

MEMORANDUM

DATE: November 13, 2018

TO: The Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney
Jason Purse, Assistant County Administrator

SUBJECT: Right-of-Way Encroachment Agreements - Kings Way and Queens Path

Proffers associated with the Promenade at John Tyler development require the improvement of Kings Way and Queens Path (the "Roads") and their dedication into the Virginia Department of Transportation ("VDOT") Secondary Street System. All abutting property owners have signed a subdivision plat dedicating the required right-of-way; however, because portions of the Roads were in existence prior to dedication, they contain some landscape improvements within the proposed right-of-way. VDOT is willing to accept the Roads with the existing improvements upon the County's execution of Encroachment Agreements with the relevant property owners. Under the proposed agreements, the abutting property owners are responsible for all maintenance, costs and liabilities associated with the landscape improvements and the County can terminate its authorization at any time. The County is authorized to permit encroachments into the public right-of-ways under Section 15.2-2009 of the Code of Virginia. The terms of the enclosed agreements have been reviewed and approved by the Virginia Attorney General's Office on behalf of VDOT.

The enclosed resolution authorizes the County Administrator to execute Encroachment Agreements with owners abutting Kings Way and Queens Path, as appropriate.

MH/JP/md
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Attachment