



Albemarle County

Legislation Text

File #: 20-568, **Version:** 1

AGENDA DATE: 12/2/2020

TITLE:

Revocable License Agreement for Construction of Drainage Improvements on County Property along Eastern Avenue

SUBJECT/PROPOSAL/REQUEST: Authorize County Executive to sign a revocable license agreement to allow the Westlake Hills developer to construct drainage improvements on County-owned property (Tax Parcel 056H0-00-00-000A0) to alleviate minor flooding and public safety hazard.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, Filardo, McCulley, Pohl

PRESENTER (S): Frank Pohl

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Following the construction of Eastern Avenue, there has been minor flooding on County-owned Parcel 056H0-00-00-000A0 and three adjacent private properties (TMPs 056H0-01-00-11200, 056H0-01-00-11300, and 056H0-01-00-11400). The flooding is a public nuisance and safety hazard during and after storm events and freezing weather. Though Stanley Martin Companies, LLC, the developer of Westlake Hills, is willing to correct the drainage problem, the drainage improvements would be located on County property. As a result, County approval is needed for the developer to enter County property for this purpose. This proposal is to authorize the County Executive to sign a revocable license with the developer on behalf of the County.

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: The subject County-owned property is a pocket park that is located in the eastern part of the Crozet Development Area (refer to Attachment A for location map). The park was dedicated to the County as part of the West Hall Phase V Subdivision, which did not include design or construction of any portions of Eastern Avenue. A subsequent development, the Westlake Hills subdivision, included construction of Eastern Avenue from Westhall Drive to just north of Jonna Street. This first phase of Eastern Avenue included grading that could occur only within the public right-of-way. Now that Eastern Avenue is constructed, it has become apparent that drainage was not properly accounted for and minor flooding is occurring on County property and three adjacent, privately-owned properties. Refer to Attachment A for photos.

The developer of the Westlake Hills development has agreed to correct the flooding issue by either 1) installing a drainage inlet and pipe to collect the runoff and route it to a drainage inlet in the public right of way (Attachment B - Sketch of Proposed Drainage Improvements), or 2) regrading the existing swale and installing

a culvert under the pedestrian trail that drains to the existing biofilter within the County pocket park. Option 2 is preferred because there would be no structures to maintain and the likelihood of clogging is greatly reduced. For either option, the developer would need approval of the property owner (the County) to enter the property to install the improvements.

BUDGET IMPACT: If Option 1 is completed, routine maintenance is expected to consist of removing trash and yard debris from the inlet grate, which could be done by the County or its maintenance contractor with minimal effort. Long term repairs to the inlet and drainage pipe are expected to be minimal, based on the relatively small size and depth of the improvements and the lifespan of similar systems of at least 50 years. If Option 2 is completed, there should be no additional impact on County staff as maintenance would consist only of mowing, which already is being performed by the County.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving a revocable license agreement with the developer to correct drainage issues on County property at the Eastern Avenue / Jonna Street intersection and authorizing the County Executive to sign the agreement and any related documents on behalf of the County once they have been approved as to substance and form by the County Attorney.

ATTACHMENTS:

Attachment A - Photos of flooding issues

Attachment B - Sketch of Proposed Drainage Improvements

Attachment C - Resolution