quality (DEQ) standards before developer bonds are released. Though revocable, this license is intended to allow maintenance of the stormwater management facilities by Brookhill Town Center, LLC (or its successors) indefinitely.
3. Non-Exclusive Revocable Landscaping License (Attachment F): This license grants access to the developer to establish and maintain all buffer landscaping within the license area. Again, though revocable, this license is intended to allow maintenance of the landscaping area by the Brookhill Master Association indefinitely.

**BUDGET IMPACT:** Staff time associated with this request is already factored into the approved development plan. There is no additional budget impact.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment G) authorizing the County Executive to sign proposed license agreements with the developer to construct and maintain the Ashwood Boulevard Connection and associated improvements on County property, once the licenses have been approved to form and substance by the County Attorney.

**ATTACHMENTS:**

- A - ZMA201800011 Rezoning Approval and Proffers
- B - Landscaping Plan
- C - Subdivision Plat
- D - Non-Exclusive Revocable Grading and Road Construction License
- E - Non-Exclusive Revocable Stormwater Facility License
- F - Non-Exclusive Revocable Landscaping License
- G - Resolution