

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 24, 2022**

AGENDA

- | | | |
|------|-------------|-------------------------------------------------------------------------------------|
| 9:30 | Done | Presentations |
| 9:30 | Done | Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 9:30 | Done | Matters Presented by Board Members |
| 9:30 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Approved | Designation of Plans Examiner Status under the Expedited Land Development Review Program |
| 2 | Approved | Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Belle View Boulevard (Mount Vernon District) |
| 3 | Approved | Authorize a Public Hearing to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 to Relocate a Polling Place and Rename Precincts in the Hunter Mill District; Relocate a Polling Place in the Mount Vernon District; Rename Polling Places in the Providence District; and Relocate a Polling Place in the Springfield District |
| 4 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish Additional Voter Satellite Offices at Richard Byrd Library and Lorton Community Center and Remove the Voter Satellite Office at Laurel Hill Golf Club |
| 5 | Approved | Supplemental Appropriation Resolution AS 22276 for the Department of Family Services to Accept American Rescue Plan Act Funding from Virginia Department for Aging and Rehabilitative Services to Address the Needs of Older Adults through Programming Administered as Part of the Fairfax Area Agency on Aging |
| 6 | Approved | Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for Supplemental Funding Associated with the Head Start/Early Head Start and Early Head Start Child Care Partnership and Expansion Grants for Cost-of-Living Adjustment and Quality Improvement Funding |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
May 24, 2022**

ACTION ITEMS

- | | | |
|---|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Approved | Approval of Head Start Transportation Waiver Request for the Continuation of Fairfax County Public Schools 2022-2023 Transportation Services |
| 2 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority to Issue Multifamily Housing Revenue Bonds or Notes in Separate Series in an Aggregate Amount Not to Exceed \$515,000 to Provide Supplemental Financing for Each Four Percent Component of the Residences at North Hill (Mount Vernon District) |
| 3 | Approved | Authorization to Accept Maintenance of County-Owned Transit Facilities as Part of the Dulles Corridor Metrorail Project Phase 2 Operations and Maintenance Agreement (Dranesville and Hunter Mill Districts) |
| 4 | Approved | Authorization to Execute a Multiple Year Project Agreement With the Department of Rail and Public Transportation for the Transit Ridership Incentive Program |

CLOSED SESSION

Done Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|-----------------|------------------------------------------------------------------------------------------------------------------|
| 3:30 | Approved | Public Hearing on a Proposal to Vacate and Abandon Portions of Quander Road / Route 630 (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on a Proposal to Vacate and Abandon a Portion of Rolling Hills Avenue / Route 1201 (Lee District) |
| 3:30 | Held | Public Comment |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 24, 2022

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize Fairfax County Public Schools Superintendent Dr. Scott Brabrand for his years of service to the community. Requested by Chairman McKay.
- PROCLAMATION — To designate June 3, 2022 as Gun Violence Awareness Day in Fairfax County. Requested by Chairman McKay.
- PROCLAMATION — To designate May 2022 as Older Americans Month. Requested by Supervisor Herrity.
- RESOLUTION — To recognize the student winners of the 2021-22 Shark Tank Technology Challenge. Requested by Supervisor Herrity.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
May 24, 2022

9:30 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 24, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

**APPOINTMENTS TO BE HEARD MAY 24, 2022
(ENCOMPASSING VACANCIES PROJECTED THROUGH **MAY 31, 2022**)
(Unless otherwise noted, members are eligible for reappointment)**

**A. HEATH ONTHANK MEMORIAL AWARD
SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09-1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Mary Frances Tunick; appointed 10/20-3/21 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
Renko R. Hardison (Appointed 6/18 by McKay) Term exp. 5/22	Citizen Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Samuel E. Thornton (Appointed 2/01-1/07 by Kauffman; 1/10- 1/19 McKay) Term exp. 1/22	Lee District Representative	Renko Hardison	Lusk	Lee

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Frieda A. Tatem; appointed 10/93- 10/96 by Davis; 9/99- 10/02 by Hanley; 10/05-10/08 by Connolly; 11/11- 10/17 by Bulova) Term exp. 10/20 <i>Deceased</i>	At-Large #1 Representative	Ronald Boggio (McKay)	By Any Supervisor	At-Large
Jayant Reddy (Appointed 1/16-7/18 by Bulova) Term exp. 8/21	At-Large #4 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christina Anderson (Appointed 1/18-2/20 by Gross) Term exp. 2/22	Mason District Representative		Gross	Mason
Harley Methfessel (Appointed 2/12-3/20 by Herrity) Term exp. 2/22	Springfield District Representative	Harley Methfessel	Herrity	Springfield

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)
NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Amer Bayoumi; appointed 1/21 by Alcorn) Term exp. 3/22 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by James C. Chesley; appointed 5/12-9/19 by Bulova) Term exp. 9/23 <i>Resigned</i>	At-Large #2 Representative	Barbara Ryan (McKay)	McKay	At-Large Chairman's

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James Sobecke (Appointed 6/14-5/18 by Cook; 7/20 by Walkinshaw) Term exp. 5/22	Braddock District Representative	James Sobecke	Walkinshaw	Braddock
L. Eric Marx (Appointed 12/20 by Foust) Term exp. 5/22	Dranesville District Representative		Foust	Dranesville
Andrea C. McCarthy (Appointed 6/20 by Alcorn) Term exp. 5/22	Hunter Mill District Representative		Alcorn	Hunter Mill
Linda J. Waller (Appointed 9/14-5/18 by McKay; 9/20 by Lusk) Term exp. 5/22	Lee District Representative	Linda J. Waller	Lusk	Lee
Marco Johnson (Appointed 6/20 by Gross) Term exp. 5/22	Mason District Representative	Marco Johnson	Gross	Mason
Joseph Hansen (Appointed 9/20 by Storck) Term exp. 5/22	Mount Vernon District Representative		Storck	Mount Vernon
Nathaniel Baldwin (Appointed 7/20 by Palchik) Term exp. 5/22	Providence District Representative	Nathaniel Baldwin	Palchik	Providence
James R. Kirkpatrick (Appointed 9/08-6/20 by Herrity) Term exp. 5/22	Springfield District Representative		Herrity	Springfield
Richard Cramond (Appointed 9/20 by Smith) Term exp. 5/22	Sully District Representative	Richard Cramond	Smith	Sully

CIVIL SERVICE COMMISSION (2-year terms)
 NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Vanessa Jordan (Appointed 6/20 by Walkinshaw) Term exp. 12/21	At-Large #8 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Emily B. McCoy; appointed 8/8-9/95 by Alexander; 9/98-10/04 by Kauffman; 02/08-1/19 by McKay) Term exp. 10/22 <i>Resigned</i>	Lee District Representative	Alesia Taylor-Boyd	Lusk	Lee
VACANT (Formerly held by Chelsea H. Smith; appointed 2/20-10/20 by Herrity) Term exp. 10/23 <i>Resigned</i>	Springfield District Representative	Jordan Samantha Tautges	Herrity	Springfield
VACANT (Formerly held by Dena Bashri; appointed 11/20 by Smith) Term exp. 10/22 <i>Resigned</i>	Sully District Representative	Pamela Montesinos	Smith	Sully

Continued on next page

COMMISSION FOR WOMEN (3-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large
NEW POSITION	Transgender Woman Representative		McKay	At-Large

COMMISSION ON AGING (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Phyllis Miller Palombi (Appointed 2/19 by Hudgins; 6/20 by Alcorn) Term exp. 5/22	Hunter Mill District Representative	Joanne Collins	Alcorn	Hunter Mill
Sharron Dreyer (Appointed 9/14-5/18 by McKay; 9/20 by Lusk) Term exp. 5/22	Lee District Representative	Sharron Dreyer	Lusk	Lee
Kathleen Hoyt (Appointed 12/16-2/21 by Gross) Term exp. 5/22	Mason District Representative		Gross	Mason
Diane R. Watson (Appointed 7/18-9/20 by Storck) Term exp. 5/22	Mount Vernon District Representative	Diane R. Watson	Storck	Mount Vernon
Cathy Muha (Appointed 4/16-6/20 by Smith) Term exp. 5/22	Sully District Representative	Cathy Muha	Smith	Sully

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Holly Seibold; appointed 6/20 by Alcorn) Term exp.2/23 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH (2-year terms)

CONFIRMATION NEEDED:

- Dr. Richard Leichtweis as the Private Services Provider #2 Representative

CONSUMER PROTECTION COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Wes Callender (Appointed 9/14-7/18 by Foust) Term exp. 7/21	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daton Lynch; appointed 9/18 by Smith) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Abrar Omeish; appointed 2/18-9/18 by Bulova) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #9 Representative	Chester Fredenthal (McKay)	By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christopher Boeder (Appointed 9/18 by Smyth) Term exp. 8/21	Providence District Representative		Palchik	Providence
Jennifer Chronis (Appointed 12/16-7/18 by Herrity) Term exp. 8/21	Springfield District Representative		Herrity	Springfield

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

CONFIRMATIONS NEEDED:

- Mr. Thakur Dhakal as the Land Development Services Representative
- Mr. Ryan Johnson as the Department of Planning and Development Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert A. Robbins; appointed 12/13-2/19 by Smyth) Term exp. 1/22 <i>Resigned</i>	Providence District Representative	Juana Elisa Meara	Palchik	Providence

FAIRFAX AREA DISABILITY SERVICES BOARD
(3-year terms - limited to 2 full terms)

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Doris Ray; appointed 1/20 by McKay) Term exp. 11/22 <i>Resigned</i>	At-Large #1 Business Community Representative	Christie Garton (McKay)	By Any Supervisor	At-Large
VACANT (Formerly held by Melandee J. Canady; Appointed 9/20 by McKay) Term exp. 11/23 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative	Robin Rinearson	Gross	Mason

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD
(3-year terms - limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sam Misleh (Appointed 6/15-6/18 by McKay) Term exp. 6/21 <i>Not eligible for reappointment</i>	Lee District Representative	Joel Goldhammer	Lusk	Lee

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**(3-year terms – limited to 3 full terms)**

NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anne Whipple (Appointed 2/20 by McKay) Term exp. 6/22	At-Large #2 Representative	Anne Whipple (McKay) <i>(Will be reappointed on June 28, 2022)</i>	By Any Supervisor	At-Large
Sheila Coplan Jonas (Appointed 4/16-6/19 by Gross) Term exp. 6/22	Mason District Representative	Sheila Coplan Jonas <i>(Will be reappointed on June 28, 2022)</i>	Gross	Mason
Garrett McGuire (Appointed 5/19 by Storck) Term exp. 6/22	Mount Vernon District Representative	Garrett McGuire <i>(Will be reappointed on June 28, 2022)</i>	Storck	Mount Vernon
Daniel Sherrange (Appointed 6/20 by Smith) Term exp. 6/22	Sully District Representative	Daniel Sherrange <i>(Will be reappointed on June 28, 2022)</i>	Smith	Sully

HEALTH SYSTEMS AGENCY BOARD**(3-year terms -limited to 2 full terms)**

NOTE: Members may be reappointed after one-year lapse

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Veronica C. Doran (Appointed 7/17-6/18 by Cook) Term exp. 6/21	Provider #1 Representative	Bridget M. Jennison (Walkinshaw)	By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by George Alber; appointed 1/16-9/18 by Bulova) Term exp. 9/21 <i>Deceased</i>	At-Large #1 Representative	Jimez Ashby (McKay)	By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon

**INFORMATION TECHNOLOGY POLICY
ADVISORY COMMITTEE (ITPAC) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Berg; appointed 3/31 by Walkinshaw) Term exp. 12/23 <i>Resigned</i>	Braddock District Representative	Carter B. Bates	Walkinshaw	Braddock

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

LIBRARY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sheila Janega; appointed 11/15-5/16 by Hudgins; 6/20 by Alcorn) Term exp. 6/24 <i>Resigned</i>	Hunter Mill District Representative	Parker E. Brugge	Alcorn	Hunter Mill
Keith Foxx (Appointed 9/20 by Lusk) Term exp. 5/22	Lee District Representative	Keith Foxx	Lusk	Lee

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Sarah McCue (Appointed 3/19 by Alcorn) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

Continued on next page

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shirley A. Norman- Taylor appointed 2/19 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #3 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

CONFIRMATION NEEDED:

- Captain James Krause as the Staff Police #3 Representative

**RESTON TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anne Mader; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Commercial or Retail Ownership #2 Representative		By Any Supervisor	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Marvin Powell (Appointed 10/04-11/12 by Frey; 1/16-12/18 by Smith) Term exp. 12/21	Sully District Representative		Smith	Sully

TENANT LANDLORD COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Vincent J. Fusaro; appointed 1/20 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large

Continued on next page

TENANT LANDLORD COMMISSION (3-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stiven Foster (Appointed 1/18 by Smyth; 1/20 by Palchik) Term exp. 1/22	Providence District Representative		Palchik	Providence
Karl D. Liebert (Appointed 9/17-1/20 by Herrity) Term exp. 1/22	Springfield District Representative		Herrity	Springfield

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Maria Teresa Valenzuela (Appointed 7/16- 11/17 by Bulova) Term exp. 10/21	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

CONFIRMATIONS NEEDED:

- Lieutenant Shawn K. Carney as the Fire and Rescue #2 Representative
- Captain David O’Neil as the Uniformed Employee Representative
- Mr. Robert Konczal as the Retirees Representative

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anita Van Breda; appointed 12/13-2/16 by Bulova; 5/18/21 by McKay) Term exp. 12/25 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

**YOUNG ADULTS ADVISORY COMMITTEE
(2-year terms - limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mohamed Rahman; appointed 6/20 by McKay) Term exp. 1/22 <i>Resigned</i>	At-Large #2 Chairman's Representative	Emma Heisey	McKay	At-Large Chairman's
VACANT (Formerly held by Kiana Simpkins; appointed 9/20 by Foust) Term exp. 1/22 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Ana McCoy; appointed 9/20 by Lusk) Term exp. 1/22 <i>Resigned</i>	Lee District Representative		Lusk	Lee

Continued on next page

YOUNG ADULTS ADVISORY COMMITTEE (2-year terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jessica Sun; appointed 6/20-2/22 by Palchik) Term exp. 1/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

CONFIRMATION NEEDED:

- Mr. Paul Steiner as the Fairfax County Public Schools Representative

NEW BOARDS

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Formerly held by Gwendolyn Minton; appointed 6/21 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Hunter Mill District Representative	Nancy G. Socher	Alcorn	Hunter Mill
NEW POSITION	Lee District Representative	Nicole Wickliffe	Lusk	Lee
NEW POSITION	Mason District Representative		Gross	Mason
VACANT (Formerly held by Michael Perez; appointed 7/21 by Herrity) Term exp. 6/23 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Bobbi Bowman; appointed 10/21 by McKay) Term exp. 6/27 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

CONFIRMATIONS NEEDED:

- Mr. Christopher Barbuschak as the Virginia Room Representative
- Mr. Matthew Briney as the George Washington's Mount Vernon Representative

HISTORICAL MARKER PROJECT VOTING COMMITTEE (6-month terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	At-Large Chairman's Representative		McKay	At-Large Chairman's
NEW POSITION	Black/African American Community Leaders #1 Representative	Edwin B. Henderson	McKay	At-Large Chairman's
NEW POSITION	Black/African American Community Leaders #2 Representative	Ronald L. Chase	McKay	At-Large Chairman's
NEW POSITION	Lee District Representative	Renko Hardison	Lusk	Lee

Continued on next page

HISTORICAL MARKER PROJECT VOTING COMMITTEE (6-month terms)
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Mason District Representative	Bunyan Bryant	Gross	Mason
NEW POSITION	Springfield District Representative		Herrity	Springfield
NEW POSITION	Black Chamber of Commerce Representative		Confirmed by the Board	Confirmation

Board Agenda Item
May 24, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item
May 24, 2022

9:30 a.m.

Items Presented by the County Executive

Board Agenda Item
May 24, 2022

ADMINISTRATIVE - 1

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate one individual as a Plans Examiner to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designate the following individual, identified with his registration number, as a Plans Examiner:

Christian E. Williams ~~#345~~ 346

- Reinstate the following individual, identified with his registration number as an active Plans Examiner:

Keith Simpson #314

- Designate the following 11 individuals, identified with their registration numbers, as inactive Plans Examiners:

- | | |
|---------------------|--------------------------|
| Chad Crawford | #200 |
| Grid Gremi | #299 |
| Christian Hampson | #302 |
| R.J. Keller | #60 (Retired) |
| Joe Kiffe | #337 (moved out of area) |
| Viktoriya Kurbatova | #295 |
| Donald Lacquement | #123 (Retired) |
| Hossein Malayeri | #166 (Retired) |
| Kevin Marley | #333 |
| Dennis Thomas | #111 |
| Valerie Tucker | #205 (Retired) |

TIMING:
Routine.

Board Agenda Item
May 24, 2022

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. Similarly, the APEB finds that the candidate listed above for reinstatement also satisfies these requirements. These findings are documented in 2 letters dated April 5, 2022, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Jeffrey C. McKay.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. Individuals are provided with information concerning requirements for reinstatement as an active DPE at the time they are placed in inactive status. These findings are documented in a letter dated April 5, 2022, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Jeffrey C. McKay.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Three letters dated 4/5/2022, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Department of Land Development Services



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-268-2232

Board of Directors
Chairman
Bryan James
Bohler Engineering, P.C.

Vice Chairman
Glen Faunce
Dewberry

Treasurer
Clayton C. Toek, P.E.
Urban, Ltd.

Secretary
Matthew Hansen
Fairfax County - SDID

Directors
William R. Ackman, Jr. P.E.
Town of Leesburg

Bob Brown, P.E.
J2 Engineering

John Cummings, P.E.
Rinker Design Associates, P.C

Brian Dofflemyer
City of Alexandria, T&ES

Alex Faghri, Ph.D.
Virginia Department of Transportation

Ann O. Germain, P.E.
christopher consultants, ltd.

Paul B. Johnson, P.E.
Charles P. Johnson & Associates, Inc.

Matthew K. Koirtyohann
Bowman Consulting Group

J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.
Smith Engineering

Ross Stilling
Fairfax Water

Anita M. Tierney
Loudoun County, B&D

Patrick Veltri
ESE Consultants, Inc.

Susan S. Wolford, CLA, AICP
Pennoni Associates

Current Past Chairman
Kevin E. Murray, P.E.
Tri-Tek Engineering.

Executive Director
Jeffrey L. Blackford, P.E.

April 5, 2022

Received
APR 19 2022
[Signature]

Hon. Jeffrey C. McKay Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay:

The following named individual was approved by the Fairfax County Advisory Plans Examiner Board for recommendation as Designated Plans Examiner:

Name	Reg. No
Christian E. Williams	346

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E. LS
Chairman
Fairfax County Advisory Plans Examiner Board



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

Board of Directors
Chairman
Bryan James
Bohler Engineering, P.C.

Vice Chairman
Glen Faunce
Dewberry

Treasurer
Clayton C. Tock, P.E.
Urban, Ltd.

Secretary
Matthew Hansen
Fairfax County - SDID

Directors
William R. Ackman, Jr. P.E.
Town of Leesburg

Bob Brown, P.E.
J2 Engineering

John Cummings, P.E.
Rinker Design Associates, P.C

Brian Doffenmyer
City of Alexandria, T&ES

Alex Faghri, Ph.D.
Virginia Department of Transportation

Ann O. Germain, P.E.
christopher consultants, ltd.

Paul B. Johnson, P.E.
Charles P. Johnson & Associates, Inc.

Matthew K. Koptyyohann
Bowman Consulting Group

J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.
Smith Engineering

Ross Stilling
Fairfax Water

Anita M. Tierney
Loudoun County, B&D

Patrick Veltri
ESE Consultants, Inc.

Susan S. Wolford, CLA, AICP
Pennoni Associates

Current Past Chairman
Kevin E. Murray, P.E.
Tri-Tek Engineering.

Executive Director
Jeffrey L. Blackford, P.E.

April 5, 2022

Hon. Jeffrey C., McKay, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay,

The Board of Supervisors approved the following individual as Designated Plans Examiner, but his status was changed to inactive in 2021. He wishes to reactivate his status and has met the requirements set out by the reinstatement panel.

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and to be in accordance with the criteria adopted by the Fairfax County Board of Supervisors.

Keith Simpson #314 – Inactive on 9/21/2021

It is recommended by the Fairfax County Advisory Plans Examiner Board that he be granted active status.

Following the Board of Supervisors' approval of this recommendation, he will be notified of this change.

Sincerely,

James H. Scanlon, P.E., LS.
Chairman
Fairfax County Advisory Plans Examiner Board





Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

Board of Directors
Chairman
Bryan James
Bohler Engineering, P.C.

Vice Chairman
Glen Faunce
Dewberry

Treasurer
Clayton C. Toek, P.E.
Urban, Ltd.

Secretary
Matthew Hansen
Fairfax County - SDID

Directors
William R. Ackman, Jr. P.E.
Town of Leesburg

Bob Brown, P.E.
J2 Engineering

John Cummings, P.E.
Rinker Design Associates, P.C

Brinn Dofflemyer
City of Alexandria, T&ES

Alex Faghri, Ph.D.
Virginia Department of Transportation

Ann O. Germain, P.E.
christopher consultants, ltd.

Paul B. Johnson, P.E.
Charles P. Johnson & Associates, Inc.

Matthew K. Koirtzohann
Bowman Consulting Group

J. Keith Sinclair, Jr., P.E.
A. Morton Thomas & Associates, Inc.

Blake A. Smith, P.E.
Smith Engineering

Ross Stilling
Fairfax Water

Anita M. Tierney
Loudoun County, B&D

Patrick Veltri
ESE Consultants, Inc.

Susan S. Wofford, CLA, AICP
Pennonni Associates

Current Past Chairman
Kevin E. Murray, P.E.
Tri-Tek Engineering.

Executive Director
Jeffrey L. Blackford, P.E.

April 5, 2022



Hon. Jeffrey C. McKay, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Chairman McKay,

The Board of Supervisors approved the following individuals as Designated Plans Examiners:

<u>Name</u>	<u>Reg. No</u>
Chad Crawford	DPE #200
Grid Gremi	DPE #299
Christian Hampson	DPE #302
R. J. Keller	DPE #60 (Retired)
Joe Kiffe	DPE 337 (Moved out of area)
Viktoriya Kurbatova	DPE #295
Donald Lacquement	DPE #123 (Retired)
Hossein Malayeri	DPE #166 (Retired)
Kevin Marley	DPE #333
Dennis Thomas	DPE #111
Valerie Tucker	DPE #205 (Retired)

However, they have elected not to pursue the continuing education requirements at this time. It is recommended that their status become inactive until and if they wish to reactivate their status by completing their continuing education requirements. As such, they would no longer be eligible to participate in the expedited plan process procedure.

Following the Board of Supervisors' approval of this recommendation, each will be notified of his/her status change, as well as the procedure to be followed for reinstatement.

Sincerely,

James H. Scanlon, PE, LS
Chairman
Fairfax County Advisory Plans Examiner Board

Board Agenda Item
May 24, 2022

ADMINISTRATIVE - 2

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program – Belle View Boulevard (Mount Vernon District)

ISSUE:

Board endorsement of “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- Two “Watch for Children” signs on Belle View Boulevard (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” signs as soon as possible.

TIMING:

Board action is requested on May 24, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed signs will be effectively located and will not conflict with any other traffic control devices.

On March 28, 2022, FCDOT received verification from the Mount Vernon District Supervisor’s Office confirming community support for two “Watch for Children” signs on Belle View Boulevard.

FISCAL IMPACT:

Funding in the amount of \$500 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

Board Agenda Item
May 24, 2022

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Gregg Steverson, Deputy Director, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

ADMINISTRATIVE - 3

Authorize a Public Hearing to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 to Relocate a Polling Place and Rename Precincts in the Hunter Mill District; Relocate a Polling Place in the Mount Vernon District; Rename Polling Places in the Providence District; and Relocate a Polling Place in the Springfield District

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code § 7-2-5 and § 7-2-13 to relocate the polling place for North Point #1 precinct and rename this precinct in the Hunter Mill District; rename North Point # 2 in the Hunter Mill District; relocate the polling location for Lorton precinct in the Mount Vernon District; rename the polling location for Mosby #1 and Mosby #2 precincts in the Providence District; and relocate the polling place for Fairfax Station precinct in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, June 7, 2022, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on May 24, 2022, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on June 7, 2022, at 4:00 p.m. This will allow adequate time to notify voters who are affected by this change in advance of the next election which is expected to be the General and Special Election on November 8, 2022. The proposed effective date of June 22, 2022, avoids any possible confusion about the status of precincts and polling places during the June 21, 2022, primary election.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1.

Board Agenda Item
May 24, 2022

Virginia Code § 24.2-129 also requires that certain “covered practices” go through either a statutorily specified public comment process or receive a Certification of No Objection from the Attorney General before the practices can be given effect. The public comment process takes a minimum of 75 days to complete, while the Attorney General process takes a maximum of 60 days to complete.

Among the “covered practices” identified are any changes that relocate polling places in the County. The Board must first adopt an ordinance making the required polling place changes. If and after the Board adopts the ordinance, the County Attorney will file a request for a Certification of No Objection with the Virginia Attorney General, in accordance with Virginia Code § 24.2-129(D).

If approved, the proposed ordinance will make the following changes:

In the Hunter Mill District, St. Thomas á Becket Catholic Church, 1421 Wiehle Avenue, Reston, the current polling place for both North Point #1 and North Point #2 precincts, notified the Office of Elections that it could not logistically accommodate voting for both precincts. Staff recommends moving North Point #1 to Aldrin Elementary School, 11375 Center Harbor Road, Reston, and renaming the precinct “North Point.” North Point #2 will continue to vote at St. Thomas á Becket and to avoid voter confusion, staff recommends the precinct be renamed “Piney Run.”

In Mount Vernon District, staff recommends moving the polling place for Lorton precinct from Lorton Station Elementary School, 9298 Lewis Chapel Road, Lorton, where it was temporarily relocated in March 2020 to accommodate construction and expansion of its polling place at Lorton Library. The library, as part of the newly expanded Lorton Community Center, will reopen in August 2022. This recommendation will permanently move the polling place for Lorton precinct back to Lorton Community Center, 9520 Richmond Highway, Lorton.

In Providence District, on February 18, 2021, the Fairfax County School Board voted to change the name of Mosby Woods Elementary School, the current polling location for Mosby #1 and Mosby #2 precincts, to Mosaic Elementary School. All voters affected by this change have already been notified through the Virginia Election and Registration Information System (VERIS). Staff recommends recognizing and adopting this change.

In the Springfield District, St. Peter’s in the Woods Church, 5911 Fairview Woods Drive, Fairfax Station, the current polling location for Fairfax Station precinct, notified the Office of Elections that it will be undergoing renovation expected to last for the next two years. Staff recommends moving the polling place to the Burke Centre Library, 5935 Freds Oak Road, Burke, a location within one mile of the precinct boundary. The Burke Centre Library is also one of Fairfax County’s voter satellite offices.

Board Agenda Item
May 24, 2022

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2022 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2: Summary of Proposed Changes

Attachment 3: Descriptions and Maps of Proposed Changes

Attachment 4: Proposed Ordinance

STAFF:

Eric L. Spicer, General Registrar and Director of Elections

Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

Katherine K. Hanley, Secretary, Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot

to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:

"Certification of no objection" means a certification issued by the Attorney General that there is

no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:

1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.

"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment. Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic

group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. [528](#), [533](#).

Attachment 2: Summary of Proposed Changes

June 2022 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES							
SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
HUNTER MILL	233 North Point #1	2,683	St. Thomas á Becket Church	233 North Point	2,683	Aldrin Elementary School	Relocate the polling place and rename the precinct. Current polling place cannot accommodate co-located precincts.
HUNTER MILL	245 North Point #2	1,128	St. Thomas á Becket Church	245 Piney Run	1,128	St. Thomas á Becket Church	Rename the precinct after moving one of the co-located polling places to another location.
MOUNT VERNON	617 Lorton	4,264	Lorton Station Elementary School	617 Lorton	4,264	Lorton Community Center	Relocate the polling place back to its original location at the Lorton Community Center
PROVIDENCE	709 Mosby #1	2,914	Mosby Woods Elementary School	709 Mosby #1	2,914	Mosaic Elementary School	Recognize the change in the name of the polling place.
PROVIDENCE	737 Mosby #2	1,155	Mosby Woods Elementary School	737 Mosby #2	1,155	Mosaic Elementary School	Recognize the change in the name of the polling place
SPRINGFIELD	805 Fairfax Station	1,692	St. Peter's in the Woods	805 Fairfax Station	1,692	Burke Centre Library	Relocate the polling place due to renovation of the current polling place.

* VERIS registered voters as of 042722_Reports Library_Statistics_Registrant_Counts_By_District Types

Commonwealth of Virginia
COUNTY OF FAIRFAX
HUNTER MILL District

PRECINCT: **233 NORTH POINT #1**

CONGRESSIONAL DISTRICT: **11**

VIRGINIA SENATORIAL DISTRICT: **38**

HOUSE OF DELEGATES DISTRICT: **7**

DESCRIPTION:

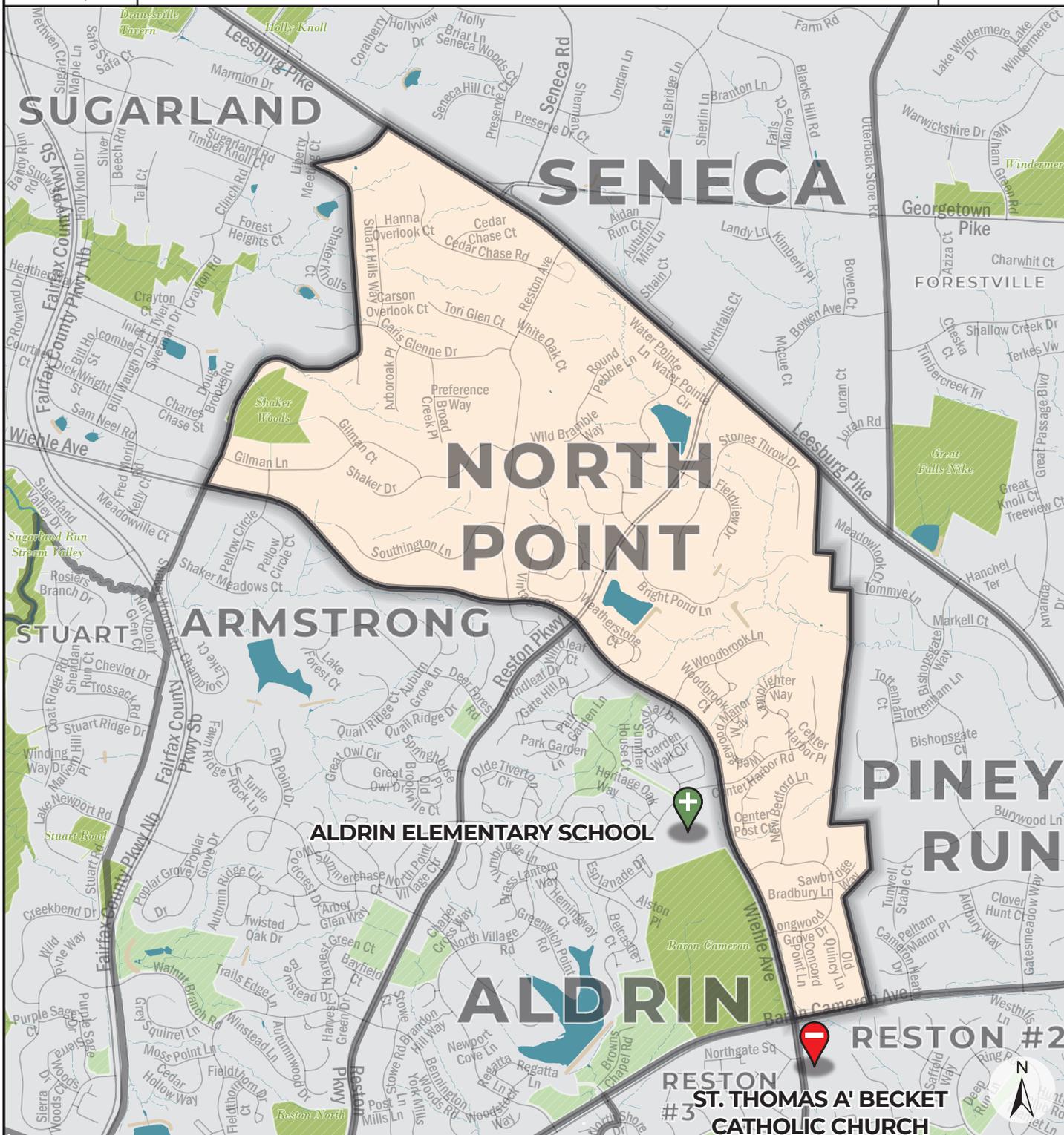
Beginning at the intersection of Sugarland Road and Leesburg Pike (Route 7), follow Leesburg Pike (Route 7) southeast to its intersection with the eastern border of Census Block 2004; thence with the eastern border of Census Block 2004 in a southerly direction to its intersection with Baron Cameron Avenue; go west along Baron Cameron Avenue to its intersection with Wiehle Avenue; follow Wiehle Avenue in a northwesterly direction to its intersection with Shaker Woods Road; follow Shaker Woods Road northeast to its intersection with Sugarland Road; go northeast along Sugarland Road to its intersection with Leesburg Pike (Route 7), the point of beginning.

POLLING PLACE: ~~St. Thomas à Becket Catholic Church~~ Aldrin Elementary School
1421 Wiehle Ave, 11375 Center Harbor Road, Reston

NOTES: Established May 1988
Boundaries adjusted in 1993 and 1996
The southern portion of Stuart Road was consumed by construction of the Fairfax County Parkway and the northern portion of Stuart Road was renamed Shaker Woods Road in 2001. Stuart Road and Shaker Woods Road both dead-end on opposite sides of the Fairfax County Parkway.
Precinct description revised and readopted – March 2003
Congressional District changed from 8th to 11th – January 2012
Precinct divided – December 2015
Senatorial and House Districts changed – December 2021
Precinct split into North Point #1 and North Point #2 – March 2022
Precinct name changed and polling place moved – June 2022

Commonwealth of Virginia County of Fairfax

Hunter Mill



Current Precinct Name, Polling Place and Address:

May 2022

 233 NORTH POINT #1, St. Thomas à Becket Catholic Church, 1421 Wiehle Ave

Proposed Precinct Name, Polling Place and Address:

 233 NORTH POINT, Aldrin Elementary School, 11375 Center Harbor Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
HUNTER MILL District

PRECINCT: **245 ~~NORTH POINT #2~~ PINEY RUN**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **38**
HOUSE OF DELEGATES DISTRICT: **6**

DESCRIPTION:

Beginning from Leesburg Pike (Route 7) and its intersection with the eastern border of Census Block 2004, go south on Leesburg Pike (Route 7) to its intersection with Baron Cameron Avenue; continue west on Baron Cameron Avenue to its intersection with the eastern border of Census Block 2004; go north along the eastern border of Census Block 2004 to its intersection with Leesburg Pike (Route 7), the point of beginning.

POLLING PLACE: St. Thomas à Becket Catholic Church
1421 Wiehle Ave, Reston

NOTES: Established March 2022
Precinct renamed – June 2022



Current Precinct Name, Polling Place and Address:

May 2022

 245 NORTH POINT #2, St. Thomas à Becket Catholic Church, 1421 Wiehle Ave

Proposed Precinct Name, Polling Place and Address:

 245 PINEY RUN, St. Thomas à Becket Catholic Church, 1421 Wiehle Ave



Commonwealth of Virginia
COUNTY OF FAIRFAX
MOUNT VERNON District

PRECINCT: **617 LORTON**

CONGRESSIONAL DISTRICT: **11**

VIRGINIA SENATORIAL DISTRICT: **34**

HOUSE OF DELEGATES DISTRICT: **19**

DESCRIPTION:

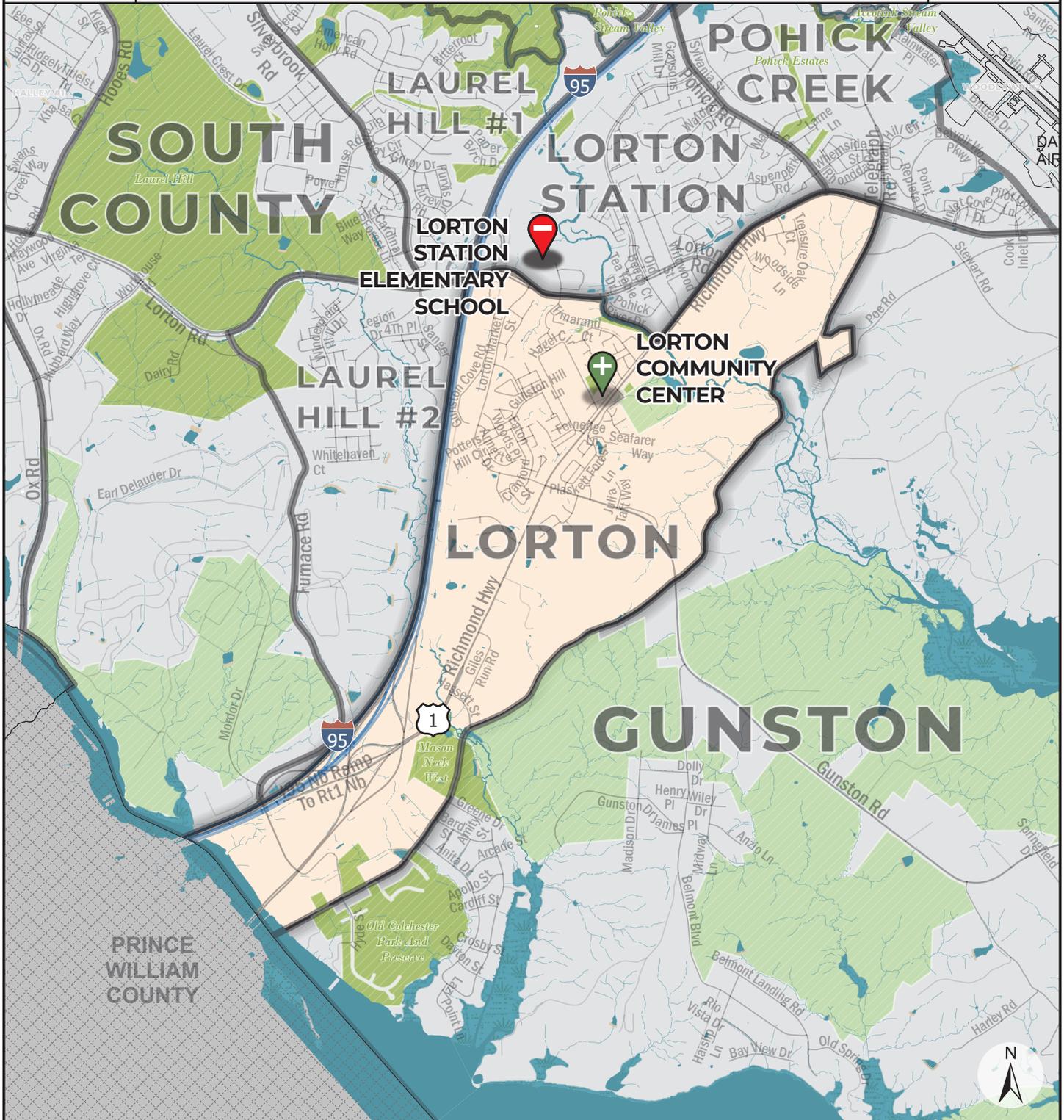
Beginning at the intersection of the Prince William County/Fairfax County Line (Occoquan River) and the Shirley Memorial Highway (I-95), thence with Shirley Memorial Highway (I-95) in a northeast direction to its intersections with Lorton Road, thence with Lorton Road in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a southeasterly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a northeasterly direction to its intersection with Pohick Road, thence in Richmond Highway in an southeasterly direction to its intersection with Old Colchester RD, thence in a southwesterly direction with Old Colchester RD, thence until it reaches the cemetery at 9501 Old Colchester Road and following and including the boundaries of this property, thence continuing in a southwesterly direction on Old Colchester Road to its intersection with the Prince William County/Fairfax County Line at (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northerly direction to its intersection with Shirley Memorial Highway (I-95), point of beginning.

POLLING PLACE: ~~Lorton Station Elementary School~~ Lorton Community Center
~~9298 Lewis Chapel Rd,~~ 9520 Richmond Highway, Lorton

NOTES: Established June 1991
Boundary originally followed the District of Columbia Department of Corrections (Lorton Prison) property line. When the prison closed in 2001, the Fairfax County Park Authority acquired a portion of the property.
Precinct description revised and readopted – March 2003
Precinct divided and polling place changed – March 2006
Congressional District changed from 11th to 8th – January 2012
Polling place moved – March 2020
Congressional, Senatorial, and House Districts changed – December 2021
Polling place moved – June 2022

Commonwealth of Virginia County of Fairfax

Mount Vernon



Current Precinct Name, Polling Place and Address:

May 2022

 617 LORTON, Lorton Station Elementary School, 9298 Lewis Chapel Rd

Proposed Precinct Name, Polling Place and Address:

 617 LORTON, Lorton Community Center, 9520 Richmond Hwy



Commonwealth of Virginia
COUNTY OF FAIRFAX
PROVIDENCE District

PRECINCT: **709 MOSBY #1**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **11**

DESCRIPTION:

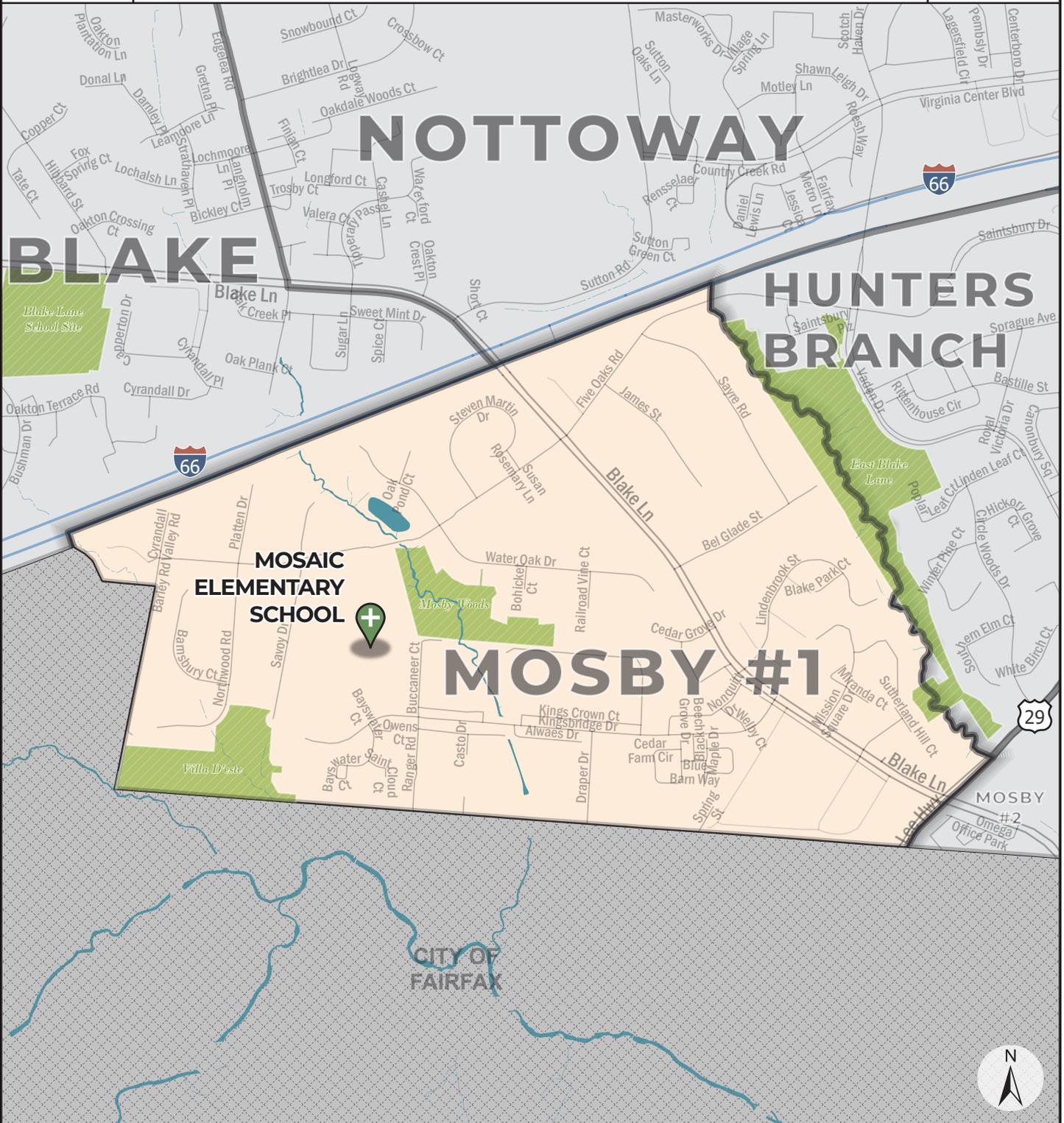
Beginning at the intersection of the north corporate boundary of the City of Fairfax and Interstate 66, thence with Interstate 66 in a northeasterly direction to its intersection with Hatmark Branch (stream), thence with meanders of Hatmark Branch in a southeasterly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a southwesterly direction to its intersection with the east corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a generally westerly, then northerly, then westerly, then northwesterly direction to its intersection with Interstate 66, point of beginning.

POLLING PLACE: ~~Mosby Woods~~ Mosaic Elementary School
9819 Five Oaks Rd, Fairfax

NOTES: Established July 1981
Precinct description revised and readopted – March 2003
Precinct divided – July 2011
Senatorial and House Districts changed – December 2021
Precinct split into Mosby #1 and Mosby #2 – March 2022
Polling place renamed – June 2022

Commonwealth of Virginia County of Fairfax

Providence



Current Precinct Name, Polling Place and Address:

May 2022

709 MOSBY #1, Mosby Woods Elementary School, 9819 Five Oaks Rd

Proposed Precinct Name, Polling Place and Address:

709 MOSBY #1, Mosaic Elementary School, 9819 Five Oaks Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
PROVIDENCE District

PRECINCT: **737 MOSBY #2**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **37**
HOUSE OF DELEGATES DISTRICT: **12**

DESCRIPTION:

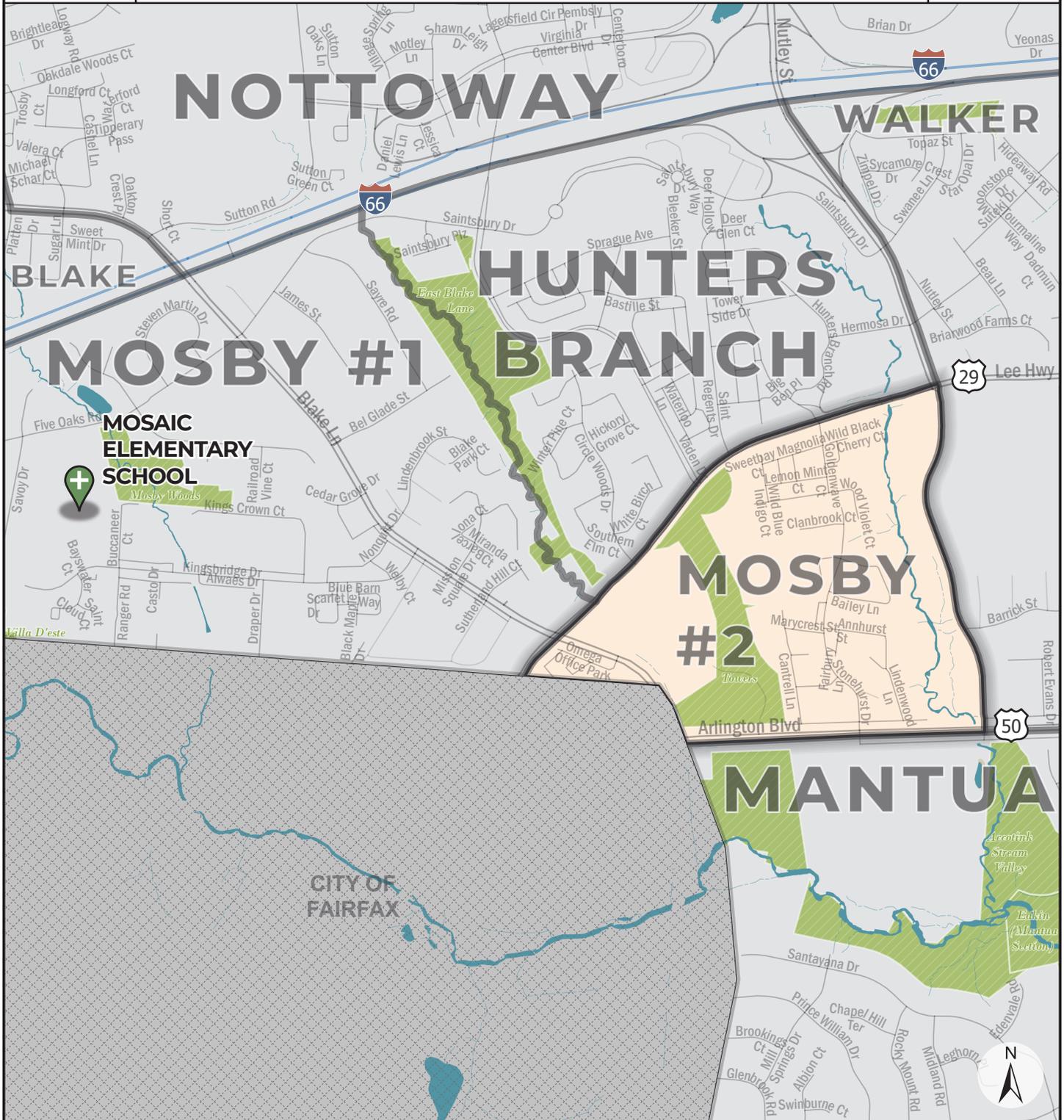
Beginning at the intersection of the north corporate boundary of the City of Fairfax and Lee Highway, thence with Lee Hwy in a northeasterly direction to its intersection with Nutley Street; hence with Nutley Street in a southerly direction to its intersection with Arlington Boulevard, thence with Arlington Boulevard in a westerly direction to the northeasterly corporate boundary of the City of Fairfax, hence with the corporate boundary of the City of Fairfax in a northerly, then westerly direction to its intersection with Lee Highway, point of beginning.

POLLING PLACE: ~~Mosby Woods~~ Mosaic Elementary School
9819 Five Oaks Rd, Fairfax

NOTES: Established March 2022
Polling place renamed – June 2022

Commonwealth of Virginia County of Fairfax

Providence



Current Precinct Name, Polling Place and Address:

May 2022

 737 MOSBY #2, Mosby Woods Elementary School, 9819 Five Oaks Rd

Proposed Precinct Name, Polling Place and Address:

 737 MOSBY #2, Mosaic Elementary School, 9819 Five Oaks Rd



Commonwealth of Virginia
COUNTY OF FAIRFAX
SPRINGFIELD District

PRECINCT: **805 FAIRFAX STATION**
CONGRESSIONAL DISTRICT: **11**
VIRGINIA SENATORIAL DISTRICT: **36**
HOUSE OF DELEGATES DISTRICT: **10**

DESCRIPTION:

Beginning at the intersection of Colchester Road and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with Ox Road (Route 123), thence with Ox Road in a southerly direction to its intersection with Chapel Road, thence with Chapel Road in a westerly direction to its intersection with Colchester Road, thence with Colchester Road, the unconstructed right-of-way of Colchester Road and Colchester Road in a northwesterly direction to its intersection with the Norfolk Southern Railroad, point of beginning

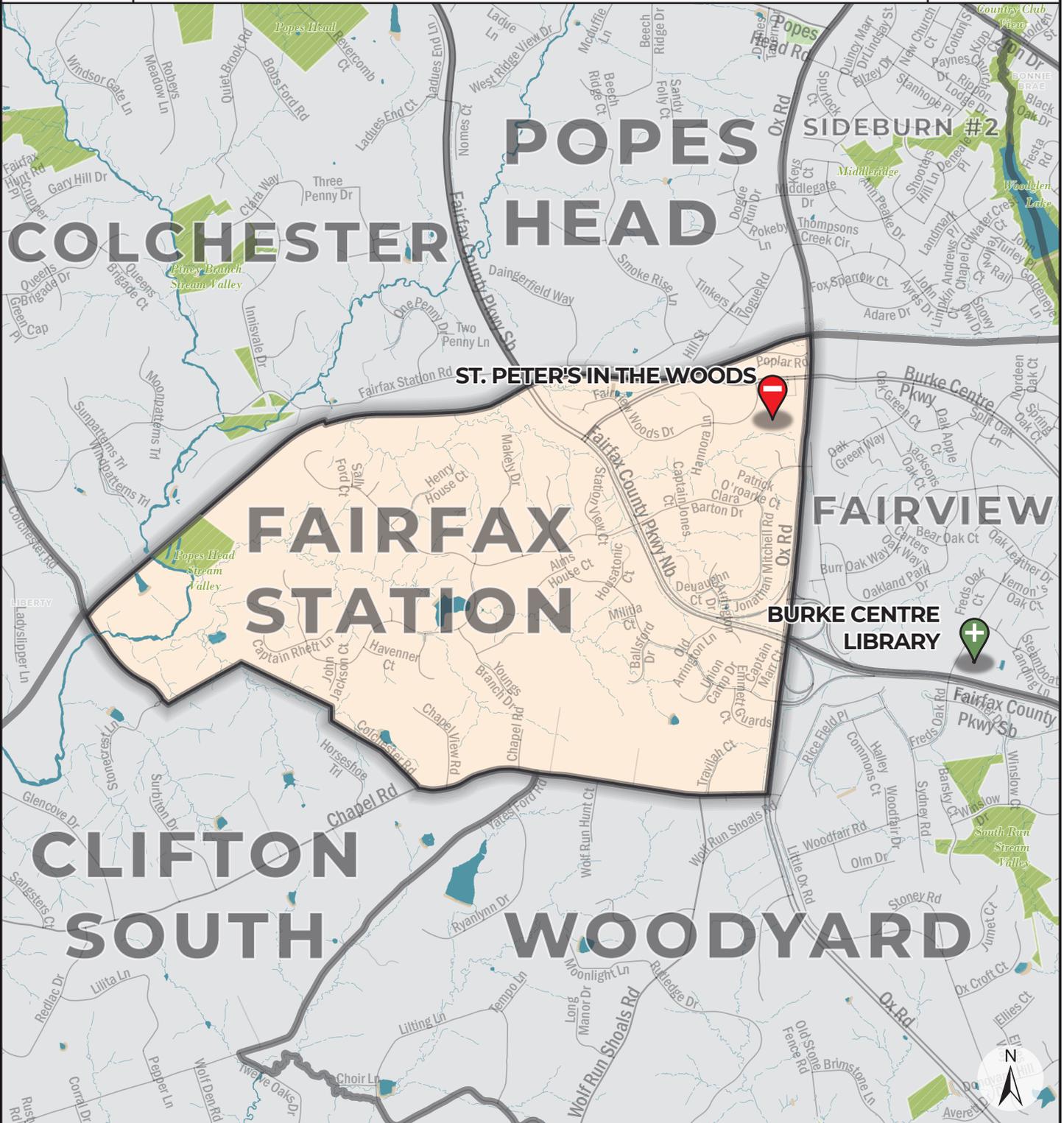
POLLING PLACE: ~~St. Peter's in the Woods~~ Burke Centre Library
~~5911 Fairview Woods Dr,~~ 5935 Freds Oak Road, Fairfax Station-Burke

NOTES: Established July 1981
Boundary adjusted June 1994
Boundary adjusted April 1998
Precinct description revised and readopted – March 2003
Precinct boundary adjusted – July 2011
Congressional District changed from 11th to 10th – January 2012
Congressional, Senatorial, and House Districts changed – December 2021
Polling place moved – June 2022

Attachment 3:
Descriptions and
Maps of
Proposed Changes

Commonwealth of Virginia County of Fairfax

Springfield



Current Precinct Name, Polling Place and Address:

May 2022

 805 FAIRFAX STATION, St. Peter's in the Woods, 5911 Fairview Woods Dr

Proposed Precinct Name, Polling Place and Address:

 805 FAIRFAX STATION, Burke Centre Library, 5935 Freds Oak Rd



43 physical feature shall be the dividing line between that precinct and any adjoining
 44 precinct.

45
 46 **2. That the election polling place for the following existing precincts are**
 47 **established at:**

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Hunter Mill	North Point #1 (polling place relocated)	From: St. Thomas á Becket Catholic Church 1421 Wiehle Avenue Reston, Virginia 20190 To: Aldrin Elementary School 11375 Center Harbor Road Reston, Virginia 20194
Mount Vernon	Lorton (polling place relocated)	From: Lorton Station Elementary School 9298 Lewis Chapel Road Lorton, Virginia 22079 To: Lorton Community Center 9520 Richmond Highway Lorton, Virginia 22079
Springfield District	Fairfax Station (polling place relocated)	From: St. Peter's in the Woods 5911 Fairview Woods Drive Fairfax Station, Virginia 22039 To: Burke Centre Library 5935 Freds Oak Road Burke, Virginia 22015

81
 82 **3. The following precincts are renamed:**

<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Hunter Mill	North Point	Aldrin Elementary School

88 (formerly North Point #1) 11375 Center Harbor Road
 89 Reston, VA 20194
 90
 91 Hunter Mill Piney Run St. Thomas á Becket Catholic Church
 92 (formerly North Point #2) 1421 Wiehle Avenue
 93 Reston, Virginia 20190
 94

95 **4. The following polling places are renamed:**

96
97 Supervisor

98 District

Precinct

Polling Place

100 Providence Mosby #1 From:
 101 (polling place renamed) Mosby Woods Elementary School
 102 9819 Five Oaks Road
 103 Fairfax, Virginia

104
105 To:

106 Mosaic Elementary School
 107 9819 Five Oaks Road
 108 Fairfax, Virginia

109
 110 Providence Mosby #2 From:
 111 (polling place renamed) Mosby Woods Elementary School
 112 9819 Five Oaks Road
 113 Fairfax, Virginia

114
 115 To:
 116 Mosaic Elementary School
 117 9819 Five Oaks Road
 118 Fairfax, Virginia
 119

120
 121 **5. That this ordinance shall become effective on June 22, 2022, and that clause**
 122 **2 shall be given effect after completion of the procedures set forth in**
 123 **Virginia Code § 24.2-129(D).**
 124

125 **6. That the Clerk for the Board of Supervisors shall send a certified copy of**
 126 **this ordinance, with GIS maps and boundary descriptions, to the Fairfax**
 127 **County Electoral Board, the Department of Elections, and the Division of**
 128 **Legislative Services, as required under Va. Code § 24.2-306(C).**
 129

130

131

GIVEN under my hand this ____ day of _____, 2022.

132

133

134

135

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

136

137

Board Agenda Item
May 24, 2022

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish Additional Voter Satellite Offices at Richard Byrd Library and Lorton Community Center and Remove the Voter Satellite Office at Laurel Hill Golf Club

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend Fairfax County Code Section 7-3-2 and establish additional voter satellite offices for absentee voting in person at Richard Byrd Library and Lorton Community Center. The proposed ordinance will also remove Laurel Hill Golf Club as a voter satellite office.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, June 7, 2022, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on May 24, 2022, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on June 7, 2022, at 4:00 p.m. Adoption on this date will ensure sufficient time to inform voters of all voter satellite office locations no later than 55 days prior to next election which is anticipated to be the General and Special Election on Tuesday, November 8, 2022. The proposed effective date of June 22, 2022, avoids any possible confusion about the status of voter satellite offices during the June 21, 2022, primary election.

BACKGROUND:

Virginia Code § 24.2-701.2 requires the governing body of each county and city to establish the locations of voter satellite offices by ordinance, if any such offices are desired. The Board of Supervisors may establish as many voter satellite offices as it deems necessary to support countywide absentee voting in person, subject to the physical and accessibility requirements of Virginia Code Section 24.2-701.2.

In July 2020, the Board of Supervisors established fourteen (14) voter satellite offices which included Laurel Hill Golf Club in Lorton. Lorton Library, previously used as a satellite voting location due to its ideal location in southern Fairfax County, was unavailable for consideration as a voter satellite office due its closure as part of the expansion of the proposed Lorton Community Center. The Lorton Community Center

Board Agenda Item
May 24, 2022

includes Lorton Library, Lorton Community Action Center, Murphy House, and Lorton Senior Center. The project is now complete and is expected to reopen in August 2022. The newly expanded Lorton Community Center will provide a more central location and improved accessibility for voters than Laurel Hill Golf Club, therefore staff recommends adding Lorton Community Center as a voter satellite office and removing Laurel Hill Golf Club.

In the November 2021 election, Fairfax County's Central Absentee Precinct (ballots received by mail and cast early in person) accounted for 5.4% of the total ballots cast in Virginia. Approximately 40% of ballots in the county were cast before Election Day, either in person at one of the early voting locations or by mail/drop box. The number of voters choosing to vote early is expected to increase in Fairfax County due to expanded voting opportunities resulting from the establishment of "no excuse" absentee voting, the permanent absentee voter list, ballot drop-off boxes, and the increase in the number of early voting locations. The proposed effective date of June 22, 2022, avoids any possible confusion about the status of voter satellite offices during the June 21, 2022, primary election.

In response to that anticipated growth, and in addition to improved access through use of the Lorton Community Center as described above, the proposed ordinance also establishes an additional voter satellite office at the Richard Byrd Library in Springfield.

FISCAL IMPACT:

Under this proposal, with the establishment of two voter satellite offices and the removal of one voter satellite office, the net increase is expected to be \$20,000 over the amount budgeted under the proposed FY 2023 Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Voter Satellite Offices
Attachment 2: Map of Proposed Additional Voter Satellite Office
Attachment 3: Proposed Ordinance

STAFF:

Eric L. Spicer, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board
Katherine K. Hanley, Secretary, Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-701.1. Absentee voting in person (2021 updated version)

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § 24.2-706. Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § 24.2-643. If he does not show one of the forms of identification specified in subsection B of § 24.2-643, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § 24.2-701.2. For purposes of this chapter, such offices shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. The electoral board or general registrar may provide for absentee voting in person in such offices on Sundays. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or an assistant registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § [24.2-653](#). The identification requirements of subsection B of § [24.2-643](#) and subsection A of § [24.2-653](#) shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

2019, cc. [278](#), [668](#), [669](#); 2020, cc. [735](#), [856](#), [1064](#), [1065](#), [1149](#), [1151](#), [1201](#); 2021, Sp. Sess. I, c. [204](#).

§ 24.2-701.2. Absentee voting in person; voter satellite offices.

A. The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

B. Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ [24.2-701](#) and [24.2-706](#). Any such location shall have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

C. Voter satellite offices shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.

D. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.

E. Not later than 55 days prior to any election, the general registrar shall post notice of all

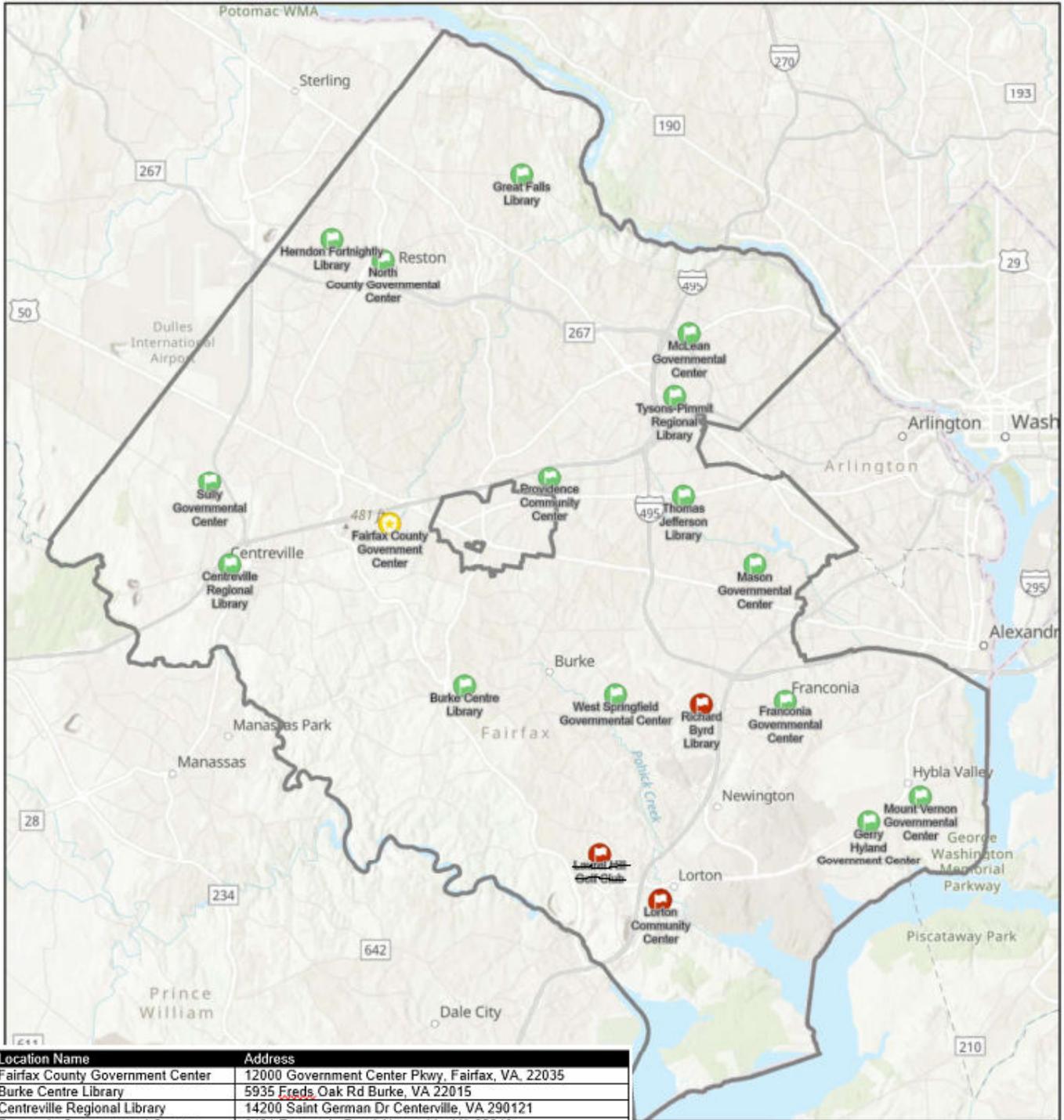
voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.

F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

G. The provisions of subsection E of § [24.2-310](#) providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.

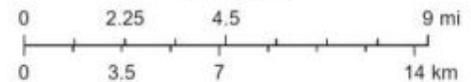
H. A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ [24.2-701](#), [24.2-701.1](#), and [24.2-706](#).

2020, cc. [856](#), [1149](#), [1151](#), [1201](#).



Location Name	Address
Fairfax County Government Center	12000 Government Center Pkwy, Fairfax, VA, 22035
Burke Centre Library	5935 Fords Oak Rd Burke, VA 22015
Centreville Regional Library	14200 Saint German Dr Centerville, VA 290121
Franconia Governmental Center	6121 Franconia Road Alexandria, VA 22310
Gerry Hyland Government Center	8350 Richmond Hwy, Alexandria, VA 22309
Great Falls Library	9830 Georgetown Pike Great Falls, VA 22066
Herndon Fortnightly Library	768 Center St Herndon, VA 20170
Laurel Hill Golf Club	8701 Laurel Crest Drive, Lorton, 22079
Lorton Community Center	9520 Richmond Highway, Lorton 22079
Mason Governmental Center	6507 Columbia Pike Annandale, VA 22003
McLean Governmental Center	1437 Balls Hill Road McLean, VA 22101
Mount Vernon Governmental Center	2511 Parkers Lane Alexandria, VA 22306
North County Governmental Center	1801 Cameron Glen Drive Reston, VA 20190
Providence Community Center	3001 Vaden Drive Fairfax, VA 22031
Richard Byrd Library	7520 Commerce Street, Springfield, 22150
Sully Governmental Center	4900 Stonecroft Boulevard Chantilly, VA 20151
Thomas Jefferson Library	7415 Arlington Blvd, Arlington, VA 22042
Tysons-Pimmit Regional Library	7584 Leesburg Pike Falls Church, VA 22042
West Springfield Governmental Center	6140 Rolling Road Springfield, VA 22152

1:325,000



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90

- (gh). – Mason Governmental Center**
6507 Columbia Pike, Annandale, Virginia 22003
- (hi). – McLean Governmental Center**
1437 Balls Hill Road, McLean, Virginia 22101
- (ij). – Mount Vernon Governmental Center**
2511 Parkers Lane, Alexandria, Virginia 22306
- (jk). – North County Governmental Center**
1801 Cameron Glen Drive, Reston, Virginia 20190
- (kl). – Providence Community Center**
3001 Vaden Drive, Fairfax, Virginia 22031
- ~~**(l). – Gerry Hyland Government Center**
8350 Richmond Highway, Alexandria, Virginia 22309~~
- (m). – Richard Byrd Library**
7250 Commerce Street, Springfield, Virginia 22150
- (mn). – Sully Governmental Center**
4900 Stonecroft Boulevard, Chantilly, Virginia 20151
- (no). – Thomas Jefferson Library**
7415 Arlington Boulevard, Falls Church, Virginia 22042
- (op). – Tysons-Pimmit Regional Library**
7584 Leesburg Pike, Falls Church, Virginia 22043
- (pq). – West Springfield Governmental Center**
6140 Rolling Road, Springfield, Virginia 22152

2. That this ordinance shall become effective on June 22, 2022.

GIVEN under my hand this _____ day of _____, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

ADMINISTRATIVE - 5

Supplemental Appropriation Resolution AS 22276 for the Department of Family Services to Accept American Rescue Plan Act Funding from Virginia Department for Aging and Rehabilitative Services to Address the Needs of Older Adults through Programming Administered as Part of the Fairfax Area Agency on Aging

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 22276 for the Department of Family Services (DFS) to accept grant funding from the Virginia Department for Aging and Rehabilitative Services (DARS) in the amount of \$2,392,256. Funding will be used to support services for older adults and their caregivers administered by the Fairfax Area Agency on Aging in service categories aligned with Supportive Services (Title III B), Congregate Meals (Title III C(1)), Home Delivered Meals (Title III C(2)), Preventative Health (Title III D), Family Caregiver (Title III E), and Ombudsman (Title VII). This federal pass-through funding from DARS is available as a result of the American Rescue Plan Act of 2021. The grant performance period is October 1, 2021, through September 30, 2024. When grant funding expires, the County is under no obligation to continue funding the programs. While these funds do require a service match, this requirement will be met by DARS; therefore, no Local Cash Match is required. Given the timing of the award and the need to begin work quickly, the contract modification associated with this funding has been fully executed. Therefore, Board approval of the contract modification and its execution is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 22276 to accept funding from the Virginia Department for Aging and Rehabilitative Services in the amount of \$2,392,256 to support services for older adults and their caregivers. There are no new grant positions associated with this award. While these funds do require a service match, this requirement will be met by DARS; therefore, no Local Cash Match is required. The County Executive also recommends the Board approve the execution of the contract modification between DARS and the County.

TIMING:

Board approval is requested on May 24, 2022.

Board Agenda Item
May 24, 2022

BACKGROUND:

The Department of Family Services will be receiving federal pass-through funding from DARS as a result of the American Rescue Plan Act of 2021. This funding will be administered through the Fairfax Area Agency on Aging. The Fairfax Area Agency on Aging is tasked with enhancing the quality of life for older adults, adults with disabilities, and their family caregivers and adheres to the Older Americans Act (OAA) for funding received from the federal government. Under the OAA, a person must be 60 years of age or older to be eligible for the programs and services provided through this funding in accordance with service standards. While there is no income/means test, services are targeted to older individuals who have the greatest economic or social need, have low income, are a member of a low-income minority group, reside in a rural area, have limited English proficiency, or are at risk of institutionalization. This funding will be used to support services for older adults and their caregivers in accordance with allocations in the following service categories:

- Supportive Services (Title III B): \$702,844
- Congregate Meals (Title C(1)): \$560,645
- Home Delivered Meals (Title C(2)): \$865,380
- Preventative Health (Title III D): \$2,000
- Family Caregiver (Title III E): \$243,363
- Ombudsman (Title VII): \$18,024

FISCAL IMPACT:

Grant funding from the Virginia Department for Aging and Rehabilitative Services in the amount of \$2,392,256 will be used to support services for older adults and their caregivers. While these funds do require a service match, this requirement will be met by DARS; therefore, no Local Cash Match is required. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2022. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new grant positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: Contract from the VA Department for Aging and Rehabilitative Services
Attachment 2: Supplemental Appropriation Resolution 22276

STAFF:

Christopher A. Leonard, Deputy County Executive
Michael A. Becketts, Director, Department of Family Services

COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES
STANDARD CONTRACT MODIFICATION

Date: December 1, 2021
Contract Number: 20-179
Modification Number: 6
Issued By: Department for Aging and Rehabilitative Services
8004 Franklin Farms Drive
Henrico, VA 23229
Contractor: Fairfax County

This contract modification is entered into pursuant to terms of the Standard Contract and is amended to include the following:

Description of Modification:

This contract modification amends the contract to connect the issuance of separate funds granted under the authority of combined formula grant awards issued under the authority of the American Rescue Plan (ARP) Act, P.L. 117-2 for activities authorized under Title III Part B and all other Title III program activities of the Older Americans Act of 1965, as amended through P.L. 116-131, enacted March 25, 2020. The period of performance will be effective October 1, 2021 through September 30, 2024.

Activities authorized under these awards include for Title III Part B:
A. supportive services of the types made available for fiscal year 2020;
B. efforts related to COVID-19 vaccination outreach, including education, communication, transportation, and other activities to facilitate vaccination of older individuals; and
C. prevention and mitigation activities related to COVID-19 focused on addressing extended social isolation among older individuals, including activities for investments in technological equipment and solutions or other strategies aimed at alleviating negative health effects of social isolation due to long-term stay-at-home recommendations for older individuals for the duration of the COVID- 19 public health emergency. All funds must be:

- 1. Accounted for separately from the regular issuance of Title III Older Americans Act funding.
- 2. Reimbursement on the AMR-OC shall include the following data:
 - a) eligible allowable expenditures,
 - b) service data units

This modification will be subject to the same language as in Section 10.20 Renewal of the Standard Contract

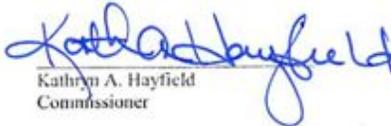
THE CONTRACT DOCUMENTS shall consist of:

- 1. This Contract Modification;
- 2. Obligation page.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, intending to be bound thereby.

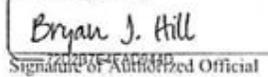
ACCEPTED AND AGREED TO:

Department for Aging and
Rehabilitative Services:


Kathryn A. Hayfield
Commissioner

3/15/2022
Date

Fairfax County:
DocuSigned by:


Signature of Authorized Official

Bryan J. Hill

Printed Name
County Executive 2022 February 18 | 05:44:49 PST
Title Date

FY 2022 SUMMARY OF OBLIGATIONS - American Rescue Plan (ARP)

Name of Agency: Fairfax County

The following amounts are obligated from Federal and General funds to carry out this plan for the year beginning October 1, 2021. All obligations are subject to the availability of Federal and General Fund monies to the Department for Aging and Rehabilitative Services. All General Fund monies awarded before June 30th must be drawn down and obligated by June 30, 2022 and liquidated by September 30, 2022.

Award Action	Title III-B 93.044	Title III-C(1) 93.045	Title III-C(2) 93.045	Title III-D 93.043	Title III-E 93.052	Elder Abuse 93.041	Ombudaman 93.042	
							Federal	General
Unadvanced Balance from FY'21 Funds at DARS on 9/30/21								
New Obligation FY'21 - 9/30/21								
Total Remittance Balance 9/30/21	0	0	0	0	0	0	0	0
New Obligation FY'22 - 10/1/21	702,844	560,645	885,380	2,000	243,383	0	18,024	
Total Obligation for Fiscal Year 2022	702,844	560,645	885,380	2,000	243,383	0	18,024	0

TB 9/30/21

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 22276

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on May 24, 2022, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2022, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G6767, Department of Family Services	
1CV6724-2022, ARPA Supportive Services	\$702,844
1CV6725-2022, ARPA Congregate Meals	\$560,645
1CV6726-2022, ARPA Home Delivered Meals	\$865,380
1CV6727-2022, ARPA Preventative Health	\$2,000
1CV6728-2022, ARPA Family Caregiver	\$243,363
1CV6729-2022, ARPA Ombudsman	\$18,024

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses	\$2,392,256
Fund: 500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Department for Aging and Rehabilitative Svcs, \$2,392,256

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ADMINISTRATIVE - 6

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for Supplemental Funding Associated with the Head Start/Early Head Start and Early Head Start Child Care Partnership and Expansion Grants for Cost-of-Living Adjustment and Quality Improvement Funding

ISSUE:

Board of Supervisors authorization is requested for the Department of Neighborhood and Community Services to apply for and accept supplemental Cost-of-Living Adjustment (COLA) and Quality Improvement (QI) grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$270,375. Funding is specifically being provided by the grantor to support program quality improvements and a 2.28 percent COLA to offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. It should be noted that the COLA funding for County staff is to offset existing staff salaries; actual compensation adjustments are consistent with compensation adjustments approved by the Board. The grant period is July 1, 2022, to June 30, 2023. There is no Local Cash Match requirement for this supplemental funding. The table below details funding for each grant:

Grant	Federal Funding
Head Start	\$ 133,096
Early Head Start	\$ 107,086
Early Head Start Child Care Partnership/Expansion	\$ 30,193
Total	\$ 270,375

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
May 24, 2022

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Neighborhood and Community Services to apply for and accept supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$270,375. Funding is specifically being provided to support program quality improvements and a 2.28 percent COLA to offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 63/56.6 FTE grant positions. No new grant positions are being requested with this funding. The County Executive also recommends that the Board authorize the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on May 24, 2022.

BACKGROUND:

President Biden signed the Consolidated Appropriations Act, 2022, into law on March 15, 2022. The funding level for programs under the Head Start Act is \$11.0 billion, an increase of \$289 million over federal fiscal year (FFY) 2021. This increase includes \$234 million to provide all Head Start, Early Head Start, and Early Head Start-Child Care (EHS-CC) Partnership grant recipients a 2.28 percent COLA and \$52 million for quality improvement. Each grant recipient will be allocated an amount of quality improvement funding proportionate to their federal funded enrollment. Applications are due on June 1, 2022. The grantor has indicated that before funding is awarded, the Board of Supervisors must formally approve the applications.

Head Start and Early Head Start are national child and family development programs that provide quality early childhood education and comprehensive family support services to income eligible families with children birth to five years of age. The Head Start grant serves 434 children and their families and the Early Head Start grant serves 224 children birth to three years of age, as well as pregnant mothers.

The Department of Neighborhood and Community Services, Office for Children was awarded a combined Early Head Start Child Care Partnership and Expansion grant to serve 56 infants and toddlers, and their families, by establishing new partnerships with family child care providers and expanding the existing Early Head Start center-based option at the Gum Springs Glen Early Head Start program.

Board Agenda Item
May 24, 2022

FISCAL IMPACT:

Grant funding in the amount of \$270,375 is being requested to support program quality improvements and a 2.28 percent COLA for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. There is no Local Cash Match requirement with this supplemental funding. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the Department of Neighborhood and Community Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

Grant funding currently supports 63/56.6 FTE grant positions. No new grant positions are being requested with this funding. The County has no obligation to continue funding the existing positions if grant funding ends.

ENCLOSED DOCUMENTS:

Attachment 1: Head Start and Early Head Start COLA & QI Funding Notice

Attachment 2: Early Head Start Child Care Partnership and Expansion
COLA & QI Funding Notice

STAFF:

Christopher A. Leonard, Deputy County Executive

Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)

Anne-Marie D. Twohie, Director, Office for Children, NCS



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Head Start | 330 C St., SW, 4th Floor, Washington DC 20201 | eclkc.ohs.acf.hhs.gov

April 20, 2022

Grant No. 03CH012068

Dear Head Start Grant Recipient:

The Consolidated Appropriations Act, 2022, contains an increase for Head Start of approximately \$289 million over the Fiscal Year (FY) 2021 level. This includes a cost-of-living adjustment (COLA) of \$234 million and a \$52 million Quality Improvement investment. The COLA supports a 2.28 percent adjustment above FY 2021 funding levels to increase the pay scales of Head Start and Early Head Start staff, including vacant positions, fringe benefits, and to offset higher operating costs. Quality Improvement funds are allocated proportionately based on federal funded enrollment levels, with additional adjustments given to smaller grant recipients to allow for a meaningful investment, as permitted by the Act.

The following table reflects the COLA and Quality Improvement increases available for FY 2022.

Funding Type	Head Start	Early Head Start
Cost-of-Living Adjustment (COLA)	\$110,509	\$89,275
Quality Improvement (QI)	\$22,587	\$17,811
Total Funding		\$240,182

Please note, these permanent increases are effective at the start of the FY 2022 budget period and are retroactive if this period has already commenced. Allocations are subject to adjustment if changes are made to annual funding/enrollment levels. Applicable to recipients operating both a Head Start and Early Head Start program, allocations for each funding type by program must be budgeted accordingly in application submissions.

Application Submission Requirements

The supplemental application is due **June 1, 2022** and must be submitted in the [Head Start Enterprise System \(HSES\)](#). To apply, please select the **Financials** tab, **Grant Application** tab, **Fiscal Year 2022**, and add the **'Supplement – COLA and Quality Improvement'** amendment type. No other application type for these funds will be accepted. For additional information on the allowable uses of COLA and Quality Improvement funding, refer to Program Instruction ACF-PI-HS-22-02.

Content of 'Supplement – COLA and Quality Improvement' Application

Applications must include separate project narratives and detailed budget justifications for each funding type, COLA and Quality Improvement, and by program, Head Start and/or Early Head Start. Each narrative must use 12-point font, and not exceed 10 pages. All narratives, budget justifications, and other supporting documentation must be uploaded into respective folders within the **Documents** tab of the application.

For COLA, the following must be demonstrated:

- A permanent increase of no less than the required 2.28 percent adjustment to the pay scale for each Head Start/Early Head Start position, including current employees and unfilled vacancies subject to the provisions of Sections 653 and 640(j) of the Head Start Act;

- A rationale and supporting documentation detailing agency policies and procedures if a position is receiving less than the required COLA percentage or differential COLA increases;
- The provision of a no less than 2.28 percent increase to all delegate agencies and partners or justification if less than the required percentage or differential increases are provided to delegate agencies and partners;
- Written confirmation that increases will be applied retroactively to the start of the FY 2022 budget period with a description of how funds will be distributed to affected employees, if applicable;
- The planned uses for any portion of the COLA funds to offset higher operating costs, once the 2.28 percent increase is provided to all staff, delegates and partners.

For Quality Improvement, the following must be demonstrated:

- Investments are consistent with Sec. 640(a)(5) of the Act (except programs are not bound by the requirements that at least 50 percent of the funds be used for staff compensation or that no more than 10 percent of funds be used on transportation. For more information on allowable activities as outlined in the Act, please see Attachment A);
- Investments made in Quality Improvement should be ongoing; description and written confirmation that funds will be used for ongoing purposes consistent with Section 640(a)(5) of the Act;
- If funds are used for staff wages, written confirmation that increases will be applied retroactively to the start of the FY 2022 budget period with a description of how funds will be distributed to all affected employees.
- If funds are used for one-time activities in the FY 2022 budget period, describe plans for how the funds will be allocated in the subsequent budget period.

Recipients are strongly encouraged to commit to sustained quality improvement investments, such as further increasing wages of Head Start/Early Head Start educational staff. However, grant recipients have the flexibility to use these funds to support the greatest local needs, consistent with Section 640(a)(5) of the Act.

Application's Budget Tab Requirements

The data entered on the Budget tab within the application populates the SF-424A. Grantees are required to include funds for both COLA and Quality Improvement, and within the appropriate program, Head Start or Early Head Start.

Non-Federal Match

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. Flexibilities continue for waiver requests of the non-federal match requirement through the public health emergency due to the COVID-19 pandemic. If a non-federal match waiver is being request, a value of \$0 must be entered in Section C of the SF-424A of the application. No additional justification is required, and the issuance of a notice of award constitutes approval of the request.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the application must be provided. Through the public health emergency, at a minimum a statement confirming approval by Governing Body and Policy Council members available for contact will be accepted.

The application must be submitted on behalf of the Authorizing Official registered in the HSES. **Incomplete applications will not be processed.**

Please ensure the application contains all of the required information. If you have any questions or need assistance, please contact Cynthia Romero, Head Start Program Specialist, at 215-861-4002 or cynthia.romero@acf.hhs.gov or Kimberly Logan, Grants Management Specialist, at 215-861-4049 or kimberly.logan@acf.hhs.gov.

Program Improvement (One-Time) Requests

Grant recipients encountering program improvement needs that cannot be supported by the agency budget are invited to apply for one-time funding. This funding must be applied for separately through the appropriate amendment in HSES. Program Improvement requests are prioritized and subject to funding availability. For questions regarding program improvement needs and requests, please contact the regional office.

For technical assistance in preparing the application, please contact the HSES Help Desk at help@hsesinfo.org or 1-866-771-4737.

Sincerely,
The Office of Head Start

Attachment A

Allowable Uses of Quality Improvement Funds as Specified in the Head Start Act

1. To improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in Sections [644\(a\)](#) and [653](#) of the Head Start Act, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to support the following —
 - ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;
 - improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and
 - provide education and professional development to enable teachers to be fully competent to meet the professional standards established under [Sec. 648A\(a\)\(1\)](#) of the Act, including—
 - providing assistance to complete postsecondary course work;
 - improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and
 - improving the qualifications and skills of educational personnel to teach and provide services to children with disabilities
2. To support staff training, child counseling, and other services necessary to address the challenges of children from immigrant, refugee, and asylee families; homeless children; children in foster care; children with limited English proficiency; children of migrant or seasonal farmworker families; children from families in crisis; children referred to Head Start programs (including Early Head Start programs) by child welfare agencies; and children who are exposed to chronic violence or substance abuse.
3. To ensure that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

4. To employ additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.
5. To ensure that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.
6. To increase hours of program operation, including the following —
 - conversion of part-day programs to full-working day programs; and
 - increasing the number of weeks of operation in a calendar year.
7. To improve community wide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in no. 2 above.
8. To transport children in Head Start programs safely.
9. To improve the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Head Start | 330 C St., SW, 4th Floor, Washington DC 20201 | eclkc.ohs.acf.hhs.gov

April 20, 2022

Grant No. 03HP000205

Dear Head Start Grant Recipient:

The Consolidated Appropriations Act, 2022, contains an increase for Head Start of approximately \$289 million over the Fiscal Year (FY) 2021 level. This includes a cost-of-living adjustment (COLA) of \$234 million and a \$52 million Quality Improvement investment. The COLA supports a 2.28 percent adjustment above FY 2021 funding levels to increase the pay scales of Head Start and Early Head Start staff, including vacant positions, fringe benefits, and to offset higher operating costs. Quality Improvement funds are allocated proportionately based on federal funded enrollment levels, with additional adjustments given to smaller grant recipients to allow for a meaningful investment, as permitted by the Act.

The following table reflects the COLA and Quality Improvement increases available for FY 2022.

Funding Type	Early Head Start
Cost-of-Living Adjustment (COLA)	\$20,193
Quality Improvement (QI)	\$10,000
Total Funding	\$30,193

Please note, these permanent increases are effective at the start of the FY 2022 budget period and are retroactive if this period has already commenced. Allocations are subject to adjustment if changes are made to annual funding/enrollment levels. Applicable to recipients operating both a Head Start and Early Head Start program, allocations for each funding type by program must be budgeted accordingly in application submissions.

Application Submission Requirements

The supplemental application is due **June 1, 2022** and must be submitted in the [Head Start Enterprise System \(HSES\)](#). To apply, please select the **Financials** tab, **Grant Application** tab, **Fiscal Year 2022**, and add the **'Supplement – COLA and Quality Improvement'** amendment type. No other application type for these funds will be accepted. For additional information on the allowable uses of COLA and Quality Improvement funding, refer to Program Instruction ACF-PI-HS-22-02.

Content of 'Supplement – COLA and Quality Improvement' Application

Applications must include separate project narratives and detailed budget justifications for each funding type, COLA and Quality Improvement, and by program, Head Start and/or Early Head Start. Each narrative must use 12-point font, and not exceed 10 pages. All narratives, budget justifications, and other supporting documentation must be uploaded into respective folders within the **Documents** tab of the application.

For COLA, the following must be demonstrated:

- A permanent increase of no less than the required 2.28 percent adjustment to the pay scale for each Head Start/Early Head Start position, including current employees and unfilled vacancies subject to the provisions of Sections 653 and 640(j) of the Head Start Act;

- A rationale and supporting documentation detailing agency policies and procedures if a position is receiving less than the required COLA percentage or differential COLA increases;
- The provision of a no less than 2.28 percent increase to all delegate agencies and partners or justification if less than the required percentage or differential increases are provided to delegate agencies and partners;
- Written confirmation that increases will be applied retroactively to the start of the FY 2022 budget period with a description of how funds will be distributed to affected employees, if applicable;
- The planned uses for any portion of the COLA funds to offset higher operating costs, once the 2.28 percent increase is provided to all staff, delegates and partners.

For Quality Improvement, the following must be demonstrated:

- Investments are consistent with Sec. 640(a)(5) of the Act (except programs are not bound by the requirements that at least 50 percent of the funds be used for staff compensation or that no more than 10 percent of funds be used on transportation. For more information on allowable activities as outlined in the Act, please see Attachment A);
- Investments made in Quality Improvement should be ongoing; description and written confirmation that funds will be used for ongoing purposes consistent with Section 640(a)(5) of the Act;
- If funds are used for staff wages, written confirmation that increases will be applied retroactively to the start of the FY 2022 budget period with a description of how funds will be distributed to all affected employees.
- If funds are used for one-time activities in the FY 2022 budget period, describe plans for how the funds will be allocated in the subsequent budget period.

Recipients are strongly encouraged to commit to sustained quality improvement investments, such as further increasing wages of Head Start/Early Head Start educational staff. However, grant recipients have the flexibility to use these funds to support the greatest local needs, consistent with Section 640(a)(5) of the Act.

Application's Budget Tab Requirements

The data entered on the Budget tab within the application populates the SF-424A. Grantees are required to include funds for both COLA and Quality Improvement, and within the appropriate program, Head Start or Early Head Start.

Non-Federal Match

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. Flexibilities continue for waiver requests of the non-federal match requirement through the public health emergency due to the COVID-19 pandemic. If a non-federal match waiver is being request, a value of \$0 must be entered in Section C of the SF-424A of the application. No additional justification is required, and the issuance of a notice of award constitutes approval of the request.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the application must be provided. Through the public health emergency, at a minimum a statement confirming approval by Governing Body and Policy Council members available for contact will be accepted.

The application must be submitted on behalf of the Authorizing Official registered in the HSES. **Incomplete applications will not be processed.**

Please ensure the application contains all of the required information. If you have any questions or need assistance, please contact Tamara Mattier, Head Start Program Specialist, at 215-861-4066 or Tamara.Mattier@acf.hhs.gov or Kimberly Logan, Grants Management Specialist, at 215-861-4049 or kimberly.logan@acf.hhs.gov.

Program Improvement (One-Time) Requests

Grant recipients encountering program improvement needs that cannot be supported by the agency budget are invited to apply for one-time funding. This funding must be applied for separately through the appropriate amendment in HSES. Program Improvement requests are prioritized and subject to funding availability. For questions regarding program improvement needs and requests, please contact the regional office.

For technical assistance in preparing the application, please contact the HSES Help Desk at help@hsesinfo.org or 1-866-771-4737.

Sincerely,
The Office of Head Start

Attachment A

Allowable Uses of Quality Improvement Funds as Specified in the Head Start Act

1. To improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in Sections [644\(a\)](#) and [653](#) of the Head Start Act, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to support the following —
 - ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;
 - improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and
 - provide education and professional development to enable teachers to be fully competent to meet the professional standards established under [Sec. 648A\(a\)\(1\)](#) of the Act, including—
 - providing assistance to complete postsecondary course work;
 - improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and
 - improving the qualifications and skills of educational personnel to teach and provide services to children with disabilities
2. To support staff training, child counseling, and other services necessary to address the challenges of children from immigrant, refugee, and asylee families; homeless children; children in foster care; children with limited English proficiency; children of migrant or seasonal farmworker families; children from families in crisis; children referred to Head Start programs (including Early Head Start programs) by child welfare agencies; and children who are exposed to chronic violence or substance abuse.
3. To ensure that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

4. To employ additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.
5. To ensure that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.
6. To increase hours of program operation, including the following —
 - conversion of part-day programs to full-working day programs; and
 - increasing the number of weeks of operation in a calendar year.
7. To improve community wide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in no. 2 above.
8. To transport children in Head Start programs safely.
9. To improve the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.

Board Agenda Item
May 24, 2022

ACTION - 1

Approval of Head Start Transportation Waiver Request for the Continuation of Fairfax County Public Schools 2022-2023 Transportation Services

ISSUE:

Board approval of the Head Start Transportation Waiver Request for the Continuation of Fairfax County Public Schools 2022-2023 Transportation Services for children in Head Start.

RECOMMENDATION:

The County Executive recommends that the Board approve the Head Start Transportation Waiver Request for the Continuation of Fairfax County Public Schools 2022-2023 Transportation Services for children in Head Start.

TIMING:

Board action is requested on May 24, 2022 to meet federal Head Start Performance Standards.

BACKGROUND:

The Fairfax County Board of Supervisors, as the grantee, has received a waiver from the federal Office of Head Start for the continuation of Fairfax County Public School Transportation Services since the Head Start Transportation Regulations were enacted in 2006. The waiver is due to be renewed for the 2022-2023 school year.

The Fairfax County Head Start Program is requesting a waiver to Head Start Transportation Regulations 45 CFR 1303.72 (a)(1) Child Safety Restraint Systems Requirement and 45 CFR 1303.72 (a)(4) Bus Monitor Requirement, for the program year 2022-2023. This waiver request has been granted by OHS since 2006, based upon the exceptional safety record of the FCPS Transportation Services. The FCPS transportation fleet has 1,625 buses and provides transportation daily for over 140,000 children, including approximately 200 buses that transport 242 children in Head Start.

FISCAL IMPACT:

None.

Board Agenda Item
May 24, 2022

ENCLOSED DOCUMENTS:

Attachment 1 – Head Start Transportation Waiver Request

STAFF:

Christopher A. Leonard, Deputy County Executive

Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)

Anne-Marie D. Twohie, Director, Office for Children, NCS

Head Start Transportation Waiver Request

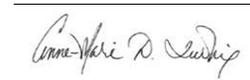
Grantees requesting a waiver of certain transportation service requirements for preschool children are asked to send the request through HSES Correspondence and use the subject line of "Transportation Waiver Request". Include the information below with a thorough rationale. Note that requests for Early Head Start / infants and toddlers will not be considered.

Grant Number [03CH012068](#)

Agency Name [County of Fairfax \(VA\)](#)

Date [April 27, 2022](#)

Name, Title and Signature of Agency Official Requesting Waiver



[Anne-Marie Twohie, Office for Children Director
Fairfax County Head Start & Early Head Start](#)

Waiver requested for:

- 1303.71(d) *Child restraint systems*. A program must ensure each vehicle used to transport children receiving such services is equipped for use of age-, height- and weight-appropriate child safety restraint systems as defined in part 1305 of this chapter.
1303.72(a)(1) Each child is seated in a child restraint system appropriate to the child's age, height, and weight;
- (4) With the exception of transportation services to children served under a home-based option, there is at least one bus monitor on board at all times, with additional bus monitors provided as necessary.

Waiver request applies to services offered by:

- Grantee
- Delegate(s) (please list) [Fairfax County Public Schools](#)

Provide an explanation as to why adherence to a requirement in this part would create a safety hazard in the circumstances faced by the agency; and why compliance with requirements related to child restraint systems at* §§1303.71(d) and 1303.72(a)(1) or bus monitors at §1303.72(a)(4) will result in a significant disruption to the program. Demonstrate that waiving such requirements is in the best interest of the children involved.

[Explanation Attached](#)

Head Start Program Performance Standards References

1303.70 Purpose.

(c) *Waiver.* (1) A program that provides transportation services must comply with all provisions in this subpart. A Head Start program may request to waive a specific requirement in this part, in writing, to the [responsible HHS official](#), as part of an agency's annual application for financial assistance or amendment and must submit any required documentation the responsible HHS official deems necessary to support the waiver. **The responsible HHS official is not authorized to waive any requirements with regard to children enrolled in an Early Head Start program.**

A program may request a waiver when:

(i) Adherence to a requirement in this part would create a safety hazard in the circumstances faced by the agency; and,

(ii) For preschool children, compliance with requirements related to child restraint systems at* §§1303.71(d) and 1303.72(a)(1) or bus monitors at §1303.72(a)(4) will result in a significant disruption to the program and the agency demonstrates that waiving such requirements is in the best interest of the children involved.

(2) **The responsible HHS official is not authorized to waive any requirements of the [Federal Motor Vehicle Safety Standards \(FMVSS\)](#) made applicable to any class of vehicle under 49 CFR part 571.**

1305.2 Terms

Child restraint system means any device designed to restrain, seat, or position children that meets the current requirements of Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems, 49 CFR 571.213, for children in the weight category established under the regulation, or any device designed to restrain, seat, or position children, other than a Type I seat belt as defined at 49 CFR 571.209, for children not in the weight category currently established by 49 CFR 571.213.

Transportation services means the planned transporting of children to and from sites where an agency provides services funded under the Head Start Act. Transportation services can involve the pick-up and discharge of children at regularly scheduled times and pre-arranged sites, including trips between children's homes and program settings. The term includes services provided directly by the Head Start and Early Head Start grantee or delegate agency and services which such agencies arrange to be provided by another organization or an individual. Incidental trips, such as transporting a sick child home before the end of the day, or such as might be required to transport small groups of children to and from necessary services, are not included under the term.

Request for Transportation Waiver for Delegate Fairfax County Public Schools

Birth-to-Five Head Start & Early Head Start Application - Fairfax County, VA

July 1, 2022 through June 30, 2023

The Fairfax County Head Start Program (Grant # 03CH012068) has had an approved waiver for delegate program Fairfax County Public Schools since the inception of the Head Start transportation regulations in 2006, as stated in the Head Start Program Performance Standards 1303.72(a)(1) Child Restraints and 1303.72(a)(4) Bus Monitors.

The Fairfax County Public School's transportation fleet includes more than 1,625 school buses that provide transportation daily for over 140,000 children, including approximately 200 buses that transport 242 children in Head Start. Transportation for children in Head Start is a coordinated system of transportation for all students and it allows family-friendly support to children in Head Start who may be riding with their older siblings to school and home.

The FCPS Office of Transportation Services has an outstanding safety record, meeting and/or exceeding National Highway Traffic Safety Administration (NHSTSA) standards and has been transporting children in Head Start for over 30 years with no report of a child in Head Start ever being injured. The Transportation Regulation requiring restraints and monitors for children in Fairfax County school buses continue to be problematic. There is no seat belt designed for all ages and sizes and to retrofit the current school buses invalidates the warranty under which they were originally purchased. The FCPS Office of Transportation Services does not have the capacity to provide the number of monitors for such a large fleet of buses; the cost of placing a monitor on each bus would be prohibitive. FCPS provides insurance for all the staff and children transported; therefore, volunteers cannot be placed on the buses as bus monitors because it presents a potential liability.

Without the support of the FCPS Office of Transportation Services, many families that depend on bus transportation would not be able to participate in the Head Start Program. Fairfax County public transportation is limited and not available in all areas, resulting in some families having to walk with their children long distances to reach their destinations. If transportation provided by FCPS was not available, enrollment in Head Start would decline, and families in need would be left without services.

ACTION - 2

Authorization for the Fairfax County Redevelopment and Housing Authority to Issue Multifamily Housing Revenue Bonds or Notes in Separate Series in an Aggregate Amount Not to Exceed \$515,000 to Provide Supplemental Financing for Each Four Percent Component of the Residences at North Hill (Mount Vernon District)

ISSUE:

Board of Supervisors (Board) authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) (i) to issue multifamily housing revenue bonds, notes or similar obligations, in separate series on a tax-exempt basis, in a combined aggregate principal amount not to exceed \$515,000 in Bonds to provide supplemental financing for the separate 47-unit and 94-unit multifamily components of the Residences at North Hill project located in the Mount Vernon District, as further described (Projects), and (ii) to apply to the Virginia Department of Housing and Community Development (VADHCD) for private activity bond allocation. The issuance of the Bonds would also enable the Projects to benefit from additional four percent Low-Income Housing Tax Credit (LIHTC) equity. The bond issuance would be allocated as follows:

- 1) \$270,000 to the 47 units of North Hill Bond 47 Project component (NH47)
- 2) \$245,000 to the 94 units of North Hill Bond 94 Project component (NH94)

RECOMMENDATION:

The County Executive recommends the adoption of two resolutions (Attachments I and 2), one for each of the two North Hill components receiving “four percent” low-income housing tax credits, authorizing (i) issuance by the FCRHA of private activity tax-exempt bonds in separate series in an amount not to exceed \$515,000; and ii) submission by the FCRHA of an application to Virginia Department of Housing and Community Development (VADHCD) for private activity tax-exempt bond allocation, all as part of the overall financing of the North Hill property.

TIMING:

Immediate. The Bonds must be issued prior to substantial completion of the Projects, estimated to occur in July 2022. To meet this deadline, staff requests the BOS authorize certain actions regarding the bond issuance at its May 24, 2022 meeting.

BACKGROUND:

Project Overview

The North Hill site originally consisted of approximately 35 unimproved acres fronting Richmond Highway in the Mount Vernon District. In 2012, the FCRHA received an unsolicited proposal pursuant to the Public Private Educational Facilities and Infrastructure Act (PPEA) from a developer, CHPPENN, to redevelop the site, with market rate townhomes, a public park, and affordable multifamily rental housing, including a senior component. After a series of preliminary agreements over several years, the FCRHA entered into a Comprehensive Agreement with CHPPENN in 2020.

The affordable component of the development consists of 279 multifamily units spread across five four-story buildings, with one building, containing 63 units, reserved specifically for senior households, and the remaining 216 units intended for families. The affordable component was split into four long-term ground leases, with the FCRHA retaining the fee simple interest and CHPPENN subsidiaries as the ground lease tenants. Two of the leaseholds, comprising 138 total units, received awards of nine percent low-income housing tax credits (LIHTC), and the two other projects, totaling 141 units, received awards of four percent LIHTC. The Projects, for purposes of this item, are the two four percent projects at North Hill that were financed with equity from four percent LIHTC and with proceeds from \$29.3 million of tax-exempt bonds originally issued by Virginia Housing in 2019. The two special purpose entities formed by CHPPENN to act as borrowers with respect to such prior financing would be the borrowers for the proposed supplemental issuance as well.

Supplemental Bond Issuances and Additional LIHTC

The Taxpayer Certainty and Disaster Tax Relief Act of 2020 (the Act), enacted by Congress in December 2020, amended the Internal Revenue Code (IRC), which governs the LIHTC program, to enhance the value of four percent LIHTC. Prior to the Act, the term “four percent LIHTC” was something of a misnomer, as the IRC requires the Internal Revenue Service (IRS) to regularly reset the actual percentage based on prevailing interest rates; this floating percentage was historically less than four percent and for April 2022 is 3.20%. The Act, however, establishes a minimum applicable percentage of four percent for certain buildings placed in service after December 31, 2020. In short, the Act materially increased the value of four percent LIHTC for eligible projects. For LIHTC projects that also use tax-exempt bonds, the Act provides that the project may only benefit from the four percent floor if “any such obligation” [i.e., any bond] that finances the building is issued after December 31, 2020.

Board Agenda Item
May 24, 2022

Furthermore, on December 1, 2021, the IRS released Revenue Ruling 2021-20 and Revenue Procedure 2021-43 (collectively, the IRS Guidance). Applicable to the Projects, the IRS Guidance established a safe harbor which, among other things, provides that a building financed with tax-exempt bonds issued before 2021 could still be eligible for the Act's four percent floor, so long as the building received a loan funded by supplemental bond issuance that was both equal to at least 10 percent of the total aggregate tax-exempt bond issuances and made after December 31, 2020.

Early in 2021, CHPENN sought to obtain this additional four percent LIHTC equity to cover certain additional costs that had arisen since construction began in June 2020 (as detailed below). Accordingly, well before the IRS Guidance was released, CHPENN; its LIHTC investor, Bank of America; and their respective counsel made a determination of the threshold amount of supplemental tax-exempt bonds for the Projects to qualify under the Act for the four percent floor. At the time, there was no timetable for when the IRS Guidance would be released, and CHPENN wanted to ensure there would be sufficient time to obtain a qualifying tax-exempt issuance before construction was complete and the respective buildings of the Projects were placed in service.

CHPPENN thus estimated that the aggregate threshold supplemental tax-exempt bond amount needed for the Projects was \$2,750,000. CHPENN applied for this supplemental bond amount from Virginia Housing (VH) in early fall 2021. Their application was still pending when the IRS Guidance was released in December 2021, and based on the IRS Guidance, CHPENN then determined that the initial supplemental bond amount was \$515,000 short of reaching the 10 percent threshold. CHPENN then reached out to VH noting the shortfall and requesting either, at VH's preference, an upward adjustment to the bonds in process or a separate additional supplemental issuance. In January 2022, VH responded that they were not willing to increase the bonds in process or to provide a separate additional supplemental issuance, but proceeded to issue in February 2022 the \$2,750,000 in supplemental bonds originally requested.

Thus, CHPENN remained \$515,000 below the threshold for the four percent floor after the VH issuance. Accordingly, in late January 2022, CHPENN requested that the FCRHA issue the \$515,000 in additional supplemental bonds.

Costs and Reductions in other Sources Covered by Additional Four Percent LIHTC Equity

The additional four percent LIHTC equity to be generated through the issuance of the Bonds and resulting application of the four percent floor is estimated at \$4,824,383 and would be allocated for the following uses along with the additional bonds:

1. General contractor lumber cost increases - \$1,503,957: CHPPENN's general contractor (GC), Breeden Construction, was originally under a fixed-price contract established at the outset of the COVID-19 pandemic. Given the gap in time between execution of the contract and its actual purchase of construction materials, the GC had to purchase lumber at peak pricing during the pandemic. The GC has had to shoulder these significant costs, as they exceeded the prices estimated in the contract, which has caused the GC financial strain.
2. Transactional costs - supplemental VH bonds and additional LIHTC equity - \$861,195: These are the aggregate costs related to the issuance of the \$2,750,000 in supplemental VH bonds, related tax-exempt debt, and the additional four percent LIHTC equity from the application of the four percent floor. These costs include fees for bond processing, financing, LIHTC application, legal, as well as construction interest and increased LIHTC operating deficit reserve requirements.
3. Reduction of Housing Blueprint funding - \$508,811: The Housing Blueprint Loan to be funded by the FCRHA at construction completion was intended to cover part of the initial funding gap originally underwritten for the Projects. Given that the additional equity generated through the proposed bond issuance and establishment of the Four Percent Floor can be used to cover a large portion of the current funding gap on the Projects, the original \$3,000,000 in Housing Blueprint funding can be reduced by almost 20 percent to \$2,491,189.
4. Transactional costs - supplemental FCRHA bonds - \$393,483; These costs include bond fees and legal fees for FCRHA bond counsel. The Upfront Bond Monitoring Fee has been prorated per month on a typical \$65K/year over a 10-month period. Normally it is \$130K over the full construction period. The bond issuance, or commitment fee is 1% of the bond amount. The capitalized ongoing monitoring fee has also been reduced to \$5K/project/year over 15 years, when it is normally \$15K/project/year. The borrowers requested these adjustments in light of the significantly lower bond issuance request for this project, compared to previous deals. The bond counsel fees are estimated. See the chart below for more details:

Board Agenda Item
 May 24, 2022

	Bond 47	Bond 94	Total
	270,000	245,000	515,000
Application Fee	5,000	5,000	10,000
Issuance Fee (1%)	2,700	2,450	5,150
Upfront Short Term Monitoring Fee	54,167	54,167	108,333
Bond Counsel Fees	85,000	85,000	170,000
Capitalized Ongoing Monitoring Fee	50,000	50,000	100,000
	196,867	196,617	393,483

5. Increase to hard cost contingency funds - \$525,000: Significant cost overruns, mainly due to unanticipated site issues and pandemic-related cost increases, have necessitated a substantial number of change orders requiring over 70 percent of hard cost contingency funds to be used to date. Of the total \$2,220,458 budgeted for the original hard cost contingency, \$1,576,637 has been expended to date. CHPENN has proposed this additional allocation to the hard cost contingency as a buffer against any further cost overruns in the final months of construction. Any unused contingency would be reallocated under the mutual agreement of parties involved in the applicable Project.

6. Reduction of Deferred Developer Fee - \$1,000,315: CHPENN has spent significant time pursuing the supplemental bond issuances to establish the Four Percent Floor and generate additional equity to cover the noted costs. Given the unique nature of the situation, they are unable to charge any additional developer fee for this work, and so have proposed a paydown of the Deferred Developer Fee originally proposed for the Projects. This amount constitutes approximately 21 percent of the overall additional equity.

7. Miscellaneous Project costs - \$260,924: This amount represents a variety of new or increased costs (further detailed in Attachment 3) that the Projects have incurred since construction began. Some of these costs would be covered by the contingency budget. However, given the already low balance of this budget, CHPENN has proposed to cover these confirmed costs using the additional Four Percent LIHTC equity and other new sources.

Further detail on the new sources and costs is provided in Attachment 3.

Board Agenda Item
May 24, 2022

The Bonds to be Authorized:

This authorization of the Bonds would be to provide supplemental financing for the Projects. Based on the information provided, CHPPENN will need the Bonds to be issued in separate series in an aggregate principal amount not to exceed \$515,000. The final bond amount will be determined before closing and upon completion of full underwriting. The FCRHA will request an allocation for private activity tax-exempt bond volume cap from VADHCD.

The bond financing structure currently proposed by the Borrower involves the FCRHA's issuance of two separate series of short-term tax-exempt debt obligations to finance the Projects during the remainder of the construction phase, with repayment to occur by April 30, 2023. The structure is also anticipated to involve the direct purchase of the Bonds by an individual or entity without a controlling interest in the Borrower (Bond Investor). Neither series of bonds is expected to be secured by a mortgage lien with respect to the related Project. The Borrower would provide a letter of credit (LOC) issued by a financial institution approved by both the FCRHA and the Bond Investor. The LOC would provide credit enhancement for repayment of the principal amount of the Bonds plus any accrued interest in the event of a default by the Borrower. The Bonds will be nonrecourse to the FCRHA.

TIMELINE:

The estimated timetable for the Bond closing is as follows:

Loan Underwriting Committee Approval	April 21, 2022
Issuance of a Declaration of Intent (Inducement Resolution)	April 21, 2022
Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	May 5, 2022
TEFRA Advertisement #2	May 12, 2022
TEFRA public hearing & FCRHA Approval of Bond Issuance	May 19, 2022
Board of Supervisors approval of Bond Issuance	May 24, 2022
Private activity bond application approved and allocation awarded by VADHCD	June 2022
FCRHA Final Bond Resolution	June 16, 2022
Bond Closing	Late June 2022

FISCAL IMPACT:

The FCRHA has received a \$5,000 application fee for each Project (NH47 and NH94). In addition, the FCRHA will receive upfront bond issuance and monitoring fees at the

Board Agenda Item
May 24, 2022

time of closing, as well as ongoing monitoring fees for the Bonds according to the following table. All fees noted will be deposited into Fund 810-C81000, FCRHA General Operating Fund at the anticipated time of closing in late June 2022.

One-time Fee (At closing)	NH47	NH94	Total
Bond Application Fee	\$5,000	\$5,000	\$10,000
Bond Issuance Fee	\$2,700	\$2,450	\$5,150
Upfront Bond Monitoring Fee	\$54,167	\$54,167	\$108,334
Total	\$61,867	\$61,617	\$123,484
Recurring Fee (Annual)			
Recurring Fee (Annual)	NH47	NH94	Total
Bond Monitoring Fee commencing Year 1 after the mandatory tender date.	\$5,000	\$5,000	\$10,000

The proposed issuance of the Bonds will ultimately allow for the Projects to receive additional four percent LIHTC equity that the Borrower can use to, among other things, reduce the amount of Housing Blueprint funding from the original amount of \$3,000,000 by \$508,811 to a new Blueprint loan amount of \$2,491,189. As the Blueprint loan does not fund until completion of construction, and thus has not yet funded at North Hill, this fiscal impact takes the form of a smaller Blueprint loan being disbursed from Fund C30300 Affordable Housing Development and Investment Fund, Project 2H38-180-000.

ENCLOSED DOCUMENTS:

- Attachment 1 – Resolution NH47 Component
- Attachment 2 – Resolution NH94 Component
- Attachment 3 – Sources and Uses

STAFF:

- Christopher A. Leonard, Deputy County Executive
- Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
- Teresa Lepe, Special Assistant to the Director, Real Estate, Finance and Development, HCD
- Seema Ajrawat, Director of Finance, Financing Management, HCD
- Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD

ASSIGNED COUNSEL:

- Ryan Wolf, Assistant County Attorney

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds or Notes in an Aggregate Amount Not to Exceed \$270,000 to Provide Supplemental Financing for the 47-Unit Four Percent Low-Income Housing Tax Credits Portion of the 279-Unit Residences at North Hill (Mount Vernon District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, May 24, 2022, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt multifamily housing revenue bonds or notes (Bonds) in a principal amount not to exceed \$270,000 to provide supplemental financing for the multifamily project described below; and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used, along with other sources, to finance the construction and development of 47 residential units comprising one of the four percent low-income housing tax credit components of the 279-unit Residences at North Hill apartments project located in Alexandria, VA (the Project); and

WHEREAS, the FCRHA held a public hearing on May 19, 2022, for which public notice was duly given on May 5, 2022 and republished on May 12, 2022; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt Bonds for the Project in a principal amount not to exceed \$270,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture or similar instrument to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 24th day of May, 2022, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G.Cooper
Clerk for the Board of Supervisors

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds or Notes in an Aggregate Amount Not to Exceed \$245,000 to Provide Supplemental Financing for the 94-Unit Four Percent Low-Income Housing Tax Credits Portion of the 279-Unit Residences at North Hill (Mount Vernon District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia on Tuesday, May 24, 2022, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt multifamily housing revenue bonds or notes (Bonds) in a principal amount not to exceed \$245,000 to provide supplemental financing for the multifamily project described below; and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used, along with other sources, to finance the construction and development of 94 residential units comprising one of the four percent low-income housing tax credit components of the 279-unit Residences at North Hill apartment projects located in Alexandria, VA (the Project); and

WHEREAS, the FCRHA held a public hearing on May 19, 2022, for which public notice was duly given on May 5, 2022 and republished on May 12, 2022; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt Bonds for the Project in a principal amount not to exceed \$245,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture or similar instrument to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 24th day of May, 2022, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

SOURCES AND USES
North Hill Bond 47 and 94

Adjusted Financing Plan:

Below is a comparison of CHPPENN's original and adjusted budgets for the North Hill Bond 47 and North Hill Bond 94 components of the Project. In summary, the proposed supplemental bond issuance will qualify the Project for the Four Percent Floor, increasing the amount of Four Percent Low-Income Housing Tax Credit (LIHTC) Equity. In turn, this additional equity will be used to cover cost overruns and allow the reduction of the Deferred Developer Fee and Housing Blueprint Loan sources.

See the key below the table for explanations of certain acronyms.

North Hill Bond 47

Permanent Sources	Original	Adjustment	Proposed
VH First-Lien Loan	\$8,400,000		\$8,400,000
Four Percent LIHTC Equity	\$5,445,613	\$1,775,557	\$7,221,170
FCRHA CDBG Funds	\$3,765,278		\$3,765,278
Virginia HTF Loan	\$1,700,000		\$1,700,000
Deferred Developer Fee	\$1,263,089	(\$413,000)	\$849,880
FCRHA Local Funds	\$637,200	(\$47,245)	\$589,955
Total Permanent Sources	\$21,211,180	\$1,315,103	\$22,526,283
Summarized Uses	Uses	Adjustment	Proposed
Construction Costs	\$13,975,677	\$501,418	\$14,477,095
Hard Cost Contingency	\$835,265	\$175,000	\$1,010,265
Architecture & Engineering	\$928,661		\$928,661
Soft Costs	\$922,374	\$53,455	\$975,829
Soft Cost Contingency	\$108,917	(\$96,837)	\$12,080
Legal	\$320,471	\$75,000	\$395,471
Construction Loan Interest	\$558,798	\$67,500	\$626,298
Financing Fees - VH	\$851,802	\$63,055	\$914,857
Financing Fees - FCRHA		\$196,866	\$196,866
Tax Credit Fees	\$680,443	\$279,646	\$960,089
Developer Fee	\$2,028,772		\$2,028,772
Total Uses	\$21,211,180	\$1,315,103	\$22,526,283

North Hill Bond 94

Permanent Sources	Original	Adjustment	Proposed
VH First-Lien Loan	\$14,650,000		\$14,650,000
Four Percent LIHTC Equity	\$9,253,005	\$3,048,826	\$12,301,831
FCRHA CDBG Funds	\$4,650,479		\$4,650,479
Virginia HTF Loan	\$2,000,000		\$2,000,000
Deferred Developer Fee	\$2,392,167	(\$587,106)	\$1,805,061
Housing Blueprint Loan	\$3,000,000	(\$508,811)	\$2,491,189
FCRHA ER Funds	\$0	\$117,142	\$117,142
Total Permanent Sources	\$35,945,651	\$2,070,051	\$38,015,702
Summarized Uses	Uses	Adjustment	Proposed
Construction Costs	\$23,085,647	\$1,002,539	\$24,254,587
Hard Cost Contingency	\$1,385,139	\$350,000	\$1,735,139
Architecture & Engineering	\$1,742,810		\$1,742,810
Soft Costs	\$2,037,381	\$207,469	\$2,244,850
Soft Cost Contingency	\$186,559	(\$168,401)	\$18,158
Legal	\$620,984	\$75,000	\$695,984
Construction Loan Interest	\$1,155,787	\$139,000	\$1,294,787
Financing Fees - VH	\$851,802	\$92,500	\$944,302
Financing Fees - FCRHA		\$302,450	\$302,450
Tax Credit Fees	\$1,103,021	\$69,494	\$1,172,515
Developer Fee	\$3,610,121		\$3,610,121
Total Uses	\$35,945,651	\$2,070,051	\$38,015,702

VH = Virginia Housing

CDBG = Community Development Block Grant

FCRHA = Fairfax County Redevelopment and Housing Authority

HTF = Housing Trust Fund

ER = Environmental Remediation

Board Agenda Item
May 24, 2022

ACTION - 3

Authorization to Accept Maintenance of County-Owned Transit Facilities as Part of the Dulles Corridor Metrorail Project Phase 2 Operations and Maintenance Agreement (Dranesville and Hunter Mill Districts)

ISSUE:

Board of Supervisors approval to accept maintenance of County-Owned transit Facilities as part of the Dulles Corridor Metrorail Project Phase 2 Operations and Maintenance Agreement.

RECOMMENDATION:

The County Executive recommends the Board accept maintenance of County-Owned transit facilities that are part of the Dulles Corridor Metrorail Project Phase 2 Operations and Maintenance Agreement (Attachment I), in subsequent form, and authorize him to sign the agreement.

TIMING:

Execution of the agreement for operations and maintenance of the Metrorail and adjacent facilities must be reached with all stakeholders before the Dulles Corridor Metrorail Project Phase 2 is transferred to the Washington Metropolitan Area Transit Authority (WMATA) for revenue operations.

BACKGROUND:

Phase 2 of the Dulles Corridor Metrorail Project, also known as the Silver Line, extends the Washington Metrorail System from the Reston East/Wiehle Avenue area of Fairfax County to Ashburn in Loudoun County. Similar to Phase 1, a final Operations and Maintenance Agreement must be executed to establish obligations related to future construction, maintenance, and operational activities among the interested entities (Metropolitan Washington Airports Authority (MWAA), WMATA, Commonwealth of Virginia/Virginia Department of Transportation, Toll Road Investors Partnership, Loudoun County, the Town of Herndon, and Fairfax County). This must occur before WMATA begins revenue operations.

The maintenance and operations agreement includes two exhibits. Exhibit A of the agreement details the property conveyances between the different entities. Land conveyances and easement agreements are executed between all entities in

Board Agenda Item
May 24, 2022

accordance with the final Operations and Maintenance Agreement. Exhibit B outlines maintenance responsibilities by entity. The agreement may be amended, but those amendments will affect other parties' obligations only.

Attachment II includes maps depicting ownership and maintenance responsibilities by entity for surface areas and utilities through the corridor. As detailed in the maintenance agreement and maps, the County will own and maintain the following Phase 2 facilities:

- Reston Town Center Station North and South Kiss-and-Ride Lots and Bus Bays;
- Herndon Station South stair tower and pedestrian bridge between the parking garage and the Metrorail pavilion, and
- Innovation North Kiss-and-Ride Lot.

County ownership at these locations will allow for future joint development projects at the stations in keeping with the densities envisioned in the County Comprehensive Plan.

FCDOT has evaluated the completion of these facilities and continues to engage with MWAA to resolve outstanding items identified by the County. Once the maintenance and operations agreement has been approved and executed, the FCDOT Dulles Corridor Metrorail Project Manager will be permitted to accept for maintenance the facilities once the remaining items are resolved and turnover documentation is provided.

FCDOT has coordinated the future maintenance of these facilities with the Facilities Management Department and the Department of Public Works and Environmental Services Maintenance and Stormwater Management Division.

FISCAL IMPACT:

Routine and long-term capital maintenance costs of these Kiss-and-Ride Lots, bus bays, and transit related facilities will be the responsibility of the County and funded through Fund 40000, County Transit Systems.

ENCLOSED DOCUMENTS:

Attachment I: Maintenance and Operations Agreement with Exhibits

Attachment II: Maintenance Responsibility Maps for Property, Surface Ownership, and WMATA facilities

STAFF:

Bryan J. Hill, County Executive

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Martha Coello, Dulles Rail Project Manager, FCDOT

**OPERATION AND MAINTENANCE AGREEMENT
(DIAAH – DTR - Dulles Greenway –
and Phase 2 Facilities Generally)**

THIS OPERATION AND MAINTENANCE AGREEMENT (this “**Agreement**”) is made as of this ____ day of _____, 20__ (the “**Effective Date**”), by and between **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**, a body corporate and politic, organized and existing under the Interstate Compact by and between the State of Maryland, the District of Columbia and the Commonwealth of Virginia, Public Law 89-774, for the purpose of providing a public transit system to serve the Washington Metropolitan Area including but not limited to Fairfax County, Virginia (“**WMATA**”); **METROPOLITAN WASHINGTON AIRPORTS AUTHORITY** a body corporate and politic created by interstate compact between the Commonwealth of Virginia and the District of Columbia under Chapter 598 of the 1985 Acts of the Virginia Assembly, as amended, codified at Va. Code Ann §§5.1-152, *et. seq.* and by the District of Columbia Regional Airports Authority Act of 1985, as amended, codified at D.C. Code Ann. §§9-901, *et. seq.* (2001), with the consent of Congress (the “**AIRPORTS AUTHORITY**”); the **COMMONWEALTH OF VIRGINIA**, Department of Transportation, acting by and through the Commissioner of Highways (“**VDOT**”); **THE COUNTY OF FAIRFAX, VIRGINIA** (“**FAIRFAX**”); **THE TOWN OF HERNDON** (“**HERNDON**”); and **TOLL ROAD INVESTORS PARTNERSHIP II, L.P.**, a Virginia limited partnership (“**TRIP II**”). WMATA, VDOT, TRIP II, Fairfax, Herndon and the Airports Authority are sometimes referred to herein collectively as the “**Parties**” or individually as a “**Party**.”

RECITALS

WHEREAS, the Airports Authority has facilitated the construction and installation of various structures, improvements, facilities, utilities and equipment on various sites (collectively, the “**Phase 2 Facilities**”) in connection with the construction and operation of Phase 2 of the mass rail transit system known as the Dulles Corridor Metrorail Project (the “**Project**”), in accordance with the terms of that certain Cooperative Agreements (hereinafter defined) and applicable permits and approvals associated with the Project (collectively, the “**Project Approvals**”). The Maintenance (as that term is later defined) obligations for the Phase 2 Facilities are more particularly described and depicted on Exhibit B, attached hereto and incorporated herein by reference. This Agreement is not intended to replace any existing agreements between the Parties, including but not limited to, (i) the Project Approvals and (ii) the September 28, 1993 Comprehensive Agreement between TRIP II and VDOT, as amended from time to time (the “**TRIP II Comprehensive Agreement**”); (iii) the Cooperative Agreements;

WHEREAS, the Parties have cooperated in the construction and installation of the Phase 2 Facilities in accordance with the terms of the following agreements: (i) Cooperative Agreement, dated August 1, 2013, by and between the Airports Authority and TRIP II, as amended from time to time (the “**TRIP II Cooperative Agreement**”), (ii) Cooperative Agreement between the Airports Authority and Fairfax dated as of July 19, 2007, as amended from time to time (“**Fairfax Cooperative Agreement**”), (iii) Cooperative Agreement between the Airports Authority and VDOT, dated as of August 31, 2007, as amended by First Amendment to the Cooperative

Agreement between the Metropolitan Washington Airports Authority and the Virginia Department of Transportation for the Dulles Corridor Metrorail Project, dated as of November 21, 2013, as further amended from time to time (the “**VDOT Cooperative Agreement**”), (iv) Cooperative Agreement between the Airports Authority and WMATA dated September 14, 2007, as amended from time to time (“**Airports Authority Cooperative Agreement**”), and (v) Letter Agreement, dated March 31, 2015, by and between the Airports Authority and the Town, as amended from time to time (the “**Herndon Cooperative Agreement**”). The foregoing agreements are hereinafter collectively referred to as the “**Cooperative Agreements**.”

WHEREAS, pursuant to and in accordance with the Cooperative Agreements, TRIP II, VDOT, Fairfax, Herndon and Airports Authority have caused to be conveyed to WMATA appropriate property interests in and to the Phase 2 Facilities by execution, delivery and recordation among the land records of Fairfax County, Virginia or Loudoun County, Virginia (whichever is appropriate under the circumstances) of certain Conveyance Instruments (hereinafter defined). This Agreement shall not be construed to modify, alter or otherwise affect the Conveyance Instruments.

WHEREAS, in furtherance of the purposes and intents of the Cooperative Agreements and the Conveyance Instruments, it is the desire of the WMATA, Airports Authority, Herndon, Fairfax, VDOT and TRIP II to enter into this Agreement in order to set forth their understandings and agreements with respect to the future construction, maintenance and operational activities undertaken by the Parties and to allocate the responsibility for Maintenance (hereinafter defined) obligations among the Parties, subject to the terms and conditions more particularly set forth herein.

NOW THEREFORE, in consideration of the mutual promises contained herein, and the exchange of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I DEFINITIONS

The Recitals set forth above are incorporated herein by reference. The Parties hereby agree to the following definitions for purposes of this Agreement:

1.1 “Access Requirements and Conditions”. Access Requirements and Conditions refers to the requirements and conditions that may be imposed by the granting Party for access by another Party through the granting Party’s Property to perform Maintenance on the Phase 2 Facilities. Access Requirements and Conditions applicable to certain routine or recurring activities shall be established through one or more special permits agreed upon by the respective parties from time to time.

1.2 “Airports Authority Property” refers to certain property which the Airports Authority owns or leases pursuant to the terms of that certain Agreement and Deed of Lease, dated March 2, 1987, by and between the Airports Authority and the United States of America, acting

by and through the Secretary of Transportation, as amended from time to time (the “USA Lease”) upon which certain Phase 2 Facilities are located.

1.3 “Airports Authority-Maintained Facilities” refers to those portions of Phase 2 Facilities for which Airports Authority is responsible for Maintenance.

1.4 “Conveyance Instruments” refers to those instruments identified in **Exhibit A** which convey or transfer to WMATA appropriate property interests in and to the Phase 2 Facilities.

1.5 “Coordination Zone” means any area that is within the WMATA Easement Area; or outside of the WMATA Easement Area and is both (a) owned or controlled by a Party and (b) within fifty (50) horizontal feet of the centerline of the closest WMATA trackway in the Phase 2 Facilities or within five horizontal feet of any Phase 2 Facility or exclusive WMATA Easement Area; or outside of the WMATA Easement Area and within five feet in any direction of any traction power duct bank.

1.6 “Fairfax Property” refers to certain property owned by Fairfax upon which certain Phase 2 Facilities are located. To the extent the Fairfax property includes Property within the VDOT Right-of-Way, it is subject to Virginia Code Ann. 33.2-326.

1.7 “Fairfax-Maintained Facilities” refers to those portions of Phase 2 Facilities for which Fairfax is responsible for Maintenance.

1.8 “Herndon Property” refers to certain property owned by Herndon upon which some of the Phase 2 Facilities are located. To the extent the Herndon property includes Property within the VDOT Right-of-Way, it is subject to Virginia Code Ann. 33.2-326.

1.9 “Herndon-Maintained Facilities” refers to those portions of Phase 2 for which Herndon is responsible for Maintenance.

1.10 “Maintenance”. “**Maintenance**” or “**to Maintain**”, as the context may allow, shall mean and include care, inspection, upkeep, refurbishing, repair (whether ordinary or extraordinary), restoration, repainting, remodeling, renovation, alteration, replacement and reconstruction, including snow and ice removal from roadways and sidewalks, as required to keep the item in question in reasonably clean and orderly condition, free of rubbish, functional, in good repair, safe, and sound condition, all of which must be performed in accordance with the ordinary procedures of each Party. In addition, the Parties shall adhere to all Virginia governmental regulations regarding storm water facilities when such regulations apply.

1.11 “Property” refers collectively to the TRIP II Property, Fairfax Property, Herndon Property, Airports Authority Property, the VDOT Right-of-Way and the WMATA Easement Areas.

1.12 “Reviewable Work” means, with respect to a facility owned or controlled by a Party:

(i) a relocation, redevelopment, reconstruction, reconfiguration, major alteration, or major expansion of the facility in the Coordination Zone;

(ii) any work that, in the reasonable judgment of the Party undertaking or authorizing the work, can be expected to adversely and materially impact the use, operation or Maintenance of any facility of another Party;

(iii) any work that, in the reasonable judgment of the Party undertaking or authorizing the work, poses a material safety risk to another Party's facilities; or

(iv) any work that includes any, excavation, blasting, drilling, or boring beneath the current grade level (other than work on existing drainage and other facilities such as footings for ancillary structures, and other than milling or other pavement removal down to the base layer) in the Coordination Zone.

1.13 "TRIP II Property" refers to certain property owned by TRIP II upon which certain Phase 2 Facilities are located.

1.14 "TRIP II-Maintained Facilities" refers to those portions of Phase 2 Facilities for which TRIP II is responsible for Maintenance. Also set forth in **Exhibit B** are facilities, including TRIP II Right-of-Way, which TRIP II will continue to maintain in the same manner as it maintains other highways and their appurtenances in the State Highway System, except as provided in Article IV.

1.15 "VDOT-Maintained Facilities" refers to those portions of Phase 2 Facilities for which VDOT is responsible for Maintenance. Also set forth in **Exhibit B** are facilities, including VDOT Right-of-Way, which VDOT will continue to maintain in the same manner as it maintains other highways and their appurtenances in the State Highway System, except as provided in Article IV.

1.16 "VDOT Right-of-Way" refers to certain public rights-of-way upon which certain Phase 2 Facilities are located.

1.17 "WMATA-Maintained Facilities" refers to those portions of the Phase 2 Facilities for which WMATA is responsible for Maintenance.

1.18 "WMATA Easement Areas" refers to certain property identified as reserved for the use of WMATA in the "Rail Facilities Easements" in the Conveyance Instruments.

ARTICLE II MAINTENANCE OBLIGATIONS

2.1 WMATA-Maintained Facilities. WMATA is responsible, at its sole cost and expense, for Maintenance of the WMATA-Maintained Facilities. WMATA's Maintenance of the

WMATA-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) the WMATA criteria, specifications and requirements in effect at the time of Maintenance.

2.2 TRIP II-Maintained Facilities. TRIP II is responsible, at its sole cost and expense, for Maintenance of the TRIP II-Maintained Facilities. TRIP II's Maintenance of the TRIP II-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) TRIP II's criteria, specifications and requirements in effect at the time of Maintenance.

2.3 VDOT-Maintained Facilities. VDOT is responsible, at its sole cost and expense, for Maintenance of the VDOT-Maintained Facilities. VDOT's Maintenance of the VDOT-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) the VDOT criteria, specifications and requirements in effect at the time of Maintenance.

2.4 Fairfax-Maintained Facilities. Fairfax is responsible, at its sole cost and expense, for Maintenance of the Fairfax-Maintained Facilities. Fairfax's Maintenance of the Fairfax-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) Fairfax's criteria, specifications and requirements in effect at the time of Maintenance.

2.5 Herndon-Maintained Facilities. Herndon is responsible, at its sole cost and expense, for Maintenance of the Herndon-Maintained Facilities. Herndon's Maintenance of the Herndon-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) Herndon's criteria, specifications and requirements in effect at the time of Maintenance.

2.6 Airports Authority-Maintained Facilities. Airports Authority is responsible, at its sole cost and expense, for Maintenance of the Airports Authority-Maintained Facilities. Airports Authority's Maintenance of the Airports Authority-Maintained Facilities shall comply with (i) this Agreement, including all Exhibits hereto and (ii) Airports Authority's criteria, specifications and requirements in effect at the time of Maintenance.

2.7 Right of Entry and Access for Maintenance. Each Party shall have a non-exclusive right of entry and access over and across the applicable portions of the Property as necessary to perform the Maintenance obligations set forth herein and for no other purpose whatsoever. The foregoing right of entry and access shall be (i) subject to the Access Requirements and Conditions, (ii) limited to periods of actual Maintenance, (iii) limited to those portions of the Property reasonably necessary for access to perform the Maintenance, (iv) obtained by the most direct, safe, available and allowed route across the applicable Property as may be reasonable given the configuration of the applicable Property and the Maintenance to be performed, (v) exercised in a manner that avoids any material or adverse effect on the Phase 2 Facilities or the Property, and (vi) exercised in accordance with this Agreement. Each Party shall have a non-exclusive right to utilize, for maintenance purposes only, parking areas located on the Property designated for such use. This Agreement will not be construed to allow any other party to interfere with any Phase 2 Facility located within an exclusive easement. This Agreement will not be construed to allow any Party to avoid obtaining written consent if such written consent is required to be obtained under any applicable Conveyance Instrument.

2.8 Quality of Work. In performing its Maintenance obligations under this Agreement, each Party shall perform its work in a prompt, good and workmanlike manner with due diligence, in conformance with this Agreement and all applicable laws, ordinances and regulations. All such work shall be performed in such a manner as to minimize any disruption, impairment or obstruction of access to any portion of the applicable Phase 2 Facilities, and to avoid any material adverse effect on the use and operation of the Phase 2 Facilities or any other portion of the Property.

2.9 Third Party Contractors. Nothing herein shall preclude any Party from contracting with third parties to perform such Party's Maintenance obligations hereunder provided that any work performed by third parties shall comply with this Agreement, including all attached Exhibits.

3.0 Trailblazer Guide Signs. Trailblazer guide signs, consisting of a WMATA "M" logo, were installed as part of the Project to provide guidance to kiss and ride facilities and are located on the Property ("Trailblazer Signs"). If any Trailblazer Sign significantly deteriorates or is damaged so as to be ineffectual or a hazard, the Party in control of that portion of the Property upon which the Trailblazer Sign is located may remove the signs.

ARTICLE III INSURANCE

3.1 Insurance by Parties. TRIP II, with respect to the TRIP II-Maintained Facilities and the rights granted to it and obligations required of it hereunder; VDOT, with respect to the VDOT-Maintained Facilities and the rights granted to it and the obligations required of it hereunder; Fairfax, with respect to the Fairfax-Maintained Facilities and the rights granted to it and obligations required of it hereunder; Herndon, with respect to the Herndon-Maintained Facilities and the rights granted to it and obligations required of it hereunder; Airports Authority, with respect to the Airports Authority-Maintained Facilities and the rights granted to it and obligations required of it hereunder and WMATA, with respect to the WMATA-Maintained Facilities and the rights granted to it and the obligations required of it hereunder and under any Access Requirement and Conditions imposed under this Agreement, shall each procure and maintain at all times a liability insurance/self-insurance program as deemed appropriate by their management/board to cover their respective organization's obligations under this Agreement and liability for bodily injury, sickness or death or for damage to or destruction of property.

3.2 Railroad Protective Insurance by Permittees and Contractors. TRIP II, Airports Authority, Fairfax, Herndon, VDOT and WMATA shall establish and from time to time update a mutually acceptable process for determining (i) when, and in what amounts, railroad protective insurance must be carried by any Party's permittees and contractors doing Reviewable Work; and (ii) how such insurance can be obtained by such permittees and contractors at the same rate as WMATA pays for similar coverage.

ARTICLE IV COORDINATION OF CERTAIN WORK

4.1 Purpose. As public or state-authorized private entities operating roads, public facilities and transit facilities, the Parties recognize the need to coordinate in order to protect the

structural integrity and safe operation of their respective facilities. The Parties accordingly desire to establish a process for each Party to have an opportunity to review and comment upon certain activities by another Party, as more fully set forth herein.

4.2 Process.

(a) In the event that any Party desires to perform Reviewable Work, then that Party will provide written notice and construction plans or other applicable construction documents to the other Party or Parties affected or potentially affected by such Reviewable Work. No Reviewable Work shall commence sooner than twelve (12) business days after each reviewing Party has been given the notice and construction documents required under this Section 4.2(a), except when an earlier commencement is needed to protect public safety or infrastructure.

(b) Prior to approving an application for any permit to perform any Reviewable Work in the VDOT Right-of-Way, on the TRIP II Property adjacent to any Phase 2 Facility, on Fairfax Property adjacent to any Phase 2 Facility, on Herndon Property adjacent to any Phase 2 Facility, or on Airports Authority Property adjacent to any Phase 2 facility, VDOT, TRIP II, Fairfax, Herndon, or Airports Authority, as applicable, will require the permit applicant to provide positive confirmation that the applicant has given WMATA written notice of the work that is the subject of the proposed permit and construction plans or other applicable construction documents. VDOT, TRIP II, Fairfax, Herndon or Airports Authority, as applicable, will not issue a permit for the Reviewable Work prior to the date twelve (12) business days after WMATA's receipt of such notice and construction documents, except when an earlier issuance is needed to protect public safety or infrastructure. Except for as set forth in Section 4.2(f), each Party shall bear all of its own costs and expenses incurred to review any Reviewable Work and, under no circumstances, shall be permitted to charge any other Party to this Agreement for such costs and expenses.

(c) For all proposed construction activities and/or land development plans that are proposed by a property owner which is not a party to this Agreement (a "Non-Party") but would otherwise fall under the definition of Reviewable Work and for which activities or plans require approval by Fairfax or Herndon, as applicable, on property located outside the VDOT Right-of-Way and within fifty (50) feet of the nearest WMATA Easement Area or WMATA fee-owned area ("Non-Party Development"), Fairfax and Herndon each will establish a process to (i) provide WMATA with notice of the proposed Non-Party Development, (ii) make available copies of plans or other construction documents for such Non-Party Development, and (iii) provide WMATA an opportunity to review and provide comments to the Non-Party Development applicant, with a copy sent to Fairfax or Herndon, as applicable, for such Non-Party Development. Herndon or Fairfax will not issue an approval of such Non-Party Development (i.e. in the form of an approved site plan or building permit) prior to the date that is twelve (12) business days after WMATA's receipt of the notice, except when permit issuance is required by applicable law or is needed to protect public safety or infrastructure.

(d) Each Party will use good faith efforts to cause any third parties holding the legal right to do Reviewable Work within that Party's portion of the Coordination Zone to provide the notices and construction documents described in this Section 4.2.

(e) Any notice of Reviewable Work (whether from a Party, Non-Party or a permit applicant) shall include the proposed start date of the Reviewable Work.

(f) For so long as TRIP II is the operator of the Dulles Greenway pursuant to the TRIP II Comprehensive Agreement, TRIP II is entitled to reimbursement for reasonable and customary out-of-pocket costs and expenses incurred in connection with an application for any permit to perform Reviewable Work within the TRIP II Property, payable as a condition to issuance of the applicable permit.

4.3 Offices to Receive Information. Notices to Reviewing Parties shall be provided through the following offices:

For VDOT: District Permits Manager
4975 Alliance Drive
Fairfax, Virginia 22030

For WMATA: Office of Chief Engineer Infrastructure
Department of Transit Infrastructure and Engineering Services
3500 Pennsy Drive, Bldg. C, Room C106
Landover, Maryland 20785

For TRIP II: Toll Road Investors Partnership II, L.P.
45305 Catalina Court, Suite 102
Sterling, Virginia 20166
Attn: Chief Operating Officer

For Fairfax: Fairfax County Building Code Official
12055 Government Center Parkway, Suite 316
Fairfax, Virginia 22035

For Airports Authority:

For Herndon: _____

4.4. Comment Resolution.

(a) WMATA's comments provided under the process described in Section 4.2(c) will be processed in accordance with applicable Herndon or Fairfax County procedures and

requirements, as applicable. For comments on all other work described in Section 4.2, the process described in subsection(b) below shall apply.

(b) Any Party may provide comments to the Party undertaking the applicable work under Sections 4.2(a) or (b) and, where applicable, to the permit applicant. The respective Parties shall endeavor to resolve any such comments to their mutual satisfaction. If the commenting and responding Parties are unable to reach agreement on resolution of a comment, then the disagreement shall be escalated as follows to the applicable officials of the respective disagreeing Parties (or their successor officials designated by the applicable Party) and such officials shall at each level endeavor to promptly reach agreement on behalf of the applicable Parties. In the event agreement is not reached, a final determination by the applicable official of any Party shall end that level of review. While the issues are being considered by such officials, commencement of the Reviewable Work will not take place unless it is necessary to protect public safety or infrastructure.

First level of review:

VDOT:	District Administrator
WMATA:	Deputy Chief of Track and Structures
TRIP II:	Chief Operating Officer
Fairfax:	County Executive
Herndon:	_____
AA:	_____

Second level of review:

VDOT:	Chief Engineer
WMATA:	Chief Engineer
TRIP II:	Chief Operating Officer
Fairfax:	County Executive
Herndon:	_____
AA:	_____

If the comment remains unresolved after such review levels have been exhausted, then the Party desiring to undertake or authorize the applicable Reviewable Work may proceed.

(c) The comment resolution process described in this Section 4.4 is without prejudice to any right of the Parties under agreements between them and under applicable law.

ARTICLE V MISCELLANEOUS

5.1 Successors and Assigns. The rights and obligations set forth herein shall be for the benefit of and shall burden each Party, their successors and assigns and all subsequent owners of any portion of the Property and/or the Phase 2 Facilities, subject to the terms of the USA Lease

until the expiration or earlier termination of the USA Lease as applicable to the Airports Authority Property.

5.2 Dispute Resolution.

Dispute Resolution – Level 1. For all disputes arising out of this Agreement (excluding a dispute relating to an unresolved comment as described in Section 4.4(b) above), any Party to this Agreement shall provide the Party it claims is responsible with written notice of any dispute and/or default under this Agreement. Such notice must identify the Section in dispute, and/or the necessary corrective action whenever the notifying Party reasonably deems that the other Party[s] is in default. The notice shall specifically state the nature of the dispute and/or default and shall provide the other Party[s] a reasonable period of time within which to respond or to correct the default, but in no event less than ten (10) business days. Should the matter in dispute or any alleged default not be corrected to the satisfaction of the Party giving notice thereof within ten (10) business days (or such longer time as specified in the notice), any Party may further, thereafter, invoke Level 2 of these dispute procedures.

Dispute Resolution – Level 2. A dispute that is not resolved at Level 1 may be brought by any Party within five (5) business days after expiration of the time period set forth in the written notice provided under Level 1 above. Notice to the applicable Party shall be provided in the same manner as set forth above for Level 1 to applicable Party as follows:

VDOT:	Commissioner of Highways
WMATA:	General Manager
TRIP II:	Chief Operating Officer
Fairfax:	County Executive
Herndon:	Town Manager
AA:	_____

The applicable Parties, or their designees, will be responsible for reviewing and attempting to resolve disputes and/or alleged defaults by the Parties that are not resolved at Level 1. Resolution will be signified by the written agreement of the foregoing representatives of the Parties, as applicable.

Dispute Resolution – Level 3. In the event that the Parties are not able to resolve the default or dispute after using the procedures set forth in Levels 1 and 2, any Party may commence a civil action to resolve the dispute in a court of competent jurisdiction in the Commonwealth of Virginia.

5.3 Applicable Law. This Agreement shall be construed under Virginia law.

5.4 Severability. If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, then the remainder of this Agreement or the application of such term, covenant or condition to any other person or circumstance shall not be affected thereby, and each such term, covenant and condition shall be valid and enforceable to the fullest extent permitted by law.

5.5 Amendment and Termination. This Agreement may be amended or terminated only by written document signed by the Parties.

5.6 Non-waiver. The failure of any Party to enforce any provision of this Agreement shall in no event be deemed to be a waiver of such Party's right to do so thereafter or of the right to enforce any other restriction. No violation, default or breach by any Party hereunder shall result in the termination, extinguishment, divestiture or forfeiture of any right granted hereunder.

5.7 Notices to Parties. Each notice, demand, request, consent, approval, disapproval, designation or other communication that a Party is required to give or make or communicate to the other Party shall be addressed as follows:

If to the Airports Authority:

President and Chief Executive Officer
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, D.C. 20001-6000
Telephone: (703) 417-8600

with a copy to:

Office of General Counsel
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, D.C. 20001-6000

If to WMATA:

General Counsel
Office of General Counsel
Washington Metropolitan Area Transit Authority
600 5th Street, NW
Washington, DC 20001
Telephone: (202) 962-2525

with a copy to:

Chief Operating Officer
Office of the Chief Operating Officer
Washington Metropolitan Area Transit Authority
600 5th Street, NW
Washington, DC 20001

If to VDOT:

Commissioner of Highways

Virginia Department of Transportation
1401 E. Broad St.
Richmond, VA 23219
Telephone: (804) 786-2700

If to Fairfax:

The County of Fairfax, County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035
Telephone: (703) 324-4531

If to TRIP II:

Toll Road Investors Partnership II, L.P.
45305 Catalina Court, Suite 102
Sterling, Virginia 20166
Attn: Chief Operating Officer
Telephone: (703) 707-8870

If to Herndon:

Each Party may designate a different addressee, address or telephone number from time to time; provided, however, it has given at least five (5) days' advance notice of such change of address. Unless specifically stated to the contrary elsewhere in this Agreement, any notice shall be deemed to have been given, made or communicated, as the case may be, (i) upon delivery in the case of personal delivery or (ii) on the date one (1) business day after the same was deposited with a nationally-recognized overnight courier, properly addressed, and fully prepaid for next day delivery. However, all notices relating to (a) defaults or claims of default under this Agreement, (b) change of notice address or (c) pursuant to Section 5.2 shall be forwarded by registered or certified mail, return receipt requested or deposited with a nationally-recognized overnight courier, properly addressed, and fully prepaid for next day delivery. In the event of an emergency or immediate need to protect public safety or infrastructure, oral or telephonic notice may be given to the other Parties, provided that such oral notice is followed up with a written notice complying with the provisions of this Section 5.7.

5.8 Cumulative Rights. All rights, remedies and privileges granted to any Party pursuant to any term, provision, covenant or condition of this Agreement are cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies.

5.9 Authority. Each Party represents and warrants to the other Parties that it has the power and authority to enter into and perform its obligations under this Agreement.

5.10 Liens on the Property. The Parties shall not, and have no authority to create any lien, judgment or other encumbrance upon the Property as a result of this Agreement.

5.11 Not Construed Against Drafter and Interpretation. This Agreement has been negotiated and prepared by WMATA, VDOT, Fairfax, Herndon, Airports Authority and TRIP II, and their respective attorneys and, should any provision of this Agreement require judicial interpretation, the court interpreting or construing such provision shall not apply the rule of construction that a document is to be construed more strictly against one Party. The meaning assigned to each term defined in this Agreement will be applicable equally to both the singular and the plural forms of the term.

5.12. Immunity. No provision in this Agreement constitutes a waiver of the sovereign immunity of the Commonwealth of Virginia, Airports Authority, Fairfax, Herndon or WMATA.

5.13. No Third-Party Beneficiaries. Nothing contained herein, express or implied, is intended to or shall confer upon any non-Party any rights, benefits or remedies of any nature whatsoever under or by reason of this Agreement.

5.14 No Modification of Conveyance Instruments. Nothing set forth in this Agreement is intended to expand, limit or otherwise modify in any way the respective rights and obligations of the Parties under any Conveyance Instrument or any other instrument or agreement to which any Party is a party, including but not limited to the TRIP II Comprehensive Agreement.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

Witness the following signatures and seals:

WMATA:

**WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY**

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

AIRPORTS AUTHORITY:

**METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY**

By: _____ (SEAL)
Name: _____
Title: _____
Date: _____

VDOT:

**COMMONWEALTH OF VIRGINIA
Department of Transportation**

BY _____ (SEAL)
Commissioner of Highways

Name: _____

Date: _____

TRIP II:

**TOLL ROAD INVESTORS
PARTNERSHIP II, L.P** a Virginia limited
partnership

By: Shenandoah Greenway Corporation, a
Delaware corporation, its General Partner

By: _____ (SEAL)
Name: _____
Title: _____
Date: _____

FAIRFAX:

COUNTY OF FAIRFAX, VIRGINIA

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

HERNDON:

TOWN OF HERNDON, VIRGINIA

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

EXHIBIT A

IDENTIFICATION OF THE CONVEYANCE INSTRUMENTS

ITEM #	PARCEL #	DESCRIPTION	GRANTOR/GRANTEE	PIN #
1		Deed of Easement	TRIP II to WMATA	
2		Deed of Easement	Town of Herndon to WMATA	
3		Deed of Easement	Fairfax to WMATA	
4		Deed of Easement	VDOT and Fairfax to WMATA (East Segment)	
5		Deed of Easement	MWAA to WMATA (East Segment)	
6		Deed of Easement	MWAA to WMATA (Airport Property)	
7		Deed of Easement	MWAA to WMATA (Rail Yard)	
8		Deed of Easement	MWAA to WMATA (Airport Station/PFC Area)	
9		Deed of Easement	VDOT to WMATA (West Segment)	
10		Deed of Easement	Loudoun to WMATA	
		[Add conveyance instruments on private property]		

#5051047v1 080092/000002

MAINTENANCE RESPONSIBILITY BY ENTITY

WMATA Maintenance Responsibilities of Project Constructed Elements on Fairfax County Property (DIAAH Corridor)

Element	WMATA Responsibility
<p>At-Grade Stations - Reston Town Center (N07), Herndon (N08), Innovation Center (N09) Entrance Pavilions</p> <p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Building, foundations; pavement from building to expansion joint demarcated on paving plans (5 feet (nominal) from building); Metro pylon sign • Drainage - building drain pipes, splash blocks, underdrains to point of connection with roadway drainage • Lighting at pavilion entrance beyond building (WMATA globe-style lights) only at: <ul style="list-style-type: none"> • Herndon South • Innovation Center South • Communication (Verizon) and other utility feeds between point of utility line and Entrance pavilion. <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Fairfax County and Town of Herndon retain responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p> <ul style="list-style-type: none"> • Foundation, column/pier, superstructure/MEP • Bridge Pier Protection System barriers (BPPS) protecting WMATA pedestrian bridge columns – BPPS protecting non-LRFD column: <ul style="list-style-type: none"> ○ Herndon – Along DTR K&R entrance left shoulder • Bridge drain pipes and splash blocks to point of connection with roadway drainage
<p>Parking Garage Conduits</p>	<ul style="list-style-type: none"> • Parking Access Revenue Control (PARC) systems under separate agreement(s) with Fairfax County, including associated cabling: <ul style="list-style-type: none"> • Herndon south • Innovation Center south <p><i>Fairfax County retains responsibility for capital repair and replacement costs of PARC equipment.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

WMATA Maintenance Responsibilities of Project Constructed Elements on Fairfax County Property (DIAAH Corridor) - CONTINUED

Element	WMATA Responsibility
<p>Traction Power Substations (including Communications and Train Control Rooms) and Tie Breaker Stations TPSS #12 [N07TPSS] TPSS #13 [N08TPSS]</p>	<ul style="list-style-type: none"> • Access roadway and sidewalk areas (on-site) • Perimeter wall, building, ground grid, and retaining wall • Traction power switch pads and equipment • Landscaping within WMATA surface easement area – comply with WMATA requirements e.g., plant types and planting details. Comply with land use approvals (Special Exception and 2232 approvals) in Fairfax Co; • Drainage; drainage features nominally exclusive for TPSS facility including roof and site drains to point of connection with roadway drainage, including end treatments; and drainage pipes/inlets/end treatments required due to the placement of TPSS facility in the way of pre-existing overland drainage path such as pipes at TPSS #12, and TPSS #13 • Power feed and communications crossings to trackway • Switches (including foundations and associated conduit/cablings) (meters and meter pads maintained by DEV)
<p>Traction Power ductbank and crossings</p>	<ul style="list-style-type: none"> • Ductbank, including cabling, vaults, and manholes
<p>Stormwater Management Ponds/Vaults/Other BMPs</p>	<ul style="list-style-type: none"> • At TPSS #13 [N08TPSS], shared access to the adjacent stormwater facilities maintained by MWAA is required using the TPSS driveway.

MAINTENANCE RESPONSIBILITY BY ENTITY

**WMATA Maintenance Responsibilities of Project Constructed Elements on MWA
 Property (DIAAH Corridor)**

Element	WMATA Responsibility
<p>At-Grade Stations - Reston Town Center (N07), Herndon (N08), Innovation Center (N09) Station Building</p> <p>Entrance Pavilions</p>	<ul style="list-style-type: none"> • Foundations, platform, mezzanine, station walls (and integrated traffic barriers) • Guideway/building drain pipes, splash blocks, underdrains to point of connection with roadway drainage • Utility feeds (to point of utility company demarcation) for water, sanitary, and telecom connections. • Safe dispersal areas <hr/> <ul style="list-style-type: none"> • Building, foundations; pavement from building to expansion joint demarcated on paving plans (5 feet (nominal) from building) • Drainage - building drain pipes, splash blocks, underdrains to point of connection with roadway drainage. <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Fairfax County retains responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p>
<p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Foundation, column/pier, superstructure/MEP • Bridge Pier Protection System barriers (BPPS) protecting WMATA pedestrian bridge columns – BPPS separate from median barrier protecting non-LRFD column: <ul style="list-style-type: none"> ○ Reston Town Center – WB DTR right shoulder and Kiss and Ride roadway right shoulder; ○ Herndon –DTR EB CD right shoulder; ○ Innovation Center – Sunrise Valley Dr. WB right shoulder. • Roadway Safety Shape integrated with pier: <ul style="list-style-type: none"> ○ Reston Town Center – Between DIAAH and DTR EB and WB; ○ Herndon – Between DIAAH and DTR EB and WB; ○ Innovation Center - Between DIAAH and DTR EB. • Bridge drain pipes and splash blocks to point of connection with roadway drainage

MAINTENANCE RESPONSIBILITY BY ENTITY

WMATA Maintenance Responsibilities of Project Constructed Elements on Town of Herndon Property (Herndon Station)

Element	WMATA Responsibility
<p>At-Grade Station (Herndon – N08) Entrance Pavilion</p> <p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Building, foundations; pavement from building to expansion joint demarcated on paving plans (5 feet (nominal) from building); Metro pylon sign • Drainage - building drain pipes, splash blocks, underdrains to point of connection with roadway drainage • Communication (Verizon) and other utility feeds between point of utility line and Entrance pavilion. <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Town of Herndon retains responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p> <ul style="list-style-type: none"> • Superstructure/MEP
<p>Traction Power ductbank and crossings</p>	<ul style="list-style-type: none"> • Ductbank, including cabling, vaults, and manholes
<p>Stormwater Management Ponds/Vaults/Other BMPs Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Facilities serving and immediately adjacent to WMATA-maintained facilities

MAINTENANCE RESPONSIBILITY BY ENTITY

WMATA Maintenance Responsibilities of Project Constructed Elements on VDOT Property (DIAAH Corridor)

Element	WMATA Responsibility
<p>At-Grade Stations - Reston Town Center (N07), Herndon (N08), Innovation Center (N09) Entrance Pavilions</p> <p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Drainage - building drain pipes, splash blocks, underdrains to point of connection with roadway drainage • Superstructure/MEP
<p>Traction Power Substations (including Communications and Train Control Rooms) and Tie Breaker Stations TPSS #12 [N07TPSS] TPSS #14 [N09TPSS]</p>	<ul style="list-style-type: none"> • Access roadway and sidewalk areas (on-site) • Perimeter wall, building, ground grid, and retaining wall • Traction power switch pads and equipment • Landscaping within WMATA surface easement area – comply with WMATA requirements e.g., plant types and planting details. Comply with land use approvals (2232 approvals) in Fairfax Co; • Drainage; drainage features nominally exclusive for TPSS facility including roof and site drains to point of connection with roadway drainage, including end treatments; and drainage pipes/inlets/end treatments required due to the placement of TPSS facility in the way of pre-existing overland drainage path • Power feed and communications ductbank to trackway • Switches (including foundations and associated conduit/cabing) (meters and meter pads maintained by DEV)
<p>Traction Power ductbank and crossings</p>	<ul style="list-style-type: none"> • Ductbank, including cabling, vaults, and manholes
<p>Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates</p> <p>Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Facilities serving and immediately adjacent to WMATA-maintained facilities <ul style="list-style-type: none"> • Bio-retention facilities 2-4A, 2-6C • Facilities serving and immediately adjacent to WMATA-maintained facilities

MAINTENANCE RESPONSIBILITY BY ENTITY

**WMATA Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway)**

Element	WMATA Responsibility
At-Grade Station - Ashburn Station (N12) Station Building	<ul style="list-style-type: none"> • Foundations, platform, mezzanine, station walls (and integrated traffic barriers) • Guideway/building drain pipes, splash blocks, underdrains to point of connection with roadway drainage • Utility feeds (to point of utility company demarcation) for water, sanitary, and telecom connections. • Safe dispersal areas • Communication (Verizon) and other utility feeds between point of utility line and Entrance pavilion.
Pedestrian Bridges between Station and Entrance Pavilion	<ul style="list-style-type: none"> • Foundation, column/pier, superstructure/MEP • Bridge drain pipes and splash blocks to point of connection with roadway drainage
Trackway Aerial Guideway	<ul style="list-style-type: none"> • Structure (foundation, column/pier/abutments, superstructure including ballasted bridges, rail facilities and systems) • Traction power conduits attached to WMATA bridges • Bridge access “walkways” at Broad Run: east of Run south of Greenway and west of Run north of Greenway • Bridge drain pipes and splash blocks to point of connection with roadway drainage • Bridge Pier Protection System barriers (BPPS) protecting WMATA rail bridge columns - BPPS integrated with median barrier (<i>At two straddle bents and one pier adjacent to left shoulder of EB Greenway east of Abutment B at mainline track flyover from Eastbound Greenway station 111+90.28 and to 108+17.52</i>)

MAINTENANCE RESPONSIBILITY BY ENTITY

**WMATA Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway) - CONTINUED**

Element	• WMATA Responsibility
At-Grade Guideway	<ul style="list-style-type: none"> • Area between trackway retaining walls • Retaining walls (including foundations), integrated traffic barrier, and fencings for Trackway-related retaining walls and associated fencings, all roadway safety shape barriers built integral to rail facilities. <p>WMATA will maintain the entirety of the track wall up to the first joint past the point of separation of the track wall and the roadway barrier including the transition in height.</p> <p><i>WMATA will maintain all underdrains, storm sewer pipes, inlet structures, manholes, and outlet structures that carry only trackway drainage. Additionally, WMATA will maintain all underdrains, storm sewer pipes, inlet structures, manholes, and outlet structures that are located entirely within the trackway. Maintenance of storm sewers that carry only trackway drainage and connect WMATA drainage structures to the roadway system outside of the trackway, will require coordination with TRIP II. Similarly, WMATA will participate in any required joint maintenance efforts for all storm sewer pipes that cross the trackway and connect to WMATA inlet structures and/or manholes.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

**WMATA Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway) - CONTINUED**

Element	WMATA Responsibility
<p>Traction Power Substations (including Communications and Train Control Rooms) and Tie Breaker Stations TPSS #18 [N97TPSS] - Access TPSS #19 [N11TPSS] TBS #8 [N12TBS]</p>	<ul style="list-style-type: none"> • Access roadway and sidewalk areas (on-site) • Perimeter wall, building, ground grid, and retaining wall • Traction power switch pads and equipment • Landscaping within WMATA surface easement area – comply with WMATA requirements e.g., plant types and planting details. • Drainage; drainage features nominally exclusive for TBS and TPSS facilities including roof and site drains to point of connection with roadway drainage system or outfall point, including drainage channels/pipes/inlets/end treatments required due to the placement of TBS or TPSS facilities in the way of pre-existing overland drainage paths. • Power feed and communications crossings to trackway
<p>Traction Power ductbank and crossings</p>	<ul style="list-style-type: none"> • Ductbank, including cabling, vaults, and manholes • Switches (including foundations and associated conduit/cabling) (meters and meter pads maintained by DEV)

MAINTENANCE RESPONSIBILITY BY ENTITY

**WMATA Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway) - CONTINUED**

Element	WMATA Responsibility
<p>Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates</p>	<ul style="list-style-type: none"> • Checkdams 23 and 24 near TPSS #19 [N11TPSS] • Dry Swale 2-9D • Constructed wetlands: SWM 2-9 • For 2-9, WMATA will be responsible for routine and capital maintenance with the following exceptions (TRIP II responsibility): <ul style="list-style-type: none"> • Monthly visual inspection of the riser, outfall pipe, and outfall channel. • Removal of trash, debris, and sediment from the riser and outfall pipe. • Removal of trash, debris, excessive vegetation, and sediment from the outfall channel to maintain positive flow • Removal of Trash and Debris in or around SWM 2-9. Note TRIP II will not be responsible for the removal of any sediment within the constructed wetland. • Cutting of the grass outside SWM 2-9 no more than 3 times a year and where accessible by mower
<p>Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Riser, outlet pipe, and outlet structure for SWM 2-9

MAINTENANCE RESPONSIBILITY BY ENTITY

Fairfax County Maintenance Responsibilities of Project Constructed Elements on Fairfax County Property (DIAAH Corridor)

Element	Fairfax County Responsibility
<p>At Grade Stations (Reston Town Center, Herndon, Innovation Center)</p> <p>Entrance Pavilion</p>	<ul style="list-style-type: none"> • Sidewalk beyond the expansion joint demarcated on paving plans (5 feet nominal from building) • Pole-mounted lighting, excluding lighting mounted on pavilion building, except for WMATA globe lights at Herndon south (N08) and Innovation Center south (N09). • Sidewalk connecting to public street, including associated lighting, railings, walls, etc. • Bicycle racks, lockers & furniture • Site furniture, including trash cans, ash urns and benches • Landscaping area <p><i>Pier at Reston Town Center Station north (N07) for future pedestrian bridge connection will be maintained by the private landowner.</i></p> <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Fairfax County retains responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p>
<p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Landscaping beneath bridges (including grass)
<p>Kiss and Ride Lots, Off-Street Bus Areas, and On-Site Access/Circulation Roadways</p>	<ul style="list-style-type: none"> • Parking/circulation areas, sidewalk/plaza areas (including shelters, lighting, signing, railing, and furniture) • Retaining walls, including MSE walls at Reston Town Center South and Innovation Center North • Landscaping area • Drainage – catch basins/culverts/pipes/ditches, end treatments • Stormwater management features – ponds/vaults/bio-retention basins/other BMPs, including Filterrras <p><i>Stormwater management facility (vault) beneath Reston Town Center south Kiss & Ride will be maintained by the private landowner through separate agreement.</i></p>
<p>Pedestrian Bridges between Entrance Pavilion and Garage</p>	<ul style="list-style-type: none"> • Superstructure/MEP, and Gate(s) (<i>Does not include structural support integral with Entrance Pavilion</i>) • Landscaping beneath bridges (including grass) • Bridge drain pipes and splash blocks to point of connection with roadway drainage

MAINTENANCE RESPONSIBILITY BY ENTITY

Fairfax County Maintenance Responsibilities of Project Constructed Elements on Fairfax County Property (DIAAH Corridor) - CONTINUED

Element	Fairfax County Responsibility
Parking Garages	<ul style="list-style-type: none"> • Garage structure, including entrances/exits • New stair tower including structure, MEP, stairs, elevator, and fencing • Sidewalk connecting to garage parking • PARC system – Capital costs only (WMATA does operations)
Roadway/Pedestrian Facilities Adjacent to Station Access Facilities (Arterials, Collectors and Local Streets)	<ul style="list-style-type: none"> • Roadway lighting • Herndon Garage West Access Road, sidewalk and site lighting • Saw tooth bus bays on Carta Way (Innovation Center south) <p><i>Fairfax County is responsible for capital maintenance and repair of the concrete bus pad on Carta Way.</i></p> <p><i>Lighting of arterial/collector/local roadways is limited to restoration of ex. lighting or as funded by Ffx Co for new or ex. roadways. Existing lighting will be maintained by existing owner.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

Fairfax County Maintenance Responsibilities of Project Constructed Elements on MWAA Property (DIAAH Corridor)

Element	Fairfax County Responsibility
<p>At Grade Stations (Reston Town Center Station) Entrance Pavilion</p> <p>Pedestrian Bridges between Station and Entrance Pavilion</p> <p>Kiss and Ride Lots, Off-Street Bus Areas, and On-Site Access/Circulation Roadways</p>	<ul style="list-style-type: none"> • Sidewalk beyond the expansion joint demarcated on paving plans (5 feet nominal from building) • Pole-mounted lighting, excluding lighting mounted on pavilion building • Sidewalk connecting to public street, including associated lighting, railings, walls, etc. • Landscaping area <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Fairfax County retains responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p> <ul style="list-style-type: none"> • Landscaping beneath bridges (including grass) <ul style="list-style-type: none"> • Parking/circulation areas, sidewalk/plaza areas (including shelters, lighting, signing, railing, and furniture) • Retaining walls • Landscaping area • Drainage – catch basins/culverts/pipes/ditches, end treatments
<p>Parking Garages – Revenue Control System conduits and cabling</p>	<ul style="list-style-type: none"> • Parking revenue control system (including associated conduit and cabling on MWAA property) – Capital costs only (WMATA does operations)
<p>Roadway/Pedestrian Facilities Adjacent to Station Access Facilities (Arterials, Collectors and Local Streets)</p>	<ul style="list-style-type: none"> • Roadway lighting along Sunrise Valley Drive (Herndon and Innovation Center Stations south areas) and Carta Way (Innovation Center Station). <i>Note that Innovation Center Station south area roadway lighting is being installed by others.</i> <p><i>Lighting of arterial/collector/local roadways is limited to restoration of existing lighting or as funded by Fairfax County for new or existing roadways. Existing lighting will be maintained by existing owner.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

Fairfax County Maintenance Responsibilities of Project Constructed Elements on VDOT Property (DIAAH Corridor)

Element	Fairfax County Responsibility
<p>At Grade Stations (Reston Town Center, Innovation Center) Entrance Pavilion</p>	<ul style="list-style-type: none"> • Sidewalk surrounding building (beyond 5 feet (nominal) joint from building) <ul style="list-style-type: none"> • Operational maintenance of sidewalk along Sunset Hills Road at Reston Town Center Station north and along Sunrise Valley Drive and Carta Way at Innovation Center Station south. Capital maintenance for sidewalk repairs and replacement on Carta Way. VDOT retains capital responsibility for sidewalk repairs and replacement on Sunrise Valley Drive and Sunset Hills Road frontage. • Sidewalk connecting to public street, including associated lighting, railings, walls, etc. <p><i>Pier at Reston Town Center Station north for future pedestrian bridge connection will be maintained by the private landowner.</i></p>
<p>Roadway/Pedestrian Facilities Adjacent to Station Access Facilities (Arterials, Collectors and Local Streets)</p>	<ul style="list-style-type: none"> • Roadway lighting, including street lights on Edmund Halley Drive • Landscaping in median of Edmund Halley Drive roundabout • Retaining wall on southbound Edmund Halley Drive (between roundabout and Sunrise Valley Drive intersection) <p><i>Lighting of arterial/collector/local roadways is limited to restoration of existing lighting or as funded by Ffx Co for new or existing roadways. Existing lighting will be maintained by existing owner.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

Town of Herndon Maintenance Responsibilities of Project Constructed Elements on Town of Herndon Property (Herndon Station)

Element	Town of Herndon Responsibility
<p>At Grade Station Entrance Pavilion</p> <p>Pedestrian Bridges between Station and Entrance Pavilion</p>	<ul style="list-style-type: none"> • Sidewalk beyond the expansion joint demarcated on paving plans (5 feet nominal from building) • Pole-mounted lighting, excluding lighting mounted on pavilion building • Bicycle Racks, Lockers & Furniture • Site furniture, including trash cans, recycling containers, ash urns and benches • Landscaping area • Trail connection <p><i>WMATA retains capital replacement costs for sidewalk area within the nominal 5-foot expansion joint. Town of Herndon retains responsibility for routine maintenance, including snow and trash removal, and capital replacement costs for pavilion-area furniture.</i></p> <ul style="list-style-type: none"> • Landscaping beneath bridges (including grass)
<p>Stormwater Management Ponds/Vaults/Other BMPs Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Facilities on Town of Herndon-controlled property serving station site and trackway/roadway
<p>Roadway/Pedestrian Facilities Adjacent to Station Access Facilities (Arterials, Collectors and Local Streets)</p> <p>Roadside areas</p> <p>Traffic Control/ Surveillance/ Guidance devices</p> <p>Lighting</p>	<ul style="list-style-type: none"> • Sidewalks, including curb cut ramps • WMATA-style pylon sign at Herndon Parkway • Sidewalk connecting to public street (Herndon Parkway), including associated lighting, railings, retaining wall, hardscape/landscape (including furniture, if any) and irrigation system. • Traffic sign posts and panels, including trailblazing signs. • Roadway lighting • Pedestrian lighting <p><i>Lighting includes Herndon Parkway.</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

**VDOT Maintenance Responsibilities of Project Constructed Elements on Fairfax County
Property (DIAAH Corridor)**

Element	VDOT Responsibility
At Grade Station (Reston Town Center Station)	<ul style="list-style-type: none">• Traffic signal equipment at Reston Town Center station north including detectors, conduit, cabling, and handholes.

MAINTENANCE RESPONSIBILITY BY ENTITY

**VDOT Maintenance Responsibilities of Project Constructed Elements on MWAA Property
 (DIAAH Corridor)**

Element	VDOT Responsibility
At Grade Station (Reston Town Center Station)	<ul style="list-style-type: none"> • Traffic signal equipment at Reston Town Center station north including detectors, conduit, cabling, and handboxes.
Pedestrian Bridges between Station and Entrance Pavilion (Innovation Center station south)	<ul style="list-style-type: none"> • Landscaping beneath bridge (including grass) along north side of Sunrise Valley Drive.
Trackway – Existing Bridge Piers between track walls	<ul style="list-style-type: none"> • Existing bridge piers at Herndon-Monroe Bus Ramp and Route 28 bridges over DIAAH.
Roadside Areas within Highway ROW	<ul style="list-style-type: none"> • Sidewalks including curb cut ramps • Hardscape/landscape • Roadway-related fences • Roadway barrier wall, including integrated BPPS at pedestrian bridge , along WB DTR adjacent to retaining wall for Herndon Bus Bridge ramp to WB DTR

MAINTENANCE RESPONSIBILITY BY ENTITY

VDOT Maintenance Responsibilities of Project Constructed Elements on VDOT Property

Element	VDOT Responsibility
At Grade Station (Reston Town Center Station, Innovation Center Station)	<ul style="list-style-type: none"> • Traffic signal equipment at Reston Town Center station north including detectors, conduit, cabling, and handboxes. • Capital responsibility for sidewalk repairs and replacement along Sunset Hills Road at Reston Town Center Station north and along Sunrise Valley Drive at Innovation Center Station south. Fairfax County is responsible for operational maintenance.
On-Street Bus Facilities	<ul style="list-style-type: none"> • Sidewalk pavement (Reston Town Center station north and Innovation Center station south) <i>VDOT retains capital replacement responsibility for sidewalk pavement in VDOT ROW. Fairfax retains operational maintenance responsibility.</i>
Roadway Improvements	<ul style="list-style-type: none"> • Pavement, shoulders, medians, guardrail, and curb and gutter • Roadway surface drainage system (catch basins, inlets, and ditches) • Traffic sign posts and panels, including trailblazing signage • Traffic signal equipment including detectors, conduit, cabling, and handboxes on VDOT ROW/easement <p><i>VDOT capital and operational maintenance responsibility includes the newly-accepted roadway facilities for Edmund Halley Drive</i></p>
Roadside Areas within Highway ROW	<ul style="list-style-type: none"> • Sidewalks including curb cut ramps • Roadway-related fences • Hardscape/landscape <i>VDOT maintenance of landscape is limited to mowing grass</i> <p><i>VDOT capital and operational maintenance responsibility includes the newly-accepted roadway facilities for Edmund Halley Drive, including the sidewalk, trail, and retaining walls at the intersection of Edmund Halley and Sunrise Valley Drive. Fairfax County will maintain the landscaping in the center of the Edmund Halley Drive roundabout, roadway lighting on Edmund Halley Drive, and the retaining wall on southbound Edmund Halley between the roundabout and the intersection with Sunrise Valley</i></p>
Stormwater Management Ponds/Vaults/Other BMPs Inlet culverts/pipes/crossings	<ul style="list-style-type: none"> • Facilities serving and immediately adjacent to WMATA-maintained facilities

MAINTENANCE RESPONSIBILITY BY ENTITY

**VDOT Maintenance Responsibilities of Project Constructed Elements on TRIP II Property
(Dulles Greenway)**

Element	VDOT Responsibility
Trackway –Existing Bridge Piers between track walls	<ul style="list-style-type: none"> • Trackway Crash walls at Loudoun County Parkway on Greenway
Trackway – Existing Bridge Piers between track walls	<ul style="list-style-type: none"> • New/modified protective fencing on bridge over tracks at Route 606 bridge. • Existing bridge piers at Route 606 bridge over Greenway.
At Grade Guideway	<ul style="list-style-type: none"> • Trackway Crash walls at Route 606 on Greenway

MAINTENANCE RESPONSIBILITY BY ENTITY

MWAA Maintenance Responsibilities of Project Constructed Elements on Fairfax County Property (DIAAH Corridor)

Element	MWAA Responsibility
<p>Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates</p>	<ul style="list-style-type: none"> • Facilities within/adjacent to DIAAH/DTR corridor installed as part of Project serving trackway and/or roadway facilities <ul style="list-style-type: none"> ○ Bio-retention facilities: 2-3A, B, C, D; ○ Filtering practices: 2-5B1 ○ Constructed wetlands: 2-5B <p><i>Constructed wetland facility 2-5B and filtering practice 2-5B1 requires shared access with TPSS 13 driveway for maintenance access.</i></p>
<p>Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Facilities within/adjacent to DIAAH/DTR corridor installed as part of Project serving trackway and/or roadway facilities.

MAINTENANCE RESPONSIBILITY BY ENTITY

MWAA Maintenance Responsibilities of Project Constructed Elements on MWAA Property (DIAAH Corridor and Airport Property)

Element	MWAA Responsibility
Pedestrian Bridges between Station and Entrance Pavilion	<ul style="list-style-type: none"> • Landscaping beneath bridges (including grass) beyond station facility limits • Bridge Pier System barriers (BPPS) protecting WMATA pedestrian bridge columns - BPPS integrated with ongoing median barrier: Innovation Center – DTR WB in barrier next to sound wall.
Trackway At-Grade Guideway	<ul style="list-style-type: none"> • Existing bridge piers between track walls at Reston Parkway, Fairfax County Parkway, Monroe Street, and Ramp from Rt. 28 NB to DIAAH WB bridges over DIAAH.
Roadway/Pedestrian Facilities Adjacent to Trackway and Ancillary Facilities DIAAH and DTR Roadways Roadside Areas within Highway ROW Traffic Control/ Surveillance/ Guidance devices Lighting Bridges	<ul style="list-style-type: none"> • Pavement, shoulders, medians and curb and gutter • Traffic barriers (not integral to Metrorail trackway/station walls) • Emergency Roadway Crossovers: All crossovers between DIAAH and DTR including movable barriers/gates. • Roadway surface drainage system (catch basins, inlets, ditches, and pre-existing infiltration basins and other BMPSS) • Below-ground drainage system (culverts, pipes, and underdrain) <hr/> <ul style="list-style-type: none"> • Sidewalks including curb cut ramps • Hardscape/landscape • Roadway-related retaining walls and fences/ noise barriers <hr/> <ul style="list-style-type: none"> • Traffic signal poles, cabinets, detector loops, and signal system • ITS components (equipment/cabinets and supports) – roadway- and airport parking related • Toll equipment, communications, and signage • Traffic sign posts and panels, including trailblazing signs <hr/> <ul style="list-style-type: none"> • Roadway lighting <hr/> <ul style="list-style-type: none"> • Existing Bridge piers between WMATA retaining walls • Trackway Crash Wall at Ramp G
Traction Power Feed from Dulles DEV substation along Route 28 SB	<ul style="list-style-type: none"> • Access gates at Frying Pan Road interchange and DEV substation access roads.

MAINTENANCE RESPONSIBILITY BY ENTITY

MWAA Maintenance Responsibilities of Project Constructed Elements on MWAA Property (DIAAH Corridor and Airport Property) - CONTINUED

Element	MWAA Responsibility
<p>Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates</p>	<ul style="list-style-type: none"> • Facilities within/adjacent to DIAAH/DTR corridor installed as part of Project serving trackway and/or roadway facilities <ul style="list-style-type: none"> ○ Dry swales: 2-2A ○ Bio-retention facilities: 2-1A1, 2-3A, B, C, D; ○ Filtering practices: 2-4, 2-5B1 ○ Constructed wetlands: 2-1A, 2-5B <p><i>(Constructed wetland facility 2-5B and filtering practice 2-5B1 requires shared access with TPSS 13 driveway for maintenance access.)</i></p> • Facilities on Dulles Airport property <ul style="list-style-type: none"> ○ Dry swales: 2-7C1, 2-7C3 ○ Bio-retention facilities: 2-7C2, 2-7C4 ○ Constructed wetlands: 2-7C <p><i>(Constructed wetland facility 2-7C and bio-retention facility 2-7C4 requires shared access with TPSS 15 driveway for maintenance access. Conserved open space does not need maintenance, just protection from disturbance.)</i></p>

MAINTENANCE RESPONSIBILITY BY ENTITY

**MWAA Maintenance Responsibilities of Project Constructed Elements on VDOT Property
 (DIAAH Corridor)**

Element	MWAA Responsibility
<p>Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates</p>	<ul style="list-style-type: none"> • Facilities within/adjacent to DIAAH/DTR corridor installed as part of Project serving trackway and/or roadway facilities <ul style="list-style-type: none"> ○ Dry swale: 2-2A (<i>Portion in VDOT DTR sliver</i>); ○ Bio-retention facilities: 2-3A, B, C, D (<i>Portion in Sunset Hills Road ROW</i>); ○ Filtering practices: 2-4 (<i>Portion in VDOT DTR sliver</i>); ○ Constructed wetlands: 2-1A (<i>Portion in VDOT DTR sliver</i>)
<p>Inlet culverts/pipes/crossings</p>	<ul style="list-style-type: none"> • Facilities within/adjacent to DIAAH/DTR corridor installed as part of Project serving trackway and/or roadway facilities

MAINTENANCE RESPONSIBILITY BY ENTITY

**TRIP II Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway)**

Element	TRIP II Responsibility
Pedestrian Bridges between Station and Entrance Pavilion (Loudoun Gateway Station area)	<ul style="list-style-type: none"> • Landscaping beneath bridge (including grass)
Trackway – Aerial Guideway	<ul style="list-style-type: none"> • Land and Landscaping below aerial guideway (including grass) <i>(east of Abutment B and Airport boundary; and beneath rail bridge over Broad Run)</i>
Trackway –Existing Bridge Piers between track walls	<ul style="list-style-type: none"> • Existing bridge piers for EB Dulles Greenway bridge over DIAAH east of Rt. 28. • Existing bridge pier for the future Barrister Street bridge over the Dulles Greenway east of Route 607
Stormwater Management Ponds/Vaults/Other BMPs Facility area (including basin, slopes/berms, outfall structures/culvert/channel), Access Roadway/Fences/Gates	<ul style="list-style-type: none"> • Constructed wetlands: 2-9 (shared with WMATA) • For 2-9, WMATA will be responsible for routine and capital maintenance. The following exceptions are TRIP II responsibility: <ul style="list-style-type: none"> • Monthly visual inspection of the riser, outfall pipe, and outfall channel. • Removal of trash, debris, and sediment from the riser and outfall pipe. • Removal of trash, debris, excessive vegetation, and sediment from the outfall channel to maintain positive flow • Removal of Trash and Debris in or around SWM 2-9. Note TRIP II will not be responsible for the removal of any sediment within the constructed wetland. • Cutting of the grass outside SWM 2-9 no more than 3 times a year and where accessible by mower
Inlet culverts/pipes/crossings	<ul style="list-style-type: none"> • Facilities along Dulles Greenway

MAINTENANCE RESPONSIBILITY BY ENTITY

**TRIP II Maintenance Responsibilities of Project Constructed Elements on TRIP II
 Property (Dulles Greenway) - CONTINUED**

Element	• TRIP II Responsibility
<p>Roadway Improvements (Dulles Greenway mainline and ramp facilities)</p>	<ul style="list-style-type: none"> • Pavement, shoulders, medians and curb and gutter • Traffic Barriers: <ul style="list-style-type: none"> • All VDOT-standard concrete roadside barriers constructed as part of the Dulles Corridor Metrorail Project. Where the concrete barriers transition away from the track wall, TRIP II’s responsibilities will begin at the first joint past the point of separation and exclude the entirety of the height transition. • Modified concrete barrier wall located on the outside shoulder of EB Dulles Greenway at approximate station 241+00 • Modified concrete barrier wall located on the outside shoulder of WB Dulles Greenway at approximate station 170+00 <p><i>TRIP II responsibilities exclude all track wall, roadway safety-shape barriers built integral to rail facilities, and the Bridge Pier Protection System (BPPS) barriers, and integrated median barriers protecting two straddle bents and one pier adjacent to left shoulder of EB Dulles Greenway east of Abutment B at mainline track flyover from EB Dulles Greenway station 111+90.28 and to 108+17.52</i></p> <ul style="list-style-type: none"> • Roadway surface and below-ground drainage systems <p>TRIP II will maintain all underdrains, storm sewer pipes, inlet structures, manholes, and outlet structures that carry Dulles Greenway roadway drainage and are located outside of the WMATA trackway. In addition, TRIP II will maintain all storm sewer pipes that cross the trackway and carry Dulles Greenway roadway drainage. TRIP II will not maintain any inlet structures or manholes that are located within the trackway. Maintenance of storm sewer pipes that cross the trackway and connect to WMATA drainage structures will require coordination with WMATA and may require joint maintenance efforts. TRIP II will not access or maintain any inlet structures or manholes that are located within the trackway</p> • Roadway-related retaining walls and fences • Traffic sign posts and panels, including trailblazing signs • Roadway lighting <p><i>Elements described above do not include any elements associated with rail facilities or ancillary rail facilities such as TPSS and TBS facilities</i></p>

Dulles Corridor Metrorail Project

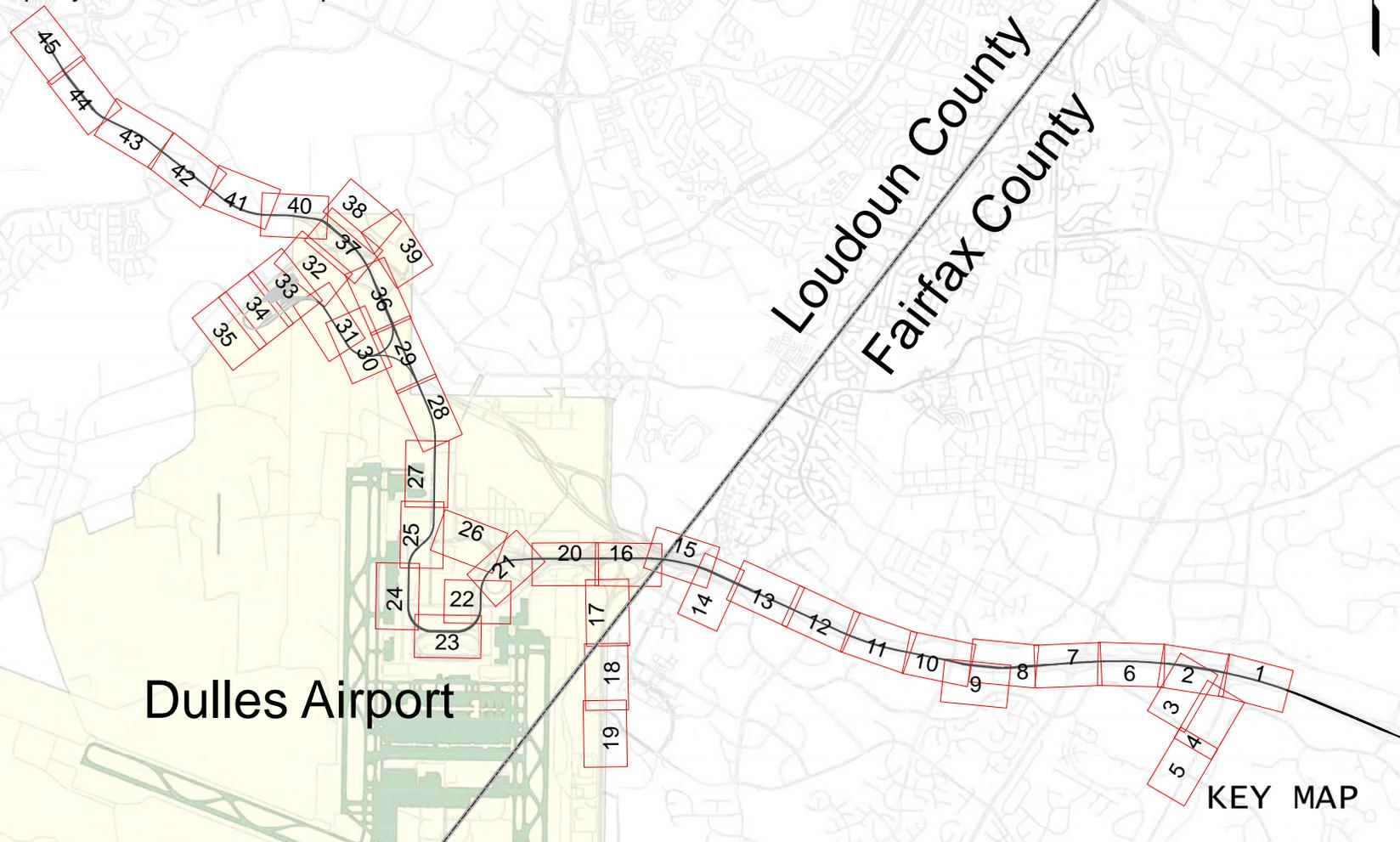
MAINTENANCE RESPONSIBILITY MAPS

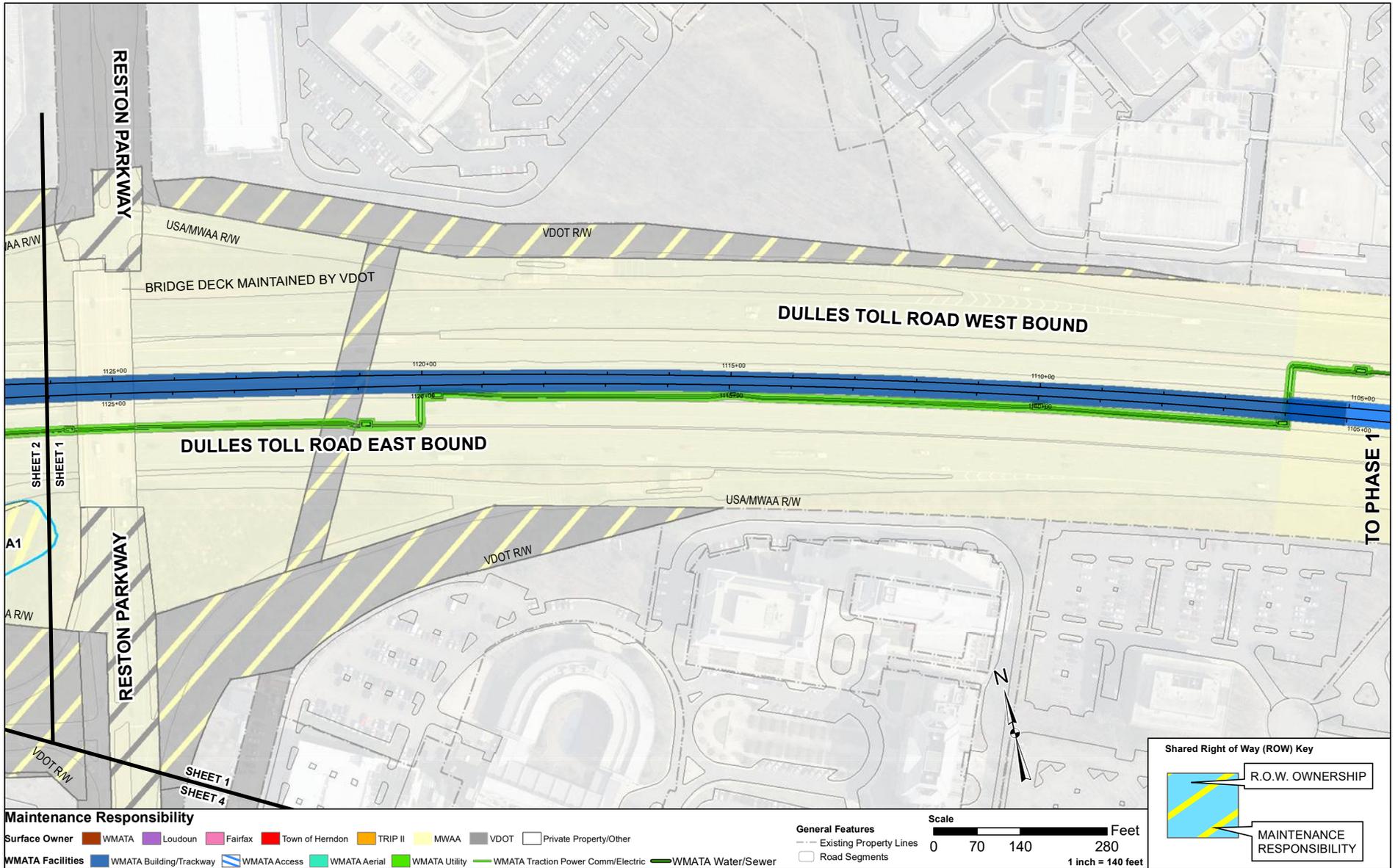
Details of Property, Surface Ownership and WMATA Facilities



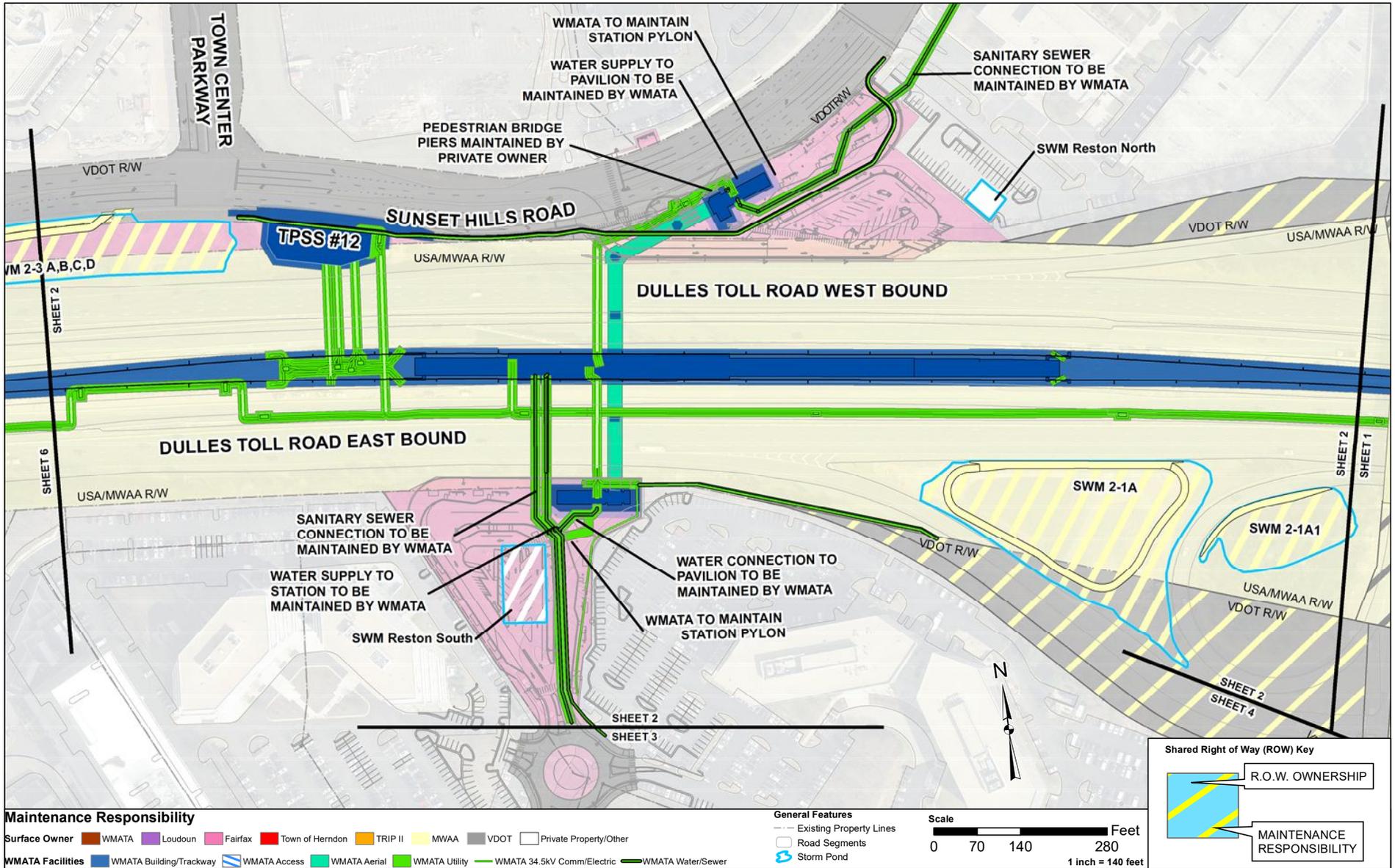
Loudoun County
Fairfax County

Dulles Airport

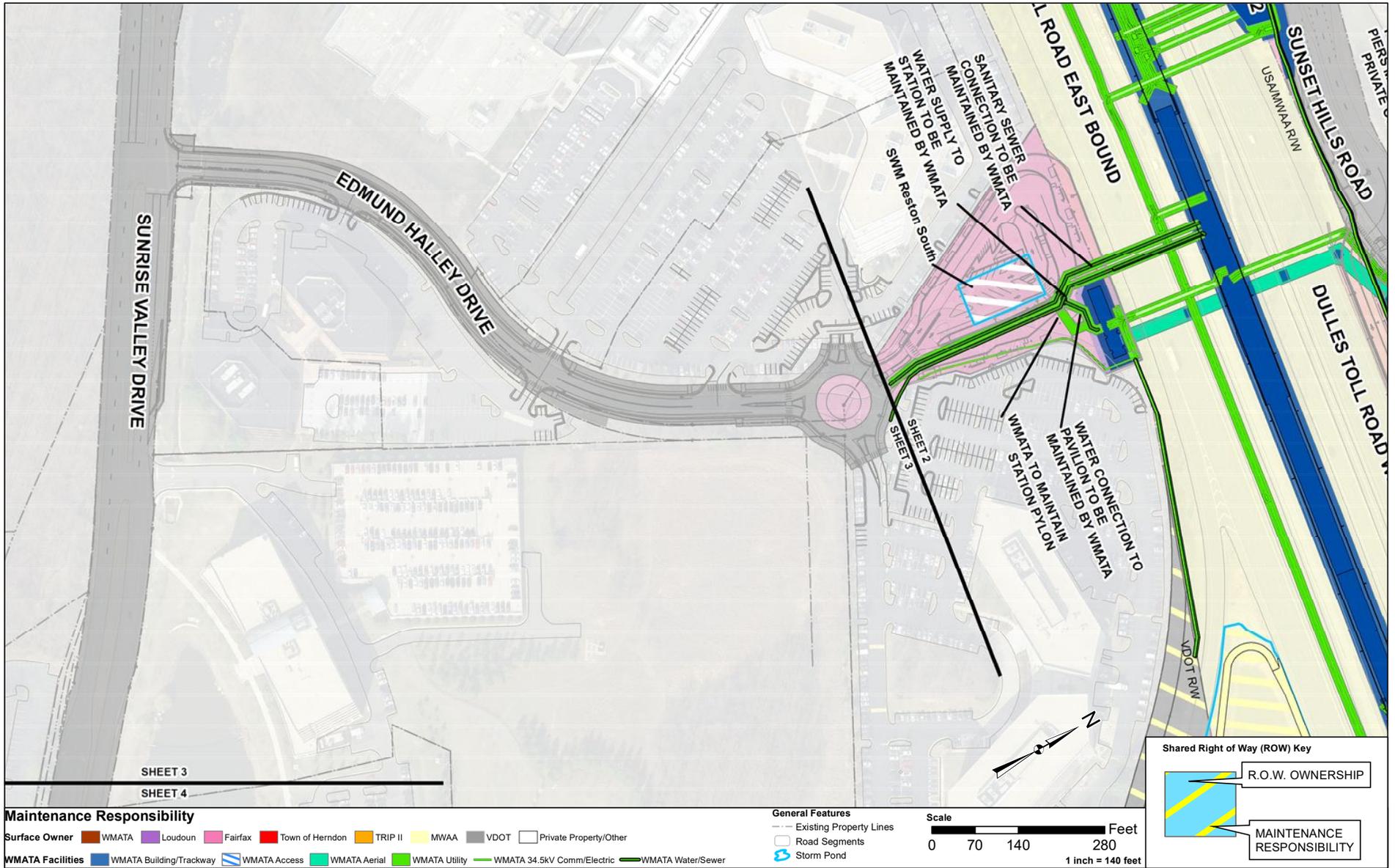




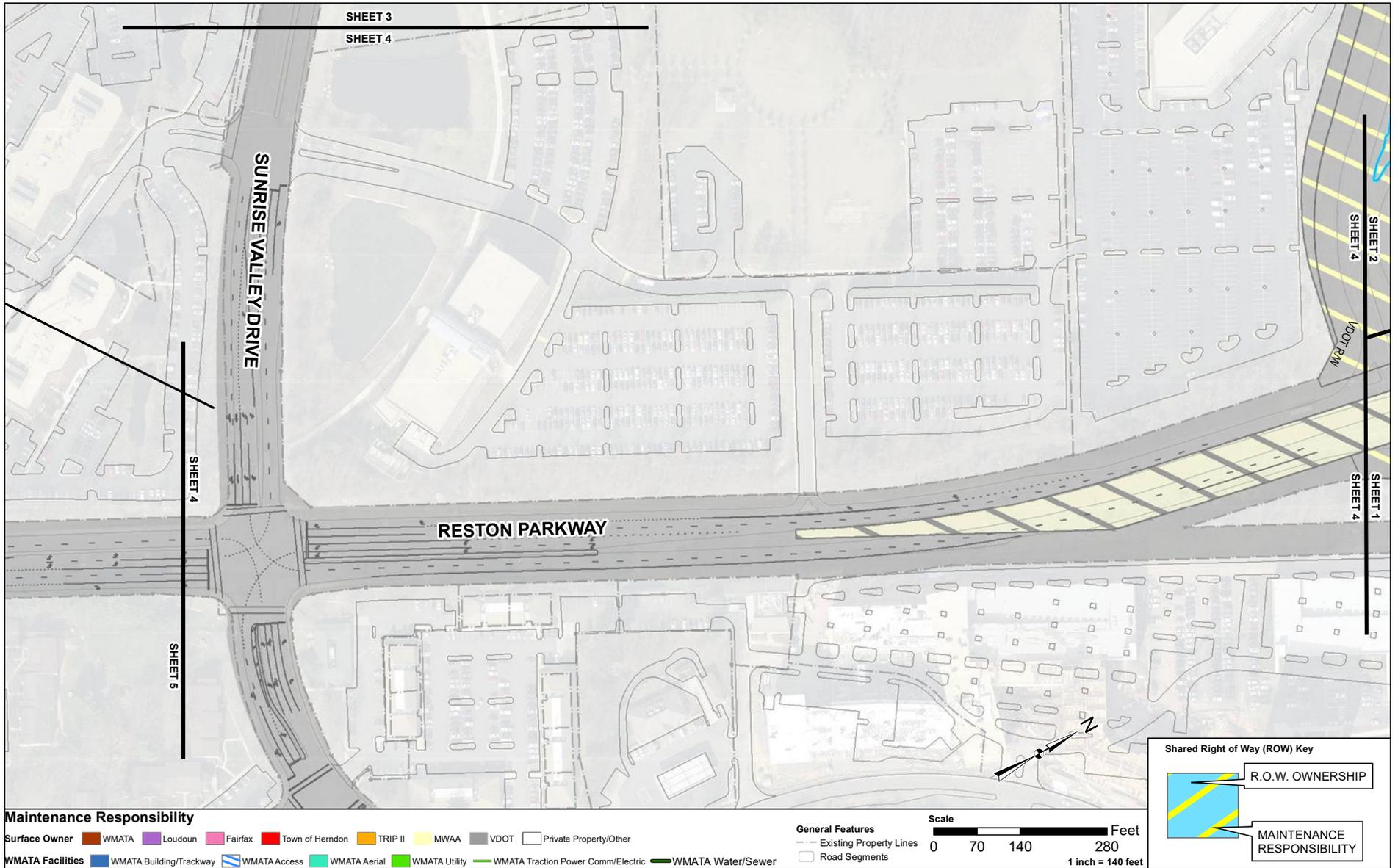
Sheet 1
Page 1 of 45



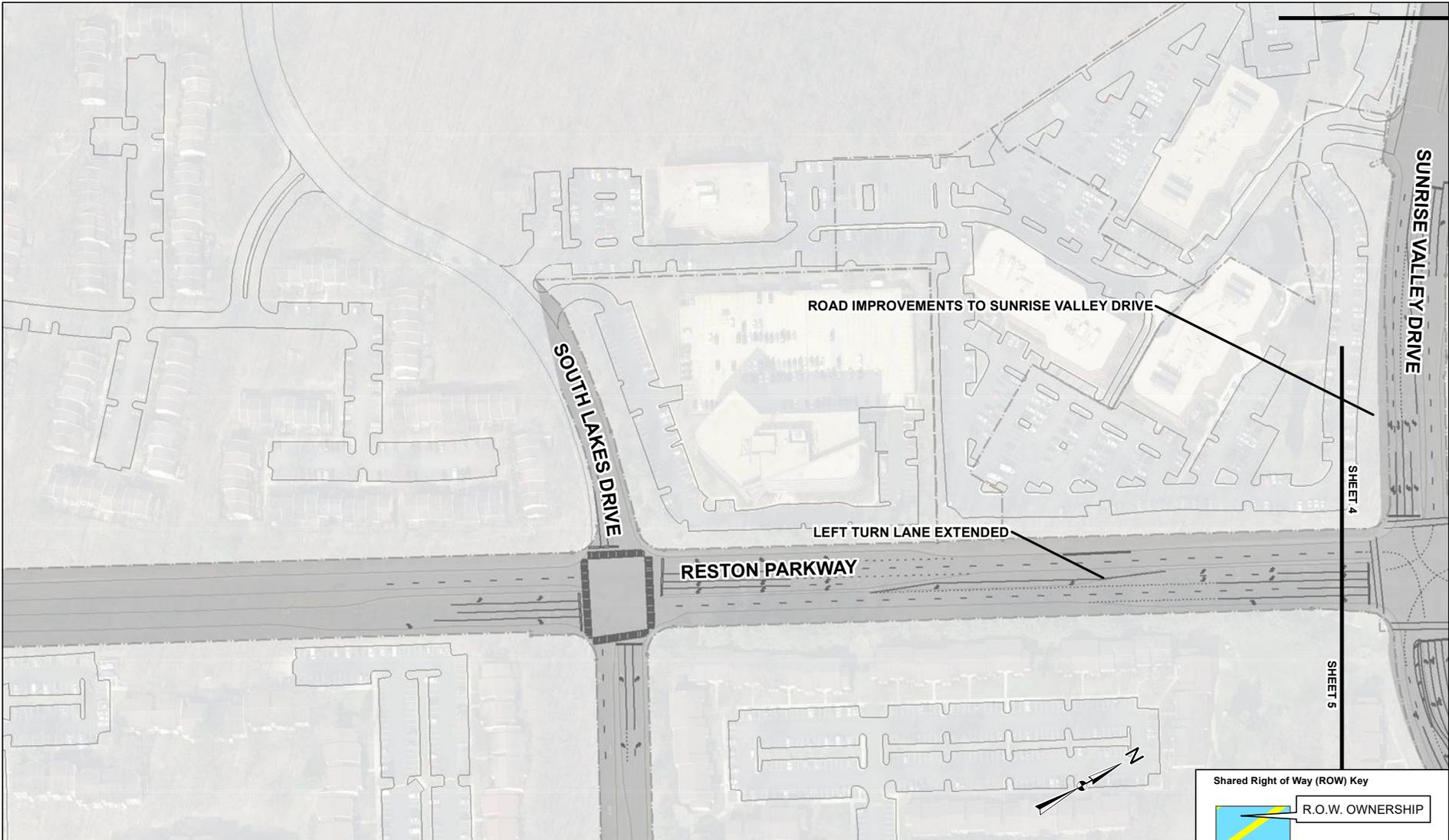
Sheet 2
Page 2 of 45



Sheet 3
Page 3 of 45



Sheet 4
 Page 4 of 45

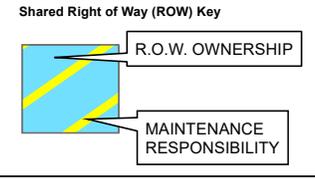
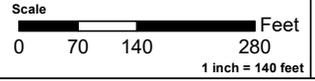


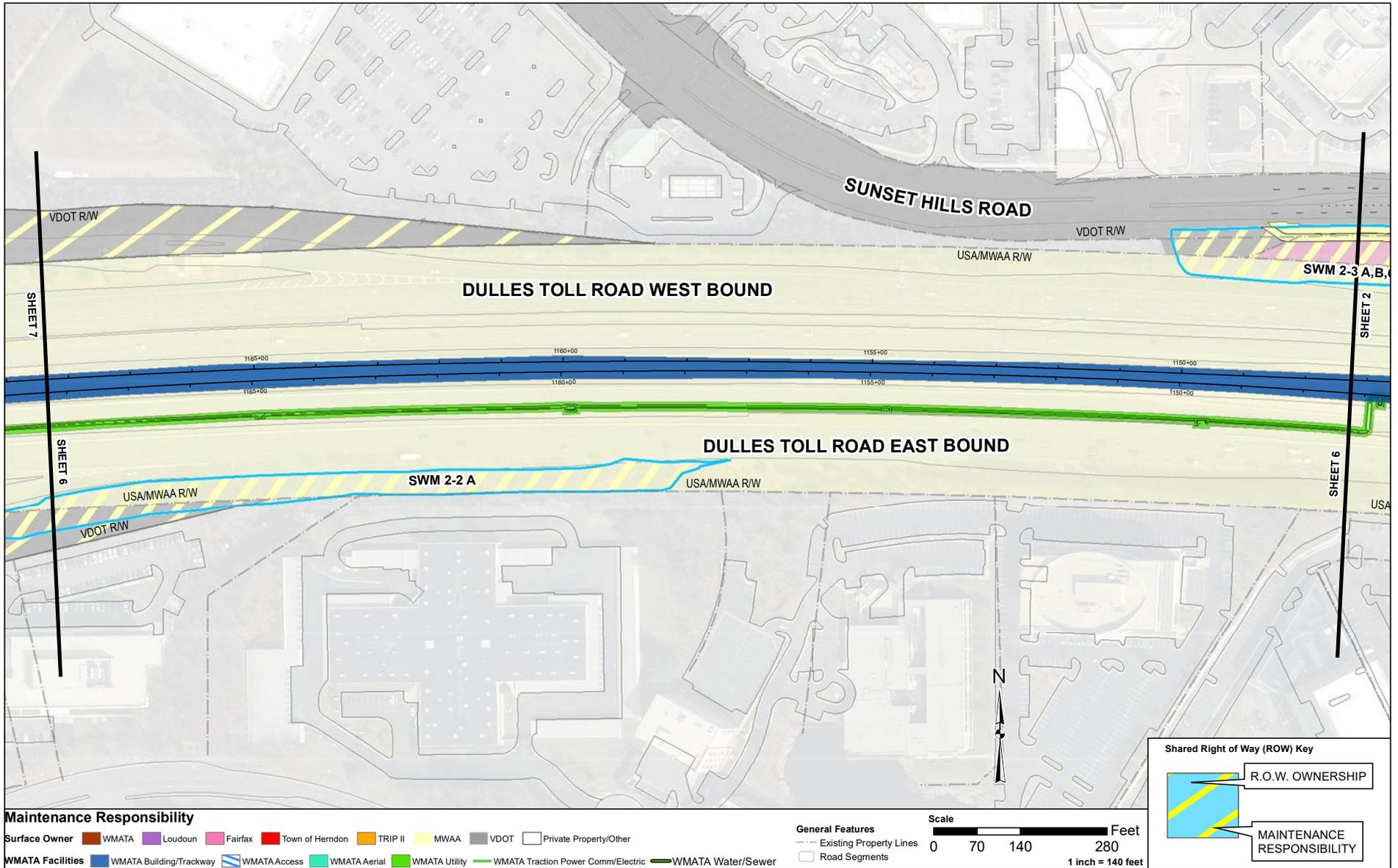
Maintenance Responsibility

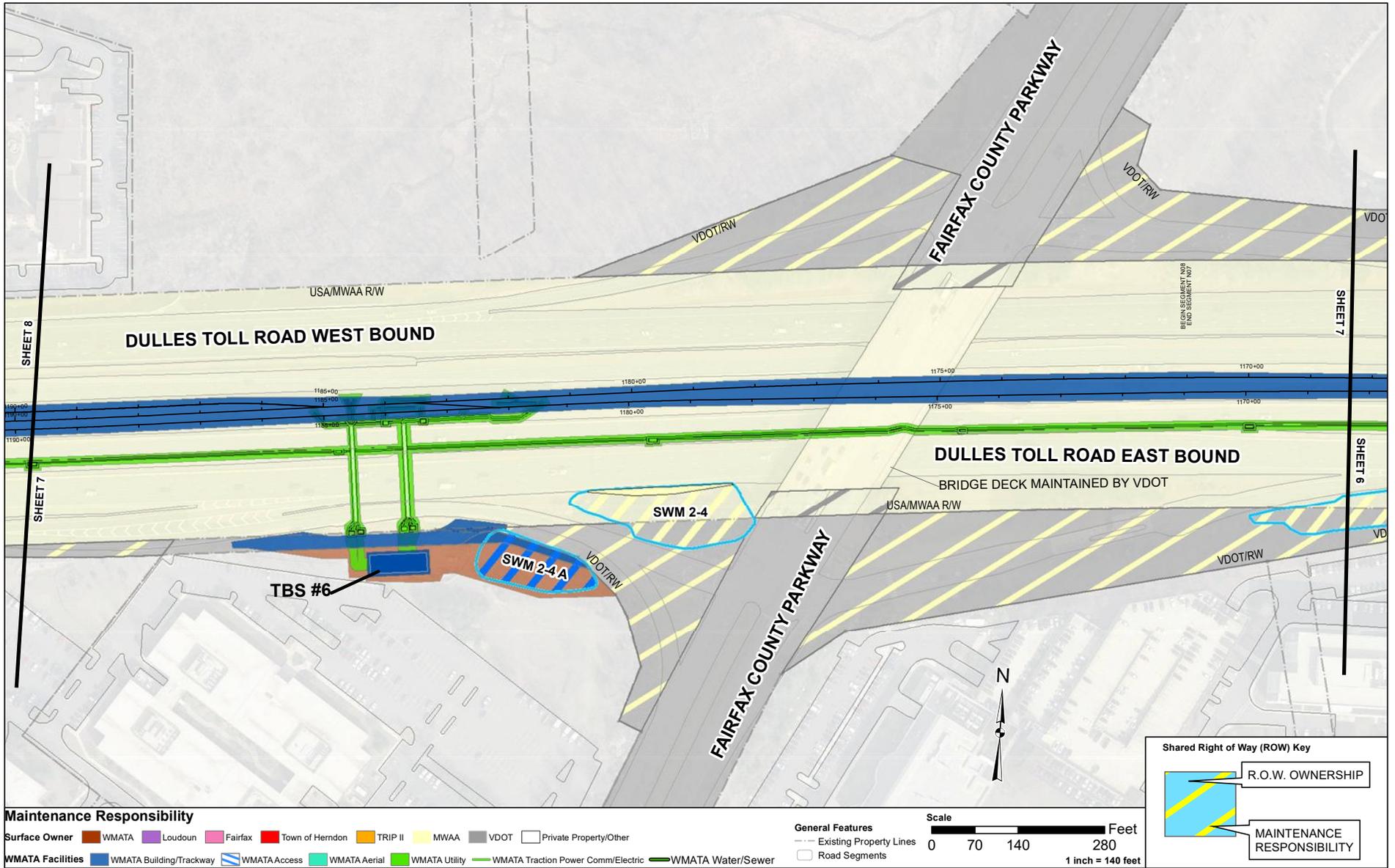
Surface Owner	WMATA	Loudoun	Fairfax	Town of Herndon	TRIP II	MWAA	VDOT	Private Property/Other
WMATA Facilities	WMATA Building/Trackway	WMATA Access	WMATA Aerial	WMATA Utility	WMATA Traction Power Comm/Electric	WMATA Water/Sewer		

General Features

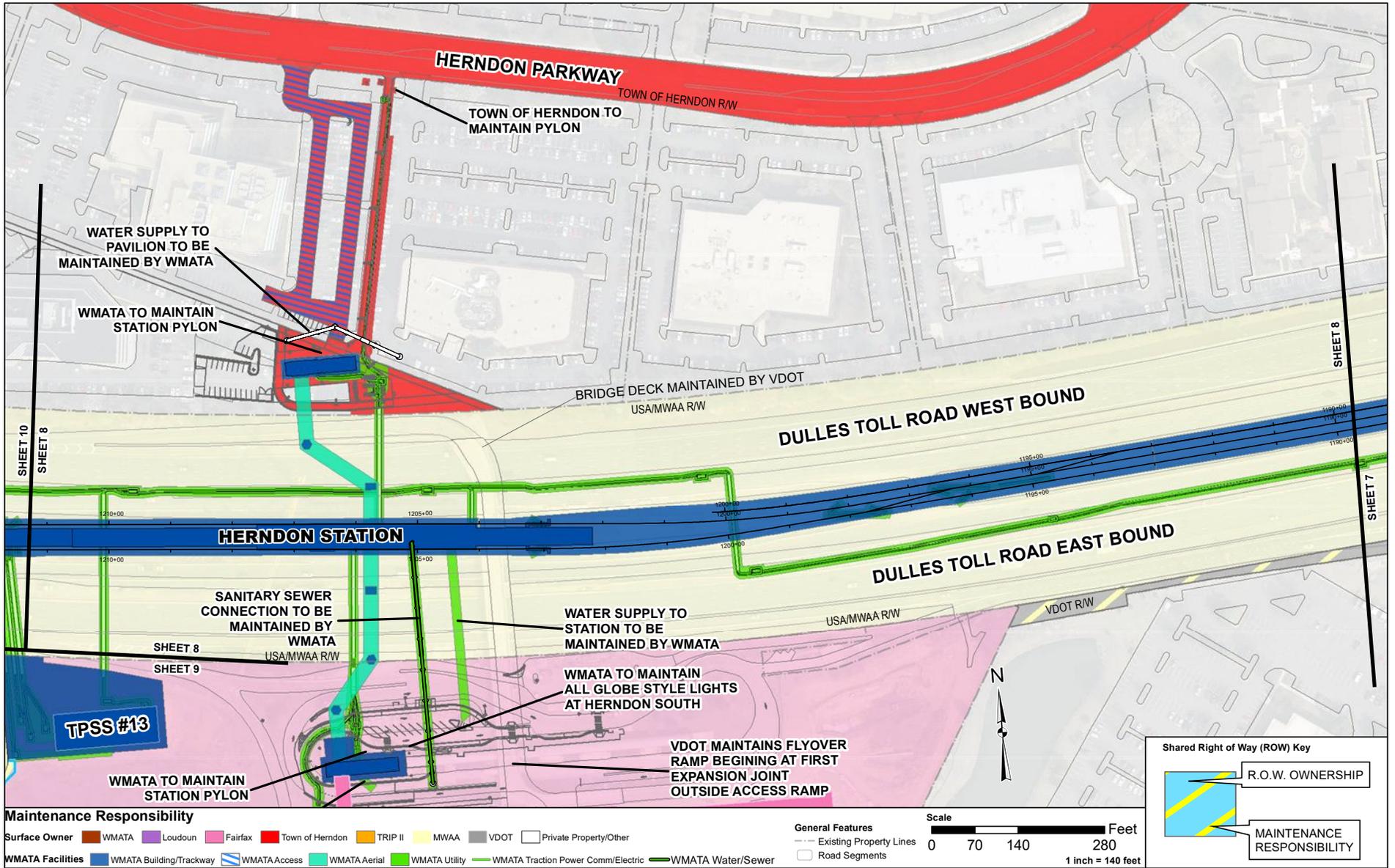
Existing Property Lines	Road Segments
-------------------------	---------------



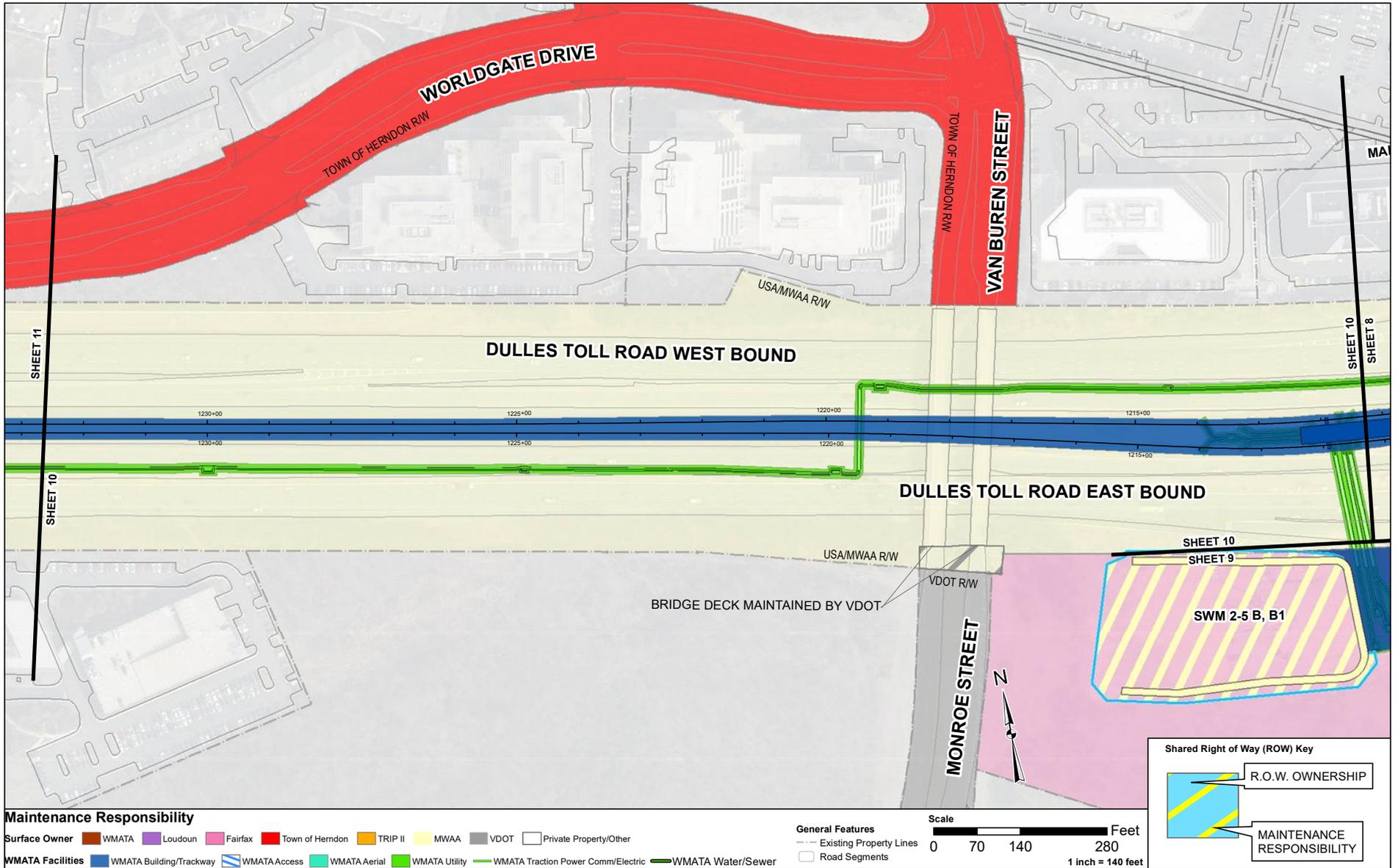


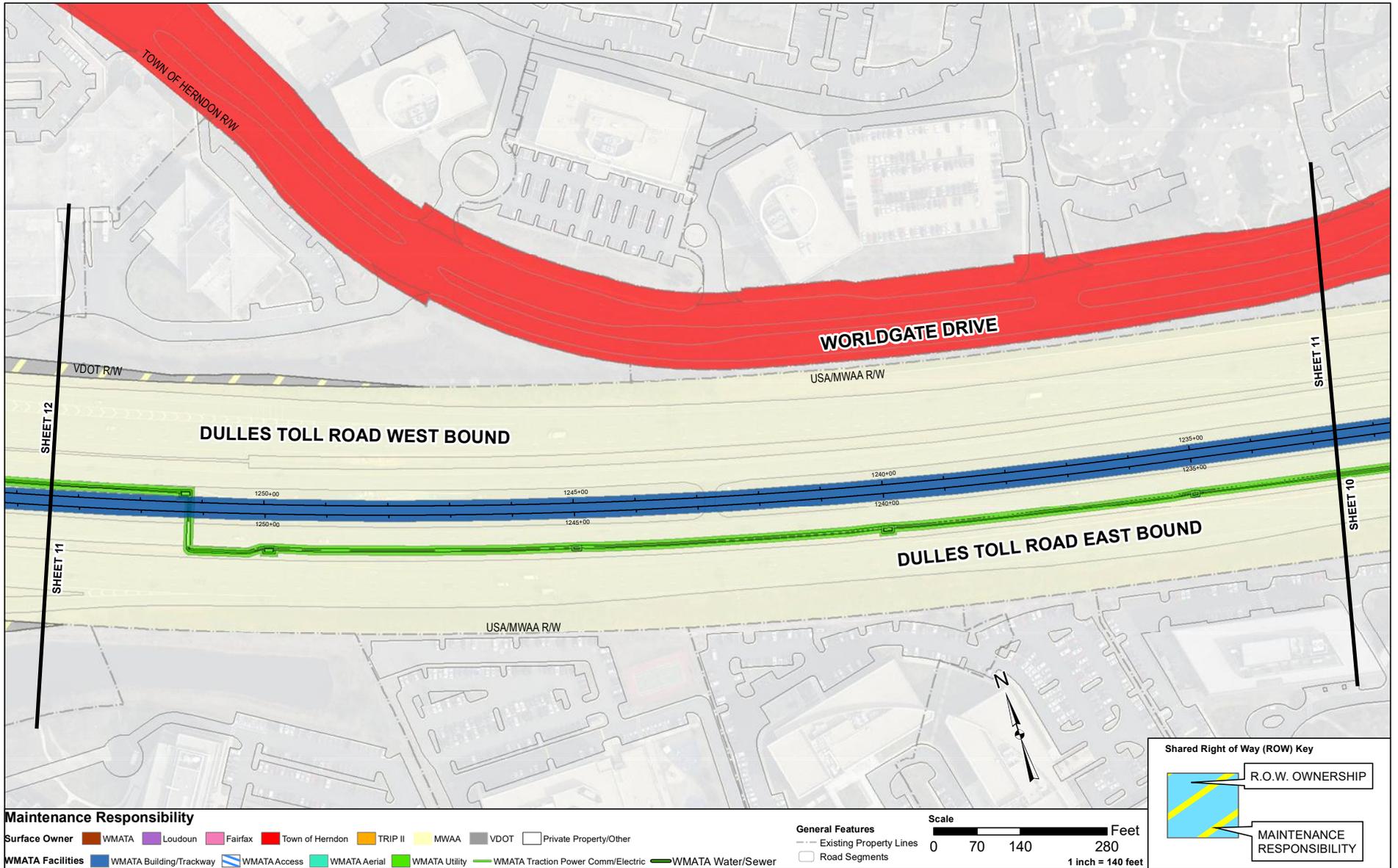


Sheet 7
Page 7 of 45

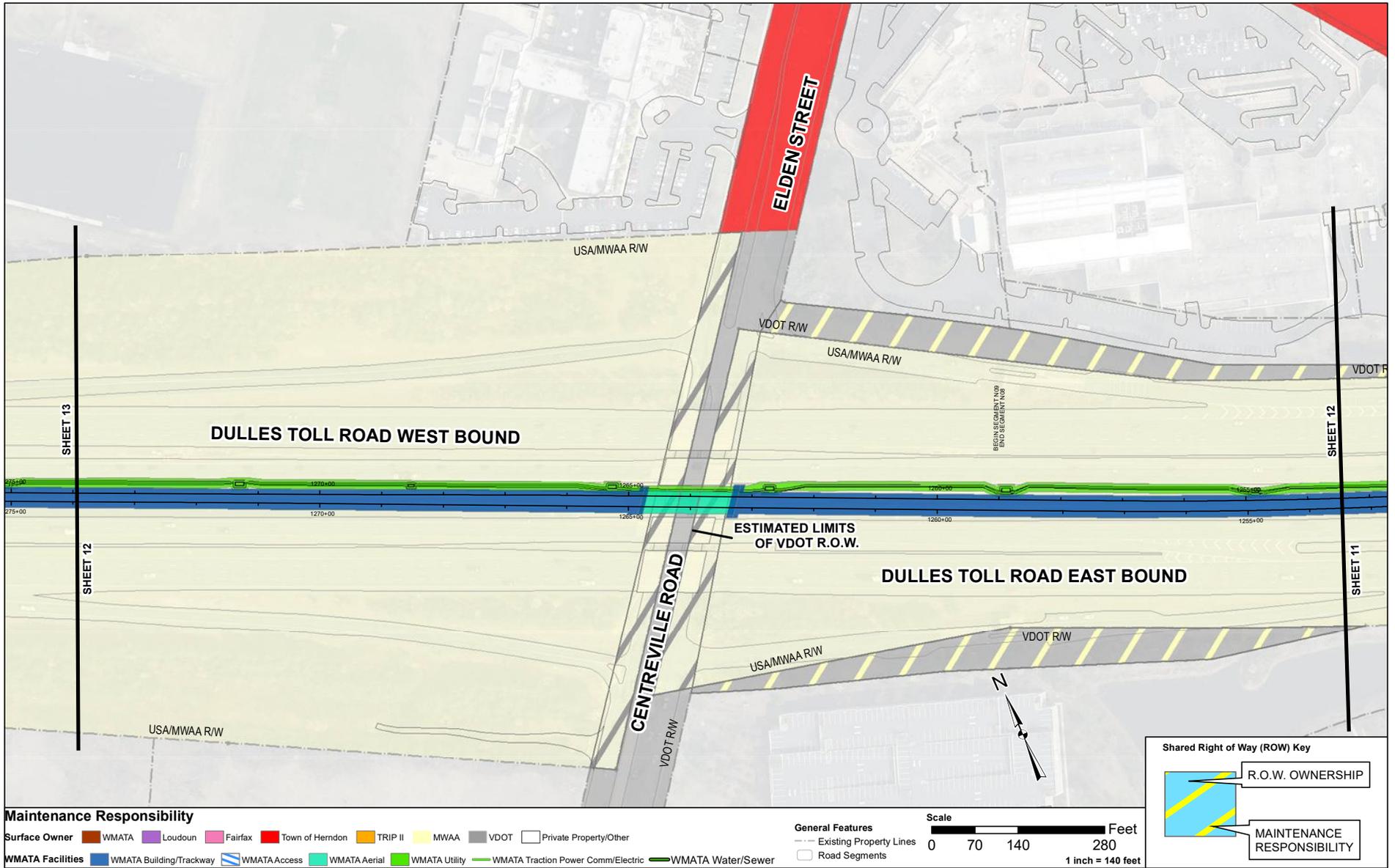


Sheet 8
Page 8 of 45

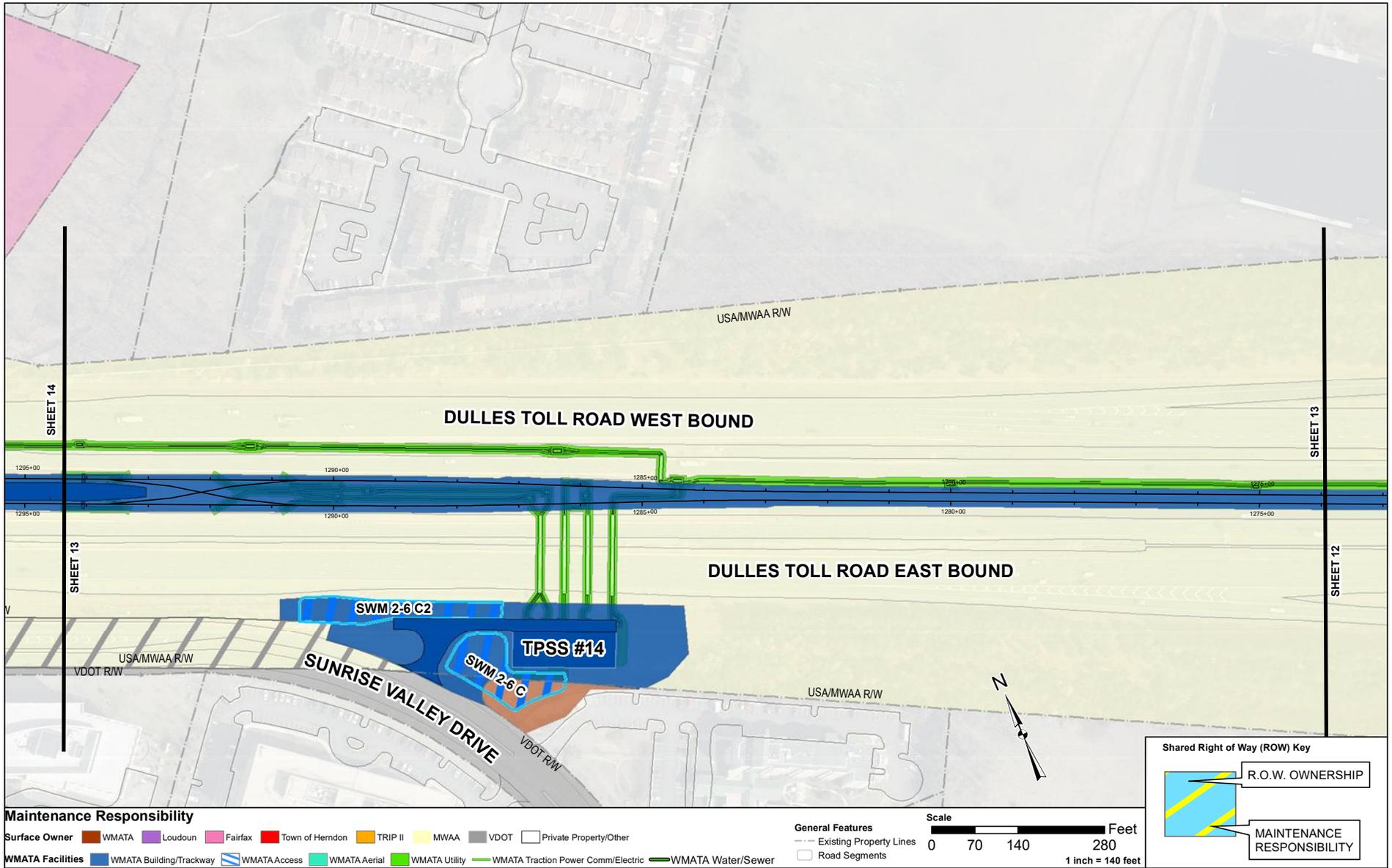




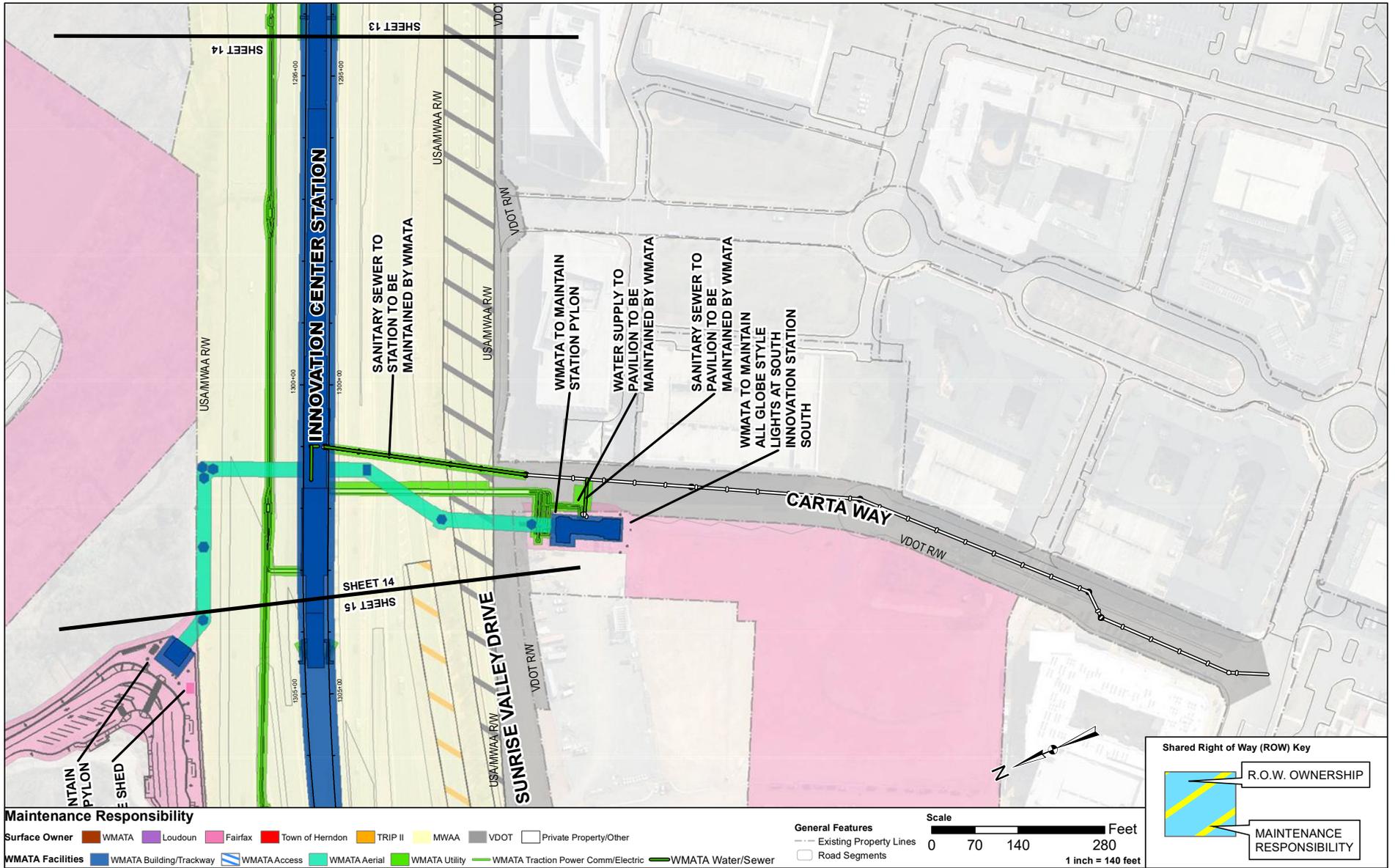
Sheet 11
Page 11 of 45

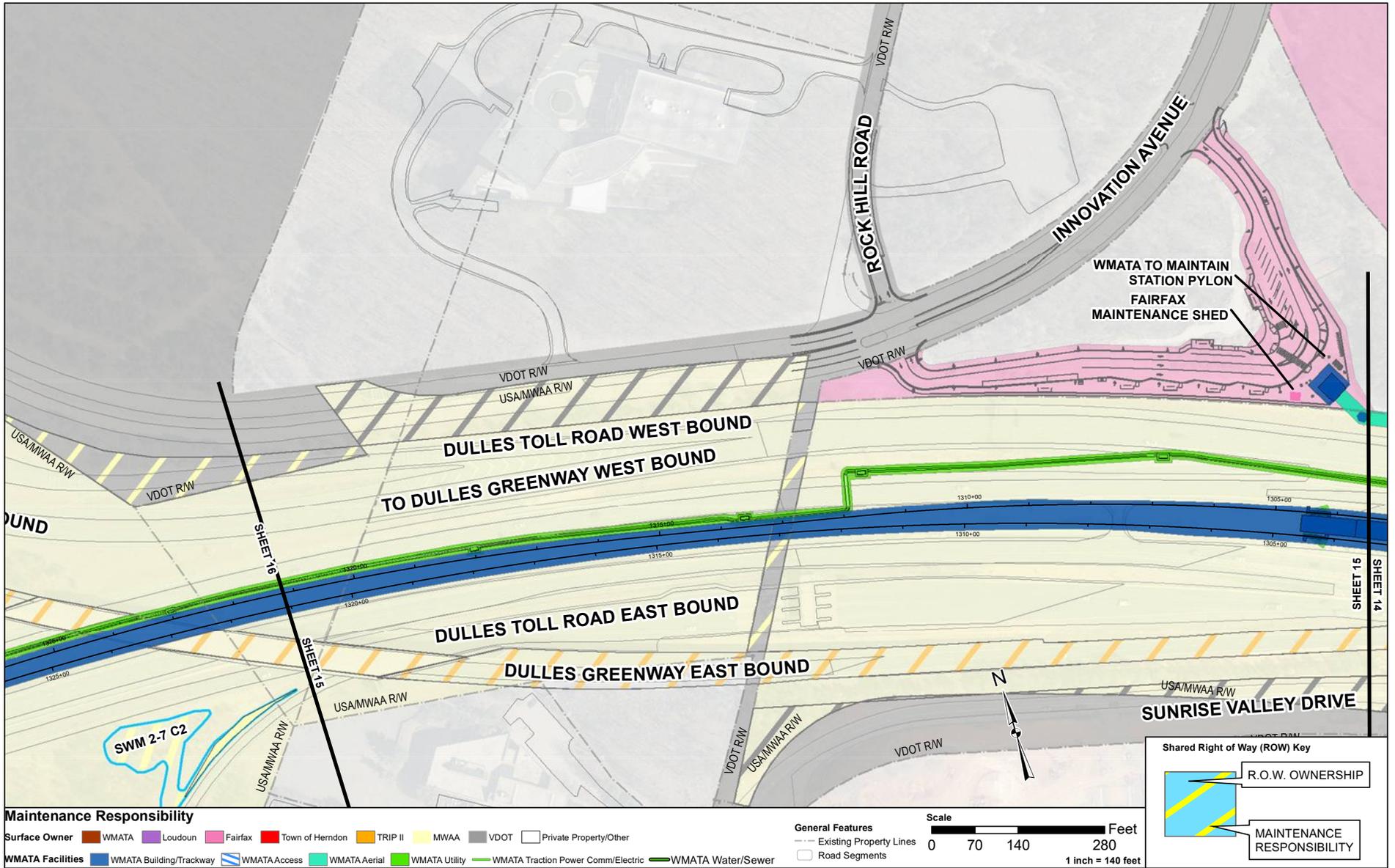


Sheet 12
Page 12 of 45



Sheet 13
Page 13 of 45



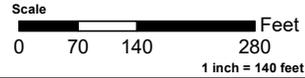


Maintenance Responsibility

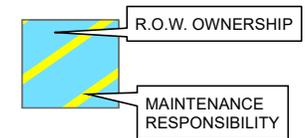
Surface Owner	WMATA	Loudoun	Fairfax	Town of Herndon	TRIP II	MWAA	VDOT	Private Property/Other
WMATA Facilities	WMATA Building/Trackway	WMATA Access	WMATA Aerial	WMATA Utility	WMATA Traction Power Comm/Electric	WMATA Water/Sewer		

General Features

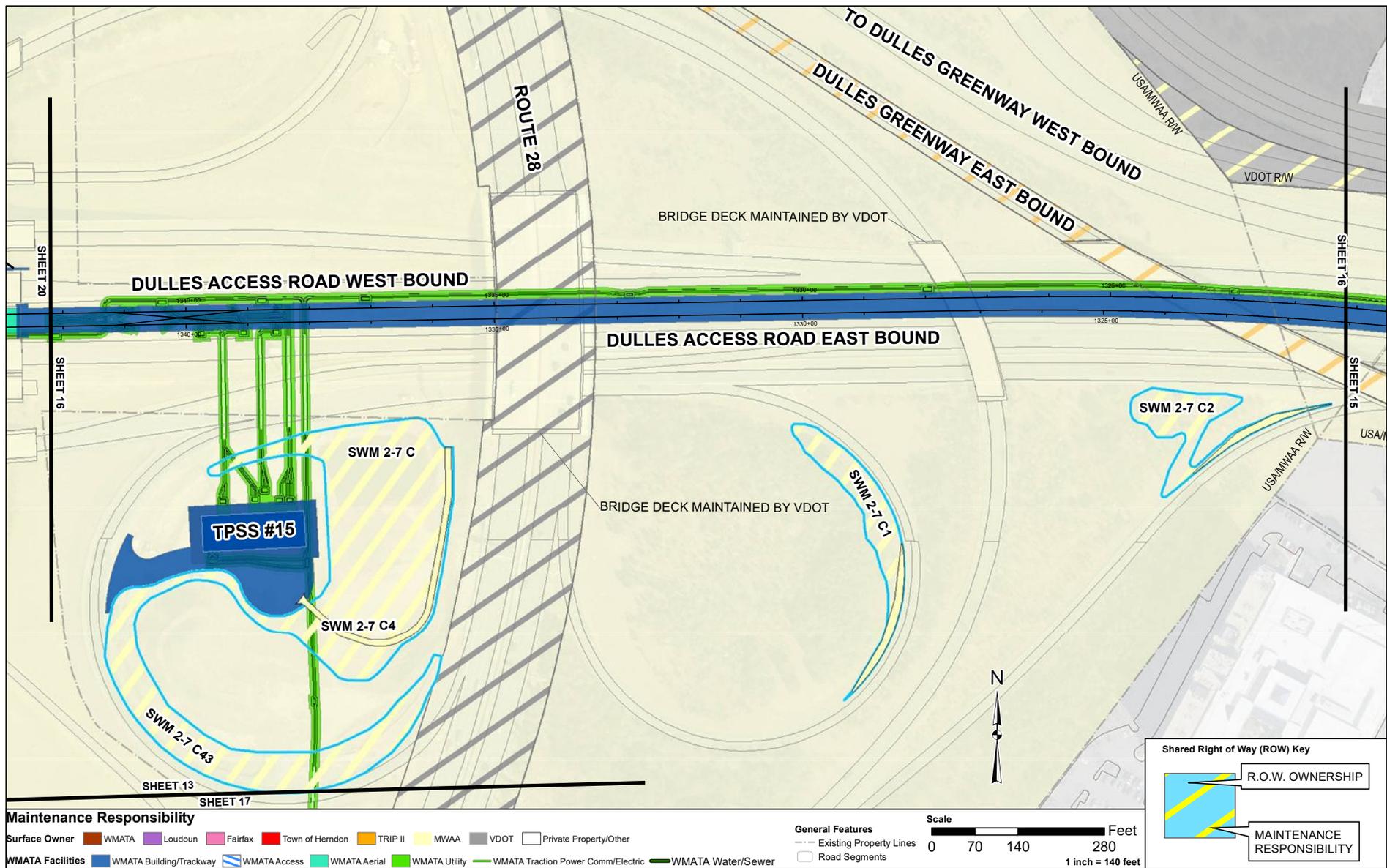
- Existing Property Lines
- Road Segments



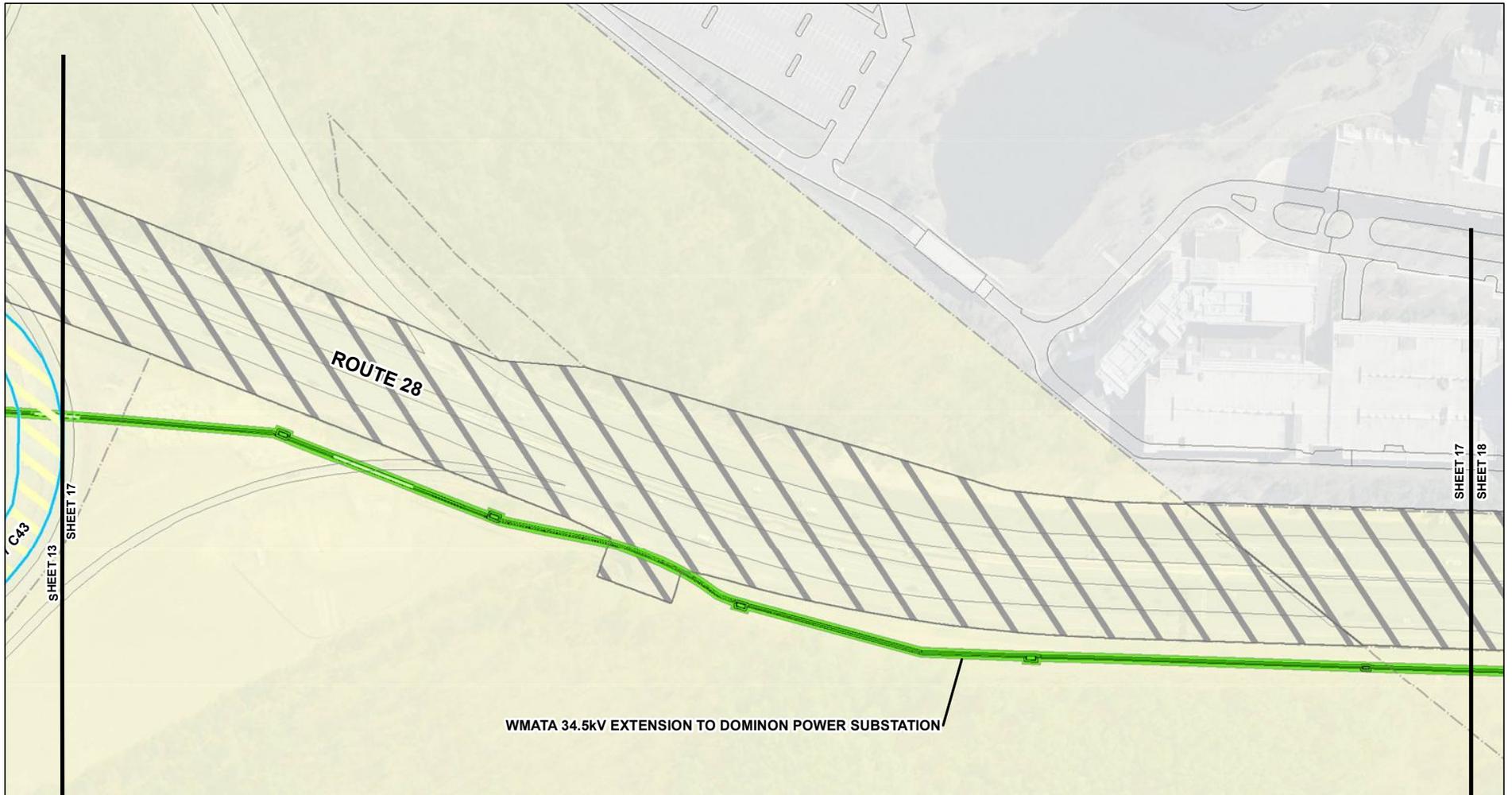
Shared Right of Way (ROW) Key



Sheet 15
Page 15 of 45



Sheet 16
Page 16 of 45

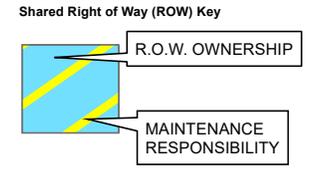
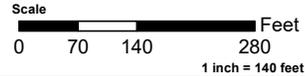


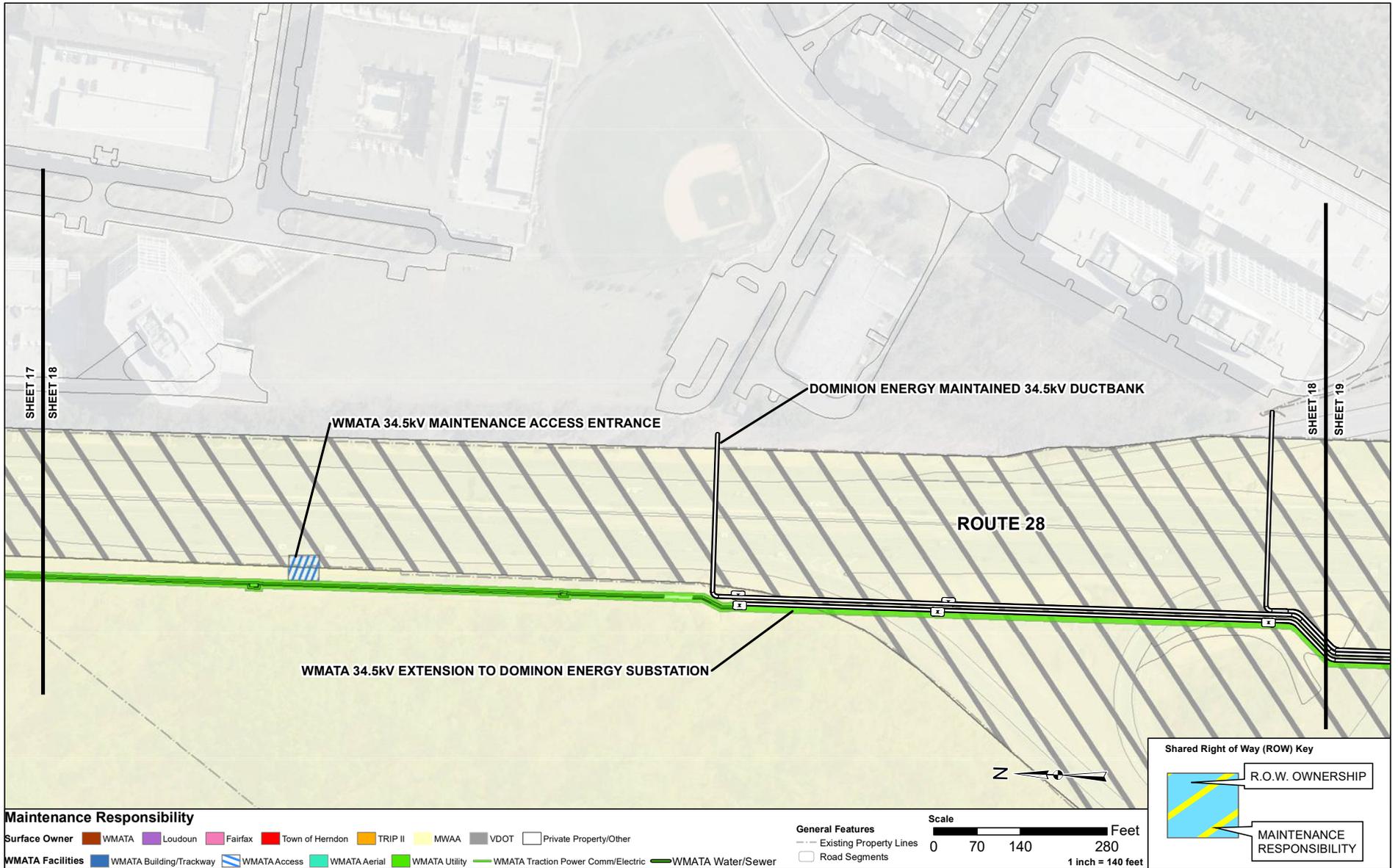
WMATA 34.5kV EXTENSION TO DOMINON POWER SUBSTATION

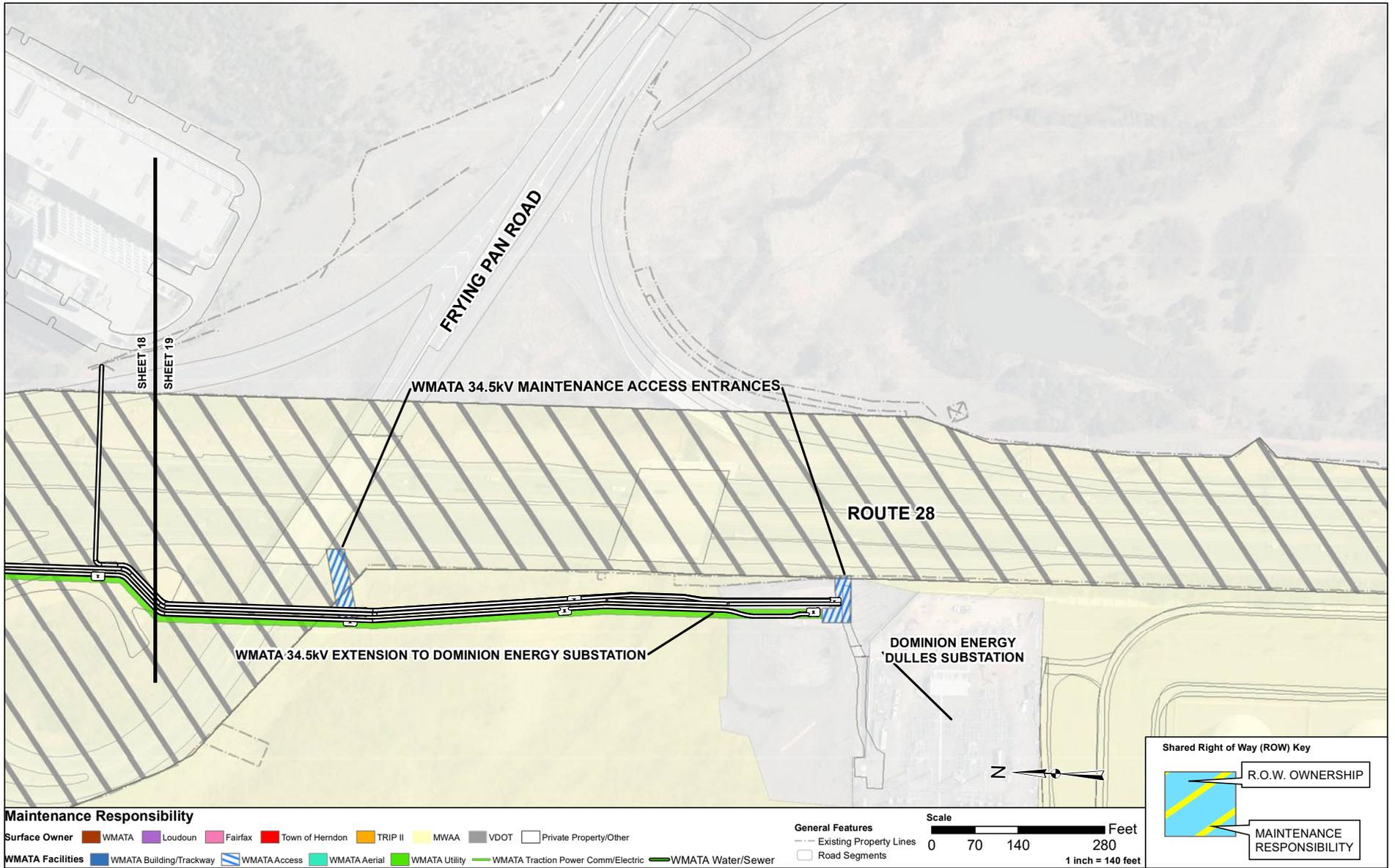
Maintenance Responsibility

- | | | | | | | | | |
|-------------------------|-------------------------|--------------|--------------|-----------------|------------------------------------|-------------------|------|------------------------|
| Surface Owner | WMATA | Loudoun | Fairfax | Town of Herndon | TRIP II | MWAA | VDOT | Private Property/Other |
| WMATA Facilities | WMATA Building/Trackway | WMATA Access | WMATA Aerial | WMATA Utility | WMATA Traction Power Comm/Electric | WMATA Water/Sewer | | |

- General Features**
- Existing Property Lines
 - Road Segments

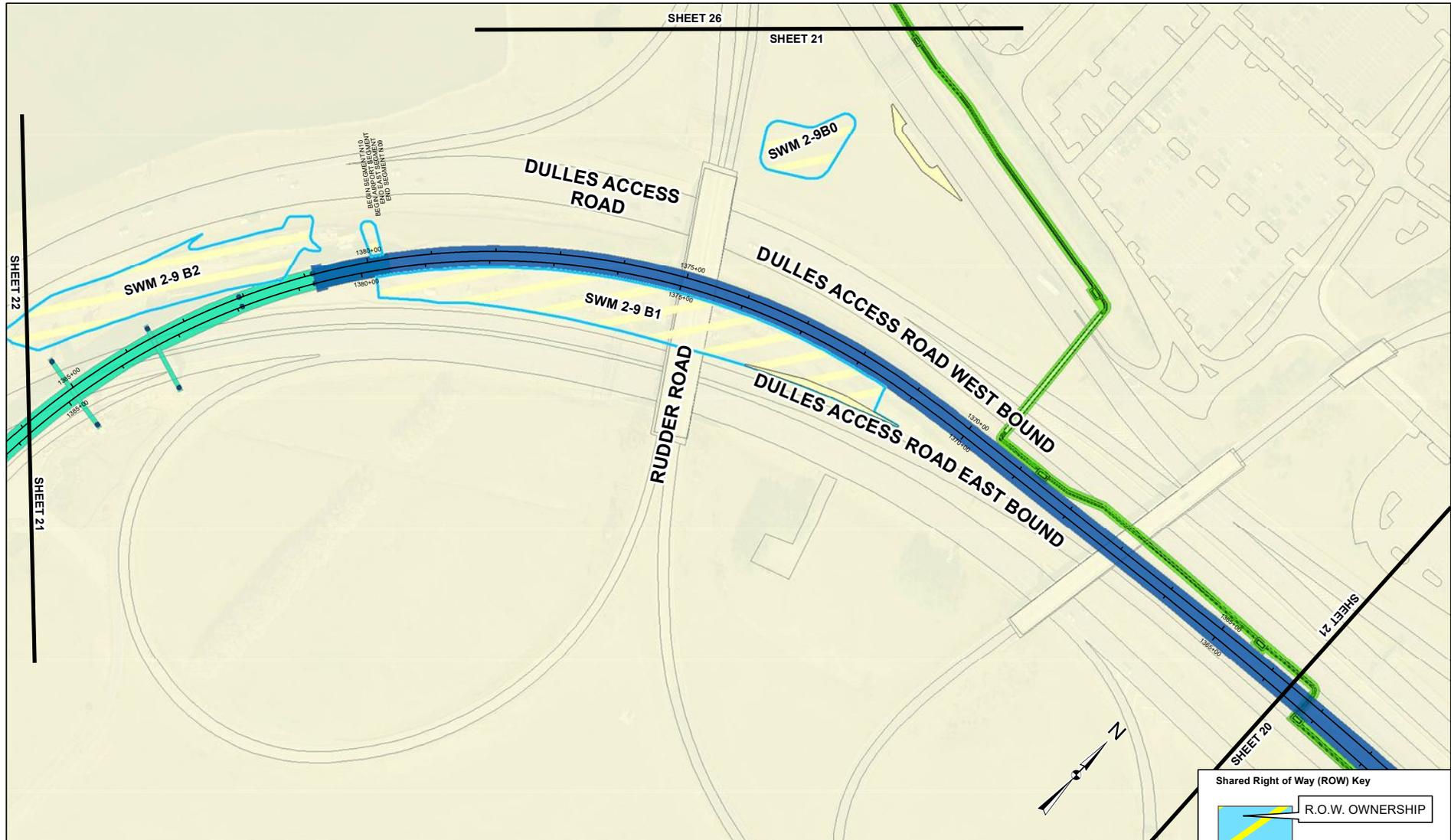








Sheet 20
Page 20 of 45



Maintenance Responsibility

Surface Owner	WMATA	Loudoun	Fairfax	Town of Herndon	TRIP II	MWAA	VDOT	Private Property/Other
WMATA Facilities	WMATA Building/Trackway	WMATA Access	WMATA Aerial	WMATA Utility	WMATA Traction Power Comm/Electric	WMATA Water/Sewer		

General Features

- Existing Property Lines
- Road Segments

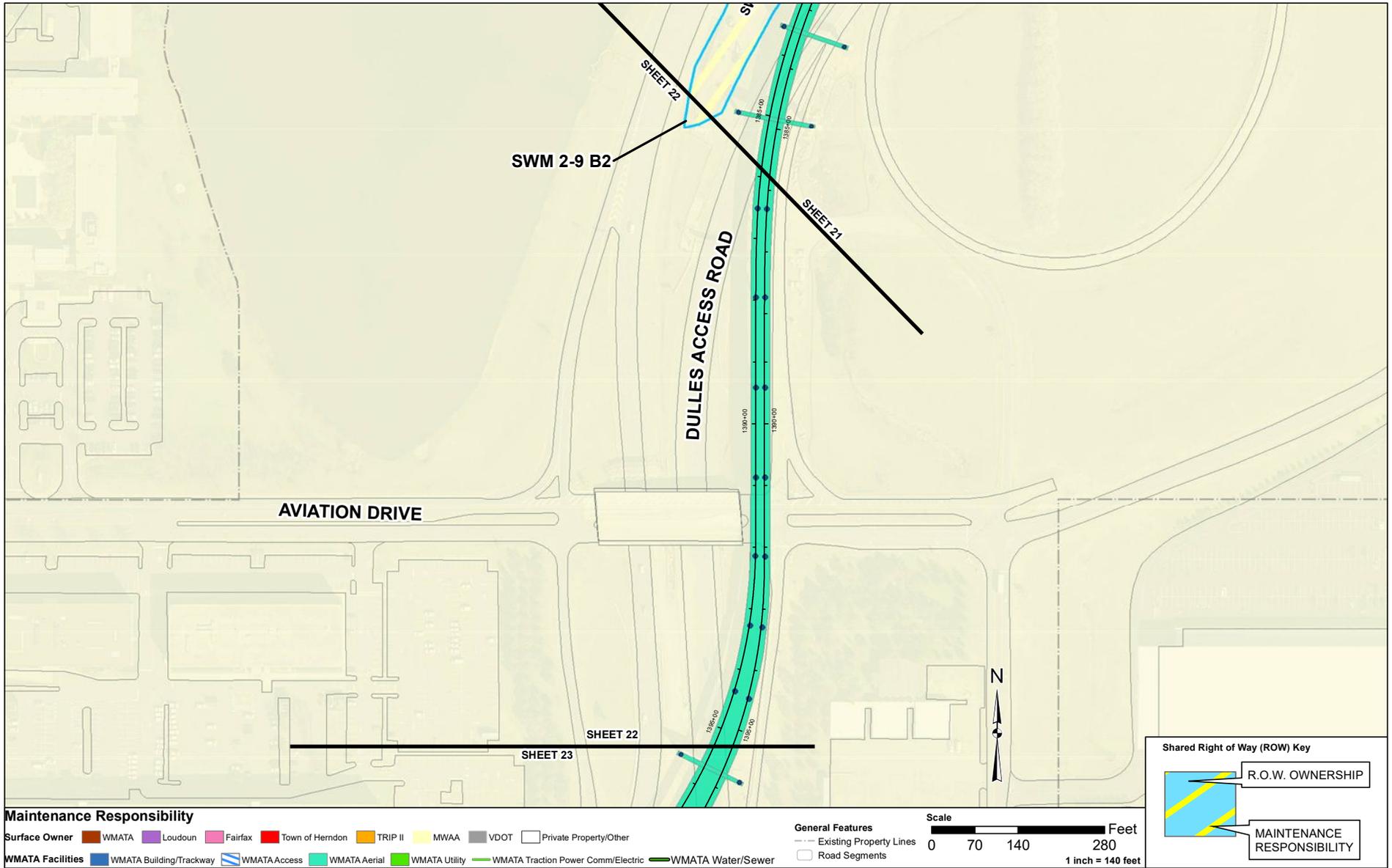
Scale

0 70 140 280 Feet
1 inch = 140 feet

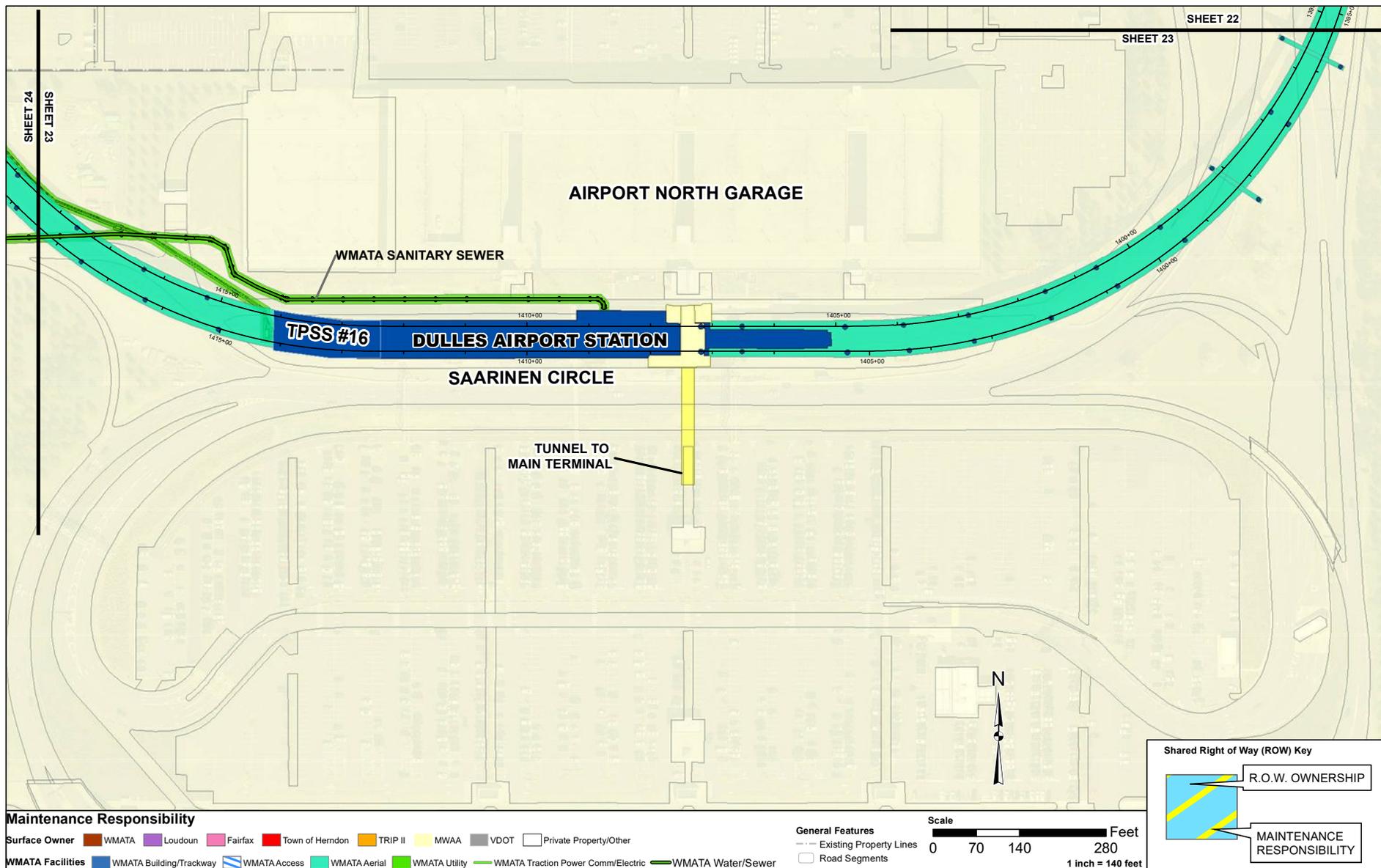
Shared Right of Way (ROW) Key

- R.O.W. OWNERSHIP
- MAINTENANCE RESPONSIBILITY

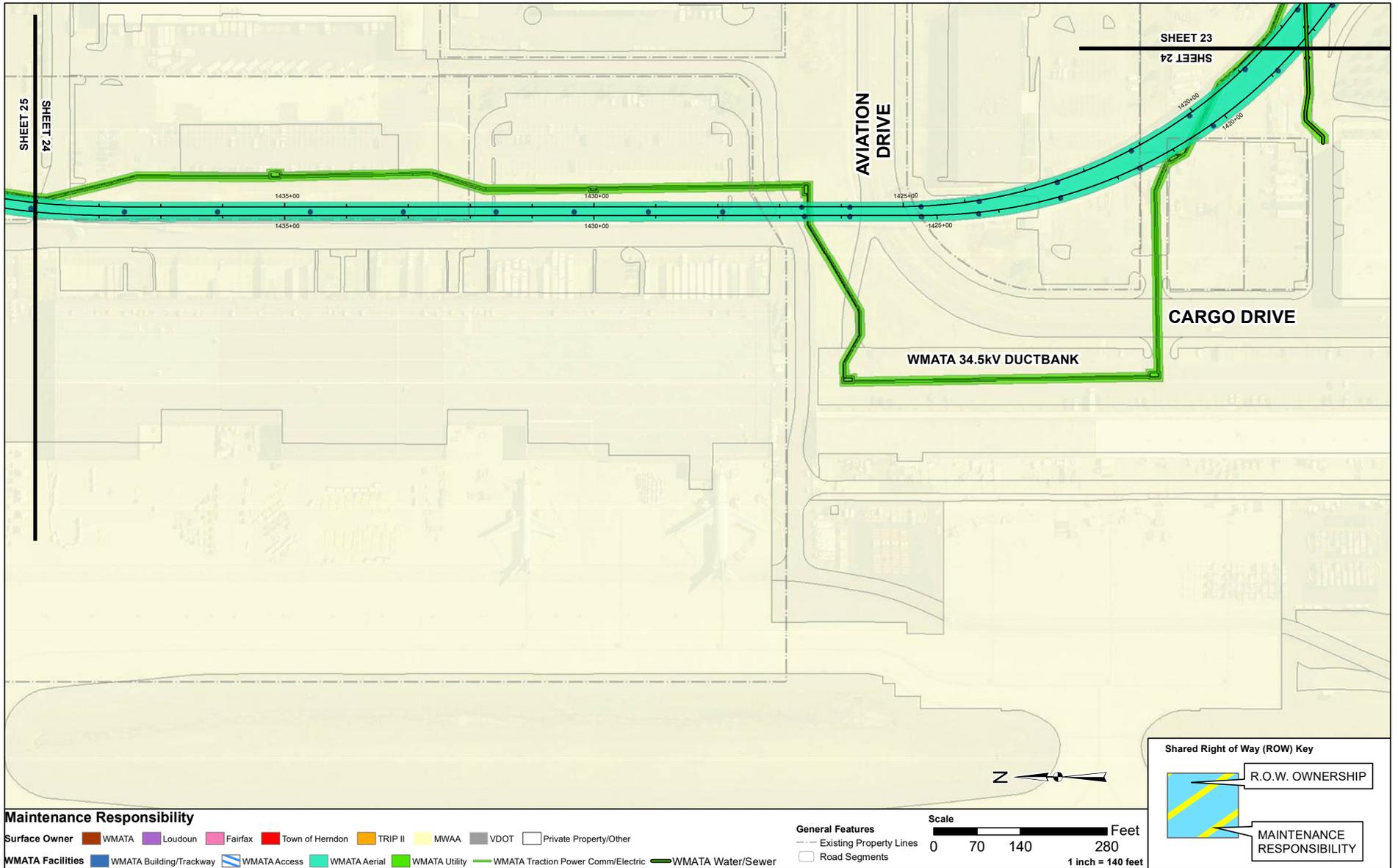
Sheet 21
Page 21 of 45



Sheet 22
Page 22 of 45



Sheet 23
Page 23 of 45





Maintenance Responsibility

- | | | | | | | | | |
|-------------------------|-------------------------|--------------|--------------|-----------------|------------------------------------|-------------------|------|------------------------|
| Surface Owner | WMATA | Loudoun | Fairfax | Town of Herndon | TRIP II | MWA | VDOT | Private Property/Other |
| WMATA Facilities | WMATA Building/Trackway | WMATA Access | WMATA Aerial | WMATA Utility | WMATA Traction Power Comm/Electric | WMATA Water/Sewer | | |

General Features

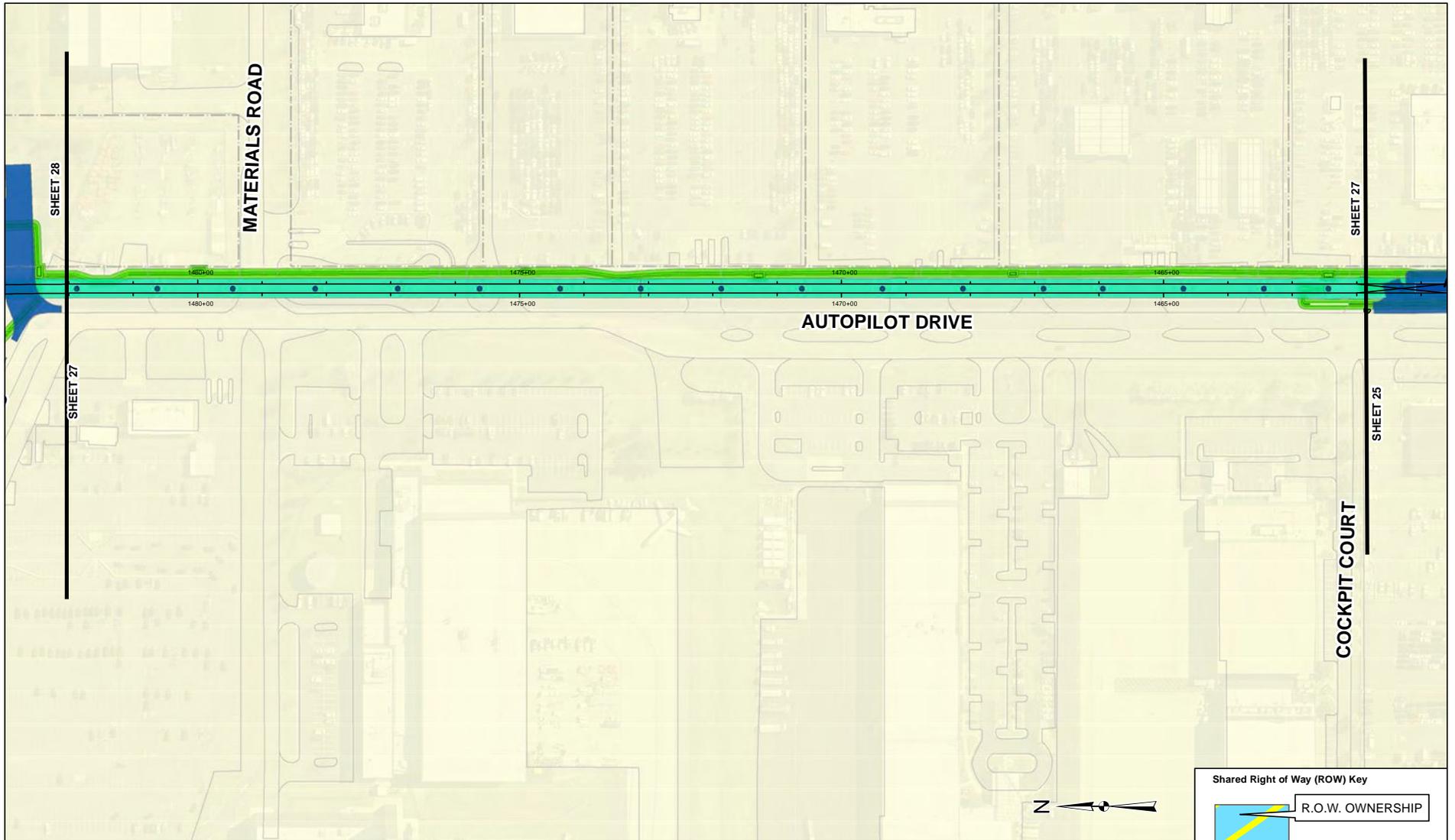
- Existing Property Lines
- Road Segments



Shared Right of Way (ROW) Key

- R.O.W. OWNERSHIP
- MAINTENANCE RESPONSIBILITY





Maintenance Responsibility

Surface Owner WMATA Loudoun Fairfax Town of Herndon TRIP II MWAA VDOT Private Property/Other

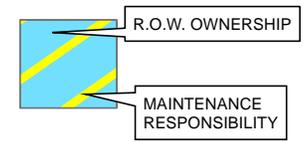
WMATA Facilities WMATA Building/Trackway WMATA Access WMATA Aerial WMATA Utility WMATA Traction Power Comm/Electric WMATA Water/Sewer

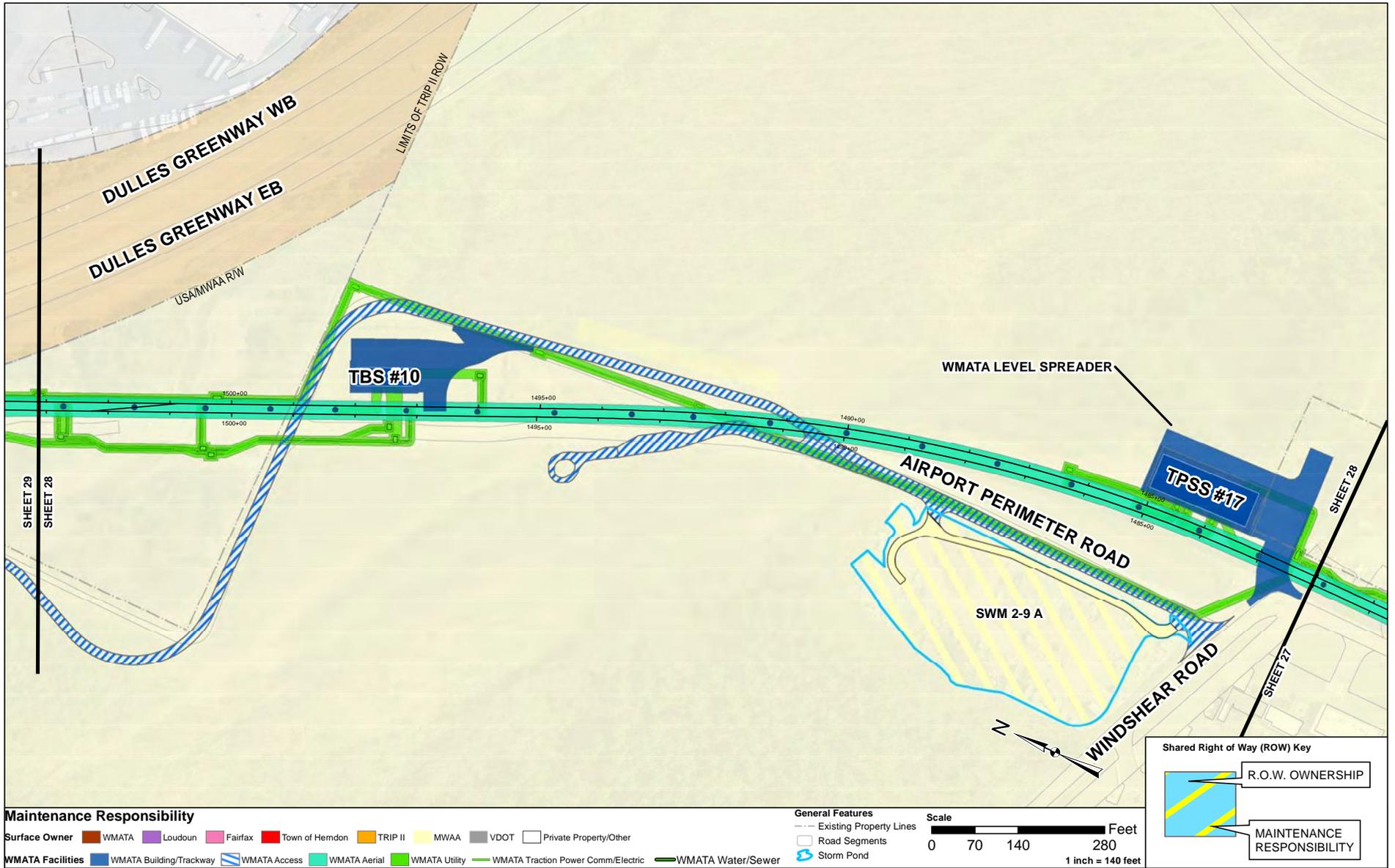
General Features

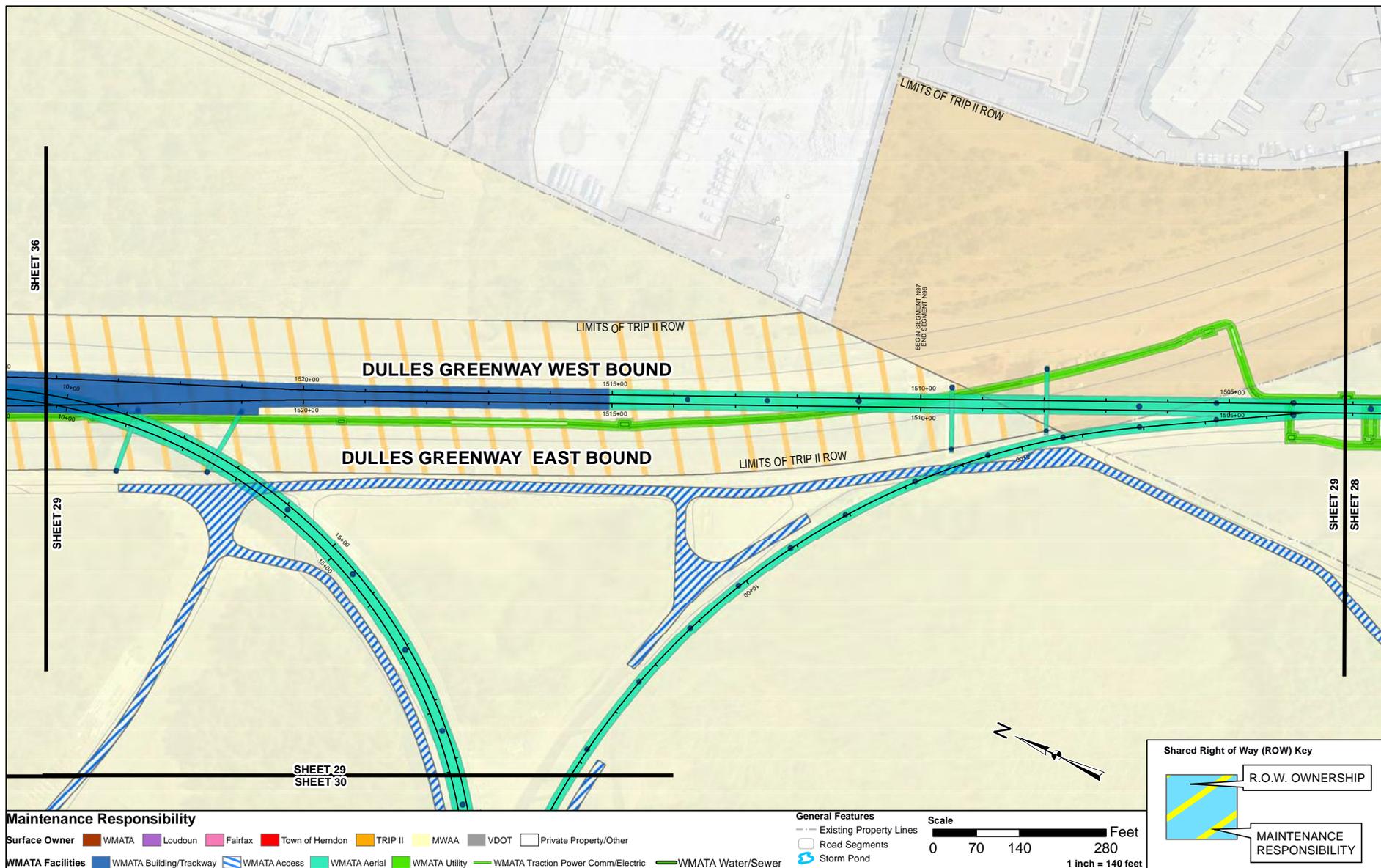
Existing Property Lines
Road Segments
Storm Pond

Scale
0 70 140 280 Feet
1 inch = 140 feet

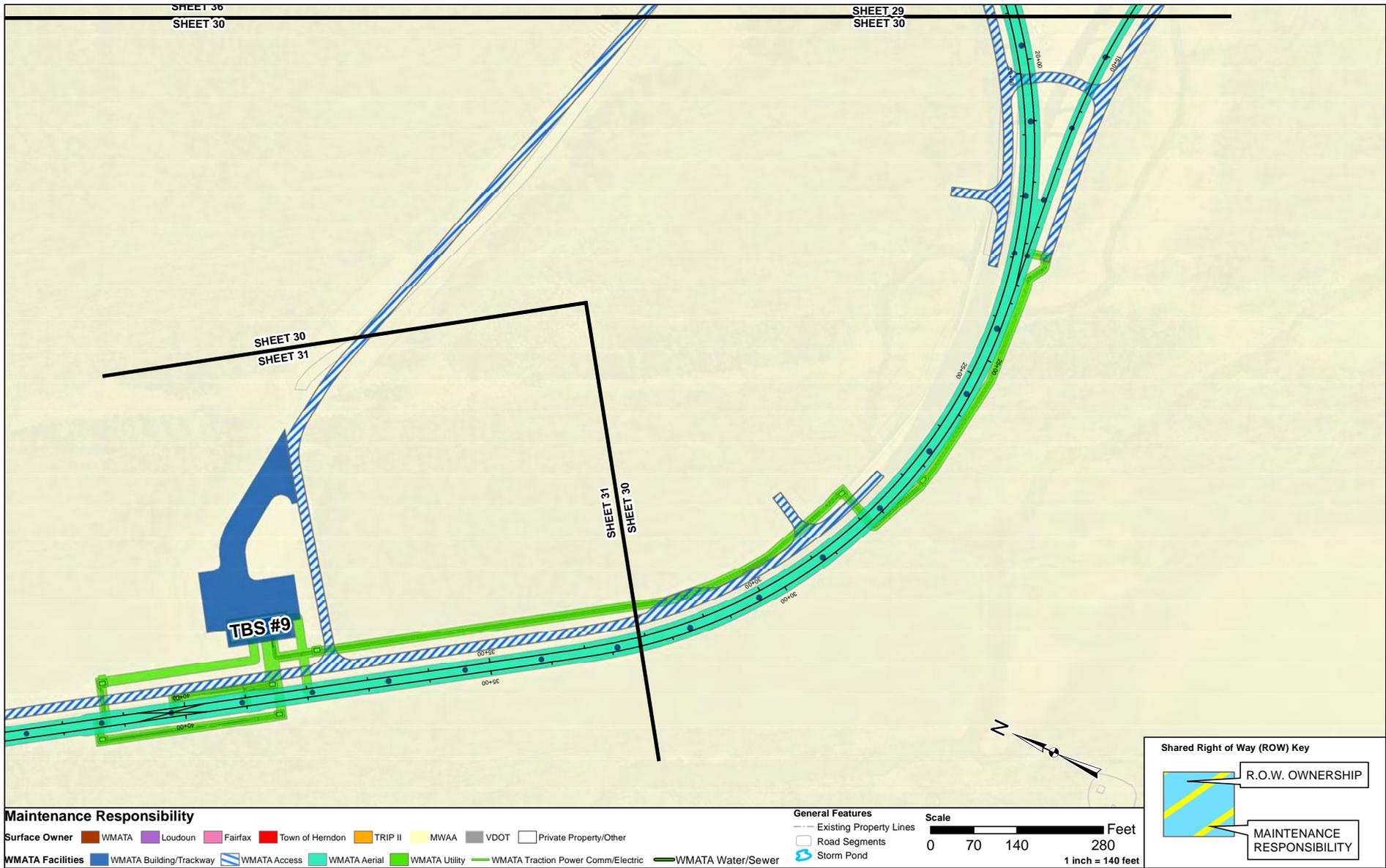
Shared Right of Way (ROW) Key

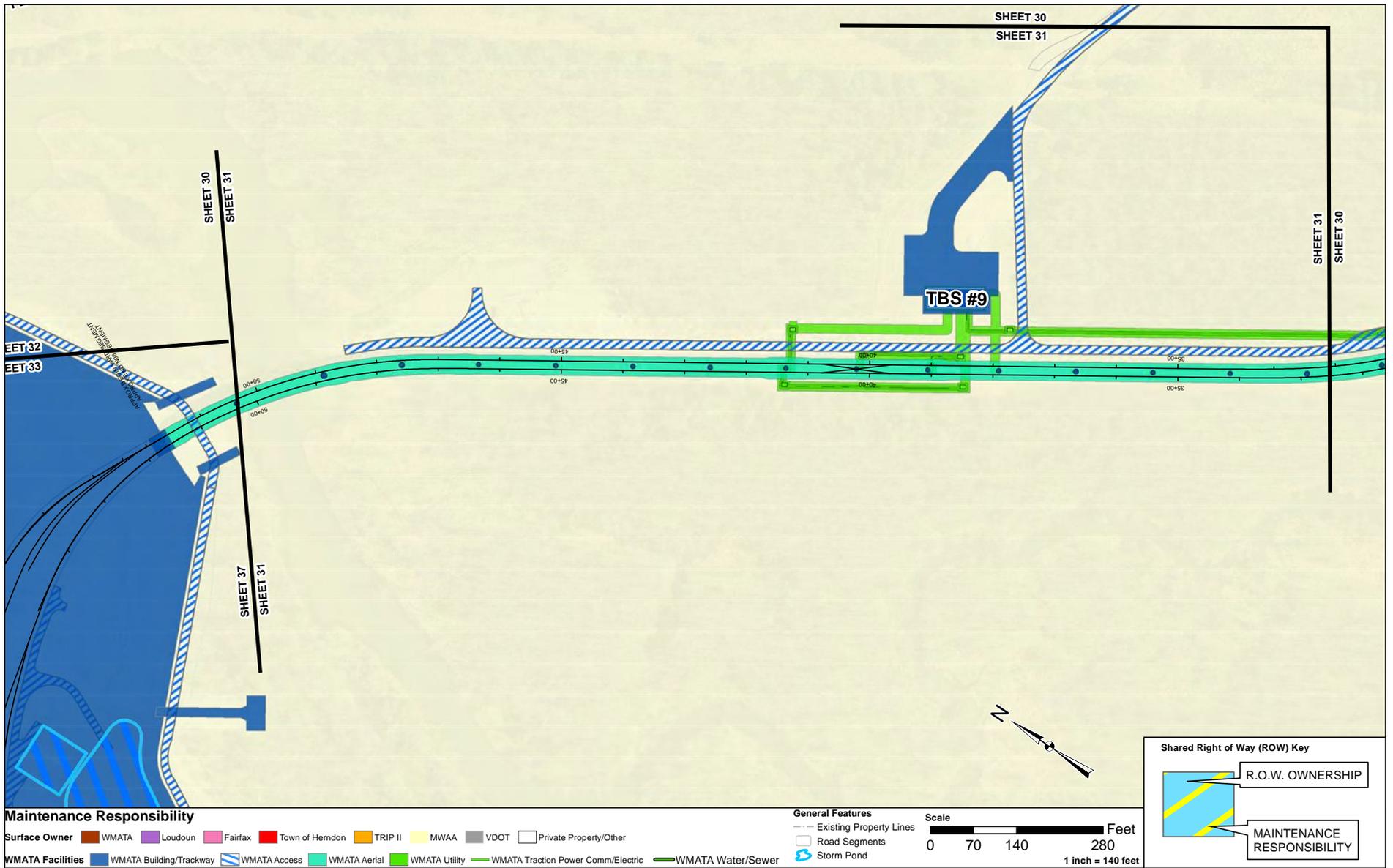






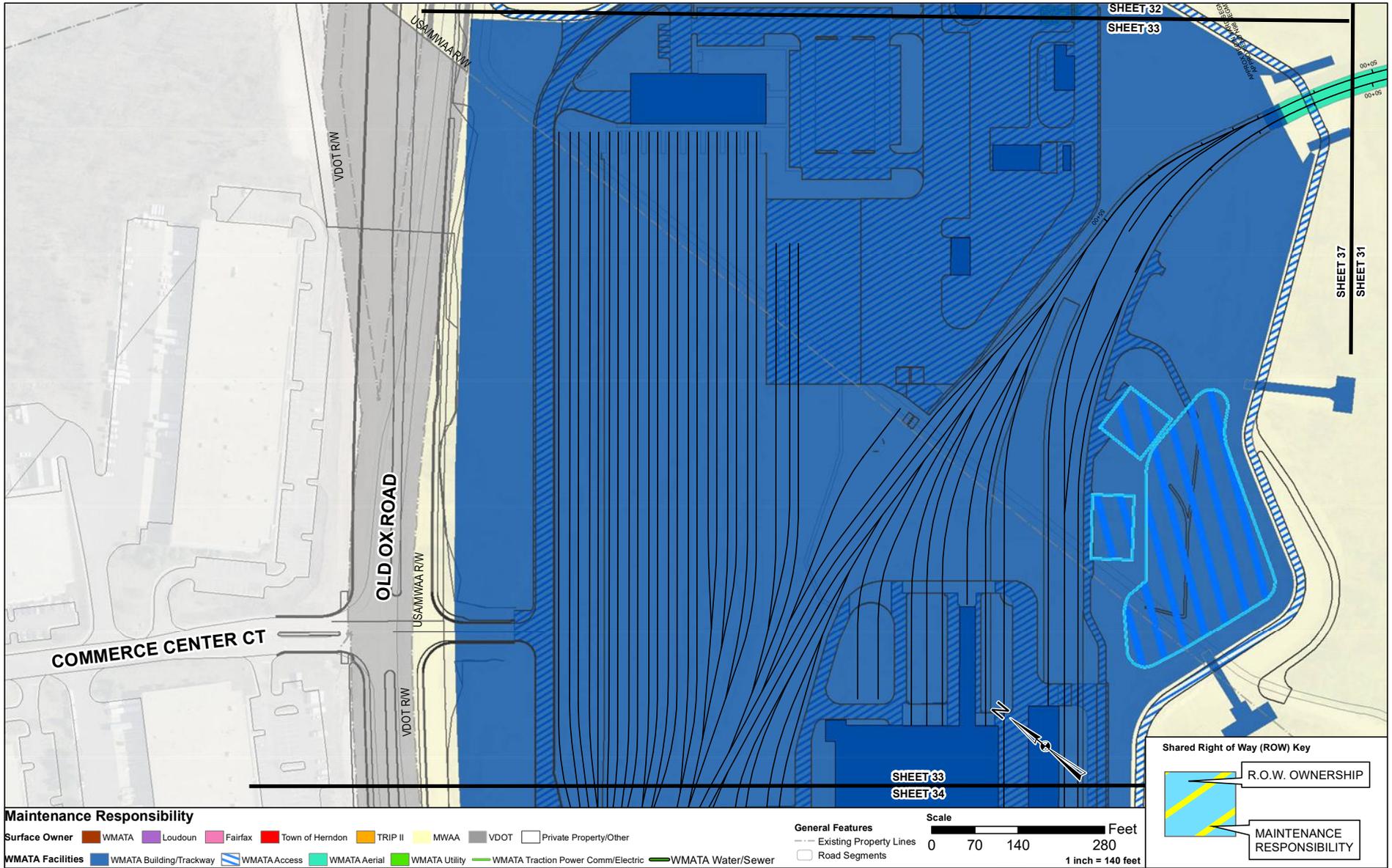
Sheet 29
Page 29 of 45

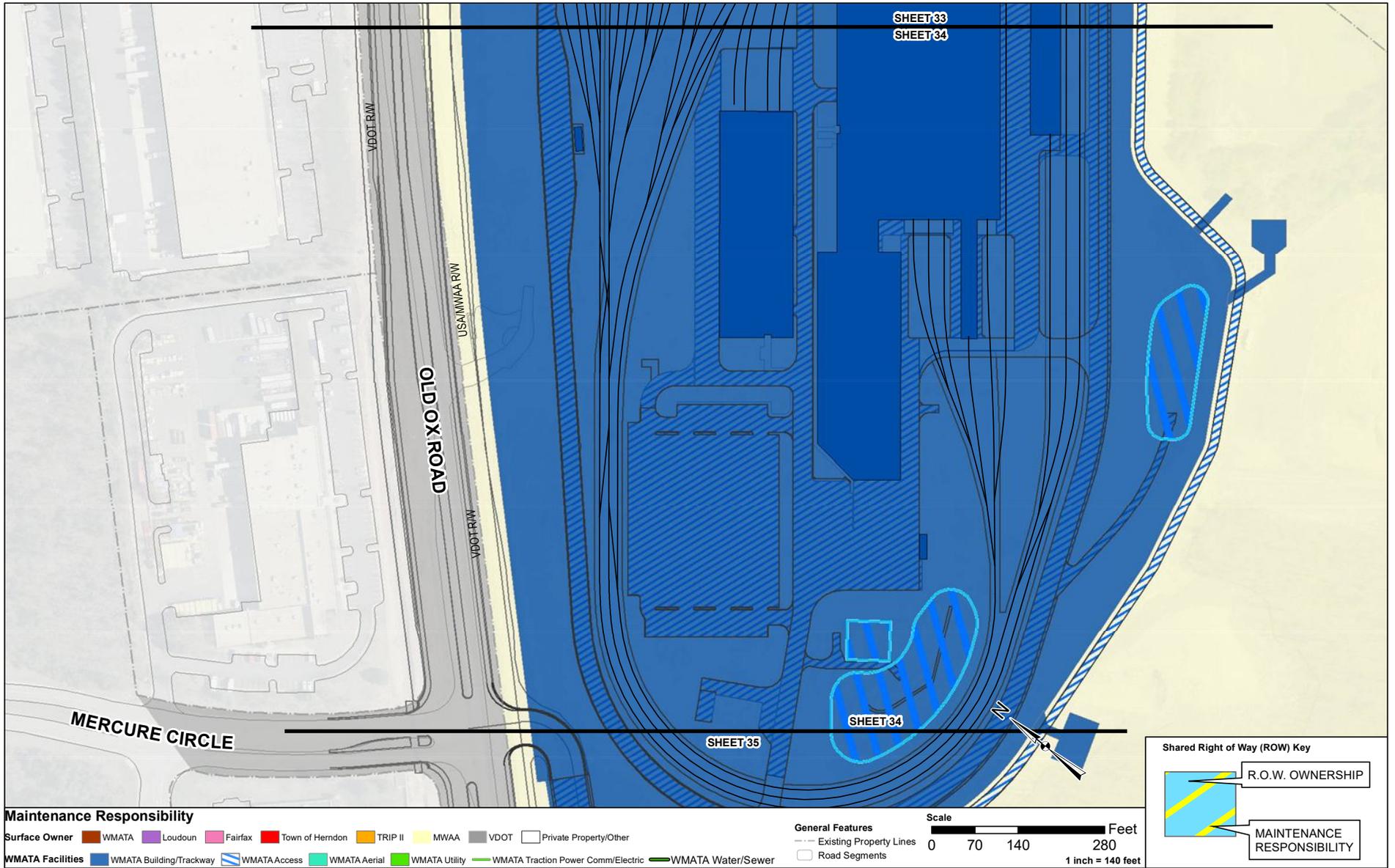






Sheet 32
Page 32 of 45





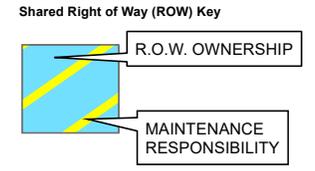
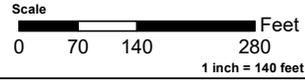
Sheet 34
Page 34 of 45

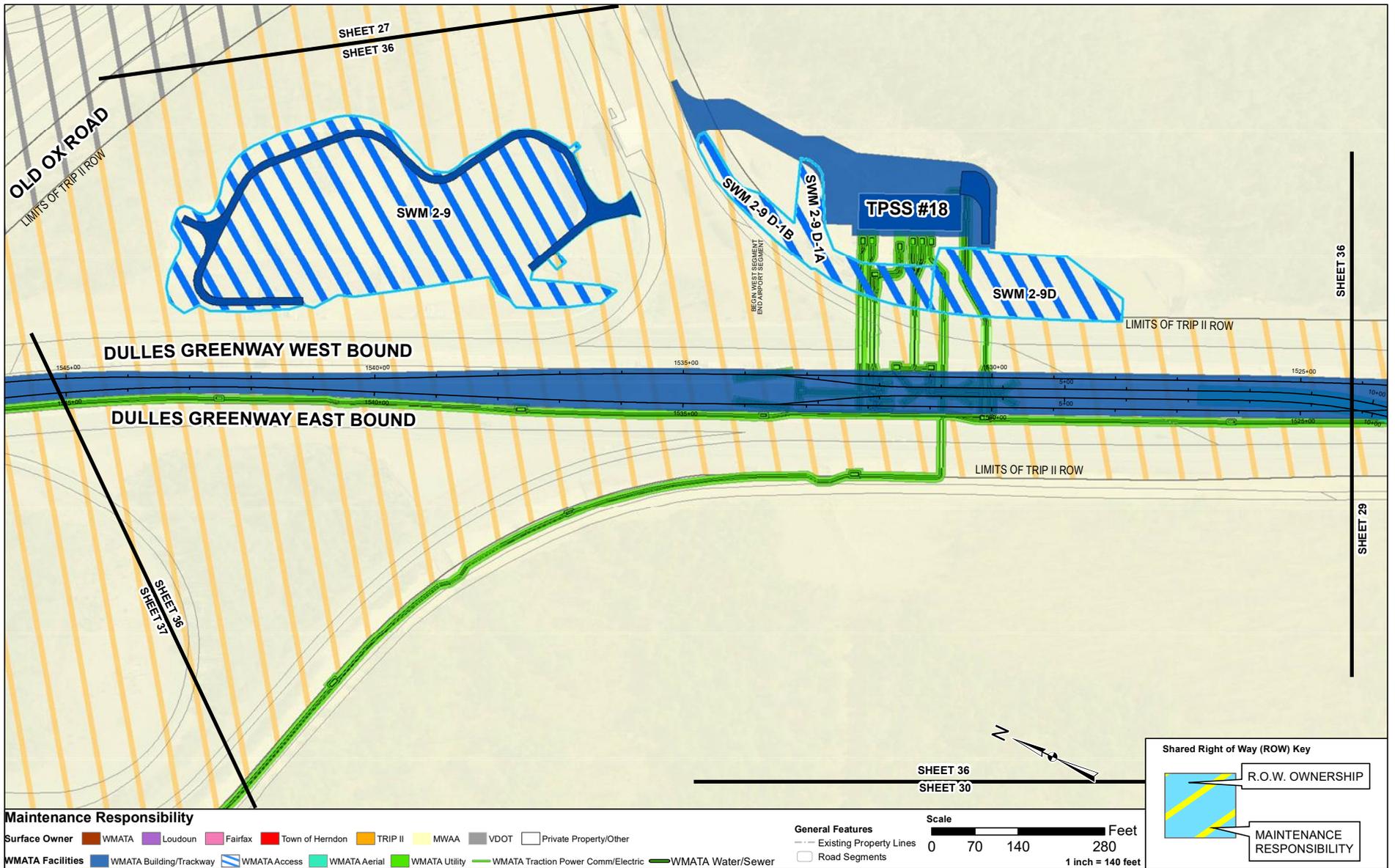


Maintenance Responsibility

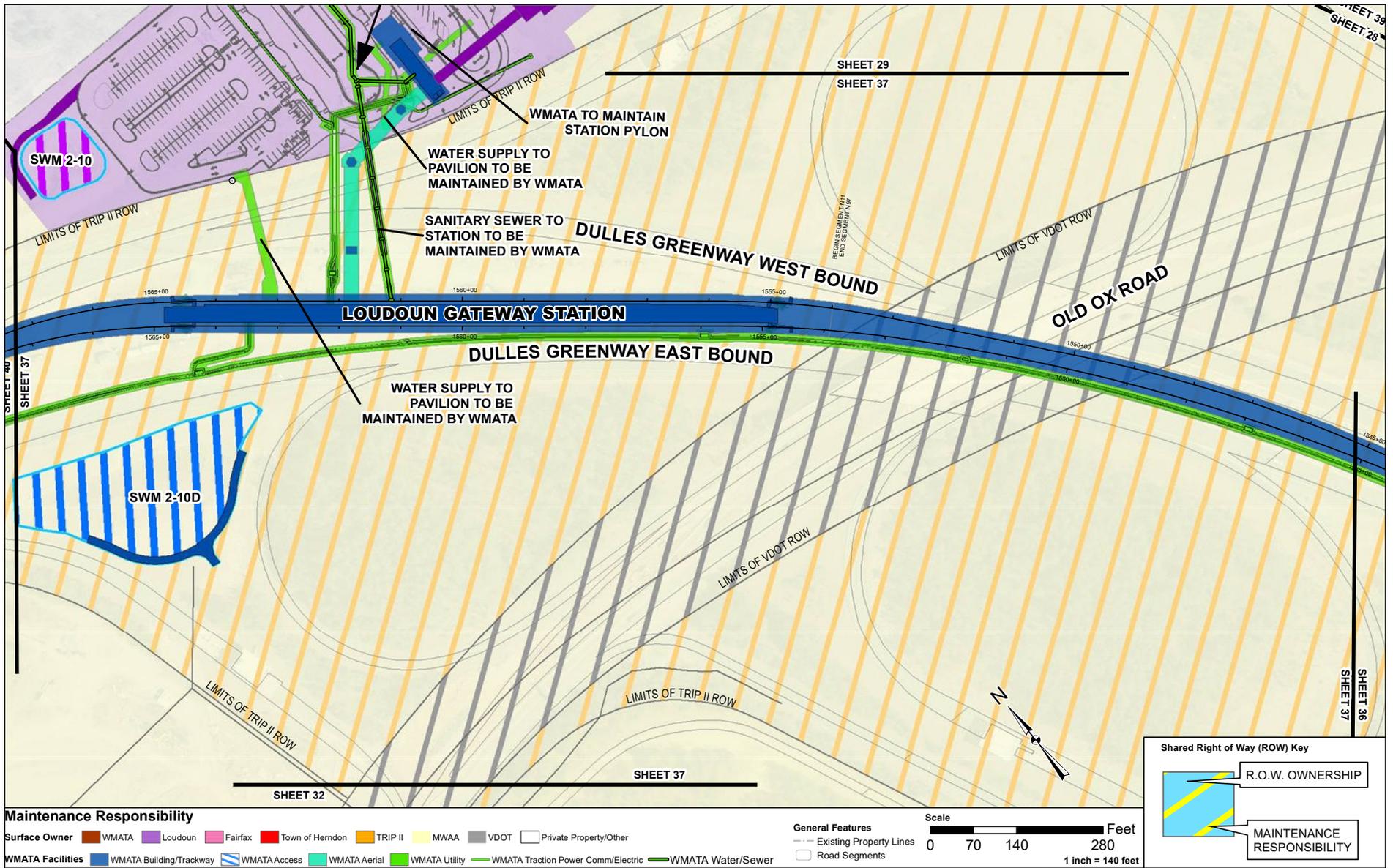
- Surface Owner** WMATA Loudoun Fairfax Town of Herndon TRIP II MWA VDOT Private Property/Other
WMATA Facilities WMATA Building/Trackway WMATA Access WMATA Aerial WMATA Utility WMATA Traction Power Comm/Electric WMATA Water/Sewer

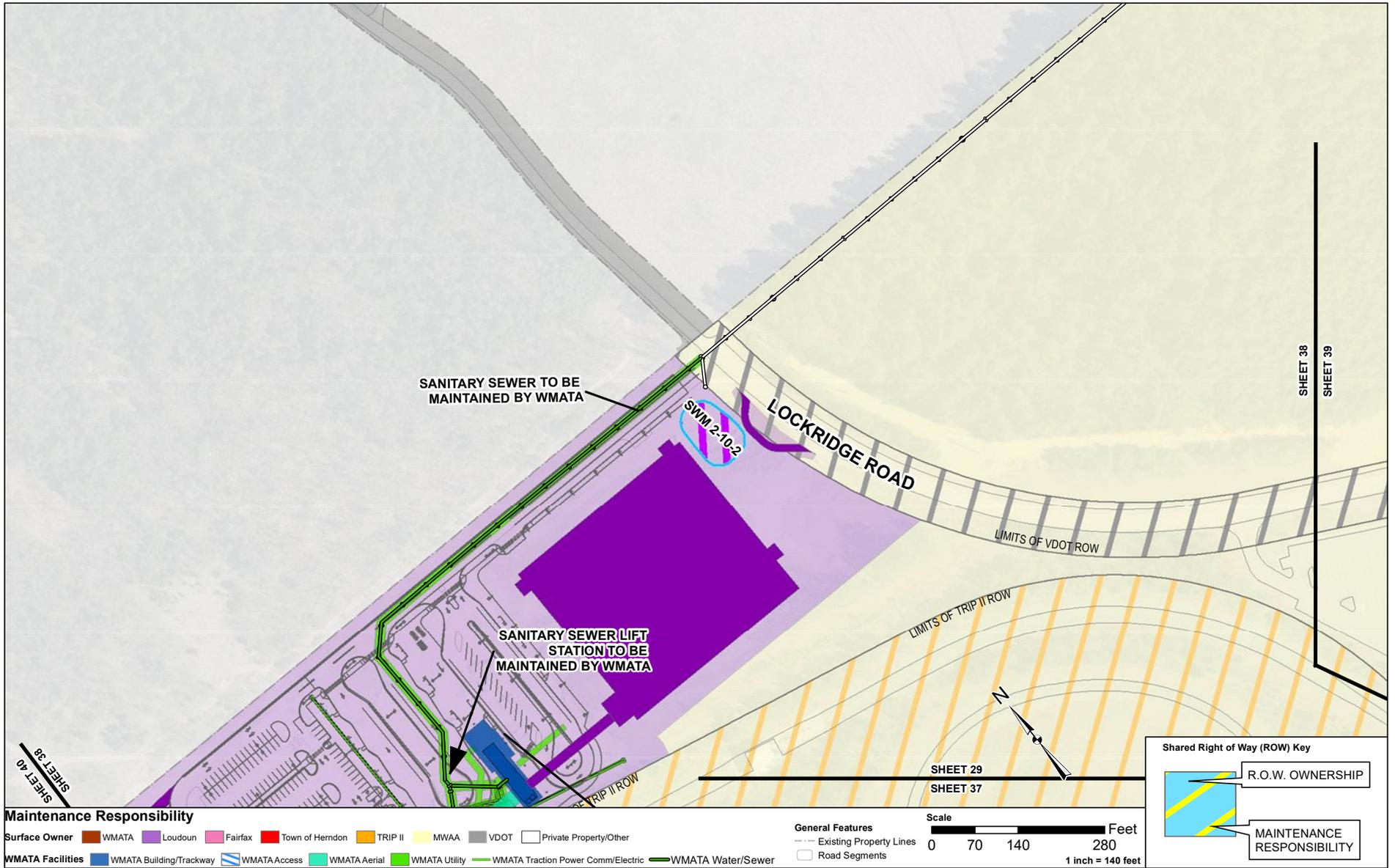
- General Features**
 Existing Property Lines
 Road Segments



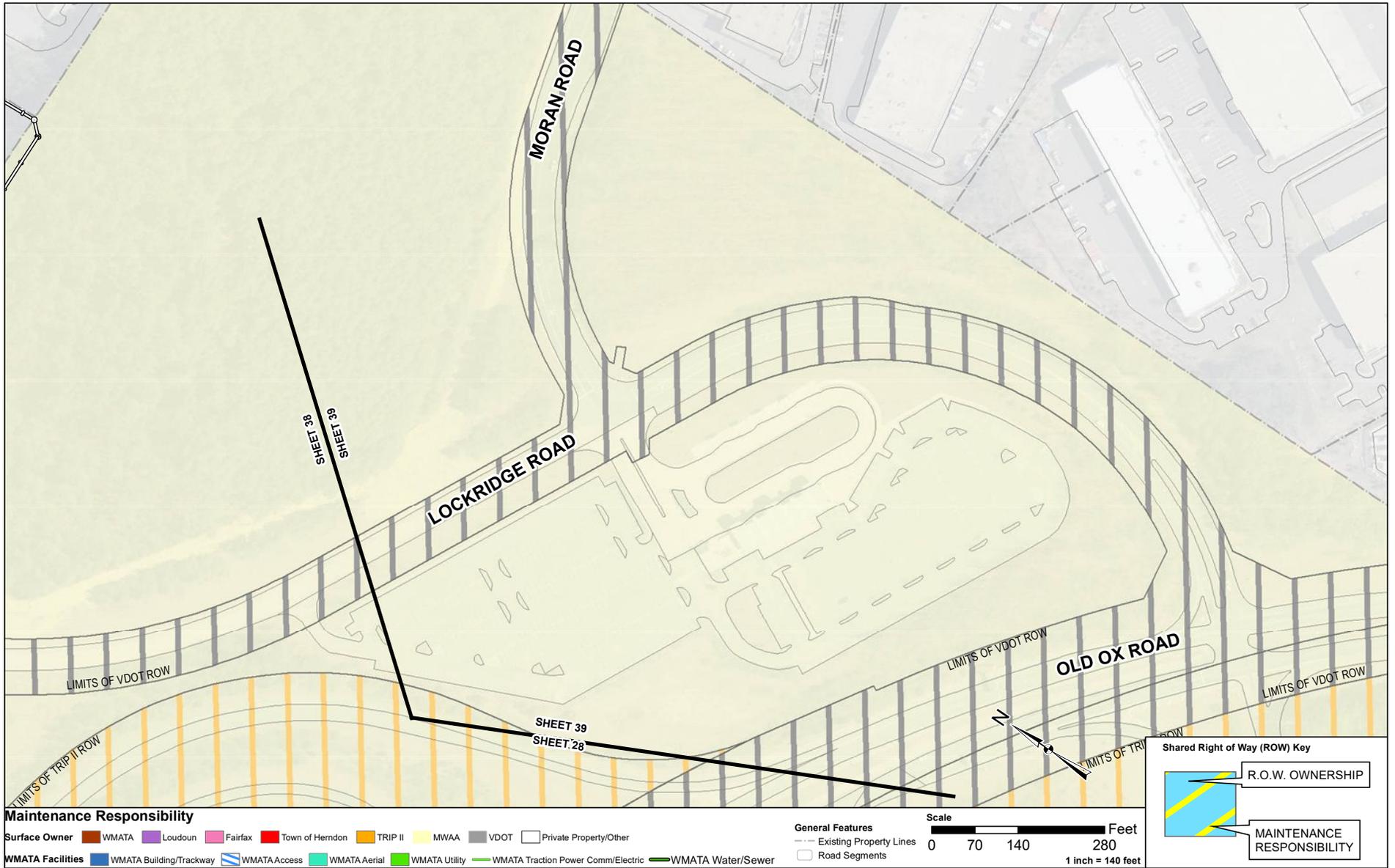


Sheet 36
Page 36 of 45

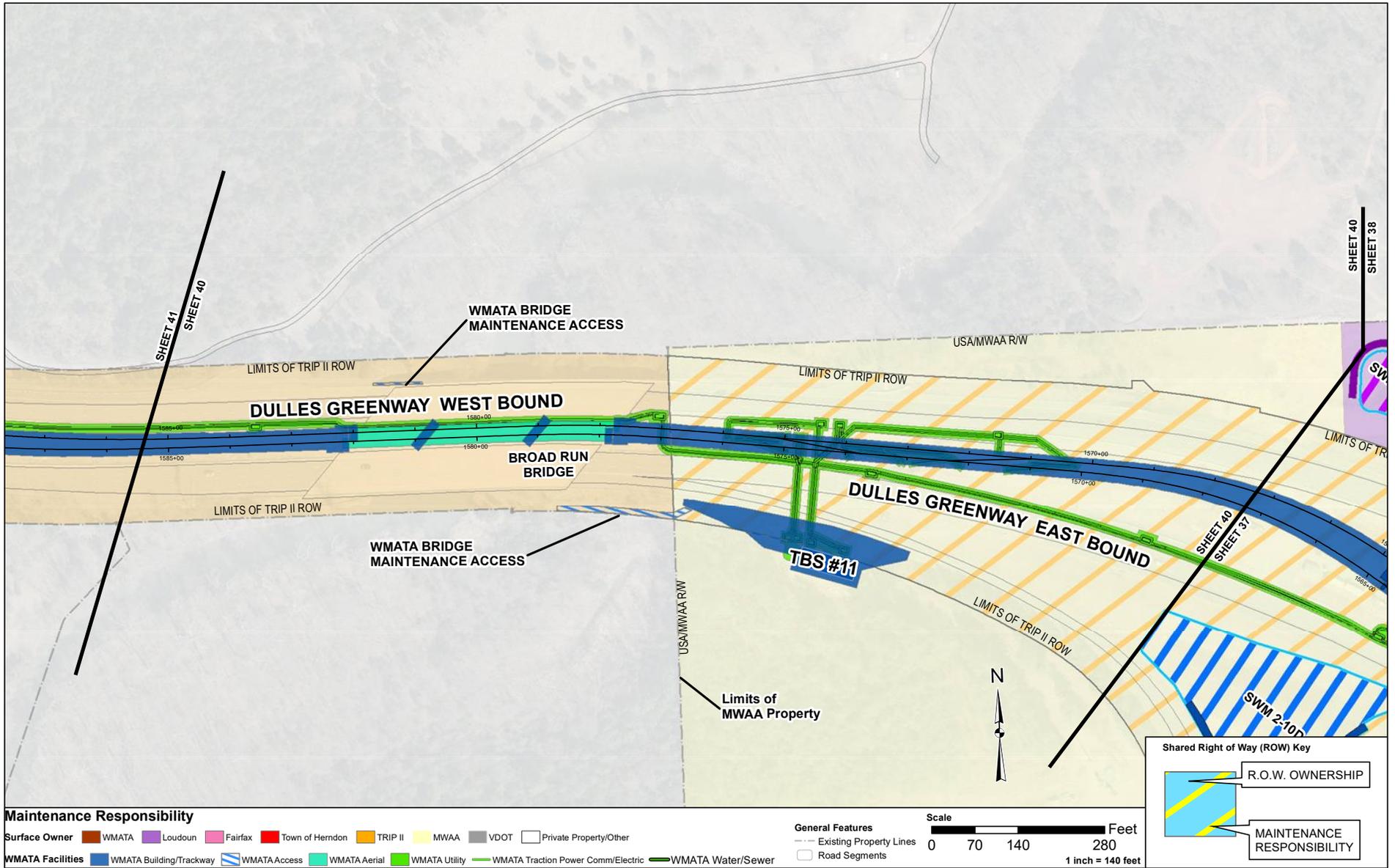




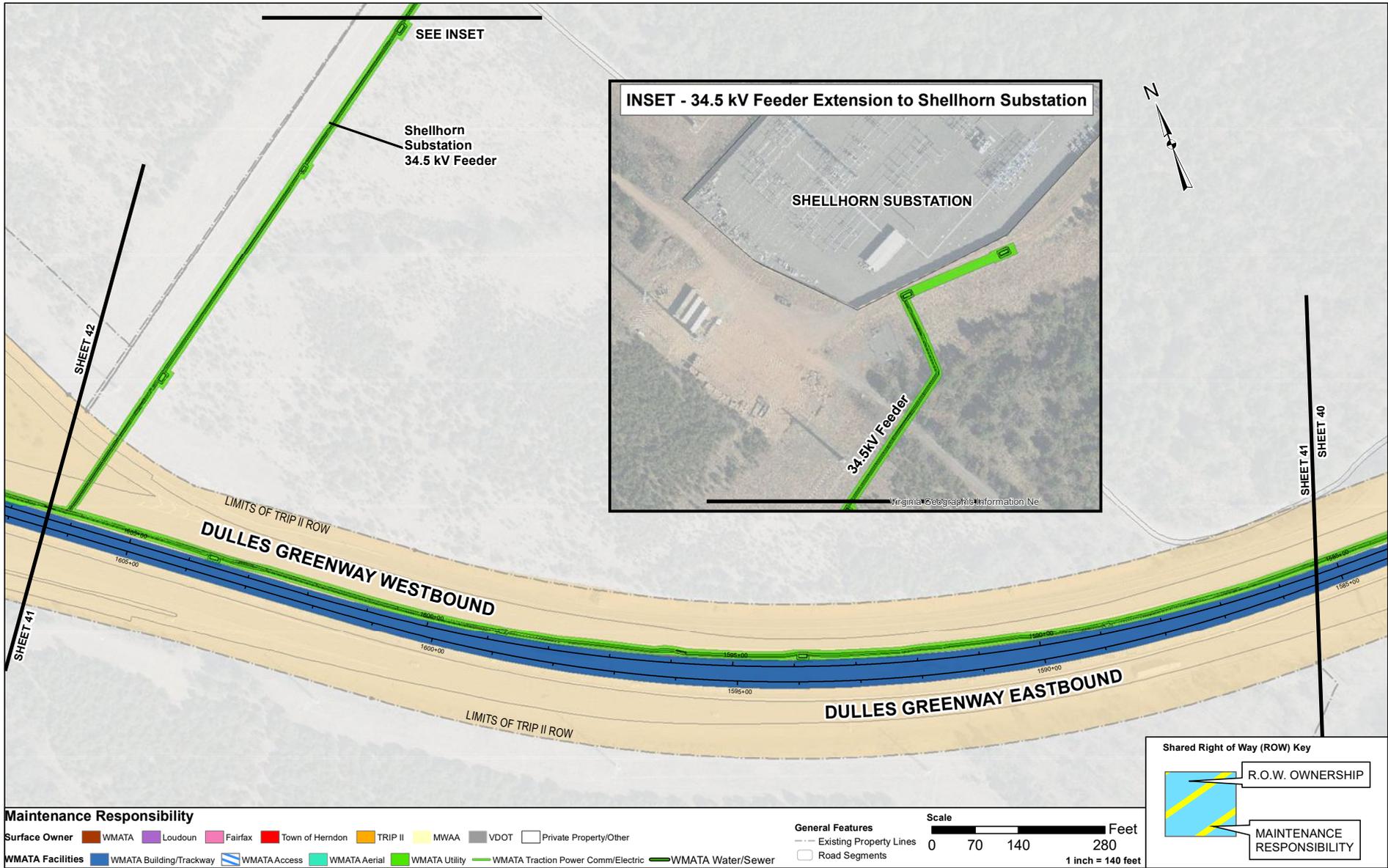
Sheet 38
Page 38 of 45



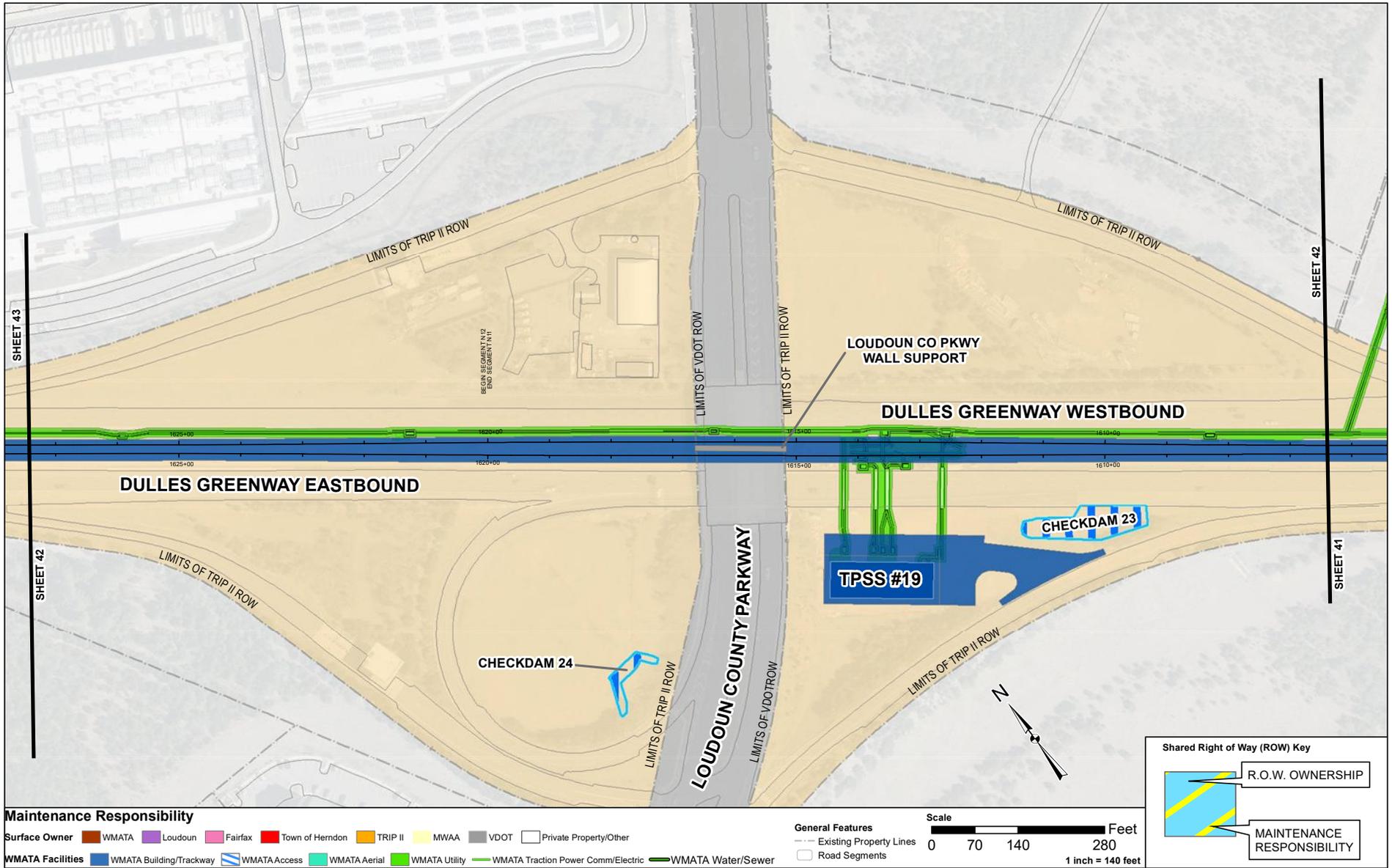
Sheet 39
Page 39 of 45

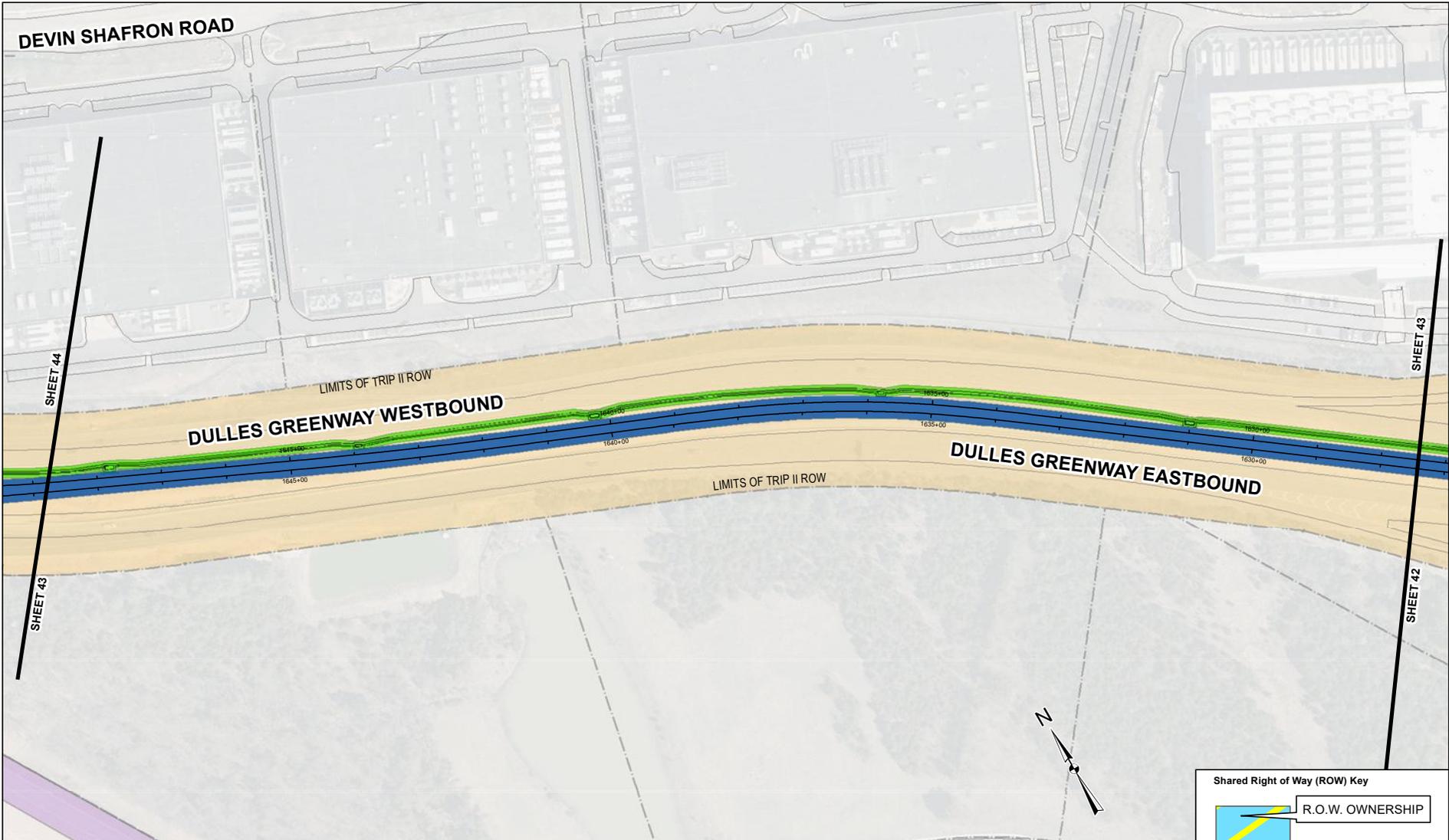


Sheet 40
Page 40 of 45



Sheet 41
Page 41 of 45



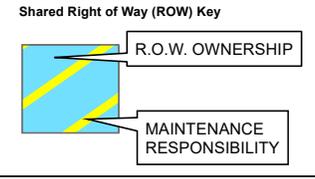
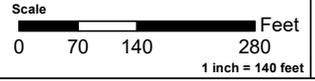


Maintenance Responsibility

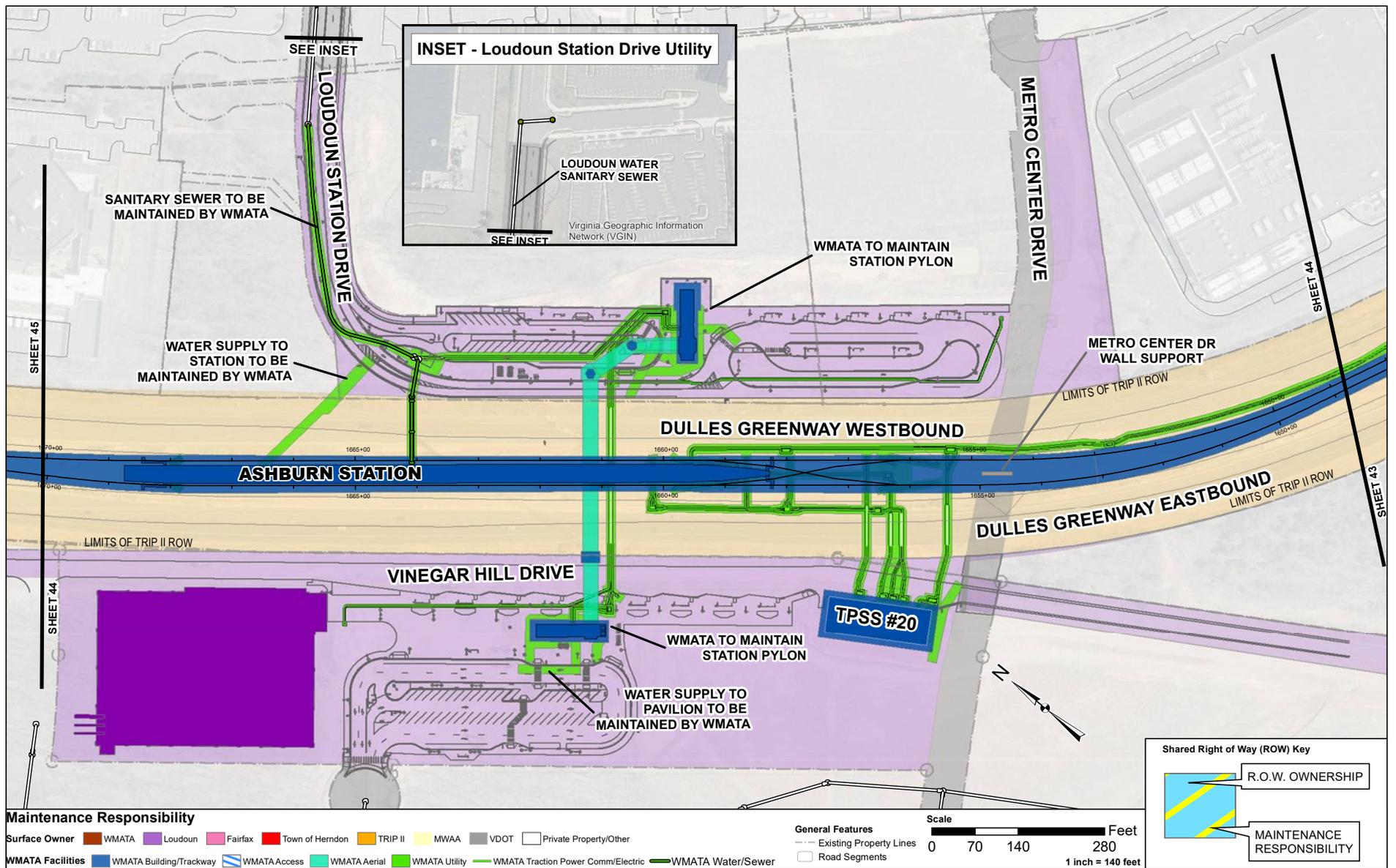
Surface Owner	WMATA	Loudoun	Fairfax	Town of Herndon	TRIP II	MWAA	VDOT	Private Property/Other
WMATA Facilities	WMATA Building/Trackway	WMATA Access	WMATA Aerial	WMATA Utility	WMATA Traction Power Comm/Electric	WMATA Water/Sewer		

General Features

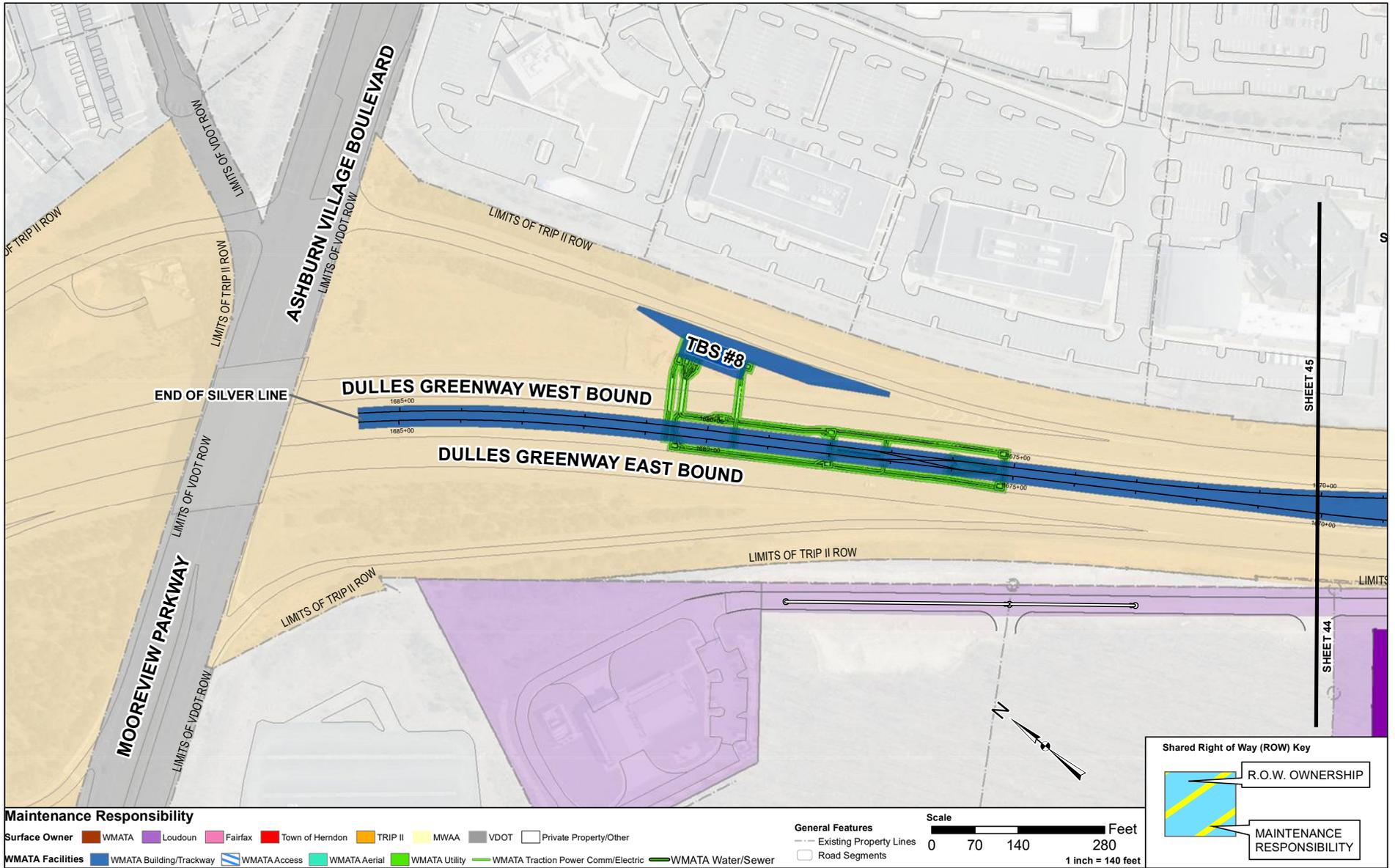
Existing Property Lines	Road Segments
-------------------------	---------------



Sheet 43
Page 43 of 45



Sheet 44
Page 44 of 45



Board Agenda Item
May 24, 2022

ACTION - 4

Authorization to Execute a Multiple Year Project Agreement With the Department of Rail and Public Transportation for the Transit Ridership Incentive Program

ISSUE:

Board approval of a resolution (Attachment 1) authorizing the Director of the Fairfax County Department of Transportation (FCDOT) to execute the attached multiple year project agreement, substantially in the form of Attachment 2, between Fairfax County and the Department of Rail and Public Transportation (DRPT) for the Transit Ridership Incentive Program (TRIP) in the amount of \$9,696,940, with \$5,494,740 provided by DRPT and a local share of \$4,202,200. The funds awarded by DRPT will be used to implement and operate TRIP from FY 2023 to FY 2025. The agreement period is from May 1, 2022, to April 30, 2025.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1) authorizing the Director of FCDOT to sign a project agreement, substantially in the form of Attachment 2, between the County and DRPT for funding in the amount of \$9,696,940, including \$4,202,200 of local funding, to implement and operate TRIP from FY 2023 to FY 2025.

TIMING:

Board approval is requested on May 24, 2022.

BACKGROUND:

Virginia Department of Rail and Public Transportation's Transit Ridership Incentive Program is a new statewide grant program created by the passing of House Bill 1414 in the 2020 Virginia General Assembly (VGA) session. The TRIP program provides funding to transit agencies for the purpose of improving the regional connectivity of urbanized areas and increasing statewide ridership by supporting the deployment of zero and subsidized (reduced) fare pilot programs.

For riders with limited incomes, the cost of transportation has a significant impact on household budgets. For many in the County, Fairfax Connector is the most effective form of transportation providing access and mobility to employment, educational institutions, medical facilities, shopping, and recreation. According to surveys completed

Board Agenda Item
May 24, 2022

for the County's 2020 Title VI program, low-income households represent approximately 58 percent of Fairfax Connector riders. It is expected that this reduced fare program will aid families recovering from the economic impacts of COVID-19 and help restore Fairfax Connector ridership.

On September 14, 2021, the Board of Supervisors authorized FCDOT to apply for funding in the amount of \$3 million to operate TRIP in FY 2023. DRPT awarded Fairfax County \$9,696,940 to operate TRIP from FY 2023 to FY 2025. The multiple year breakout is as follows:

- Year 1 Funding \$3,232,200
 - State Share (80 percent) \$2,585,760
 - County Share (20 percent) \$ 646,440
- Year 2 Funding \$3,232,200
 - State Share (60 percent) \$1,939,320
 - County Share (40 percent) \$1,292,880
- Year 3 Funding \$3,232,540
 - State Share (30 percent) \$ 969,660
 - County Share (70 percent) \$2,262,880

FCDOT is working with WMATA (Washington Metropolitan Area Transit Authority) to acquire half-fare SmarTrip cards for the TRIP program. FCDOT is collaborating with other agencies to implement the TRIP program, including identifying eligibility criteria, conducting outreach targeted to people likely to benefit from reduced fare transit, and developing a process for distributing the half-fare cards and tracking their usage.

The TRIP program will be administered in partnership with Neighborhood and Community Services' TOPS (Transportation Options, Programs and Services (TOPS) program. TOPS provides subsidies for various transportation options via a transportation debit card for eligible older adults, individuals with limited income or individuals with disabilities residing in Fairfax County, the City of Fairfax or the City of Falls Church. The TRIP program allows participants to ride the Connector bus system at a 50% reduced rate. This partnership will allow for a TOPS participant to use their subsidy to maximize the benefit. The collaboration of FCDOT and NCS program will increase transportation options by promoting the subsidy, raising awareness, and providing enhanced outreach to vulnerable communities.

FISCAL IMPACT:

Funding from DRPT in the amount of \$9,696,940, including a \$4,202,200 local match, has been awarded for the implementation of TRIP from FY 2023 through FY 2025. Funding associated with TRIP will be included in Fund 40000, County Transit Systems.

Board Agenda Item
May 24, 2022

The FY 2023 local requirement will be addressed through the *FY 2022 Carryover Review* and FY 2024 and FY 2025 local funding requirements will be addressed through future budget processes. The three-year total of grant funding in the amount of \$5,494,740 from DRPT will be deposited at the Northern Virginia Transportation Commission (NVTC) and reimbursement for reduced fares for income-eligible riders will be part of the annual transfer of state aid to Fund 40000, County Transit Systems. The Department of Neighborhood and Community Services will be assisting with the program and up to \$52,000 per year of the grant funding is intended to pay for the required staff time.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Authorize Staff to Execute Project Agreement #50053-01 with DRPT

Attachment 2: Project Agreement #50053 with DRPT for FY 2023 – FY 2025 TRIP Project

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation, (FCDOT)

Lloyd Tucker, Director, Department of Neighborhood and Community Services

Gregg Steverson, Deputy Director, FCDOT

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, FCDOT, Chief Funding Section, FCDOT

Christina Cain, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on May 24, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the Grant Project Agreement with the Virginia Department of Rail and Public Transportation for the funding of the Transit Ridership Incentive Program project. Project administration will be handled by Fairfax County.

Adopted this 24th day of May 2022, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk for the Board of Supervisors

**Multiple Year Project Agreement for Use of
Commonwealth Transportation Funds
Six Year Improvement Program Approved Project
Project Number 50053**

This Multiple Year Project Agreement (“Agreement”) by and between the Commonwealth of Virginia, Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (each a “Party” and collectively, the “Parties”), is for the provision of funding for the Fairfax Connector Subsidized SmarTrip Card Program (“Project”), and is made and entered into on the date this document is signed by the last signing Party.

WHEREAS, Section §33.2-1526.3 of the *Code of Virginia* (“Code”) was passed by the Virginia General Assembly in the 2020 legislative session to establish the Transit Ridership Incentive Program (“TRIP”) as part of the Omnibus Transportation Bill; and

WHEREAS, in accordance with the Code, the Commonwealth Transportation Board (“CTB”) shall use an amount not to exceed 25 percent of the funds available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares; and

WHEREAS, on September 17, 2021, the Grantee submitted an application to the Department for the Project; and

WHEREAS, on December 8, 2021, the CTB allocated and approved funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

DEFINITIONS

Fiscal Year means the period beginning July 1 and ending June 30.

Eligible Project Cost means a cost directly associated with the Work that is reimbursable by the Department.

Project Budget means the budget for the Work in single or multiple years, broken into total costs, and Department and Grantee participation.

WMATA means the Washington Metropolitan Area Transit Authority.

Work means any and all tasks, duties, obligations, services, requirements, and activities of whatever kind or nature, express or implied, direct or incidental, to be performed, and all items, tangible and intangible, to be provided by the Grantee under this Agreement.

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

§ 1.1 The Work under the terms of this Agreement will accomplish the following:

1. Upon finalizing the project agreement, begin working with WMATA to design, develop, test and

produce half-fare SmarTrip cards, completing this task no later than June 1, 2022.

2. Perform outreach to low income communities, informing them of the upcoming deployment of half-fare SmarTrip cards.
3. Track ridership and use of the half-fare SmartTrip cards starting on May 1, 2022, determining program impact and Net Fare Revenue using the calculation below:

$$\text{Net Fare Revenue} = \text{fare revenue based on use of SmarTrip cards} - \text{cost of SmarTrip cards}$$

4. Timely submit quarterly reports in accordance with the template to be provided by the Department and the schedule below. An annual report must be submitted with the fourth quarterly report.
 - a. First quarterly report to be submitted no later than April 30th of each year.
 - b. Second quarterly report to be submitted no later than July 30th of each year.
 - c. Third quarterly report to be submitted no later than October 30th of each year.
 - d. Fourth quarterly report and the annual report to be submitted no later than January 15th of each year.
5. Submit Net Fare Revenue reimbursement requests on a quarterly basis coinciding with the quarterly reports.
6. Promptly address any Project timeline updates, concerns, and questions with the Department's Program Manager for this Project. Work with the Department's Program Manager to schedule site visits and Project update meetings, as needed.

§ 1.2 The maximum funding available to be paid by the Department to the Grantee for the Project under this Agreement is \$5,494,740. The initial Project Budget as an estimate at the date of this Agreement is as follows:

Total Project Budget	<u>\$9,696,940</u>
Maximum Department Participation of State Funding	\$5,494,740
Grantee Contribution	\$4,202,200

It is agreed that the maximum funding available for reimbursement by the Department for the period May 1, 2022, through April 30, 2025, shall be as follows:

<u>Year 1 Funding</u>	<u>\$3,232,200</u>
Maximum Department Participation of State Funding (80%)	\$2,585,760
Grantee Contribution (20%)	\$ 646,440

<u>Year 2 Funding</u>	<u>\$3,232,200</u>
Maximum Department Participation of State Funding (60%)	\$1,939,320
Grantee Contribution (40%)	\$1,292,880

<u>Year 3 Funding</u>	<u>\$3,232,540</u>
Maximum Department Participation of State Funding (30%)	\$ 969,660
Grantee Contribution (70%)	\$2,262,880

The Grantee shall not receive payment of funds under this Agreement for any costs incurred after April 30, 2025. Based on extenuating circumstances and at the Department's sole discretion, the Department may grant an extension to the April 30, 2025 deadline if the Grantee submits a written request prior to April 1, 2025. If the Grantee has not sought payment of funds under this Agreement equal to the maximum funding

available for payment by the Department to the Grantee as identified in this section and in accordance with the terms contained in the Master Agreement, any remaining funds shall be deobligated back to the Department.

§ 1.3 State grant funding for this grant cannot exceed the amount appropriated by the General Assembly of Virginia and allocated by the CTB. Should appropriations or allocations for any Fiscal Year included in this Agreement be insufficient to fund the Department's participation contemplated in Section 1.2 of this Agreement, the Department will reduce the Department participation percentage in the Project Budget in keeping with the appropriation and the allocation.

§ 1.4 Any cost of completing the Work in excess of the Project Budget shall be the responsibility of the Grantee.

§ 1.5 Grantee acknowledges that the funding shall not be used for any purpose other than the Project.

ARTICLE 2. INCORPORATION OF MASTER AGREEMENT FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS

§ 2.1 The Master Agreement for Use of Commonwealth Transportation Funds agreed to and executed by the Parties dated August 19, 2020, ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Agreement are defined in the Master Agreement. It is understood that the Master Agreement may be revised during the course of this Agreement, and that the terms of the latest Master Agreement signed as of the beginning of each Fiscal Year shall apply to the Work performed during that Fiscal Year.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Fairfax County Board of Supervisors v. Shoosmith Brothers, Inc. and Duffield Hauling, Inc.*, Case No. CL-2020-0016000 (Fx. Co. Cir. Ct.)
 - 2. *April Michelle Marshall, a.k.a. April Norwood v. Alicia A. Adkins, et al.*, Case No. CL-2021-0004405 (Fx. Co. Cir. Ct.)
 - 3. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean John Aidonis*, Case No. 21-1943 (4th Cir. Ct.) (Hunter Mill District)
 - 4. *Jay Riat, Building Official for Fairfax County, Virginia v. Jong Hun An*, Case No. CL-2022-0004318 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Jay Riat, Building Official for Fairfax County, Virginia v. Oanh Kim Tran and Cong Thanh Ngo*, Case No. GV22-006400 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 6. *Jay Riat, Building Official for Fairfax County, Virginia v. E & R Contractors, LLC*, Case No. GV22-004883 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 7. *Jay Riat, Building Official for Fairfax County, Virginia v. Huu D. Tran and Nhanh T. Le*, Case No. GV22-006236 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 8. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles V. Duran*, Case No. GV22-006629 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 9. *Jay Riat, Building Official for Fairfax County, Virginia v. Gezu D. Kalaye*, Case No. GV22-006634 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vinson Hall LLC*, Case No. GV22-004859 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

11. *Jay Riat, Building Official for Fairfax County, Virginia v. Ahdi Farshad and Sima Taheri*, Case No. GV22-006636 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. JBG/Reston Executive Center LLC*, Case No. GV21-016557 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Mezeh-Reston, LLC*, Case No. GV21-016567(Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. NV Flagging, LLC, f/k/a NV Flagging, Inc.*, Case No. CL-2022-0005298 (Fx. Co. Cir. Ct.) (Lee District)
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Arsenio Suyo*, Case No. GV21-013533 (Fx. Co. Gen. Dist. Ct.) (Lee District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Remby Management LLC*, Case No. GV21-019026 (Fx. Co. Gen. Dist. Ct.) (Lee District)
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Hafsa Ishtiaq*, Case No. GV21-019367 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicole Ares*, Case No. GV22-001125 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Dmitriy O. Minin*, Case No. GV22-003836 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Jay Riat, Building Official for Fairfax County, Virginia v. Gerald F. Walsh*, Case No. GV22-006398 (Fx. Co. Gen. Dist. Ct.) (Lee District)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Marcelino Victor Arias*, Case No. GV22-001126 (Fx. Co. Gen. Dist. Ct.) (Mason District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Gustavo A. Nina and Claudia Camacho-Coca*, Case No. GV22-004771 (Fx. Co. Gen. Dist. Ct.) (Mason District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Hien Phong Dang*, Case No. GV22-005081 (Fx. Co. Gen. Dist. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County, Virginia v. Kevin Gonzalez and Antionette Marie Gonzalez*, Case No. GV22-006147 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Tuan Dang*, Case No. GV22-006229 (Fx. Co. Gen. Dist. Ct.) (Mason District)

26. *Jay Riat, Building Official for Fairfax County, Virginia v. Bassem A. Jaber and Nisreen Jaber*, Case No. GV22-006230 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Ashraf Khalid Mustafa Alshajrawi*, Case No. GV22-006237 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County, Virginia v. Abdul Awal and Sultanewas Nahida*, Case No. CL-2022-0004656 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edward W. Reynolds, Lillian R. Reynolds and Denise Reynolds*, Case No. GV22-004187 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. L&M Body Shop, Inc. and Innovation Investments, LLC*, Case No. GV22-004770 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Unlimited Amlock, LLC and Papa & John's*, Case No. GV22-004768 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Pathways Living, Inc.*, Case No. GV22-005082 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Pathways Living, Inc.*, Case No. GV22-005086 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Isela Flores*, Case No. GV22-005080 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Anchinesh Ejigu*, Case No. GV22-006445 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
36. *Jay Riat, Building Official for Fairfax County, Virginia v. Kings Crossing Shops LLC*, Case No. GV22-006633 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
37. *Jay Riat, Building Official for Fairfax County, Virginia v. LZ Rentals, LLC*, Case No. CL-2022-005622 (Fx. Co. Cir. Ct.) (Providence District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Caroline K. Reed*, Case No. GV21-015895 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Adolfo Parina Sandi*, Case No. GV21-019504 (Fx. Co. Gen. Dist. Ct.) (Providence District)

40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Addy Sunoria and Shelton L. Buryl*, Case No. GV22-006402 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Street Properties, LLC*, Case No. GV22-006447 (Fx. Co. Gen. Dist. Ct.) (Providence District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Yung Chi Yung*, Case No. CL-2022-005295 (Fx. Co. Cir. Ct.) (Springfield District)
43. *Jay Riat, Building Official for Fairfax County, Virginia v. Andrea P. Ortuno & Herlan O. Ortuno*, Case No. GV22-000644 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. William O'Rourke and Dorothy J. Z. O'Rourke*, Case No. CL-2021-0013479 (Fx. Co. Cir. Ct.) (Sully District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. Pinnacle Education Services, Inc.*, Case No. GV22-000423 (Fx. Co. Gen. Dist. Ct.) (Sully District)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Alert Eagle Enterprises, LLC*, Case No. GV22-003838 (Fx. Co. Gen. Dist. Ct.) (Sully District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Thomas W. Scheiber*, Case No. GV22-004180 (Fx. Co. Gen. Dist. Ct.) (Sully District)
48. *Board of Supervisors of Fairfax County, Virginia v. Bruce and Tanya & Associates, Inc.*, Case No. GV22-006401 (Fx. Co. Gen. Dist. Ct.)

Board Agenda Item
May 24, 2022

3:30 p.m.

Public Hearing on a Proposal to Vacate and Abandon Portions of Quander Road /
Route 630 (Mount Vernon District)

ISSUE:

Public hearing on a proposal to vacate and abandon a portion of Quander Road / Route 630.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment and ordinance (Attachment IV) for vacation for the subject right-of-way.

TIMING:

On April 12, 2022, the Board authorized the public hearing to consider the proposed abandonment and vacation for May 24, 2022, at 3:30 p.m.

BACKGROUND:

The applicant, Walsh Colucci Lubeley & Walsh PC, on behalf of LMC Alexandria Holdings, LLC, a Delaware limited liability company, is requesting that portions of Quander Road / Route 630 be vacated under §15.2-2006 of the Virginia Code and abandoned under Virginia Code §33.2-909. The applicant is seeking this request in accordance with the approved Rezoning and Final Development Plan RZ/FDP 2021-MV-008.

In the 1980s the realignment of Quander Road was completed. The realignment project created areas of surplus right of way, leftover from the previous alignment. The applicant proposes to vacate and abandon areas of Quander Road that are surplus and no longer needed for public street purposes. The subject vacated and abandoned areas would be utilized in the approved rezoning project (RZ/FDP 2021-MV-008) as park space, private alley space, and townhomes.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access.

Board Agenda Item
May 24, 2022

Easements

The project manager has certified that all easement requirements for the project have been met.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter of Request
Attachment II: Notice of Intent to Abandon & Vacate
Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Metes and Bounds Description
Attachment VI: Vacation and Abandonment Plat
Attachment VII: Overlay Exhibit
Attachment VIII: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division
Greg Fuller, Section Chief, FCDOT-Site Analysis Section (SAS)
Michelle Guthrie, FCDOT-SAS
Jeffrey Edmondson, FCDOT-SAS
Gavin Derleth, FCDOT-SAS

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



**WALSH COLUCCI
LUBELEY & WALSH PC**

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

REVISED

January 21, 2022

BY COURIER AND ELECTRONIC MAIL

Michelle Guthrie and Jeffrey Edmondson
Fairfax County Department of Transportation
4050 Legato Rd, Ste 400
Fairfax, VA 22033-2895

Re: Request for Proposed Vacation and Abandonment of Portions of
Quander Road (Route 630), Mount Vernon District, Fairfax County,
Virginia

Dear Michelle and Jeffrey:

This letter constitutes a request and statement of justification to vacate and abandon portions of Quander Road, Route 630, Fairfax County, Virginia, originally filed on July 8, 2021. This revised letter and our revised exhibits seek to address the comments contained in the Fairfax County Department of Transportation Letter dated September 22, 2021, as well as subsequent discussions. The three portions of Quander Road to be vacated and abandoned are located in the Mount Vernon Magisterial District (hereinafter referred to as the "**Vacation and Abandonment Area A**", "**Vacation and Abandonment Area B**", and "**Vacation and Abandonment Area C**"; collectively, the "**Vacation and Abandonment Areas**"). This request is made on behalf of LMC Alexandria Crossing Holdings, LLC, a Delaware limited liability company ("**Applicant**"). The Applicant has submitted Rezoning and Final Development Plan Application RZ/FDP 2021-MV-008 to the Department of Planning and Development ("**Rezoning Application**"), filed on approximately 7.61 acres that represents a consolidation of 15 parcels on Richmond Highway between Shields Avenue and Quander Road, on Tax Map Parcel #'s 83-3 ((1)) 34, 36, 37, 38, 40, 41, 41A, 42, 44; 83-3 ((8)) 1, B, C; 83-3 ((22)) 2, 2A, A, B, and the Vacation and Abandonment Areas. Under the proposed site layout of the Rezoning Application, the Applicant seeks to vacate and abandon those portions of Quander Road which are no longer required for roadway purposes.

The Vacation and Abandonment Areas to be vacated and abandoned are shown on the plat entitled "Plat Showing Vacation & Abandonment of Portions of Quander Road Deed Book 6266 Page 1013 Deed Book 6268 Page 744 Deed Book 1785 Page 264 Mount Vernon Magisterial District Fairfax County, Virginia" prepared by Bohler Engineering VA, LLC, Incorporated, dated July 1, 2021, last revised December 2, 2021.

To offer some background, the Vacation and Abandonment Areas were created as follows:

1. Vacation and Abandonment Area A was created as follows: (1) Dedication for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia; (2) A prescriptive (Byrd Act) road;

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

{A1018821.DOC / 1 Justification Letter 002120 000698}

and (3) A taking by the Board of Supervisors of Fairfax County, Virginia (the "County") by Certificate recorded in Deed Book 6266 at Page 1013, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area A would go to the current owner of Tax Map Parcel # 083-3-01-0044. Michael Lambert, Assistant Director of Fairfax County Facilities Management Department, confirmed that the consideration to be paid by the Applicant to the County with respect to the portions of Vacation and Abandonment Area A and Vacation and Abandonment Area B that were created through takings, which totals 268 square feet, is \$134.00.

2. Vacation and Abandonment Area B was created as follows: (1) Dedication for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia; (2) A prescriptive (Byrd Act) road; and (3) A taking by the County by Certificate recorded in Deed Book 6268 at Page 744, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area B would go to the current owner of Tax Map Parcel #'s 083-3-22-002A and 083-3-01-0034. As previously mentioned, Michael Lambert, Assistant Director of Fairfax County Facilities Management Department, confirmed that the consideration to be paid by the Applicant to the County with respect to the portions of Vacation and Abandonment Area A and Vacation and Abandonment Area B that were created through takings, which totals 268 square feet, is \$134.00.

3. Vacation and Abandonment Area C was dedicated for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 1785 at Page 264, among the land records of Fairfax County, Virginia.

Vacation and Abandonment Area C would go to the current owner of Tax Map Parcel # 083-3-22-0002 and 083-3-01-0044.

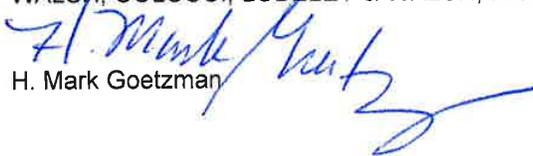
The proposed vacation and abandonment of the Vacation and Abandonment Areas is being processed concurrently with the Rezoning Application. The Vacation and Abandonment Areas are unused portions of Quander Road that was formerly used for an older alignment of Quander Road. With the realignment of Quander Road, the Vacation and Abandonment Areas, are surplus.

The vacation and abandonment of the Vacation and Abandonment Areas is requested pursuant to Virginia Code Sections 15.2-2006 and 33.2-909.

The total area to be vacated and abandoned is 6,288 square feet.

I request your final review of this application as soon as possible. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
WALSH, COLUCCI, LUBELEY & WALSH, P.C.


H. Mark Goetzman

cc: Alysia Yi
Nick Georgas
Stuart Cain
Lynne Strobel

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING
PARTS OF A PLAT ON WHICH IS SHOWN

(Quander Road – State Route 630)

Mount Vernon Magisterial District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 24, 2022, at 3:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, § 15.2-2006, and § 33.2-909, vacating and abandoning parts of the plat, recorded in Deed Book 1785, at Page 264, Deed Book 6266, at Page 1013, Deed Book 6268, at Page 744, and as a prescriptive (Byrd Act) road, on which is shown Quander Road – State Route 630. The portions of the road being vacated and abandoned are located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, and are described and shown on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

MOUNT VERNON DISTRICT.

§ 15.2-2006 and § 33.2-909

ORDER OF ABANDONMENT OF
PORTIONS OF EXISTING QUANDER ROAD
MOUNT VERNON DISTRICT,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24th day of May, 2022, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this portion of the road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That the portions of existing Quander Road (Route 630) comprising a total area of 6,288 square feet, located adjacent to Tax Map located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, described on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

By: Jill G. Cooper
Clerk to the Board

§33.2-909

ADOPTION OF AN ORDINANCE VACATING
PARTS OF A PLAT ON WHICH IS SHOWN

(Quander Road – Route 630)

Mount Vernon District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on May 24th, 2022, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Parts of the Plat showing street dedication of Quander Road, recorded in Deed Book 1785 at Page 264, creation of portions of Quander Road by takings, recorded in Deed Book 6266, at Page 1013 and Deed Book 6268, at Page 744, and creation of portions of Quander Road as a prescriptive (Byrd Act) road, on which are shown Quander Road, comprising a total area of 6,288 square feet, located adjacent to Tax Map 083-3-01-0044, 083-3-22-0002, 083-3-22-002A, and 083-3-01-0034, and described and shown on the metes and bounds schedule dated January 18, 2022, and on the plat dated July 1, 2021, and last revised December 2, 2021, each prepared by Bohler Engineering VA, LLC, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2006.

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

§15.2-2006



12825 Worldgate Drive, Suite 700
Herndon, VA 20170
703.709.9500

**JANUARY 18, 2022
METES AND BOUNDS DESCRIPTION**

**OF PORTIONS OF
QUANDER ROAD – VA RTE. 630
MOUNT VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA**

VACATION AND ABANDONMENT AREA A

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF QUANDER ROAD – VA RTE. 630 (VARIABLE WIDTH RIGHT-OF-WAY), WITH THE DIVISION LINE BETWEEN THE LANDS OF ROSS TUMULTY (DEED BOOK 22962 PAGE 1411) ON THE NORTH AND THE LANDS OF LMC ALEXANDRIA CROSSING INVESTOR, LLC (DEED BOOK 27642 PAGE 646 & DEED BOOK 27642 PAGE 641) ON THE SOUTH, THENCE DEPARTING SAID DIVISION LINE, AND WITH A LINE THROUGH EXISTING QUANDER ROAD RIGHT-OF-WAY, THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. SOUTH 72° 04' 40" EAST, 70.56, THENCE;
2. CONTINUING, SOUTH 77° 53' 23" WEST, 58.51 FEET, THENCE;
3. CONTINUING, 24.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 12° 01' 29", AND A CHORD BEARING AND DISTANCE OF SOUTH 71° 52' 38" WEST, 24.61 FEET TO THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID QUANDER ROAD, THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;
4. NORTH 17° 55' 20" EAST, 43.77 FEET TO THE POINT OF BEGINNING, CONTAINING 1,458 SQUARE FEET OR 0.033 ACRES.

VACATION AND ABANDONMENT AREA B

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF SAID QUANDER ROAD, WITH THE NORTHEASTERLY BOUNDARY LINE OF THE LANDS OF LMC ALEXANDRIA CROSSING INVESTOR, LLC (DEED BOOK 27642 PAGE 646 & DEED BOOK 27642 PAGE 641), THENCE WITH SAID NORTHEASTERLY BOUNDARY LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES;

1. NORTH 47° 12' 10" WEST, 82.16 FEET TO A REBAR FOUND, THENCE;
2. CONTINUING, SOUTH 42° 52' 47" WEST, 15.13 FEET TO AN IRON PIPE FOUND, THENCE;
3. CONTINUING, NORTH 46° 53' 34" WEST, 56.09 FEET, THENCE DEPARTING SAID NORTHEASTERLY BOUNDARY LINE AND WITH A LINE THROUGH SAID QUANDER ROAD, THE FOLLOWING FOUR (4) COURSES AND DISTANCES;



12825 Worldgate Drive, Suite 700

Herndon, VA 20170

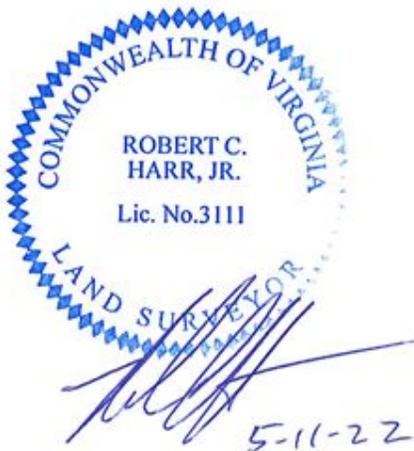
703.709.9500

- 4. 18.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 60.50 FEET, A CENTRAL ANGLE OF 17° 37' 39", AND A CHORD BEARING AND DISTANCE OF NORTH 69° 04' 33" EAST, 18.54 FEET, THENCE;
- 5. CONTINUING, NORTH 77° 53' 23" EAST, 63.30 FEET, THENCE;
- 6. CONTINUING, 15.71 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 90° 00' 00", AND A CHORD BEARING AND DISTANCE OF SOUTH 57° 06' 37" EAST, 14.14 FEET, THENCE;
- 7. CONTINUING, SOUTH 11° 47' 47" EAST, 121.42 FEET TO THE POINT OF BEGINNING, CONTAINING 4,829 SQUARE FEET OR 0.111 ACRES

VACATION AND ABANDONMENT AREA C

BEGINNING AT A REBAR WITH CAP FOUND MARKING THE INTERSECTION OF THE DIVISION LINE BETWEEN PART OF PARCEL 2 (DEED BOOK 1785 PAGE 264) ON THE SOUTH, AND THE LANDS OF LMC ALEXANDRIA CROSSING INVESTOR, LLC (DEED BOOK 27642 PAGE 646 & DEED BOOK 27642 PAGE 641) ON THE NORTH, WITH THE WESTERLY RIGHT-OF-WAY LIMITS OF QUANDER ROAD – VA RTE. 630 (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID WESTERLY RIGHT-OF-WAY LIMITS;

- 1. SOUTH 72° 04' 40" EAST, 1.81 FEET, THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LIMITS AND WITH A LINE THROUGH SAID QUANDER ROAD;
- 2. 0.77 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 117.50 FEET, A CENTRAL ANGLE OF 00° 22' 34", AND A CHORD BEARING AND DISTANCE OF SOUTH 51° 54' 50" WEST, 0.77 FEET TO THE NORTHEASTERLY BOUNDARY LINE OF SAID PART OF PARCEL 2, THENCE WITH SAID NORTHEASTERLY BOUNDARY LINE;
- 3. NORTH 47° 11' 54" WEST, 1.52 FEET TO THE POINT OF BEGINNING, CONTAINING 1 SQUARE FOOT OR 0.000 ACRES.



NOTES:

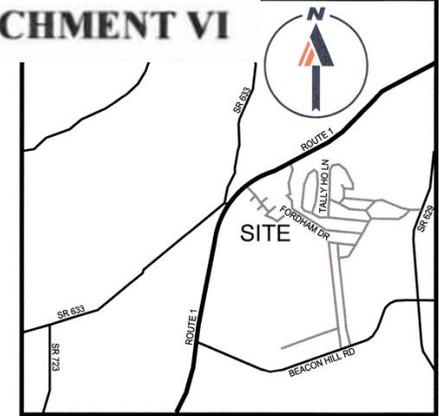
1. THE AREA SHOWN HEREON IS DESIGNATED ON FAIRFAX COUNTY TAX MAP #063.
2. THIS PLAT IS PREPARED WITH REFERENCE TO A REPORT OF TITLE PREPARED BY ROUND TABLE TITLE, INC. FILE NO. 2021-7375, DATED MAY 14, 2021 VERIFIED THROUGH MARCH 7, 2021, AND A COMMITMENT FOR TITLE INSURANCE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ISSUING AGENT CALATLANTIC NATIONAL TITLE SOLUTIONS, LLC, COMMITMENT NUMBER 110041-20-01150-VA, DATED OCTOBER 16, 2020.
3. THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE 1 IN 20,000.
4. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, FAIRFAX COUNTY, VIRGINIA AND INCORPORATED AREAS, PANEL 315 OF 400", MAP NUMBER 51059C0315E, WITH A MAP EFFECTIVE DATE OF SEPTEMBER 17, 2010.
5. THE PERIMETER OF THE LAND HERON PLATTED WILL BE MONUMENTED USING IRON PIPE OR OTHER PERMANENT MARKER. MONUMENTATION WILL BE INSTALLED BY A LAND SURVEYOR LICENSED IN THE COMMONWEALTH PRIOR TO BOND RELEASE BY FAIRFAX COUNTY.
6. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS83), NORTH ZONE, US SURVEY FOOT UNITS AS COMPUTED FROM A FIELD BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THE BOUNDARY TO NGS SURVEY MONUMENT NO. HV9695 (MEMORIAL AZ MK 1) WITH A PUBLISHED ELEVATION OF 225.64 (NAVD) AND CONVERTED TO NGVD29 WITH AN ELEVATION OF 226.55.
7. THE REASON FOR THIS PLAT IS TO VACATE AND ABANDON THE PORTIONS OF QUANDER ROAD.



ATTACHMENT VI

AREA TABULATION

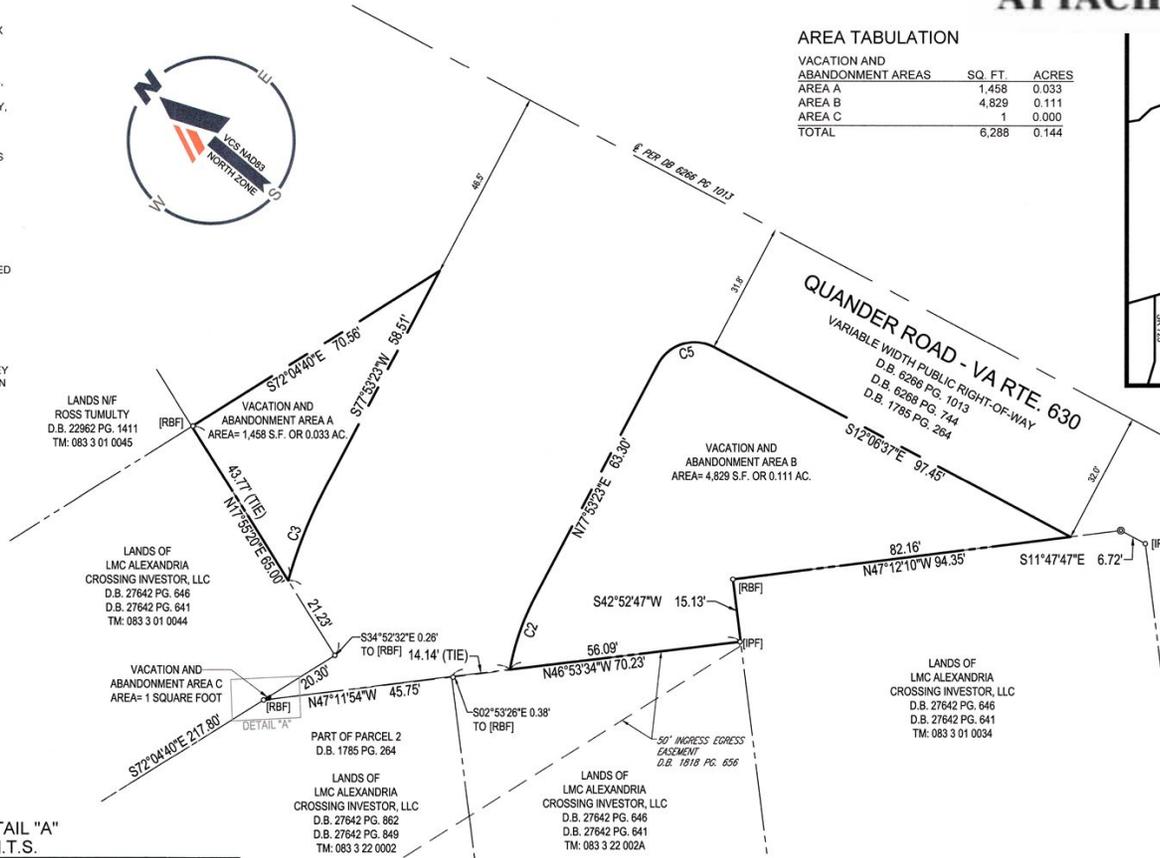
VACATION AND ABANDONMENT AREAS	SQ. FT.	ACRES
AREA A	1,458	0.033
AREA B	4,829	0.111
AREA C	1	0.000
TOTAL	6,288	0.144



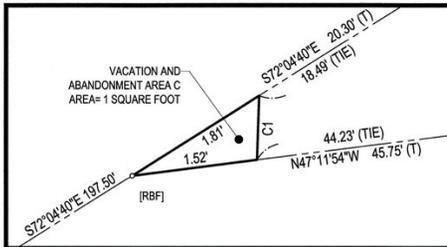
LOCATION MAP
COPYRIGHT 2009
DELORME STREET ATLAS USA 2009
SCALE: 1"=2000'

LEGEND

- [IPF] IRON PIPE FOUND
- [RBF] REBAR FOUND
- (T) TOTAL



DETAIL "A"
N.T.S.



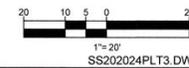
CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	117.50'	0.77'	S51°54'50"W	0.77'	000°22'34"	0.39'
C2	60.50'	18.61'	N69°04'33"E	18.54'	017°37'39"	9.38'
C3	117.50'	24.66'	S71°52'38"W	24.61'	012°01'29"	12.38'
C5	10.00'	15.71'	S57°06'37"E	14.14'	090°00'00"	10.00'



5-11-22

PLAT SHOWING
VACATION & ABANDONMENT
OF PORTIONS OF
QUANDER ROAD
DEED BOOK 6268 PAGE 1013
DEED BOOK 6268 PAGE 744
DEED BOOK 1785 PAGE 264
MOUNT VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20' DATE: JULY 1, 2021
DRAWN: CJT SHEET 1 OF 1

NO.	REVISION	DATE
1	REVISED PER CLIENT COMMENTS	07/07/2021
2	UPDATED AREA OF ABANDONMENT B	12/02/2021



BOHLER // 12825 WORLDGATE DRIVE, SUITE 700, HERNDON, VIRGINIA 20170, 703.709.8600, www.bohlerengineering.com

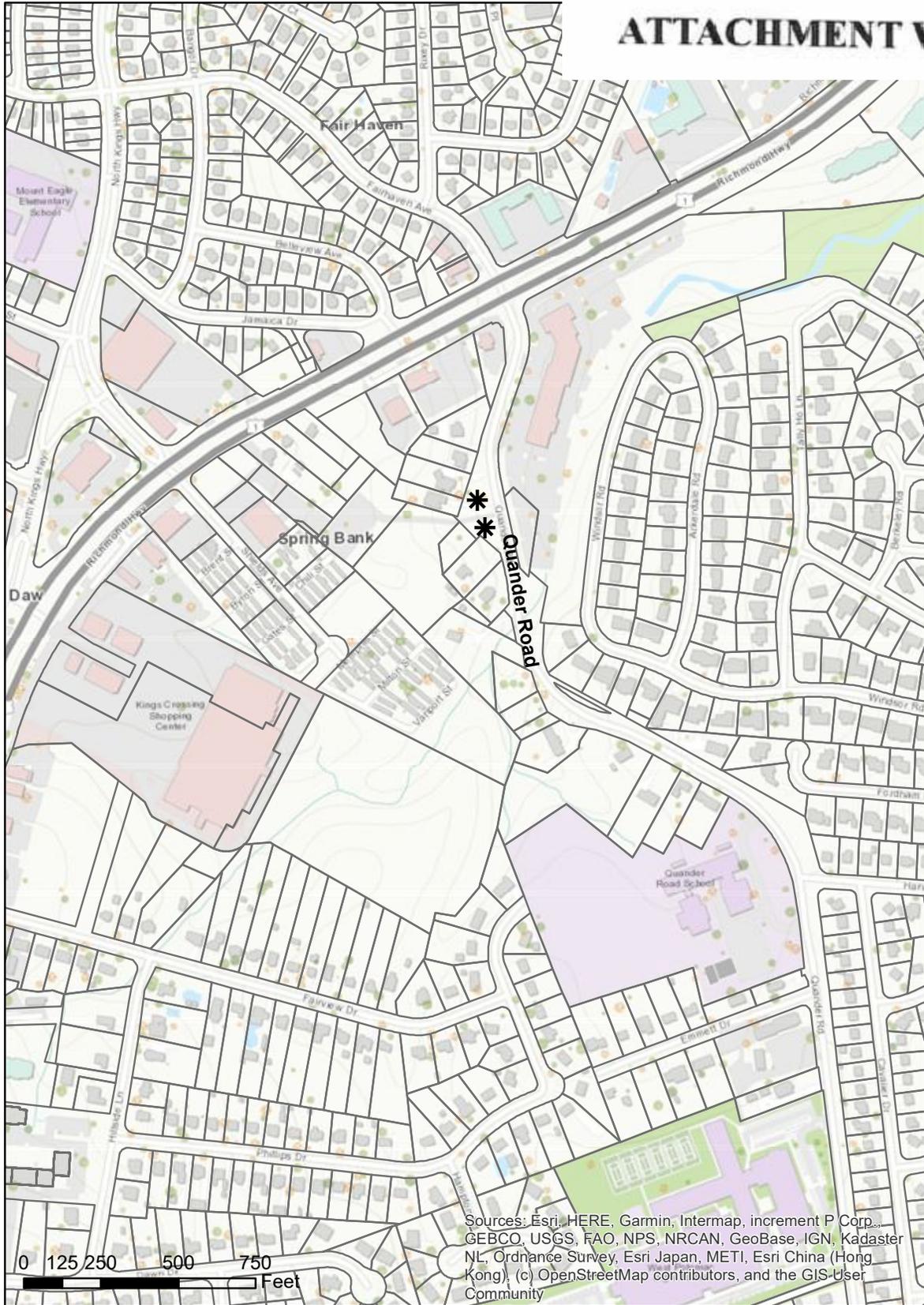
12825 WORLDGATE DRIVE, SUITE 700, HERNDON, VIRGINIA 20170, 703.709.8600, www.bohlerengineering.com

● ALBANY, NY ● BOSTON, MA ● NEW YORK, NY ● METRO, VA ● WASHINGTON, DC ● CENTRAL, VA ● CHARLOTTE, NC ● BALTIMORE, MD ● SOUTHERN, VA ● NORTHERN, VA

Quander Road Vacation and Abandonment

Mount Vernon District

ATTACHMENT VIII



***** Denotes Area to be Vacated and Abandoned

Tax Map 83-3

Board Agenda Item
May 24, 2022

3:30 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of Rolling Hills Avenue /
Route 1201 (Lee District)

ISSUE:

Public hearing on a proposal to vacate and abandon a portion of Rolling Hills Avenue /
Route 1201.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order
(Attachment III) for abandonment and ordinance (Attachment IV) for vacation for the
subject right-of-way.

TIMING:

On April 12, 2022, the Board authorized the public hearing to consider the proposed
abandonment and vacation for May 24, 2022, at 3:30 p.m.

BACKGROUND:

The applicant, Walsh Colucci Lubeley & Walsh PC, on behalf of Elm Street
Communities, Inc., a Virginia corporation, is requesting that a portion of Rolling Hills
Avenue / Route 1201 be vacated under §15.2-2272 of the Virginia Code and
abandoned under Virginia Code §33.2-909. The applicant is seeking this request in
accordance with the Rezoning and Final Development Plan RZ/FDP 2021-LE-011.

The subject portion of Rolling Hills Avenue was dedicated by deed of dedication (Deed
Book 749 Page 313) in 1950 as part of the Rolling Hills Subdivision. The applicant
proposes to vacate and abandon the subject area of Rolling Hills Avenue and utilize the
area in the rezoning project (RZ/FDP 2021-LE-011) as part of the multifamily residential
development.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on pedestrian, transit, or
vehicle circulation and access.

Board Agenda Item
May 24, 2022

Easements

The project manager has certified that all easement requirements for the project have been met.

The proposal to vacate and abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Development, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter of Request
Attachment II: Notice of Intent to Abandon & Vacate
Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Metes and Bounds Description
Attachment VI: Vacation and Abandonment Plat
Attachment VII: CDP Overlay Exhibit
Attachment VIII: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division
Greg Fuller, Section Chief, FCDOT-Site Analysis Section (SAS)
Michelle Guthrie, FCDOT-SAS
Jeffrey Edmondson, FCDOT-SAS
Gavin Derleth, FCDOT-SAS

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney



**WALSH COLUCCI
LUBELEY & WALSH PC**

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

REVISED

March 7, 2022

BY COURIER AND ELECTRONIC MAIL

Gavin Derleth, Michelle Guthrie and Jeffrey Edmondson
Fairfax County Department of Transportation
4050 Legato Rd, Ste 400
Fairfax, VA 22033-2895

Re: Request for Proposed Vacation and Abandonment of a Portion of Rolling Hills Avenue (Route 1201) (formerly Jackson Avenue), Lee District, Fairfax County, Virginia

Dear Gavin, Michelle and Jeffrey:

This letter constitutes a request and statement of justification to vacate and abandon a portion of Rolling Hills Avenue (formerly Jackson Avenue), Route 1201, Fairfax County, Virginia, originally filed on August 20, 2021. This revised letter and our revised exhibits seek to address the comments contained in the Fairfax County Department of Transportation Letter dated October 22, 2021, as well as subsequent discussions. The portion of Rolling Hills Avenue to be vacated and abandoned is located in the Lee Magisterial District (hereinafter referred to as the "**Vacation and Abandonment Area**"). This request is made on behalf of Elm Street Communities, Inc., a Virginia corporation ("**Applicant**"). By way of background, the Applicant has recently submitted a Proffered Condition Amendment Application PCA 2004-LE-021 for the proposed removal of approximately 5.42 acres of land from the development known as Mount Vernon Gateway, concurrent with the submittal of a Rezoning and Final Development Plan Application RZ 2021-LE-011/FDP 2021-LE-011 for the proposed rezoning of the 5.42 acre parcel to the PRM District to construct a multi-family building with parking (collectively, "**Rezoning Application**"). The Rezoning Application is filed on approximately 5.42 acres that represents a consolidation of 9 parcels which are part of a development known as Mount Vernon Gateway, on Tax Map Parcel #'s 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (2) 15, 101-2 ((5)) (3) 1, 101-2 ((5)) (3) 2A, 101-2 ((5)) (3) 13, and the Vacation and Abandonment Area.

The Vacation and Abandonment Area to be vacated and abandoned is shown on the plat entitled "Plat Showing Vacation And Abandonment of a Portion of Rolling Hills Avenue Route 1201 Deed Book 749 Page 313 Lee District Fairfax County, Virginia" prepared by VIKA VIRGINIA LLC, dated March 4, 2022.

The parcels located adjacent to the Vacation and Abandonment Area are Tax Map Parcel Numbers 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A. The Applicant is the contract purchaser of these parcels that are adjacent to the Vacation and Abandonment Area.

ATTORNEYS AT LAW

703 528 4700 ■ WWW.THELANDLAWYERS.COM
2200 CLARENDON BLVD. ■ SUITE 1300 ■ ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 ■ WOODBRIDGE 703 680 4664

{A1027730.DOC / 1 Justification Letter 000780 000187}

The Vacation and Abandonment Area was dedicated for public street purposes, by virtue of that certain Deed of Dedication recorded in Deed Book 749 at Page 313, among the land records of Fairfax County, Virginia. In conjunction with the proposed Rezoning Application, the Applicant requests the vacation and abandonment of the Vacation and Abandonment Area, as this portion of Rolling Hills Avenue right-of-way will no longer be necessary as the six non-conforming residential homes that it serves will be demolished with the construction of the improvements proposed in the Rezoning Application. As such, this portion of right-of-way will no longer be required for roadway purposes.

The vacation and abandonment of the Vacation and Abandonment Areas is requested pursuant to Virginia Code Sections 15.2-2272 and 33.2-909.

The total area to be vacated and abandoned is 20,967 square feet.

I request your final review of this application as soon as possible. If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
WALSH, COLUCCI, LUBELEY & WALSH, P.C.



H. Mark Goetzman

cc: Alysia Yi
Lynne Strobel
Nick Flanagan
Jim Perry
J. Thomas Harding
John Walsh

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING AND AN ORDER ABANDONING
A PART OF A PLAT ON WHICH IS SHOWN

(Rolling Hills Avenue – State Route 1201)

Lee District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on May 24, 2022, at 3:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. § 15.2-2204, § 15.2-2272, and § 33.2-909, vacating and abandoning a 20,967 square foot part of the plat, recorded in Deed Book 749, at Page 313, on which is shown Rolling Hills Avenue – State Route 1201 (formerly Jackson Avenue). The road is located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A and is described and shown on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKA VIRGINIA LLC, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

LEE DISTRICT.

§ 15.2-2272 and § 33.2-909

ORDER OF ABANDONMENT OF
PORTION OF ROLLING HILLS AVENUE

LEE DISTRICT,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 24th day of May, 2022, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this portion of the road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That the portion of existing Rolling Hills Avenue (Route 1201) comprising a total area of 20,967 square feet, located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A, described on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKA VIRGINIA LLC, attached hereto and incorporated herein, be and the same are hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

By: Jill G. Cooper
Clerk for the Board Supervisors

§33.2-909

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

(Rolling Hills Avenue – Route 1201)

Lee District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax County, Virginia, on May 24, 2022, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat Showing Street Dedication of Rolling Hills Avenue (formerly Jackson Avenue), recorded in Deed Book 749 at Page 313, on which is shown Rolling Hills Avenue (formerly Jackson Avenue), comprising a total area of 20,967 square feet, located adjacent to Tax Map 101-2 ((5)) (2) 10, 101-2 ((5)) (2) 11, 101-2 ((5)) (2) 12, 101-2 ((5)) (2) 13, 101-2 ((5)) (2) 14, 101-2 ((5)) (3) 1, and 101-2 ((5)) (3) 2A, and described and shown on the metes and bounds schedule dated December 21, 2021, and on the plat dated March 4, 2022, each prepared by VIKA VIRGINIA LLC, and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272.

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either currently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

§15.2-2272

VIKA Virginia, LLC
 8180 Greensboro Dr.
 Suite 200
 Tysons, VA 22102
 703.442.7800
vika.com



DECEMBER 21, 2021

**DESCRIPTION OF
 A PORTION OF
 ROLLING HILLS AVENUE
 50' WIDE R/W
 (FORMERLY JACKSON AVENUE)
 DEED BOOK 749 PAGE 313
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Being a portion of Rolling Hills Avenue – Route 1201 (formerly Jackson Avenue) as recorded in Deed Book 749 at Page 313 all among the Land Records of Fairfax County, Virginia.

Beginning for the same at a point on the southerly right of way line of Buckman Road – Route 836, said point marking the northerly most corner of Lot 14, Block 2, Rolling Hills as recorded in Deed Book 749 at Page 313 among the aforesaid Land Records, thence running with the outlines of Lot 14 and continuing with the outlines of Lots 13, 12, 11 and 10, Block 2, Rolling Hills (Deed Book 749, Page 313) the following three (3) courses and distances.

- 1) 36.48 feet along the arc of a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of South 41° 53' 42" West, 33.33 feet to the point; thence.
- 2) 224.09 feet along the arc of a curve to the right, having a radius of 236.40 feet and a chord bearing and distance of South 27° 14' 48" West, 215.79 feet to a point; thence.
- 3) South 54° 24' 05" West, 192.35 feet to a point; thence departing the aforesaid Lots and running so as to cross and include a portion of Rolling Hills Avenue – Route 1201.
- 4) North 35° 38' 40" West, 50.00 feet to a point marking the common corner of Lots 2A and 3A, Block 3, Rolling Hills as recorded in Deed Book 2418 at Page 189 among the aforesaid Land records; thence running with the southeasterly line of the said Lot 2A and continuing with the outlines of Lot 1, Block 3, Rolling Hills as recorded in Deed Book 749 at Page 313 among the aforesaid land Records, the following three (3) courses and distances.
- 5) North 54° 24' 05" East, 192.39 feet to a point; thence.
- 6) 167.38 feet along the arc of a curve to the left, having a radius of 186.40 feet and a chord bearing and distance of North 28° 40' 41" East, 161.81 feet to a point; thence.
- 7) 42.09 feet along the arc of a curve to the left, having a radius of 25.00 feet and a chord bearing and distance of North 45° 16' 48" West, 37.29 feet to the point on the aforesaid southerly right of the way line of Buckman Road – Route 836; thence running with the said southerly right of way line.
- 8) North 85° 29' 47" East, 99.31 feet to the point of beginning containing 20,967 square feet or 0.48134 of an acre of land.

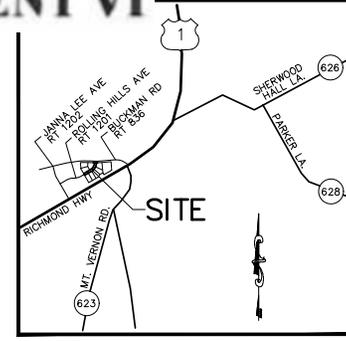
Q:\Projects\7987\7987C\CADD\SURVEYS\LEGAL DESCRIPTIONS\VACATION AND ABANDONMENT\VV7987C Legal Description.docx



NOTES:

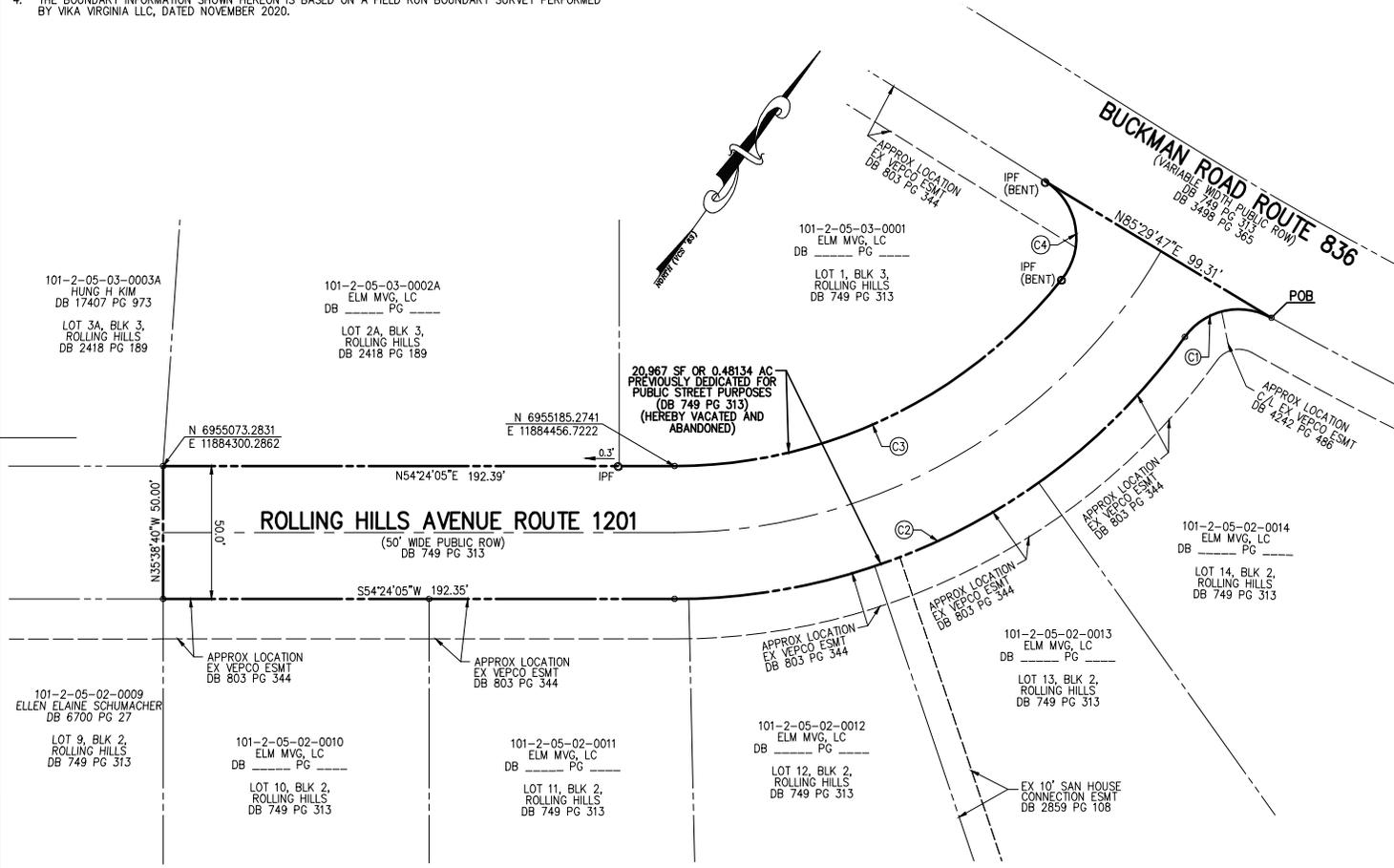
1. THE SUBJECT PROPERTY IS ADJACENT TO THE FOLLOWING PARCELS IDENTIFIED ON FAIRFAX COUNTY TAX MAP AS TAX MAP #101-2-05-03-0001, #101-2-05-03-0002A, #101-2-05-02-0010, #101-2-05-02-0011, #101-2-05-02-0012, #101-2-05-02-0013, AND #101-2-05-02-0014 BEING A PORTION OF EXISTING ROLLING HILLS AVENUE, ROUTE 1201 (EXISTING 50' RIGHT-OF-WAY) PREVIOUSLY VACATED AND ABANDONED AS RECORDED IN DEED BOOK _____ AT PAGE _____ AND IS ZONED PDH-30.
2. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP (FIRM) NUMBER 51059C0405E, COMMUNITY PANEL 515225 0405 E. FOR FAIRFAX COUNTY, VIRGINIA, DATED SEPTEMBER 17, 2010. ZONE "X" IS NOT IDENTIFIED AS A SPECIAL FLOOD HAZARD ZONE AREA.
3. THE HORIZONTAL DATUM SHOWN HEREON IS REFERENCED TO VIRGINIA COORDINATE SYSTEM OF 1983 (VCS83) BASED ON A GPS SURVEY BY VIK A VIRGINIA, LLC.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY VIK A VIRGINIA LLC, DATED NOVEMBER 2020.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BRG	CHORD
C1	36.48'	25.00'	083°36'37"	22.36'	S41°53'42"W	33.33'
C2	224.09'	236.40'	054°18'40"	121.26'	S27°14'48"W	215.79'
C3	167.38'	186.40'	051°26'55"	89.81'	N28°40'41"E	161.81'
C4	42.09'	25.00'	096°28'03"	27.99'	N45°16'48"W	37.29'



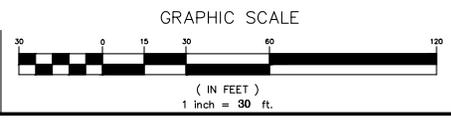
VICINITY MAP SCALE: 1"=2000'

THE INFORMATION, DESIGN, AND CONTENT OF THESE DRAWINGS AND/OR DOCUMENTS HERETO ARE PROPRIETARY TO VIK A VIRGINIA, LLC AND CONSTITUTE ITS PROPRIETARY INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR DOCUMENTS MUST NOT BE DIGITALLY FORWARDED, SHARED OR COPIED, DIGITALLY CONVERTED, MODIFIED, OR USED FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM VIK A VIRGINIA, LLC. VIOLATIONS MAY RESULT IN PROSECUTION. ONLY APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS MAY BE UTILIZED FOR CONSTRUCTION PURPOSES. © 2019 VIK A VIRGINIA, LLC



VACATION AND ABANDONMENT AREA TABULATION:

PORTION OF ROLLING HILLS AVENUE	20,967 SF OR 0.48134 AC
TOTAL VACATION AND ABANDONMENT AREA	20,967 SF OR 0.48134 AC



PLAT SHOWING VACATION AND ABANDONMENT OF A PORTION OF ROLLING HILLS AVENUE ROUTE 1201

DEED BOOK 749 PAGE 313
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=30' DATE: MARCH 4, 2022
SHEET 1 OF 1



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GEOMATICS

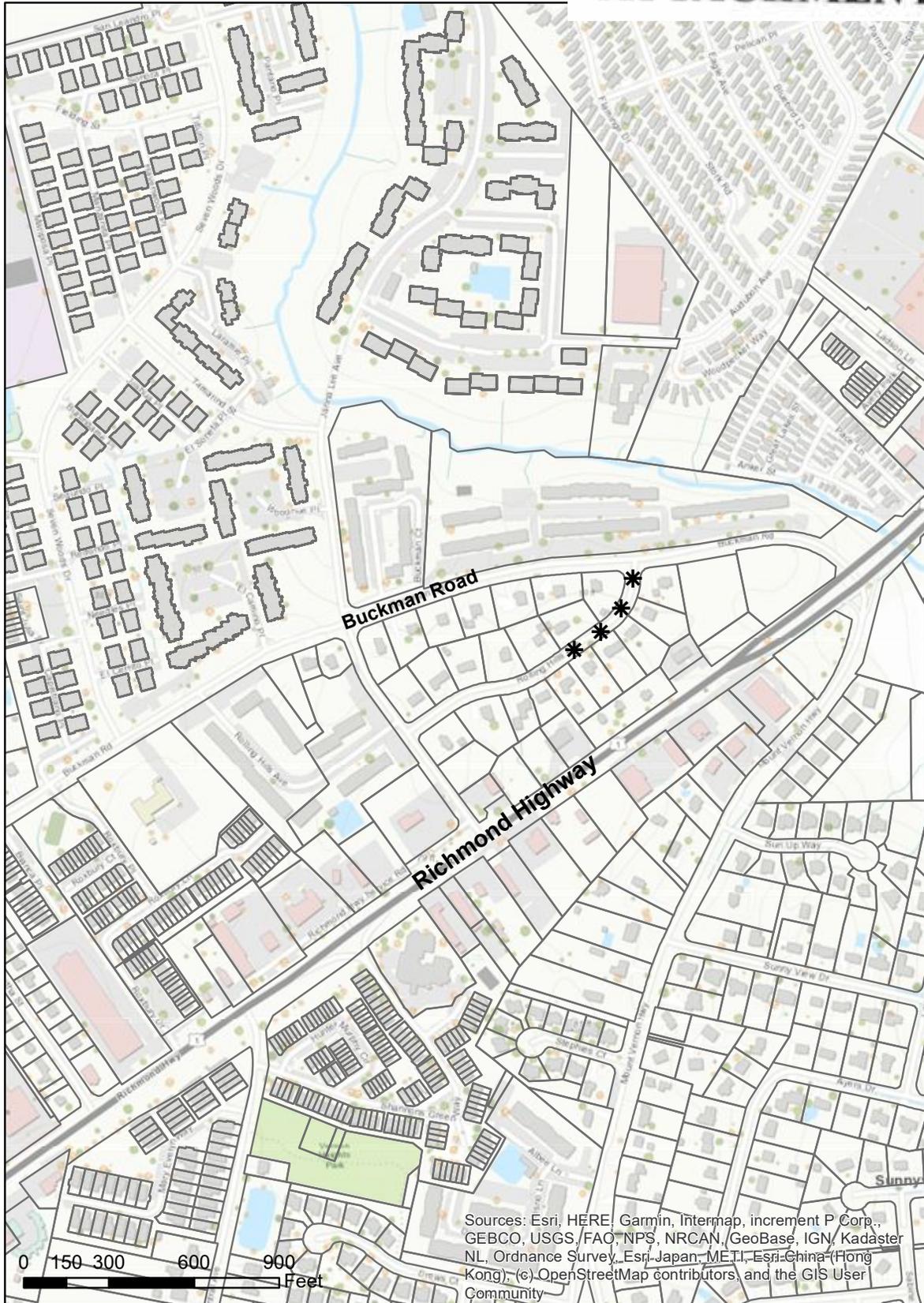
VIK A VIRGINIA LLC
8180 GREENSBORO DRIVE SUITE 200 ■ TYSONS, VIRGINIA 22102
(703) 442-7800 ■ FAX (703) 761-2787
WWW.VIKA.COM

FILE:ca\Projects\9876\CA00\SURVEYS\PLATS\9876-ST_VAC.tbl USER:walsh DATE:Mar, 04 2022 TIME: 12:39 pm

Rolling Hills Ave. Vacation & Abandonment

Lee District

ATTACHMENT VIII



***** Denotes Area to be Vacated and Abandoned

Tax Map 101-2

Board Agenda Item
May 24, 2022

3:30 p.m.

Public Comment on Issues of Concern