



MEMORANDUM

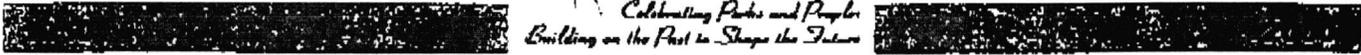
To: Barbara Byron
Paul Baldino
Jeff Blackford
From: Tom Fleury
Subject: PCA 88-D-005-4
Park Proffer
Date: 3/2/2000

Attached is a copy of an agreement reached between West*Group Properties and the Fairfax County Park Authority which allowed the applicant to pay \$250,000 to the FCPA in lieu of dedicating a piece of land which was previously proffered.

While it is clear to us that the check for \$250,000 should be payable to Fairfax County Park Authority (See Exhibit I to Feb. 16 transmittal to Peggy Howell), it is unclear how Fairfax County OSDS and OCP documents evidence of our payment if the check is not payable to Fairfax County, delivered to Bonds and Agreements and annotated within the standard proffer tracking system.

Unless we hear differently from you on or before March 31, 2000, we will deliver a check payable to Fairfax County Park Authority to Paul Baldino and send copies of the transmittal letter to Supervisor Connolly, OCP/ZED, Bonds and Agreements and OSDS to ensure that all parties are aware that our proffer obligation was met.

CC: Cathy Lewis
Lynn Tadlock
John Crouch



12055 GOVERNMENT CENTER PARKWAY ♦ SUITE 927 FAIRFAX, VIRGINIA 22035 ♦ PHONE: 703/324-8701



TO: Peggy Howell
WestGroup

February 16, 2000

FAX NUMBER: 356-9573

FROM: Bill Cutler *WC*

DIVISION/SITE: Planning and Development Division **FAX:** 324-3987
Fairfax County Park Authority

NUMBER OF PAGES: 9 (including this sheet)

SUBJECT: RZ 92-P-001 WestGroup Properties

Comments:

Per your request, attached find approved PAB item. Should you wish to discuss, please contact Lynn Tadlock or myself at 324-8741.



Mr. de la Fe called for the **VOTE**:

- | | |
|---------------------|-------------------------|
| Mr. Bissell - AYE | Mr. Marquez - ABSENT* |
| Mr. Do - AYE | Mr. McCutcheon - AYE |
| Mrs. Douglas - AYE | Mrs. Shapiro - ABSENT* |
| Mr. Feng - AYE | Mr. Strickland - ABSENT |
| Mr. Henderson - AYE | Mr. White - ABSENT |
| Ms. Malone - AYE | Mr. de la Fe - AYE |

*Had not arrived yet.

The **MOTION** was **APPROVED** with Messrs. Strickland and White being absent.

A-12. Revision to Approved Board Resolution Related to RZ 92-P-001; West*Group Properties. 

Ms. Malone **MOVED** the Park Authority Board approval the attached revision (Attachment 1) to the Board resolution passed on September 17, 1991 that will replace a dedication from the **WEST*GROUP** of 1.0695 acres of land adjoining the Scott's Run Stream Valley with a cash contribution of \$250,000; **SECONDED** by Mr. Do.

Mr. de la Fe called for the **VOTE**:

- | | |
|---------------------|-------------------------|
| Mr. Bissell - AYE | Mr. Marquez - ABSENT* |
| Mr. Do - AYE | Mr. McCutcheon - AYE |
| Mrs. Douglas - AYE | Mrs. Shapiro - ABSENT* |
| Mr. Feng - AYE | Mr. Strickland - ABSENT |
| Mr. Henderson - AYE | Mr. White - ABSENT |
| Ms. Malone - AYE | Mr. de la Fe - AYE |

*Had not arrived yet.

The **MOTION** was **APPROVED** with Messrs. Strickland and White being absent.

Memo to the Board
March 17, 1999

ACTION - 12.

REVISION TO APPROVED BOARD RESOLUTION RELATED TO RZ 92-P-001; WEST*GROUP PROPERTIES (PROVIDENCE DISTRICT).

ISSUE:

Approval of the attached revision to the Board Resolution passed on September 17, 1991 that will replace a dedication from the WEST*GROUP of 1.0695 acres of land adjoining Scott's Run Stream Valley with a cash contribution of \$250,000.

RECOMMENDATION:

I recommend Park Authority Board approval of the attached revision (Attachment I) to the Board Resolution passed on September 17, 1991 that will replace a dedication from the WEST*GROUP of 1.0695 acres of land adjoining the Scott's Run Stream Valley with a cash contribution of \$250,000.

TIMING:

Immediate. The Application PCA 92-PR-001, to which this revision relates, is scheduled to be presented to the Planning Commission on March 18, 1999.

BACKGROUND:

In 1991, the WEST*GROUP requested permission to span a section of Scott's Run Stream Valley Park (Tax Map Reference: 29-4 ((1)) 31) with a bridge that would connect land units within their proposed office park complex. On September 17, 1991, the Park Authority Board approved the Resolution that granted this request which, in turn, became the conditions outlined in EXHIBIT C (Attachment II) of the WEST*GROUP's proffers for RZ 92-PR-001. Condition Number Two of that Resolution provided for the dedication of four (4) small pieces of land bordering Scott's Run Stream Valley with a total area of 1.0695 acres (Attachment III).

Memo to the Board
March 17, 1999

Due to changes in the layout of the office complex and County requirements for the dedication of significant amounts of land for road improvements and a transit station, the WEST*GROUP requires these parcels back and offered improvements to existing parks instead. The parcels have not yet been transferred to the FCPA, so there would be no actual land transactions necessary.

After lengthy negotiations between the WEST*GROUP, the FCPA Providence District Board Member and staff, a proposal for a substitute cash contribution of \$250,000 has been reached. All other conditions of the Resolution remain binding.

The nullification of this land transfer does not adversely affect any existing or proposed park facilities in the Scott's Run Stream Valley Park. The requirements in the Resolution for the stream valley trail and access easement will still be met.

FISCAL IMPACT:

No cost to the Park Authority. Proffered funds of \$250,000 will be received no later than March 31, 2000.

ENCLOSED DOCUMENTS:

- Attachment I- Proposed revision to Condition Number 2 of EXHIBIT C
- Attachment II- EXHIBIT C (aka, Approved Board of September 17, 1991).
- Attachment III- Plat and Proposed Development Plan Showing the Four Parcels Subject to this Request

STAFF:

Paul L. Baldino, Director
Michael A. Kane, Deputy Director
Lynn S. Tadlock, Director, Planning and Development
Division
Douglas A. Petersen, Manager, Planning and Land Management
Branch

Attachment I

(PER THE AGREEMENT BETWEEN WEST*GROUP AND FAIRFAX COUNTY PARK AUTHORITY, DATED SEPTEMBER 17, 1991 AND APPROVED BY THE FCPA BOARD ON THAT DATE)

REVISIONS TO EXHIBIT "C" (RZ 92-P-001) OF PROVISIONS AND CONDITIONS:

(Reference is to Condition #2 of Exhibit "C"):

In lieu of the Developer's proffer to dedicate four (4) parcels of land (designated parcels A, B, C, and D), totaling approximately one (1) acre as shown on Attachment 1, a plat dated September 17, 1991, to the Fairfax County Park Authority (FCPA); the Developer shall provide the FCPA with \$250,000 in cash for acquisition, development, or maintenance of parks and recreational facilities in the Providence District. The Developer shall issue a check for this amount to the Fairfax County Park Authority within one (1) year of the approval of this application or no later than March 31, 2000, whichever first occurs.

All other provisions and conditions of Exhibit "C" shall remain binding between the FCPA and the Developer.

Attachment II

EXHIBIT C

RZ 92-P-001

Whereas, the Fairfax County Comprehensive Plan identifies the Tyson's Corner area as the only Urban Center of Fairfax County, and it is therefore unique, and

Whereas, Scott's Run Stream Valley Park lies within the confines of the Tyson's Corner Urban Center, as does West*Gate, an commercial development, and

Whereas, Policy 100 of the Fairfax County Park Authority (FCPA) states that the FCPA shall resist by all means any attempt by any entity to encroach upon any park, and the FCPA in March 1991 denied a request by West*Gate to build a road through Scott's Run Stream Valley Park which included the Director sending a letter to West*Gate stating that the FCPA did not want to set a precedent by approving such a road, and

Whereas, West*Gate corporation has requested from the FCPA an aerial easement for a bridge to connect to a road which the Fairfax County Office of Transportation and Virginia Department of Highways have stated is needed to relieve traffic congestion in a future redevelopment of the West*Gate properties, and

Whereas, the West*Gate easement request is in compliance with the FCPA Policy 301 concerning easements, and

Whereas, the deed conveying the property for Scott's Run Stream Valley Park to the FCPA contains a clause which would cause the entire property to revert back to the original trustees upon any part of the park being provided in fee simple ownership to any other entity, and said easement would not convey title to any land within the park, and

Whereas, the Environmental Services Section of the FCPA Conservation Division has analysed the easement request and have reported that there would be no significant environmental degradation if a bridge was built,

Be it, therefore, resolved that the Fairfax County Park Authority (FCPA) shall grant to West*Gate, its successors and assigns (the Developer), a permanent aerial easement and any temporary construction easements for the construction of a bridge over Scott's Run Stream Valley Park (the park) south of Route 123, to connect to the proposed Colshire Meadow Drive, as shown in Public Improvement Plan 8293-P-01-1, and that the Developer shall compensate the FCPA for such easements by meeting the following provisions and conditions:

1. The deed of this section of the park, parcel 29-4-((1))-31, must be changed to allow the granting of temporary and permanent easements to the developer to construct and use said bridge, and this deed must be approved by the Fairfax County Attorney.
2. The Developer shall deed to the FCPA four (4) parcels of land (designated parcels A, B, C, and D) totalling approximately one (1) acre containing hardwood forest vegetation, as shown on Attachment 1, a plat dated September 17, 1991, and said deed shall include a clause reserving the density of the parcels to the Developer for the future rezoning, pursuant to Section 2-308 of the Fairfax County Zoning Ordinance.

RZ 92-P-001

3. The Developer shall submit the bridge design, which must be of an environmentally sensitive nature, to the FCPA staff for review.
4. The Developer shall only make improvements to the existing natural waterway of Scott's Run which are in conformance with the Fairfax County Public Facilities Manual, and those actions shall be reviewed by the FCPA Trails Coordinator and the FCPA Conservation Division staff.
5. The Developer agrees to provide a trail system from the north end of the park through to southwest end of Scott's Run at a length of approximately 2,500 linear feet, constructed to the satisfactory review of the FCPA Trails Coordinator and in conformance with the Fairfax County Public Facilities Manual.
6. The Developer shall provide a twelve (12) foot wide trail easement through parcel 29-4-((6))-107 and construct a trail section on the easement, similar to that described above, which shall connect with a footbridge across Scott's Run which shall connect with the trail mentioned in number 5, above.
7. The Developer shall construct a chain link fence where none currently exists, in conformance with FCPA standards, of approximately 1,300 feet along the perimeter between the park and the Colonias Condominiums on the colonies side of the property line, pursuant to an agreement between the Colonias Co-Owners Association and the FCPA.
8. The Developer shall address all wetlands, if any, in conformance with applicable federal, state, and county regulations.
9. The Developer shall file application with the Fairfax County Health Department to participate in the "Adopt-a-Stream" program in order to help protect the section of Scott's Run within the boundaries of the park.
10. The Developer shall be responsible for all fees, permits, etc.
11. The FCPA Conservation Division staff shall work with Westgate School to develop a natural area and flower meadow within the Scott's Run Stream Valley/Westgate parks.

Be it further resolved, that this easement, plus compensation for such and all conditions mentioned above, shall be granted contingent upon approval of a future rezoning of the West*Gate properties which shall also address the proposed Colshire Meadow Drive, the bridge over Scott's Run, and its related traffic movement and environmental issues.

Be it further resolved that nothing in this resolution shall be construed to exclude the FCPA from participating in any proffer or review process pursuant to any future rezoning of the West*Gate properties.

Resolution approved by the Fairfax County Park Authority by a vote 6-1 on September 17, 1991

