



Application and Information for Easements on Parkland

**Land Acquisition and Management Branch
Planning and Development Division
12055 Government Center Parkway, Suite 406
Fairfax, VA 22035**



FAIRFAX COUNTY PARK AUTHORITY



12055 Government Center Parkway, Suite 927 • Fairfax, VA 22035-1118
703-324-8700 • Fax: 703-324-3974 • www.fairfaxcounty.gov/parks

Dear Easement Applicant:

Enclosed you will find documents to assist you in applying for an easement on land of Fairfax County Park Authority. All easement requests are processed in accordance with Park Authority Policy 302-Easements and where applicable, Policy 304-Stormwater Projects on Parkland.

The Park Authority is guided by these policies to protect the natural and cultural resources on county parkland by ensuring that all possible steps are taken to prevent any unnecessary adverse impacts to our land, streams, and historic resources. To this end, all applications for easements go through a thorough and lengthy review process. Applications are evaluated on a case by case basis and acceptance of an application for review does not guarantee approval.

There are various fees involved in the easement acquisition process including fees for permanent and temporary easements, review fees, costs for loss of trees, as well as construction permit and site inspection fees. We also require specific site restoration efforts on the part of the applicant which entail the planting of native plants, trees, and grasses, as well as warranty guarantees on the restoration of the worksite. The Park Authority requires the posting of cash monetary assurances on each easement granted to ensure that all restoration work is done to its satisfaction. All monetary assurances will be returned to the applicant upon successful completion of the project. All fees, compensation, and monetary assurances paid to the Park Authority are in addition to any Fairfax County permit, plan review and/or site inspection fees paid to the Department of Public Works and Environmental Services for the construction project associated with the easement.

If you are applying for an easement in connection with a telecommunications site on parkland, please be aware that easement requirements are in addition to any license agreement terms and conditions that are entered into with the Park Authority. All requirements including fees, compensation and restoration are the same as for any other easement on parkland.

To apply for an easement the following items must be submitted to begin the review process:

- A completed easement application form
- Site or project plan
- Review fee (Payable to Fairfax County Park Authority)

The Park Authority has created two brochures to help answer any questions that you may have concerning easements on parkland. They may be found online, along with a complete application package, at <http://www.fairfaxcounty.gov/parks/plandev/easements.htm>, or you may contact the Fairfax County Park Authority Easement Coordinator at 703-324-8511.

Revised July 2011



If accommodations and/or alternative formats are needed, please call (703) 324-8563, at least 10 working days in advance of the registration deadline or event. TTY (703) 803-3354.



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Telecommunications or Wireless Carrier Easement Applicant:

If your Telecommunications compound or wireless facility requires electric, phone, cable or communications services for operation, you will be required to apply for a utility easement on parkland in addition to obtaining a License Agreement for Telecommunications. The utility easement will cover the land usage from the utility source to your compound and the License Agreement for Telecommunications will cover the terms of the compound or wireless facility.

Enclosed you will find documents to assist you in applying for an easement on land of Fairfax County Park Authority. All easement requests are processed in accordance with Park Authority Policy 302-Easements and where applicable, Policy 304-Stormwater Projects on Parkland. The Park Authority is guided by these policies to protect the natural and cultural resources on county parkland by ensuring that all possible steps are taken to prevent any unnecessary adverse impacts to our land, streams, and historic resources. All applications for easements go through a thorough and lengthy review process. Applications are evaluated on a case by case basis and acceptance of an application for review does not guarantee approval.

As a Telecommunications or Wireless Carrier Applicant, your easement application will be processed concurrently with the License Agreement for Telecommunications so that both will be ready for execution together. It is imperative that you submit adequate plan and/or plat information necessary for a proper review and evaluation of the utility easement and the Telecommunications site. Plan information shall include a scaled drawing of all existing park features, historic overlays and Resource Protected Areas, etc. in relation to the proposed Telecommunications features.

There are various fees involved in the easement acquisition process including fees for permanent and temporary easements, review fees, costs for loss of trees, as well as construction permit and site inspection fees. We also require specific site restoration efforts on the part of the applicant which entail the planting of native plants, trees, and grasses, as well as warranty guarantees on the restoration of the worksite. The Park Authority requires the posting of cash monetary assurances on each easement granted to ensure that all restoration work is done to its satisfaction. All monetary assurances will be returned to the applicant upon successful completion of the project. All fees, compensation, and monetary assurances paid to the Park Authority for an easement are separate from and in addition to any fees and compensation related to your license agreement and are in addition to any Fairfax County permit, plan review and/or site inspection fees paid to the Department of Public Works and Environmental Services for the construction project associated with the easement.

To apply for an easement the following items must be submitted to begin the review process:

- A completed easement application form
- Site or project plan showing proposed Utility Easement and Telecommunications Compound or Wireless Carrier Facility with existing park features
- Review fee (Payable to Fairfax County Park Authority).

The Park Authority has created two brochures to help answer any questions that you may have concerning easements on parkland. They may be found online, along with a complete application package, at <http://www.fairfaxcounty.gov/parks/plandev/easements.htm>, or you may contact the Fairfax County Park Authority Easement Coordinator at 703-324-8511.

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FAIRFAX COUNTY PARK AUTHORITY
APPLICATION FOR EASEMENT

Applicant Information

| | |
|--------------------------------|------------------------|
| Applicant Name _____ | Application Date _____ |
| Applicant Representative _____ | Contact Number _____ |
| Address _____ _____ | E-Mail _____ |

Site Information

| | |
|-------------------------|--|
| Address: _____ _____ | Tax Map #: _____ (Example: 078 3 001 0023B) |
| Easement Type: _____ | |

Description of Proposed Easement and Associated Construction
(Include approximate dimensions or overall square footage of easement)

| |
|---|
| _____ _____ _____ _____ _____ |
|---|

- 1) Have you read FCPA Policy 302 Easements and FCPA Policy 304 Stormwater Projects on Parkland and understand the requirements of each as they apply to your request? _____ (Y/N)
- 2) Have you explored options other than an easement on parkland? _____ (Y/N)
Please explain: * _____
- 3) Have you explored environmental, historical, or visitor use impacts that may occur as the result of performing construction activity on parkland? _____ (Y/N)
Please explain: * _____
- 4) Please explain any circumstance, justification, or provide other information in support of your application which you believe may help guide the review of your application. *

* Use additional paper as necessary.

I hereby agree to abide to all conditions, expressed or implied, in FCPA Policy 302 Easements and FCPA Policy 304 Stormwater Projects on Parkland. I furthermore agree that prior to any construction or maintenance activity on FCPA land I will obtain a Temporary Construction Easement and/or Construction or Maintenance Permit from FCPA. I understand all necessary fees and charges must be paid and all required monetary assurances must be posted before any permits or easements will be issued or granted.

| | |
|---------------------|------|
| Applicant Signature | Date |
| Printed Name | |
| Title | |

| |
|-------------------------------------|
| Interoffice Use Only |
| Park Name _____ Park District _____ |
| Area Number _____ Supervisor _____ |
| Phone _____ Fax _____ |

Policy 302 Easements

Grantee Easement Agreements:

1. The Park Authority shall encourage the voluntary donation of conservation easements to the Authority to achieve its mission objectives where it is desirable to protect sensitive and significant environmental, historic and/or archaeological resources but where public access is not required, including but not limited to:
 - a. Identified segments of greenways designated as "private open space,"
 - b. Private properties adjoining greenways, natural resource parks and historic site/archaeological parks where additional buffering would provide an added measure of protection for significant resources, or
 - c. Where adequate Park Authority resources are not available to ensure stabilization/restoration and planning for appropriate site use and preservation objectives can best be accomplished by the private sector.
2. Where fee simple acquisition is not feasible, the Park Authority shall seek public access trail easements to ensure continuity of access within designated Greenways and other park sites identified on the Countywide Trails Plan. It is also desirable to secure donation of a surrounding conservation easement.
3. The Park Authority shall develop and implement an effective program for monitoring easements to ensure compliance with terms of the easements and for informing citizens of the benefits of donating conservation easements to the Park Authority.

Grantor Easement Agreements:

1. In accordance with The Fairfax County Comprehensive Plan, Policy Plan, Parks and Recreation Countywide Planning Objective, the Park Authority shall consider requests for easements by outside parties for non-recreational uses of park lands only under the following conditions:
 - Where the Park Authority has determined that the proposed facility is compatible with other planned or existing park uses at the subject site, or
 - When it has been determined that there is no feasible or prudent alternative to the use of parklands for the specified purpose, and
 - All possible planning to minimize harm is included in the proposed project.
2. The Park Authority shall require adequate compensation for use of parklands for other than park purposes based on the extent of impact, the sensitivity of impacted areas and length of time park activities may be disrupted. Additionally, the Park Authority shall require monetary assurances (e.g., bonding, escrow, or cash deposit in advance) of the

Policy 302 Easements (continuation)

requesting agency, corporation and/or individual to ensure compliance with easement requirements including restoration of impacted areas.

3. The Park Authority shall establish, and periodically review, effective procedures for granting and monitoring of easement construction activities.

Revised and Adopted March 26, 2008

Policy 304 Stormwater Projects on Parkland

In Fairfax County there are growing demands to improve surface water by treating stormwater runoff, preserving open space and stabilizing stream corridors. This policy has been developed pursuant to the Fairfax County Comprehensive Plan, Policy Plan, Parks and Recreation Countywide Planning Objective, which requires that the County ensure the long term protection, preservation and sustainability of park resources. Objective 5 states, in part, that park lands are to be protected from adverse impacts of off-site development and uses; that compensation is to be provided for use of park lands for other than park uses; that the public's investment in park lands and facilities is to be protected and efficient operation and maintenance ensured; that non park uses on park land are consistent with existing or planned uses; and there is no feasible alternative to the proposed project.

Requests for locating stormwater features as well as easements and restrictive covenants shall be evaluated with due regard to existing policies and using the Project Evaluation Criteria identified below. For the purposes of this policy, **stormwater features** include ponds, dams, stream stabilization, stream restoration, wetland and stream mitigation, flood proofing measures, created wetlands, rain gardens and other Low Impact Development features, channel modifications to achieve adequate outfall, etc.; and **easements or restrictive covenants** are stormwater-related deed restrictions placed on park land for the benefit of others. For the purposes of this policy, stormwater features and easements or restrictive covenants will be referred to collectively henceforth as **stormwater projects**.

The Park Authority will not approve stormwater projects that may impact sensitive natural or cultural resources or restrict the Park Authority's ability to properly protect, manage or conduct research on such resources or develop park land. For the purposes of this policy, sensitive natural and cultural resources are those that are rare or unique and/or that would be destroyed, significantly degraded or cease to function as a result of impacts from proposed stormwater projects. The applicant will bear all cost and responsibility for notifying adjoining property owners about their proposed stormwater projects and for completing any public review process whether required by the Park Authority or others. The applicant or their successors or assigns will assume responsibility for the monitoring and maintenance of their stormwater projects, to include associated structures, access roads, etc. If the stormwater project will restrict the Park Authority from protecting or managing park land, then the Park Authority may request suitable replacement property.

The rights for locating stormwater projects on park land will be limited in term, and, in the case of stormwater features, they will be tied to the life of the feature. If at some point in the future it is decided under mutual agreement of the parties that the stormwater feature is no longer needed, the party or entity responsible for its maintenance shall remove the feature, restore park land to the satisfaction of the Park Authority, and vacate any legal restrictions on park land associated with the stormwater feature.

Project Evaluation Criteria – The Fairfax County Park Authority will evaluate proposals to place stormwater projects on park land according to the following criteria:

Policy 304 Stormwater Projects on Parkland (continuation)

- 1) The proposal conforms to the provisions of Fairfax County Comprehensive Plan, Policy Plan, Parks and Recreation Element, Objective 5 as stated above.
- 2) If the proposal is intended to provide mitigation, it is preferred that the proposed project is designed to protect/improve the water quality and/or habitat in the same watershed where the impact will occur. However, proposals to pursue mitigation projects in other watersheds within Fairfax County may be considered on a case-by-case basis.
- 3) The proposal demonstrates that the site was selected based on detailed analysis for suitability using scientifically valid criteria and there are no feasible alternatives.
- 4) The proposal demonstrates that the stormwater project would avoid impact to sensitive natural or cultural resources.
- 5) Proposed stormwater features are designed in accordance with best practices in the most environmentally sensitive manner possible, blend with the landscape and accommodate wildlife to the greatest extent possible.
- 6) The proposed stormwater project would not present a potential legal exposure or liability to the Park Authority.
- 7) The applicant assumes all responsibility for downstream damages to Park Authority or other land or property resulting from the failure of a stormwater feature under their maintenance.
- 8) The placement of the stormwater project would not displace existing or planned park facilities such as trails, recreational facilities, or resource protection or management areas (unless the project provides for suitable replacement or improvement of such facilities).
- 9) The placement of the stormwater project would not adversely affect park operations and maintenance.

Revised and Adopted March 26, 2008

| Line | Applicant | Category | Fee Amount | Comments |
|------|--|--|---------------------|---|
| 1 | Homeowner | Minor Review | \$500 | |
| 2 | Homeowner | Major Review | \$2,000 | |
| 3 | Homeowner's Association, Civic Association, Contractor | Minor Review | \$500 | |
| 4 | Homeowner's Association, Civic Association, Contractor | Major Review | \$2,000 | |
| 5 | Utility Company | Minor Review | \$500 | |
| 6 | Utility Company | Major Review | \$2,500 | |
| 7 | Utility Company | Professional Services Review | \$55 / staff hour * | * Number of hours to be estimated on a case-by-case basis |
| 8 | Telecommunications | Major Review | \$3,000 | |
| 9 | Developer, Encroachment Case, Other Cases involving LDS, OCA, other County Agency Processes | Minor Review | \$500 | |
| 10 | Developer, Encroachment Case, Other Cases involving LDS, OCA, other County Agency Processes | Major Review | \$3,000 | |
| 11 | Fairfax County Department of Transportation | Minor Review for Intersection Spot Improvements, Bus Shelters, Sidewalk, Shoulder Improvements | \$200 | |
| 12 | Fairfax County Department of Transportation, Virginia Department of Transportation Private/Public | Professional Services Review | \$55 / staff hour * | * Number of hours to be estimated on a case-by-case basis |
| 13 | Environmental Services, Fairfax County Public Schools, Other County Agencies | Major Review | \$2,500 | |
| 14 | Fairfax County Department of Public Works and Environmental Services, Fairfax County Public Schools, Other County Agencies | Professional Services Review | \$55 / staff hour * | * Number of hours to be estimated on a case-by-case basis |
| 15 | Homeowner | Right of Entry License - Residential (No Land Disturbance, work performed by Homeowner). | \$75 | |
| 16 | All Other Applicants | Right of Entry License | \$200 | |
| 17 | Miscellaneous License Agreements | Miscellaneous License Agreements | \$500- \$2,500 | |
| 18 | Homeowner | Construction Permit | \$2,500 | |
| 19 | Homeowner's Association, Civic Association, Contractor | Construction Permit | \$2,500 | |
| 20 | Utility Company | Construction Permit | \$2,500 | For Projects requiring Minor Review |
| 21 | Utility Company | Construction Permit | \$2,800 | For Projects requiring Major Review or Professional Services Review |
| 22 | Telecommunications Company | Construction Permit | \$2,800 | For Projects requiring Major Review |
| 23 | Developer, Encroachment Case, Other Cases involving LDS, OCA, other County Agency Processes | Construction Permit | \$2,800 | For Projects requiring Major Review |
| 24 | Fairfax County Department of Transportation, Virginia Department of Transportation Private/Public | Construction Permit | \$2,500 | |

| Line | Applicant | Category | Fee Amount | Comments |
|------|---|--|--|---|
| 25 | Fairfax County Department of Transportation, Virginia Department of Transportation Private/Public | Utility Relocation Permit Fee | \$500 | Per each Utility Company relocation that precedes the Contract Award of a Transportation Project |
| 26 | Fairfax County Department of Public Works and Environmental Services, Fairfax County Public Schools, VDOT, Other County, State and Federal Agencies | Maintenance Work Permit | \$200 | For County Maintenance Work (MSMD, WWC, FCPS, etc.) performed by non-County staff; Maintenance Work by other Agencies |
| 27 | All Applicants - Temporary Lease Space | Land Use Permit | ** Determined by Formula | For additional temporary staging or material laydown area, as determined during construction, lease fee per month |
| 28 | All Applicants | Permanent Easement | *** Determined by formula **** The higher amount of | \$1.50/SF minimum |
| 29 | All Applicants | Temporary Easement (per square foot, w/permanent easement) | 50% of Permanent Fee, or from Temporary Easement Fee Table | \$0.50/SF minimum |
| 30 | All Applicants | Temporary Easement (per square foot, w/o permanent easement) | **** From Temporary Easement Fee Table | \$0.50/SF minimum |
| 31 | | Cash Monetary Assurance | \$5,000 Minimum | |
| 32 | | Failure to obtain permit | \$2,500 (plus \$100/day of violation) | |
| 33 | | Failure to record easement or to provide recordation information | \$ 500.00 | |
| 34 | | Failure to plat in NAD83 format | \$ 1,000.00 | |
| 35 | | Failure to provide electronic files (CADD and PDF) | \$ 1,000.00 | |
| 36 | | Reseeding (square yard) | \$ 5.00 | |
| 37 | | Mulching (square yard) | \$ 5.00 | |
| 38 | | Sod (square yard) | \$ 10.00 | |
| 39 | | Unauthorized clearing (square foot) | \$ 7.50 | |

27 ** Temporary Material Storage/Lay Down Lease Space

Formula for leasing material storage areas on major construction projects on parkland:

Lease Rate = SF of space x 0.10 x duration of lease (in months), Minimum duration of 1 month

28 *** Permanent Easement Fee = (Assessed Value / SF) x (Total Area of Easement / SF) = Cost / SF

29,30 **** Temporary Easement Fee Table

| New Assessed Value Ranges (per SF) | Average Value within Range (per SF) | Percentage Multiplier | Temporary Easement Cost (per SF) |
|------------------------------------|-------------------------------------|-----------------------|----------------------------------|
| Up to \$ 1.50 | N/A | N/A | \$ 0.50 |
| \$ 1.51-\$ 2.50 | 2.00 | 0.40 | \$ 0.80 |
| \$ 2.51-\$ 3.50 | 3.00 | 0.40 | \$ 1.20 |
| \$ 3.51-\$ 4.50 | 4.00 | 0.40 | \$ 1.60 |
| \$ 4.51-\$ 5.00 | 4.75 | 0.40 | \$ 1.90 |
| \$ 5.01-\$ 7.00 | 6.00 | 0.40 | \$ 2.40 |
| \$ 7.01 - \$9.50 | 8.25 | 0.40 | \$ 3.30 |
| \$9.51 - \$12.00 | 10.75 | 0.40 | \$ 4.30 |

Minimum Drawing Standards for Easement Submissions

| Type of Submission | Number of Copies to be Submitted | Minimum Information and Format Required |
|--------------------|----------------------------------|--|
| Easement Plat | 2 | <ul style="list-style-type: none"> • NAD83 format with two points shown • Proposed easement must be shown with metes and bounds in table/chart format and easement areas calculated and listed in square feet • Drawing date with revision dates as necessary • Drawn to scale of 25 or 30 feet to the inch to print full size on \approx 17 x 22 paper (unless easement area is excessively large) • All parcels must show owner's name, tax map number and Deed Book and Page number • Title block with easement type, parcel name, Deed Book and Page number, supervisory district and county • Name and address of engineering firm • Notes section with tax map number, owner info with deed book and page, boundary reference info, title report disclaimer. |
| Site/Project Plan | 2 | <ul style="list-style-type: none"> • Show limits of clearing and grading • Show E&S controls • Identify dimensions of any requested easements • Show onsite stormwater management features where appropriate • Clearly define all off site storm water outfall areas, including length, width, type of material feature details, etc. • Show equipment or material storage or staging • Show ingress/egress and haul roads or construction site access roads • Show details of stream crossings, storm water features, sanitary sewer facilities, including inverts, drawing cross sections, comps, etc. • Show existing streams, ponds, trails • Construction trailers and parking for workers • Show the location, count, size and species of existing trees (2" DBH and larger) that will be removed or preserved in both temporary and permanent easements. |
| Restoration Plan | 2 | <ul style="list-style-type: none"> • Narrative of overall restoration efforts • Listing of number, size, and species of replacement trees and shrubs to include scientific and common name of plants • Listing of seed mix to be used in restoration to include scientific and common names as well as a narrative of the method to be used for planting and the type of mulch to be used. • Scaled layout showing the location of all plantings • Detailed description of stream bank and bed restoration if applicable • All restoration plans shall include a two year warranty and monitoring period during which time the applicant shall be responsible for retuning to the site to reseed or replant as necessary. |

EASEMENT CHECKLIST

Initial Application

- Completed Application Form
- Check for Review Fee
- Project/Site Plan

Additional Submissions after Initial Review

- Easement Plat
- Deed Instrument
- Tree Survey (if applicable)
- Restoration Plan
- Easement Plat CADD Drawing on CD (after plat has been finalized)
- Payment of Fees, Compensation, and Monetary Assurances

Pre-Construction Requirements

- Recordation of Easement Documents
- Request Construction Permit (Minimum 7 Working Days Advance Notice Required)

Post-Construction Requirements

- Post construction restoration measures complete
- Provide notice of intent to vacate construction site (Minimum 5 days advance notice required)
- Site inspection by Park Authority staff
- Restoration warranty and monitoring period completed
- Verify that all electronic files have been received
- Refund of monetary assurances