

- **My easement request is for the construction of a sanitary sewer or storm drainage facility and will be inspected, maintained, and owned by Fairfax County government; why do I have to pay the Park Authority for a construction permit and inspection fees?**

The Department of Public Works and Environmental Services inspects utility projects for compliance with various county codes specific to construction; as stewards of parkland, the Park Authority inspects projects to ensure that adequate precautions are taken and continued throughout the project to protect park land against damaging erosion, encroachment beyond the agreed to limits of construction and for proper maintenance and restoration of the construction site. The fees for permits and inspection time go toward the expense of these services.

- **I have questions about my particular situation, who may I speak to directly about easements on Park Authority land?**

Please direct your questions to the Fairfax County Park Authority Easement Coordinator, at 703-324-8511.



To request this information in an alternate format, call Planning and Development Division, 703-324-8741, TTY: 703-803-3354

## EASEMENT POLICY 302

The Fairfax County Park Authority Board adopted Policy 302-Easements in 1998. The policy serves to direct staff in the handling and processing of easements on park land.

The policy states that the Park Authority shall consider requests for easements by outside parties for non-recreational uses only under the following conditions:

- The Park Authority has determined that the proposed facility is compatible with other planned or existing park uses at the subject site.
- It has been determined that there is no feasible or prudent alternative to the use of parkland for the specified purpose.
- All possible planning to minimize harm is included in the proposed project.
- Adequate compensation is received for the use of parklands for other than park purposes.
- Monetary assurances are required in the form of cash deposits placed in an escrow account to ensure compliance with requirements and are refunded upon satisfactory project completion and site restoration.

### HOW TO CONTACT US

The Planning and Development Division may be contacted Monday – Friday from 8:00 a.m. to 4:30 p.m.  
**Phone: 703-324-8741**



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# Easements On Parkland



## Frequently Asked Questions

**Fairfax County Park Authority  
 Planning and Development Division  
 12055 Government Center Parkway  
 Suite 406  
 Fairfax, VA 22035**

- **What is an easement?**

A land right granted by a land owner to another party that allows specific but usually perpetual use of another's real property.

- **What types of easements can I apply for?**

There are many types of easements. Some of the more common are sanitary sewer, storm drainage, utility, site distance, grading and clearing, trail, and conservation.

- **Why must I apply for an easement from the Park Authority after I have already gone through a review process with Fairfax County?**

Fairfax County Park Authority is an agency within Fairfax County with deeded land holdings of over 23,500 acres. As such it has the same rights regarding the granting of easements as any other landowner in the county. The Park Authority has its own review requirements and performance standards that must be met.

- **What information must I provide in order to obtain an easement?**

Initial requirements are the submission of an application form, review fee and a site or project plan, including offsite easement information. As the review progresses, additional information including an easement plat, deed instrument, and restoration plans will be required.

- **Is there any expense involved in obtaining an easement on parkland?**

Yes, there are charges involved. The Park Authority has an established fee schedule which is included in our easement application package.

- **Once construction is completed I would like to plant the area in grass and keep it mowed so that it blends in with the landscaping on my adjacent property, will the Park Authority recommend a good lawn seed mixture to use in my area?**

The Park Authority typically requires that easements be planted in native grasses and plants and allowed to grow naturally. While we do provide planting mixes for the purpose of restoration, we seldom specify turf type grasses which for the most part are considered invasive. While many park neighbors consider it a good deed to mow grass and trim plants on parkland, this activity is in fact an encroachment and is illegal.

- **How long will it take for a decision to be rendered once I have applied for an easement?**

Depending on the complexity of the easement and our current caseload, it may take 8-12 weeks to process an easement. This time is used for internal reviews, records searches, site inspections, etc. Much of this review time depends on the applicant providing requested information in a timely manner.

- **Why was my request for an easement denied even though I have paid a fee?**

Acceptance of an application does not guarantee that a request will be approved. There are many factors that influence the Park Authority's decision making process for easements. Issues such as historic and cultural significance, rare natural species, and deed restrictions may be revealed during a review that is not apparent upon initial application. In these instances an easement request may be denied. Payment of the review fee does not guarantee approval and is non-refundable.

- **Who decides whether or not an easement is granted?**

The review process involves a number of Park Authority staff members across several divisions within the agency. The application will be reviewed by land management staff, engineers, naturalists, archaeologists, maintenance managers, site managers and others. After careful consideration and review of all issues and information presented, land management staff will make a recommendation to the Park Authority Board Member in the appropriate district who then evaluates the recommendation and will support or deny the request.

- **Can I appeal a decision if I am denied?**

While there is no official appeals process, staff will always take additional supporting information or revised plans under consideration.