



Albemarle County

Legislation Text

File #: 21-201, **Version:** 1

AGENDA DATE: 9/15/2021

TITLE:

Maintenance Agreement for Brookhill Pedestrian Tunnel

SUBJECT/PROPOSAL/REQUEST: Authorize the County Executive to sign agreements with VDOT and the developer of Brookhill for maintenance of a pedestrian underpass beneath a VDOT-maintained road.

ITEM TYPE: Consent Action Item

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

PRESENTER (S): Kevin McDermott

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: In November 2016, the Board approved ZMA201500007, a Zoning Map Amendment known as "Brookhill". As part of this rezoning, the Application Plan obligates the property owner to construct a pedestrian underpass that connects a public trail within the development as it passes under Polo Grounds Road. The Virginia Department of Transportation (VDOT) does not routinely maintain pedestrian underpasses and requires the County to enter into an agreement to assure the County will maintain the underpass before VDOT will consider the roadway as part of the Secondary Street System. In order to assure that any significant maintenance costs related to this pedestrian tunnel are not borne by the County, the developer has agreed to accept responsibility for the costs of major repairs or replacement of the tunnel in the event they become necessary. This action is to authorize the County Executive to sign agreements on behalf of the County that would pass through the maintenance responsibility to the party ultimately responsible.

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 central part of the Places 29 Development Area, just north of the South Fork of the Rivanna River. Polo Grounds Road runs adjacent to the development, with the river located on the south side. The trail system within Brookhill runs to Polo Grounds Road and the proposed pedestrian tunnel would provide access from the trail system to the property adjacent to the river. Because this pedestrian tunnel is shown in the Application Plan for the rezoning, it is required as part of the development. 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 Brookhill 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. These agreements would be similar to the recently-approved agreements for the pedestrian underpass beneath Eastern Avenue in Crozet, which is now open.

BUDGET IMPACT: These agreements are designed to result in no direct budget impact to the County. All responsibility for costs would be borne by the Brookhill developer/owner.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment A) approving both a maintenance agreement with VDOT and a separate “pass through” agreement for the Brookhill developer/owner to provide routine maintenance for this pedestrian underpass, and authorizing the County Executive to sign both agreements (Attachments B and C) on behalf of the County once they have been approved as to substance and form by the County Attorney.

ATTACHMENTS:

- A - Resolution
- B - Draft County-VDOT Agreement
- C - Draft County-Developer/Owner Agreement