

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
March 23, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Sam Grozdanoz, Senior Pastor, Four Mile Creek Baptist Church

APPROVAL OF MINUTES – March 9, 2010 Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation – Child Abuse Prevention Month – April 2010.

Proclamation – Keep Henrico Beautiful Month – April 2010.

Proclamation - Public Safety Telecommunicators Week - April 11 – 17, 2010.

PUBLIC HEARING ITEMS

- | | |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 83-10 | Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David M. Hepler, Trustee - Three Chopt District. |
| 84-10 | Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David M. Hepler and Jennifer E. Hepler - Three Chopt District. |
| 85-10 | Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Annie B. Fair - Three Chopt District. |

PUBLIC COMMENTS

GENERAL AGENDA

- | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 86-10 | Resolution – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2010-11 and Notice of Public Hearings on the Budget and Proposed Tax Rates. |
| 87-10 | Resolution – Authorizing Use of the 400 th Anniversary Logo. |
| 88-10 | Resolution – Signatory Authority – Memorandum of Understanding between Henrico County and Capital Region Airport Commission. |

89-10

Resolution - Award of Construction Contract - Broadly, Mayfield, and
Broad Street Village Fire Flow Enhancement.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
March 9, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, March 9, 2010 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Angela N. Harper, Deputy County Manager for Special Services
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:00 p.m.

Mrs. O'Bannon led recitation of the Pledge of Allegiance.

Rev. Joseph T. Driver of Gospel Jail Ministry delivered the invocation.

On motion of Mr. Donati, seconded by Mr. Kaechele, the Board approved the minutes of the February 23, 2010 Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Donati, Glover, Kaechele

No: None

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon noted that several members of the Board attended the National Association of Counties Legislative Conference in Washington, D.C. during the weekend preceding this Board meeting. Mr. Thornton met with Senator Warner's staff and Mrs. O'Bannon visited with another large group of Congressional staff in regards to reauthorization of the Workforce Investment Act. The Richmond region is considered a best practices location for workforce investment and the meeting participants were interested to learn of the great cooperation in this region among localities and businesses. Mr. Kaechele was instrumental in bringing the entire region under one Workforce Investment Board.

Mrs. O'Bannon recognized the following Boy Scouts who were observing the meeting to fulfill merit badge and rank requirements: Preston Barshinger, Dillon Dunham, Coleman Hoyt, Robbie Newcomb, and Jack Poindexter from Troop 702, sponsored by Second Baptist Church; and Brandon Phillips and Peter Truslow from Troop 740, sponsored by Our Lady of Lourdes Church.

Mr. Thornton commented that Scouts are future leaders and suggested that Scouts attending Board meetings in the future be provided with a handheld microphone when they introduce themselves so their names can be clearly heard by the audience. Mrs. O'Bannon pointed out that the Board had received a list of the Scouts who were present and that their names would be documented in the minutes of this meeting that will be posted online.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Kaitlin Sherwood from WRIC-TV 8. (Luz Lazo from the *Richmond Times-Dispatch* arrived later in the meeting).

PRESENTATION

Mrs. O'Bannon presented a proclamation recognizing March 2010 as Purchasing Month. Accepting the proclamation was Paul N. Proto, Director of General Services. Joining him were Cecelia H. Stowe, Purchasing Manager; Yvonne M. Daniel, Procurement Supervisor; and Marvis W. Marshall, Supplier Relations Coordinator.

APPOINTMENTS/RESIGNATION

73-10 Resolution – Appointment of Members – Board of the Reynolds Crossing Community Development Authority.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 73-10 – see attached resolution.

74-10 Resolution – Appointment of Members – Finance Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 74-10 – see attached resolution.

75-10 Resolution – Resignation of Member – Local Emergency Planning Committee.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 75-10 – see attached resolution.

76-10 Resolution – Nomination of Member – Local Emergency Planning Committee.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 76-10 – see attached resolution.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

47-10 Barrington Investors LTD and Elder Homes Corporation: Request to amend
C-32C-09 proffered conditions accepted with Rezoning Case C-65C-06, on Parcels
Fairfield 799-732-4991, 799-733-5351, -7350, -7644, -7938, -8231, -8525, -8819, -9113, -9209, -9504, -8204, -7808, -7513, -7318, -7023, -6728, -6533, -6338, -6143, -4535, -4830, -5025, -5223, -5419, -5614, -5810, 799-732-8887, -8597, and -6697, located between the east line of the Chesapeake and Ohio Railway right-of-way and the west line of Barrington Road at its intersection with Springton Road.

Joe Emerson, Director of Planning, responded to a question from the Board.

No one from the public spoke in opposition to this case.

On motion of Mr. Thornton, seconded by Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 47-10 (C-32C-09) with the following proffered conditions:

1. **General Development.** Development of the Property shall be comparable to the attached Concept Plan by Bay Design Group (see case file). All lots fronting Barrington Road shall have a minimum lot width of seventy (70) feet. At least 50% of the remaining lots on the Property shall have a width of at least sixty (60) feet.
2. **Exterior Materials.** Exterior wall materials shall be brick, stone, premium beaded vinyl siding (a minimum of .042" nominal thickness as evidenced by the manufacturer's printed literature, which shall be provided at the time of building permit application), composite-type siding, cementitious siding or other material of comparable quality determined at the time of Plan of Development review. At least seventy-five percent (75%) of homes along Barrington Road shall have a minimum of fifty percent (50%) of their front elevations constructed of

brick, or stone or other material of comparable quality unless otherwise approved at time of P.O.D. review. At least fifty percent (50%) of the remainder of homes within the Property shall have a minimum of 50% of their front elevations constructed of brick, stone, or other material of comparable quality unless otherwise approved at time of P.O.D. review. Foundations shall be excluded from percentage calculations.

3. **Foundations.** All homes shall be constructed on a crawl space or a concrete slab elevated a minimum of 16" above finished grade and surrounded by brick or stone or other material of comparable quality and appearance to provide the appearance of a crawl space. All elevated slab foundations shall have at least 2 faux foundation vents on the front elevation. All visible exposed portions of foundations of each home below the first floor level shall be constructed of brick, or stone, or other material of comparable quality. Front steps and stoops to the main entrance of all the homes shall be constructed of brick, stone, or other material of comparable quality with a brick, stone, concrete or exposed aggregate landing unless a porch is provided at the main entrance.
4. **Chimneys and Cantilevered Features.** Other than bay windows with decorative corbels, there shall be no cantilevered chimneys, direct vent gas fireplaces, closets or other architectural features on the front or side elevations. There shall be no cantilevered chimneys or closets on the rear elevation. The exposed portions of all fireplace chimneys shall be of the same materials as the foundation or adjacent exterior treatment of the dwelling. The exposed foundations of all chimneys, direct vent gas fireplaces, closets or other architectural features on the front and side elevations shall be of the same materials as the dwelling foundation.
5. **Minimum House Size.** Single-Family Dwellings shall be a minimum of 1300 square feet of finished floor area.
6. **Density.** There shall be no more than fifty-four (54) units developed on the property.
7. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
8. **Trash.** There shall be no central trash receptacles.
9. **Hours of Construction.** The hours of exterior construction including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday and Sunday, except in emergencies or where unusual circumstances require extending the specific hours in

order to complete work such as concrete pours or utility connections.

10. **Protective Covenants.** Prior to or concurrent with the recordation of the first subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plan (other than for the dedication of easements, roads or utilities) a document shall be recorded in the Clerk's Office in the Circuit Court of Henrico County, Virginia setting forth controls on the development and maintenance of such portions of the Property.
11. **Driveways.** All homes shall have an asphalt or brushed concrete driveway.
12. **Garages.** A minimum of a one car garage with interior dimensions of at least 18 feet in depth by 9 feet in width clear of as built obstructions shall be provided for at least 50% of homes on the property. At least 63% of garages shall be side or rear loaded.
13. **Roads.** All roads within the Property shall be public roads. The developer shall construct six (6) inch standard curb and gutter along all roads with the Property and along Barrington Road, as determined by the Director of Public Works at the time of subdivision or Plan of Development review. Should the dedicated property not be used for its intended purpose within thirty (30) years of the dated of dedication, title to the dedicated property shall revert to the owner or its successors in interest.
14. **Entrance Feature.** An entrance sign with brick, stone or stucco base shall be installed along Road A, at its intersection with Barrington Road and within the common area, as shown on the Concept Plan (see case file). A landscape plan for the entrance feature shall be submitted during Plan of Development review for approval by the Planning Commission.
15. **Street Trees.** Minimum 2" caliper street trees shall be provided along Barrington Road and all roads within the Property at intervals of approximately 35 feet, unless otherwise requested and approved by the Planning Commission at the time of Plan of Development review. A landscape plan for street trees shall be provided for review by the Planning Commission at the time of Plan of Development review.
16. **Fences.** Any fencing of yard shall not extend beyond the front of the house and must meet requirements regarding height, design and materials specified in covenants and restrictions to be recorded with the lots.

17. **C-1 Zoning.** The Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100-year flood plain, unless such areas are needed for roads, access ways or other purposes approved by the Planning Commission or any other governmental body or official at the time of Plan of Development review. Such rezoning application shall be filed prior to final Plan of Development approval for the Property. The acreage then zoned C-1 may or may not be included in any lot on the Property, at the discretion of the Applicant.
18. **Elevations.** A minimum of two (2) windows per side elevation shall be provided for each dwelling.
19. **Foundation Plantings.** Prior to the issuance of a final Certificate of Occupancy for any individual dwelling, foundation plantings consisting of a minimum of ten (10) shrubs for the front elevation shall be provided.
20. **Compliance Certification.** The property owner and/or builder shall provide the amount of brick (or other comparable material) used on each dwelling for all dwellings approved in the development upon the submittal of a building permit application. A cumulative count of such materials used for homes, the type of garage constructed with each home, and lot widths shall be provided upon request of the Henrico Planning Department or Permit Center.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Donati, Glover, Kaechele

No: None

77-10 Edward Lee Clay and Carl John Bailey Clay: Request to conditionally rezone
C-3C-10 from A-1 Agricultural District to R-3C One-Family Residence District
Three Chopt (Conditional), Parcel 738-756-7754, containing 1.93 acres, located at the
northwest intersection of Sunrise and Pump Roads.

Jean Moore, Assistant Director of Planning, elaborated on the proffered condition addressing foundations at the request of Mr. Kaechele.

No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 77-10 (C-3C-10) subject to the following proffered conditions:

1. **Minimum Finished Floor Area.** Two-story homes shall have a minimum of 1800 square feet of finished floor area and one-story homes shall have a minimum of 1500 square feet finished. There shall be no more than three one-story homes constructed on the property including the existing house.
2. **Foundations and Chimneys.** All new houses shall be constructed on crawl space foundations, except for garages and basements. The exterior portions of all residential dwelling foundation below the first floor level which is visible above grade shall be brick or stone. Any dwellings with a fireplace other than direct vent gas fireplaces or appliances will have masonry chimneys faced with brick or stone similar to the foundation. Front stoops and steps shall be constructed of material to match the foundations.
3. To the extent reasonably practical, the clearing of mature trees on residential lots by the developer shall be limited to trees in areas required to accommodate the structure and its normal and customary accessories, open areas and areas required to permit utility services and driveways. A minimum of two (2) trees measuring a minimum of 2" in caliper at the time of planting shall be retained or planted in the front yard of each new residential lot.
4. Except for the driveway serving the existing house on the property in its current location, there shall be no direct vehicular access to or from any residential lot developed on the property to or from Pump Road.
5. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise.
6. **Garages.** Each residential unit on the Property shall be constructed with at least a one (1) car garage. Front loaded garages shall be recessed beyond the front line of the dwelling a minimum of two (2) feet.
7. **Cantilevering.** There shall be no cantilevered chimneys, direct vent gas fireplaces, closets or bay windows.
8. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
9. **Exterior Building Materials.** All new houses shall be constructed with brick, stone, cultured stone, EIFS, cementitious siding (e.g. Hardiplank, or an equivalent), or a combination of the foregoing unless different architectural treatment and/or materials are specifically

approved with respect to the exposed portion of any wall at the time of subdivision review. Fiberboard is not permitted as an exterior wall material. With the exception of the existing house on the property, which can be moved to another lot on the property, vinyl siding is prohibited.

10. **Fences.** No chain link fences shall be permitted on the Property.
11. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. - 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers of the unaffected part of any such proffer.
13. Landscaping shall be provided along Pump Road to include retention of existing trees and the planting of an evergreen hedge in an area within twenty feet of the Pump Road right-of-way. The plantings shall not interfere with the operation of the driveway as long as it exists.
14. There shall be at least one window included in each side elevation of the houses.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Donati, Glover, Kaechele

No: None

45-10
C-30C-09
Tuckahoe

Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive.

Mr. Hazelett noted that this item was deferred by the Board at the February 9, 2010 meeting after a four-hour public hearing and that at the close of the hearing four specific items were identified to be addressed at this Board meeting. In updating the Board on the case, Director of Planning Joe Emerson commented that the applicant held a community meeting on March 1, 2010 to discuss these concerns, which the Chairman summarized on February 9, 2010 as follows: A possible reduction in the number of units in order to move the

proposed homes further away from Maybeury Elementary School, additional review of an alternative entrance location for the proposed subdivision, consideration of a relocated construction entrance, and the provision of a privacy fence along the common boundary with the school. To address those items, the applicant had submitted revised proffers to require the construction access be located off of the shared driveway with the YMCA until 25 homes have been constructed and to build a six-foot privacy fence along the site's southern property line at the time of commencement of land disturbance activities. Mr. Emerson elaborated on these proffer changes and responded to questions from the Board regarding the location and length of the proposed privacy fence and the land use designation of the subject property in the County's 2026 Comprehensive Plan. At Mr. Kaechele's request, Mr. Emerson explained how the case was compatible with surrounding developments as well as being consistent with the County's 2026 Comprehensive Plan.

Jim Theobald, representing Patterson Investments and Gummenick Properties, narrated a slide presentation highlighting the concessions that had been made by the applicant since the February 9 public hearing. He explained why the applicant had not agreed to reduce the density of the proposed development or change the proposed development's permanent access.

The following five speakers who remained in opposition to the case recapped the four concerns raised during the February 9 public hearing in a lengthy slide presentation:

- John Blackmore, a resident of the 700 block of Maybeury Drive, spoke to the fence materials clause in the newly amended proffers and the distance of radii of the proposed development's cul-se-sacs.
- Jim McGehee, a resident of the 700 block of Maybeury Drive, commented on the proposed development's construction entrance and on the access point for the residents of the community once homes have been built.
- Colleen O'Meara, a Waterford Rhye townhouse resident, referred to previous Virginia court cases in offering a rationale for rejecting the rezoning request.
- Joni Albrecht, Vice President of the Maybeury Elementary School Parent Teacher Association (PTA), elaborated on the PTA's concerns regarding the proposed development's distance from the school and buffer size.
- David "Bo" Conrad, Vice President of the Westmoor Civic Association, briefly reiterated his community's general concerns about the case.

The following persons who were opposed to the case and who did not sign up in advance also addressed the Board during the public hearing:

- Karen Hamilton, a resident of the Short Pump area, referred to the Federal Migratory Bird Treaty Act and relayed concerns pertaining to how the proposed development would disturb migratory birds.
- Larry Wood, a parent of Maybeury Elementary students, introduced a videotape narrated by his wife, Lisa, and edited by his son, Mac, profiling the Maybeury Elementary School community and highlighting concerns about the proposed development.
- Anna Swanson, a resident of 809 Maybeury Drive, voiced concerns relating to the density of the proposed development.
- Mary Reidelbach, the parent of a disabled child who attends Maybeury Elementary School's Pre-School Education for Developmentally Delayed (PEDD) program, spoke to the reasonableness of the two items from the previous hearing that had not been addressed by the applicant and referred to a study on responsible growth conducted by the Quality Growth Coalition.
- Mary Stefanik, a member of the Maybeury Elementary School PTA, commented on a request by the PTA for an amendment to the County's 2026 Comprehensive Plan to change the land use designation on the site for the proposed development.
- Heather Case, the parent of a Maybeury Elementary School parent and a resident of Watlington Road, read an open letter from the Derbyshire Neighborhood Association stating concerns about the impact of the proposed development on neighborhood roads and the school.
- John Collinson, a resident of 703 Lakewater Drive, expressed concerns about the proposed development's entrance and buffer size.

Mr. Theobald returned to the podium to respond to issues raised by the speakers during the public hearing. In concluding his slide presentation, he alluded to the case's 31 proffered conditions offered by the applicant and addressed traffic, cul-de-sac lengths, fencing, Gummenick's community involvement, site layout and proximity to the school, and development surrounding other Henrico schools. Mr. Theobald then responded to questions from the Board pertaining to the previous conveyance of land by the Gummenick family to Maybeury Elementary School and the feasibility of permanent site access off of Patterson Avenue.

Mrs. O'Bannon mentioned that any correspondence to Board members is kept as part of the public record. She commented on her consistency and fairness in considering both sides of the case and processing and disseminating information about the case. Mrs. O'Bannon noted that many of the issues that surfaced were unrelated to the zoning case. She thanked County staff for the many hours it spent on the case. Mrs. O'Bannon reviewed how she had reached decision on the case and advised that her biggest concern with the case was the density of the proposed development.

Mrs. O'Bannon made a motion to deny the case, which was seconded by Mr. Thornton. This motion was defeated. The vote of the Board was as follows:

Yes: O'Bannon, Thornton

No: Donati, Glover, Kaechele

Other members of the Board offered their perspective on the case. Mr. Kaechele acknowledged the conflicting views on the case but stated that he felt the case was reasonable and pointed out that it was supported by the Planning Commission and County's professional staff. He also commented on the Gummenicks' proven record of high quality development and concern for the county. Mr. Glover spoke to the lengthy process followed by the County in adopting the 2026 Comprehensive Plan and the ample opportunities for citizen input before the plan was adopted in 2009. Mr. Thornton remarked that the Gummenick firm has an excellent past record in Henrico but cautioned that the Board needs to listen more carefully to the citizens who are impacted by a proposed development.

On motion of Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 45-10 (C-30C-09) with the following proffered conditions:

1. **Landscaped Strip Adjacent to Maybeury Drive and Patterson Avenue.** A planting strip easement a minimum of ten (10) feet in width shall be provided along Patterson Avenue and Maybeury Drive, which shall be planted to a Transitional Buffer 25 standard, unless such plantings are not required as a result of existing evergreen vegetation, as determined at the time of Landscape Plan review. Berms, grading, utility easements, entrances, underground BMPs, fences, signage, pedestrian walkways and any other uses, which are specifically requested and approved at the time of Plan of Development or subdivision review, shall be permitted within such landscape strip; provided, any such utility easements (other than existing) shall be extended generally perpendicular to Patterson Avenue unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. An asphalt walkway a minimum of

four (4) feet in width shall be provided generally along the Patterson Avenue property line, subject to receipt of all necessary approvals.

2. **Site Plan and Elevations.** Development of the Property shall be in general conformance with the illustrative conceptual plan entitled "Maybeury, Tuckahoe District, Henrico County, Virginia, Conceptual Plan", prepared by E.D. Lewis & Associates P.C., dated January 25, 2010, last revised February 25, 2010, and attached hereto, (see case file) and homes and garages shall be similar in architectural treatment (incorporating similar, but not necessarily the same, design elements, style and materials) to the elevations entitled "Conceptual Elevation, Maybeury Bungalows, Henrico County, Virginia" numbered 1 through 7, (see case file) and streetscape elevation entitled "Conceptual Elevation, October 15, 2009, Maybeury Bungalows, 1" attached hereto, (see case file) unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.
3. **Exterior Materials.** Any building shall have exposed exterior walls (above finished grade) predominantly of brick veneer, stone veneer, cementitious siding, or a combination of the foregoing, unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. Except for trim material, no home shall have exposed exterior walls of vinyl or aluminum siding.
4. **Entrance Feature.** A landscaped entrance, which may include signage, shall be provided at the access to the Property.
5. **Foundations.** All homes shall be constructed on a crawl space (not to exclude optional basements) with exterior siding on all foundations consisting of brick veneer or stone veneer. Foundation plantings shall be provided on all front elevations.
6. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of brick veneer, stone veneer or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
7. **Lighting.** Street light standards for internal private driveways shall be provided and shall not exceed twelve (12) feet in height. The street lights shall be non-glare, decorative in style, and residential in character.
8. **Density.** There shall be no more than thirty (30) homes developed on the Property.

9. **Community Sidewalks.** Sidewalks a minimum of five (5) feet in width shall be provided along at least one side of the internal private roadways and shall be of concrete or exposed aggregate concrete.
10. **Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the Owner shall provide the Planning Department with certification from a licensed engineering firm that the roadways within the development were constructed according to the approved Plan of Development and in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths, turning radii, sight distance and vertical curves.
11. **BMP/Detention.** Any BMPs developed on the Property shall be underground. This shall not preclude rain gardens, bio-retention facilities or Low Impact Design techniques.
12. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
13. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
14. **Restrictive Covenants/Homeowners' Association.** Prior to or concurrent with the recordation of the first subdivision plat and/or Plan of Development approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat or Plan of Development (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth controls on the development and maintenance of such portions of the Property. In addition, there shall be a Homeowners' Association of the owners of homes that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of any common areas.
15. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of

any such proffer.

16. **Sod/Street Trees.** Each front yard and side yard to the edge of the rear of the home shall initially be sodded, exclusive of sidewalks, mulched flowerbeds and landscaping. The neighborhood shall have a street tree landscape plan in which trees shall be planted or retained equaling at least one tree with a minimum 2.5 inch caliper for each home within the front yard and one within the side yard if on a corner lot.
17. **Fencing Along Patterson Avenue.** A picket-style fence made of composite material (such as TimberTech FenceScape) a maximum of forty-two (42) inches in height shall be provided along the Patterson Avenue frontage of the Property, unless different fencing is otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.
18. **Minimum Home Size.** Homes shall have a minimum of 1,300 square feet of finished floor area.
19. **Garages.** All homes shall have a minimum of a one-car garage. The siding of garages developed on the Property shall be of the predominant material utilized on the home on the lot which the garage serves.
20. **Driveways.** Any "cart track" driveways developed on the Property shall be of exposed aggregate concrete. All other driveways shall be constructed of asphalt or exposed aggregate concrete.
21. **Porches.** Any exposed piers for any porches shall be of brick veneer or stone veneer. Porch steps shall have "backs" and not be open.
22. **Pedestrian Access to YMCA.** Pedestrian access to the adjacent YMCA shall be provided.
23. **Transportation.** Prior to the issuance of the first certificate of occupancy on the Property, transportation improvements shall be made to Maybeury Drive as specified in that certain letter from James W. Theobald on behalf of Patterson Investments, Inc. to Timothy A. Foster, Director of Public Works, dated February 8, 2010, (see case file) unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review.
24. **Landscaped Strip Along Southern Property Line.** A planting strip easement a minimum of ten (10) feet in width shall be provided along the southern property line, which shall have trees planted to the Transitional Buffer 25 standard and one-half the number of shrubs planted to the Transitional Buffer 25 standard, unless such plantings are

not required as a result of existing evergreen vegetation, as determined at the time of Landscape Plan review. Berms, grading, utility easements, easements for maintenance of adjacent homes, pedestrian access, underground BMPs, fences and any other uses, which are specifically requested and approved at the time of Plan of Development or subdivision review, shall be permitted within such landscape strip; provided, any such utility easements (other than existing) shall be extended generally perpendicular to the southern property line unless otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. The foregoing plantings shall be installed when the home adjacent to such area is being constructed, or during the next planting season after such home is constructed.

25. **Construction Vehicle Access.** Construction access to the Property shall be from the YMCA access road until 25 homes have been constructed on the Property.
26. **Mud Wash.** The construction entrance on the YMCA access road shall have a mud wash for the washing of vehicle tires as necessary when leaving the Property.
27. **Burning.** During the period of construction on the Property, there shall be no burning of natural materials or construction debris.
28. **Front Porch Depth.** Any front porch shall have a minimum depth of six (6) feet as measured from front edge of porch to outside edge of home, excluding areas for steps and stoops.
29. **Lot Clearing.** The clearing of healthy trees measuring six (6) or more inches in diameter on any lot shall be limited to areas required to accommodate the dwellings, garages, driveways, sidewalks, open yard areas, utility lines and any other areas typically required for the construction of a dwelling as determined by the Owner.
30. **Temporary Construction Fence.** Prior to any land disturbance on the Property, a temporary construction fence a minimum of six (6) feet in height shall be installed, and shall tie into the fence provided in Proffer 31 below at:
 - a. the western end of the board fence referenced in Proffer 31 below and run generally along the Maybeury Drive property line to the beginning of the proposed entrance, and
 - b. the eastern end of the board fence referenced in Proffer 31 below and run generally along the western edge of the YMCA access road easement a distance of approximately seventy-five (75) feet.

At such time as a certificate of occupancy is issued for any of Lots 14, 15 or 16, the fence in Proffered Condition 30.a. may be removed. At such time as a certificate of occupancy is issued for Lot 27, the fence in Proffered Condition 30.b. may be removed.

31. **Fencing Along Southern Property Line.** A six (6) foot high double-sided board-on-board fence including a decorative top, generally as shown on Exhibit A attached hereto, (see case file) shall be provided generally along the southern property line beginning approximately 15' from the right-of-way of Maybeury Drive and ending approximately at the western edge of the YMCA access road easement, unless different fencing is otherwise requested by the Owner and specifically permitted at the time of Plan of Development or subdivision review. Such fence shall be installed at the commencement of land disturbance and shall be maintained by the Homeowners' Association.

The vote of the Board was as follows:

Yes: Donati, Glover, Kaechele

No: O'Bannon, Thornton

The Board recessed at 9:38 p.m. and reconvened at 9:55 p.m.

PUBLIC HEARINGS - OTHER ITEMS

- 78-10 Resolution – Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010.

Gene Walter, Director of Management and Budget, and Mr. Hazelett responded to questions from the Board. There was some discussion of Community Development Block Grant (CDBG) fund transfers.

No one from the public spoke in opposition to this resolution.

On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 78-10 – see attached resolution.

- 79-10 Resolution – Signatory Authority – Conveyance of Ingress and Egress Easement – Fairfield District.

Jon Tracy, Director of Real Property, responded to a question from the Board.

No one from the public spoke in opposition to this resolution.

On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 79-10 – see attached resolution.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

80-10 Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Eastern Henrico Recreation Center.

Paul Proto, Director of General Services, responded to questions from the Board. There was some discussion of the project’s construction schedule. Mr. Thornton asked to receive photographs highlighting the progress and phases of the project. He also complimented Senior Capital Projects Manager Ed Bass and Capital Projects Manager Rob Johnson on their efficacious presentation at his recent town meeting.

On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 80-10 – see attached resolution.

81-10 Resolution - Award of Construction Contract - John Rolfe Parkway, Phase II, from Pump Road to Ridgefield Parkway (approximately 1.136 miles). VDOT Project #9999-043-189, PE101, RW201, C501 County Project #2101.50704.28004.00720 (formerly Project #552117-704-463-00). Three Chopt and Tuckahoe Districts.

Tim Foster, Director of Public Works, responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 81-10 – see attached resolution.

82-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Gayton Station Boulevard from North Gayton Road to .06 miles west of Gayton Meadows Terrace.

Mike Jennings, Traffic Engineer, responded to a question from the Board.

On motion of Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 82-10 – see attached resolution.

There being no further business, the meeting was adjourned at 10:15 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

PROCLAMATION – Child Abuse Prevention Month – April 2010.

Greater Richmond SCAN (Stop Child Abuse Now), a local nonprofit organization dedicated to the prevention and treatment of child abuse and neglect, is coordinating efforts throughout the metropolitan area to observe National Child Abuse Prevention Month during April 2010. Effective child abuse prevention programs are dependent upon partnerships among social service and law enforcement agencies, schools, religious and civic organizations, medical facilities, and businesses. This proclamation recognizes April 2010 as Child Abuse Prevention Month in Henrico County and calls upon Henrico citizens to participate in appropriate programs and activities that help protect children in the local community from abuse and neglect.

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

CHILD ABUSE PREVENTION MONTH

April 2010

WHEREAS, 5,921 children in the Commonwealth of Virginia were victims of abuse and neglect in fiscal year 2009 as documented by the Virginia Department of Social Services; and

WHEREAS, the Henrico County Department of Social Services responded to 715 reports of child abuse and neglect resulting in 146 confirmed victims in Henrico County; and

WHEREAS, child abuse and neglect is a serious community problem requiring comprehensive community solutions; and

WHEREAS, effective child abuse prevention programs rely on partnerships among social service and law enforcement agencies, schools, religious and civic organizations, medical facilities, and businesses; and

WHEREAS, many dedicated individuals throughout Henrico County work daily to break the cycle of child abuse and neglect and to find families the assistance they need; and

WHEREAS, all citizens should become more aware of how their community is adversely affected by child abuse and neglect; and

WHEREAS, raising children in safe and nurturing homes strengthens the community; and

WHEREAS, parents have the most critical influence on their children's development and need support and education from their community to help celebrate the joys and negotiate the challenges of parenting.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes April 2010 as Child Abuse Prevention Month and calls upon Henrico citizens to participate in appropriate programs and activities that help protect children in the local community from abuse and neglect.



Patricia S. O'Bannon

Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
March 23, 2010

PROCLAMATION – Keep Henrico Beautiful Month – April 2010

The Keep Henrico Beautiful program and the Keep Henrico Beautiful Committee of appointed volunteers were established in 1980 to develop and lead litter prevention activities and encourage participation of all Henrico County residents in litter prevention. The Keep Henrico Beautiful Committee disseminates educational materials and sponsors programs, special events, and workshops to foster public awareness of the environment. Several thousand Henrico County residents now participate in litter prevention and recycling projects, including the “Because We Care” volunteer litter pick-up program, through their community associations, churches, scout troops, school clubs, civic groups, and businesses. This proclamation recognizes April 2010 as Keep Henrico Beautiful Month and urges all residents of the County to show their environmental stewardship by not littering and by recycling materials.

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

KEEP HENRICO BEAUTIFUL MONTH

April 2010

WHEREAS, littering is unlawful, unsightly, and hazardous to health; and

WHEREAS, the Keep Henrico Beautiful program and Keep Henrico Beautiful Committee of appointed volunteers were established in 1980 to develop and lead educational litter prevention activities and encourage participation of all Henrico County residents in litter prevention and recycling; and

WHEREAS, for the past 30 years, members of the Keep Henrico Beautiful Committee have dedicated their time, talent, and energy to the successful direction of anti-litter educational programs; and

WHEREAS, the Keep Henrico Beautiful Committee disseminates educational materials and sponsors programs, special events, and workshops to foster public awareness of the environment; and

WHEREAS, several thousand Henrico County residents now participate in litter prevention and recycling projects, including the "Because We Care" volunteer litter pick-up program, through their community associations, churches, scout troops, school clubs, civic groups, and businesses; and

WHEREAS, the Keep Henrico Beautiful program has received local, state, and national awards of excellence, including a 2009 National Association of Counties Achievement Award, which have enhanced the reputation of the County of Henrico; and

WHEREAS, the Keep Henrico Beautiful program has maintained a strong relationship with Henrico schools by providing classroom presentations and lesson plans on litter prevention and recycling that correlate with the Virginia Standards of Learning.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes April 2010 as Keep Henrico Beautiful Month, urges all County residents to show their environmental stewardship by not littering and by recycling materials, and encourages the public to celebrate our clean county by joining the efforts to Keep Henrico Beautiful.



Patricia S. O'Bannon

Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
March 23, 2010

PROCLAMATION - Public Safety Telecommunicators Week - April 11 – 17, 2010

The Communications Officers of the Henrico County Division of Police serve the local community by answering calls for police, fire, and emergency medical services assistance and ensuring that the appropriate response is dispatched as efficiently as possible. This proclamation recognizes April 11 – 17, 2010 as Public Safety Telecommunicators Week and salutes the County's Communications Officers for their exemplary professionalism, service, and performance.

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PUBLIC SAFETY TELECOMMUNICATORS WEEK

April 11 – 17, 2010

WHEREAS, the Communications Officers of the Henrico County Division of Police serve the local community by answering telephone calls for fire, police, and emergency medical services assistance and ensuring that the appropriate response is dispatched as efficiently as possible; and

WHEREAS, Communications Officers perform, with distinction, a vital duty to the citizens of Henrico County in protecting their health and safety; and

WHEREAS, Henrico citizens depend on the skill, expertise, and commitment of these professionals, who provide unselfish service on a daily basis in very stressful situations.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes April 11 – 17, 2010 as Public Safety Telecommunicators Week, encourages all citizens to make note of this observance, and salutes the County's Communications Officers for their exemplary professionalism, service, and performance.



Patricia S. O'Bannon

Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
March 23, 2010

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David M. Hepler, Trustee — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by David M. Hepler, Trustee of the Mary D. Hepler Living Trust dated April 22, 2005, that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 1,146 sq. ft., permanent slope and drainage easements containing 5,037 sq. ft., and a permanent easement containing 1,918.73 sq. ft. for Dominion Virginia Power across the property at 12311 Kain Road identified as Tax Map Parcel 736-768-5323. Based on an independent appraisal, a bona fide offer of \$9,370 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$9,370 in the Clerk's Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs. **(Public Hearing)**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 83-10

Page No.

1 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David M. Hepler, Trustee — Three Chopt District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date <u>M. 2.3 2010</u>	Moved by (1) _____ Seconded by (1) _____	Donati, J. _____
<input type="checkbox"/> Approved	(2) _____ (2) _____	Glover, R. _____
<input type="checkbox"/> Denied	REMARKS: _____	Kaechele, D. _____
<input type="checkbox"/> Amended	_____	O'Bannon, P. _____
<input type="checkbox"/> Deferred to	_____	Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 1,146 sq. ft., permanent slope and drainage easements containing 5,037 sq. ft., and a permanent easement containing 1,918.73 sq. ft. for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12311 Kain Road owned by David M. Hepler, Trustee of the Mary D. Hepler Living Trust dated April 22, 2005 ("Owner"), and identified as Tax Map Parcel 736-768-5323 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, shown as "**DAVID M. HEPLER, TRUSTEE**" on the plat made by NXL, dated December 2, 2009, scaled on December 4, 2009 by David L. Jones, Land Surveyor, a reduced size of which is attached and marked Exhibit "A," or shown as parcel "022" on Sheet Nos. 9, 10 and 10D, and further described on Sheet No. 1C(1) on the plans for North Gayton Road, Project 2122.50701.28004.01152, reduced size copies of which are attached and marked Exhibit "B-1", "B-2", "B-3" and "B-4";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 83-10
Page No. 2 of 2

**Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton
Road Extension Project — David M. Hepler, Trustee — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail a notice dated March 24, 2010, advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner of the 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

**DAVID M. HEPLER, TRUSTEE OF THE MARY D. HEPLER
LIVING TRUST DATED APRIL 22, 2005,
AS TO 12311 KAIN ROAD - \$9,370**

and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
736-768-5323	DAVID M. HEPLER, TRUSTEE	4022/1285	1.146 sq. ft.	50.37 sq. ft.	0 sq. ft.

Line Table

L1	S36°39'53"W	2.47'
L2	S36°39'53"W	5.39'
L3	N50°13'54"W	0.70'
L4	N50°49'16"W	16.80'
L5	N50°49'16"W	152.99'
L6	N48°42'54"W	35.55'

Now or Formerly
**SHERAN S. SHINER &
 SUSANNE M. SMITH, TRUSTEES**
 12331 Kain Rd.
 GPIN #736-767-9458

Now or Formerly
**DAVID M. HEPLER
 & JENNIFER E. HEPLER**
 12315 Kain Rd.
 GPIN #736-768-6361

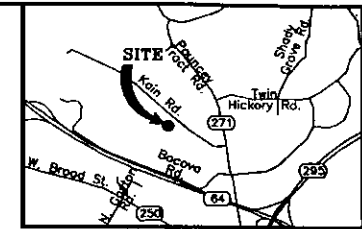
DAVID M. HEPLER, TRUSTEE
 12311 Kain Rd.
 D.B. 4022, PG. 1285
 GPIN #736-768-5323
 14.301 Ac.

Permanent
 Slope & Drainage Easement
 162.3 sq. ft.
 0.006 Ac.

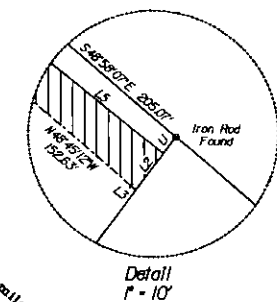
EXHIBIT "A"

KAIN RD.

Meridian Source:
 Virginia State Plane
 South Zone Grid North



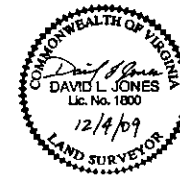
VICINITY MAP -- NOT TO SCALE



Now or Formerly
GERALD W. GLOVER
 12301 Kain Rd.
 GPIN #736-768-8121

Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.



SCALE
 0 25' 50' 100'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY, AND
 PERMANENT SLOPE AND DRAINAGE EASEMENTS
 ON THE PROPERTY OF

DAVID M. HEPLER, TRUSTEE

THREE CHOPT MAGISTERIAL DISTRICT
 HENRICO COUNTY, VIRGINIA



red Engineers, Surveyors
 Construction Managers
 114 east cary street, suite 200
 richmond, virginia 23219
 (804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
022	1"=50'	Dec. 2, 2009	0710007L	1 of 1

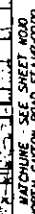
SEARCHED BY: JACOBSON/BAK...
 SUPERVISED BY: WILLIAM J. HANCOCK, MOBILE 955-8300 (AFCOM)
 DISPATCHED BY: ALCOM.....

The coordinates shown on this page are project coordinates

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

BPM442		PERSONAL INFO		BPM442		BPM442
NAME	DATE	PRODUCT	DATE	PRODUCT	DATE	
VA				2122.50701.23004.04152		

100% SUBMISSION



Location	Shading	Shading	Shading
R. Euphorbia (P.L.I.V.)	M-SD/-	-	ES-SD/-
R. Euphorbia (P.L.I.V.)	M-SD/-	-	MS-SD/-
R. Euphorbia (P.L.I.V.)	ES-SD/-	-	MS-SD/-

- [illegible]

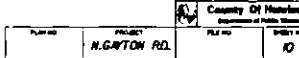
REFERENCES
(PROFILES, DETAIL & DRAINAGE
DESCRIPTION SHEETS, ETC.)

ADDITION BATTERY REPAIRABLE	SHF. 04
CONVANCE DESCRIPTIONS	SHF. 0000
CONCRETE SEADING DETAILS	SHF. 000001
CONCRETE REPAIR LAYOUT	SHF. 00000000
LEAKAGE & SELECTION CONTROL	SHF. 00

County Of Harford

PLAN NO.	PROJECT	FILE NO.	SHEET NO.
	N. GAYTON RD.		9

APPROVED	DATE	PREPARED BY	DATE
REVIEW 1/3/80	VA	2122.5070X.28004DN152	



100% SUBMISSION

REVISED	DATE	SESSION AND PROJECT	STATE	POST NO
REVISED 3/13/2000				
	EX		2122507012800401152	NC111

ROUTE:	PROJECT: NORTH GAYTON RD.
COUNTY/CITY: HENRICO COUNTY	PPMS NO.:
COMPILED BY:	DATE:
REVISED BY:	DATE:

PARCEL NO	LANDOWNER	SHEET NO	EASEMENTS																REVISION BY		DATE			
			TOTAL	FEE TAKING		FEE REMAINDER		BISected PROPERTIES N GAYTON RD. (LT.)		BISected PROPERTIES N GAYTON RD. (RT.)		AREA BISected PROPERTIES BACOVA DR. (LT.)		BISected PROPERTIES BACOVA DR. (RT.)		NEW SLOPE/DRAINAGE ACCESS/SIGL DISTANCE		EASEMENTS				PROFFERS		
			ACRES	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	DOWNGON VA POWER ACRES	SO FEET	VERIZON ACRES	SO FEET	TEMPORARY ACRES	SO. FEET	YES / NO
001	Banner Realty Company of Richmond, Inc.	3	0.563	0.082	7964.44	0.381	16596.36									0.060	2623.91	0.094	4126.52			0.161	7019.42	
002	Edward E. Kidd & Joy M. Weinberg Trustees	3.4	1.024	0.465	20264.60	0.559	24350.04									0.261	11376.33							
003	Gateway Bank & Trust Co.	3	1.004	0.081	3548.36	0.923	40205.88									0.084	3671.49							
004	The Linhart Company C/O Dominion Chevrolet	3.4	9.207	0.013	583.17	9.194	431853.84									0.081	3545.95							
005	Marsha A. Pressel & Larry T. Pressel	3.4	2.084													0.062	2706.25					0.015	694.94	
006	David S. Brown & Chris C. Brown	4	1.377	0.099	8672.00	1.078	51313.68									0.361	15730.00					0.080	3486.00	
007	Sarah H. Pearson	4.5	6.246	1.073	46774.84	5.173	225335.88									0.268	11677.42							
008	Gayton Road Properties, LLC	4	1.547													0.020	888.63							
009	DELETED																							
010	Boyd C. Jones	6.687	6.8	2.103	91627.41			1.707	74355.25	0.749	32560.20	2.288	99690.43			2.564	111722.00					0.349	15264.40	
011	Darrell H. Bowman & Marsha Morgan	5.677	3.98	0.909	39601.00							2.130	92782.80	0.942	41040.00	0.788	34368.00							
012	Helen Long Payne	58.607	42.51	2.563	111644.28									40.007	1742713.75	0.874	38071.44					0.340	14810.40	
013	Blanche N. Avlis	6.6F	5.368	0.398	17353.79	4.970	216493.20									0.227	9886.52							
014	Blanche N. Avlis	6F.6H	5.0	0.591	25781.05	4.408	192026.47									0.175	7623.62					0.221	9655.78	
015	Darrel H. Bowman & Marsha S. Morgan	6H	3.5	0.010	469.99	3.490	152024.40									0.030	1334.12							
016	DELETED																							
017	Sharon S. Shiner & Susanne M. Smith Trustees	7.8910	25.54	5.420	236103.23			3.876	168838.56	16.244	707588.64					1.923	83783.80	0.013	576.56			0.457	19932.40	
018	David M. Hepler & Jennifer E. Hepler	9.10	1.259	0.062	27191.5	1.197	52141.32									0.117	5137.63	0.040	1776.10			0.007	326.29	
019	Annie B. Fair	7.8910	7.891	0.048	2133.89	7.843	34641.08									0.001	46.09	0.023	1043.74			0.011	518.59	
020	Roger Lee Horton	10.10B	2.534	0.060	2652.19	2.474	107767.44										0.027	1190.68				0.016	724.94	
021	Emily Leake Walter	10.10B, 10.10D, 11	16.727	1.916	83462.28			3.516	153198.															

County Of Hendon
Department of Public Works

PROJECT	PLZ NO	SHEET NO
N. GAYTON RD.		10(11)

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David M. Hepler and Jennifer E. Hepler — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by David M. Hepler and Jennifer E. Hepler that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 2,719 sq. ft., permanent slope and drainage easements containing 5,145 sq. ft., a temporary construction easement containing 326 sq. ft., and a permanent easement containing 1,776.10 sq. ft. for Dominion Virginia Power across the property at 12315 Kain Road identified as Tax Map Parcel 736-768-6361. Based on an independent appraisal, a bona fide offer of \$20,691 was made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$20,691 in the Clerk's Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs. **(Public Hearing)**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 84-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David M. Hepler and Jennifer E. Hepler — Three Chopt District

For Clerk's Use Only:

Date **MAR 23 2010**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 2,719 sq. ft., permanent slope and drainage easements containing 5,145 sq. ft., a temporary construction easement containing 326 sq. ft., and a permanent easement containing 1,776.10 sq. ft. for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12315 Kain Road owned by David M. Hepler and Jennifer E. Hepler ("Owners"), and identified as Tax Map Parcel 736-768-6361 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, shown as "**DAVID M. HEPLER & JENNIFER E. HEPLER**" on a plat made by NXL, dated December 2, 2009, and sealed on March 11, 2010 by Nicholas Kougoulis, Land Surveyor, a reduced size copy of which is attached and marked Exhibit "A," or shown as parcel "018" on Sheet No. 10, and further described on Sheet No. 1C(1) of the plans for North Gayton Road, Project 2122.50701.28004.01152, reduced copies of which are attached and marked as Exhibit "B-1" and "B-2";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Date:

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **84-10**
Page No. **2 of 2**

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David M. Hepler and Jennifer E. Hepler — Three Chopt District

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail a notice dated March 24, 2010, advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners of the 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**DAVID M. HEPLER AND JENNIFER E. HEPLER
AS TO 12315 KAIN ROAD - \$20,691**

and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
736-768-6361	DAVID M. HEPLER & JENNIFER E. HEPLER	3239/240	2719 sq. ft.	5,145 sq. ft.	326 sq. ft.

Line Table
L1 S47°05'53"W 7.65'
L2 S47°05'53"W 0.07'
L3 S88°40'25"W 3.07'

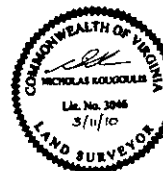
Curve Table						
	Delta	Radius	Length	Tangent	Chord	Chord Bearing
CI	06°33'06"	1126.00'	128.76'	64.45'	128.68'	S44°08'49"W

New or Formerly
**SHERAN S. SHINER &
 SUSANNE M. SMITH, TRUSTEES**
 12321 Kain Rd.
 GPIN #735-787-9459

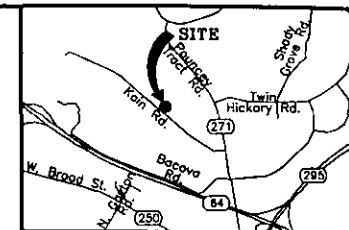
EXHIBIT "A"

**DAVID M. HEPLER
 & JENNIFER E. HEPLER**
 12315 Kain Rd.
 D.B. 3239 PG. 240
 GPIN #736-768-6361
 1.259 Ac.

New or Formerly
DAVID M. HEPLER, TRUSTEE
 12311 Kain Rd.
 GPIN #736-768-5323



SCALE
 0 10' 20' 40'



VICINITY MAP - NOT TO SCALE

Meridian Source:
 Virginia State Plane
 South Zone Grid North

Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

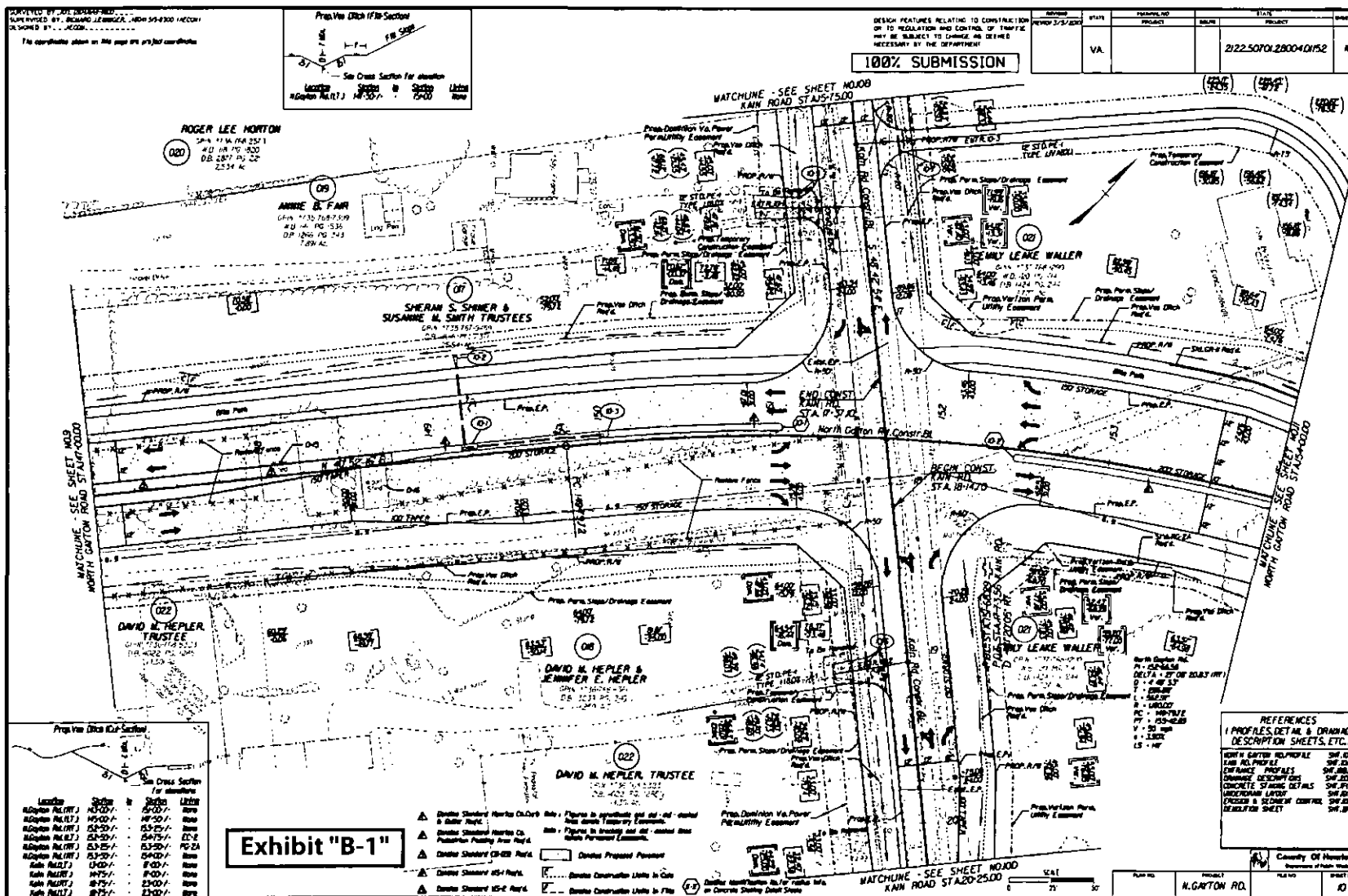
ACQUISITION PLAT SHOWING RIGHT-OF-WAY,
 TEMPORARY CONSTRUCTION EASEMENT, AND
 PERMANENT SLOPE AND DRAINAGE EASEMENTS
 ON THE PROPERTY OF
**DAVID M. HEPLER
 & JENNIFER E. HEPLER**
 THREE CHOPT MAGISTERIAL DISTRICT
 HENRICO COUNTY, VIRGINIA



rd Engineers, Surveyors
 Construction Managers
 114 east cary street, suite 200
 richmond, virginia 23219
 (804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
018	1"=20'	Dec. 2, 2009	0710007L	1 of 1

NOTES




100% SUBMISSION

REPORT	DATE	ISSUING AG	STATE	REF ID
REPORT	DATE	PROJECT	PROJECT	REF ID
REPRO 3/3/2000	3/3/2000		2:22.50701.28004.01152	10111

ROUTE:	PROJECT: NORTH GAYTON RD.
COUNTY/CITY: HENRICO COUNTY	PPMS NO.:
COMPILED BY:	DATE:
REVISED BY:	DATE:

EXHIBIT "B-2"

 County Of Henrico Department of Public Works		DIST NO 1011
D.	REC NO	

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Annie B. Fair — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by Annie B. Fair that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 2,134 sq. ft., a permanent slope and drainage easement containing 46 sq. ft., a temporary construction easement containing 519 sq. ft., and a permanent easement containing 1,043.74 sq. ft. for Dominion Virginia Power across the property at 12325 Kain Road identified as Tax Map Parcel 735-768-7309. Based on an independent appraisal, a bona fide offer of \$4,430 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$4,430 in the Clerk's Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs. **(Public Hearing)**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 85-10

Page No.

1 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton
Road Extension Project — Annie B. Fair — Three Chopt District

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date **MAR 23 2010**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS:

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaschele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 2,134 sq. ft., a permanent slope and drainage easement containing 46 sq. ft., a temporary construction easement containing 519 sq. ft., and a permanent easement containing 1,043.74 sq. ft. for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12325 Kain Road owned by Annie B. Fair ("Owner") and identified as Tax Map Parcel 735-768-7309 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia (the "Code") to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, shown as "ANNIE B. FAIR" on the plat made by NXL, dated October 8, 2009, sealed on October 13, 2009 by David L. Jones, Land Surveyor, a reduced size copy of which is attached and marked Exhibit "A," or shown as parcel "019" on Sheets Nos. 7, 8, 9, and 10, and further described on Sheet No. 1C(1) of the plans for North Gayton Road, Project 2122.50701.28004.01152, reduced size copies of which are attached and marked as Exhibit "B-1", "B-2", "B-3", "B-4" and "B-5";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: *Real Property*

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 85-10
Page No.

2 of 2

Agenda Title **RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton
Road Extension Project — Annie B. Fair — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail a notice dated March 24, 2010, advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner of the 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

**ANNIE B. FAIR
AS TO 12325 KAIN ROAD - \$4,430**

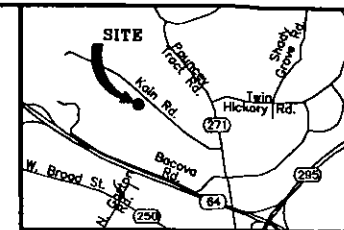
and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easement	Temporary Construction Easement
735-768-7309	ANNIE B. FAIR	1266/343	2134 sq. ft.	46 sq. ft.	59 sq. ft.

Meridian Source:
Virginia State Plane
South Zone Grid North



VICINITY MAP - NOT TO SCALE

Line Table

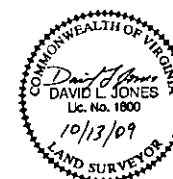
U N47°57'37"W 3.42'

Now or Formerly
ROGER LEE HORTON
12351 Kain Rd.
GPIN #734-767-2531

ANNIE B. FAIR
12326 Kain Rd.
D.B. 1266, PG. 343
GPIN #735-768-7309
7.891 Ac.

Now or Formerly
**SHERAN S. SHINER &
SUSANNE M. SMITH, TRUSTEES**
12321 Kain Rd.
GPIN #735-767-9459

EXHIBIT "A"



Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 09/15/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY,
TEMPORARY CONSTRUCTION EASEMENT, AND
PERMANENT SLOPE AND DRAINAGE EASEMENT
ON THE PROPERTY OF

ANNIE B. FAIR

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

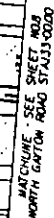


RMD Engineers, Surveyors &
Construction Managers
114 east oary street, suite 200
richmond, virginia 23219
(804) 644-4600

SCALE
0 5' 10' 20'

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
019	1"=10'	Oct. 8, 2009	0710007L	1 of 1

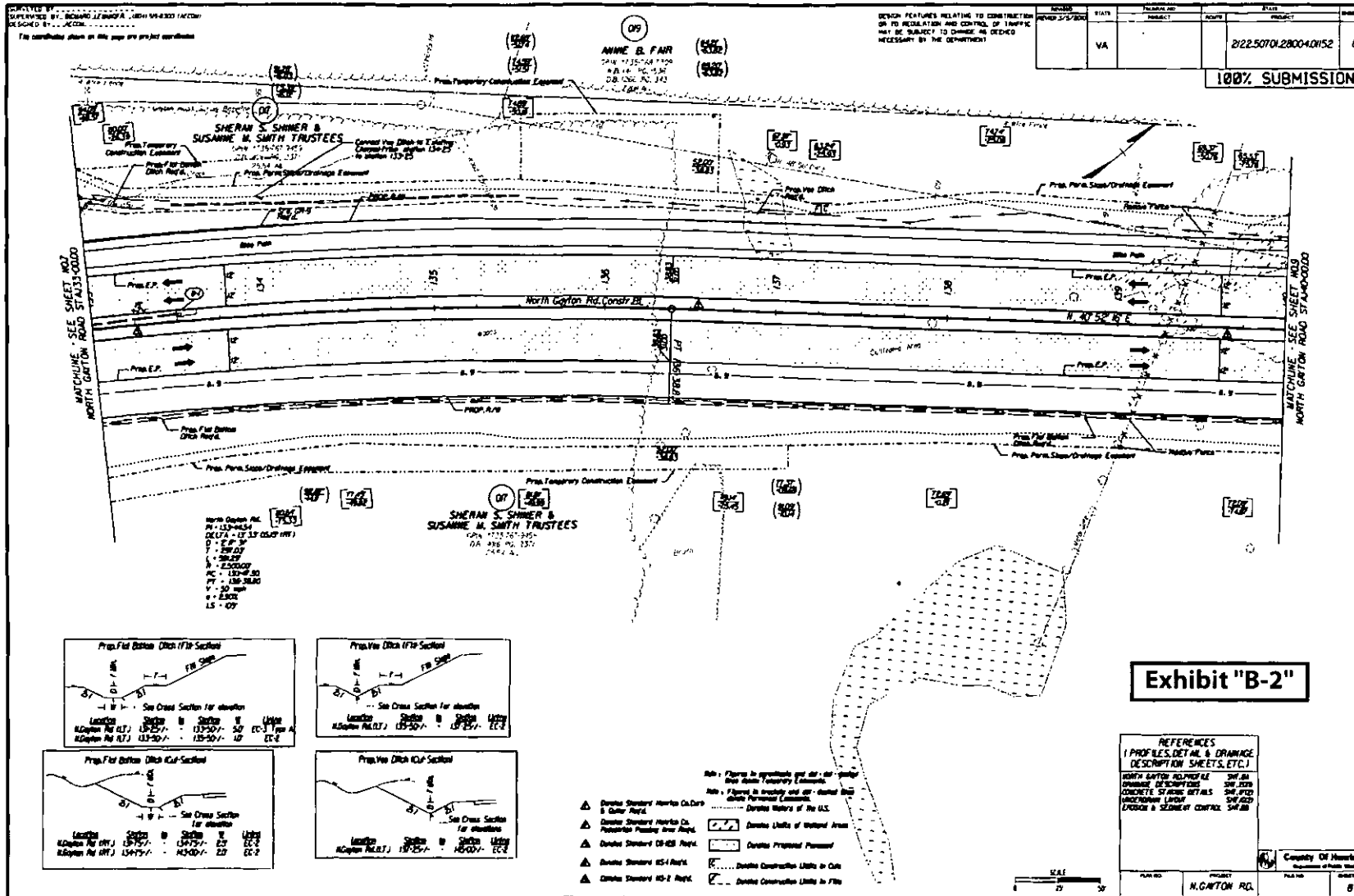
100% SUBMISSION



THE COURT

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TANKS MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

100% SUBMISSION		
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DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

REVISED	STATE	PROJECT	ROUTE	PROJECT	ROUTE
REVIEW 1/3/80	VA			21225070-2800-01152	9

100% SUBMISSION

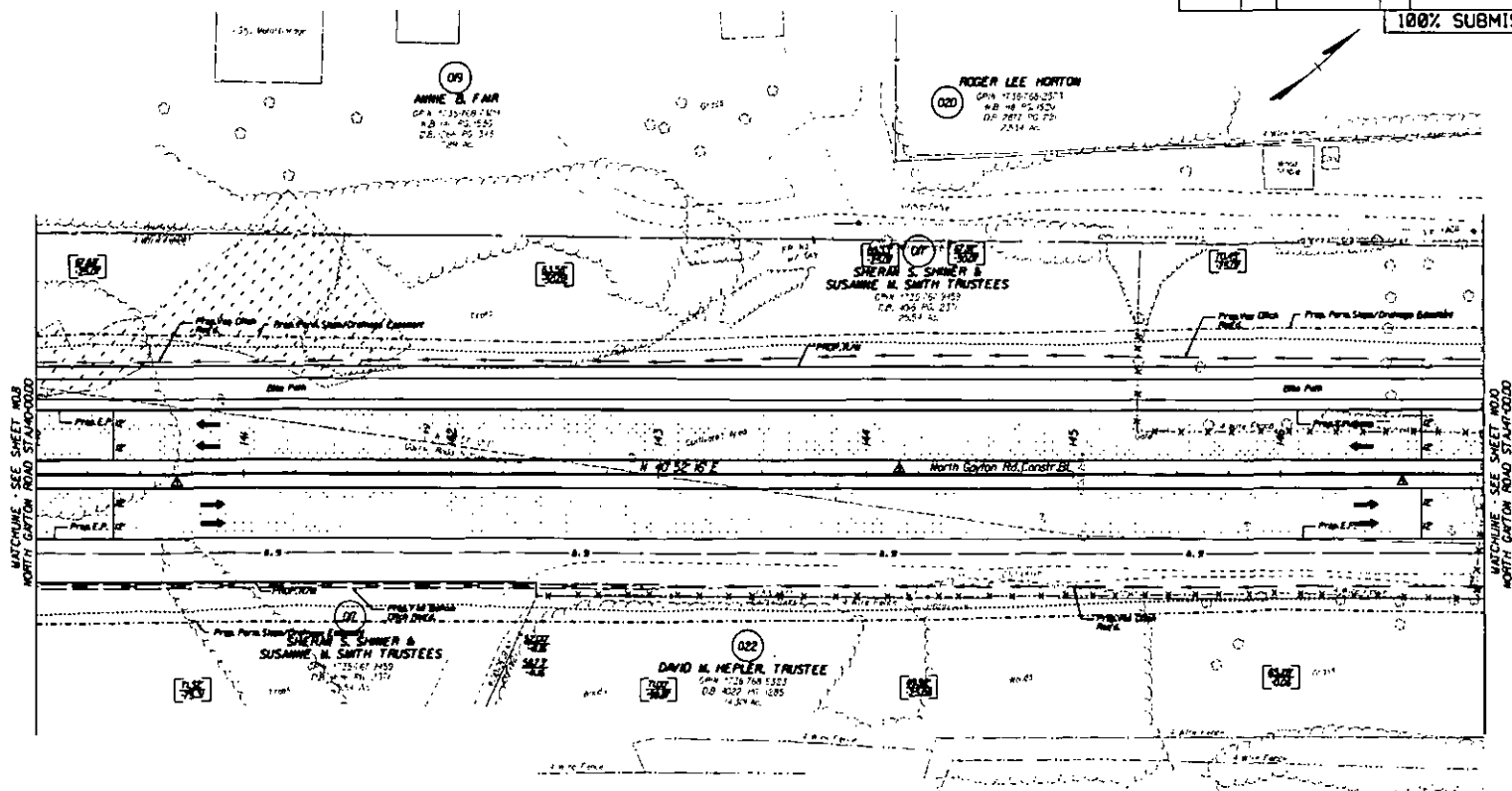
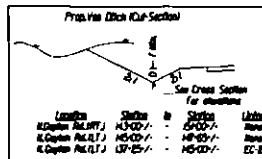
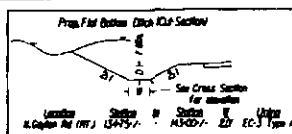






Exhibit "B-3"



- Note: Flashes in parentheses and 40 - 60 - denote 40 to 60 minute Treatment Locations.
 Note: Flashes in brackets and 40 - 60 - denote less than Permanent Locations.
-  Denotes Limits of Worked Areas
 Denotes Permanent Perimeter
-  Denotes Construction Limits in Cuts
 Denotes Construction Limits in Fills

REFERENCES
(PROFILES, DETAIL & DRAINAGE
DESCRIPTION SHEETS, ETC.)

GROUND WATER MONITORING	SWF 9A
GROUNDWATER DESCRIPTIONS	SWF 9B
CONCRETE STAGING DETAILS	SWF 9C
UNDERGROUND LAYERS	SWF 9D
EROSION & SEDIMENT CONTROL	SWF 9E

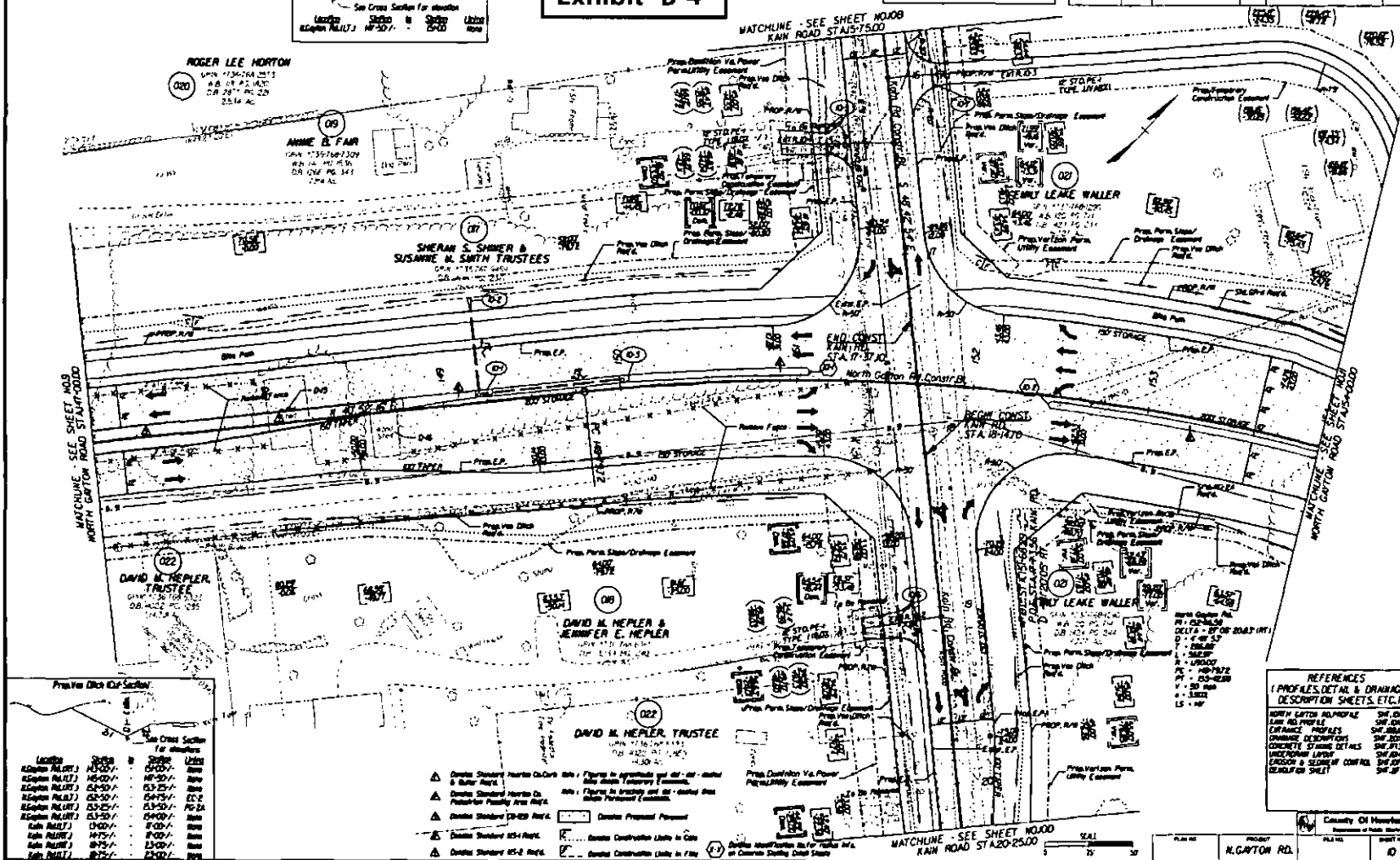
		County Of Monroe Department of Public Works	
PLAN NO	PROJECT	FILE NO	DATE
	H. GAYTON RD.		9

The coordinates shown on this page are projected coordinates.



DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE DEPARTMENT

Approved	DATE	PROJECT	DATE	PROJECT
RECEIVED 1/1/2007	VA		2/22/50701280040152	



PRELIMINARY
RIGHT OF WAY DATA SHEET

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

ROUTE:	PROJECT: NORTH GAYTON RD.
COUNTY/CITY: HENRICO COUNTY	PPMS NO.:
COMPILED BY:	DATE:
REVISED BY:	DATE:

Exhibit "B-5"

RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2010-11 and Notice of Public Hearings on the Budget and Proposed Tax Rates

This Board paper receives the County Manager's proposed Operating Annual Fiscal Plan (operating budget) and Capital Annual Fiscal Plan (capital budget) for fiscal year 2010-11, including all contemplated expenditures and estimated resources necessary to meet those requirements, including the estimate of funds deemed by the School Board to be needed for educational purposes. This paper directs the Clerk to advertise a synopsis of the budget and also to advertise a public hearing thereon to be held at 6:00 p.m., on Tuesday, April 13, 2010, in the Board Room at the Government Center, Hungary Spring and East Parham Roads, County of Henrico, Virginia. The advertisement is to appear in the Richmond Times-Dispatch on Sunday, March 28, 2010 and will be posted in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers.

This paper further directs the Clerk to advertise the proposed tax rates and levies for calendar year 2010 and for a public hearing thereon to be held at 7:00 p.m., on Tuesday, April 27, 2010, in the Board Room at the Government Center, Hungary Spring and East Parham Roads, County of Henrico, Virginia. The advertisement is to appear in the Richmond Times-Dispatch on Sunday, March 28, 2010 and will be posted in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers.

The Board is reminded that legal constraints require such advertising but in no way preclude continued work sessions and deliberations to review and consider changes to the budget or tax rates as the Board may deem appropriate.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **86-10**
Page No. 1 of 2

Agenda Title **RESOLUTION - Receipt of Operating and Capital Budget Estimates for Fiscal Year 2010-11 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

For Clerk's Use Only: <div style="border: 1px solid black; padding: 2px; display: inline-block;">MAR 23 2010</div> Date <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Glover, R.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Thornton, F.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	___	___	___	Glover, R.	___	___	___	Kaechele, D.	___	___	___	O'Bannon, P.	___	___	___	Thornton, F.	___	___	___
	YES	NO	OTHER																							
Donati, J.	___	___	___																							
Glover, R.	___	___	___																							
Kaechele, D.	___	___	___																							
O'Bannon, P.	___	___	___																							
Thornton, F.	___	___	___																							

WHEREAS, the County Manager has assembled his estimates of the resources and expenditures anticipated to be available or required during fiscal year 2010-11, for the operating and capital budgets from requests received from all County offices, divisions, boards, and departments, including the Department of Education; and,

WHEREAS, state law requires the advertisement and holding of a public hearing and the approval of an Annual Fiscal Plan for the County, and,

WHEREAS, the Board desires to advertise proposed tax rates and levies for calendar year 2010 and hold a public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that:

- (1) The Board hereby receives the County Manager's estimates of resources and expenditures anticipated to be available or required during fiscal year 2010-11, for the operating and capital budgets; and,
- (2) The Board hereby directs its Clerk to advertise in the Richmond Times-Dispatch on Sunday, March 28, 2010:
 - (a) A synopsis of the operating and capital budgets and a public hearing thereon to be held on Tuesday, April 13, 2010, at 6:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">By Agency Head </div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Routing: Yellow to: _____</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Copy to: _____</div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">By County Manager </div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Certified: A Copy Teste: _____ <div style="text-align: right;">Clerk, Board of Supervisors</div></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Date: _____</div>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 86-10
Page No. 2 of 2

Agenda Title **RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2010-11 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

- (b) Proposed tax rates and levies for calendar year 2010 and a public hearing thereon to be held on Tuesday, April 27, 2010, at 7:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.
- (3) The Board hereby directs its Clerk to post on or before Sunday, March 28, 2010, in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers:
 - (a) A synopsis of the operating and capital budgets and notice of a public hearing thereon to be held on Tuesday, April 13, 2010, at 6:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,
 - (b) A notice of a proposed tax rates and levies for calendar year 2010 and a public hearing thereon to be held on Tuesday, April 27, 2010, at 7:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.

RESOLUTION – Authorizing Use of the 400th Anniversary Logo

This Board Paper authorizes the 2011 Commemoration Advisory Commission to use, and permit the use of the 400th anniversary logo pursuant to written guidelines adopted by the commission. Because part of the logo is the official County seal, this Board paper is needed to authorize its use so the commission can discharge its duties and functions.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 87-10

Page No. 1 of 1

Agenda Title: RESOLUTION – Authorizing Use of the 400th Anniversary Logo

For Clerk's Use Only: Date: MAR 23 2010 () Approved () Denied () Amended () Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	YES NO OTHER Donati, J. _____ Glover, R. _____ Kacchele, D. _____ O'Bannon, P. _____ Thornton, F. _____
---------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------

WHEREAS, on December 12, 1984, the Board of County Supervisors adopted the official County seal and prohibited its use, with certain exceptions, without the prior written permission of the Board; and,

WHEREAS, part of the logo for the 400th anniversary of the County is the official County seal; and,

WHEREAS, in order to discharge its duties and functions, the 2011 Commemoration Advisory Commission (the "Commission") needs to use, and authorize the use of, the 400th anniversary logo in accordance with written guidelines adopted by the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the Commission to use, and permit the use of the 400th anniversary logo pursuant to written guidelines adopted by the Commission.

By Agency Head

Angela N. Harper

By County Manager

David S. Hight

Routing:

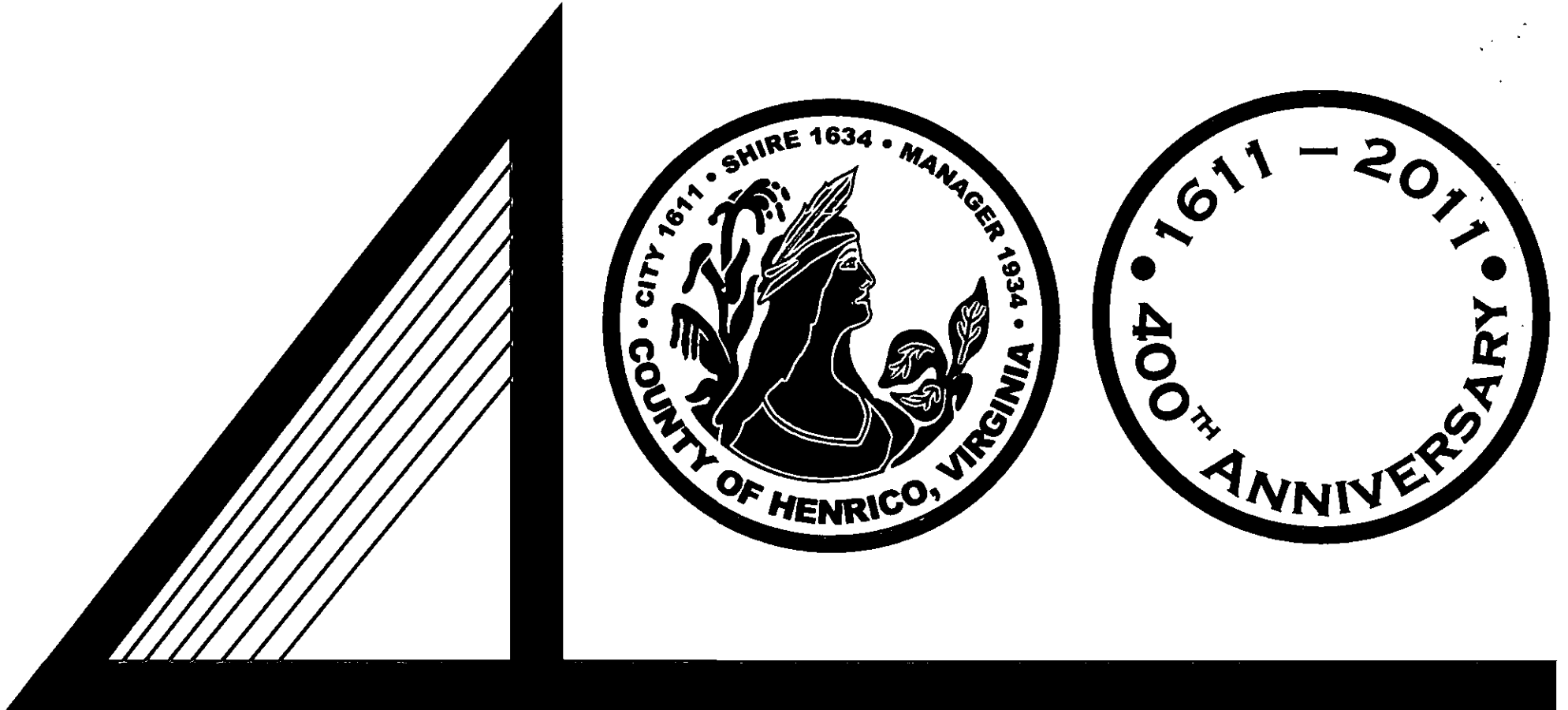
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Certified:

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Clerk, Board of Supervisors

Date: _____



1611 - 2011

HENRICO COUNTY

Proud of our progress — Excited about our future

**RESOLUTION – Signatory Authority – Memorandum of Understanding between
Henrico County and Capital Region Airport Commission**

This Board Paper authorizes and directs the County Manager to enter into a Memorandum of Understanding on behalf of the County with the Capital Region Airport Commission. Under the MOU, the Commission will grant the County, through its Division of Recreation and Parks, access to maintain six baseball fields and related access roads and parking areas on Commission property. The Sandston Youth Association uses the property for baseball practice by its teams.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 88-10

Page No. 1 of 1

Agenda Title: RESOLUTION – Signatory Authority – Memorandum of Understanding between Henrico County and Capital Region Airport Commission

For Clerk's Use Only:

Date: MAR 23 2010

- () Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, the Sandston Youth Association uses property owned by the Capital Region Airport Commission, consisting of six baseball fields, access roads, and parking areas (the "Facilities"), in connection with baseball practice by its teams; and

WHEREAS, Henrico County, through its Division of Recreation and Parks, is willing to maintain the Facilities, including annual field grading, seasonal mowing of fields, and seasonal custodial care, and provide portable lavatory facilities, dumpsters, and trash cans at the Facilities during the period that the Association uses the Facilities; and

WHEREAS, the County desires to enter into a memorandum of understanding with the Commission pursuant to which the Commission will grant the County access to the Facilities and the County will agree to maintain them.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes and directs the County Manager to enter into a memorandum of understanding between the County and the Commission in the form attached to this resolution and as approved by the County Attorney.

Comments: The Director of Recreation and Parks recommends approval of this Board paper; the County Manager concurs.

By Agency Head

Karen K. Brough

By County Manager

Sup. R. K. K. K.

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF HENRICO, VIRGINIA
AND
THE CAPITAL REGION AIRPORT COMMISSION**

I. PARTIES TO THE AGREEMENT

This Memorandum of Understanding ("MOU") is between the County of Henrico, Virginia (the "County") and the Capital Region Airport Commission (the "Commission").

II. PURPOSE

To allow the County access to certain property owned by the Commission consisting of six baseball fields, access roads and parking areas (the "Facilities") for *the purpose of maintaining the physical environment of the Facilities for use by the Sandston Youth Association.*

III. RESPONSIBILITIES OF THE COUNTY

A. During the term of this Agreement, the County agrees to be responsible for the performance and cost of all necessary and prudent maintenance of the Facilities as deemed necessary by the County, provided the Facilities are being utilized by the Sandston Youth Association. The County will also provide portable lavatory facilities, dumpsters, and trash cans.

B. The normal general maintenance schedule for the Facilities will be:

Mowing	Weekly/mid-March-November, weather permitting
Custodial	Trash pick-up weekly or based on usage during baseball season;
Routine Grading	Baseball fields annually

IV. RESPONSIBILITIES OF THE COMMISSION

The Commission agrees to allow the County access to the Facilities for the purpose of maintaining the physical environment of the property as set out in section III.

V. TERMS OF AGREEMENT

- A. APPLICABLE LAWS AND COURTS:** This MOU shall be governed by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the County of Henrico.
- B. TERMINATION AND MODIFICATION:** The County or the Commission may terminate this MOU upon thirty (30) days written notice to the other. The County or the Commission may agree in writing to modify the terms of the MOU.
- C. RENEWAL:** This MOU shall be effective February 15, 2010 (or when executed) and shall continue for a period of five (5) years until February 15, 2015 unless terminated by one or both parties.
- D. ANNUAL APPROPRIATIONS:** This MOU is subject to annual appropriations by the County of Henrico, Board of Supervisors. This MOU shall be terminated if the County of Henrico, Board of Supervisors does not appropriate funds for this MOU or if existing funds are exhausted.
- E. THIRD PARTY BENEFICIARY:** This MOU shall not confer any benefit or right upon any person other than the County and the Commission, and no third party shall be entitled to enforce any obligation of this MOU.

In witness of this agreement the duly authorized representatives of the parties affix their signatures below.

County of Henrico, Virginia

Capital Region Airport Commission

Virgil R. Hazelett, P.E.
County Manager

Jon E. Mathiasen
Commissioner

Date: _____

Date: _____

RESOLUTION — Award of Construction Contract — Broadly, Mayfield, and Broad Street Village Fire Flow Enhancement

This resolution would award a contract to RR Snipes Construction Company to provide approximately 7,900 linear feet of 6-inch, 8-inch, and 12-inch diameter water mains and approximately 4,400 linear feet of 1-inch diameter water piping serving 95 customers located in the Brookland District.

The purpose of the project is to improve the fire protection system by replacing deteriorated water piping installed in 1940 and by installing nine fire hydrants along Park Lane, Pine Tree Drive, Massie Road, Clover Road, West Leigh Street, 50th Street, West Clay Street, Marshall Street, Mordie Road, Bishop Road, Broad Street and Staples Mill Road. Work will begin in May 2010 and will be completed by June 2011. Funding for the project is available within the Water and Sewer Enterprise Fund.

Bids were opened on March 4, 2010. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
RR Snipes Construction Co. Ashland, VA	\$739,406.60
Southern Construction Utilities, Inc. Petersburg, VA	\$890,346.50
Lyttle Utilities, Inc. Richmond, VA	\$1,037,897.00
Piedmont Construction Company Oilville, VA	\$1,078,115.00
Possie B. Chenault, Inc. Bumpass, VA	\$1,088,630.00
Fielder's Choice Enterprises, Inc. Charlottesville, VA	\$1,088,965.00
Classic City Mechanical, Inc. Winterville, GA	\$1,251,870.00
Perkinson Construction, LLC Prince George, VA	\$1,282,264.00
Toano Contractors, Inc. Toano, VA	\$1,367,571.00
Central Contracting Co., Inc. Richmond, VA	\$1,387,001.40
G. L. Howard, Inc. Rockville, VA	\$1,399,460.00

The Directors of Public Utilities and General Services recommend the Board award the contract to RR Snipes Construction Company, the lowest responsive and responsible bidder, in the amount of \$739,406.60 and authorize the County Manager, or the Director of General Services as his designee, to execute change orders not to exceed 15% of the original contract amount, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 89-10

Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Broadly, Mayfield, and Broad Street Village Fire Flow Enhancement Project**

For Clerk's Use Only:

MAR 23 2010

Date: _____

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, 11 bids were opened on March 4, 2010 in response to Bid Request No. 10-8767-1CE for the Broadly, Mayfield, and Broad Street Village Fire Flow Enhancement Project, located in the Brookland District; and,

WHEREAS, the project will provide approximately 7,900 linear feet of 6-inch, 8-inch, and 12-inch diameter water mains and approximately 4,400 linear feet of 1-inch diameter water services for 95 customers to improve the County's fire protection system; and,

WHEREAS, the bids were as follows:

Bidders

RR Snipes Construction Company
Southern Construction Utilities, Inc.
Lyttle Utilities, Inc.
Piedmont Construction Company
Possie B. Chenault, Inc.
Fielder's Choice Enterprises, Inc.
Classic City Mechanical, Inc.
Perkinson Construction LLC
Toano Contractors, Inc.
Central Contracting Company, Inc.
G. L. Howard, Inc.

Bid Amounts

\$739,406.60
\$890,346.50
\$1,037,897.00
\$1,078,115.00
\$1,088,630.00
\$1,088,965.00
\$1,251,870.00
\$1,282,264.00
\$1,367,571.00
\$1,387,001.40
\$1,399,460.00

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 89-10

Page No. 2 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Broadly, Mayfield, and Broad Street Village Fire Flow Enhancement Project

WHEREAS, after review and evaluation of all bids received, it was determined that RR Snipes Construction Company is the lowest responsive and responsible bidder with a bid of \$739,406.60.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County:

1. The contract is awarded to RR Snipes Construction Company, the lowest responsive and responsible bidder, in the amount of \$739,406.60.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Water and Sewer Enterprise Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.