



# Albemarle County

## Legislation Text

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**File #:** 20-575, **Version:** 1

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**AGENDA DATE:** 12/2/2020

**TITLE:**

Maintenance Agreement for North Pointe Pedestrian Tunnel

**SUBJECT/PROPOSAL/REQUEST:** Authorize County Executive to sign agreements between Albemarle County and VDOT and between Albemarle County and the developer of North Pointe related to the responsibility for maintenance of a pedestrian underpass beneath the VDOT maintained street.

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Herrick, Filardo, Pohl, Rapp, McDermott

**PRESENTER (S):** Kevin McDermott

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** In August 2006, the Board approved ZMA2000-0009, a rezoning known as “North Pointe.” As part of this rezoning, there is a proffer obligating the property owner to construct a pedestrian underpass that connects a public trail, also proffered, as it passes under a roadway known as North Pointe Boulevard. The Virginia Department of Transportation (VDOT) does not routinely maintain pedestrian underpasses and requires an agreement to assure the County will maintain the underpass before considering the roadway as part of the Secondary Street System. The County in turn would require the responsibility for future maintenance of this pedestrian underpass to be borne by the owner of the trail facility. This action is to authorize the County Executive to sign agreements on behalf of the County to act as a path through between VDOT and the responsible party ultimately required to bear that responsibility.

**STRATEGIC PLAN:** Thriving Development Areas: Attract quality employment, commercial, and high-density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

**DISCUSSION:** This property is located in the northern part of the Places 29 Development Area. The proposed roadway is called for in the Places 29 Master Plan and the trail, which is proposed to connect two recreation areas, is an improvement shown in the rezoning plan and required as part of the proffer. While the property owner has proffered to construct both the roadway and pedestrian underpass, VDOT requires the County to commit to maintaining the pedestrian underpass before it will consider accepting the roadway for state maintenance. The County, VDOT, and the developer/owner have discussed an arrangement in which the County would agree to accept responsibility for inspection and maintenance of the underpass for VDOT as long as the developer/owner in turn agreed to accept that responsibility for the County. The North Pointe developer/owner has agreed in principle to enter into a maintenance agreement with the County, allowing responsibility for the routine inspection and maintenance of the pedestrian underpass to be “passed through.” VDOT requires that its agreement be with the County, but has no concerns with the County entering into a separate agreement with the property developer/owner. This agreement would be similar to other recently

approved agreements including the one for the pedestrian underpass beneath Eastern Avenue in Crozet, which is now open.

**BUDGET IMPACT:** There would be no direct budget impact to the County from this agreement. All responsibility for costs would be borne by the North Pointe developer/owner.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment A) approving a maintenance agreement with VDOT for the pedestrian underpass and a maintenance agreement with the North/Pointe developer/owner that allows a responsible party to provide routine maintenance for this pedestrian underpass, and authorizing the County Executive to sign both agreements on behalf of the County once they have been approved as to substance and form by the County Attorney.

**ATTACHMENTS:**

Attachment A - Resolution